



**AGENDA**  
RIO DELL CITY COUNCIL  
CLOSED SESSION – 5:30 P.M.  
REGULAR MEETING – 6:30 P.M.  
**TUESDAY, APRIL 21, 2015**  
CITY COUNCIL CHAMBERS  
675 WILDWOOD AVENUE, RIO DELL

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

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

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

A. CALL TO ORDER

B. ROLL CALL

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

1) 2015/0421.01 - **Conference with Legal Counsel – Existing Litigation**

Name of Case: City of Rio Dell v. SHN Consulting Engineers and Geologists, Inc. a California Corp. Case No. DR130745  
(Pursuant to Gov't Code Section 54956.9(a))

2) 2015/0421.02 - **Conference with Legal Counsel – Anticipated Litigation**

Consider initiation of litigation pursuant to paragraph (4) of Subdivision (d) of Section 54956.9: (One potential case, facts and circumstances known to adverse parties): Access dispute, quiet title and prescriptive easement related to waterline maintenance and vehicular access along Old Ranch Road to City of Rio Dell Monument Springs Parcel (APN: 205-041-014). Potential adverse property owners along Old Ranch Road, include, without limitation, Cidoni, Coleman, Lewis and Humboldt Redwood Company.



D. PUBLIC COMMENT REGARDING CLOSED SESSION

E. RECESS INTO CLOSED SESSION

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

G. ORAL ANNOUNCEMENTS

H. PLEDGE OF ALLEGIANCE

I. CEREMONIAL MATTERS

J. PUBLIC PRESENTATIONS

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

K. CONSENT CALENDAR

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

- 1) 2015/0421.03- Approve Minutes of the April 7, 2015 CDBG Study Session (ACTION) 1
- 2) 2015/0421.04 – Approve Minutes of the April 7, 2015 Regular Meeting (ACTION) 8
- 3) 2015/0421.05 - Approve and Authorize Mayor to Sign Letter of Support for SB 16 (Transportation) (ACTION) 16
- 4) 2015/0421.06 - Authorize the City Manager to Sign Memorandum of Understanding (MOU) Extending the City of Rio Dell’s Green Waste Curbside Collection Program (ACTION) 21

L. SPECIAL PRESENTATIONS/STUDY SESSIONS

M. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2015/0421.07 - Appointment of One (1) Public Member to Serve on the Nuisance Committee (ACTION) 29



3) 2015/0421.08 - Draft Memorandum of Understanding (MOU) Between Humboldt Waste Management Authority and City of Rio Dell with Further Consideration of Related Request for Proposal and Authorization of a Related Letter (DISCUSSION/POSSIBLE ACTION)	34
4) 2015/0421.09 - Contracts for Services at the Metropolitan Well Site (DISCUSSION/POSSIBLE ACTION)	75
5) 2015/0421.10 - Authorization for Progress Payment to Groundwater Pump & Well, Inc. for Work on the Metropolitan Well Rehabilitation Project (DISCUSSION/POSSIBLE ACTION)	88
6) 2015/0421.11 - Review of City Council Protocols and Possible Adoption of new Rules of Order (DISCUSSION/POSSIBLE ACTION)	89

N. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

1) 2015/0421.12 Adopt Resolution No. 1262-2015 Authorizing the Examination of Transactions (Sales) and Use Tax Records (DISCUSSION/POSSIBLE ACTION)	181
2) 2015/0421.13 - Second Reading (by title only) and Adoption of Ordinance No. 335-2015 Amending Section 13.10.241 of the Rio Dell Municipal Code Related to Property Lien Assessments for Delinquent Sewer Accounts (ACTION)	193

O. REPORTS/STAFF COMMUNICATIONS

1. City Manager	
2. Chief of Police	
3. Finance Director - <b>Check Register for March, 2015</b>	205
4. Community Development Director	

P. COUNCIL REPORTS/COMMUNICATIONS

Q. ADJOURNMENT

*The next regular meeting will be on May 5, 2015  
at 6:30 p.m. in City Hall Council Chambers*







**RIO DELL CITY COUNCIL  
STUDY SESSION  
APRIL 7, 2015  
MINUTES**

A study session of the Rio Dell City Council was called to order at 4:30 p.m. by Mayor Wilson

**ROLL CALL:** Present: Mayor Wilson, Councilmembers Garnes, Johnson and Marks

Absent: Councilmember Thompson (arrived at 5:15 p.m.)

Others Present: City Manager Knopp, Finance Director Woodcox, Community Development Director Caldwell, Accountant I Farley, and City Clerk Dunham

**STUDY SESSION MATTERS**

Discussion and Review of the City's Community Development Block Grant (CDBG) Program

City Manager Knopp stated the purpose of the study session is to discuss the CDBG program and look at ways to get more involved in improving the overall condition of the City. He noted that the City has been very successful over the last 10 years or so in obtaining grants for improvements, particularly in the gateway and to the City's infrastructure and the idea is to find ways to continue and expand this program. He said one of the tools the City can potentially utilize is the CDBG Program although the activities of that program have primarily been related to housing, it can be utilized for more economic development related activities.

He said staff is asking that the Council listen to the information and ask questions so they can get a good, clear understanding of the program and provide staff some basic direction in developing the CDBG Program. He added that a strong, consistent program over the next 10 years is what will make it successful 25 years down the road. He said what we have today is a set of obstacles that we have to overcome in order to apply for the next round of CDBG funds in 2016 and do some regularized programs.

He added that the exciting news is that there will ultimately be some competitive money available for downtown façade improvements as well as micro-enterprise assistance for the business incubator program with the Chamber of Commerce so there are all kinds of exciting programs the City can do outside of housing. He pointed out that the CDBG Program is a complex program and will require everyone to work together as a team including staff, council and the chamber of commerce to come up with a unified vision for the City.

He then introduced Thomas Brandeberry and Karen Patterson from the Department of Housing and Community Development Department CDBG Program.

Community Development Director Caldwell provided a brief overview of the CDBG Program and what the City has been doing with the Housing Rehab Program to give the Council a little bit of context. He said the program has been in place for over 25 and until 2012 was administered

by Redwood Community Action Agency. He explained the rehab loans are currently funded by Program Income (PI) which is the money that is paid back to the City from other CDBG loans. He reported a current Program Income balance of \$172,000 with 33 loans which are all due and payable to the City at the time of sale or transfer of property. He also reported that 2 of the loans are behind on property taxes and 1 property was foreclosed. He said the City expects to receive an additional \$82,000 over the next couple of months which will raise the Program Income balance to approximately \$250,000.

He provided a handout on the City's *CDBG Homebuyer Program for Low-Income Homebuyers; CDBG Program Owner-Occupied Home Rehabilitation Loans and Fact Sheet* and provided a summary of the programs.

He explained the new program is the Homebuyer Program which essentially provides gap financing to help pay the difference between the loan amount a borrower can qualify for from a financial institution and the purchase price of a home which increases a borrower's buying power and reduces initial out-of-pocket expenses and monthly costs by providing additional funds for a down payment with no monthly payment.

He further explained that according to the American Community Survey, 38% of Rio Dell's population falls under the Low-Moderate Income (LMI) and in order to be an eligible community without having to do any kind of survey it has to be above 50% LMI.

Thomas Brandeberry continued with review of the CDBG Program and provided a 10 page handout on *2015 CDBG Application Funding Limits and Eligible Activities Chart*.

He explained the CDBG Program is in its 40th year and comes out of the Housing and Urban Development (HUD) Department which consists of 4 programs; with CDBG being 1 of the 4. He also noted that the State's CDBG Program only operates in rural communities and currently has around 160 eligible jurisdictions. He then reviewed the activities they can fund as described on page 2 of the handout.

He also pointed out that the program activities vary but the big items are housing including multi-family housing projects, public infrastructure and public facilities. He noted that the program is almost a replacement for those communities that lost their redevelopment agencies.

He explained public services are where funding is provided directly to a non-profit who might be providing things such as a senior service, food bank, substance abuse service or mental health services, as well as planning activities, provided the planning activity results in a future CDBG project.

He then reviewed the economic development aspect and said it is broken into a number of categories and said there are Business/Developers Assistance (BA) loans ranging from

\$500,000-\$1 million. He noted that Microenterprise (ME) loans can be done in 3 different ways: 1) technical assistance training such as computer training; 2) general support services such as transportation and day care; and 3) loans and grants directly to businesses. He commented that the City has the ability to put aside 17% of every dollar that comes in to the City for the administration of the program.

He noted the repayment of these loans under Program Income (PI) can then be used for new loans. He said they will also be allowing a façade improvement program under the small business program which is ideal for Rio Dell's downtown. He said it has to be a "for profit" business and be the owner of the property to qualify. He noted that the funding can be in the form of a grant or loan but loans would be preferred because the money would come back to the City for new loans.

City Manager Knopp referred to the first page of the handout and said this is essentially the CDBG program the City needs to be running. He said in order to get this program implemented and to sustain it for the next 10 or 20 years there are some obstacles to overcome. He reviewed the 2 options for use of the Program Income (PI) as: 1) reinvest it into the Revolving Loan Fund (RLF) which will benefit housing activity (rehabilitation and homebuyer programs); or 2) take the PI and place it into supplemental activities (the series of options on page 2 of the handout). He said there is benefit to the first option however; the City cannot collect any administration fees so would essentially be starting up a program without the ability to fund it. As such, he said staff cannot recommend this as the preferred option.

He said with option 2, administration fees can be reimbursed which is critical to the City in order to contain costs that it can't really afford.

Discussion continued regarding supplemental activities and the option of utilizing \$172,000 to fund necessary ADA improvements to City Hall described as "removal of architectural barriers" which is an allowable use of program income. City Manager Knopp noted that this is an easy option and requires no income survey since the project will benefit the entire community. He pointed out that there are some political considerations such as the perception that Measure U monies are funding the project when the streets are in disrepair although there is no connection. He said the other possibility is a senior center but once it is constructed, it has to be staffed and maintained.

City Manager Knopp said one of the other programs coming on for 2016 is façade improvements and said there is an opportunity here to prepare and make application for that purpose. He said staff is asking for input from the Council on the direction they would like to go with regard to spending down the program income.

Thomas Brandeberry explained the Notice of Funding Availability (NOFA) will be going out in January 2016 with a due date for applications by the second Friday in April. As of that date, the City will need to have spent 50% of the present \$100,000 planning grant however; can't spend that \$50,000 until the Program Income (PI) is spent. He said what that means is that between now and April 2016 the City needs to find a project to spend the \$172,000 PI. \$50,000 of the planning grant and whatever else comes back to the City in loan payments which is potentially another \$80,000.

He continued with a brief review of eligibility codes and definitions. He said by removing the architectural barriers the City will have met the national objective. He pointed out that this project is not risky whereas certain other projects are such as providing for infrastructure improvements for a planned development that does not result in a future CDBG project.

Community Development Director Caldwell said the planning grant for the drainage study the City got was for \$100,000 and he anticipates the cost to be around \$80,000. He asked if that is going to have any bearing on spending 50% of the \$100,000.

Mr. Brandeberry explained that it does not because it is more than \$50,000 but it does mean that it will be disencumbered. He pointed out that the 13 contracts were non-competitive so if the City wants to do a second study that represents the remaining \$20,000 it could be allowed and would need to be included as part of the amendment under supplemental activities .

City Clerk Dunham asked if the facade improvements will be in the form of a grant or loan to the business owners.

Mr. Brandeberry stated that it is optional and one way is to provide 50% loan and 50% grant.

Councilmember Johnson questioned the possibility of using a portion of the funds on the Metropolitan Well Project.

Mr. Brandeberry explained the problem is that the project benefits the whole community so it would have to be done under a LMA which is a Low/Mod Area Benefit and for some reason, according to census data, Rio Dell is at 38% not 51% which is the minimum to meet the national objective and be eligible to do these kinds of activities. He said if street improvements are done in an area that qualifies as 51% LMA the project could be selected.

He stated that one of the biggest dilemmas is the area benefit issue and for some reason the census actually said that between last year and this year the LMA numbers for Rio Dell went down. He explained the method used to compile the data and said the overall question is what is the number of individuals in the community and how many of those are low to moderate income based on family income. He said that's why a survey is needed to see if that is an accurate reflection of income levels in the City.

**Councilmember Thompson arrived at this time, 5:15 p.m.**

Community Development Director Caldwell pointed out that in 2013 the City did a survey as part of the PTA grant and those numbers showed the City was at 60.3% LMI so Mr. Brandeberry said he would look into it to see if there is some way that survey can be used.

Mr. Brandeberry stated that the issue now is that the census changed the way they collect data and went away from the 10 year census for some things and went to ACS in order to collect on a more regular basis and to do a smaller sampling.

Councilmember Johnson asked if Program Income can be used to do a community survey.

Mr. Brandeberry said only under administration because it is CDBG related.

Discussion ensued regarding the procedures for doing an income survey and whether it can be done in- house and charged against the 17% for administration.

Community Development Director Caldwell suggested it be broken down into neighborhood areas in the event the City as a whole does not qualify particular neighborhoods could be targeted.

Councilmember Garnes asked if the City parking lot is eligible for upgrade.

Thomas explained it would be limited to a low/mod area benefit because it is open to everyone to use therefore; the entire community would need to be designated at Low/Mod.

Community Development Director Caldwell asked if the City were to acquire a residential property next to the parking lot if it would be subject to permanent relocation of the tenants.

Mr. Brandeberry said it would be subject to permanent tenant relocation just like a business.

Councilmember Johnson asked how long the survey is good for and if the 2013 survey qualifies.

Mr. Brandeberry said under the new requirements surveys are good for 5 years and the 2013 survey is still good provided it meets those new standards and that there needs to be 400 surveys for it to qualify.

Councilmember Johnson asked if the City has 1,400 water customers and an additional 35 or so out of city limits and the City wants to do water infrastructure improvement if all of those customers would need to be surveyed.

Mr. Brandeberry explained it is not based on who is connected or using the service but who is in the service area even if they have a well. He said if 400 plus surveys were done then the extra 35 customers are not statistically important.

City Manager Knopp pointed out that if Program Income is used for gap financing on the Metropolitan Well Project it federalizes it and becomes subject to prevailing wage requirements.

Councilmember Games asked what other projects aside from the removal of architectural barriers don't require a survey.

Mr. Brandeberry stated projects such as a senior center would not require a survey.

Nick Angeloff referred to the *Economic Development Over-The-Counter Allocation Activities* and asked if they require a survey.

Mr. Brandeberry stated no survey is required and \$300,000 to \$5 million is available year round and is not connected to the 50% rule.

City Manager Knopp said the choice is to either put the \$172,000 of Program Income into the Revolving Fund Loan with no provisions for reimbursement of administration costs; or into a supplemental program and get 17% administrative costs. He said it seems the consensus of the Council is to conduct a survey but asked for input about ADA improvements to City Hall, Housing Rehab and the First Time Homebuyer Program.

Mayor Wilson said he would like the City Manager to put together a viable list of potential CDBG projects and bring it back to the Council.

Councilmember Games commented that she would like to move forward with the ADA improvements because of the potential liability to the City and said it is straight forward and allows the project to begin without going out and doing an income survey.

Mayor Wilson agreed and suggested it be made clear in the next City Newsletter that the improvements are funded by CDBG and not by Measure U monies. It was suggested a sign to that effect be posted at the job site.

Thomas explained that all 3 items can be included in the contract and the City can move forward on whichever one is ready first. He said that something has to be put into the contract in order to have access to grant funding.

Consensus of the Council was for staff to return to Council with a more in-depth list of options and work on clarifying income levels.

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City Manager Knopp thanked them for coming and helping staff work through the City's CDBG issues.

Mr. Brandeberry commented that he will review the City's 2013 survey to see if it can be used to avoid having to go back out to do a new income survey.

**ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 6:01 p.m. to the 6:30 p.m. April 7, 2015 regular meeting.

\_\_\_\_\_  
Frank Wilson, Mayor

Attest:

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

**RIO DELL CITY COUNCIL  
REGULAR MEETING  
APRIL 7, 2015  
MINUTES**

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

**ROLL CALL:** Present: Mayor Wilson, Councilmembers Garnes, Johnson, Marks and Thompson

Others Present: City Manager Knopp, Finance Director Woodcox, and City Clerk Dunham

Absent: Chief of Police Hill, Community Development Director Caldwell, Water/Roadways Superintendent Jensen and Wastewater Superintendent Chicora (excused)

**PUBLIC PRESENTATIONS**

There were no public comments at this time.

**CONSENT CALENDAR**

Councilmember Garnes asked that Item #3 be removed from the consent calendar for separate discussion.

Motion was made by Johnson/Thompson to approve the consent calendar including approval of minutes of the March 17, 2015 regular meeting; and authorizing the city manager to sign a Professional Services Agreement with North Valley Labor Compliance Services (NVLCS). Motion carried 5-0.

Approve Conceptual Site Plan and Direct Staff to Proceed with Modifications to the City's Downtown Parking Lot to meet ADA Standards and Authorize City Manager to Sign the MOU with Redwood Coast Energy Authority for three (3) Electric Vehicle Charging Stations

Councilmember Garnes stated that she had a constituent ask if the decision to place the EV charging station at the City parking lot was definite and said the parking lot is not the most inviting location in the City and with the social media the way it is today someone could post a bad comment and it could spread through the internet and have negative effects on the City. She said in lieu of potential economic development opportunities in connection with the CDBG Program, it may be a dis-service to put in an EV charging station at that location. She said regardless of how inconvenient it may be to bring this up at the last minute, perhaps the Council should reconsider placing the EV charging station in the City Hall parking lot as originally proposed. She added that she understands why it makes sense to have it downtown but if it actually distracts people rather than attracts them to town, nothing is accomplished.

City Manager Knopp explained that one of the changes that occurred since the last council meeting is the need to move the EV charging space back and what that will allow in the future will be to install fencing and shrubbery. He said he thinks this is the right way to go and noted that the ADA parking will be upgraded and perhaps will include a slurry seal on the parking lot which will make a big difference in the appearance of the lot. He said ultimately the long term solution is to acquire the adjoining parcel and extend the parking area which could be a 5 to 10 year process. He noted that because of the project timeline and the project going out to bid in May, if changes are made now it could kill the project. He reiterated that staff's recommendation is to move forward with the project as proposed.

Councilmember Thompson said in reading the staff report and supplemental material he didn't see any reference to any lighting and asked for a consensus of the Council regarding commitment of additional funds for lighting. He proposed the idea of contacting Redwood Coast Energy Authority (RCEA) for assistance with solar lighting.

Mayor Wilson called for public comment on the issue.

Nick Angeloff, Chamber of Commerce President stated that the project is too far down the path to change it now but agreed that there is some risk regarding negative social media. He thanked Councilmember Garnes for bringing those points up.

Motion was made by Johnson/Garnes to approve the conceptual site plan and direct staff to proceed with modifications to the City's downtown parking lot to meet ADA standards and authorize the City Manager to sign the MOU with Redwood Coast Energy Authority (RCEA) for three (3) electric vehicle charging stations. Motion carried 5-0.

## SPECIAL PRESENTATIONS

### Presentations from Rio Dell-Scotia Chamber of Commerce

- a. Proposed Signage – Nick Angeloff
- b. Draft Rio Dell Community Survey – Tracy O'Connell

Nick Angeloff and Amy Embree addressed the Council about signage and said they took the recommendation from the Council at the last meeting and focused on *Visitor Center* signage and presented an example of one of the signs directing people to the visitor center. Nick said the idea with tourist season approaching is to place one sign coming into Rio Dell from the north, the south, at the Davis St. off ramp, and the Davis St. Park. He said the Council had asked that the signs be compatible with existing Rio Dell signage and that they coordinate with the City on the location and placement of the signs.

He commented that they will be working on some sign modifications and will be working with staff on placement of the sign at the north end of town with regard to how it is to be anchored on

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the posts. He said they are asking for conceptual approval so they can move forward and get the posts in the ground.

Councilmember Johnson asked if the signs will be on wood or metal; the response was that they will be on wood similar to the sign in front of the library.

Motion was made by Garnes/Marks to conceptually approve the design of *Visitor Center* signs as proposed and allow placement of four (4) signs in the areas as designated. Motion carried 5-0.

Tracy O'Connell then addressed the Council regarding the idea of a community survey, how she sees it being executed, and possible benefits. She commented that there will be no cost for putting out the survey and said she basically would like to do a "needs assessment" of the Rio Dell community. She said the thought came to her while working with the Chamber and said a lot of time and effort is put into projects to promote the community but the question is whether it is what the community wants. She added that the business community typically doesn't come to meetings and she came up with the idea of a business survey to poll those members and the city as a whole.

She further stated that the City Manager and Councilmember Marks were in attendance at the last Chamber meeting when she asked for permission to do a community and business survey which she then put together and sent out to various stakeholders for input of what questions they would like to see in the survey. She referred to the draft form presented to Council and invited staff and council's input.

She pointed out that the survey could be useful to show research that a certain number of citizens are interested in a particular grant or existing need so it would serve as a way of prioritizing the needs of the community and at the same time allows citizens to be heard. She said another question might be related to Measure U and suggestions for how that sales tax should be used. She indicated the survey will be done online to alleviate costs and said the data will be compiled as people respond. The goal was to get 300 responses.

She said in talking with the City Manager she learned that the City may be sending out a CDBG income survey and expressed concern about sending too many surveys and possibly asking the same questions and said she is committed to holding off to avoid any confusion if that is the desire of the Council.

Councilmember Johnson asked if she intended to canvass 100% of the City. She responded that the survey would be done online so only 75 copies will be needed and in order to encourage a robust response she would be using a variety of means including the library to offer the use of a computer for those that don't have one and through the Fire Department, Chamber of Commerce, the Community Resource Center and churches to help encourage people to complete the survey.

Councilmember Thompson encouraged her to continue working with the community and said he thinks anything the City may be doing as far as a survey would be down the road a ways.

City Manager Knopp stated that it is unknown at this time whether a CDBG income survey will be necessary and said that staff did take a look at the draft survey which seems to be well thought out. He said he did recommend that the question regarding household income be taken out to avoid duplication with the CDBG income survey, and also to add a question regarding how they heard about the survey.

Ms. O'Connell said she is eager to comply but was reluctant to remove the income question as she felt it is important to get demographic profiles.

City Manager Knopp commented that he was unaware that the survey was strictly voluntary so it's not really an issue.

Councilmember Garnes said she thinks it is an excellent idea and it is the Council's job to listen to constituents and give them a voice. She said she is providing a vehicle to achieve that.

Mayor Wilson asked for public comment.

**Athena Egan** commented that there are a lot of seniors that don't have computers so there needs to be a means for them to participate perhaps through the Senior Resource Center or a doctor's office.

Motion was made by Marks/Johnson to approve the idea of a community/business survey as proposed. Motion carried 5-0.

#### **SPECIAL CALL ITEMS/COMMUNITY AFFAIRS**

##### Approve Bid Award to ABC Liovin Drilling Inc. in the Amount of \$19,800 for the Metropolitan Well Site Monitoring Wells and /authorize the City Manager to Sign the Notice of Award and Contract Agreement

City Manager Knopp provided a staff report and said work on the well site is proceeding and at the last meeting the Council authorized staff to proceed with the Request for Proposal (RFP) for the Metropolitan Well Site Project for rehabilitation of the wells and three monitoring wells. He said at the recommendation of the City Engineer, the project was broken into two RFP' to try and attract better and more responsive bids.

He said the bid opening for the monitoring wells was on April 2<sup>nd</sup> and the only bid received was from ABC Liovin Drilling Inc. of Signal Hills, CA in the amount of \$19,800; \$1,800 over the engineer's estimate.

Councilmember Johnson asked if staff or the consultants talked to any of the local well drillers to see why they didn't bid.

City Manager Knopp said he was aware that staff did talk to one of the well drillers who indicated they were not satisfied with the proposal for one reason or another. He also pointed out that well drillers are pretty booked up drilling wells for other municipalities as well as private individuals.

Councilmember Johnson expressed his appreciation to Dennis Wendt for his cooperation with the City to place one of the monitoring wells on his parcel and asked if the city attorney is recommending the City enter into an easement agreement.

City Manager Knopp said an easement agreement will be prepared and he will get together with Mr. Wendt next week to execute the documents.

Councilmember Garnes referred to bid proposal and questioned the project completion date of April 27<sup>th</sup>.

City Engineer Willor explained the terms of the contract allow them 21 days for completion of the project however; they are estimating it will only take 7 days from the time the notice to proceed is received which is April 20<sup>th</sup>. He indicated that they are not held to the 7 days but rather to the terms of the contract which is 21 days.

Motion was made by Johnson/Thompson to award the Metropolitan Well Site Monitoring Wells Project to ABC Liovin Drilling, Inc. of Signal Hill, California in the amount of \$19,800 and authorize the City Manager to sign the Notice of Award and Contract Agreement once the contractor has provided the required bonds and insurance, and establish a construction budget of \$19,800. Motion carried 5-0.

Authorize the/City Manager to Select a Well Developing Contractor for the Metropolitan Well Site Rehabilitation Project

City Manager Knopp provided a staff report and said this is the other half of the project and is for the rehabilitation of the wells. He stated that the bid opening was held on April 2<sup>nd</sup> but unfortunately no bids were received for the project. He said the project was advertised per the Rio Dell Municipal Code and Public Contracting Code and followed all of the legal requirements and since no bids were received the City has the authority to select a contractor to complete the work. He said the recommendation is to authorize the City Manager to select a well developing contractor to rehabilitate the wells at the Metropolitan Well Site.

Councilmember Johnson asked if staff had talked with ABC Liovin Drilling regarding the additional bid.

City Engineer Willor responded that he did contact them and they indicated they were not aware of the second bid but they do have well development rigs and perform that kind of work. He suggested the Council authorize the City Manager to reach out to them for a bid.

City Manager Knopp commented that mobilization of both projects at the same time would save costs.

Councilmember Johnson asked if the contract price will be based on time and materials or based on bid.

City Manager Knopp said it will likely be based on the bid amount.

Motion was made by Thompson/Johnson to authorize the City Manager to select a well development contractor to rehabilitate the wells at the Metropolitan Well Site. Motion carried 5-0.

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

##### Introduction and First Reading (by title only) of Ordinance No. 332-2015 Amending Section 13.10.241 of the Rio Dell Municipal Code (RDMC) Related to Property Lien Assessments for Delinquent Sewer Accounts

Finance Director Woodcox provided a staff report and said at the February 3, 2015 meeting the Council adopted Ordinance No. 332-2015 permitting lien assessments for delinquent sewer accounts. She said the ordinance was drafted with the provision to allow the City to initiate proceedings to have delinquent charges, roll change costs, and the next 12 months of sewer service applied as a lien against the property based on information she believed to be reliable. She said as a precaution she contacted legal counsel prior to issuing liens and the conclusion was that liens can only be assessed to the extent of delinquent charges and penalties, and cannot be assessed for twelve months advance charges. As such, an ordinance amendment is necessary to remove the language "and the next 12 months service" as originally adopted and adds language to say that property liens for sewer accounts are to be placed only to the extent of delinquent charges, penalties, and roll change costs.

Mayor Wilson opened the public hearing receive public comment on the proposed ordinance.

**Athena Egan** asked for clarification on whether it relates to all delinquent water and sewer bills .

Finance Director Woodcox explained that it only applies to delinquent sewer accounts that don't subscribe to water service as the City had no leverage to collect on those accounts.

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

Motion was made by Johnson/Garnes to introduce Ordinance No. 335-2015 Amending Section 13.10.241 of the Rio Dell Municipal Code Related to Property Lien Assessments for Delinquent Sewer Accounts and continue the second reading and adoption to the April 21, 2015 meeting. Motion carried 5-0.

Approve Resolution No. 1260-2015 Transferring \$850.00 from the General Fund Contingencies Line Item to the City's Anniversary Fund for Celebration of the City's 50<sup>th</sup> Anniversary during the Annual Wildwood Days Celebration

City Manager Knopp provided a staff report and said the City formed an Ad Hoc committee composed of Mayor Wilson and Councilmember Garnes to develop some goals for the City's 50<sup>th</sup> anniversary celebration possibly including an open house during Wildwood Days, food and beverages, plaques for the City's founding fathers and other materials related to the 50<sup>th</sup> anniversary. He said staff received a written proposal from Councilmember Garnes on behalf of the committee requesting \$850.00 to help fund the events. He said he referred the matter to the City Attorney for a legal opinion regarding the use of City funds and he advised that as long as the events or activities benefit the community and the City does not charge for the food or activities then it is an allowable expense.

Mayor Wilson reported that the committee had a meeting and assigned tasks for the celebratory events to take place at City Hall on the same day of the Wildwood Days Show & Shine that takes place in front of City Hall which will help to attract more people. He said the plan is to have cake and beverages with plaques of the City's founding fathers on display as well as the Scotia Band. He said they talked about other ideas but needed a dollar amount to start. He said the committee will continue to solicit donations from other sources.

Motion was made by Garnes/Johnson to approve Resolution No. 1260-2015 *Authorizing a Transfer from the General Fund Contingency Line Item to the City Anniversary Fund in the Amount of \$850.00 for the Anniversary Celebration During the Annual Wildwood Days Event.* Motion carried 5-0.

## REPORTS/STAFF COMMUNICATIONS

City Manager Knopp provided a written City Manager Update of recent activities and events and advised the Council of a new Executive Order issued by Governor Brown proclaiming a statewide drought emergency and delivering a series of statewide orders including the State Water Resources Control Board to impose a 25% mandatory reduction in Urban water use. He noted that it does not directly impact Rio Dell, as urban suppliers are classified as those systems with 3,000 or more connections however; it is only a matter of time that it will likely extend to the smaller municipalities throughout the state.

He presented graphs representing a 30-year water history of the main stem of the Eel River, the Eel River at Scotia stream gage, and water consumption for Rio Dell on a monthly basis from January 2013 to present. He noted that using 2013 as a baseline, the City is on target and will continue to monitor consumption.

He said the statewide drought will open up avenues for grant opportunities for replacement of public medians with artificial turf. He noted that if the Council is interested, staff can shut down the watering of all lawns to help achieve a 25% reduction.

Mayor Wilson pointed out that water consumption was reduced Citywide by 50% last summer and has confidence in the citizens that they will continue to conserve.

City Manager Knopp said they won't be a problem reducing consumption by 25% by simply curtailing all outdoor watering. He said staff will continue to monitor the situation so in the event the state imposes additional restrictions, we will be prepared to comply.

Discussion ensued regarding the effects of the drought with regard to water and sewer revenues and the possibility of going back to a flat rate sewer charge.

Finance Director Woodcox reported on recent activities in the finance department and said she will be providing department heads with draft budgets for review and comment and said she will be requesting a budget study sometime after the next regular meeting.

#### **COUNCIL REPORTS/COMMUNICATIONS**

Councilmember Thompson reported on HWMA and said they continue to be very busy and he will have some announcements to make once soon as the information becomes public; and reported that he attended the last HCAOG in Councilmember Johnson's absence at such time he volunteered him to serve on a committee related to a new Joint Powers Agreement (JPA) that will be coming forward.

Councilmember Johnson stated the next meeting is in Crescent City in May and is anticipated to be a 6 hour meeting

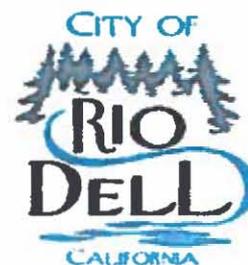
#### **ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at 8:10 p.m. to the April 21, 2015 regular meeting.

\_\_\_\_\_  
Frank Wilson, Mayor

Attest:

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



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

April 21, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Discussion and Possible Action Related to a Letter of Support for SB 16  
(Transportation)

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

Approve the letter of support for SB 16, authorizing the Mayor to sign and directing staff to send the attached letter.

**BACKGROUND AND DISCUSSION**

This item comes at the request of staff via the League of California Cities.

A plan to restore California's crumbling roads and bridges infrastructure to make them durable and safe for the 21st century was unveiled on April 15th by Sen. Jim Beall, chairman of the Senate transportation committee.

"Senate Bill 16 solves a crisis that threatens our deteriorating streets and highways," Beall said. "California faces a \$59 billion backlog in deferred maintenance that will grow by billions every year. Our cities and counties have a backlog of \$40 billion in repairs. We must take action now.

"SB 16 will provide more resources for the state to repair the infrastructure under its jurisdiction and it also distributes millions to the local level. Counties and cities will get much-needed revenues to fix their roads."

The state's failure to keep pace with repairs is due to several factors, including the diversion of road maintenance revenues for other uses and the failure of the gas tax revenue, a key source of funding for repairs, to keep pace with the mounting maintenance costs. The gas tax revenue has dwindled over the years due to the proliferation of fuel-efficient vehicles and all-electric cars, which do not contribute to the gas tax. The tax also has not been adjusted for inflation since 1994.

Under SB 16 everyone who uses the roads will share in paying for the cost of these essential repairs. The bill is projected to raise \$3 billion or more annually over its five-year life, which allows time for the state to work out a long-term funding solution.

The bill proposes to take the truck weight fee, which raises about \$1 billion a year, from the general fund and return it to its intended purpose: mitigating the damage to roads caused by heavy commercial trucks. The per gallon excise fuel tax would be increased by 10 cents to make up for the decline in value lost to inflation. The vehicle license fee would be increased by 0.07 percent annually over five years. The vehicle registration fee would be increased by \$35. Zero-emission vehicles would be subject to an annual \$100 fee.

The bill also guarantees that the revenue will be used exclusively for road, street, bridge repairs, and improving freight mobility at ports.

Besides funding repairs for state roads, the bill also sets aside money for counties and cities to each get a share for local street and road repairs. - See more at:

<http://sd15.senate.ca.gov/news/2015-04-15-beall-s-sb-16-paves-way-california-s-future#sthash.p9zGjOfj.dpuf>

Attached is an estimated revenue breakdown for the redwood coast region.

///



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

April 21, 2015

Honorable Jim Beall  
Member, California State Senate  
State Capitol, Room 2209  
Sacramento, CA 95814  
Via FAX: (916) 651-4915

RE: **SB 16 (Beall). Transportation Funding.** *(as amended April 15, 2015)*  
**Notice of Support**

Dear Senator Beall:

The City of Rio Dell supports SB 16, which would provide much needed funding to the state and local roadway system over a period of five years to address the overwhelming backlog of preservation and maintenance.

Our local streets and roads we all rely on are literally crumbling beneath our feet. The conditions are getting so bad that if California doesn't commit to prioritizing funding to fix them, we could be facing a catastrophe. Without this additional funding, 25% of local streets and roads will be in failed condition in a very short 10 years.

If regular maintenance is neglected, the costs of repairs increase exponentially. Senate Bill 16 would expressly address the backlog of maintenance needs, and is estimated to generate between \$2.8 and \$3.6 billion annually. In addition, five percent of the revenues would be set aside to incentivize counties currently without a local transportation funding measure to approve such a measure.

Our streets are in such poor condition the city is considering permanently converting many of them in town to gravel. These streets are not on the periphery, or seldom traveled routes, they are in our urban core and they link the city to its suburbs. With declining gas tax revenues, this year our streets department had a budget allocation of just \$5,000.00 to perform all surface maintenance work. The next budget year looks even worse.

We cannot stress enough the importance of acting on the transportation funding shortfall. Thank you for your leadership on this critical issue. For these reasons, the City of Rio Dell supports SB 16 (Beall).

Sincerely,

Frank Wilson  
Mayor  
City of Rio Dell

cc: Assembly Member Wood and Senator McGuire  
Sara Rounds, League of California Cities, [srounds@cacities.org](mailto:srounds@cacities.org)  
Meg Desmond, League of California Cities, [mdesmond@cacities.org](mailto:mdesmond@cacities.org)

**Proposed New Local Streets&Roads Funding** preliminary estimates  
**Estimated Allocations of \$1.33 billion and \$1.71 billion**

*Estimated 21 March 2015*

	Allocation if \$1.33 million	Allocation if \$1.71 million
<b>DEL NORTE COUNTY</b>	1,175,278	1,511,072
CRESCENT CITY	157,439	202,421
<b>HUMBOLDT COUNTY</b>	5,384,956	6,923,515
ARCATA	360,069	462,945
BLUE LAKE	25,658	32,989
EUREKA	553,388	711,499
FERNDALE	29,289	37,657
FORTUNA	242,933	312,342
RIO DELL	68,598	88,197
TRINIDAD	7,464	9,597
<b>LAKE COUNTY</b>	2,899,081	3,727,389
CLEARLAKE	310,111	398,714
LAKEPORT	104,378	134,200
<b>MENDOCINO COUNTY</b>	4,323,396	5,558,652
FORT BRAGG	149,082	191,677
POINT ARENA	10,162	13,065
UKIAH	328,285	422,080
WILLITS	103,485	133,052
<b>TRINITY COUNTY</b>	2,081,552	2,676,282
<b>SONOMA COUNTY</b>	11,313,998	14,546,568
CLOVERDALE	175,755	225,970

*Redwood Empire*

*Sara Rounds*

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



April 21, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action Authorizing the City Manager to Sign Memorandum of Understanding Extending the City of Rio Dell's Green Waste Curbside Collection Program

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the City Manager to sign the MOU.

BACKGROUND AND DISCUSSION

The City of Rio Dell and Eel River Disposal (ERD) entered into an MOU on June 17, 2014 to provide voluntary green waste curbside collection throughout the city. The program costs \$3.00 per month per subscriber and utilizes sixty-eight (68) gallon totes that are picked up biweekly. Residents can deposit organic yard wastes such as lawn clippings, leaves, soil and similar materials. The City and ERD entered into a 1-year agreement to gauge and generate interest in the program, understand the costs of the program better, and judge the value of ERD's approach to collecting green waste. Currently, the arrangement satisfies ERD and City staff.

Staff met with representatives of Eel River Disposal who indicated interest in continuing the program. Staff has drafted a new MOU extending the current arrangement to the termination of our existing Solid Waste Franchise agreement with ERD in December of 2016. This allows the green waste program to be incorporated into any new long-term contract with ERD or any new RFP for solid waste franchise services.

Attachments:

- 1.) Current MOU
- 2.) Track Changes MOU
- 3.) Revised Proposed MOU

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**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE CITY OF RIO DELL AND EEL RIVER DISPOSAL  
COMPANY, INC. TO ESTABLISH THE CITY'S GREEN  
WASTE CURBSIDE COLLECTION PROGRAM**

This Memorandum of Understanding is entered into as of June 17, 2014 between Eel River Disposal Company, Inc. ("ERD") and the City of Rio Dell ("City").

**RECITALS**

- A. WHEREAS, ERD holds the exclusive franchise from the City for the collection of solid waste and the exclusive right to collect recyclable materials placed at curbside (the "Franchise Agreement") and**
- B. WHEREAS, the Franchise Agreement defines recyclable materials to include yard trimmings ("Green Waste") and**
- C. WHEREAS, ERD and the City are interested in (1) gauging and generating interest in, (2) understanding the extent of the expected costs and (3) judging the value of the particular approaches of collecting Green Waste, and**

**NOW, THEREFORE, the City and ERD agree to this Memorandum of Understanding to create a trial program for the collection of Green Waste within the City:**

- 1. From as soon after such date as the City executes this Agreement that ERD can proceed to June 30, 2015, there will be a program for the collection and reuse of Green Waste.**
- 2. The program will involve the use of supplied specially designated sixty eight gallon Green Waste totes which will be picked up every other week during the Program. ERD will establish rules governing the location and placement of totes for pick up and the non-contamination of material. The Green Waste will be transported to the City of Fortuna's corporation yard. If this use of the material becomes unavailable or not fully available, the Program shall be suspended until ERD and the City can agree on a new delivery point and any other needed changes to the terms of the Program.**
- 3. The participants in the Program must specially sign up for the participation in the Program. Participants will pay \$ 3.00 per month for the service during the Program. The cost of the service will be added to the participant's current garbage or recycling service bill and is available to private residents, multifamily housing and businesses.**

4. The City, with the advice and review of ERD will provide Program publicity in a similar manner as the Single Stream Recycling Collection Program under the Franchise Agreement and ERD will also provide Green Waste publicity to its current customers along with its billing for service.
5. Three months before the one-year anniversary of the Program, the City and ERD will meet to discuss the level of customer interest, what opportunities exist to enhance customer interest, what the per customer cost to provide this service was, the future prospects for Green Waste disposal and the level of contaminated materials in the Green Waste stream, all in connection with mutually drafting an appropriate Franchise Agreement amendment and serving an appropriate rate for Green Waste collection as part of the Franchise Agreement. The Franchise Agreement amendment may include a vehicle to changing rates as costs escalate or if the location or cost of disposal should change.
6. If the Program is not sufficiently used to reasonably sustain operations, ERD and the City may agree to terminate the Program early upon giving subscribers thirty days' notice.
7. ERD shall save, keep, hold harmless, defend (with independent attorneys selected by the City) and indemnify the City, its officers, agents, employees, and volunteers from and against any and all claims, damages, costs, fees and liabilities, of every type and nature, which may arise out of ERD's operation of the Program under this Memorandum of Understanding, expressly including, without limitation, any and all liabilities which may arise out of the collection, transportation and disposal of the Green Waste.
8. For purposes of this Memorandum of Understanding, ERD shall constitute an independent contract, not an agent or employee of the City, and ERD shall independent control all aspects of its performance of the work and operation of the Program.

City of Rio Dell, a Municipal Corporation

By: Ji. Stoll, CM  
6-25-14

Eel River Disposal Company, Inc.

By: [Signature]

Harry A. Hardin, President

**MEMORANDUM OF UNDERSTANDING BETWEEN**  
**THE CITY OF RIO DELL AND EEL RIVER DISPOSAL**  
**COMPANY, INC. TO ~~ESTABLISH~~CONTINUE THE CITY'S GREEN**  
**WASTE CURBSIDE COLLECTION PROGRAM**

This Memorandum of Understanding is entered into as of ~~June 17, 2014~~July 1, 2015 between Eel River Disposal Company, Inc. ("ERD") and the City of Rio Dell ("City").

**RECITALS**

- A. WHEREAS, ERD holds the exclusive franchise from the City for the collection of solid waste and the exclusive right to collect recyclable materials placed at curbside (the "Franchise Agreement") and
- B. WHEREAS, the Franchise Agreement defines recyclable materials to include yard trimmings ("Green Waste") and
- C. WHEREAS, ERD and the City are interested in ~~(1) gauging and generating interest in, (2) understanding the extent of the expected costs and (3) judging the value of the particular approaches of collecting Green Waste~~ continued assessment of the program, (2) including a green waste program into a future franchise agreement and (3) continuing the current program through the term of the current contract between City and ERD for Solid Waste Services, and

NOW, THEREFORE, the City and ERD agree to this Memorandum of Understanding to ~~create~~continue a trial program for the collection of Green Waste within the City:

- 1. From July 1, 2015~~as soon after such date as the City executes this Agreement that~~ ERD can ~~proceed~~continue to ~~June 30, 2015~~December 31, 2016, there will be providing a program for the collection and reuse of Green Waste.
- 2. The program will involve the use of supplied specially designated sixty eight gallon Green Waste totes which will be picked up every other week during the Program. ERD will establish rules governing the location and placement of totes for pick up and the non-contamination of material. The Green Waste will be transported to the City of Fortuna's corporation yard. If this use of the material becomes unavailable or not fully available, the Program shall be suspended until ERD and the City can agree on a new delivery point and any other needed changes to the terms of the Program.

3. The participants in the Program must specially sign up for the participation in the Program. Participants will pay \$ 3.00 per month for the service during the Program. The cost of the service will be added to the participant's current garbage or recycling service bill and is available to private residents, multifamily housing and businesses.
4. The City, with the advice and review of ERD will provide Program publicity in a similar manner as the Single Stream Recycling Collection Program under the Franchise Agreement and ERD will also provide Green Waste publicity to its current customers along with its billing for service.
5. ~~Three months before the one-year anniversary of the Program, the City and ERD will meet to discuss the level of customer interest, what opportunities exist to enhance customer interest, what the per customer cost to provide this service was, the future prospects for Green Waste disposal and the level of contaminated materials in the Green Waste stream, all in connection with mutually drafting an appropriate Franchise Agreement amendment and serving an appropriate rate for Green Waste collection as part of the Franchise Agreement. It is the City's intent to incorporate a green waste curbside collection program in any new, modified, or extended contract for solid waste services past the current contract expiration date of December 31, 2016. A~~ The Franchise Agreement involving Green Waste Curbside Collection amendment may include a vehicle to changing rates as costs escalate or if the location or cost of disposal should change.
6. If the Program is not sufficiently used during the term of this MOU to reasonably sustain operations, ERD and the City may agree to terminate the Program early upon giving subscribers thirty days' notice.
7. ERD shall save, keep, hold harmless, defend (with independent attorneys selected by the City) and indemnify the City, its officers, agents, employees, and volunteers from and against any and all claims, damages, costs, fees and liabilities, of every type and nature, which may arise out of ERD's operation of the Program under this Memorandum of Understanding, expressly including, without limitation, any and all liabilities which may arise out of the collection, transportation and disposal of the Green Waste.
8. For purposes of this Memorandum of Understanding, ERD shall constitute an independent contractor, not an agent or employee of the City, and ERD shall independently control all aspects of its performance of the work and operation of the Program.

City of Rio Dell, a Municipal Corporation

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

Kyle C. Knopp, City Manager

**Eel River Disposal Company, Inc.**

**By: \_\_\_\_\_**

**Harry A. Hardin, President**

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE CITY OF RIO DELL AND EEL RIVER DISPOSAL  
COMPANY, INC. TO CONTINUE THE CITY'S GREEN  
WASTE CURBSIDE COLLECTION PROGRAM**

This Memorandum of Understanding is entered into as of July 1, 2015 between Eel River Disposal Company, Inc. ("ERD") and the City of Rio Dell ("City").

**RECITALS**

- A. WHEREAS, ERD holds the exclusive franchise from the City for the collection of solid waste and the exclusive right to collect recyclable materials placed at curbside (the "Franchise Agreement") and**
- B. WHEREAS, the Franchise Agreement defines recyclable materials to include yard trimmings ("Green Waste") and**
- C. WHEREAS, ERD and the City are interested in (1) continued assessment of the program, (2) including a green waste program into a future franchise agreement and (3) continuing the current program through the term of the current contract between City and ERD for Solid Waste Services, and**

**NOW, THEREFORE, the City and ERD agree to this Memorandum of Understanding to continue a trial program for the collection of Green Waste within the City:**

- 1. From July 1, 2015 ERD can continue to December 31, 2016, providing a program for the collection and reuse of Green Waste.**
- 2. The program will involve the use of supplied specially designated sixty eight gallon Green Waste totes which will be picked up every other week during the Program. ERD will establish rules governing the location and placement of totes for pick up and the non-contamination of material. The Green Waste will be transported to the City of Fortuna's corporation yard. If this use of the material becomes unavailable or not fully available, the Program shall be suspended until ERD and the City can agree on a new delivery point and any other needed changes to the terms of the Program.**
- 3. The participants in the Program must specially sign up for the participation in the Program. Participants will pay \$ 3.00 per month for the service during the Program. The cost of the service will be added to the participant's current garbage or recycling service bill and is available to private residents, multifamily housing and businesses.**

4. The City, with the advice and review of ERD will provide Program publicity in a similar manner as the Single Stream Recycling Collection Program under the Franchise Agreement and ERD will also provide Green Waste publicity to its current customers along with its billing for service.
5. It is the City's intent to incorporate a green waste curbside collection program in any new, modified, or extended contract for solid waste services past the current contract expiration date of December 31, 2016. A Franchise Agreement involving Green Waste Curbside Collection may include a vehicle to changing rates as costs escalate or if the location or cost of disposal should change.
6. If the Program is not sufficiently used during the term of this MOU to reasonably sustain operations, ERD and the City may agree to terminate the Program early upon giving subscribers thirty days' notice.
7. ERD shall save, keep, hold harmless, defend (with independent attorneys selected by the City) and indemnify the City, its officers, agents, employees, and volunteers from and against any and all claims, damages, costs, fees and liabilities, of every type and nature, which may arise out of ERD's operation of the Program under this Memorandum of Understanding, expressly including, without limitation, any and all liabilities which may arise out of the collection, transportation and disposal of the Green Waste.
8. For purposes of this Memorandum of Understanding, ERD shall constitute an independent contractor, not an agent or employee of the City, and ERD shall independently control all aspects of its performance of the work and operation of the program.

**City of Rio Dell, a Municipal Corporation**

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

**Kyle C. Knopp, City Manager**

**Eel River Disposal Company, Inc.**

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

**Harry A. Hardin, President**



For Meeting of: April 21, 2015

To: City Council  
From: Kevin Caldwell, Community Development Director   
Through: Kyle Knopp, City Manager   
Date: April 13, 2015  
Subject: Appointment of a Public Member to the Nuisance Hearing Committee.

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**Recommendation:**

That the City Council:

1. Appoint either Tracy O'Connell or Joseph Frye as one of the two Public Members to the Nuisance Committee.

**Background/Discussion**

As the Council is aware the City recently solicited applications for two public members to serve on the City's nuisance Committee. The City only received one application from Julie Woodall. Mrs. Woodall was appointed at the Council meeting of February 17, 2015.

Staff reposted the Notice soliciting applications for the other public member on February 18, 2015. The Notice was also included in the City's Winter Newsletter which was mailed out on February 20, 2015. Applications were due by 5:00 pm on Wednesday, March 18, 2015. The City received two applications, one from Tracy O'Connell and one from Joseph Frye. Both applications are included as Attachments 1 and 2 respectively. Staff invited both applicants' to attend the meeting.

Again, the Nuisance Committee consists of two (2) City Council Members and one (1) alternate, the City Manager, and two (2) public members. The Nuisance Hearing Committee is responsible to hear appeals regarding the determination of a violation and nuisance or the imposition of an administrative penalty, assisting staff in identifying priorities and recommending amendments to the Nuisance provisions of the Municipal Code. The Committee typically meets late afternoon on the third Tuesday of each month.

**Attachments:**

1. Tracy O'Connell's application.
2. Joseph Frye's application.

To Whom It May Concern:

I am writing to put forward my application to serve as a citizen member of the Rio Dell Nuisance Committee. At the last city council meeting, it was noted that Julie Woodall would serve as a citizen member, but that another person was needed to round out the team, along with city council members and staff.

I have owned a home in Rio Dell since 2003, and lived in it for just over two years during that time. It was otherwise rented out, under property management, while I lived out of state, waiting for retirement so I could return. I therefore have experience as both a resident and absentee landlord, with some of the character-building experiences that the latter role can afford. I care about safety and the appearance of the community, which can affect not only home prices, and the rent landlords can charge, but the peace of mind of residents, the experience of visitors and tourists, and the degree to which people maintain property better, and vandalize it less, when neighboring properties are cared for, as the "broken windows" research in New York City has shown.

Since moving back, I have volunteered at the Rio Dell Scotia Chamber of Commerce, with various activities during Wildwood Days, and have attended city council meetings semi-regularly. I planned a couple events commemorating the 1964 flood, and was recently named to the Chamber of Commerce board, as announced at the last council meeting.

My background includes decades of work in both the corporate and non-profit sector as a manager overseeing public relations and advertising, subjects which I have also taught at the university level full-time, and continue to teach on-line part-time. I lived near Los Angeles for 18 years and in rural Wisconsin for 25, as well as growing up on the East Coast.

I own a rural acreage in Hydesville and in the next two years plan to put a small house on it and move there, as I have horses pastured there which I now need to drive every day to care for. At that time my plan is to either sell the Rio Dell house or once again rent it out. I point this out in case that future affects my eligibility, now or in the future, to serve on the Nuisance Committee.

Thank you for your consideration of this application.

Sincerely,

Tracy O'Connell

Tracy O'Connell  
103 Birch Street  
Rio Dell, CA 95562  
707.267.6052

 RECEIVED  
3-17-15 *kd*



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

APPLICATION FOR COMMISSION/BOARD

NAME Joseph Frye DATE 3/17/15  
ADDRESS 100 Davis St HOME PHONE 707-764-3196  
Rio Dell, CA 95562 BUSINESS PHONE 707-672-6107

I AM INTERESTED IN SERVING ON THE FOLLOWING BOARD/COMMISSION:

Nuisance Hearing Committee

OCCUPATION Registration

HOW LONG HAVE YOU LIVED IN RIO DELL? 11 years

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES \_\_\_\_\_

Eel River Little League, Eel River Youth Soccer League

ADDITIONAL PERTINENT INFORMATION REFERENCES \_\_\_\_\_

Nick Angeloff 707-407-6205  
Wally Close 707-764-4031 / 845-1057

EDUCATION College of the Redwoods, Cal Poly SLO, Modesto Jr. College

CITY OF RIO DELL

Please answer the following two questions:

1) Why are you interested in serving on this board/commission?

I would like to contribute to the health and safety of our community, to help in ~~the~~ making the City of Rio Dell an even more enriching area to raise the children of the city.

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2) What special talents/experience/education do you possess that will be useful in this position?

Common sense, ~~patience~~ patience, good people skills  
A desire to serve the community

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Note: A Resume may be attached

Return form to the City of Rio Dell at 675 Wildwood Ave., Rio Dell, CA 95562



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

April 21, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Discussion and Possible Action Approving the Draft Memorandum of Understanding Between Humboldt Waste Management Authority and the City of Rio Dell with Further Consideration of Related Request for Proposal and Authorization of a Related Letter

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Staff recommends the Council take no action regarding the Recycling MOU or RFP. Staff further recommends that the Council authorize the Mayor to sign the attached correspondence to the HWMA Board.

BACKGROUND AND DISCUSSION

The Humboldt Waste Management Authority (HWMA) has been in the process of creating a Regional Recyclable Materials Program since October of 2014. The program would centralize recyclable flow control with HWMA over the next ten years with the city receiving quarterly payments based upon tonnage received from the City. The Authority is proposing to keep 15% of this base revenue for costs incurred by the agency.

The attached MOU is being distributed to all HWMA member agencies in order to assess program participation levels. Once member agencies sign (or do not sign) HWMA will know the approximate tonnage levels it expects to process. This information will be used to issue a Request for Proposal to recycling processors. According to the current schedule, actual implementation of this new regional process could begin in November 2015 at the earliest. The City Council is encouraged to make a decision on entering the MOU by May 29<sup>th</sup>.

The City of Rio Dell is currently in a contract with Eel River Disposal for flow control of recyclable materials. The current contract expires at the end of December 2016. Contractually, the city cannot redirect its recyclable materials until this contract expires. The MOU, as currently drafted, allows for the City to fulfill its current agreement with ERD, but signing the MOU would redirect flow control of recyclables after January 1, 2017 to HWMA.

The MOU also contains a provision that allows *"HWMA member agencies not initially participating in this MOU shall be permitted to enter into this MOU, and thereby participate in*

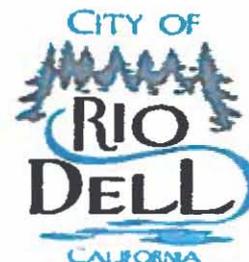
*the Recyclable Materials Processing Agreement.*” As a member of HWMA, Rio Dell may enter into the recycling MOU at any time, as the MOU is currently drafted.

Therefore, it is staff’s recommendation to take no action on the recycling MOU at this time. This will allow staff additional time to gain knowledge of practical benefits of the regionalized recycling process, if any, as it is implemented in the early part of 2016. This will allow the Council to have more information to base a decision on either entering the MOU or including flow control of recycling in a future franchise agreement RFP or extension of the current contract. The non-participation of Rio Dell in the MOU will have a negligible impact on the overall regionalization process since our recyclable tonnage is comparatively small in relation to the other members of HWMA.

Staff recommends issuing the attached letter to the HWMA Board, declining initial membership in the MOU but also expressing our desire to keep this option on the table and maintain the language in the MOU that allows Rio Dell to participate in the future, if the Council chooses to do so.

Staff further recommends that the council provide input on the MOU or RFP, if any, for the consideration of the HWMA Board. This input would then be added to the letter.

///



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

April 21, 2015

Jack Thompson, Chair  
Humboldt Waste Management Authority  
1059 West Hawthorne Street  
Eureka CA, 95501

**RE: Regional Recyclable Materials Processing Agreement**

Dear Chairman Thompson,

The City of Rio Dell appreciates the work undertaken by the Humboldt Waste Management Authority to develop both the regional recycling MOU and RFP. This work was done with the involvement of all member agency staff with Rio Dell included. We appreciate this transparency.

At this time, the City Council of Rio Dell declines participation in the proposed Memorandum of Understanding and the regional recycling effort it will create. However, we wish to express our support for maintaining Section 9 of the MOU which states:

9. *Additional Participation. HWMA member agencies not initially participating in this MOU shall be permitted to enter into this MOU, and thereby participate in the Recyclable Materials Processing Agreement.*

The City Council supports retaining the option to enter into the agreement at a future date, should it so choose.

Sincerely,

Frank Wilson  
Mayor  
City of Rio Dell

**MEMORANDUM OF UNDERSTANDING BETWEEN THE  
HUMBOLDT WASTE MANAGEMENT AUTHORITY AND ITS MEMBER AGENCIES  
TO PARTICIPATE IN A  
REGIONAL RECYCLABLE MATERIALS PROCESSING AGREEMENT**

This Memorandum of Understanding is entered into by and between the Humboldt Waste Management Authority (“HWMA” or “Authority”), a joint powers authority, and the undersigned participating member agencies (each, a “Participating Agency”) and is effective this day of \_\_\_\_\_ (“Effective Date”).

**Recitals**

- A. HWMA is a joint powers authority formed by the cities of Arcata, Blue Lake, Eureka, Ferndale, Rio Dell, and the County of Humboldt for purposes of efficient solid waste management.
- B. Based on the interests of its member agencies, HWMA is preparing to solicit a request for proposals for cost-effective regional recyclables materials processing services, evaluate said proposals and enter into an agreement for services.
- C. In order to solicit and secure a competitive proposal, member agencies are asked to commit their source-separated and mixed recyclable tonnage to HWMA. Some member agencies have entered into hauling franchise agreements in which recyclable materials are contractually committed to the franchisee for the term of the franchise agreement, but may be interested in committing recyclable materials to HWMA when such contractual commitments have ended and the materials are available.
- D. HWMA anticipates that said agreement with the Authority’s designated contractor for recyclable services will contain the following key components:
  1. Acceptance of source-separated or mixed recyclable materials from franchise haulers at either the HWMA facility (1059 W. Hawthorne Street, Eureka, CA), or other facilities approved by the HWMA and Contractor for purposes of implementing the Regional Recyclable Materials Processing Contract.
  2. A term of ten years, with a five-year extension option.
  3. Payment by the contractor for the recyclable materials at a rate to be determined through the negotiation process, with share of revenue distributed to member agencies based on contributed tonnage.
  4. Low-cost and efficient local recycling, receiving and processing services.
  5. Maximize commodities for high value end market.
  6. Flexibility to adapt to market fluctuations and trends to secure most competitive price rates.
  7. A quarterly market value credit to the Authority based on the tons processed and full market value of the indices described in the executed agreement between the Authority and the Authority’s designated contractor for recyclable services.

8. The demonstrated ability, and expressed interest, to accept and market additional materials.
9. Maintain quarterly facility total residual disposal to less than 8% of inbound materials from the franchise haulers.
10. Meet or exceed all current and future state and local regulations and permitting conditions, and have an Operations Plan approved by local regulatory authorities at the time the Processing Agreement goes into effect.
11. Creation of good quality jobs and fair treatment of employees.
12. Full cooperation with member agency franchise operators, as well as the Hawthorne Street Transfer Station.
13. Maintain a high level of service (timely, courteous, and responsive) to the Authority and its Member Agencies.
14. Ensure the cost competitiveness and effectiveness of the services provided; and
15. Pursuant with CA Assembly Bill 32, minimize the carbon footprint; reduce overall greenhouse gas emissions and other adverse environmental impacts while maximizing the sustainability of the services.

The undersigned HWMA member agencies would like to participate in the HWMA Regional Recycling RFP process, and ensure combined recycling tonnage is committed for recyclables materials processing.

NOW THEREFORE, based on the terms recited above, the parties enter into this memorandum of understanding:

1. Recyclable Materials Processing Agreement. HWMA shall solicit proposals and enter into an agreement for recyclable processing and marketing services with the Authority's Designated Recycling Contractor ("Contractor") with basic terms as outline above ("Recyclable Materials Processing Agreement").
2. Recyclable Materials Flow Control.
  - a. Each Participating Agency, for the term of the Recyclable Materials Processing Agreement, agrees to direct its franchise collection hauler to deliver all recyclable materials it collects under agreement with the Participating Agency to either the HWMA transfer facility located at 1059 W. Hawthorne Street, Eureka, or other facility approved by the HWMA for receipt by Contractor for purposes of implementing the Regional Recyclable Materials Processing Agreement.
  - b. In the event a Participating Agency is under a current contract governing recyclable materials flow control, the Participating Agency agrees that at the time recyclable materials are no longer under prior contract it shall direct its franchise collection hauler to deliver all recyclable materials in accordance with Section 2(a) for the then remaining term of the Recyclable Materials Processing Agreement.
3. Reuse in Value Added Product. Participating Agencies may request that HWMA divert specified recyclable materials for reuse in a value-added, local product.

4. Reporting. HWMA will provide quarterly and annual summary reports to each Participating Agency indicating the tonnage of recyclable materials processed for that period from the jurisdiction of each Participating Agency, a statement of revenues received from the Contractor, and any other information concerning contract administrator as the Participating Agency should request.
5. Contract Management. HWMA shall manage and administer the Recyclable Materials Processing Agreement based on direction from the HWMA Board of Directors.
6. Meetings and Consultation. HWMA staff agrees to meet as needed with Participating Agency staff to coordinate and discuss the ongoing management of the Recyclable Materials Processing Agreement.
7. Revenue Distribution. Revenue received by HWMA from the Contractor derived from the sale of recyclable commodities shall be disbursed to each Participating Agency quarterly on the following basis:
  - a. HWMA shall retain for contract administration 15% of the agreed upon \$ per ton base revenue received from all mixed-stream recyclable commodities;
  - b. Any revenue received from source separated recyclable commodities shall be passed through to each Participating Agency.
8. Education. The HWMA and Participating Agencies shall undertake coordinated educational and outreach activities to assist the Contractor in achieving a diversion rate of 92% of all recyclable materials received. The HWMA and Participating Agencies will coordinate, prepare and implement an annual education campaign, including periodic collection route audits to identify excessive residuals in the recycling stream.
9. Additional Participation. HWMA member agencies not initially participating in this MOU shall be permitted to enter into this MOU, and thereby participate in the Recyclable Materials Processing Agreement.
10. Third Party Beneficiaries. Participating Member Agencies are not considered third party beneficiaries under the Recyclable Materials Processing Agreement.
11. Indemnity. Pursuant to the HWMA Joint Powers Authority Agreement, the HWMA shall indemnify each Participating Agency for any defense to claims, as well as cost of any judgments imposed for claims resulting from actions by the HWMA in relations to its management and implementation of the Recyclable Materials Processing Agreement.
12. Counterparts. This MOU may be executed in separate counterparts, and all counterparts when signed, shall constitute and enforceable agreement.

13. Nuclear Free Ordinance(s) Compliance. The Contractor has certified to the HWMA that it is not a Nuclear Weapons Contractor, in that it does not knowingly or intentionally engage in the research, development, production, or testing of nuclear warheads, nuclear weapon systems, or nuclear weapons components as defined by the County of Humboldt Nuclear Free Humboldt County Ordinance, and the City of Arcata Nuclear Weapons Free Zone Act. The Contractor will agree to notify HWMA if it becomes a Nuclear Weapons Contractor as defined above, and the HWMA retains the authority to immediately terminate the Recyclable Materials Processing Agreement if it determines that the Contractor's certification is false or if the Contractor becomes a Nuclear Weapons Contractor.
14. AMENDMENTS. This MOU may be amended by the majority determination of the Participating Agencies. Any Participating Agency may initiate an amendment to this MOU by written request from the Participating Agency's legislative body to the Authority's Executive Director who will forward the request to the Authority Board of Directors for its consideration as a Participating Agency. Regardless of the action taken by the Authority Board, the Authority shall process the amendment request as the administrator of the MOU. This MOU may not be amended in any way that would impact, alter or affect a material term of the Recyclable Materials Processing Agreement.

WHEREFORE, the governing bodies of each of the parties below has authorized and approved this Memorandum of Understanding, having decided to become a Participating Agency, on the date stated below:

**HUMBOLDT WASTE MANAGEMENT AUTHORITY**

Dated:

By: Board Chair

Attested to by:

Dated:

Executive Director Signature:

**CITY OF ARCATA**

Dated:

By: Its Mayor

Attested to by:

Dated:

City Clerk Signature:

**CITY OF BLUE LAKE**

Dated:

By: Its Mayor

Attested to by:

Dated:

City Clerk Signature:

**CITY OF EUREKA**

Dated:  
By: Its Mayor  
Attested to by:  
Dated:  
City Clerk Signature:

**CITY OF FERNDALE**

Dated:  
By: Its Mayor  
Attested to by:  
Dated:  
City Clerk Signature

**COUNTY OF HUMBOLDT**

Dated:  
By: Its Chair of the Board  
Attested to by:  
Dated:  
County Clerk Signature:

**CITY OF RIO DELL**

Dated:  
By: Its Mayor  
Attested to by:  
Dated:  
City Clerk Signature:

**REQUEST FOR PROPOSALS**

**FOR**

**PROCESSING AND MARKETING OF  
RECYCLABLE MATERIALS**

**ISSUED BY:**



**Humboldt Waste Management Authority**

**1059 West Hawthorne Street  
Eureka, CA 95501**

**Month Day, Year**

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## 1.0 General Information

The Humboldt Waste Management Authority ("HWMA or Authority") is issuing this Request for Proposals to select a qualified Proposer to process recyclable materials from Member Agencies. The Agreement will be between the HWMA and the selected Proposer for a ten (10) year period. The terms of this Agreement may be extended for a five (5) year period at the sole discretion of the Authority. The term of the Agreement will commence (insert date) days from the date of approval by the HWMA Board. The Proposer will be responsible for securing property for a facility within the Authority's Member Agency's jurisdictions to receive recyclable material for transportation to the Proposer's facility for processing, marketing and disposal of residual materials.

Proposals are being solicited from qualified Proposers, or a group of qualified Proposers, that form a team arrangement, for purposes of this solicitation. In the event a teaming arrangement is proposed, the Proposers should recognize that the team must be represented by a single prime Proposer that will be responsible for entering into this Agreement and serve as the primary contact and responsible party. The Agreement specifying the Terms and Conditions for the requested services is located in *Attachment 1*.

The Proposal shall be submitted in accordance with the guidelines presented in this RFP. All data and information furnished by the HWMA or referred to in this RFP are provided for the Proposer's convenience. The HWMA does not guarantee that such information or data is accurate and assumes no responsibility as to the accuracy of the information. Proposers are encouraged to independently verify the accuracy and interpretation of all such information or data.

### 1.1 Humboldt Waste Management Authority

The Humboldt Waste Management Authority is a Joint Powers Authority (JPA) consisting of the Member Agencies of the jurisdictions of Arcata, Blue Lake, Eureka, Ferndale, Rio Dell, and Humboldt County. The cities of Fortuna and Trinidad are not members of the HWMA JPA, although Trinidad has expressed interest in joining. The Authority was established in 1999 and acted as a regional focus point in a diverse waste management system. One of the primary goals of the Authority is to provide program support for cost-effective waste reduction, recycling, and solid waste programs to Member Agencies through their franchised collection providers and the public recyclers to meet and exceed the minimum 50% diversion mandated by California State Law, AB 939.

The Authority operates the Hawthorne Street Transfer Station located at 1059 West Hawthorne Street in the city of Eureka. The Hawthorne Street Transfer Station serves as a hub and central location in the area for drop off of solid waste from the public and local franchise collection haulers. Solid waste collected at the Transfer Station is loaded and hauled by transfer trailer trucks to the Potrero Hills Landfill in Suisun City, California and the Dry Creek Landfill in Medford, Oregon.

The Hawthorne Street Transfer Station also accepts recyclable materials at its drop-off location from the public and commercial businesses. Household hazardous waste, E-waste, and Universal materials are also received and managed at the Eureka Recycling Center housed within this

complex, as well as through mobile collection programs in the Humboldt County area. The Authority owns and manages the Cummings Road Landfill in Eureka. The Authority also manages through contractual means composting of organic materials at the Mad River Compost Facility owned and operated by third-party contractors.

## **1.2 Authority Goals and Objectives**

The Authority is interested in receiving proposals from companies that have demonstrated experience providing transportation and processing of recyclable materials comparable to those described in this RFP, to ensure success of the services for the Authority and its Member Agencies. The Authority will place an emphasis on a Proposer who places a high priority on reliable, cost effective, and environmentally sound operations, and who has demonstrated measurable results through its on-going operations on other similar projects. The Authority's goals and objectives for future services include:

- Low-cost and efficient local recycling, receiving and processing services.
- Maximize commodities for high value end market.
- Flexibility to adapt to market fluctuations and trends to secure most competitive price rates.
- A quarterly market value credit to the Authority based on the tons processed and full market value of the indices described in *Appendix 1 – Processing Agreement*.
- The demonstrated ability, and expressed interest, to accept and market additional materials.
- Maintain quarterly facility total residual disposal to less than 8% of inbound materials from the franchise haulers.
- Meet or exceed all current and future state and local regulations and permitting conditions, and have an Operations Plan approved by local regulatory authorities at the time the Processing Agreement goes into effect.
- Creation of good quality jobs and fair treatment of employees.
- Full cooperation with member agency franchise operators, as well as the Hawthorne Street Transfer Station.
- Maintain a high level of service (timely, courteous, and responsive) to the Authority and its Member Agencies.
- Ensure the cost competitiveness and effectiveness of the services provided; and
- Pursuant with CA Assembly Bill 32, minimize the carbon footprint; reduce overall greenhouse gas emissions and other adverse environmental impacts while maximizing the sustainability of the services.

### **1.3 Organization of the RFP**

General information regarding the RFP purpose, process, and schedule are provided in the following.

- Section 1 contains General Information to assist Proposers in understanding the current and proposed services required, including general information about HWMA member agencies.
- Section 2 contains Proposal Considerations such as the rights of the Authority, consequence of Contract's submission of their proposal, costs to prepare a proposal, and the proposal schedule.
- Section 3 presents Background Information regarding recyclable material types to process and estimated quantities to be processed under this Agreement.
- Section 4, Scope of Services, defines the work and services covered by this RFP.
- Section 5 details the Agreement, terms and conditions for the requested services.
- Section 6 discusses the RFP Proposal Requirements to be submitted by the Proposer.
- Section 7 describes the Cost Proposal and Compensation required for submittal for this RFP and the Proposer's compensation and payment method to be employed by the Authority.
- Section 8 describes the Proposal Evaluation and Proposer selection process to be followed by the Authority.
- Section 9 presents the Proposal Submittal Instructions to be followed by Proposers for submittal of their RFP.
- Attachment 1 contains the Agreement and contractual arrangements binding by the Proposer.
- Attachment 2 contains the Proposal Cost Forms required to be filled out by the Proposer.
- Attachment 3 contains a Form to calculate the distance from each Member Agency to the Proposer's Proposed Receiving and Processing Facility.
- Attachment 4 is the Anti-Collusion Form.

## 2.0 Proposal Considerations

### 2.1 Rights of the Authority

The Authority's rights include, but are not limited to, the following:

- Reissuing or modifying the RFP.
- Withdrawing the RFP at any time during the procurement process
- Issuing addenda to the RFP, including extending or revising the timeline for submittals.
- Requesting clarification or additional information from the Proposers at any time during the procurement process.
- Execution of an Agreement with the successful Proposer on the basis of the original proposals and/or any other information submitted by the Proposers during the procurement process.
- Rejection of any or all proposals, waiving irregularities in any proposals, accepting or rejecting all or part of any proposals, and waiving any requirements of the RFP, as may be deemed in the best interest of the Authority.
- Negotiating with more than one Proposer.
- Accepting a proposal that does not offer the lowest cost but offers the best overall proposal, which the Authority determined is in the best interest of the Member Agencies based on the Proposer's qualifications, operations proposal, financial strength, and willingness to accept the Agreement terms as well as its cost proposal.
- Discontinuing negotiations after commencing negotiations with a selected Contactor if progress is unsatisfactory in the sole judgment of the Authority, and commencing negotiations with another qualified Proposer.

### 2.2 Consequence of Submission of Proposal

- Proposal submission constitutes an incontrovertible representation and warranty by Proposer that the Proposer has investigated all aspects of the RFP.
- Proposer is aware of the applicable facts pertaining to the RFP process, its procedures and requirements.
- Proposer has read and understands the RFP, and complied with every requirement.
- Without exception, the proposal is premised upon performing and furnishing the services and equipment required by this RFP and Agreement and as such means, methods, techniques as may be indicated or required by this RFP and Agreement.

- ❑ Proposer submittal of an RFP, and/or any addendums, are sufficient in scope and detail to indicate and convey understanding of all the terms and conditions for performance and furnishing services of the project.

The submission of a proposal shall not be deemed an agreement between the Proposer and the Authority, and the following conditions apply:

- ❑ Authority shall not be obligated to respond to any proposal submitted, nor is bound in any manner by the submission of a proposal by a Proposer.
- ❑ Acceptance of a proposal by the Authority obligates the Proposer to enter into good faith Agreement negotiations on the proposal submitted.
- ❑ The Agreement shall not be binding or valid against the Authority unless and until it is executed by the Authority Board and the selected Proposer, and the Proposer's performance bond or other surety has been accepted.

### 2.3 Proposal Costs

Costs of investigating, preparing, and submitting a proposal is the sole responsibility of the Proposer and shall not be chargeable in any manner to the HWMA. The HWMA will not reimburse any Proposer for any costs associated with the preparation and submission of proposals or expenses incurred in making an oral presentation, participating in an interview, or negotiating an Agreement with the HWMA.

### 2.4 Proposal Schedule

The HWMA intends to adhere to the schedule provided in Table 1 during the selection process. This schedule may change at the HWMA's sole discretion.

**Table 1: Proposal Procurement Schedule**

<b>Procurement Activity</b>	<b>Date</b>
<b>HWMA release RFP.</b>	<b>July, 2015</b>
<b>Deadline to submit written questions and comments by Proposers.</b>	<b>TBD</b>
<b>HWMA will issue to Proposers: response to written questions and RFP addendum if necessary.</b>	<b>TBD</b>
<b>PROPOSAL DUE</b>	<b>August, 2015</b>
<b>HWMA may request clarification of proposal information.</b>	<b>August, 2015</b>
<b>HWMA interviews shortlisted Proposer(s).</b>	<b>September, 2015</b>
<b>HWMA Board selects Proposer.</b>	<b>October, 2015</b>
<b>HWMA conducts and completes negotiations with Contractor.</b>	<b>November, 2015</b>
<b>Proposer commences providing services.</b>	<b>September, 2016</b>

\*The Authority retains the rights to modify and/or amend dates as necessary.

## **2.5 Anti-Collusion Statement**

A sworn anti-collusion statement is included as *Attachment 2* as part of the proposal package. The Authority requires that a non-collusion statement be made as a sworn affidavit executed and sworn before a person who is authorized to administer oaths by laws of the State. This certification is required as important evidence in the event that collusion or bid rigging is discovered at a later date. If any Proposer submits a false statement, sanctions could then be taken against the Proposer.

## **2.6 Conflict of Interest**

The Proposer must disclose any contractual relationship that exists, or has existed, between the Proposer and a predecessor organization of the Proposer, or a sub-contractor included in the Proposer's response to this RFP, and the HWMA or its Member Agencies. Proposers must also disclose any existing business or personal relationship between the Proposer, its principals, or any affiliate or subcontractor, and the HWMA, its Member Agencies, or any other entity or person involved in the project that is the subject of this RFP.

Failure to disclose any such prior or existing contractual or personal relationship as described in this section may result in disqualification of the proposal. The Authority will make the final determination regarding the existence of a conflict of interest.

## **2.7 Limits on Disclosure of Proposals**

The HWMA has determined that the public interest will be best served if proposals submitted by Proposers in response to this RFP are not made available for review by other companies participating in the competitive selection process. For that reason, proposals submitted during the RFP process will not be made available to other Proposers or the public earlier than the date on which the HWMA issues to Member Agencies a shortlist of a company or companies recommended for final negotiation. The HWMA may, at its sole discretion, release select portions of the proposal(s) of the recommended companies that have not been identified as entitled to confidential treatment as containing trade secrets.

Conversely, public release may be deferred until the Authority has narrowed its consideration to one preferred Proposer. All materials received from that Proposer (other than those entitled to protection under California Government Code Section 6254(k)) will be made available for public review by the Member Agencies no less than twenty (20) days prior to the date on which the governing board of each Member Agency will consider a staff recommendation to award the Agreement to a selected company.

The HWMA will implement the following procedures:

1. All materials which a Proposer believes to contain trade secret information entitled to protection from disclosure under Government Code Section 6254(k) must be clearly marked on each page as "CONFIDENTIAL"; and
2. Prior to the date on which the Board of Directors selects its preferred Proposer, if HWMA receives a request to review and/or copy materials submitted by any Proposer, the Authority will decline release of those materials; and

3. If the person submitting the request files a legal action against HWMA seeking its release, the HWMA will notify the affected Proposer(s) and will not oppose a motion by such Proposer(s) to intervene in the action. The Proposer(s) must either intervene or agree to pay HWMA's and its agent(s) legal expenses in defending the action, including fees, if any, awarded to the plaintiff. Absent such an agreement, the HWMA will have no obligation to defend the action and may release the information sought without any liability whatsoever; and
4. Proposer will not seek damages against HWMA, its agents, or any Member Agency for recovery of its attorneys' fees as a result of any dispute related to the release or withholding of information submitted in response to this RFP.

### **2.8 Proposer Code of Conduct**

The Proposer is required to follow the Proposer Code of Conduct as a result of submitting an RFP. The Code of Conduct for Proposers includes the following provisions:

1. Prohibits ex parte communications with HWMA Board members or elected officials of Member Agencies;
2. Prohibits giving any gift or monetary compensation to an HWMA Board member, staff member or its agents; and
3. Prohibits collaboration or discussion with other Proposers of the content of the proposal or rates proposed.

Failure to abide by the above will result in the bid proposal being disqualified.

### **3.0 Background Information**

The HWMA, through its Member Agencies, has been tasked with the responsibility to contractually manage an agreement for processing and marketing of recoverable commodities, sale of the materials, and disposal of residuals. Recyclable materials within the Member Agencies are collected through a variety of methods including residential curbside collection programs in the cities of Arcata, Blue Lake, Eureka, and some unincorporated areas of Humboldt County, commercial recycling programs in some of the jurisdictions and drop-off materials at the Eureka Recycling Center.

*For purposes of responding to this RFP, Proposers can expect to process mixed-stream residential material from commercial collection activities, commercial source-separated recyclables (e.g. cardboard), and other materials as directed by the Authority.*

Commercial source-separated recyclables (i.e. cardboard) is an example of a commercial recycling program. Single-stream material is also collected by businesses and placed in designated bins and picked up by haulers.

Residential recycling curbside collection programs are set up as a mixed-stream system; residents set out containers with mixed-stream materials (for example, mixed paper, cardboard glass, plastic, and metal) for collection.

**Recyclable Material Types**

Table 2 lists the various types of desired materials collected from Member Agency jurisdictions.

**Table 2: HWMA Member Agencies Recyclable Material Characterization**

<b>Recyclable Material Category</b>	<b>Subcategory</b>
<b>Source-separated material</b>	<b>Corrugated cardboard Other</b>
<b>Mixed Fiber</b>	<b>Corrugated cardboard, chip board, office paper, computer paper, magazine, junk mail, envelopes, catalogs, brown paper bags, paper board, telephone books, paperback books, colored paper, construction paper, and cereal and food boxes.</b>
<b>Newspaper</b>	<b>Inserts, coupons, and advertisements.</b>
<b>Glass</b>	<b>Clear, brown, green (all colors), CRV and non-CRV containers.</b>
<b>Plastics</b>	<b>Containers identified as P.E.T. # 1-5 (includes examples)</b> <ul style="list-style-type: none"> <li>• #1 PET (Clear plastic containers)</li> <li>• #2 HDPE (Ridge Containers)</li> <li>• #3 V (Vinyl or PVC)</li> <li>• #4 LDPE (Various containers, bags)</li> <li>• #5 PP (Ketchup, syrup, yogurt containers)</li> <li>• Plastic bags and film plastic</li> <li>• All containers stamped with the Society for Plastics Industry (SPI) code #1 through #5.</li> </ul>
<b>Aluminum</b>	<b>Food and beverage containers, foil, foil containers, pots, pans and baking containers.</b>
<b>Metal</b>	<b>Steel, tin, and bi-metal containers; small pieces of scrap metal weighing less than 10 pounds.</b>
<b>Textiles</b>	<b>Old clothes and fabrics</b>
<b>Aseptic packaging</b>	<b>Milk, fruit juice, broth, soup, etc. containers.</b>
<b>Gable top</b>	<b>Milk and juice cartons</b>
<b>Other</b>	<b>Other recyclable materials the proposer is able to process and market.</b>

The types of recyclable materials collected curbside are at the discretion of each individual Member Agency at this time. Materials are subject to change and decisions will be at the discretion of each Member Agency. Franchise haulers operating in the cities of Arcata, Eureka, and some unincorporated areas of Humboldt County including the Greater Arcata and Eureka

areas are currently directed to deliver recyclable items collected to the Hawthorne Street Transfer Station.

**Table 3: HWMA Member Agencies Recycling Programs**

Component/Program Name	Arcata	Blue Lake	Eureka	Ferndale	Humboldt, County	Rio Dell
Residential Curbside	●	●	●	●	●	●
Residential Drop-Off	●		●	●	●	●
Residential Buy-Back	●		●		●	●
Commercial On-Site Pickup	●	●	●	●	●	●
Commercial Self-Haul	●	●	●	●		●
School Recycling Programs	●	●	●		●	●
Special Collection Seasonal (regular)	●	●	●	●	●	●
Special Collection Events	●	●	●	●	●	●
Other Recycling	●		●		●	

HWMA has an existing agreement with Solid Wastes of Willits, terminating in September 2016, for the transportation and processing of member agency franchise curbside collected recyclables and mixed stream recyclable materials received at the Authority. These materials do not include source-separated goods including cardboard, cans, CRV, white goods, scrap metal, electronic and household hazardous wastes received, at the Eureka Recycling Center. Franchise collectors for Arcata, Eureka, and the unincorporated areas of the Greater Arcata and Eureka area deliver recyclable materials and cardboard to the Hawthorne Street Transfer Station. The received materials are then loaded into Solid Wastes of Willits trucks for transportation to their processing facility located in Willits, CA.

The Eureka Recycling Center operated by the Authority receives mixed stream recyclable materials. This tonnage is included in the RFP. Recyclable materials from the cities of Ferndale and Rio Dell, and the adjacent unincorporated areas of southern Humboldt County area are processed at the privately-owned Eel River Disposal MRF in Fortuna. Since the respective franchise agreements direct recyclable materials to the ERD facility, their tonnage is not included into the RFP. Recyclable materials from City of Fortuna and its general area are not included within recyclables material tonnage estimates to be considered for the purposes of responding to this RFP.

Humboldt Sanitation operates a privately owned transfer station in McKinleyville that collects source-separated recyclables and CRV from the unincorporated community of McKinleyville and surrounding areas, as well as the City of Trinidad. The Humboldt Sanitation tonnage is not included in the RFP estimates because existing franchise agreements direct recycling material to Humboldt Sanitation until 2021.

In addition to the Eel River Disposal facility located in Fortuna, Eel River Resource and Recovery, Inc. also operates the Samoa Processing Facility, a MRF and permitted medium volume transfer station, located in the unincorporated community of Samoa, CA. While currently the City of Blue Lake has directed curbside collected material to this facility, until September

2016, this Member Agency material is included in the RFP. Humboldt State University is also directing source-separated recyclables to this facility, and the HSU tonnage is not included in the RFP estimates.

The recycling tons described herein **do not include** recycling material received by *open market drop-off* commercial recycling centers including Humboldt Sanitation, Eel River Disposal, Redwood Acres Recycling, G&R Metals, Sherricks Recycling, Popko Recycling, and Redway Transfer Station, as these companies serve independently from Member Agency franchise collection agreements. Additionally, other materials received by HWMA (i.e. electronic waste, household hazardous waste, white goods and other material diverted from the tip floor) will be processed and marketed by the Authority.

### **3.1 Recyclable Material Tonnage from Authority Member Agencies**

Since processing of recyclables in the Authority region are non-regulated, precise measurement of recyclable tonnages generated within the HWMA is dependent on voluntary submission of data to the Authority. To the best of the Authority's knowledge, as of January 2014, the total annual tonnage of recyclable materials is presented in Table 4. This tonnage is based on actual curbside collected materials received from the cities of Arcata, Blue Lake, and Eureka, and satellite areas of unincorporated Humboldt County surrounding urban pockets of customers to nearby Arcata, Eureka, and Blue Lake areas.

#### **Current and Future Recycling Tonnage**

When the contract for hauling recyclable material was put forth in 2010 the estimate was a baseline of 7,000 tons, increasing by 1.5% each year. Actual tonnage the first year (2011-2012) was 3,377 tons, with 655 tons from the Eureka Recycling Center. Following the implementation of mandatory curbside collection in 2012-2013, within the jurisdictions of Eureka and Arcata, tonnage increased to 6,415 tons, with 1,822 tons from the Eureka Recycling Center. In 2013-2014 7,477 tons was received with 2,310 tons from the Eureka Recycling Center. These figures include source-separated commercial cardboard.

The Authority is projecting a 5% per year growth in total incoming tonnage, but does not guarantee any particular level of recyclable material delivery to the Contactors' material receiving facility. With other franchise areas anticipating mandatory curbside recycling the tonnage is expected to increase 5% annually, generating an estimated 10,252 tons in 2014-2015 and 10,739 in 2015-2016. Growth forecast being based on the increase in tonnage from the previous year. With planned implementation of AB 341- 75% Statewide Diversion Goal (Chesbro) will enable increased materials collection to order to meet diversion goals.

Table 4 presents the past (3) years of mixed-stream recyclable material and source-separated commercial cardboard tonnage as well as future projected recyclable material tonnage from the Authority's Member Agencies, not including Ferndale, Rio Dell and portions of unincorporated Humboldt County, over the next two (2) years.

**Table 4: Material Tonnage Received in 2011-2014 and Projected Through 2016 from HWMA Member Agencies**

Agreement Term (Year)	2011-12	2012-13	2013-14	2014-15 (est.)	2015-16 (est.)
Mixed-Stream Recycling	3,837	7,411	8,476	8,827	9,201
Source-Separated Commercial Cardboard	195*	826	1,311	1,425	1,538
<b>Total Annual Tons</b>	<b>4,032</b>	<b>8,237</b>	<b>9,787</b>	<b>10,252</b>	<b>10,739</b>

\*2011-12 tonnage reflect primarily cardboard tonnage received through City of Arcata curbside collection with a significant increase the following year with the addition of Eureka’s collection services.

#### 4.0 Scope of Services

The Humboldt Waste Management Authority, as a joint powers authority acting on behalf of its Member Agencies, is seeking to enter into an agreement with a contractor who will provide transportation, receiving and processing of recyclable materials at a Regional Processing Facility located within a Member Agency’s jurisdiction for a term period of 10 years. The purpose of this RFP is to solicit proposals for the processing of identified recyclable materials in Table 2 of this RFP. Interested proposers are encouraged to submit proposals which include additional services not identified in this RFP. Proposers are also encouraged to provide alternatives if they can improve the efficiency, save monies, and/or reduce the disposal of residuals. The Authority will place an emphasis on a Proposer who places a high priority on reliable, cost effective, and environmentally sound operations, and who has demonstrated measurable results through its on-going operations on other similar projects.

Proposers should carefully review *Section 5.0 Agreement* that will define the contractual arrangements between the HWMA and the Contractor selected through this RFP process, and *Section 6: Proposal Submittal Instructions* which specifies required information from Proposers which will be used in the evaluation and selection process. In the event of a conflict between the Agreement and this RFP, the language in the Agreement takes precedence.

The selected proposer will be required to provide all labor, supervision, equipment, and materials in conformance to all required permits and regulatory requirements.

The selected Proposer will:

- Develop and/or, secure and maintain a building with sufficient capacity to receive Authority’s Member Agencies’ recyclable materials and the Authority’s Eureka Recycling Center’s mixed recyclable material for loading and transfer to Contractor’s facility for processing.
- Provide all necessary personnel, rolling stock equipment, and supplies necessary for operations of the facility, transporting the recyclables, and other obligations through the Term of this Agreement.

- ❑ The Proposer's receiving/processing facility shall be open (business hours) to receive Authority's recyclable materials from 7:00 a.m. to 5:00 p.m., Monday through Friday, including all holidays. Member Agencies franchise collection haulers shall be provided key-card access to the receiving facility outside of normal business hours and 365 days per year. The hours of operation of the facility may be changed upon mutual agreement between the HWMA and the Contractor.
- ❑ The Proposer shall ensure that the traffic into the selected facility flows smoothly, that there are no delays in unloading, and that the unloading area is clear to receive recyclable materials at all times during operating hours.
- ❑ The Proposer shall provide loader equipment and move the unloaded mixed-stream recyclable materials into the proper temporary storage area. Source-separated recyclable materials shall be kept separate from either of the mixed-stream recyclable materials and stockpiled within a temporary storage area or container until ready to process.
- ❑ The Proposer shall collect source-separated recyclable materials from the Authority's Hawthorne Street Transfer Station and transport to a local processing facility.
- ❑ The Proposer must provide turnaround time at the receiving facility of less than 15 minutes for franchise haul trucks.
- ❑ Inbound and outbound franchise haul trucks must be weighed, and electronic files of the scale data must be submitted monthly to the Authority.
- ❑ Maintain sufficient personnel and equipment to process at the Contractor's facility all loads of recyclable materials from the Authority.
- ❑ Maximize cost-effective marketing of recyclable materials delivered to the selected Proposer's processing facility. Allowable exceptions will be made for value added services.
- ❑ A complete record of all commodity sales transactions shall be kept by the Contractor and shall be submitted for review according to the reporting requirements of the Agreement.
- ❑ The selected Proposer is responsible for securing markets for recovered materials and maintaining accurate accounting of material quantities, types, pricing, and payments received on all recovered materials at the highest and best price available in the competitive market.
- ❑ The selected Proposer will market materials, including local markets, to obtain the highest gross revenue from commodity sales.
- ❑ Following separation and recovery of Authority's recyclable materials, the selected Proposer will dispose of residuals as approved by the sole discretion of the Authority. The disposal rate for residuals at no time will exceed the cost that would locally be provided by the HWMA

- ❑ The Proposer shall load the respective type of recyclables (either fibers or containers) into a transfer trailer truck when sufficient volumes of material are available to fully load the trailer.
- ❑ The selected Proposer will provide monthly documentation in a form satisfactory to the Authority and as required by applicable law documenting the recyclable material tonnage received, processed, marketed and the tonnage of residuals disposed.
- ❑ Proposers must submit a sales revenue plan through which the selected proposer would share revenues received from marketing the recyclable commodities collected and processed.
- ❑ Other items as identified through Addenda or proposed by Proposer.

The Proposer selected will be expected to be flexible and proactive in working with the Authority in order to provide services in an efficient manner and to add or modify services as requested to improve such services throughout the Term of the Agreement.

## **5.0 Agreement Arrangements**

The procurement schedule in Table 1 designates the schedule to select a Proposer and to finalize the Agreement with the selected Proposer as the Authority's Contractor. In an effort to accomplish this objective, an Agreement is provided in Attachment 1. The Agreement provides Proposer required terms and conditions of the required services and the HWMA's roles, responsibilities, and obligations.

The HWMA is interested in selecting a Proposer that is prepared to sign the Agreement in its existing form. The Authority expects that the Draft Agreement will be executed by the selected proposer in substantially the same form as presented in Attachment 1. Proposers may, if necessary, propose exceptions to the Agreement; exceptions must be accompanied by recommended alternative language, such that the alternative language is acceptable to the HWMA. If Proposer's comments include material exceptions to the HWMA's Agreement terms, the HWMA may reject the proposal regardless of its other merits and proposed costs. Except at the sole discretion of the HWMA, all negotiations with the Proposers will be limited to the Proposers' comments and recommended alternative Agreement language contained in their proposal.

## **6.0 Proposal Submittal Instructions**

Proposers must provide all information requested in this section and addendum items, if any, as part of their proposals. Attachments 2 and 3 contain the Cost Proposal Forms required to be completed by each Proposer. Failure to provide all required information as listed below may be grounds for rejection of a proposal.

The proposal requirements have been separated into the following responses: and will be evaluated and ranked according to the following categories: 1) Company Qualifications,

Financial Assurance, Information and Experience, 2) Cost Proposal, 3) Operational Proposal, 4.) Environmental Compliance, Environmental Enhancements, Workforce Compliance, Litigation History and Other considerations; and 5) Agreement Acceptance/Number and materiality of exceptions to the Agreement.

#### **6.1 Company Qualifications, Financial Assurance Information and Experience**

At a minimum, provide a detailed description of the company and its qualification including key personnel and information on the Company's experience to successfully implement the requested services in the RFP.

- State the name and address of the company that will be signing the Agreement and the name, address, phone number, fax number, e-mail address, and title of person to be contacted regarding the proposal. Provide the names of any other company (ies) that will share significant responsibilities as team members in performing under the Agreement.
- Provide names and resumes of principal officers, partners, or other officials of the company who will perform significant responsibilities required under the RFP.
- Identify the names of individual(s) who will implement the Agreement, and include resumes for each key individual responsible for implementation of the Agreement.
- Describe relevant technical experience of key personnel, how long they have been with the company and their backgrounds in solid waste transfer, recycling materials processing and receiving, recyclable commodity marketing services, and customer service.
- Provide support that the Proposer has financial resources sufficient to undertake the proposed services.
- Provide audited financial statements, including income and balance sheets for the contractually responsible party and any parent company and joint venture company (ies), for the most recent three (3) complete fiscal years and an audited statement through the most recently completed quarter of the current fiscal year.
- Provide a statement from the chief financial officer indicating that there has been no material change in the financial circumstances of the proposing entity (or its parent or owners if they are providing financial assurance of performance) since the date of the last audited statements.
- Describe your company and staff qualifications as they relate to successfully providing recycling, processing and marketing, as well as operations of a transfer station and permitted processing facility.
- Describe any proposed partnerships that could support or enhance recycling diversion efforts.
- If companies are submitting as a team, describe any prior successful working arrangements involving similar types of services for similarly sized communities.

- Describe services provided currently, or in the past, to other jurisdictions that are directly relevant to services described in this RFP, including descriptions of relevant contracts and the dates the service was provided.
- Provide the name, telephone number, and address for three (3) municipal clients serviced by the Proposer as references for your experience for the services requested in the RFP.

## **6.2 Cost Proposal**

- The Marketing Plan shall include: 1) a materials specifications section that lists the materials specifications for the markets/vendors used by the Proposer, and 2) a materials marketing contingency section that discusses how the Proposer will manage a change in market conditions, and 3) proposed unit price it will pay for recyclable materials processed by the Proposer.
  - Describe how the Proposer's material marketing sale programs result in obtaining superior market value.
  - Describe how the company fosters innovation and high quality performance with proven examples.
  - Describe how materials will be marketed or made available to local businesses.
  - Description of the experience, history, and volumes marketed by your materials marketing staff/agent.
  - List the volumes and sale price by commodity types that will be produced by the Authority that have been sold by the Proposer (from Northern California) over the last 12 months to domestic and foreign markets.
  - Provide a detailed description of a proposed revenue sharing program with the Authority materials recovered and marketed by the Proposer.

## **6.3 Operations, Recyclable Receiving and Processing**

Operations information supplied by the Proposer should focus on the methods of performing the services required under the Agreement and as described under Section 4, Scope of Services. Proposers should describe in detail the proposed method for providing the following services requested in the RFP. The Proposer will be required to secure and/or site and operate a recyclables receiving and processing facility to 1.) Receive recyclables from the Member Agencies franchise haulers; and 2.) Transport mixed-stream recyclable materials from the Authority's Eureka Recycling Center. The Proposer's facility must be located within any one of the Authority's Member Agency jurisdictions. Proposers are required to submit the following information on the facility:

- Address of the recyclables receiving facility. Provide a site map(s) showing the facility and its location to the surrounding area.

- ❑ Describe the facility layout and features in detail including the square footage of the building and the square footage of the recyclable receiving area.
- ❑ Describe the load receiving and inspection procedure proposed for use at the facility.
- ❑ Describe how the Proposer will collect and transport mixed-stream and identified source-separated recyclable materials from the Authority's Eureka Recycling Center to a local processing facility.
- ❑ Detail the staffing levels and equipment requirements that will be employed by the Proposer to process the materials. Identify the location, function and work hours for the personnel.
- ❑ Complete Attachment 3 "Distance from Each Member Agency to the Proposer's Proposed Receiving and Processing Facility".
- ❑ Describe the number and nature of jobs created or retained for providing the services requested in the RFP over the life of the contract period, including location of jobs, pay scale and benefit package for each job category.
- ❑ Describe the safety and training plans at the facilities, and safety plans for the drivers and collection trucks using the facility.
- ❑ Provide a table showing the position and number as full-time equivalents (or partial FTE) of all company employees that will be involved with providing these services
- ❑ Include a table that illustrates the distance (mileage) recyclables are transported and tonnage transported for each jurisdiction that utilizes the processing facility proposed to accept recyclable materials from the HWMA.
- ❑ Provide detailed information regarding the processing facility operations proposed for processing and sale of the Authority's recyclables. At a minimum, include permitting information; facility design and equipment in-use including a detailed flow chart of system operations; tonnage processed and recovered; residuals remaining as a percentage of tonnage received; and number of full time equivalent personnel employed at the facility.
- ❑ Describe how the Proposer will maintain safe and efficient unloading procedures of Authority's recyclables.
- ❑ Describe how materials will be received and managed on the tipping floor of the processing facility.
- ❑ Proposer will provide a detailed Materials Marketing Plan as part of the proposal submission.
- ❑ Provide a detailed description of a proposed revenue sharing program with the Authority for materials recovered and sold by the Proposer.

#### **6.4 Environmental Compliance, Environmental Enhancements, Workforce Compliance, Litigation History and Other Considerations.**

- List any environmental compliance-permit violations incurred by the company, partner or subsidiary in this venture, or sub-Proposer in the past five (5) years for similar types of facilities operated within Northern California.
- Provide detailed information regarding the Proposer's litigation history. Has any company, partner, or subsidiary proposing on this RFP or any corporate officer been involved within the past ten (10) years in litigation arising from:
  - Performance of solid waste contracts or recycling contracts;
  - Violation of environmental laws, regulations, permits, or federal antitrust laws; and
  - Connection with allegation of corrupt practices.
- Has any company, partner, or subsidiary in this venture, or any corporate officer, been the subject of any enforcement action, order, decree, or notice of violation of any environmental laws, regulations, or permits? If an answer is "yes," please explain fully.
- Provide details of any past or pending litigation against the Proposer or its parent company or joint venture company (ies) by a governmental entity contracting with the Proposer or its parent for services relating to waste management services, or against such a governmental entity by the Proposer or its parent company or joint venture in the past five (5) years. Failure to disclose an accurate litigation history may result in disqualification of the proposal.
- Proposer must provide information detailing its worker safety record for the past five (5) years for the company and its affiliates in California or pertinent State(s) where it operates.
- The worker safety record information will include, but not be limited to, employee safety metrics commonly used in the industry such as the number of hours lost for individual injuries per employee and workers' compensation insurance ratios.

#### **6.5 Agreement Acceptance**

The HWMA is interested in selecting a Proposer that is prepared to sign the Agreement in its current form. Proposers may, if necessary, propose exceptions to the Agreement. Any exceptions must be accompanied by recommended alternative language such that if the alternative language is acceptable to the HWMA, the Proposer is prepared to sign the revised Agreement without further discussions or negotiations.

The number and the substantive nature of the exceptions will be compared to those taken by other Proposers during the proposal evaluation process. If comments by the Proposer include significant exceptions to the HWMA's Agreement terms, the Authority may reject the proposal regardless of its other merits and proposed service costs.

At the sole discretion of the HWMA, all negotiations with the Proposers will be limited to the Proposer's comments and recommended alternative Agreement language contained in their

proposal.

## **7.0 Cost Proposal and Cost Form**

Receiving cost effective and efficient recyclable processing and marketing services is a priority for the HWMA Member Agencies. The Proposer is required to submit its cost proposals using the Cost Forms in Attachment 2 for this submittal. The Attachment 2 Cost Form is divided into two (2) separate components:

### **Form #1, Standard Cost Proposal**

- A. Receiving Facility Cost:** The determination of the cost per ton by the Proposer related to the operation of a recyclables material receiving and loading facility.
- B. Transportation Cost:** The determination of the cost per ton related to the transportation of the Authority's mixed recyclable materials from the Eureka Recycling Center to the Proposer's processing facility.
- C. Processing Cost:** The determination of the cost per ton related to the processing of the Authority's recyclable materials at the Proposer's processing facility.
- D. Summation of All Cost Components:** Proposers are required to sum Cost Components A, B and C into one (1) Total Cost per Ton Fee (\$) for the services requested by the Authority for this RFP. For future rate escalation and Proposer compensation purposes, the Total Cost per Ton Fee will be the unit cost value submitted by the Proposer.

### **Form #2, Cost Proposal with Revenue Sharing**

The Attachment 2 Cost Form #2 with Revenue Sharing includes the Cost Components listed above less a share of the sale revenues of commodities per ton:

- A. Receiving Facility Cost:** The determination of the cost per ton by the Proposer related to the operation of a recyclables material receiving and loading facility.
- B. Transportation Cost:** The determination of the cost per ton related to the transportation of the Authority's mixed recyclable materials from the Eureka Recycling Center to the Proposer's processing facility.
- C. Processing Cost:** The determination of the cost per ton related to the processing of the Authority's mixed and source-separated recyclable materials at the Proposer's processing facility.
- D. The Determination of the Revenue per Ton from the Sales of Recyclables Credited Back to the HWMA.** We understand that this will be based on the items included in the final agreement and revenue may vary in response to periodic market conditions. Proposer should propose a method for sharing revenue and demonstrate projected revenue at the date of the bid submittal and allow for annual market adjustments.
- E. Summation of All Cost Components:** Proposers are required to sum Cost Components

A, B, C less Component D into one (1) Total Cost per Ton Fee (\$) for the services requested by the Authority for this RFP. For future rate escalation and Proposer compensation purposes, the Total Cost per Ton Fee will be the unit cost value submitted by the Proposer

## **Section 8.0 Proposal Evaluation and Proposer Selection**

### **8.1 Proposal Evaluation Procedures**

The proposals will be evaluated based on their content, completeness, and clarity. Specific evaluation criteria has been developed that will focus on evaluating the information requested in the RFP. Proposals will be evaluated based on the extent to which they meet evaluation criteria.

Proposals will be evaluated by a RFP Evaluation Committee (RFP Committee) consisting of two (2) HWMA staff members, and a staff member from each of the Authority Member Agencies. The Authority's Executive Director will help facilitate the process and support the RFP Evaluation Committee. The Executive Director will be available to answer questions by the RFP Evaluation Committee as needed, but will not have any proposal scoring and ranking voting authority. Each evaluator will review all proposals received using a set of established evaluation criteria that will be applied to identify the relative strengths and weaknesses of individual proposals.

The ratings from the RFP Committee evaluators will be compiled to determine a preliminary ranking of the proposals based solely on the evaluation criteria. After initial evaluation of proposals and preliminary ranking, the RFP Committee may prepare a shortlist of Proposers to be interviewed.

Invitations may be issued to Proposers on the shortlist to make oral presentations to and/or interviews with the evaluation team. Site visits to Proposer's representative facilities by RFP Committee members may also be required as part of the selection process.

Based on the contents of submitted proposals, the results of interviews and oral presentations and site visits, if conducted, along with any other information requested by the HWMA, the RFP Committee will prepare a final ranking of the short listed Proposers and present its ranking to the HWMA Board. The Authority Board will have the sole and final authority to select a preferred Proposer, and will direct staff to enter into negotiations with the selected Proposer to provide the services outlined in this RFP. In the event the negotiations with the selected Proposer are unsuccessful, the Authority, in its sole discretion, may designate another Proposer from the list of shortlisted Proposers and enter into negotiations with that Proposer.

### **8.2 Proposal Evaluation Categories and Factors**

Proposals will be numerically scored and ranked using the factors and weighting described in this section. The scores assigned will reflect the extent to which criteria is satisfied relative to other proposals. The evaluation categories and maximum score that can be achieved for each category are presented in Table 6.

**Table 6: Proposal Evaluation Categories and Maximum Evaluation Score**

	<b>Proposal Evaluation Category</b>	<b>Maximum Evaluation Score</b>
<b>1</b>	Company Qualifications, Financial Assurance, Information and Experience	<b>15</b>
<b>2</b>	Cost Proposal	<b>40</b>
<b>3</b>	Operational Proposal	<b>30</b>
<b>4</b>	Environmental Compliance, Environmental Enhancements, Workforce Compliance, Litigation History and Other considerations	<b>10</b>
<b>5</b>	Agreement Acceptance	<b>5</b>
	<b>Total Maximum Score</b>	<b>100</b>

The potential factors that may be considered by the proposal evaluation team when developing the score for each category are presented below. The factors which the Evaluation Team will score the proposals are outlined below. Proposer must be fully compliant with the RFP submission requirements, and rely on Sections 5 and 6 to guide the substance and form of their proposal. Proposers should not consider these category factors as being comprehensive or exhaustive

**Company's Qualifications, Financial Assurances, Information and Experience (Maximum 15 points)**

- Company Experience:** Demonstrated experience of the company in operating transfer stations, transporting waste and other materials, operation of recycling, processing and related facilities.
- Past Performance Record:** Review of company's history with litigation and regulatory action (e.g., nature of past and pending civil, legal, regulatory, and criminal actions; history and nature of payments of liquidated damages); regulatory compliance related to equipment and facilities including compliance with land use permits, environmental permits, highway requirements, etc.
- Key Personnel Qualifications:** Extent and relevance of the qualifications and experience of key personnel proposed for the team and on-going management of the operations.
- Management:** Demonstrated capabilities of the company's existing management and its responsiveness to the ongoing needs and requests of customers including: reporting, providing new services, tracking and monitoring operational activities, regulatory compliance, safety record, general quality of operations, billing and collection, scale house performance and management, and administrative services.
- Financial Stability:** Financial strength and ability of company to acquire equipment and provide financial assurance of performance based on review of its audited financial statements and its proposed financing plan.
- Jurisdiction References:** Level of satisfaction of jurisdictional customers with Proposer

services.

**Cost Proposal (Maximum 40 points)**

- Reasonableness of Cost Proposal: Logical relationship between proposed costs and operational assumptions for the cost proposal.
- Competitiveness of Cost Proposal: Cost competitiveness relative to other proposals submitted
- Location and distance of the Proposer's regional processing facility to each of the Member Agencies.
- Revenue Sharing Plan: Reasonable relationship based upon the Marketing Plan, market conditions and potential revenue sharing.

**Operational Proposal (Maximum 30 points)**

- Approach: Reasonableness and reliability of the proposed services (e.g., technology, equipment, and staffing levels,); reasonableness of productivity and operating assumptions (operating metrics).
- The number and nature of jobs created or retained in Authority's Member Agency jurisdictions over the life of the contract period, including pay scale and benefit package for each job category.
- General Operations: Proposed methods of tracking and reporting operational activities such as productivity, staffing levels, and training programs.
- Diversion Plans: Proposed methods to increase diversion of materials at processing facility, plans, and transfer station diversion commitments that the company may guarantee.
- Processing System Design: The efficiency of the processing sorting equipment layout, equipment, personnel and use of technology in the proposed sorting system for the Authority's recyclables. Scale software system capabilities, reliability, billing and reporting procedures. How the Proposer will handle the Authority's mixed-stream recyclables in combination with its other single-stream customers, if applicable. The functionality and capabilities of the sorting system including the tons per hour throughput, effectiveness at sorting materials, labor conservation, and employee working conditions.
- Separation Efficiency: Proven effectiveness of the sorting system to deliver clean and fully separated commodity types and the ability of the system to capture recyclables and reduce residual.
- Commodity Marketing Experience: Demonstrated ability to reliably market the

Authority's commodities and obtain the best revenues from commodity sales including: descriptions of current and past materials marketing experiences and purchase contracts with buyers that demonstrate the company's future price/volume commitments.

Provide copies of all pertinent regulatory permits and contact names for regulatory agencies that monitor the facility's compliance with applicable local, state, and federal laws.

**Environmental Enhancements, Workforce Compliance, Litigation History and Other Considerations (Maximum 10 points)**

- Green-house Gas (GHG) Emissions: Overall reduction in GHG through the use of alternative fuels in trucks and equipment; purchase or generation of renewable power in Proposer's buildings; or other GHG emission reduction proposals.
- Market Enhancement: Identify domestic markets for recyclable materials and propose a plan for maximizing reuse or recycling within the US.
- Proposer must provide information detailing its worker safety record for the past five (5) years for the company and its affiliates in California or pertinent State(s) where it operates.
- The worker safety record information will include, but not be limited to, employee safety metrics commonly used in the industry such as the number of hours lost for individual injuries per employee and workers' compensation insurance ratios.
- Provide a table showing the position and number as full-time equivalents (or partial FTE) of all company employees that will be involved with providing these services.
- Describe any criminal proceedings in which the Proposer, and/or any director or officer of the proposer or affiliate and any individual identified as key personnel in the proposal has been named as a defendant that are either currently pending or were concluded within the past ten (10) years. For each proceeding, provide the name of the case, the court in which it was filed, and the docket number.
- Describe any civil lawsuit in which the Proposer has been named as a defendant or cross-defendant, either currently pending or were concluded within the past five (5) years. For each lawsuit, provide the name of the case, the court in which it was filed, and the docket number. Lawsuits which involved only claims for personal injury or property damage arising from vehicle accidents which resulted in defense verdicts or in judgments against defendant, or settlements of less than \$100,000, need not be disclosed.
- Describe any administrative proceedings involving the Proposer initiated by federal, state, or local regulatory agencies that are either currently pending or were concluded within the past ten (10) years. For each, provide the name of the regulatory Authority, the nature of the proceeding, and the amount of any fines or penalties assessed.

**Number and Materiality of Exceptions to Agreement (Maximum 5 points)**

Proposals will be scored based on the Proposer's acceptance of the Agreement without revisions. Although a Proposer may propose exceptions to the Agreement, points in this category will be given based on the fewer number of revisions proposed. Authority shall reserve the right to determine if the exceptions are reasonable; if proposed revisions are determined to be reasonable, points may or may not be deducted.

## Section 9 Proposal Submittal Instructions

### 9.1 Authority Contact and Address

Proposers shall submit all correspondences, questions and the proposal submittal to the following contact individual:

Jill Duffy  
Executive Director  
Humboldt Waste Management Authority  
1059 West Hawthorne Street  
Eureka, CA 95501  
Telephone number: 707.268.8464  
Email: [jduffy@hwma.net](mailto:jduffy@hwma.net)

### 9.2 Submittal of Written Questions

HWMA requires Proposer to submit all questions and requests for information in writing (email is acceptable) directly to HWMA at the address listed in Section 9.1. The deadline for submitting written questions and requests for information will be **Month Day, Year**. HWMA will **NOT** accept questions or requests for information after **Month Day, Year**.

### 9.3 Proposal Submittal Format

The Proposer shall submit (8) double-sided copies in three-ring binders of the complete proposal and one (1) single-sided signed original, no later than **2:00 p.m.** on **Month Day, Year** in a sealed package. In addition, Proposers must submit an electronic copy either on disk or USB drive of the proposal in Adobe PDF (preferred) or Microsoft Word shall be submitted with the sealed package.

Proposals must be printed on 8½" x 11" paper with 30% or greater post-consumer recycled-content paper. All pages shall be consecutively numbered.

The sealed package shall be clearly labeled:

**PROPOSAL TO HWMA FOR PROCESSING AND MARKETING OF RECYCLABLE MATERIALS:** Name of Proposer:

The proposal must be mailed or hand delivered to HWMA's Business Office address as cited in Section 9.1. Proposals received late will not be considered and will be returned unopened to the Proposer. Postmarks will not be accepted as proof of receipt.

### 9.4 Clarification of Proposal Information

Proposer may be asked to clarify information through written communications and interviews or during site visits of the Proposer's processing facility. The clarification process may be performed by HWMA staff, RFP Committee and/or Member Agency staff.

#### **9.5 Presentation to HWMA Board**

One or more Proposers may be invited to present their proposals to the HWMA Board and Member Agencies. Invitations to present will be based on evaluation of the proposals at a time to be determined.

#### **9.6 Selection of Recommended Proposers**

After the HWMA selects and approves a Proposer, Agreement negotiations will commence. Upon notification of being selected to negotiate a contract, the Proposer will have seven (7) calendar days to provide a surety made payable to the HWMA in the amount of \$100,000 and in the form of a cashier's check or surety bond. The purpose of the surety bond is to guarantee that the Proposer will execute in good faith the Agreement. If the selected Proposer does not execute the Agreement within thirty (30) calendar days after receiving notice of its selection, the HWMA reserves the right to keep the surety to offset potential costs associated with identification of an alternate service provider(s) and schedule delays. Un-cashed checks will be returned to all proposers within ten (10) calendar days after an Agreement is executed.

#### **9.7 Schedule**

The schedule for the RFP procurement process is presented in Section 2.4, Table 1.

#### **9.8 Proposal Content**

**Proposals must be submitted according the following format and include the following information:**

1. Cover letter providing:

- Name, address, and telephone and fax number of Proposer and key contact person.
- Description of type of organization (e.g., corporation, partnership) submitting proposal.
- If teaming arrangement with is proposed, describe past working relationships on similar projects.
- Name of entity that would sign the Agreement.
- A statement that you have reviewed the requirements of the project as described in this RFP, its enclosures, and all addenda, by listing all addenda and dates received.
- The cover letter and Forms must be signed by an officer or agent of the Proposer authorized to bind the Proposer. In signing proposal, the Proposer agrees that the terms of proposal and the cost as submitted by Proposer are firm for a period of one year from proposal due date and assures that a performance bond or other instrument as specified in the Agreement will be issued by the Proposer.

2. Executive summary (not to exceed two pages) that highlights the major topics of your qualifications and proposal and clearly states the services the proposal addresses.
3. Responses to all information requested in Section 4. Organize your responses into topics, and address each element following the format outlined below so that all requested information can be readily found.

#### 4. Proposal Outline

Each proposal must address the topics and scope of work as stated in Sections 6 and 7 of the RFP in the following format:

##### i. Title Page, Cover Letter, Table of Contents, Executive Summary

##### I. Company Description, Experience and Qualifications Element

1. Company Information
2. Company Qualifications
3. Key Personnel
4. Personnel and Experience
5. Litigation History
6. Environmental Compliance

##### II. Operations Element

1. Methods and Procedures for Operations of the Recyclable Receiving Facility
2. Transportation of Materials
3. Processing Facility (MRF) Operation
4. Materials Marketing Plan

##### III. Financial Background Element

1. Financial Stability, Materially Letter
2. Financing Method

##### IV. Proposed Environmental Enhancements Element

##### V. Agreement Acceptance Component Element

##### VI. Cost Proposals Element

1. Cost Proposal Form # 1
2. Cost Form #2
3. Anti-Collusion Affidavit Form
4. Distance from Proposer's Receiving/Transfer Facility to Member Agencies Form

Appendix, Additional Information – Other information or data relevant to your proposal is optional and may be included as an Appendix to the proposal.

## **Attachment 1: Agreement**

**TO BE INSERTED-**

Legal Counsel will initiate drafting once the Board has approved a DRAFT RFP.

## Attachment 2: Cost Proposal Form #1

**Proposer Name:** \_\_\_\_\_

<b>A. Receiving Facility Cost:</b> (Cost per ton related to the operation of a recyclables material receiving and loading facility.)	<b>Receiving Facility Cost (\$)</b> = \$ _____/ton
<b>B. Transportation Cost:</b> (Cost per ton related to the transportation of the Authority's recyclable materials from the Eureka Recycling Center to the Proposer's processing facility.)	<b>Transportation Cost (\$)</b> = \$ _____/ton
<b>C. Processing Cost:</b> (Cost per ton related to the processing of the Authority's recyclable materials at the Proposer's processing facility.)	<b>Processing Cost (\$)</b> = \$ _____/ton
<b>D. Summation of All Cost Components:</b> (Sum Cost Components A, B and C into one (1) Total Cost per Ton Fee (\$) for the services.)	<b>Total Cost Components (\$)</b> = \$ _____/ton

## Attachment 2: Cost Proposal Form #2, Revenue Share

**Proposer Name:** \_\_\_\_\_

<b>A. Receiving Facility Cost:</b> (Cost per ton related to the operation of a recyclables material receiving and loading facility.)	<b>Receiving Facility Cost (\$)</b> = \$ _____/ton
<b>B. Transportation Cost:</b> (Cost per ton related to the transportation of the Authority's recyclable materials from the Eureka Recycling Center to the Proposer's processing facility.)	<b>Transportation Cost (\$)</b> = \$ _____/ton
<b>C. Processing Cost:</b> (Cost per ton related to the processing of the Authority's recyclable materials at the Proposer's processing facility.)	<b>Processing Cost (\$)</b> = \$ _____/ton
<b>D. Revenue Share:</b> (Revenue share related to the sales of HWMA recovered materials.	<b>Mixed Recycling Revenue Share (\$)</b> = \$ _____/ton  <b>Source-Separated Revenue Share (\$)</b> = \$ _____/ton  <b>Total Revenue Share (\$)</b> = \$ _____/ton
<b>E. Summation of All Cost Components:</b> (Sum Cost Components A, B, C less Component D into one (1) Total Cost per Ton Fee (\$), Component D for the services.)	<b>Total Cost Components (\$)</b> = \$ _____/ton

**Attachment 3: Distance from Proposer's Receiving facility to Member Agencies Form**

**Proposer Name:** \_\_\_\_\_

<b>Selected Centroid Location</b>	<b>Proposer's Receiving/Transfer Location</b>	<b>One Way Distance (Miles) From Each Centroid to Proposer's Receiving/Transfer Location</b>
<b>30 South G Street, Arcata, CA 95521</b>		
<b>111 Greenwood Road, Blue Lake, CA 95525</b>		
<b>949 West Hawthorne Street, Eureka, CA 95501</b>		
<b>965 Riverwalk Drive, Fortuna, CA 95540</b>		

## Attachment 4 Anti-Collusion Statement Form

The under signed Proposer has not divulged to, discussed, or compared his/her proposal with other Proposers and has not colluded with any other Proposer or parties to the proposal whatsoever. Proposer acknowledges that all information contained herein is part of the public domain as defined in the guidelines in Section 2.7 Limits on Disclosure of Proposals as stated in the RFP and as governed by the State of California.

I certify that this proposal is made without prior understanding, agreement or connection with any corporation, firm or person submitting a proposal for the same service, and is in all respects fair and without collusion. I agree to abide by all conditions of these proposal specifications and I certify that I am authorized to sign this proposal.

(Please type or print below)

Executed under penalty of perjury on this \_\_\_\_\_ day of \_\_\_\_\_, 2016 at \_\_\_\_\_.

SIGNED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

ORGANIZATION: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_\_\_.

Notary Public

My Commission expires:



---

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

April 21, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion and Possible Action Regarding Contracts for Services at the Metropolitan Well Site

IT IS RECOMMENDED THAT THE CITY COUNCIL:

The Council should review the contracts and provide comment, if any.

BACKGROUND AND DISCUSSION

Work at the Metropolitan Well Site is scheduled to occur far quicker than originally hoped. This is good in terms of keeping our goal of achieving project completion within 2015. We have a signed contract with ABC Liovin Inc. for work on the Monitoring Wells, however, we do not have a signed contract at the time of agenda publication for the well rehabilitation work at the Metropolitan Well Site.

Staff will provide a copy of the rehabilitation contract to the council via email as soon as possible.

Attached to this agenda is a copy of the contract with ABC Liovin Inc. for the construction of three monitoring wells at the Metropolitan Site, as required by the State.

///

NOTICE OF AWARD

TO: Ivan Liovin, ABC Liovin Drilling Inc.  
1180 East Burnett Street  
Signal Hill, CA 90755

PROJECT: Metropolitan Monitoring Well Installation

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for BIDS dated March 20<sup>th</sup> 2015, and Information for BIDDERS.

You are hereby notified that your BID has been accepted for items in the amount of

Nineteen Thousand, Eight Hundred Dollars (\$19,800.00)

You are required by the Information for BIDDERS to execute the Agreement and furnish the required Contractor's certificates of insurance and bonds within seven (7) calendar days from the date this Notice is received by you.

If you fail to execute said Agreement and to furnish said INSURANCE within fourteen (14) days from the date of receipt of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 8<sup>th</sup> day of April, 20 15

Owner: City of Rio Dell

By: [Signature] Title: City Manager

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged by.

ABC Liovin Drilling Inc  
(Name of Contractor)

Dated this 9 day of April, 20 15

By [Signature] Title: President

RECEIVED CONTRACT AGREEMENT

THIS AGREEMENT, MADE THIS 9 DAY OF April, 2015, by and

between the City of Rio Dell, hereinafter called "Owner," and

ABC Lionn Drilling Inc

doing business as Corporation  
(insert "a corporation," "a partnership," or "an individual" as applicable).

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The Contractor will commence and complete the:  
Metropolitan Monitoring Well Installation
2. The Contractor will furnish all of the material, supplies, tools, equipment, labor and other services necessary for the construction and completion of the project described herein.
3. The Contractor will commence the work required by the Contract Documents within five (5) calendar days after the date of the Notice to Proceed and will complete the same within the time provided in Section B-35 of the General Conditions, unless the period for completion is extended otherwise by the Contract Documents.
4. The Contractor agrees to perform all of the work described in the Contract Documents and comply with terms therein for the sum of \$ 19800.00, or as shown in the Bid Schedule.
5. The Contract Documents consist of the Bidding Requirements, Contract Forms, Conditions of the Contract, the Specifications, and the Plans, including all modifications thereof incorporated into the documents before their execution, and including all other requirements incorporated by specific reference thereto. These form the Contract.
6. The Owner will pay to the Contractor in the manner and at such times as set forth in the General Conditions such amounts as required by the Contract Documents.
7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
8. The general prevailing rates of per diem wages shall be paid by the Contractor.
9. This is a Public Works Project funded with CA State funds (Proposition 84). Therefore CA State prevailing wage rates will be required on this project. Pursuant to CA Labor Code 1725.5 all contractors and subcontractors must be currently registered and be in good standing with the Department of Industrial Relations to be listed on a bid and work on a public works project. All contractors must electronically submit their payroll to the Department of Industrial Relations and submit their payroll to North Valley Labor Compliance Services 714-408-8687. All contractors and subcontractors working on this project must keep certified payroll records in accordance with Labor Code 1776.
10. In accordance with Labor Code 1720, the Division of Labor Standards and Research has determined the general prevailing rates or wages and employer payments for health and

welfare, pension, vacation, travel time, and subsistence pay as provided for in section 1773.8. Holiday and overtime work when permitted by law shall be paid for at a rate of at least one and one-half times the above specified rate of per diem wages, unless otherwise specified. The State prevailing wage sheets are on file at the City's office.

11. It shall be mandatory upon the Contractor herein and upon any Subcontractor to pay not less than the said specified rates to all laborers, workers and mechanics employed by them in the execution of the Agreement pursuant to CA Labor Code 1774.
12. Attention is directed to the provisions in section 1777.5 and sections 1777.6 of the Labor Code concerning the requirement to employ apprentices by the Contractor or any Subcontractor under it.
13. The Contractor shall comply with and shall cause his subcontractors to comply with all laws and regulations governing the contractor's and subcontractor's performance on this project including, but not limited to: anti discrimination laws, workers' compensation laws, and prevailing wage laws as set forth in CA Labor Code, Sections 1720-1861 et seq. and licensing laws, as well as Federal Labor Standards set forth in the Davis-Bacon Act (40 USC 276(a-a5), the Copeland "Anti-Kickback" Act (40 USC 276©, and the Contract Work Hours and Safety Standards Act (CWHSSA) (40 USC 327-333). The contractor is required to include the prevailing wage language in all subcontracts pursuant to CA Labor Code 1775(E)(b)(1). The Contractor shall post, at appropriate conspicuous points on the site of the Project, a schedule showing all the determined general prevailing wage rates.
14. The Contractor agrees to comply with Labor Code Section 1775 (Payment of the Prevailing Wage Rates) and Labor Code 1776 (keeping accurate records) and Labor Code 1777.5, placing responsibility for compliance with the statutory requirements for all apprenticeable occupations on the prime contractor. The Contractor shall comply with the requirements imposed by the California Labor Code Sections 1720 through 1861 regarding public works projects and prevailing wage laws and sections 16000-16800 of the CA Code of Regulations.
15. Contractors and any Subcontractors shall be assessed penalties for violating the following labor codes; CA Labor Code 1813 for overtime, 1775 for underpayment of the prevailing wage, and 1776 for inaccurate or incomplete payroll records.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in quadruplicate, each of which shall be deemed an original on the date first above written.

OWNER:

[Signature]

Title City Manager

Date 4/16/15

City of Rio Dell  
Owner

Title Karen Munham City Clerk

Date 4-16-15

CONTRACTOR:

Ivan Loun [Signature]

Title President

Date 4-9-15

ABC Loun Drilling Inc  
Contractor

Title \_\_\_\_\_

Date \_\_\_\_\_

(Premium included in the Performance bond)

Bond No: 024057563

City of Rio Dell  
Metropolitan Monitoring Well Installation

PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS that  
ABC Liovin Drilling, Inc.

(Name of Contractor)

1180 E Burnett Street, Signal Hill, CA 90755

(Address of Contractor)

a Corporation hereinafter  
(Corporation, Partnership, or Individual)

called Principal, and The Ohio Casualty Insurance Company

(Name of Surety)

62 Maple Avenue, Keene, NH 03431

(Address of Surety)

hereinafter called Surety, are held and firmly bound unto

City of Rio Dell

(Name of Owner)

675 Wildwood Drive, Rio Dell, CA 95562

(Address of Owner)

hereinafter called Owner, in the penal sum of

Nineteen Thousand Eight Hundred ----- Dollars (\$ 19,800.00)

in lawful money of the United States, for the payment of which sum well and truly to be made we bind ourselves successors, and assigns, jointly and severally, firmly by these presents

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain contract with the Owner, dated \_\_\_\_ day of \_\_\_\_\_, 2015, a copy of which is hereto attached and made a part hereof for the construction of

Metropolitan Monitoring Well Installation

NOW, THEREFORE, if the Principal shall promptly make payment to all persons, firms, subcontractors, and corporations furnishing materials for or performing labor in the prosecution of the work provided for in such contract, and any authorized extension or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, coal and coke, repairs on machinery, equipment and tools, consumed or used in connection with the construction of such work, and all insurance premiums of said work, and for all wages and fringe benefits of labor, performed in such work, whether by subcontractor or otherwise, then this obligation shall be void; otherwise to remain in full force and effect.

PROVIDED, FURTHER, that the said Surety for value received hereby stipulated and agrees that no change, extension of time, alteration or addition to the terms of the contract or to the work to be performed thereunder or the specifications accompanying the same shall in any wise affect its obligation on this

bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work or to the specifications.

PROVIDED, FURTHER, that no final settlement between the Owner and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied

IN WITNESS WHEREOF, this instrument is executed in 2 counterparts, each one of which shall be deemed an original, this 8th day of April, 2015

ATTEST

\_\_\_\_\_  
(Principal) Secretary

ABC Liovin Drilling, Inc.

Principal 

By \_\_\_\_\_

1180 E Burnett Street

Address

Signal Hill, CA 90755

\_\_\_\_\_  
Witness as to Principal

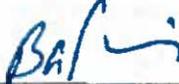
\_\_\_\_\_  
Address

The Ohio Casualty Insurance Company

Surety

ATTEST

\_\_\_\_\_  
Witness as to Surety

By 

Attorney-in-Fact, Blake A Pfister

62 Maple Avenue

Address

Keene, NH 03431

\_\_\_\_\_  
Address

Local: c/o Liberty Mutual  
790 The City Dr So#200, Orange, CA. 92868

NOTE Date of bond must not be prior to date of Contract. If Contractor is Partnership, all partners should execute bond (714) 634-3311

IMPORTANT Surety companies executing bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State where the project is located

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of Orange )

On April 8, 2015 before me, Lianne Nahina, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Blake A. Pfister  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Bond 024057563 Document Date: April 8, 2015  
Number of Pages: 2 Signer(s) Other Than Named Above: N/A, None

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Blake A. Pfister  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer Is Representing: The Ohio Casualty Insurance Company

Signer Is Representing: \_\_\_\_\_

**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 075121R

American Fire and Casualty Company  
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company  
West American Insurance Company

**POWER OF ATTORNEY**  
Attached to 024057563

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Blake A. Pfister

all of the city of DANA POINT, state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 21st day of October, 2014.

American Fire and Casualty Company  
The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey  
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA ss  
COUNTY OF MONTGOMERY

On this 21st day of October, 2014, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written

By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

**ARTICLE IV - OFFICERS - Section 12** Power of Attorney Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

**ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings.** Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

**Certificate of Designation -** The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

**Authorization -** By unanimous consent of the Company's Board of Directors the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 8th day of April, 2015

By: Gregory W. Davenport  
Gregory W. Davenport, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-810-832-8240 between 9:00 am and 4:30 pm EST on any business day.

(Premium subject to adjustment based on final contract price)

Bond No: 024057563

City of Rio Dell  
Metropolitan Monitoring Well Installation  
Premium: \$594

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS that

ABC Liovin Drilling, Inc.

(Name of Contractor)

1180 E Burnett Street, Signal Hill, CA 90755

(Address of Contractor)

a Corporation, hereinafter  
(Corporation, Partnership, or Individual)

called Principal, and The Ohio Casualty Insurance Company

(Name of Surety)

62 Maple Avenue, Keene, NH 03431

(Address of Surety)

hereinafter called Surety, are held and firmly bound unto

City of Rio Dell

(Name of Owner)

675 Wildwood Drive, Rio Dell, CA 95562

(Address of Owner)

hereinafter called Owner in the penal sum of

Nineteen Thousand Eight Hundred ----- Dollars (\$ 19,800.00 )

in lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, successors, and assigns, jointly and severally, firmly by these presents

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain contract with the Owner, dated \_\_\_\_ day of \_\_\_\_\_, 2015, a copy of which is hereto attached and made a part hereof for the construction of

Metropolitan Monitoring Well Installation

NOW THEREFORE, if the Principal shall well, truly and faithfully perform its duties, all the undertaking covenants, terms, conditions, and agreements of said contract during the original term thereof, and any extensions thereof which may be granted by the Owner, with or without notice to the Surety and during one year (minimum) guaranty period, and if he shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and save harmless the Owner from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the Owner all outlay and expense which the Owner may incur in making good any default, then this obligation shall be void, otherwise to remain in full force and effect

PROVIDED, FURTHER, that the said Surety for value received hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Contract or to the work to be performed thereunder of the Specifications accompanying the same shall in any wise affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract or to the work or to the Specifications

City of Rio Dell  
Metropolitan Monitoring Well Installation

PROVIDED, FURTHER, that no final settlement between the Owner and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied

IN WITNESS WHEREOF, this instrument is executed in 2 counterparts, each one of which shall be deemed an original, this 8th day of April, 2015

ATTEST

\_\_\_\_\_  
(Principal) Secretary

ABC Liovin Drilling, Inc.

Principal 

By \_\_\_\_\_

1180 E Burnett Street

Address

Signal Hill, CA 90755

\_\_\_\_\_  
Witness as to Principal

\_\_\_\_\_  
Address

The Ohio Casualty Insurance Company

Surety

By   
Attorney-in-Fact, Blake A Pfister

62 Maple Avenue

Address

Keene, NH 03431

ATTEST

\_\_\_\_\_  
Witness as to Surety

\_\_\_\_\_  
Address

Local: c/o Liberty Mutual

NOTE: Date of Bond must not be prior to date of Contract. If Contractor is Partnership, all partners should execute Bond  
790 The City Dr So#200, Orange, CA92868  
(714) 634-3311

IMPORTANT: Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State where the project is located

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Orange )

On April 8, 2015 before me, Lianne Nahina, Notary Public  
*Date Here Insert Name and Title of the Officer*

personally appeared Blake A. Pfister  
*Name(s) of Signer(s)*

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature *Lianne Nahina*  
*Signature of Notary Public*

*Place Notary Seal Above*

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: Bond 024057563 Document Date: April 8, 2015  
Number of Pages: 2 Signer(s) Other Than Named Above: N/A, None

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Blake A. Pfister  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer Is Representing: The Ohio Casualty Insurance Company

Signer Is Representing: \_\_\_\_\_

**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.**

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Certificate No. 0751219

American Fire and Casualty Company  
The Ohio Casualty Insurance Company

Liberty Mutual Insurance Company  
West American Insurance Company

**POWER OF ATTORNEY**  
Attached to 024057563

KNOW ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Blake A. Pfister

all of the city of DANA POINT, state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 21st day of October, 2014.

American Fire and Casualty Company  
The Ohio Casualty Insurance Company  
Liberty Mutual Insurance Company  
West American Insurance Company

By: David M. Carey  
David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA      ss  
COUNTY OF MONTGOMERY

On this 21st day of October, 2014, before me personally appeared David M. Carey who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.

By: Teresa Pastella  
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, whenever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, the undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 8th day of April, 2015.

By: Gregory W. Davenport  
Gregory W. Davenport, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.



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

April 21, 2015

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager 

SUBJECT: Discussion and Possible Action Authorizing staff to issue a Progress Payment to Groundwater Pump & Well Inc. for work on the Metropolitan Well Rehabilitation Project

IT IS RECOMMENDED THAT THE CITY COUNCIL:

That the Council authorize a progress payment to Groundwater Pump & Well Inc. not to exceed \$10,000.00

BACKGROUND AND DISCUSSION

In negotiating with Groundwater Pump & Well Inc., the contractor made a request for half of the project cost up front, or approximately \$18,142.20. Throughout our discussions, the contractor has maintained that some form of early payment is necessary for their work.

Staff has informed Groundwater Pump & Well Inc. that an item would be placed on the agenda seeking authorization from the Council for no more than \$10,000.00 in payment. Staff will present a number for the council to authorize that is reflective of costs incurred by the contractor for services rendered on Monday April 20<sup>th</sup> and Tuesday April 21<sup>st</sup>. These costs would likely include mobilization costs and initial investigation costs. No prepayment for future work will be recommended by staff.

///



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

**CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
April 21, 2015**

TO: Mayor and Members of the City Council  
FROM: Karen Dunham, City Clerk  
THROUGH: Kyle Knopp, City Manager   
DATE: April 21, 2015  
SUBJECT: City Council Protocols and Possible Adoption of New Rules of Order

**RECOMMENDATION**

- 1) Adopt Rosenberg's Rules of Order as the City's parliamentary procedures for the conduct of its meetings; or
- 2) Take no action and keep Robert's Rules of Order as the City's parliamentary procedures; and
- 3) Review the 2011 City Council Protocols; discuss any recommended changes and direct staff to return with the update for formal adoption as the Council's guiding rules of procedure in conjunction with the adopted rules of order.

**BACKGROUND AND DISCUSSION**

This item is back for further discussion and consideration at the direction of the Council at the March 3, 2015 study session. After a fairly lengthy discussion and review of the City Council protocols and rules of order, staff was directed to return to the Council with copies of the latest version of Robert's Rules of Order (in brief) for review and comparison with Rosenberg's Rules of Order as well as review and/or revision of the 2011 City Council Protocols.

Staff sent out an inquiry through a City Clerk Listserv to obtain information and comments on their jurisdiction's rules of order and received a total of 34 responses. Attached is the spreadsheet summarizing those responses. For Council's review, staff purchased copies of the newly revised *Robert's Rules of Order, 11<sup>th</sup> Edition* including a *Spark Chart* which basically condenses the 669 pages down to 6 pages.

Also provided at the March 3<sup>rd</sup> meeting was a *Draft Council Meeting Protocol* sheet with an overall mission statement and a list of 11 high priority protocol subjects. Staff recommends this be included as part of the city council protocol update.

The City Council has relied on *Robert's Rules of Order* in the past to provide guidance on parliamentary issues or questions related to the conduct of meetings but it is cumbersome and sometimes difficult to interpret whereas *Rosenberg's Rules of Order* are a modernized and simplified version of parliamentary rules that generally shadow *Robert's Rules* but are much easier to follow and understand.

*Robert's Rules of Order* were published in 1876 and not really drafted with local governments in mind and do not address certain issues related to local government such as:

- 1) the need for public comment and public hearings,
- 2) the provisions for special Mayoral powers,
- 3) the use of abstentions for political purposes,
- 4) the special role of staff during city council meetings; and
- 5) assumes that all meeting participants will conduct themselves with decorum and respect and that they will always follow the rules and abide by the decisions of the chair.

Although *Rosenberg's Rules of Order* doesn't specifically address these issues either, it does address the major rules of parliamentary procedure. Adoption of official rules of order whether it be *Robert's* or *Rosenberg's* as the general procedures along with a comprehensive set of City Council protocols or rules of procedures will provide the necessary tools to govern the order and conduct of all City Council meetings and related board meetings.

The Cities of Sacramento, Napa, Riverside and a few others I surveyed have adopted their own Council rules and procedures since there is no state law requiring local government to adopt a particular set of rules. To the extent that their rules do not address an issue of parliamentary procedure, *Rosenberg's Rules* or *Robert's Rules* then apply.

Attachments:

- 1) *Robert's Rules of Order* 11<sup>th</sup> Edition
- 2) *Robert's Rules of Order* Spark Chart
- 3) *Rosenberg's Rules of Order*
- 4) *Robert's vs. Rosenberg's Rules of Order* Comparison Sheet
- 5) Single page Mission Statement and Council Meeting Protocol Summary
- 6) City of Sacramento Council Rules of Procedure
- 7) 2011 City Council Protocols



# Robert's Rules of Order



## INTRODUCTION

**Robert's Rules of Order** is a document that explains general parliamentary procedure. It has become the standard reference for all types of business meetings that require a parliamentary authority, from small local organizations to large corporations. *Robert's Rules of Order* provides guidelines that protect the rights of individual group members, the majority, the minority, absentees, and all parties as a whole. This chart summarizes the most important points contained in *Robert's Rules of Order*. Businesses and groups of all kinds may follow these basic rules of procedure to govern their organization, hold effective meetings, and ensure equal, fair treatment for all of their members.

### EVOLUTION OF PARLIAMENTARY PROCEDURE

As early as ancient Greece, government officials created procedures for their legislative bodies to make decisions and thereby govern the populace. During the Middle Ages, *parliament* denoted any important meeting held for the purpose of discussion.

- The rules and precedents governing legislative bodies, commonly called **parliamentary law**, emerged from England's Parliament. When English colonists settled America, they preserved these principles (e.g., consideration of one subject at a time, alternating debate between opposite points of view, and confining debate to the merits of the pending question). This English parliamentary law would have great influence on the newly formed government of the United States.
- In 1801, Vice President Thomas Jefferson wrote *A Manual of Parliamentary Practice for the Use of the Senate of the United States*. The manual was the first codified parliamentary procedure designed especially for government use.

- In 1845, Luther Cushing, clerk of the Massachusetts House of Representatives, published *Cushing's Manual*, which attempted to provide guidelines for ordinary, voluntary societies. Cushing's idea that each organization should establish its own rules of order proved to be unrealistic in practice.
- In 1876, army officer Henry M. Robert wrote a 176-page volume of rules for ordinary societies called the *Pocket Manual of Rules of Order for Deliberative Assemblies*. His publisher shortened the title to *Robert's Rules of Order*.
- In 1915, Robert published *Robert's Rules of Order Revised*, which reorganized, expanded, and clarified the earlier edition. Subsequent revisions followed. *Robert's Rules of Order Newly Revised*, first published in 1970, appeared in its most recent (10th) edition in 2000.

### BASIC UNDERLYING PRINCIPLES

- A quorum must be present to take legal action. A quorum is the minimum number of members who must be present to transact business legally.
- All members are equal. Each member of an organization has equal rights. No member's vote counts more than another's.
- Members bring business before an assembly in the form of a motion. A motion is a formal proposal of business.
- Only one formal proposal to take certain action may be under consideration at a time. Members may consider only one basic form of motion, or main motion, at a time. Members seeking to make secondary motions (which deal with how a main motion will be handled) must make them before adopting, rejecting, or disposing of the main motion.

- Only one member may have the floor at a time. When member has been assigned the floor, or given the right to speak, other members normally may not interrupt.
- Full debate is allowed on all questions, unless the rule do not allow debate. Members may debate fully each proposed main motion. Certain secondary motions, however, are not debatable.
- The issue, not the person, is always what is under consideration. Members should confine their remarks to the merits of the pending question and should not make disparaging comments about other members or their motives.
- The organization is paramount compared to the individual. Though individual members have the right to make a motion they cannot make a decision. Only the organization makes decision through its voting members.
- A majority vote decides, unless a larger vote is required. A majority vote—the affirmative vote of more than half of those members present and voting—decides most questions. Certain motions that affect basic rights of member and changes to particular rules of the assembly usually require a two-thirds vote for adoption. Two-thirds is defined as at least twice as many members in favor as opposed.
- Silence gives consent. A member who does not vote acquiesces to the will of the majority. The assembly does not consider an abstention an affirmative or negative vote, it simply does not count it at all.
- Once an assembly decides a question, that question can not come back before the assembly in the same form. Members cannot ask the assembly to decide the same question twice in the same session unless they amend, rescind or reconsider the previously adopted question.

## THE DELIBERATIVE ASSEMBLY

A **deliberative assembly** is an independent or autonomous group of people meeting to determine, in full and free discussion, courses of action to take in the name of the entire group.

### CATEGORIES

- Assembly of an organized society:** A local branch of a state, national, or international society. Participation is limited to those who are on the membership rolls as voting members.
- Legislative body:** A constitutionally established lawmaking body of representatives (at the national, state, or local level) chosen by the electorate for a certain term of office.
- Board:** An administrative or managerial body of appointed or elected people. It may be the organization's supreme governing body or may be subordinate to the general membership.
- Mass meeting:** A meeting of an unorganized group who have a common interest in a particular purpose or problem. A series of mass meetings may be held to organize a permanent society. Everyone who attends the meeting and is in agreement with the common interest has the right to participate.
- Convention:** An assembly of delegates chosen to represent constituent subdivisions for one session. Delegates who hold proper credentials are entitled to participate.

### MEETINGS

A **meeting** is a single official gathering of members in one room or area to transact business for a length of time with no cessation (except for a short recess). Members do not separate during a meeting.

- Session:** A session may be a single meeting or a series of connected meetings with a single order of business, agenda, program, or purpose. Each succeeding meeting continues business at the point where it was left off at the previous meeting.
- Types of meetings**
  - Regular:** A periodic business meeting of a permanent society held at defined intervals.
  - Special:** A separate business meeting held at a different time than regularly scheduled meetings, convening only for the specific purpose noticed in the call to the meeting.
  - Adjourned:** A continuation of the immediately preceding regular or special meeting.
  - Annual:** A meeting designated to receive reports of officers and committees, hold elections, or take other actions prescribed in the bylaws.
  - Executive session:** Any meeting or portion of a meeting in which proceedings are secret.

### MEMBERS

- Members of a deliberative assembly have the right to:
  - Attend meetings
  - Offer motions
  - Speak in debate
  - Vote
  - Nominate other members
  - Hold office

- Members have the duty and responsibility to:
  - Attend meetings
  - Obey the rules
  - Further the object of the society
  - Insist on enforcement of the rules
  - Fulfill assigned duties until properly excused

### RULES OF THE ASSEMBLY

Every organization is subject to national, state, and sometimes local laws. Also, each assembly requires rules that establish its structure and govern its operation. The hierarchy for these rules is as follows:

- Corporate charter:** A legal instrument, granted by state or federal law, that is used to incorporate an organization. Alternatively, a charter may be a certificate that a national or state organization issues to grant a group the right to form a local or subordinate organization. This form of charter is not an instrument of incorporation.
- Constitution:** A document defining the primary characteristics of the organization. Currently, the trend is to have these rules contained in one document called the **bylaws**.
- Bylaws:** A document that defines how an organization functions. It includes all the rules that, due to their importance, are more difficult to change. Bylaws are
  - Adopted by majority vote.
  - Amended by two-thirds vote with previous notice to the membership.
  - Suspended only if they are in the nature of rules of order or if they allow for their own suspension.

### STRUCTURE OF BYLAWS

Bylaws are divided into the following articles:

- Name:** The assembly's name, full, exact, and properly punctuated.
- Object:** The assembly's purpose, expressed concisely in a single sentence, with phrases or lettered subparagraphs offset by semicolons.
- Members:** Those who have the right to participate fully in the assembly. Subcategories include
  - Classes of members (regular, affiliate, honorary, etc.), with rights and limitations defined
  - Qualifications or eligibility for membership
  - Required dues and fees, the schedule by which they should be paid, and stipulation about when membership will be terminated for nonpayment of dues and fees
  - Resignations
- Officers:** The structure of the assembly's officers, including:
  - Order of rank (usually president, vice president, secretary, treasurer, etc.)
  - Duties
  - Method of nomination
  - Mode of election
  - Term of office and when it commences
  - Term limitations
  - Method for filling vacancies

- Meetings:** Specifics about the assembly's meetings, including
  - The day on which to hold regular meetings (but not the time or location)
  - Designation of an annual meeting
  - Procedures for calling special meetings and notification requirements
  - Definition of quorum for all meetings

- Executive board:** Specification of the executive board's:
  - Composition
  - Powers
  - Regular meetings
  - Special meetings
  - Quorum

- Committees:** Any subordinate groups of the assembly
  - Standing committees** (those having continuing existence should include:
    - Composition
    - A defined manner of selection
    - Defined duties
    - Names, or a provision for establishment of additional standing committees
  - Special committees** (established as need arises for a specific purpose) must have a specified manner of selection.
  - Ex officio:** A Latin phrase that means "by virtue of office." The president may serve *ex officio* as a member of all committees except the nominating committee.

- Parliamentary authority:** The assembly's choice of a parliamentary authority to follow (e.g., the current edition of *Robert's Rules of Order Newly Revised*).
- Amendment:** Procedures for amending the bylaws, including
  - Requirements for advance notice (time and manner)
  - Requirement for vote to approve an amendment

### RULES OF ORDER

The assembly's **rules of order** come from the assembly's chosen parliamentary authority. **Special rules of order** are any written regulations of parliamentary procedure that supersede the parliamentary authority. Special rules of order are:

- Adopted or amended by two-thirds vote with previous notice or majority vote of the entire membership
- Suspended by two-thirds vote, unless protecting a minority of less than one-third
- Note: Rules regarding fundamental principles of parliamentary law (e.g., considering one question at a time, protecting absentees) or involving basic rights of membership (e.g., rules regarding quorum) cannot be suspended

### STANDING RULES

**Standing rules** are rules relating to administration rather than to parliamentary procedure (e.g., a rule requiring members to wear badges). Standing rules are:

- Adopted by majority vote
- Amended either by two-thirds vote without previous notice or majority vote with previous notice
- Suspended by majority vote

# MOTIONS

A **motion** is a member's formal proposal that the assembly take a certain action. The introduction of a motion may be for a substantive purpose, may allow for a member to express a view, or may trigger an investigation that will later be reported to the assembly.

## CATEGORIES OF MOTIONS

- Main motions** introduce new, substantive business or relate to past or future business of the assembly. A main motion is the lowest ranking motion, and a member may make one only when no other business is pending.
- Subsidiary motions** assist the assembly in handling a main motion. Motions in this class rank above the main motion and lower ranking subsidiary motions but rank lower than privileged motions. Subsidiary motions:
  - Always apply to another motion while it is pending
  - May apply to any main motion
  - Fit into an order of precedence
  - Are in order from the time the chair states a main motion until the vote on that motion
- Privileged motions** do not relate to the pending motion but deal with special matters of immediate and overriding importance. Motions in this class rank above the main motion, subsidiary motions, and lower-ranking privileged motions.
- Incidental motions** change the procedure for handling a motion but do not change what the assembly is considering. Incidental motions also relate to pending business or business the assembly will conduct in the future. These motions never have all four of the characteristics of subsidiary motions. Incidental motions also do not have rank but are incidental to the other motions. They must be decided immediately, before proceeding with further business.
- Motions that bring a question again before the assembly** bring back business that has been previously decided. Members usually introduce them when no other business is pending.

## STANDARD DESCRIPTIVE CHARACTERISTICS OF MOTIONS

Each motion has eight standard descriptive characteristics. You can remember them by using the mnemonic device **SAD MR IPA**:

- S** **Second**: Does the motion require that another member second the motion?
- A** **Amendable**: Is there a variable?
- D** **Debatable**: Is it possible for the members to debate the merits of the question?
- M** **Majority vote**: Does adoption of the motion require a majority vote or a greater percentage?
- R** **Reconsiderable**: Is it possible to consider the motion again?
- I** **Interrupt**: May a member interrupt another member to offer the motion?
- P** **Precedence**: Does the motion fall into an order of precedence or rank? To which motions does it yield, and over which motions does it take precedence?
- A** **Applicability**: To which motions is it applicable, and to which motions may it apply?

## THIRTEEN RANKING MOTIONS

Motions are ranked hierarchically. The main motion, subsidiary motions, and privileged motions fall into the following order of precedence.

### Main motion:

- Original main motion**: A motion that introduces a substantive question as a new subject.
- Incidental main motion**: A motion either incidental to or relating to business of the assembly or its past or future action (e.g., to take a recess at a certain time).
- Resolution**: A main motion submitted in writing due to its length, complexity, or importance.
- Preamble**: An optional clause(s), preceding the resolving clause(s), that includes background information or reasons to adopt the resolution. Each clause is indented and begins with "Whereas, ..." and ends with a semicolon. After the semicolon at the end of the last clause, the words "now, therefore, be it" are added.
- Resolving clause(s)**: The actual proposed motion, preceded by the words "Resolved, That, ..." If more than one resolving clause exists, the word "and" is added before the last resolving clause. For example:
  - Whereas, ... [text of the first preamble clause];
  - Whereas, ... [text of the second preamble clause];
  - Whereas, ... [text of the final preamble clause]; now, therefore, be it
  - Resolved, That ... [text of the first resolving clause];
  - Resolved, That ... [text of the second-to-last resolving clause]; and
  - Resolved, That ... [text of final resolving clause].

### Subsidiary motions:

- Postpone indefinitely**: A motion to reject a main motion without a direct vote, or kill it in order not to consider it at that session.
- Amend**: A motion to alter or modify the wording of a main motion. A **primary amendment** (amendment of the first degree) modifies the motion, a **secondary amendment** (amendment of the second degree) modifies the primary amendment. Members vote on amendments in reverse order (secondary amendment, primary amendment, and then motion). A member can amend a motion in three ways:
  - Insert or add words or a paragraph**: Insert words at the beginning or within the motion, add words at the end.
  - Strike out words or a paragraph**: Remove words or a paragraph.
  - Strike out and insert words or substitute a paragraph**: Remove certain words and replace them with others, or strike out an entire paragraph and substitute a different one in its place.
- Commit or refer**: A motion to send a main motion to a small group (committee) for further study and report.
- Postpone to a certain time (or definitely)**: A motion to delay consideration of a main motion until later in the same meeting or until the next regularly scheduled meeting.
- Limit or extend limits of debate**: A motion to change the number of times each member may speak, the time consumed by each speech, or the total time for debate. A motion to limit debate applies to all motions previously made and that may subsequently be made. A motion to extend limits of debate, however, affects only motions that are still pending.
- Previous question**: A motion to close debate, or **call for the question**, so that the pending motion will come to an immediate vote.
- Lay on the table**: A motion to set aside a main motion temporarily to take up a more pressing or important issue. Whenever a condition is attached to a lay on the table motion, that motion becomes a different type of motion (e.g., a motion to lay the pending motion on the table until the next meeting is actually a motion to postpone to a certain time).

### Privileged motions:

- Call for the orders of the day**: A request by an individual member to follow the adopted agenda.
- Raise a question of privilege**: A motion to interrupt the discussion of business to bring an urgent subject or motion. For instance, a member may call a problem with comfort level (noise, room temperature, etc.) to the attention of the chair. Raising a question of privilege may also give a member the ability to make an informed decision (receive handout material, see a presentation, etc.). Also, an assembly may use this motion to consider a confidential subject by members only (executive session).
- Recess**: A motion to take a short intermission in the meeting.
- Adjourn**: A motion to close the meeting.
- Fix the time to which to adjourn**: A motion to set a time, date, and place to continue the present meeting anytime before the next regularly scheduled meeting; set an adjourned meeting.

THIRTEEN RANKING MOTIONS							
	Motion	Is a second required?	Is it amendable?	Is it debatable?	What vote is required?	Can it be reconsidered?	May it interrupt?
Privileged motions	13 Fix the time to which to adjourn	yes	yes	no	majority	yes	no
	12 Adjourn	yes	no	no	majority	no	no
	11 Recess	yes	yes	no	majority	no	no
	10 Raise a question of privilege	no	no	no	chair decides	no	yes
	9 Call for the orders of the day	no	no	no	at the request of one member	no	yes
Subsidiary motions	8 Lay on the table	yes	no	no	majority	no*	no
	7 Previous question	yes	no	no	two-thirds	yes*	no
	6 Limit or extend limits of debate	yes	yes	no	two-thirds	yes*	no
	5 Postpone to a certain time (or definitely)	yes	yes	yes	majority	yes*	no
	4 Commit or refer	yes	yes	yes	majority	yes*	no
	3 Amend	yes	yes	yes	majority	yes	no
	2 Postpone indefinitely	yes	no	yes	majority	yes*	no
	1 Main motion	yes	yes	yes	majority	yes	no

## INCIDENTAL MOTIONS

**Incidental motions** are listed below in the order in which they appear in *Robert's Rules of Order Newly Revised*. They do not have rank but, when made, take precedence over the pending motion.

- Point of order**: A motion that brings any violation of a rule of the assembly to the attention of the presiding officer. A member must raise the point of order immediately after the infraction, otherwise, the point cannot be raised. The presiding officer must rule that the point of order is either well taken or not well taken, or allow the assembly to decide.
- Appeal**: An appeal from the decision of the chair must be made immediately after the presiding officer rules on a point of order. If the appeal is seconded, the assembly takes a vote to decide whether it agrees with the ruling. It votes not on the appeal but on the chair's decision. "Shall the decision of the chair be sustained?" If the assembly decided the point of order, no appeal is allowed.
- Suspend the rules**: A motion to temporarily set aside a rule that would prevent the assembly from taking up a certain question or action. An assembly may not, however, suspend bylaws, a statutory law, or rules of basic parliamentary law (e.g., that only members may vote). Also, the vote required to suspend the rules depends on the rule to be suspended.
- Objection to the consideration of a question**: An objection to any original main motion. A member must offer the objection before any discussion has begun or subsidiary motion stated. The chair immediately takes the vote by asking, "Shall the question be considered?" Unless two-thirds of the assembly vote in the negative, the question is considered.
- Division of a question**: A vote by the assembly to divide a pending motion into two or more parts capable of standing on their own merit (i.e., parts that are not dependent on the adoption of the other portion of the motion).
- Consideration by paragraph or serialism**: A motion to consider a lengthy motion by paragraph, article, or section. The presiding officer opens each part of the paragraph for debate and amendment separately, before considering the entire document for adoption.
- Division of the assembly**: A demand by a member to retake a **voice vote** or **vote by show of hands** by taking a **rising vote**. A member can call out the word "Division!" if each side of a voice vote sounds the same, or if that member doubts the result of a vote.
- Motion relating to methods of voting and the polls**: A request by a member to change the method of voting or to close or reopen the polls in an election or ballot vote.
- Motion relating to nominations**: A motion prescribing the method for making nominations (when the bylaws or rules fail to provide one) or dictating when to close or reopen nominations.
- Request to be excused from a duty**: A request by a member to be relieved of an obligation imposed by the bylaws or by duties of an office.
- Request or inquiry**: A request or inquiry related to pending business or business that a member wishes to introduce.
  - Parliamentary inquiry**: A request for the chair's opinion on a point of parliamentary procedure.
  - Point of information**: A request for facts affecting the pending business.
  - Request for permission to withdraw or modify a motion**: A request by a member to withdraw his/her own motion from consideration or to modify it.
  - Request to read papers**: A request by a member to read (or have the secretary read) a paper or book as part of debate.
  - Request for any other privilege**: A request for a privilege not covered by the requests (e.g., a request to make a presentation when no motion is pending).

## MOTIONS (continued)

Motion	INCIDENTAL MOTIONS					
	Is a second required?	Is it amendable?	Is it debatable?	What vote is required?	Can it be reconsidered?	May it interrupt?
Point of order	no	no	no	chair rules	no	yes
Appeal	yes	no	yes*	majority*	no	no
Suspend the rules	yes	no	no	two-thirds*	no	no
Objection to the consideration of a question	no	no	no	two-thirds in the negative	*	yes*
Division of a question	yes	yes	no	majority	no	no
Consideration by paragraph or serialism	yes	yes	no	majority	no	no
Division of the assembly	no	no	no	at the request of one member	no	yes
Motions relating to methods of voting or the polls	yes	yes	*	*	*	no
Motions relating to nominations	yes	yes	*	*	*	no
Parliamentary inquiry	no	no	no	chair responds	no	yes
Point of information	no	no	no	chair responds or requests response	no	yes
Request for permission to withdraw or modify a motion	yes*	no	no	majority	*	no
Request to read papers	yes*	no	no	majority	yes	no
Request for any other privilege	yes*	no	no	majority	yes	no

\*According to the current edition of *Robert's Rules of Order Newly Revised*, a new section on the subject has not yet been added.

### BRING BACK MOTIONS

Motions that bring a question again before the assembly are listed below in the order in which they appear in *Robert's Rules of Order Newly Revised*. They do not have rank but may be offered and considered when no other motion is pending.

- **Take from the table:** A motion to resume consideration of a main motion that was laid on the table during that meeting or the previous meeting.
- **Rescind (repeal or annul):** A motion to repeal a previously adopted motion entirely.
- **Amend something previously adopted:** A motion to modify a previously adopted motion.
- **Discharge a committee:** A motion to take a referred question out of a committee's hands so that the assembly can consider it. A **standing committee** (one that has continuing existence) may be discharged from consideration of the question. If a question was referred to a **special committee** (one that ceases to exist after the completion of the task), the committee *itself* may be discharged.
- **Reconsider:** A motion to reconsider a previously decided motion.
  - A motion to reconsider is subject to certain **time limitations**. During a **meeting**, a member may make a motion to reconsider a previously decided subject, but the motion to reconsider must occur on the same day as the decision. During a **session**, the motion to reconsider must be made on the same (or following) day of that session.
  - The member offering the motion must have voted on the prevailing side (i.e., voted *yes* if it was adopted or *no* if it was defeated).
  - Making a motion to reconsider takes precedence over all other motions. However, the assembly may take up or consider the motion only when the original motion could be considered (according to the order of business).

Motion	BRING BACK MOTIONS					
	Is a second required?	Is it amendable?	Is it debatable?	What vote is required?	Can it be reconsidered?	May it interrupt?
Take from the table	yes	no	no	majority	no	no
Rescind (repeal or annul)	yes	yes	yes	majority with previous notice; two-thirds; or majority of entire membership	*	no
Amend something previously adopted	yes	yes	yes	majority with previous notice; two-thirds; or majority of entire membership	*	no
Reconsider	yes	no	*	majority	no	*

\*According to the current edition of *Robert's Rules of Order Newly Revised*, a new section on the subject has not yet been added.

### OTHER PARLIAMENTARY TERMS REGARDING MOTIONS

- **Renewal:** If an assembly does not adopt a motion, any member may introduce the motion at subsequent meetings, provided there is either a significant change in the motion's wording or a difference in time or circumstances.
- **Dilatory:** If a motion is absurd or unnecessarily delays (or thwarts) the will of an assembly, a chair can rule it dilatory.
- **Improper:** If a motion conflicts with the rules of the assembly, it is out of order. If the assembly considers and adopts such a motion, the motion is null and void.

### HANDLING A MOTION

To offer a motion, a member must first seek recognition and be assigned the floor by the chair (presiding officer). To claim the floor (obtain the right to speak), a member rises at his place (or goes to a microphone in a larger meeting) and addresses the chair by title, "Mr. or Madam President." The chair recognizes the member, usually by announcing the member's name or title. The member then has the floor and can make a motion or speak in debate, as appropriate. There are six steps in handling a motion. The first three steps bring the motion before the assembly; the last three involve the consideration of the question.

#### 1. A member makes a motion.

- The member says, "I move that . . ." "I move to . . ." or "*Resolved*, That . . ." and then is seated.

#### 2. Another member seconds the motion.

- This member says, "Second," "I second the motion," "I second it," or "Support."
- A member neither has to be recognized nor has to be in agreement with a motion to second it. He or she merely agrees that the motion should come before the assembly.
- If no member seconds the motion, the chair may ask, "Is there a second?"
- If no member offers a second, the chair says, "There is no second, and the motion will not be considered." If for some reason an assembly omits this step and is already debating the issue, beginning the vote, or has completed the vote, it is too late to raise a point of order. The fact that there was not a second is immaterial and does not affect the vote's outcome.

#### 3. The chair states the question.

- When the chair says, "It is moved and seconded . . ." [repeats the motion], the motion is officially placed before the assembly. At any time prior to this step, the member who made the motion may withdraw or modify it. But after the chair states the question, the motion belongs to the assembly, and the maker may withdraw or modify it only with the assembly's approval.
- The chair may also request that a motion be submitted in writing, in order to:
  - Perfect the motion's content and grammar
  - Provide the chair with the motion's exact wording so that it may be stated correctly
  - Provide the secretary with the motion's correct verbiage for inclusion in the minutes

#### 4. Members debate the motion.

- The chair initiates debate by asking, "Are you ready for the question?" or "Is there any discussion?"
- The maker of the motion is entitled to speak first if he or she seeks the floor. Members may speak twice to a question, for no more than ten minutes each time. No member may speak a second time until all have had an opportunity to make a first speech.
- The assembly must confine all debate to the merits of the pending question.

#### 5. The chair puts the question to a vote. (For details about voting methods, see other side)

- The chair repeats the motion so that members know the question they are being asked to decide. "The question is on adoption of the motion (or resolution) . . ."
- If the chair does not repeat the motion exactly as it was made, a member may raise a point of order. Otherwise, the verbiage used by the chair in putting the question to a vote is the same as will appear in the minutes of the meeting.
- **Methods for taking a vote:**
  - **Voice (viva voce):** The usual method for a vote requiring a majority for approval
  - **Show of hands:** An alternative to viva voce, often used in small boards or committees
  - **Rising:** The usual method for a vote requiring two-thirds for approval

PROPER WORDING FOR TAKING A VOTE	
Type of vote	Wording
Voice (viva voce)	"Those in favor of the motion, say aye." [pause for response] "Those opposed, say no." [pause for response]
Show of hands	"Those in favor of the motion will raise the right hand." [pause for response] "Lower hands." [or nod. "Thank you"] "Those opposed will raise the right hand." [pause for response] "Lower hands." [or nod. "Thank you"]
Rising	"Those in favor of the motion will rise [or stand]." [pause for response] "Be seated." "Those opposed will rise [or stand]." [pause for response] "Be seated."

- **Note:** The assembly always takes the negative vote, even if it appears that all members have voted in favor of the proposal. The only exceptions to this rule are complimentary or courtesy resolutions (unless any member objects, in which case the "no" vote is taken).

#### 6. The chair makes a complete announcement of the result of the vote.

- The chair states which side has the most votes and whether the motion is adopted or lost.

PROPER WORDING FOR ANNOUNCING THE OUTCOME OF A VOTE		
Type of vote	Wording to announce a "yes" vote	Wording to announce a "no" vote
Voice (viva voce)	"The ayes have it, and the motion is adopted."	"The nays have it, and the motion is lost."
Show of hands	"The affirmative has it, and the motion is adopted."	"The negative has it, and the motion is lost."
Rising	"There are two-thirds in the affirmative, and the motion is adopted."	"There are less than two-thirds in the affirmative, and the motion is lost."
Courtesy*	"There are [x] in the affirmative and [y] in the negative. The affirmative has it, and the motion is adopted."	"There are [x] in the affirmative and [y] in the negative. The negative has it, and the motion is lost."

\*Courtesy resolutions are not subject to a vote.

- After declaring the outcome, the chair makes a statement indicating the effect of the vote.
- If appropriate, the chair announces the next item of business.

### RULES AND DECORUM IN DEBATE

Providing that no modifications have been made to the rules of debate listed in *Robert's Rules of Order Newly Revised*, each member is entitled to speak **twice** in debate, for no more than ten minutes at a time.

- A member must **seek the floor** and be **recognized by the chair** in order to speak.
- The member that makes the motion is **entitled to speak first**.
- No member is entitled to speak a **second time** until all other members who wish to speak for the first time have the opportunity to do so.
- A member may **not transfer his or her rights** during a debate.
- A member may **not yield** to another member. The chair assigns who will speak next.
- If a speaker yields for a question, the **time is charged** to the speaker.
- Members must confine remarks to the **merits of the pending question**.
- A member's **motives** must not be attacked.
- A member may **not speak against his/her own motion**, though he/she may vote against it.
- All remarks must be addressed to or **through the chair**.
- Members may **not speak directly to one another**.
- The chair should **alternate debate** between the affirmative and negative positions.
- **Only the assembly** may grant permission to read from **books, reports, etc.**
- A member interrupted by the chair **must be seated**.
- The chair may **not participate in debate** without relinquishing the chair.
- No member may **comment adversely** on any prior act of the assembly.
- The chair may **close debate** only with the consent of the assembly, which requires a **two-thirds vote**.

**DETERMINING VOTING RESULTS**

The basic requirement for approval of an action in a deliberative assembly is a **majority vote**, or more than half the votes cast. Unless a specific requirement arises, the vote is always a majority of those "present and voting." Other voting requirements may be:

- **Two-thirds vote:** At least twice as many in favor as opposed
- **Majority of the entire membership:** More than half of all the members (not just those present at the meeting). This requirement is sometimes an alternative to a two-thirds vote
- **Unanimous consent (general consent):** Agreement by the members present without taking a vote. The chair asks, "Is there any objection?" If there is no objection, the motion passes by unanimous consent. Unanimous consent may be used for a majority or two-thirds voting requirement.
- **Three-fourths vote or 90 percent vote:** An unusually high percentage of the vote required for approval. These types of votes are often reserved for special items of business in accordance with the bylaws.
- **Plurality vote:** Merely the *largest* number of votes received, not necessarily a majority. Used when members have at least three choices of candidates or proposals.
- **Tie vote:** A lost vote, since neither the affirmative nor the negative received a majority.

**MAKING NOMINATIONS**

According to *Robert's Rules of Order Newly Revised*, a **nomination** is a proposal "that \_\_\_ be elected." There are a variety of methods for making nominations for elected offices; an organization's preferred method should be listed in the organization's bylaws.

- **Note:** A second is *not* required for a nomination.
- **Methods for making nominations:**
  - **By the chair:** The chair makes the nomination. This method is usually reserved for naming members of committees.
  - **From the floor (open nominations):** Any member present at the meeting proposes the name of a candidate for nomination.
  - **By a committee:** A nominating committee proposes candidates for election. Such a nominating committee must be established in the organization's bylaws.
  - **By ballot:** An alternative to nominating from the floor, all members present at a meeting may propose candidates by writing their names on ballots. All members who are nominated in this manner appear on the election ballot.
  - **By mail:** Members nominate candidates for office by mail rather than in person. This method allows all the organization's members to have the ability to nominate, regardless of their presence or absence at meetings. The nominating ballot may be secret or signed in accordance with requirements of the organization's bylaws.

- **By petition:** Members nominate candidates for office by a nominating petition. This method requires a certain number of signatures on a petition for the candidate to receive a nomination.

**METHODS OF VOTING**

A deliberative assembly has the option of using a variety of **voting methods**. All members have the right but not the obligation to vote.

- **Note:** Members may **change their votes** until the point when the chair declares the result. After that, members may change their votes only with permission of the assembly.
- **Methods of voting:**
  - **Voice (viva voce):** The default method for taking a vote in a meeting.
  - **Show of hands:** An alternative to voting by voice.
  - **Rising:** The usual method for taking a vote requiring two-thirds for passage or for verifying a close vote by voice.
  - **Counted rising vote:** The usual method for verifying a close two-thirds vote.
  - **Voting cards:** An alternative to voting by voice or rising. Only voting members receive a brightly colored voting card, which they raise at the direction of the chair.
  - **Roll call vote:** An effective way to place on the record how each member or delegation votes (especially for representative bodies, such as local government boards, which are responsible to a constituency). A roll (a list of the members' names) is called one by one, and the response may be "yes," "no," "present" (abstain), or "pass" (delay voting until all others have had the opportunity to vote).
  - **Ballot:** A method in which each member marks his or her choice on a slip of paper. When voting by this method, **tellers** who report to the assembly count the ballots and report to the chair, who announces the result of the vote. The tellers' report should include the following information:
    - Number of votes cast
    - Number of votes necessary for election
    - Number of votes each candidate or proposal received
    - Number of illegal votes (e.g., votes cast for ineligible persons, instances of more votes cast than the number to be elected, two or more ballots folded together, etc.)
  - **Machine or electronic voting:** An alternative to paper ballots in large organizations.
  - **Alternative methods of voting:** An organization must outline in its bylaws specifically how to vote outside of a meeting. For example, voting by postal mail, electronic mail, facsimile (fax) transmission, or proxy voting.

**OFFICERS**

An **officer** is a member elected or appointed to a leadership position in an organization.

**BASICS**

The minimum essential officers for business to occur in an organization are a **presiding officer** and a **secretary**.

- In practice, however, organizations usually have at least four officers: **president, vice president, secretary, and treasurer** (and perhaps others).
- In its bylaws, an organization should specify:
  - Required number of officers
  - Method of nominating and electing (or appointing) officers
  - Necessary qualifications for members who want to become officers
  - Each officer's term of office

**PRESIDENT / PRESIDING OFFICER**

The **president** is the usual title for the **presiding officer** or **chairman**. The term "the chair" is used to refer to the person who is actually presiding at a given moment.

- **Duties of the presiding officer:**
  - **Call the meeting to order** at the appointed time after determining a **quorum** is present.
  - Announce the **items of business** before the meeting in the proper order.
  - Recognize **members** entitled to the floor.
  - State and put to vote all **questions** that legitimately come before the assembly.
  - Protect the assembly from **frivolous or dilatory motions**.
  - Enforce the **rules of debate** and those involving order and decorum.
  - **Expedite business** while recognizing the rights of members (e.g., by using unanimous consent on noncontroversial motions).
  - Decide all **questions of order**.
  - Respond to **inquiries** relating to parliamentary procedure or factual information.
  - **Authenticate** all acts, orders, and proceedings of the assembly by signature.
  - Declare the meeting **adjourned**.
- **Procedures:**
  - The presiding officer should be **seated** (or step back from the lectern) while a member is speaking.
  - The presiding officer should **stand** when:
    - Calling the meeting to order
    - Announcing items of business
    - Assigning the floor
    - Stating a motion
    - Announcing the result of a vote
    - Responding to questions
    - Explaining a ruling resulting from a point of order
    - Speaking regarding a ruling made as a result of a point of order or an appeal
    - Declaring the meeting adjourned
- **Debate and vote:**
  - If a motion is **specific to the presiding officer**, he or she should turn the chair over to the vice president or appropriate temporary chairman and resume the chair when the matter has been decided.
  - If the presiding officer wishes to participate in debate, he or she must **vacate the chair** and yield it to the vice president or temporary chairman until the matter has been decided.
  - The presiding officer **does not vote** unless the vote is by ballot, he or she may, however, vote to affect the result (e.g., to make or break a tie vote).
  - If any two members **appeal a decision of the chair**, the presiding officer **does not vacate** the chair; rather, he or she has the right to be the first speaker and provide reasons for making the decision. Each member has an opportunity to speak once, and then the presiding officer may speak one last time. A **tie vote** sustains the decision of the chair.

**VICE PRESIDENT**

The **vice president** is the officer who assumes the chair if the president is absent or vacates the chair. The vice president's specific duties usually are prescribed in the organization's bylaws.

- When the president has the power to appoint all **committees**, the vice president does *not* have this power while presiding.
- Members should address the vice president as "**Mr. or Madam President**" whenever he or she is presiding.

**SECRETARY**

The **secretary** is the recording officer of the assembly and custodian of its records.

- **Duties of the secretary:**
  - Conducting the organization's **official correspondence** and sending out a notice of meetings, known as the **call of the meeting**.
  - Notifying officers, committees, and delegates of their election or appointment.
  - Preparing an **agenda (or order of business)** at the president's request.
  - Having the organization's **documents** at each meeting. These include the minutes book, bylaws, rules, list of members and committee members, agenda, ballot paper, and any other necessary supplies.
  - Calling the meeting to order and immediately conducting an election for a **chairman pro tem** (short for the Latin *pro tempore*, meaning "for the time being") should the president and vice president be absent.
  - Keeping a careful and authentic record of the proceedings of all business meetings. This record is known as the **minutes**. (For more information on the content of minutes, see Minutes and Standard Order of Business, next page.)
  - **Reading the minutes** for approval by the assembly.
  - Providing a copy of the minutes to the president as soon as possible after the meeting.
  - Allowing members to examine the minutes and records upon request.
  - Maintaining the **official roll of members** and calling the roll when requested.
  - **Signing**, along with the president, all official acts, orders, and proceedings of the organization.
  - **Updating the bylaws** and other formal rules of the organization in accordance with amendments recorded in the minutes.
  - Furnishing delegates with proper **credentials**.
  - Being the **custodian of all important papers**, such as committee reports, belonging to the organization.

**TREASURER**

The **treasurer** is the custodian of the organization's funds. This officer's duties vary from organization to organization and depend largely on whether the organization employs an administrative staff.

- **Duties of the treasurer:**
  - **Collecting and depositing funds** of the organization.
  - **Disbursing funds** only with the authority of the assembly.
  - Obtaining signatures of the required officers on all **checks**.
  - Providing a **receipt** for any cash or checks received.
  - Maintaining **accounts** as established by the organization.
  - Reconciling all **bank statements**.
  - Preparing a written **treasurer's report** for each meeting. The report should include:
    - Balance on hand at the beginning of the period
    - Receipts
    - Disbursements
    - Balance on hand at the end of the period
- An organization should never adopt a treasurer's report; the report should be placed on file awaiting audit. An organization should then adopt the auditor's report.

# MINUTES AND STANDARD ORDER OF BUSINESS

## MINUTES

The secretary keeps an official, legal record of meetings called the **minutes**. This record should reflect what members *did* during the meeting, not what they said.

### CONTENT OF MINUTES

Though the content of minutes may vary from organization to organization, at minimum it should contain the following:

- **First paragraph:**
  - **Type of meeting** (regular, special, adjourned regular, or adjourned special)
  - **Name of the organization**
  - **Date and time of the meeting and the place** (if it is not always the same)
  - **Notation of the regular presiding officer's and secretary's presence or that of their substitutes**
  - **Action taken on the minutes of the previous meeting(s), i.e., whether they were approved as read or as corrected.** (Note: A previous meeting's minutes should never be approved at a special meeting.)
- **Body (separate paragraph for each of the following):**
  - All main motions or motions to bring a question again before the assembly
    - Name of the maker of each motion (but not of the seconder).
    - Final wording of each motion (including any amendments) and whether each motion was adopted, lost, or temporarily disposed of (e.g., postponed or referred to a committee). Generally, motions that are *withdrawn* should not be included in the minutes.
  - All notices of motions.
  - All points of order and appeals, whether sustained or lost, along with the chair's reasons for the ruling.
- **Last paragraph:**
  - Notes the hour of adjournment.
  - Closes with the signature and title of the person writing them. In some organizations, the president also signs the minutes.
  - Inclusion of the words "respectfully submitted" is an older practice generally no longer used.

### READING AND APPROVAL OF MINUTES

At the beginning of the next regular meeting, the secretary reads the previous meeting's minutes, and the assembly approves them. The assembly normally makes corrections to the minutes and approves them by unanimous consent.

- The assembly may dispense with the reading of the minutes by a majority vote; in other words, the assembly will not consider the minutes at the regular time.
- If members receive a draft of the minutes in advance of a meeting, the secretary does not need to read them aloud.
- When an assembly approves the minutes, the secretary should write the word "Approved" with his or her initials and the date at the bottom.
- After adoption, an assembly may amend the minutes upon the discovery of an error or omission. Such an amendment requires a two-thirds vote, a majority vote with previous notice, or a majority vote of the entire membership, whichever is easiest to obtain.

## STANDARD ORDER OF BUSINESS

The secretary or recording officer should prepare an **agenda**, or order of business, for each meeting. The agenda should be made available at least to the presiding officer and secretary.

### OPENING CEREMONIES

- The presiding officer may rap the gavel once and announce, "The meeting will come to order."
- The chair is responsible for determining the presence of a quorum. In the absence of a quorum, the assembly may take only the following actions:

- Fix the time to which to adjourn (i.e., set an adjourned meeting for any time prior to regularly scheduled meeting)
- Adjourn
- Recess, making the assumption that a quorum will eventually be present
- Take measures to secure a quorum, which may include phoning absent member transporting them to the meeting
- An organization may offer an invocation or prayer. If so, this should be first.
- The playing and/or singing of the National Anthem precedes the Pledge of Allegiance.
- A member may read an inspirational or motivational message after the patriotic ceremony.
- Members may observe rituals, such as reciting an organizational pledge or recour object or ideals of the organization.
- Members may adopt the agenda if the organization has not established a special order or the organization is not following a standard agenda outlined in *Robert's Rules Newly Revised*.

### COMPONENTS OF THE STANDARD ORDER OF BUSINESS

The six components to the standard order of business follow the mnemonic device MRE:

- **Minutes**
  - The minutes, or record of the proceedings, are read and approved in chronological order. The chair asks, "Are there any corrections to the minutes?"
  - Typically, the assembly adopts both the corrections to the minutes and the minutes themselves by unanimous consent.
- **Reports of officers, boards, and standing committees**
  - Officers report in the order listed in the bylaws.
  - The secretary presents the board of directors' report (if there is a board and/or reports).
  - Standing committees report in the order listed in the bylaws.
- **Special committee reports:** Given in the order in which the committees were established.
- **Special orders:** Items that the bylaws require the assembly to handle at a particular such as the election of officers.
  - At a specific time, the assembly may interrupt business to consider any item post a two-thirds vote and made a special order (from the same or a previous meeting).
- **Unfinished business and general orders**
  - Unfinished business includes any items on the agenda not completed at the last (the term "old business" is not used).
  - General orders include any items postponed from the last meeting by a majority vote.
- **New business:** May be introduced when no other question is pending.

### CLOSING ACTIVITIES

- Under the **Good of the Order** (or general welfare of the society) heading, members may rise and provide informal observations about the organization's work, reputability, or another similar issue.
- The chair or other members may make announcements.
- The program is presented before the meeting adjourns. This might include a talk, film speaker, or other program of a cultural, educational, or civic nature. However, the speaker should never turn over a meeting to another member or guest speaker. Instead, a member should either introduce a guest speaker (if the assembly does not yet have a speaker) or present a speaker (if members already know the speaker).
- The meeting is adjourned either by motion and vote, or, if business has been conducted, the chair may ask the assembly if there is any further business. If members do not have any business, the presiding officer may declare the meeting adjourned without a motion.

### TAKING UP BUSINESS OUT OF ITS PROPER ORDER

The assembly may take up any item of business out of its proper order by adopting a motion to suspend the rules by a two-thirds vote.

## COMMITTEES

A committee is not a deliberative assembly; rather, it is one or more persons elected or appointed by an organization to consider, study, investigate, or take action on assigned matters. During a committee's deliberations in meetings, only committee members and invited guests may be present. The rules generally do not allow members to make motions to limit debate.

### COMMITTEE PROCEDURES

- **Standing committees**, established in the bylaws, have a continuous existence. These committees either have their duties assigned to them by the assembly or find them listed in the bylaws.
- **Special (ad hoc or select) committees** are established as the need arises and cease to exist either on completion of their assigned task or after making their final report.
- **Committee of the whole** is a device in which the full assembly acts as a committee to consider a motion. The rules of debate are relaxed, and members may speak in debate as often as they are able to obtain the floor. This device is usually used for large assemblies (100+ members).
  - The presiding officer appoints a chairman to preside over the committee. The presiding officer leaves the chair so as to preside more effectively during the assembly's final consideration.
  - The secretary does not record the proceedings of the committee in the minutes but does include the committee's report.
- The following are two alternate forms of committee of the whole:
  - A **quasi committee of the whole** is suited for medium-sized assemblies of about 50–100 members. Although the rules of debate are relaxed just as in a committee of the whole, the presiding officer remains in the chair. Again, the secretary does not record the proceedings in the minutes but does include the committee's report.
  - **Informal consideration**, best suited for small groups, simply removes the normal limitations on speaking in debate. The presiding officer remains in the chair, and the secretary includes in the minutes the results of any votes taken during informal consideration.

### METHODS OF APPOINTING COMMITTEES

If the assembly has not dictated how to appoint committees in its bylaws or rules of order, the assembly may decide on the method by unanimous consent or a majority vote. The power to appoint a committee includes the power to fill any vacancies. Committees may be appointed in the following ways:

- **Election by ballot:** Members make nominations using any method of nomination (see Making Nominations, previous page), and a majority vote elects.
- **Nominations from the floor (open nominations) with viva voce election:** If the assembly nominates the same number of members as positions to be filled, the chair declares that these nominees become the committee. On the other hand, if members propose more nominations than positions to be filled, the assembly votes on the candidates in the order of their nomination.

- **Nominations by the chair with a confirmation vote by the assembly:** The assessor wish not only to take advantage of the chair's knowledge and judgment but also to have the power to veto nominations. The chair names the candidates and then asks, "Shall I name these constitute the committee?" Any member may move to strike out the name of a member. If the assembly approves striking a name by majority vote, the chair proposes an alternate name.
- **Appointment by the chair:** The assembly does not vote on appointees unless the nonmembers.
  - **Appointment of the committee chairman by the chair:** If the chair or presiding officer has the power to appoint a committee, the first person he or she names to the committee is the chairman. The first-named appointee serves as the chairman unless specifically stated that the committee will elect its own chairman.
  - **Appointment of the committee chairman by the assembly or executive board:** If the assembly or executive board (i.e., not the chair) adopts a motion to name a committee, the power to name a chairman. However, if an assembly does not designate a chair to appointing a committee, the committee members have the right to elect a chairman.
- **Appointment by adoption of a motion naming members of the committee:** An assembly may use this method to appoint special committees.

### COMMITTEE REPORTS

A report is an authorized statement formally adopted by and submitted in the name of the committee. The report makes the assembly aware of actions the committee takes or recommendations the committee obtains.

- Committees should submit reports in writing, worded in the third person.
  - A **standing committee** should word reports as follows:  
The committee on [x] submits the following report . . . ."
  - A **special committee** should reports as follows:  
The committee appointed to [x] submits the following report . . . ." or  
The committee to which was referred [x] reports (or recommends) that . . . ."
- A committee's report may also contain a resolution.
- The committee chairman or reporting member introduces the resolution by its direction of the committee, I move adoption of the following resolution . . . ."
- A second is not required for a recommendation of a committee, since the recommendation was effectively seconded in committee.

# OTHER TYPES OF DELIBERATIVE ASSEMBLIES

## BOARDS

A **board** is a form of deliberative assembly that has no minimum size (but is usually smaller than an organization's assembly). A board is always subordinate to the organization itself; that is, it receives its power to operate from the organization.

### COMPOSITION AND OFFICERS

In accordance with the bylaws, a board may consist of officers, chairmen, and other members and may be called an **executive board**, **board of directors**, **board of trustees**, or **board of governors**.

- **Ex-officio members:** Often, a board includes members who serve *ex officio*, or "by virtue of their office." An *ex officio* member who is under the authority of the organization has the same privileges as any other board member. *Ex-officio* members who are not under the authority of the organization have the privilege to make motions, speak in debate, and vote but do not have the obligation to participate. In other words, the board does not count an *ex-officio* member in determining the presence of a quorum.
- Officers of an organization's board are usually the same as those serving in the organization. A board has only those powers assigned it in the organization's bylaws and conducts its business just like any other deliberative assembly. A board usually reports to the membership; an **executive committee**, composed of the elected officers, reports to the board.

### PROCEDURE IN SMALL BOARDS

**Small boards** (not more than about a dozen members present) conduct business like a committee. Generally, the following rules govern meetings of small boards (although a board may decide to deviate from these rules by the adoption of special rules of order).

- Members may make motions or speak in debate while seated; they do not need to obtain the floor to do so.
- Motions do not require a second.
- There is no limitation on the number of times a member may speak to a question.
- Generally, members may not make motions to limit or close debate.
- Members may discuss a subject informally while no motion is pending.
- If a proposal is clear to all present, a vote may be taken without having to introduce a motion formally.
- The chairman may sit while putting questions to a vote.
- The chairman may make motions, speak in debate, and (usually) vote on all questions.

## MASS MEETINGS

A **mass meeting** is a meeting of an unorganized group. It is open to anyone interested in the meeting's stated purpose or problem.

### ORGANIZATION OF A MASS MEETING

- The call, or announcement of the meeting, should specify the date, hour, and place of the meeting; its purpose, and who is invited to attend.
- Before the meeting, the sponsors should agree on
  - Who will call the meeting to order
  - Whom they prefer as a chairman
  - Who will be nominated for secretary
  - What rules, if any, will be proposed for adoption
  - Who will make the initial talk explaining the purpose of the meeting.
- The "members" of a mass meeting consist of all persons invited who attend.
- Members take a **voice vote** to elect a chairman and secretary. The secretary then reads the purpose contained in the call of the meeting.
- A member (the sponsor or a member designated by the sponsors) offers a **resolution** or a series of resolutions to accomplish the purpose.
- A motion to **adjourn** is *not* in order while business is pending, unless a time for an adjourned meeting has been established.

### ORGANIZATION OF A PERMANENT SOCIETY

Although the organizers of a permanent society work in a manner similar to the sponsors of a mass meeting, the society's **membership** should be limited to people who take an interest in the subject of the society. For this reason, *Robert's Rules of Order Newly Revised* suggests that meetings of permanent societies not be publicly announced.

- **First organizational meetings include:**
  - Election of temporary officers and introductory talks
  - Adoption of a resolution to form a permanent society
  - Selection of bylaws by committee members
  - Establishment of an adjourned meeting
- **Second organizational meetings include:**
  - Reading and approval of minutes
  - Consideration and adoption (by majority vote) of proposed bylaws
  - Recess to enroll (charter) members
  - Reading of the roll and election of permanent officers
  - Any other essential business

## CONVENTIONS

A **convention** is an assembly of delegates chosen to represent constituent subdivisions for one session. Conventions vary in size and duration, often occurring at specific yearly intervals as the bylaws dictate.

### FORMAL ORGANIZATION OF A CONVENTION

Before a convention can start business, three committee reports must be considered and adopted in the following order:

- **Credentials committee:** Adoption of this report by majority vote establishes the convention body. Additional reports may be given at the beginning of each business meeting or before crucial items of business (e.g., election of officers). A majority vote also adopts these supplementary reports.
- **Committee on standing rules:** The convention program usually includes proposals for rules, including parliamentary rules (e.g., a limitation on the length of speeches) and administrative rules (e.g., a requirement that convention participants wear badges at all times). A two-thirds vote is required to adopt convention standing rules.
  - If a member requests that a particular rule be voted on separately, members must first vote on the body of rules; then they may consider the rule in question.
  - Parliamentary rules require a two-thirds vote for adoption; administrative rules require a majority vote for adoption.
- **Program committee:** The convention program (which the assembly adopts by majority vote) outlines the order of business and additional activities during the convention. It might also contain
  - Opening/closing hours of each day's business meeting
  - Reports
  - Time for nomination and election of officers
  - Report of the convention resolutions committee
  - Times for educational workshops, meals, or social events

### RESOLUTIONS COMMITTEE

Some conventions may also have a **resolutions committee**, whose purpose is to screen all original main motions. This committee receives its power from the convention.

- The committee may only have the authority to put resolutions in proper form and logical sequence. Alternatively, it may have the authority to alter the substance of resolutions.
- The committee usually reports all resolutions referred to it and recommends each for adoption, rejection, or amendment. Alternatively, it may make no recommendation at all.
- Sometimes the committee is given the power *not* to report a resolution, thus withholding the resolution from the convention's consideration. If so, the convention should always retain the power to override the committee's determination.

# ADDITIONAL PROCEDURES

## AMENDING BYLAWS

Often, an organization may **amend its bylaws only at an annual meeting or a convention**.

### PROCEDURE

A motion to **amend the bylaws** is classified as a motion to amend something previously adopted. Normally, amendments to the bylaws require **previous notice** and a **two-thirds vote**.

- An organization may allow primary and secondary amendments as long as they do not exceed the scope of change contained in the previous notice.
- An affirmative vote cannot be reconsidered. An amendment to a bylaw takes immediate effect.

### COMPLETE REVISION OF BYLAWS

If the assembly proposes extensive changes scattered throughout the bylaws, it may consider a **complete revision** of them. A revision opens the entire document to amendment, so the assembly may make an unlimited number of changes. The current version of the bylaws is **not pending**; if a member wishes to retain an original section, he or she must make a separate motion to amend the revision.

### PROVISOS

An assembly may add (to the motion to adopt the amendment) a provision defining when the amendment to a bylaw takes effect. Alternately, a proviso in the form of an incidental motion may be adopted prior to consideration of the proposed bylaw amendment.

## DISCIPLINARY PROCEEDINGS

Although many organizations have a formal **code of ethics**, even those without a code can expect their members to behave properly. Formal disciplinary action should be reserved for serious situations, which may occur either during or outside of meetings.

### OFFENSES DURING MEETINGS

An organization has the right to determine who may be present at meetings and may also expect a reasonable level of control during meetings. All members present have the duty to obey the legitimate orders of the presiding officer, and the

assembly has the right to go into executive session (excluding nonmembers from the meeting).

- If a member commits only a **slight breach of order** (e.g., speaking directly to another member during debate), the chair may simply rap the gavel, point out the fault, and advise the member to avoid the breach in the future.
- If a member commits a **more serious offense** (e.g., repeatedly questioning the motives of other members), the chair should first warn the member. The chair or any other member may also **call the member to order** by raising a point of order.
- If the member has been warned repeatedly by the presiding officer yet persists in the offense, the chair may **name the offender**, which amounts to preferring charges on the offender. This should be used only as a last resort.
- If the member obeys, the matter may be dropped. If the member persists, the chair may ask, "What penalty shall be imposed on the member?" As a penalty, the assembly may
  - Require an apology
  - Censure the member
  - Require that the member leave the meeting room
  - Suspend membership
  - Expel the member from the organization

### OFFENSES OUTSIDE OF MEETINGS

The bylaws may include a provision outlining the penalty for certain behavior **outside of meetings** (e.g., harming the good name of the organization, hampering its work, and so on).

- **Disciplinary trial:** The organization has the right to investigate the character of its members. Any accused member has the right to a fair trial; if the bylaws do not include procedures for holding a disciplinary trial, the assembly should consult the current edition of *Robert's Rules of Order Newly Revised*.
- **Removal from office:** Any elected officer may be removed from office for misconduct or neglect of duty.
  - If the bylaws provide that officers serve "for [x] years or until their successors are elected," the assembly may rescind the election and elect a successor for the remainder of the term. The vote required would be the same as to rescind.
  - If the bylaws provide that officers serve only a fixed term or that they serve "for [x] years and until their successors are elected," the officer can be removed only as a result of a disciplinary trial.

# GLOSSARY OF TERMS

**Ad hoc:** Latin for "for this [purpose] alone"

**Address the chair:** To use the appropriate title of the presiding officer when seeking recognition

**Adjourn sine die:** An adjournment without provision for another meeting, used at the close of a convention

**Adopt:** To accept or approve a motion

**Agenda:** The established order of items of business

**Aye/yea/yes:** An affirmative vote

**Censure:** An admonition or reprimand

**Chair:** The presiding officer of an assembly

**Debate:** A discussion of the pros and cons of a motion

**Decorum:** Proper behavior

**Entertain a motion:** For the chair to request a formal motion to take a specific action

**Ex officio:** Latin for "by virtue of office"

**Germane:** Relevant (used regarding amendments or debate)

**In order:** Correct in accordance with the rules of the assembly

**Lost:** Rejected by a vote of the assembly

**Nay/no:** A negative vote

**Null and void:** Lacking legal force or effect

**Obtain the floor:** To secure recognition in order to make a motion or speak in debate

**Out of order:** In violation of the rules of the organization

**Parliamentary authority:** The book of rules adopted by an assembly to govern its parliamentary procedure

**Pending motion:** The motion under consideration

**Precedence:** Priority or rank of motions

**Prevailing side:** The side that received the greatest number of votes, either affirmative or negative

**Pro tempore:** Latin for "temporarily," "for the time being"

**Proxy:** Written authorization to vote on another member's behalf

**Question:** The immediately pending motion

**Recommit:** To refer a subject or motion again to the same or a different committee

**Ruling:** A decision made by the chair

**Stand of ease:** To take a brief pause in the meeting (shorter than a recess; members do not leave the room)

**Vote by acclamation:** Approval of a candidate by unanimous consent of the assembly



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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### ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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## INTRODUCTION

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

### The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ...”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion.** The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

### Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

**First**, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

### To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

### Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

### Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would NOT count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you DO count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

#### *How does this work in practice? Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body DOES have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote? Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

### **The Motion to Reconsider**

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, "point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

**Order.** The proper interruption would be, "point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, "return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.



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## Roberts v. Rosenberg's Rules of Order

Name of City and Clerk	Roberts	Rosenbergs	Comments
1. Glendale (Andy Kassakhian)	X		Rosenberg's are better because they address typical city council issues particularly in CA
2. Winters ( Nancy Mills)		X	Rosenberg's are simplified procedures
3. Sonoma (Gay Johann)		X	Rosenberg's are easy to understand and expeditious
4. Oroville (Jamie Hayes)		X	Switched in 2012. Felt Roberts was much too formal with the world as it is today
5. Antioch (Arne Simonsen)	X		None
6. Stockton ( Bonnie Paige)		X	None
7. Irvine (Molly McLaughlin)	X		Have not considered moving to Rosenberg's Rules
8. Oxnard (Daniel Martinez)	X		Has been some disucssion about changing to Rosenberg's
9. Santa Rosa ( Terri Griffin)		X	Shifted to Rosenberg's Rules in 2013. So far, so good
10. Fresno (Yvonne Spence)		X	In 2012 switched to Rosenberg's as the primary source with Robert's as secondary source
11. Monrovia (Alice Atkins)	X		Use Robert's Rules but no confirmation of formal adoption and no discussion of changing
12. Millbrae (Angela Louis)	X		No discussions to change
13. National City (Michael Dalla)		X	Shifted last year. Easier to use and understand, readily available online. Roberts cumbersome
14. Weslake Village (Beth Schott)	X		Have not discussed changing
15. Belmont (Terri Cook)		X	Rosenberg's much simpler and timely. Roberts is archaic and applies to larger bodies of govt
16. S. Lake Tahoe (Susan Alessi)		X	None
17. Dublin San Ramon Services District (N. Gamble)		X	None
18. Susanville (Gwenna MacDonald)	X		Consensus is that it's worth considering change only if all boards and commissions agree
19. Fillmore (Diana Impeartice)		X	No comment
20. Portola Valley (Sharon Hanlon)	X		Please share findings
21. Lawndale (Pam Giamano)		X	Council procedures allow use of Roberts but no one has asked to review
22. Contra Costa Water District (Mary Neher)			Special District
23. Riverside (Colleen Nichol)			Use neither. Have their own meeting rules.
24. Calistoga (Kathy Flamson)		X	None
25. Hollister (Geri Johnson)	X		Had discussion about changing and decided to stay with Robert's Rules
26. Rohnert Park (JoAnne Buerger)		X	In the process of changing to Rosenberg's Rules
27. Ferndale (Jennifer Church)		X	Changed to Rosenberg's Rules in 2010; prior to that operated under Roberts
28. Pinole (Patricia Athenour)	X		Use Roberts Rules. Approached City Attorney about changing and he was not supportive
29. San Rafael (Leslie Carpentiers)	X		City Council uses Roberts although Planning Commission uses Rosenberg's
30. S. San Francisco (Krista Martinelli)		X	
31. Fortuna (Linda Jensen-McGill)		X	No comment
32. Napa			Use neither. Adopted their own procedures. (included as Attachment A)
33. Rancho Palos Verdes		X	In the event of a conflict, the Munucipal Code governs over Rosenberg's Rules of Order
34. Sacramento		X	Rosenberg's Rules apply to the extent that their own Rules of Order do not address an issue
<b>TOTALS - 34</b>	<b>12</b>	<b>19</b>	<b>3 - other</b>

## Council Meeting Protocol

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*“In the conduct of the public’s business, the Rio Dell City Council strives to operate with integrity, responsibility and respect for all. The meetings of the Rio Dell City Council will be operated openly and for the purpose of protecting the rights of the minority while carrying out the will of the majority.”*

---

1. Only one person at a time speaks.
2. A speaker must be recognized by the Mayor before speaking.
3. A speaker can only speak in front of a microphone located at the podium, staff table or dais – not the audience.
4. All comments are made through the Mayor.
5. Comments are confined to the current issue before the Council.
6. Discussion should alternate between Pro and Con.
7. No cross conversations or interruptions.
8. No personal verbal attacks of other Councilmembers, public or staff.
9. Decisions are null and void if there is no quorum or proper posting.
10. Decisions are binding on all, even those who voted against.
11. Parliamentary procedure shall be governed by Rosenberg’s Rules of Order (RRO), and should an issue develop that is outside of RRO’s scope, the mayor shall have discretion in the conduct of the proceedings within these protocols.

*City of*  
**SACRAMENTO**

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## **Council Rules of Procedure**

Adopted on January 27, 2015

**Resolution No. 2015-0021**

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# CITY OF SACRAMENTO-COUNCIL RULES OF PROCEDURE

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**CHAPTER 1 – AUTHORITY/ADMINISTRATION**

**A. General Authorities and Applicability**

1. The Charter of the City of Sacramento provides that the city council shall determine its own rules and order of business.<sup>1</sup> When not in conflict with the Charter of the City of Sacramento, or the Constitution or laws of the State of California, including the Ralph M. Brown Act,<sup>2</sup> these City Council Rules of Procedure (“Rules”) shall be in effect upon adoption by resolution of the council.
2. Until such time as they are amended or new rules are adopted by resolution, these Rules shall govern the order and conduct of business of the council and other legislative bodies that meet concurrently with the council, as well as various council committees, and council-established boards and commissions (collectively, “legislative bodies”). Those council-established boards, commissions, and committees that are required by law to adopt rules of procedure shall adopt rules that are consistent with these Rules to the extent possible.

**B. General Administration**

1. The council shall review and revise these Rules at least annually, or as needed.
2. During council discussions, deliberations, and proceedings, the presiding officer has the primary responsibility to ensure that the council, staff, and members of the public adhere to these Rules.
3. Any member who thinks the Rules are being violated may make a “point of order” to call for the presiding officer to enforce the Rules.

**C. Amendment**

Any rule may be adopted, altered, amended, or repealed by resolution at any time by a majority vote of the council, provided that at least a one week notice of such proposed rule change is given to the council members.

**D. Suspension**

Any rule may be temporarily suspended by a two-thirds vote of all council members present, being not less than five votes of the council.

**E. Rosenberg’s Rules of Order**

To the extent these Rules do not address an issue of parliamentary procedure for legislative body meetings, Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21<sup>st</sup> Century shall apply.

**A. Duties of Members and Staff**

1. Council members ("members") and city staff shall conduct the business of the City of Sacramento:
  - a. recognizing that stewardship of the public interest is of primary concern;
  - b. working for the common good of the people of Sacramento; and
  - c. assuring fair and equal treatment of all persons, claims, and transactions coming before the council, council committees, and council-established boards, commissions, and committees (legislative bodies).

**B. Duties of Mayor, Vice Mayor and Mayor Pro Tempore**

1. The mayor is:
  - a. the presiding officer of the city and of all meetings of the council;
  - b. the official head of the city for performance of duties lawfully delegated to the mayor by the charter;
  - c. referred to as "chair" or "chairperson" when acting as presiding officer of legislative body meetings other than the council;
  - d. considered a member of the council;
  - e. entitled to make and second motions on matters before the council and vote on actions, but shall possess no veto power over actions of the council;
  - f. the primary, but not the only, person responsible for interpreting the policies, programs, and needs of city government to the people; and for informing the people of any major change in policies or programs; and
  - g. empowered, but not exclusively empowered, to make recommendations to the council on all policies and programs that require council decisions; and to perform such other duties as prescribed by the charter.
2. The vice mayor and mayor pro tempore shall be elected annually from among the members of the council, other than the mayor, by a majority vote at the council's first meeting in January.
  - b. In the absence of the mayor from the city or a council meeting, the vice mayor shall possess all powers of the office of the mayor, and be subject to all prescribed duties for that office.
  - c. In the absence of the mayor and vice mayor from the city or a council meeting, the mayor pro tempore shall possess all powers of the office of the mayor, and be subject to all prescribed duties for that office.

**CHAPTER 3 - CONDUCT OF MEMBERS**

**A. Norms and Expectations**

1. Members shall:
  - a. put constituents first at all times;
  - b. treat each other, staff, and members of the public with dignity, courtesy, and respect;
  - c. value all opinions, be tolerant of new and different ideas, and encourage creativity and innovation;
  - d. follow through on commitments and be accountable to each other;
  - e. clarify when items are discussed in confidence and maintain appropriate confidentiality;
  - f. be attentive to others, limiting interruptions and distractions;
  - g. encourage dissent in debate while being mindful not to prolong discourse or block consensus;
  - h. be candid with each other about ideas and feelings, and resolve conflicts directly;
  - i. keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves;
  - j. continuously strive to improve how members work as a team;
  - k. place clear and realistic demands on staff resources and time when requesting action;
  - l. start and end meetings on time, work from an agenda, and be present, attentive, and prepared;
  - m. present problems in a way that promotes discussion and resolution; and
  - n. continually work to build trust in each other.

**B. General Conduct**

1. Members shall:
  - a. treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
  - b. be fair, impartial, and unbiased when voting on quasi-judicial actions;
  - c. use the speaker sequencing system to inform the presiding officer of their wish to speak and wait to be acknowledged by the presiding officer before speaking;

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- d. move to require the presiding officer to enforce these Rules, and the presiding officer shall do so upon an affirmative vote of a majority of the members present;
- e. preserve order and decorum during the meeting;
- f. not delay or interrupt the proceedings or the peace of the council, nor disturb any member while speaking, by conversation or otherwise, nor disobey the orders of the council, or the presiding officer, except as otherwise herein provided;
- g. abide by the Confidential Information Policy (Resolution No. 2010-108) prohibiting disclosure of confidential communications and authorizing public censure for failure to comply with the policy;
- h. support the laws established by the council; and
- i. abide by these Rules in conducting the business of the City of Sacramento.

### **C. Conduct with Members**

1. Members shall:
  - a. value each other's time;
  - b. attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority;
  - c. have the right to dissent from, protest, or comment upon any action of the council;
  - d. respect each other's opportunity to speak and, if necessary, agree to disagree;
  - e. avoid offensive negative comments and shall practice civility and decorum during discussions and debate; and
  - f. assist the presiding officer's exercise of the affirmative duty to maintain order.

### **D. Conduct with City Manager and Staff**

1. Members shall:
  - a. speak to the city manager directly on issues and concerns;
  - b. direct the city manager to implement council's policy decisions through the administrative functions of the city;
  - c. treat staff professionally and refrain from publicly criticizing individual employees;
  - d. avoid involvement in personnel issues except during council closed sessions regarding council-appointed staff such as the city manager, city attorney, city

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treasurer, city clerk, or city auditor, including hiring, firing, promoting, disciplining, and other personnel matters;

- e. discuss directly with the city manager, city attorney, city clerk, city treasurer, or city auditor as appropriate, any displeasure with a department or staff; and
- f. request answers to questions on council agenda items from the city manager, city attorney, city clerk, city treasurer, city auditor, department directors, or division managers prior to the meeting whenever possible.

### **E. Conduct with the Public**

#### 1. Members shall:

- a. make the public feel welcome;
- b. be impartial, respectful, and without prejudice toward the public;
- c. listen courteously and attentively to public comment;
- d. not argue back and forth with members of the public; and
- e. make no promises to the public on behalf of the council.

### **F. Conduct with Other Agencies**

#### 1. Members shall:

- a. project a positive image of the city when dealing with other agencies;
- b. show tolerance and respect for other agencies' opinions and issues and, if necessary, agree to disagree;
- c. represent official policies or positions of the council when designated as delegates of a legislative body;
- d. explicitly state when their opinions and positions do not represent the council when representing their individual opinions and positions, and shall not allow the inference that they do (see also Rule 13.1.c); and
- e. have the ability to lobby or discuss issues that have been adopted by legislative bodies or are standing policies of the legislative bodies with other legislators, government officials, applicants, or other interested persons.

### **G. Conduct with Boards and Commissions**

#### 1. Members shall:

- a. treat all members of boards and commissions with appreciation and respect; and
- b. refrain from participation at board and commission meetings with the purpose of influencing the outcome of those meetings.

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### **H. Conduct with the Media**

1. Members shall not discuss, or go "off the record" with the media to discuss, confidential or privileged information pertaining to closed sessions, or attorney-client privileged or attorney work product communications, including personnel, litigation, or real property negotiations.
2. Providing non-confidential, non-privileged background information is acceptable.

### **I. Ethical Conduct**

1. Members shall receive at least two hours of training in ethics, conflicts of interest, open meetings laws, competitive bidding requirements, bias prohibitions, etc., in accordance with Government Code section 53234 et seq.<sup>3</sup> every two years.
2. Members shall conduct themselves in accordance with such training.

**CHAPTER 4 – CONDUCT OF CITY STAFF**

**A. General Conduct**

1. City staff shall:
  - a. prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;
  - b. be available for questions from members in accordance with the Brown Act prior to and during meetings;
  - c. respond to questions from the public during meetings only when requested to do so by members or the city manager;
  - d. refrain from arguing with the public or members; and
  - e. switch any electronic equipment such as pagers and cellular telephones to silent or off mode during council meetings.
2. Staff shall remain objective on issues and should not be advocates for issues unless so directed by the legislative body.
3. To the extent permitted by the Brown Act, the city manager and staff shall inform the mayor and members representing the districts affected of controversial, significant-impact issues that are coming before the legislative body. The information shall be provided at least two weeks prior to the legislative body's meeting, unless circumstances do not allow for such advance notice.
4. The city manager shall advise management staff of potentially political or controversial issues coming before the legislative body and direct staff to be present and appropriately prepared.
5. The city manager shall make available an informational briefing for member's staff for items affecting the city and items on, or potentially on, the council agenda. Briefings shall include necessary department staff and shall take place no later than six days preceding potential council action.

**CHAPTER 5 – CONDUCT OF THE PUBLIC**

**A. General Conduct**

1. Decorum.
  - a. Members of the public attending council meetings shall observe the same rules and decorum applicable to the members and staff as noted in chapters 3 and 4 of these Rules.
  - b. No person shall engage in conduct that is intended to or is likely to provoke violent or riotous behavior, nor shall any person engage in conduct that disturbs the orderly conduct of the council meeting. Examples of disorderly conduct include feet-stamping, whistling, yelling or shouting, organized silent demonstrations, physically-threatening conduct, and similar demonstrations.
  - c. The presiding officer shall request that a person who is breaching the rules of decorum cease the conduct. If the person does not cease the conduct immediately, the presiding officer may order the person to leave the council meeting. The sergeant-at-arms shall assist the presiding officer in enforcing the rules of decorum, including removing disorderly persons upon order of the presiding officer.
2. Lobbyists shall identify themselves and the client(s), business, or organization they represent before speaking to the council.<sup>4</sup>
3. Members of the public wishing to provide documents to the council shall comply with Rule 7.D.

**B. Addressing the City Council**

1. Purpose of public comment. During regular meetings, the city provides opportunities for the public to address the council as a whole in order to listen to the public's opinions regarding agenda items and unagenda matters within the subject matter jurisdiction of the city. At all other meetings, public comment is limited to agenda items.
  - a. Public comments should not be addressed to individual members nor to city officials, but rather to the council as a whole regarding city business.
  - b. While members of the public may speak their opinions on city business, personal attacks on members and city officials, use of swear words, and signs or displays of disrespect for individuals are discouraged as they impede good communication with the council.
  - c. Consistent with the Brown Act, the public comment periods on the agenda are not intended to be "Question and Answer" periods or conversations with the council and city officials. The limited circumstances under which members may respond to public comments are set out in Rule 8.D.2.

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- d. Members of the public with questions concerning Consent Calendar items may contact the staff person or the member whose district is identified on the report prior to the meeting to reduce the need for discussion of Consent Calendar items and to better respond to the public's questions.
2. Speaker time limits. In the interest of facilitating the council's conduct of the city's business, the following time limits apply to members of the public (speakers) who wish to address the council during the meeting.
  - a. Matters not on the agenda. Two minutes per speaker.
  - b. Consent Calendar items. The consent calendar is considered a single item, and speakers are therefore subject to the two minute time limit for the entire consent calendar. Consent calendar items can be pulled at a member's request and will be considered individually, with up to two minutes of public comment per speaker.
  - c. Discussion Calendar items. Two minutes per speaker.
  - d. Time limits per meeting. In addition to the above time limits per item, the total amount of time any one speaker may address the Council at any meeting is eight minutes.
    - (i) Each speaker shall limit his/her remarks to the specified time allotment.
    - (ii) The presiding officer shall consistently utilize the timing system, which provides speakers with notice of their remaining time to complete their comments. A countdown display of the allotted time will appear and will flash red at the end of the allotted time.
    - (iii) In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group, but with no increase in time.
    - (iv) Speakers shall not concede any part of their allotted time to another speaker.
    - (v) The presiding officer may further limit the time allotted for public comments per speaker or in total for the orderly conduct of the meeting; such limits shall be fairly applied.
3. Speaker slips. Members of the public wishing to speak to the council should complete, and turn into the city clerk prior to the item being called, a speaker's slip indicating the agenda item or off-agenda item that they wish to address and wait to be called upon by the presiding officer.

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### C. Electronic Devices

1. Members of the public shall turn their electronic devices that are capable of emitting sound – including cellular telephones, personal data devices, pagers, digital tablets, laptop computers, etc. – to the off- or silent-mode during council meetings.
2. Cameras. Cameras and recording equipment may be used during council meetings only if:
  - a. the devices are silent during use; and
  - b. the devices are used in a manner and at locations that do not impede walkways or others views of the meeting or disrupt the conduct of the meeting.

### D. Location of Speaker

1. Members of the public shall not approach the dais without the express consent of a council member.
2. Members of the public wishing to address the council must approach the podium when recognized by the presiding officer or city clerk, and speak only from the podium.

**CHAPTER 6—MEETING TYPES AND SCHEDULES**

**A. Regular Meetings**

1. The council shall meet after 5:00 p.m. not less than one evening each week, not including its four weeks of recess annually.<sup>5</sup>
2. The council shall meet each Tuesday generally beginning at 6:00 p.m. in the City Hall Council Chamber, 915 I Street, First Floor, Sacramento, California, except as otherwise provided in the annually-adopted meeting schedule or as otherwise revised by the council.
3. Whenever possible, special workshops shall take place in the council chamber.

**B. Adjourned Meetings**

As permitted by law, the council may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the motion of adjournment.

**C. Special Meetings**

The mayor or a majority of the members may call a special meeting by providing notice 24 hours in advance of the meeting to the mayor, to all members, and to all media outlets and persons having requested in writing notification of such meetings pursuant to state law.

**D. Emergency Meetings**

1. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the legislative body may hold an emergency meeting without complying with either the 72-hour or 24-hour notice and posting requirements for regular and special meetings, but shall otherwise comply with the Brown Act procedures generally stated below.
2. Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to the Brown Act, shall be notified by the presiding officer of the legislative body, or designee thereof, at least one hour prior to the emergency meeting, or in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the emergency meeting.
3. This notice shall be given by telephone call to the numbers provided in the most recent request for notification.
4. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television

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stations of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

5. During an emergency meeting, the legislative body may meet in closed session pursuant to the Brown Act if agreed to by a two-thirds vote of the members present, being not less than five votes of the council.
6. All special meeting requirements in the Brown Act shall be applicable to an emergency meeting, with the exception of the 24-hour notice and posting requirement.
7. The minutes of an emergency meeting; a list of persons who the presiding officer of the legislative body, or designee of the council, notified or attempted to notify; a copy of the roll call vote; and any actions taken at the meeting, shall be posted for a minimum of ten days in a public place as soon after the meeting as possible.

### **E. Closed Sessions**

1. Closed sessions generally shall be conducted weekly or during special meetings held immediately prior to regular meetings.
2. In accordance with the Brown Act, the public may speak regarding any closed session item prior to the closed session.
3. All closed session information, verbal or written, is privileged and confidential and shall not be shared with any person not at the closed session. Any member sharing information in violation of this rule may be subject to censure by the council consistent with the council's confidentiality policy then in effect.
4. The city attorney shall report out in public session any reportable actions that were taken by council and the vote on such actions in accordance with the Brown Act.<sup>6</sup>

### **F. Public Hearings**

1. The city clerk shall set council hearing dates and notify the council via the preliminary agenda on all matters that require a notice and public hearing before the council, such as matters received from the planning division and appeals to the council.
2. Public hearings will not be withdrawn or continued without the full knowledge and concurrence of the members within whose districts/jurisdiction the issue resides.
3. The council may refuse to grant a continuance of any hearing unless there is a valid legal reason why the hearing must be continued.

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### 4. Continuances.

- a. Any person (applicant, appellant, or designated representative) scheduled for a public hearing before the council:
  - (i) may obtain one continuance for a period not to exceed the second regular meeting after the original scheduled hearing date, as a matter of right, without personally appearing before the council on the scheduled hearing date, provided a written request for the continuance must be delivered to the city clerk by noon on the day prior to the scheduled public hearing. Any person who has once obtained a continuance by any procedure, may not obtain a subsequent continuance by notifying the city clerk as provided in this Rule 6.F..a(i).
  - (ii) who wants to obtain a continuance of the hearing beyond the second regular meeting after the original scheduled hearing date, or has not notified the city clerk as provided in Rule 6.F.4.a(i), may obtain a continuance only by appearing before the council at the time the original hearing is scheduled and requesting a continuance. This continuance is not a matter of right and will not be granted unless the council is satisfied that good cause exists for the continuance and that a substantial number of people will not be inconvenienced by such continuance.
  - (iii) who has once obtained a continuance of a hearing either by notice to the city clerk per Rule 6.F.4.a(i) or by personal appearance per Rule 6.F.4.a(ii), may obtain a further continuance only by appearing before the council at the scheduled hearing and satisfying the council that extraordinary circumstances exist that would justify this second continuance.
  - (iv) who has twice obtained a continuance of a hearing, may obtain an additional continuance only by appearing before the council at the scheduled hearing and satisfying the council that a miscarriage of justice would result from the refusal of the council to grant a continuance.
- b. City staff may obtain a continuance based on the need of the originating department or on behalf of a member. Department staff may request, via the city clerk, as many continuances as needed to complete and ready the project or appeal for the hearing process; however, staff may not serve as a requestor on behalf of an applicant or appellant.
- c. Any organized group of residents or neighborhood associations, not recognized as an applicant or appellant, may contact their council member and request a continuance as needed to complete and ready the project or appeal for the hearing process. The member, in his or her sole discretion, may request the council approve the continuance for good cause.

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- d. Disputes regarding the length of a continuance will be decided by the council at the scheduled hearing if city staff or the city clerk cannot obtain mutual agreement between the parties beforehand.

### **G. Teleconferenced Meetings**

Members of the public wishing to attend meetings and address the council via teleconference or other electronic device may do so only at duly-noticed teleconference locations set from time to time for members' attendance in accordance with the Brown Act.

### **H. Televised Meetings**

Meetings held in the council chambers are generally telecast via local cable television and available via streaming video on the city's official website.

**CHAPTER 7- MEETING AGENDAS**

**A. Requirements for Agenda Item Submission**

1. The city manager and city clerk shall develop the agenda for council meetings in consultation with the mayor and vice mayor.
2. Members may submit items for inclusion on a future agenda by orally making the request under Council Ideas, Comments, and Questions.
3. Charter officers may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.
4. The city auditor and independent budget analyst may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda.
5. Department directors, subject to the discretion of the city manager, may submit staff reports or descriptions of oral reports to the city clerk for placement on the agenda
6. Outside agencies may submit agenda items in accordance with the following:
  - a. Items from outside agencies must be sponsored for agenda placement by members, charter officers, or department staff; and
  - b. All agenda items must be submitted in accordance with the agenda packet submission and preparation requirements.

**B. Declaration of Policy**

1. No ordinance, resolution, motion, or item of business shall be introduced or acted upon at a meeting of a legislative body of the city without it appearing on a duly noticed and posted agenda in accordance with the Brown Act. Exceptions to this rule are limited to those provided by state law.
2. No ordinance, resolution, motion, or item of business will be considered that:
  - a. does not affect the conduct of the business of the City of Sacramento or its powers or duties as a municipal corporation, or
  - b. supports or disapproves of any legislation or action
    - (i) of the State of California;
    - (ii) of the Congress of the United States; or
    - (iii) before any officer or agency of the state or nation,
  - c. unless the proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers or duties of the City of Sacramento or its officers or employees.

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- d. Rule 7.B.2 may be invoked only before public comment or council deliberation on the matter and by five affirmative votes on the question: "Shall the council consider this matter?"

### C. Procedures for Submission of Reports

1. A written staff report should be prepared and submitted to agenda review in accordance with the agenda review procedure.
2. Staff reports shall include a section reflecting review by the city attorney as appropriate.

"Continued" items do not require a new report if there are no changes other than the agenda date. If there is any other change, a new report meeting all applicable requirements must be submitted.

### D. Written Communications from the City and the Public

1. The city clerk shall manage communications to members regarding meeting topics to ensure compliance with the Brown Act.
  - a. Except for records exempt from disclosure under the California Public Records Act<sup>7</sup> and otherwise by law, agendas or any other writings distributed to all or a majority of the members of a legislative body for discussion or consideration at a public meeting are disclosable to the public, and shall be made available upon request without delay.
  - b. Materials distributed to the members during the meeting shall be available for viewing by the public during the meeting if the materials were prepared by the city or a member, or at the conclusion of the meeting if prepared by another person.<sup>8</sup>
2. Interested parties or their authorized representatives may address the council by written communications regarding agenda items. Such written communications received by the city clerk prior to close of business on the eighth day preceding the council meeting will be included in the agenda packet material.
3. Written communications received by the city clerk after such deadline will be delivered to members at the city council meeting if related to an item on that meeting agenda.
4. Documents (15 copies recommended) that members of the public submit to the city council at the meeting shall be given directly to the city clerk for distribution and shall not be given directly to the council. The documents will be available to the public.

### E. Preparation of the Agenda Packet

1. No later than noon on the Thursday prior to each regularly scheduled meeting, the city clerk shall finalize the agenda packet.

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### 2. Agenda Packet Contents.

- a. The agenda packet shall include the agenda, the staff reports, draft resolutions and ordinances, contracts, and other attachments. Items noted as "To Be Delivered" on the agenda will be delivered and published to the city's website upon receipt by the city clerk. No item shall be required to be considered by the council if the applicable written material is not delivered to the council before the meeting and made available to the public at the same time.
- b. Corrections or supplements to a staff report or other written materials already included in the agenda packet may be delivered separately.
- c. All agreements on the agenda shall be available for review by the council and the public prior to the meeting, or at the meeting location during the meeting, unless determined otherwise by the city attorney.
- d. Unless waived by a 2/3 vote of council, all labor agreements and all agreements greater than \$1,000,000 shall be posted on the city's website and be made available to the public at least 10 days prior to council action.

### F. Distribution of the Packet

1. The city clerk shall distribute the agenda packet to the members and persons requesting copies of the agenda packet no later than Friday at noon prior to the regularly scheduled meeting.

Paper or electronic copies of the agenda packet shall be available for the news media and other such organizations, agencies, institutions, or persons who so subscribe.

### G. Posting of Agenda

1. The city clerk shall post the agenda of each regular or adjourned regular meeting of the legislative body at least 72 hours in advance of the meeting in a location that is freely accessible to members of the public as required by the Brown Act.
2. The city clerk shall maintain an affidavit indicating the location, date, and time of posting each agenda.
3. Agendas will generally be published to the city's website by the end of business on the Thursday before regular meetings.
4. Agenda reports including attachments, exhibits, and agreements will generally be published to the city's website by end of business on the Friday before regular meetings.
5. If technical difficulties occur, the agenda and reports will be published on the city's website as soon as those difficulties are resolved.

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### H. Failure to Meet Agenda Deadlines

1. The city clerk shall not, without the consent of the city manager or city attorney, accept any agenda item or revised agenda item after the deadlines established and noted in these Rules.

### I. Exceptions to the Agenda Requirement

1. Matters not included on the published agenda may be discussed and acted upon by the legislative body only in the following situations:
  - a. at a meeting during which a majority of the members determine in open session that the matter in question constitutes an "emergency"<sup>9</sup>; or
  - b. Upon a determination by two-thirds of the members, or if less than two-thirds are present by unanimous vote of the members present, that:
    - i) there is a need to take immediate action; and
    - ii) the need for action came to the attention of the city after the agenda had been posted; or
  - c. the item was posted for a prior meeting occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

### J. Types of Agenda Items

1. Closed Sessions-confidential discussions with the legislative body as permitted by the Brown Act.
2. Ceremonial Matters-the presentation and receipt of ceremonial resolutions and celebrations not requiring formal legislative body action.
3. Administrative Matters-consent items making clerical corrections to previous legislative documents and to ensure accurate legislative history.
4. Consent Calendar-considered one item, consisting of matters routine in nature and not likely to be subject to debate or inquiry by the members or the public; typically adopted in one motion.
5. Public Hearings-duly noticed hearings as mandated by local, state, or federal law, providing an opportunity for public review and comment of a proposed action by the council.
6. Discussion Calendar-non-routine items requiring an oral presentation and discussion before action is taken.
7. Information Items-items when staff is required by federal or state law or city code to inform council of an issue when authority has been delegated to a person, position, board, or commission.

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8. Public Comment-oral communications from the audience regarding matters not on the agenda but within the subject matter jurisdiction of the city.
9. Council Ideas, Comments, and Questions:
  - a. Brief oral or written reports summarizing meeting or conference attendance at city expense, as required by AB 1234;<sup>10</sup>
  - b. Requests that city manager or staff report on various issues;
  - c. Requests to place items on a future council meeting agenda;
  - d. Requests to refer preparation or review of non-binding resolutions or ordinances to the Law and Legislation Committee; and
  - e. Reports on district and citywide activities or news.

### **K. Ordinances and Non-Binding Resolutions**

1. Ordinance and non-binding resolution preparation shall be referred to the Law and Legislation Committee before coming to council as described in Rule 13.A.2.
2. Ordinances on the agenda may be passed for publication or adopted in accordance with the procedures in the city charter.<sup>11</sup>

**CHAPTER 8- CONDUCT OF MEETING**

**A. Call to Order – Presiding Officer**

1. The mayor, or in the mayor's absence the vice mayor, shall take the chair at the hour appointed for the meeting and shall immediately call the meeting of the council to order.
2. In the absence of the mayor and vice mayor, the clerk shall call the meeting to order and a mayor *pro tempore* shall be appointed from the members present.
3. Upon the arrival of the mayor, the vice mayor shall immediately relinquish the chair at the conclusion of the business then before the council.

**B. Roll Call/Attendance**

1. A majority of the members of the council then in office shall constitute a quorum.
2. Before the council proceeds with the business before it, the city clerk shall note the members present for the minutes. The late arrival of members shall be entered into the minutes.
3. A member shall be considered present at a meeting if the member is either physically in the council chamber or is participating in the meeting through teleconference in accordance with the Brown Act. (See endnote 4.) Meeting attendance of members through teleconference will be permitted only in extraordinary circumstances such as a medical condition that physically disables the member from attending in person.
4. Members attending a council meeting through a teleconference are not counted when determining a quorum.
5. Members must be physically present at the council chamber dais or teleconference location to vote. Proxy or absentee voting is not permitted.

**C. Order of Discussion**

The order of business is typically carried out as listed on the agenda or as set out below; however, the mayor may reorder the items, unless members object. Members may request items be reordered by motion.

1. Public Comment will be held at the end of the meeting prior to council comments.
2. Consent Calendar items removed for discussion
  - a. Members, the city manager, or other charter officers may request that any matter be removed from the Consent Calendar.
  - b. All matters remaining on the Consent Calendar shall be approved by a single action, such single action to have the legal effect of individual action on each matter.

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- c. The city clerk shall read into the record each item removed from the Consent Calendar.
  - d. If Consent Calendar items are removed, they shall be discussed immediately after adoption of the balance of the Consent Calendar.
3. Public Hearings.
- a. The order of public hearings will generally be as follows:
    - (i) Staff comments, information, and reports, followed by member questions.
    - (ii) Proponent, if applicable, speaks, followed by member questions.
    - (iii) Opponent, if applicable, speaks, followed by member questions.
    - (iv) If the public hearing is on an appeal that does not require council *de novo* review, then the appellant (opponent) speaks before the applicant (proponent) in accordance with the allotted time.
    - (v) Public comments.
    - (vi) If the public hearing is a *de novo* review appeal, the applicant speaks in rebuttal, but if not a *de novo* review appeal, the appellant speaks in rebuttal.
    - (vii) Closure of public hearing.
    - (viii) Further member discussion, motion, and action. See Rule 6.F regarding continuances.
  - b. The presiding officer may direct speakers to avoid repetition in order to permit maximum information to be provided the council within the time allotted to the hearing.
4. Discussion Calendar.
- a. The order of discussion after introduction of an item by the mayor will generally be as follows:
    - (i) Staff comments, information, and reports, followed by questions from the members.
    - (ii) Public comments and information, followed by questions from the members.
    - (iii) Member discussion, motion, and action.
  - b. Once the item is placed before the council for discussion, motion, or action, no member of staff or the public shall be allowed to address the council without the consent of the mayor or members.

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### D. Oral Communications from the Audience

1. As required by the Brown Act, a portion of each council meeting agenda will provide an opportunity for members of the public to address the council on any agendized item, including closed session and consent calendar items. Regular meeting agendas also will provide for public comment on any unagendized matter that is within the subject matter jurisdiction of the city.
2. In response to public comment on non-agendized items, the members may individually:
  - a. briefly respond to statements made or questions posed by members of the public;
  - b. ask questions for clarification;
  - c. provide a reference to staff or other resources for factual information or response;
  - d. request staff to report to the council at a subsequent meeting; and
  - e. request staff to place a matter of business on a future agenda as needed.

### E. Quorum Call

1. During the course of the meeting, should the presiding officer note a quorum is lacking, the presiding officer shall call this fact to the attention of the clerk.
2. The presiding officer then shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the presiding officer may declare a recess for a reasonable period of time in order to reestablish a quorum.
3. If no quorum is reestablished within a reasonable time, the presiding officer shall adjourn the meeting.

### F. Obtaining the Floor

1. Any member wishing to speak must first obtain the floor by being recognized by the presiding officer. The presiding officer shall recognize any member who seeks the floor when appropriately entitled to do so.
2. With the concurrence of the presiding officer, a member holding the floor may address a question to another member and that member may respond while the floor is still held by the member asking the question. A member may opt not to answer a question while another member has the floor.

### G. Motions

1. *Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century* shall be used for the management of motions.

# CITY OF SACRAMENTO-COUNCIL RULES OF PROCEDURE

## H. Voting

### 1. Requirements for Action.

- a. Unless a higher vote is required by the city charter, the city code, or otherwise by law, the affirmative votes of at least five members of the council shall be required:
  - (i) for the council to take action on an item of business;
  - (ii) to pass any ordinance, resolution, or motion; or
  - (iii) to make or approve any order for the payment of money requiring council approval.
- b. Any ordinance declared by the council to be necessary as an emergency measure and containing a statement of the facts constituting such emergency as provided in the city charter may be introduced and adopted at the same meeting if passed by at least six affirmative votes.

### 2. Voting Disqualification.

- a. A member shall not vote upon any matter on which the member is disqualified due to a conflict of interest, or any quasi-judicial action regarding that in which the member is biased.
- b. A member shall openly state an abstention due to a conflict of interest or bias.
- c. A member who is abstaining due to a financial conflict of interest shall publicly identify the financial interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.
- d. As to any other conflict of interest, the member's determination may be accompanied by an oral or written disclosure of the conflict of interest.
- e. A member who is disqualified by a conflict of interest in any matter shall not remain on the dais during the discussion and shall not vote on that matter. However, the member may remain on the dais for Consent Calendar items if the member states the abstention from the vote due to the described conflict of interest before the Consent Calendar is voted on in one motion.

**CHAPTER 9- COUNCIL REQUESTS**

**A. General**

1. Council requests that deal with policy issues and council requests that may be construed as direction shall be directed to the city manager, except for general inquiries or questions, in which case the council may go to the department directors or key staff in the City Manager's Office. Members may also deal directly with the city attorney, city clerk, city treasurer, city auditor, or other staff appointed by the council.
2. Council requests requiring funding must go through the city manager. The city manager shall respond in a timely manner.
3. Council requests to prepare or consider new ordinances or non-binding resolutions shall be made in accordance with Rule 13.B.

**CHAPTER 10 – VACANCIES**

**A. Procedures**

1. Per the city charter:<sup>12</sup>
  - a. Absence from five consecutive regular meetings of the council, unless excused by resolution of the council, shall operate to vacate the seat of the mayor or member so absent; and
  - b. A vacancy in the office of council member or mayor
    - i. shall be filled by special election called by the council as provided in the city charter,<sup>13</sup> unless
    - ii. the vacancy occurs within one year of the next general election at which that office would normally be filled, in which case the vacancy shall be filled by appointment. The city clerk shall be directed to perform council-determined procedures and take the necessary actions to accomplish the recruitment and appointment of candidates as provided in chapter 2.40 of the city code.

**CHAPTER 11– FACILITIES**

**A. Council Chamber Capacity**

Council chamber attendance is limited to the posted seating capacity. The city manager shall appropriately regulate entrance to the council chamber when the council chamber capacity is likely to be exceeded. When legislative bodies are in session, members of the public shall not remain standing in the seating area or aisles of the council chamber. Sitting on the floor is not permitted. The sergeant-at-arms shall enforce this chapter.

## CHAPTER 12 - CITY COUNCIL COMMITTEES/REGIONAL ORGANIZATIONS

### A. General

1. The mayor shall make all appointments to council standing committees, subject to the approval of the council. The mayor shall make all appointments to council ad hoc committees.
2. A standing committee is a permanent committee of the council established to consider subjects of a particular class, with regularly scheduled meeting dates and times.
3. An ad hoc committee is a temporary committee of the council established for a special purpose and of limited duration.
4. Standing and ad hoc committees have fact-finding, informative, and recommendatory powers only, and such other powers delegated by the council.
5. The council intends that council committees, to the extent possible, conduct a full hearing on any matter referred to that committee before the committee refers the matter back to the council.
6. The city clerk shall maintain and keep on file a list of the standing committees, ad hoc committees, regional organizations, and joint powers agencies to which council members are appointed.

### B. Standing Committees

1. General Guidelines
  - a. Standing committee appointments shall be made by the mayor each January.
  - b. Standing committees shall meet in the council chamber to allow for videostreaming and website access of meetings.
  - c. Standing committees are subject to the Brown Act. Standing committee agendas shall be prepared, posted, and distributed in accordance with the Brown Act stating the time and place of the meeting and the subject matters to be discussed.
  - d. A council member who is not a member of the standing committee may attend a standing committee meeting, provided the member attends only as an observer, does not testify or otherwise participate in any discussion, and sits amongst the public.
  - e. Except as provided in subsection f, all items on a standing committee's agenda shall first be referred to the committee by the council for review, with a recommendation returned to the council within 120 days, subject to the exceptions set forth below or as otherwise modified by the council.

## CITY OF SACRAMENTO-COUNCIL RULES OF PROCEDURE

- f. With approval of the city manager or committee chair, an item may be sent directly to a standing committee without council referral. If a matter is so referred to a standing committee, the committee agenda shall note that fact on the face of the agenda and the committee chair shall notify the council. Such referrals are not required to be forwarded to the council unless council action is recommended by the standing committee.
  - g. The city manager shall assign staff to assist the committee chair with the operation of the committee.
  - h. The committee chair shall approve committee agendas and be provided draft reports prior to being published.
2. As of the date of adoption of these Rules there are three existing standing committees: the Law and Legislation Committee (Chapter 13); the Personnel and Public Employees Committee (Chapter 14); and the Budget and Audit Committee (Chapter 15). These committees have three or four members, as indicated on the council-approved appointment roster. For a four-member committee, the quorum is three; for a three-member committee, the quorum is two.

### C. Ad Hoc Committees

1. Establishment.
  - a. The mayor or a majority of the council may request the creation of an ad hoc committee
  - b. The city manager or department director, together with the city attorney, shall work with the appropriate supporting department(s) and determine the scope and approximate duration the ad hoc committee will be needed.
  - c. The department director shall submit a request to the mayor, with a copy to the city clerk, requesting the creation of and appointment of up to four members to an ad hoc committee.
  - d. Council members who are not ad hoc committee members shall not attend ad hoc committee meetings.
  - e. Once the ad hoc committee has completed its task, the supporting department shall submit a report to the mayor, with a copy to the city clerk, stating completion of the ad hoc committee tasks and request the dissolution of the ad hoc committee.
  - f. The City Clerk will provide a report to Council announcing the dissolution of the ad hoc committee.

## CITY OF SACRAMENTO-COUNCIL RULES OF PROCEDURE

### 2. Scheduling.

- a. Once an ad hoc committee has been established, all meeting requests shall be directed to the city clerk for coordination with member's calendars and to set a meeting location. Once confirmed, the city clerk shall notify the members, mayor's office, city manager (or designee), and the city attorney (or designee) of the meeting details.

### **D. Regional Organizations**

The mayor shall appoint council representatives to the regional organizations and joint powers agencies listed in the documents maintained by the city clerk, subject to council approval.

**CHAPTER 13 – LAW AND LEGISLATION (LAW AND LEG) COMMITTEE**

**A. Authority; Purposes**

1. Authority to Represent City Positions.
  - a. The Law and Leg Committee has the authority to take positions on behalf of the city on state and federal legislation.
  - b. The mayor or the chair of Law and Leg Committee has the authority to take positions on behalf of the city when the need to react quickly does not allow for a matter to be considered by the Law and Leg Committee.
  - c. Except as provided in subsections a and b, no person or committee has authority to represent the council on policy matters, unless that authority has been granted by the council or the information is limited to a factually accurate statement of the council's publicly-adopted position.
2. Purposes. The purposes of the Law and Leg Committee are to consider, evaluate, conduct fact-finding, and recommend to council positions on proposed city ordinances and non-binding resolutions.

**B. Procedures**

1. Ordinances and Non-Binding Resolutions.
  - a. Except as provided in subsection b, all requests to prepare, amend, draft, or process ordinances and non-binding resolutions shall be made by one or more members, or city manager, during a council meeting in open session or by city staff, and shall be referred to the Law and Leg Committee. The requesting member(s) or staff shall be considered the sponsor. City staff shall to work directly with the sponsor in developing the proposed ordinance language.
  - b. Ordinances not requiring Law and Leg Committee review prior to council review and adoption are those that are:
    - (i) deemed urgent by the mayor or city manager;
    - (ii) voted on by the majority of council to bypass the Law and Leg Committee;
    - (iii) voted on by the majority of the Law and Leg Committee to go to council without full Law and Leg Committee review;
    - (iv) zoning code amendments for specific development projects;
    - (v) listings on, or deletions from, the Sacramento register under Sacramento City Code chapter 17.604, article II; or
    - (vi) adopting property-related fees or fee increases that require public notice before the Utilities Rate Advisory Commission.

## CITY OF SACRAMENTO-COUNCIL RULES OF PROCEDURE

- c. Ordinances and non-binding resolutions referred by city staff or by members during a council meeting shall be placed on the municipal legislation log, with new items placed at the end of the log, to establish a priority order; provided, the Law and Leg Committee or council may reorder the priority.
- d. The log will be scheduled for the consent agenda at every Law and Leg Committee meeting. Any committee member may pull the item from consent for discussion.
- e. Items placed on the log must be approved by the committee's adoption of the log before scheduling the item for discussion on the Law and Leg Committee agenda.
- f. Items on the log may be removed at the request of the sponsor. Staff shall note the removal request on the log and remove the item after the log has been approved by the committee.
- g. The log shall be brought to the council quarterly to confirm council's continued interest in the items and the priority status of the items.
- h. A vote of a majority of the members present is required to approve a recommendation to council. A two-two vote results in an item being forwarded to council without a recommendation.
- i. If a Law and Leg Committee item fails to receive the votes required under Rule 13.B.1.h to forward the item with or without recommendation, any member during the Council Ideas, Comments, and Questions portion of a council meeting may request the item be placed on a future council agenda.

## **CHAPTER 14 – PERSONNEL AND PUBLIC EMPLOYEES COMMITTEE**

### **A. Purposes**

The purposes of the Personnel and Public Employees Committee are to:

1. review applications received for membership to various city boards, commissions, and committees;
2. conduct interviews for such membership appointment; and
3. make recommendations to the mayor concerning such appointments.

### **B. Procedures**

1. Applications for city boards, commissions, and committees shall be reviewed by the Personnel and Public Employees Committee.
2. Recommendations by the Personnel and Public Employees Committee shall be submitted to the city clerk for distribution to the mayor.
3. The mayor, or the city clerk on the mayor's behalf, shall announce appointments at the council meeting during Council Ideas, Comments, and Questions.
4. After the mayor's appointments, the city clerk shall submit a report for the council agenda requesting confirmation of the appointments.
5. A vote of a majority of members present is required to forward Personnel and Public Employees Committee appointment recommendations to the council, in accordance with Chapter 16.

### **C. Exceptions**

The procedures in this chapter 14 shall not apply to recommendations for appointments to the Parks and Recreation Commission, except as provided in city code chapter 2.62; nor to the Planning and Design Commission, except as provided in city code chapter 2.60.

**CHAPTER 15 — BUDGET AND AUDIT COMMITTEE**

**A. Purposes**

The purposes of the Budget and Audit Committee are to:

1. Assist the council in overseeing and supervising the city auditor;
2. Assist the council in evaluating the proposed budget, including a mid-year report, and any amendments thereto;
3. Assist the council in overseeing and supervising the independent budget analyst;
4. Assist the council in understanding the budget impacts resulting from council's actions; and
5. Assist the council in enhancing the city's ability to:
  - a. improve the effectiveness and efficiency of city operations;
  - b. improve the city's fiscal operations;
  - c. adopt and adhere to a balanced budget; and
  - d. comply with city policies, procedures, and regulatory requirements.

**B. Procedures**

1. The Budget and Audit Committee shall receive, review, and forward to the council as appropriate, reports, recommendations, and updates from the city auditor.
2. The Budget and Audit Committee shall receive, review, and forward to the council as appropriate, reports, recommendations, and updates from the independent budget analyst.
3. The Budget and Audit Committee shall receive and review the proposed budget and any material amendments thereto.
4. The Budget and Audit Committee shall receive and review any key budget policy issues, including but not limited to, CAFR results, use of any year-end surplus, the mid-year report, budget priorities, use of unanticipated revenue, or proposed budget issues such as fee increases, prior to bringing forward to council.
5. The Budget and Audit Committee may:
  - a. receive, review, and forward to the council, when relevant to city audits, any reports from the city treasurer, the department of finance, other city offices, or external auditors;
  - b. receive, review, and forward to the council any reports and recommendations of the independent budget analyst; and

## CITY OF SACRAMENTO-COUNCIL RULES OF PROCEDURE

- c. propose that the council adopt ordinances, resolutions, or take other actions, provided that such ordinances, resolutions, or actions are within the jurisdiction of the Budget and Audit Committee.
6. A vote of a majority of the members present is required to approve a recommendation to council. A two-two vote results in an item being forwarded to council without a recommendation.
7. If a Budget and Audit Committee item fails to receive the votes required under Rule 15.B.6, any council member during the Council Ideas, Comments, and Questions portion of a council meeting may request the item be placed on a future council agenda.

**CHAPTER 16– BOARDS AND COMMISSIONS**

**A. Vacancies and Appointments**

1. When any vacancy occurs on a board or commission, the city clerk shall announce that vacancy pursuant to the standard outreach procedures. For routine vacancies, the announcement is made approximately six months prior to the date on which the vacancy is to occur. For non-routine vacancies, the announcement is made as soon as possible in order to maintain viable memberships on the various boards and commissions. The City Clerk's Office maintains the board and commission files, and performs all clerical and administrative support tasks related to the application process.
2. At the close of the application period, all applications received for the vacancy are referred by the clerk to the applicable council district, mayor, or the Personnel and Public Employees Committee for review and recommendation.
3. Following review, the member or Personnel and Public Employees Committee Chair shall send the board and commission nomination(s) to the city clerk for distribution to the mayor.
4. After reviewing the submitted nomination(s) made by the member or Personnel and Public Employees Committee, the mayor shall make an appointment to fill the vacancy at a regular council meeting.
5. At the next regular council meeting (but not sooner than six days) following the meeting at which the mayor made the appointment, the council shall vote whether to confirm the appointment.
6. If the council does not approve the appointment, then the mayor shall make another appointment, and at the next regular meeting following the meeting at which the subsequent appointment was made, the council shall vote whether to confirm the new appointment.
7. This procedure shall followed until an appointment has been approved by the council. No request by a member to delay the appointment or approval will be allowed unless approved by a majority vote of the council.
8. At the direction of the council, all vacancies, application periods, and close of application periods for boards and commissions shall be monitored and maintained by the city clerk in compliance with the Maddy Act.14
9. In making nominations and appointments to city boards and commissions, the mayor, Personnel and Public Employees Committee, and council district member should consider persons of various ethnicities, ages, genders, education, and occupational experience as reflected in the general population of the city; and should, as appropriate for the vacancy, consider persons from all districts of the city.

## CITY OF SACRAMENTO-COUNCIL RULES OF PROCEDURE

### **B. Exceptions**

The procedures in this chapter 16 shall not apply to recommendations for appointments to the Parks and Recreation Commission, except as provided in city code chapter 2.62; nor to the Planning and Design Commission, except as otherwise provided in city code chapter 2.60.

- 1 Sacramento City Charter, § 30 (Rules, Quorum and Voting).
- 2 California Government Code, § 54950 et seq.
- 3 California Government Code, § 53234 et seq.
- 4 Sacramento City Code, § 2.15.160 (Lobbyist Identification).
- 5 See Sacramento City Charter, § 31 (Meetings).
- 6 California Government Code, § 6250 et seq.
- 7 California Government Code, § 54957.5(b).
- 8 Government Code section 54957.5(b)
- 9 California Government Code, § 54956.5.
- 10 AB 1234, codified at California Government Code, § 53232.3.
- 11 Sacramento City Charter, § 32 (Ordinances).
- 12 See Sacramento City Charter, § 28 (Vacancies), and § 46 (Mayor Vacancy).
- 13 See Sacramento City Charter, § 154 (Special Elections to Fill Vacant Offices).

**et seq.** *abbr. Lat.*

et sequens (and the following one or ones)

**Non-Binding Resolution**

A non-binding resolution is a resolution in which the council declares its position and opinions on an issue, policy, or other matter that the council lacks legal authority to establish or regulate, but that the council determines is of such importance that the council should make the symbolic gesture of adopting a resolution declarative of council's position.

**Quasi-judicial**

Quasi-judicial action means any council action that implicates constitutionally protected property or liberty interests, such as issuance or denial of discretionary land use permits, subdivision maps, business licenses, and other similar action in which a property interest is at stake and the council is charged with applying legal standards to a specific factual situation.

**Sergeant-at-Arms**

The sergeant-at-arms is the principal law enforcement official of the legislative body and is charged with maintaining security within the chamber (meeting location) and surrounding areas. The sergeant-at-arms also enforces protocol and ensures public decorum is followed as noted in the body's rules of procedure.

**CITY OF SACRAMENTO-COUNCIL RULES OF PROCEDURE**

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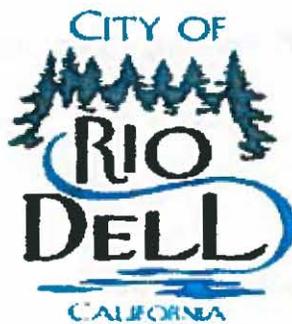
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# ***CITY OF RIO DELL***



## ***CITY COUNCIL PROTOCOLS 2011***

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***Prepared by:  
Office of the City Clerk***

***Adopted: August 16, 2011***

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## **1. PURPOSE**

The purpose of establishing and updating the City Council Protocols is to provide guidelines for the City Council to conduct its business in an orderly, consistent, and fair manner.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the City Council when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

## **2. STATUTORY REQUIREMENTS/REGULATIONS**

Certain state laws and other established regulations exist, which govern various responsibilities of the City Council. These protocols are not intended to duplicate, fully articulate all requirements, or repeal any existing statutes or regulations. City Councilmembers are responsible for becoming familiar with these statutes and regulations.

### **2.1 The Brown Act**

The Ralph M. Brown Act provides that all meetings of a legislative body, whether meetings of the City Council or its appointed commissions and committees, shall be open and public and all persons shall be permitted to attend. Notices of such meetings must be made 72 hours prior to the meeting (or 24 hours in the case of a special meeting). A “meeting” takes place whenever a quorum is present and subject matter related to the City business is heard, discussed, or deliberated upon.

### **2.2 Political Reform Act**

The Political Reform Act states that public officials shall perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. The Political Reform Act establishes regulations

regarding conflicts of interests and campaign receipts and expenditures.

### 2.3 Rio Dell Municipal Code (RDMC)

The Rio Dell Municipal Code (RDMC) consists of those codified ordinances of general municipal regulations and laws of the City of Rio Dell.

### 2.4 RDMC Chapter 2.05 Relating to Council Meetings

RDMC Chapter 2.05, "City Council Meetings," sets forth the time and place of regular meetings, and further establishes such things as the rules for the cancellation of meetings, change of location, special and emergency meetings, and continuation of meetings. (Attached as Exhibit A)

### 2.5 Code of Ethics

RDMC Chapter 1.10 "Code of Ethics," sets forth the code of ethics and values for Councilmembers. The proper operation of democratic government requires that decision makers be independent, impartial, and accountable to the people they serve. The City of Rio Dell has adopted this code of ethics to promote and maintain the highest standards of personal and professional conduct in the City's government. (Attached as Exhibit B)

## 3. **COUNCIL ORGANIZATION**

### 3.1 Newly-Elected Councilmembers

Newly-elected Councilmembers are generally sworn into office at the first regular meeting following receipt of the Certification of Votes from the County Elections Department following the November General Election. Immediately upon election (even before being sworn into office), newly-elected Councilmembers are subject to the provisions of the Brown Act.

### 3.2 Selection of Mayor and Mayor Pro Tem

Resolution No. 700 establishes the procedures for seating new members of the City Council. Section 36801 of the California Government Code and Resolution No. 822.1 also establishes the procedures for choosing the Mayor and Mayor Pro Tem. The Mayor and Mayor Pro Tem will be elected by a majority vote of a quorum of the City Council. In years when members of the City Council are to be elected, the City Council shall consider the election of a Mayor and Mayor Pro Tem for two (2) year terms at the first regular meeting after certification of the general election results has been received.

### 3.3 Duties of Mayor and Mayor Pro Tem

The Mayor shall preside over all City Council meetings. If he/she is absent or unable to act, the Mayor Pro Tem shall serve until the Mayor returns or is able to act. (Calif. Gov't Code Section 36802)

In the absence of the Mayor and Mayor Pro Tem, the City Clerk shall call the Council to order, whereupon a temporary Chairperson shall be chosen by members of the Council to preside over the meeting.

### 3.4 Seating Order

Following the City Council election, the City Clerk shall designate the seating order for the Council dais. The Mayor Pro Tem is generally seated to the right of the Mayor.

### 3.5 Representation at Ceremonial Functions

The Mayor shall represent the Council at ceremonial functions. The Mayor may, at his/her own discretion, ask another Councilmember to represent the Council at the function.

Councilmembers shall be reimbursed for meal expenses and mileage to attend ceremonial functions, for which the Councilmember was invited to represent the City, pursuant to the City of Rio Dell Travel and Reimbursement Policy (Resolution No. 809-2002).

## **4. COUNCIL ADMINISTRATION**

### **4.1 Travel and Expense Reimbursement**

Authorization to incur expenses for travel, conferences and training shall be made only for purposes approved in the budget by the City Council pursuant to Resolution 809-2002 (Attached as Exhibit C)

### **4.2 Mail/Council Correspondence**

#### **Mail**

All general mail is date stamped and routed to the address unopened. All letters addressed to the Mayor and/or City Council requiring a response from staff are copied to the City Manager. A copy of the responses mailed, along with the original letters will be provided to each Councilmember. Letters addressed to the Mayor and/or City Council that do not require a response, but provide information on Council agenda items or like matters are copied to the full Council. Mail pertaining to specific meetings where an individual Councilmember is the appointed representative of the Council is opened. Copies are not made for the full Council. Cards and other Councilmember mail marked "personal" will not be copied to the full Council.

#### **Council Correspondence**

All Councilmember correspondence written with City resources (letterhead, typing staff report, postage, etc.) will reflect the position of the full Council, not individual Councilmembers's positions. All Councilmember correspondence using City resources will be copied to the full Council. For example, responses to citizen letters will be copied to the full Council along with the original citizen correspondence. City Councilmembers will be provided individual stationary and envelopes for use for communications reflecting their personal positions, not the positions of the full Council. These communications will be prepared and sent at the expense of the individual Councilmembers. Councilmembers may utilize the City's outgoing mail service.

### **4.3 Clerical Support**

The City Manager's Office will coordinate the typing of correspondence requested by individual Councilmembers for communications reflecting the position of the full Council. All correspondence typed for Councilmembers will be on City letterhead and will reflect the position of the full Council, not individual Councilmembers, and will be copied to the full Council.

#### 4.4 Requests for Research or Information

Councilmembers may request information or research from the City Manager on a given topic directly when it is anticipated that staff can complete the request in less than an hour per week. Requests for new information

or policy direction will be brought to the full Council at a regular meeting for consideration. All written products will be copied to the full Council.

#### 4.5 Council Notification of Significant Incidents

In conjunction with the City's public safety department, the City Manager's Office will coordinate the notification to Council of major crime, or other related incidents. This will be accomplished concurrently through telephone and e-mail messages.

### 5. MEETING GUIDELINES & PROCEDURES

#### 5.1 Attendance/Quorum

Councilmembers acknowledge that attendance at lawful meetings of the City Council is part of their official duty. Councilmembers shall make a good faith effort to attend all such meetings. Councilmembers shall notify the City Clerk if they will be absent from a meeting. The City Clerk shall then notify the City Manager and all other Councilmembers. If a Councilmember fails to attend three (3) consecutive regular meetings of the Council without being excused, his/her position on the City Council becomes vacant and shall be filled by appointment or election as determined by a majority vote of the City Council. At the start of each

City Council meeting, the Mayor shall call the roll. Any absent Councilmember who has left a message by 5:00 p.m., or reached the Mayor or City Manager's Office directly before the start of the meeting on the day of the meeting to advise of such absence, shall be considered excused only upon majority vote of the Council.

## 5.2 Meeting Dates and Location

Consistent with RDMC Chapter 2.05, regular meetings of the City Council shall be held every 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of every month, commencing at 6:30 p.m. in the City Hall Council Chambers, 675 Wildwood Avenue, Rio Dell.

### 5.2a Other Locations

The Council, may from time to time, elect to meet at other locations within the City and upon such election shall give public notice of the change of location in accordance with provisions of the Government Code.

### 5.2b Location During Local Emergency

If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet at City Hall, the meetings may be held for the duration of the emergency at such other place as may be designated by the Mayor, or if the Mayor does not so designate, by the Mayor Pro Tem or the City Manager.

## 5.3 Cancelled Meetings

When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall default to the following Thursday. That meeting or any other scheduled Council meeting may be cancelled when deemed appropriate by the Council, providing that the Council meets regularly, however, at least once each month.

#### 5.4 Special Meetings and Emergency Meetings

Special meetings and emergency meetings of the City Council may be called and held from time to time consistent with the procedures set forth in the Ralph M. Brown Act (Government Code Sections 54950, et seq.

#### 5.5 Adjourned Meetings

The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment pursuant to the procedures set forth in the Ralph M. Brown Act (Government Code Sections 54950, et. seq.

#### 5.6 Posting of the Agenda

All City Council agendas and notices shall be made available to the general public pursuant to the California Government Code. The locations designated as the City's official posting locations are as follows:

1. The bulletin board at the entrance of City Hall
2. The bulletin board at the Rio Dell Post Office
3. The bulletin board at Rio Dell/Scotia Chamber of Commerce
4. Any other location as may be specifically selected in addition to the three location heretofore designated. (Resolution No. 511) (the fourth posting location is currently the Downtown City Bulletin Board).

#### 5.7 Agenda Packet Preparation

The City Manager reviews and approves all items for the Council agenda. Agenda packets are compiled, photocopied, posted to the City's web site, and distributed through the City Clerk's Office. Agenda packets shall be distributed to Councilmembers no later than the Friday prior to the Council meeting.

#### 5.8 Placing Items on the Agenda

Matters may be placed on the agenda for consideration by request of 1) the Mayor 2) the City Manager; and 3) the City Attorney. Any reasonable request shall be honored subject to the City Manager's discretion as to the preparation of accompanying staff reports. Each Thursday morning the City Manager meets with Department Heads to go over proposed future agendas, at which time issues that need to be brought forth to the City Council are discussed with the City Manager.

Councilmembers shall have the opportunity to request an item be placed on the agenda during an open council meeting; with concurrence of the Council, the request shall be honored.

Requests from the public to place an item on the agenda are to be directed to the City Clerk and shall be handled in the following manner:

- Proclamations/Certificates – All requests for proclamations and certificates are subject to approval of the Mayor or City Manager and are typically honored only if a local representative from the requesting agency can appear to accept the proclamation or certificate.
- Presentations – Most requests for presentations by civic groups and local organizations shall be honored and placed appropriately under the "Special Presentations" segment of the agenda.
- Item for Discussion/Action by Public  
Requests by members of the public to place an item for discussion or action on the agenda shall be directed to the appropriate City department for proper handling. In the event it cannot be handled in this manner, the individual requesting the action should attend a City Council meeting and address the Council under the "Public Presentation" segment of the agenda.

The Council shall not take action on the matter other than to either: 1) direct that the matter be placed on a future agenda, or 2) direct staff to research the issue and report back to Council.

## 5.9 Americans with Disabilities Act (ADA) Statement

Agendas for all City Council meetings will contain a statement regarding the Americans with Disabilities Act, making the City Clerk the contact for inquiries by those needing special assistance to participate in the meeting.

## 6. RULES OF CONDUCT

### 6.1 General Procedure

It is the policy of the Council not to become involved on the entanglements over “parliamentary procedure.” Consistent with any applicable City ordinance, statute or other legal requirement, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Mayor, subject to appeal to the full Council.

### 6.2 Addressing Members of the Public and Staff

In addressing the public and members of the City’s staff, Councilmembers will generally refer to persons as Mr., Mrs. or Ms. followed by their surname and/or job title.

### 6.3 Authority of the Chair

Subject to the full Council, the Mayor shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. In so ruling, the Mayor shall be courteous and fair and should presume that the moving party is acting in good faith.

### 6.4 Mayor to Facilitate Council Meetings

The Council has delegated the responsibility and expanded the role of the Mayor to include the facilitation of Council meetings. In the role as facilitator, the Mayor will assist the Council to focus on their agenda, discussions and deliberations.

### 6.5 Council Deliberation and Order of Speakers

The Mayor has been delegated the responsibility to control the debate and the order of speakers.

6.5a Questions Addressed to Another Councilmember

With the concurrence of the Mayor, a Councilmember holding the floor may address a question to another Councilmember and that Councilmember may respond while the floor is still held by the Councilmember asking the question. A Councilmember may opt not to answer a question while another Councilmember has the floor.

6.6 Limit Deliberations to Item at Hand

Councilmembers will limit their comments to the subject matter, item or motion being currently considered by the Council.

6.7 Length of Council Comments

Councilmembers will govern themselves as to the length of their comments or presentation. As a courtesy, the Mayor will signal by hand to a Councilmember who has been speaking for over ten (10) minutes. The intent of the hand signal is a courtesy to let the Councilmember know they have been speaking for about ten minutes and may want to consider wrapping up their comments. This procedure is not meant to limit debate or to cut comments short, but rather to assist Councilmembers on their efforts to communicate concisely.

6.8 Council Presentations

Councilmember presentations are limited to the item or issue being deliberated. To insure that the appropriate equipment is available, councilmembers must provide the City Clerk advance notice of the intent to make a presentation. To insure a complete record of the meeting, councilmembers will provide a copy of the presentation to the City Clerk at the conclusion of the Council meeting.

## 6.9 Obtaining the Floor

Any member of the Council wishing to speak must first obtain the floor by being recognized by the Mayor. The Mayor must recognize any councilmember who seeks the floor when appropriately entitled to do so.

## 6.10 Procedure for Motions

Motions may be made by any member of the Council, including the Mayor and/or presiding officer, providing that before the presiding officer offers a motion, the opportunity for making a motion should be offered to other members of the Council. Any member of the Council, other than the person offering the motion, may second a motion. The following is the general procedure for making motions:

- Before a motion can be considered or debated, it must be seconded.
- A Councilmember wishing to second a motion should do so through a verbal request to the Mayor.
- Once the motion has been properly made and seconded, the Mayor shall open the matter for discussion offering the first opportunity to the moving party, and thereafter, to any Councilmember properly recognized by the Mayor.
- The Mayor may ask for public comment on the motion.
- Once the matter has been fully discussed and the Mayor calls for a vote, no further discussion will be allowed, provided, however, Councilmembers may be allowed to explain their vote.

### 6.10a Motion Amendments

When a motion is on the floor and an amendment is offered, the amendment should be acted upon prior to action on the main motion.

### 6.10b Motion of Intention

A Motion of Intention process is generally limited to matters

legally required to be supported by findings. In proceedings identified as quasi-judicial on the agenda, when the City Council takes an action that is substantially different from the staff recommendation, the Council may utilize the Motion of Intention. A Motion of Intention provides staff direction as to the City Council's action through a formal motion. Based on this motion, staff revises the necessary findings, resolutions and/or implementing documentation for the City Council's action at the next scheduled meeting.

#### 6.11 Ordinances

Motions offering ordinances are deemed to include waiver of full reading of the ordinance and the reading of the ordinance by title only unless otherwise specifically stated.

#### 6.12 Voting

Any councilmember present at a meeting when a question comes up for a vote should vote for or against the measure unless he/she is disqualified from voting and abstains because of such disqualification. If the vote is a voice vote, the Mayor shall declare the result. The Council may also vote by roll call, ballot or voting machine. Regardless of the manner of voting, the results reflection of all "ayes" and "noes" must be clearly set forth for the record.

#### 6.13 Abstention

If a Councilmember abstains because of a legal conflict, he/she is not counted as present for quorum purposes and is not deemed to be "voting" for purposes of determining whether there has been a "majority vote of those members present and voting." When a Councilmember abstains or excuses themselves from a portion of a Council meeting because of a legal conflict of interest, the Councilmember must briefly state on the record the nature of the conflict. Inclusion of this information on the public record is required by law. If a Councilmember abstains because of a conflict other than legal, he/she is counted as present for quorum purposes and is not

deemed to be “voting” for purposes of determining whether there has been a “majority vote of those members present and voting.”

#### 6.14 Tie Votes

A tie vote results in a lost motion. In such an instance, any member of the Council may offer a motion for further action. If there is not action by an affirmative vote, the result is no action. If the matter involves an appeal, and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making person or body from which the appeal was taken.

#### 6.15 Motions for Reconsideration

Motions for reconsideration of a matter may be made at the same meeting or at the next succeeding meeting following a Council action. A proposed motion for reconsideration at the next meeting must comply with Brown Act noticing requirements. Motions for reconsideration may only be made by a Councilmember that voted with the majority of the City Council on the action proposed to be reconsidered by the Council. In the case of a tie vote, the prevailing side or majority of the Council will be deemed to be those Councilmembers who voted in the negative. Any member of the Council may second a motion for reconsideration.

#### 6.16 Serial Meetings

Serial meetings are meetings that at any one time involve only a portion of legislative body, but eventually involve a quorum. Serial meetings yield a process that deprives the public the opportunity for a meaningful contribution to the decision-making process. Serial meetings may be a chain, in which member “A” contacts member “B”, “B” then contacts “C”, “C” contacts “D” and so on, until a quorum is involved. An elected official has the right to confer with a colleague about public business however, if and when a “collective concurrence as to action to be taken” is reached, the Brown Act is violated. Councilmembers are encouraged to consider the possibility of serial meetings when engaging in discussion with their colleagues on a matter within the subject jurisdiction of the City.

## 6.17 Non-Observance of Rule

Rules adopted to expedite and facilitate the transaction of the business of the Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of, or invalidate any action taken by the Council.

## 7. DECORUM

### 7.1 Councilmembers

RDMC Chapter 1.05 "Code of Ethics" establishes the code of ethics and values to be followed by City Councilmembers and others. Members of the City Council value and recognize the importance of the trust invested in them by the public to accomplish the business of the City. Councilmembers shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the City Council at all times. Councilmembers in the minority on an issue shall respect the decision and authority of the majority.

### 7.2 City Staff

Members of the City staff are expected to observe the same rules of order and decorum applicable to the City Council. City staff shall act at all times in a business professional manner toward Councilmembers and members of the public.

### 7.3 Public

Members of the public attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council.

### 7.4 Noise in the Council Chambers

Noise emanating from the audience within the Council Chambers which disrupts City Council meetings, shall not be permitted.

## 8. ORDER OF BUSINESS

### 8.1 General Order

The business of the Council at its meetings will generally be conducted in accordance with the following order of business unless otherwise specified. A closed session may be held at any time during a meeting consistent with applicable law.

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL
- E. CONSENT CALENDAR
- F. SPECIAL PRESENTATIONS
- G. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS
- H. ORDINANCES/SPECIAL RESOLUTIONS
- I. PUBLIC PRESENTATIONS
- J. REPORTS/STAFF COMMUNICATIONS
- K. COUNCIL REPORTS/COMMUNICATIONS
- L. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION
- M. PUBLIC COMMENT REGARDING CLOSED SESSION
- N. RECESS INTO CLOSED SESSION
- O. RECONVENE TO OPEN SESSION
- P. ORAL ANNOUNCEMENTS
- Q. ADJOURNMENT

### 8.2 Action Agenda Items

In accordance with the Ralph M. Brown Act, the Council may not take action on any item that did not appear on the posted Council agenda 72 hours prior to the Council meeting unless an exception is made as permitted under Government Code Section 54954.2 (Agenda Postings; Action on Other Matters).

### 8.3 Consent Calendar

Agenda items removed from the consent calendar by Councilmembers or staff will be considered individually under “ Special Call Items/Community Affairs” section of the agenda and be considered first. Members of the public may comment on consent items prior to the Council’s consideration of the consent calendar. A Councilmember may vote “no” on any consent item without comment or discussion. Any abstentions, comments, questions or discussion on an item will require the pulling of the item from the consent calendar.

#### 8.4 Special Presentations

All Special Presentations will be calendared and coordinated through the City Manager and the Mayor and may be limited by the Mayor to a time period not to exceed 15 minutes at each Council meeting.

#### 8.5 Special Call Items/Community Affairs

This section of the agenda is for items requiring discussion and/or action. The Mayor will call for a staff report from the City Manager; he/she may defer to the appropriate department head to present the staff report and answer questions of the Council.

#### 8.6 Ordinances/Special Resolutions

Ordinances involve a command or prohibition and have the force of law in the City for which an ordinance is adopted. An ordinance generally prescribes some permanent rule of conduct or government that remains in force until the ordinance is repealed. With the exception of urgency ordinances, no ordinance may be passed within five (5) days of its introduction. Two (2) readings are therefore required; one to introduce; and a second to adopt the ordinance. Ordinances may only be passed at a Regular meeting or at an Adjourned (i.e. Continued) Regular meeting; except for urgency ordinances. Ordinances may not be passed at a Special meeting. Unless otherwise stated, an ordinance shall take effect thirty (30) days following the date of adoption.

A resolution expresses City Council policy or directs certain types of administrative action and may be changed by a subsequent resolution. Resolutions are effective on the date of adoption.

#### 8.7 Public Presentations

This time is for persons who wish to address the Council on any matter not on the agenda and over which the Council has jurisdiction. Speakers are to come to the podium and state their name for the record. Items requiring Council action, at the discretion of the Council, 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. Comments are limited to 5 minutes per speaker.

#### 8.8 Council Reports/Communications

The Council Reports/Communications section of the agenda provides Council the opportunity to briefly comment on Council business, City operations, City projects and other items coming before the Council. It also allows Councilmembers serving on Council subcommittees to present a verbal report to the full Council on the activities of the respective boards, commissions or committees upon which they serve. No action may be taken.

#### 8.9 Closed Session

Closed sessions are regulated pursuant to the Brown Act. All written materials and verbal information regarding closed session items shall remain confidential. No member of the Council, employee of the City, or anyone else present shall disclose to any person the content or substance of any discussion that takes place in a closed session, unless authorized by a majority of Council. The same high standard of respect and decorum as apply to public meetings shall apply to closed sessions. There shall be a courtesy, respect, and tolerance for all viewpoints and for the right of councilmembers to disagree.

Under the Brown Act, California Government Code Section 54957.1(a): The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention of every member present thereon. (See Exhibit "D" for guidance)

#### 8.10 Adjournment

The Council establishes 10:00 p.m. as the hour of adjournment and will not continue beyond 10:00 p.m. without a majority vote of the Council. To assist on making the determination to continue an item under consideration, the Council should find that discussion, deliberation and action on the item could be concluded by 11:00 p.m. The Council will not hear any new agenda items past 10:00 p.m. without a majority vote of the Council. A determination should be made by Council that any new item(s) can be discussed, deliberated and action taken before 11:00 p.m. If agenda items remain after the 10:00 p.m. adjournment, a special continued may be scheduled or the items deferred until the next regular meeting.

### 9. **QUASI-JUDICIAL PROCEEDINGS**

#### 9.1 Defined

Quasi-judicial proceedings are those proceedings in which the City Council is required to make findings based on an evidentiary record as to the entitlement. In quasi-judicial proceedings, the City Council sits as the judge and jury, and is required to make findings based on the evidence and records presented. Examples of quasi-judicial proceedings that may be heard by the City Council include conditional use permits, variances and subdivision map approvals.

#### 9.2 Identification on Agenda

To facilitate the identification of quasi-judicial matters, quasi-judicial proceedings will be identified as such on the Council agenda under the heading of "Quasi-Judicial Proceedings."

### 9.3 Ex Parte Communications

An ex parte communication is a communication made with a councilmember outside the Council chambers with any person except the City Attorney concerning a quasi-judicial proceeding to be heard by the City Council. When a Councilmember has an ex parte communication concerning a subject that is the basis of a quasi-judicial proceeding before the Council, the Councilmember must state for the public record the nature of that communication. Councilmembers must indicate with whom the ex parte communication was made and provide a brief statement as to the substance of the communication. A Councilmember may make an oral presentation of the nature of the communication or provide a written statement to be read into the public record.

## 10. COMMISSIONS/COMMITTEES

### 10.1 Ad Hoc Committees

Ad Hoc Committees are formed on an as-needed basis with a clearly defined purpose and term. Ad Hoc Committees will consist of two (2) councilmembers recommended by the Mayor and concurred with motion by the full Council.

### 10.2 Councilmember Appointments to Boards/Committees/Commissions

Pursuant to RDMC Chapter 2.55, the City Council shall establish and by a majority vote appoint individuals for the prescribed terms to serve on such commissions, committees, boards, agencies and task forces as are required by law and by City operational need. The operational identities of such organizations are defined by law, ordinance or resolution. At the completion of an appointee's prescribed term of on such an organization, any interested party may apply to the City Clerk for Council consideration for appointment or reappointment to these support organizations which include, but are not limited to the Planning Commission, Parks and Recreation Commission, Traffic Committee and The Community Development Block Grant Advisory Committee (CDBG-AC).

## 10.2a City Representation in Other Organizations

Councilmembers are requested to serve on various commissions for outside agencies. Following an election year at which new Councilmembers are elected, the newly seated Council shall review the list of current assignments and make recommendations for appointments. Any Councilmember desiring to serve on a certain commission or board should inform the Mayor. Councilmembers resigning from his/her position on a certain commission should inform the Mayor via the City Clerk's Office in writing. Appointments are made by the Mayor subject to approval by majority vote of the Council.

## 11. **CONFLICT OF INTEREST/ECONOMIC DISCLOSURE REQUIREMENTS FOR PUBLIC OFFICIALS**

### 11.1 Conflict of Interest

The Political Reform Act (Government Code, Title 9, Sections 81000-91015) controls conflict of interest through disclosure and prohibition of participation in decisions, which are actual conflicts of interest. Specifically, it requires City Councilmembers and other public officials to annually disclose all financial interests that may be affected by decisions made in their official capacity; this includes interests such as investments, real property, and income. Councilmembers must also disqualify themselves from making or participating in making or influencing any governmental decision that will have a foreseeable material financial effect on any economic interest of the Councilmember or certain family members.

### 11.2 Statement of Economic Interest

A financial disclosure form (Statement of Economic Interest Form 700) must be filed with the City Clerk no later than April 1<sup>st</sup> of each year for financial interests pertaining to the preceding calendar year. Newly-elected councilmembers must file a statement within 30 days of officially assuming office. Planning Commissioners and certain city officials are also subject to this disclosure requirement.

## **12. PROTOCOL ADMINISTRATION**

### **12.1 Review of City Council Protocols**

The protocols will be reviewed and amended from time to time by the City Council in order to remain current with federal, state, and local law.

### **12.2 Adherence to Protocols**

During City Council discussions, deliberations and proceedings, the Mayor has been delegated the primary responsibility to insure that the City Council, staff and members of the public adhere to the Council's adopted Protocols.

### **12.3 City Attorney as Protocol Advisor**

The City Attorney assists the Mayor as a resource to confer with and an advisor for interpreting the City Council's adopted protocols.

### **12.4 Adherence to Administrative Procedure and Process Protocols**

The City Council has delegated the City Manager responsibility to discuss, on behalf of the full Council, any perceived or inappropriate administrative action with a Councilmember. The City Manager will discuss with the councilmember the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the City Manager will report the concern to the full Council.

### **12.5 Applicability of Protocols**

The City of Rio Dell City Council Protocols shall also apply to the City Council when sitting as other entities or agencies representatives or any other body. The role of the Mayor and Mayor Prop Tem shall be interchangeable with the Chair and Vice Chair, or President and Vice President when sitting as another entity.

**RESOLUTION NO. 1131-2011**  
**A RESOLUTION OF THE CITY COUNCIL OF THE**  
**CITY OF RIO DELL AMENDING SECTIONS 3.2 AND 10.2**  
**OF THE CITY COUNCIL PROTOCOLS 2011 FOR THE**  
**SELECTION OF MAYOR AND MAYOR PRO TEM AND**  
**APPOINTMENTS TO BOARDS/COMMITTEES/COMMISSIONS**

**WHEREAS**, the City Council of the City of Rio Dell has previously adopted procedures for establishing a system for City Council appointments to commissions, boards and committees and procedures for the selection of Mayor and Mayor Pro Tem; and

**WHEREAS**, the City Council reviewed such procedures and proposed certain revisions; and

**WHEREAS**, on September 6, 2011 the City Council adopted Resolution No. 1127-2011 providing for a procedure for appointments by the City Council for vacant positions on the City Council and commissions with the suggested revisions; and

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Rio Dell that Section 3.2 relating to the selection of Mayor and Mayor Pro Tem of the City Council Protocols 2011 is amended to read as follows:

Selection of Mayor and Mayor Pro Tem

Resolution No. 1127-2011 establishes the procedures for seating new members of the City Council. Section 36801 of the California Government Code also establishes the procedures for choosing the Mayor and Mayor Pro Tem. The Mayor and Mayor Pro Tem will be elected by a majority of the City Council. In years when members of the City Council are to be elected, the City Council shall consider the election of a Mayor and Mayor Pro Tem for two (2) year terms at the first regular or special meeting after certification of the general election results has been received.

**BE IT FURTHER RESOLVED** by the City Council of the City of Rio Dell that Section 10.2 relating to Councilmember Appointments to Boards/Committees/Commissions of the City Council Protocols 2011 are amended to read as follows:

Councilmember Appointments to Boards/Committees/Commissions

Resolution No. 1127-2011 establishes the procedures for appointments by the City Council for vacant positions on various commissions. RDMC Chapter 2.55 also provides direction concerning the City's boards, commissions and committees. The City Council shall establish and by a majority vote appoint individuals for the prescribed terms to serve on such commissions, committees boards, agencies and task forces as are required by law and by City operational need. The operational identities of such organizations are defined by law, ordinance or resolution. At the completion of an appointee's prescribed term of office on such an organization, any interested party may apply to the City

Clerk for Council consideration for appointment or reappointment to these support organizations which include, but are not limited to the Planning Commission, Parks and Recreation Commission, Traffic Committee and The Community Development Block Grant Advisory Committee (CDBG-AC).

**PASSED AND ADOPTED** by the City Council of the City of Rio Dell on this 20th day of September, 2011 by the following vote:

AYES: Woodall, Leonard, Marks, Wilson  
NOES: None  
ABSENT: Thompson  
ABSTAIN: None

\_\_\_\_\_  
Julie Woodall, Mayor

Attest:

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

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



CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
April 21, 2015

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager *[Signature]*

FROM: Brooke Woodcox, Finance Director *[Signature]*

DATE: April 21, 2015

SUBJECT: Board of Equalization (BOE) Authorizations

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**Recommendation**

1. Receive staff report regarding the proposed authorizations for examination of sales and use tax transactions ; and
2. Open the public hearing, receive public input, and deliberate; and
3. Adopt Resolution 1262-2015 approving staff recommendations of authorizing the positions of City Manager and Finance Director for examination of Board of Equalization sales and use tax transactions and direct staff to submit the requested documents to BOE for notification.

**Background and Discussion**

On July 1, 2014 your Council approved Ordinance No. 326-2014 amending the City's Municipal Code and providing for a local transactions and use tax, identified as Measure U. Measure U allows the City of Rio Dell to collect a district tax of 1.0%. With the passage of Measure U Council approved Resolution 1246-2014 authorizing the City manager to execute administration agreements with BOE. BOE will further provide detailed sales and use tax information to authorized positions, or individuals, within the District.

Revenue and Taxation Code section 7056 restricts the release of confidential transactions and use tax records; therefore BOE is requiring that the City designate by Resolution City and/or District official(s) authorized to review such information. The attached Resolution designates (by title only) the City Manager (Primary Contact) and the Finance Director (Secondary Contact)

to view the confidential transactions and use tax records. By using titles instead of naming specific individuals, an automatic transfer of Section 7056 authority occurs when these personnel leave the City, and doesn't require a new resolution each time a change takes place.

### **Financial Impact**

The financial impact of designating the City Manager and Finance Director as those authorized to review confidential sales and use tax transactions is inapplicable to this resolution, except as a budgeting tool to estimate collections.

### **ATTACHMENTS**

- Resolution 1262-2015 Authorizing the Examination of Transactions (Sales) and Use Tax Records
- Letter to BOE authorizing the City Manager to delegate assignment of staff to view information
- Resolution 1246-2014 Authorizing the City Manager to Execute Agreements with BOE
- Letter of Notification regarding Revenue and Taxation Code section 7056 regarding confidentiality of sales and use tax information
- BOE Jurisdiction Contact Form
- BOE Registration/Allocation Request Form (2)



**RESOLUTION NO. 1262-2015**

**A RESOLUTION AUTHORIZING THE EXAMINATION  
OF TRANSACTIONS (SALES) AND USE TAX RECORDS**

**WHEREAS**, pursuant to Ordinance No. 1246-2014 of the City of Rio Dell, hereinafter called District, and Section 7270 of the Revenue and Taxation Code, the District entered into a contract with the State Board of Equalization to perform all functions incident to the administration and operation of the Transactions and Use Tax Ordinance; and

**WHEREAS**, the District deems it desirable and necessary for authorized representatives of the District to examine confidential transactions and use tax records of the State Board of Equalization pertaining to transactions and use taxes collected by the Board for the District pursuant to that contract; and

**WHEREAS**, Section 7056 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board of Equalization records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from, the transactions and use tax records of the Board;

**NOW, THEREFORE IT IS RESOLVED AND ORDERED AS FOLLOWS:**

**Section 1.** That the City Manager and Finance Director of the District, designated in writing by the City Manager to the State Board of Equalization (hereafter referred to as Board), are hereby appointed to represent the District with authority to examine transactions and use tax records of the Board pertaining to transactions and use taxes collected for the District by the Board pursuant to the contract between the District and the Board. The information obtained by examination of Board records shall be used only for purposes related to the collection of the District's transactions and use taxes by the Board pursuant to the contract.

**Section 2.** That this resolution supersedes all prior transactions and use tax resolutions of the City of Rio Dell adopted pursuant to subdivision (b) of Revenue and Taxation Section 7056.

**BE IT FURTHER RESOLVED** that the information obtained by examination of Board records shall be used only for purposes related to the collection of District's transactions and use taxes by the Board pursuant to the contracts between the District and Board.

I **HEREBY CERTIFY** that the foregoing Amendment was duly introduced at a regular meeting of the City Council of the City of Rio Dell on April 21, 2015, and furthermore was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell on the Twenty-first day of April 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify that the above and foregoing to be a full, true and correct copy of the Amendment to Municipal Code 13.10.241 adopted by the City of Rio Dell on April 21, 2015.

---

Karen Dunham, City Clerk, City of Rio Dell



---

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

April 21, 2015

Board of Equalization  
Kimberly Norono  
Warrant Desk: MIC: 27  
Sacramento, CA 95814

Subject: City of Rio Dell Transactions and Use Tax (RDGT)  
Tax Area Code: 390

Authorization to Review Confidential Sales and Use Tax and Transactions and Use Tax Information Section 7056 of the Revenue and Taxation Code.

Dear Ms. Norono:

Resolution No. 1262-2015 authorizes the City Manager to designate in writing to the State Board of Equalization other officers, employees of the jurisdiction with authority to examine sales and use tax records for the jurisdiction.

Accordingly, the City Manager and Finance Director for the City of Rio Dell are hereby authorized to receive and review sales or transactions and use tax records for the City of Rio Dell from the Board of Equalization.

Sincerely,

---

Kyle Knopp, City Manager

**RESOLUTION NO. 1246-2014**

**A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF RIO DELL  
AUTHORIZING THE CITY MANAGER TO EXECUTE  
AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR  
IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX.**

WHEREAS, on July 1, 2014, the City Council approved Ordinance No. 326-2014 amending the City Municipal Code and providing for a local transactions and use tax; and

WHEREAS, the State Board of Equalization (Board) administers and collects the transactions and use taxes for all applicable jurisdictions within the state; and

WHEREAS, the Board will be responsible to administer and collect the transactions and use tax for the City; and

WHEREAS, the Board requires that the City enter into a "Preparatory Agreement" and an "Administration Agreement" prior to implementation of said taxes, and

WHEREAS, the Board requires that the City Council authorize the agreements:

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Rio Dell that the "Preparatory Agreement" attached as Exhibit A and the "Administrative Agreement" attached as Exhibit B are hereby approved and the City Manager is hereby authorized to execute each agreement.

\* \* \* \* \*

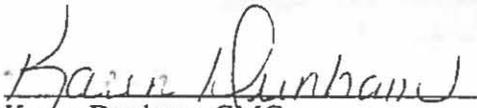
The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Rio Dell held on December 16, 2014, by the following vote, to wit:

AYES: Thompson, Johnson, Marks, and Wilson  
NOES: None  
ABSENT Woodall  
ABSTAI None

  
Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 1246-2014 adopted by the City Council of the City of Rio Dell on December 16, 2014.

  
Karen Dunham, CMC  
City Clerk, City of Rio Dell



**STATE BOARD OF EQUALIZATION**

LOCAL REVENUE ALLOCATION SECTION  
450 N STREET, MIC 27, SACRAMENTO, CALIFORNIA  
(PO BOX 942879, SACRAMENTO, CALIFORNIA 94279-0027)  
TELEPHONE (916) 324-1307  
FAX (916) 324-8117  
www.boe.ca.gov

SEN GEORGE RUNNER (RET )  
First District, Lancaster

FIONA MA, CPA  
Second District, San Francisco

JEROME E HORTON  
Third District, Los Angeles County

DIANE L HARKEY  
Fourth District, Orange County

BETTY T YEE  
State Controller

Cynthia Bridges  
Executive Director

April 9, 2015

Brooke Woodcox, Finance Director  
City of Rio Dell  
675 Wildwood Avenue  
Rio Dell, CA 95562

Re: City of Rio Dell Transactions and Use Tax (RDGT)  
Tax Area Code: 390

**Authorization to Review Confidential Transactions and Use Tax Information**  
**Section 7056 of the Revenue and Taxation Code**

Revenue and Taxation Code section 7056 restricts the release of confidential transactions and use tax records to officers or employees of local jurisdictions who are designated by a resolution of the legislative body of the jurisdiction, or by a letter of designation, if such authority to designate has been granted by the resolution.

If the District wishes to obtain confidential registration and/or allocation data for transactions and use tax that became operative on April 1, 2015, a resolution must be adopted authorizing City/District officials or employees to review such information. A "Sample Resolution" has been enclosed for your convenience. I would be happy to review your proposed resolution before it is sent to be signed by the City/Board/Council to avoid any errors requiring an amendment.

All positions that examine transactions and use tax records must be authorized by resolution. The City/District may wish to consider the designation of positions/titles only, rather than provide individual names. This would provide for the automatic transfer of Section 7056 authority when personnel changes occur. If the City/District prefers to designate specific individuals by providing their name in the resolution, that is acceptable; however, a new resolution is needed each time a designated individual leaves the City/District.

After a resolution has been adopted, the City/District may request monthly allocation data available beginning in July 1, 2015 by completing the enclosed "Registration/Allocation Request" and using the "Jurisdiction Contact Form" to identify a notification letter recipient. The allocation data and any notification letters can be mailed or electronically transmitted only to specifically authorized positions. We do not offer registration data monthly for district taxes but a complete listing may be requested as needed.

In addition, after the resolution is adopted, please identify for us a contact position for receipt of transactions and use tax notifications sent to your jurisdiction. The Board of Equalization notifies jurisdictions by letter when a decision on a petition results in a decrease to its total distributions by 5% or more of the district's average quarterly revenue or \$50,000 or more whichever is less, is contemplated under Regulation 1828, Petition for Distribution of Transactions and Use Tax.

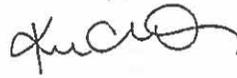
Generally, decision letters issued under Regulation 1828 will include the taxpayer's name, account number, return period(s) and the amount of the redistribution. This information is confidential pursuant to Section 7056 of the Revenue and Taxation Code. Since the notification letter contains confidential Transaction and Use tax records.

Please select a primary and secondary contact (if needed) from the authorized positions in your resolution and complete the contact information for each position on the enclosed form. The primary contact position should be authorized to accept, appeal or request mitigation for any redistribution that is the subject of a notification letter. The secondary contact position will be contacted only if the primary contact is unavailable.

Additionally, information regarding the notification process can be found within Publication 28 on our website at [www.boe.ca.gov/pdf/pub28.pdf](http://www.boe.ca.gov/pdf/pub28.pdf).

If you have any questions, please call me at (916) 324-1307.

Sincerely,



Kimberly Norono  
Associate Tax Auditor  
Local Revenue Allocation Unit

# JURISDICTION CONTACT FORM

## NOTIFICATIONS & APPEALS

CITY OF: RIO DELL Tax Area Code: 390 Sales and Use Tax/ Transaction & Use Tax

*Pursuant to Revenue and Taxation Code § 7056, you may select only officers and employees authorized by Resolution or letter of designation to examine the Board's tax records for your Jurisdiction. If the officer or employee's title has not yet been formally authorized, please include a designation letter. See attached sample designation letter.*

### Primary Contact

CITY MANAGER

Title of Authorized Officer/Employee

675 WILDWOOD AVE.

Mailing Address Line 1

Mailing Address Line 2

RIO DELL, CA 95562

City, State, Zip

707.764.3532

Phone

707.764.5480

Fax

kknopp@riodellicity.com

Email

It is recommended, if possible, that you use an Email address that coincides with the authorized position title. For example: citymanager@cityof\_\_ .gov.

### Secondary Contact

FINANCE DIRECTOR

Title of Authorized Officer/Employee

675 WILDWOOD AVE.

Mailing Address Line 1

Mailing Address Line 2

RIO DELL, CA 95562

City, State, Zip

707.764.3532

Phone

707.764.5480

Fax

finance1@riodellicity.com

Email

It is recommended, if possible, that you use an Email address that coincides with the authorized position title. For example: citymanager@cityof\_\_ .gov.

### BOARD USE ONLY

Pursuant to Section 7056(b), this form is ineffective unless signed by one of the following (boxes checked):

City Administrator       Administrative Officer       City Controller     

CITY MGR. (Specify)

Print Name: KYLE KNOPP

Title: CITY MANAGER

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

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

Return this form by e-mail to: [EWGroup@boe.ca.gov](mailto:EWGroup@boe.ca.gov)

**QUESTIONS: CALL THE WARRANT DESK AT (916) 324-1307**

Note: Titles held by more than one employee need to be made a unique identifier for function. For example: Accountant II (Revenue Desk)

**REGISTRATION/ALLOCATION MEDIA REQUEST**

Please complete Sections I, II, & III, and forward this form to the address at the bottom of this page.

Board Use Only

Juris. I.D. # \_\_\_\_\_  
Resolution verified: YES \_\_\_ NO \_\_\_  
Update \_\_\_\_\_  
By \_\_\_\_\_

**IMPORTANT** Each jurisdiction must have a resolution on file with the Board of Equalization to examine allocation and/or registration data. A sample resolution is included in Publication 28 which is available on our Website [www.boe.ca.gov/pdf/pub28.pdf](http://www.boe.ca.gov/pdf/pub28.pdf) or by calling the Board's Local Revenue Allocation Unit at (916) 324-3000.

**SECTION I: MEDIA RECIPIENT CONTACT INFORMATION**

(If the name/position below is not authorized by resolution or letter of designation, this form must be signed by a position authorized by resolution to designate other officials or employees)  County  City  District (add-on)

Your name: KYLE KNOPP Jurisdiction: CITY OF RIO DELL  
Title: CITY MANAGER Tax Area Code: 390  
Address: 675 WILLOWOOD AVE. Telephone: 707.764.3532  
City, State, Zip: RIO DELL, CA 95562 FAX: 707.764.5480  
E-Mail Address: KKnopp@riodelcity.com

**SECTION II: REGISTRATION DATA REQUEST (List of name, address and BOE account number for each business)**

A. Do you require a one-time registration listing (Start-up) showing all sales and use tax accounts in your jurisdiction, indicate yes or no:  Yes  No

**SECTION III: ALLOCATION DATA REQUEST (List of local tax dollars distributed to your jurisdiction by BOE account number)**

A. Do you wish to receive monthly allocation and registration media indicate yes or no:  Yes  No

B. If you require prior period local tax data\*, indicate the periods below:  
(MMYY) From: \_\_\_\_\_ To: \_\_\_\_\_

\*AVAILABLE HISTORY IS LIMITED TO PREVIOUS 36 MONTHS.

Signed by individual (or designee) authorized by resolution to receive confidential Board of Equalization information:

KYLE KNOPP (Print Name) CITY MANAGER (Title)  
(Signature) (Date)

**RETURN THIS FORM TO:**  
STATE BOARD OF EQUALIZATION  
LOCAL REVENUE ALLOCATION UNIT  
450 N STREET MIC 27  
PO BOX 942879  
SACRAMENTO CA 94279-0027  
FAX to (916) 324-3001  
For assistance in completing this form, contact Debbie Blaisdell at 916 324-1204.

**REGISTRATION/ALLOCATION MEDIA REQUEST**

Please complete Sections I, II, & III, and forward this form to the address at the bottom of this page.

Board Use Only

Juris. I.D. # \_\_\_\_\_

Resolution verified: YES \_\_\_ NO \_\_\_

Update \_\_\_\_\_

By \_\_\_\_\_

**IMPORTANT** Each jurisdiction must have a resolution on file with the Board of Equalization to examine allocation and/or registration data. A sample resolution is included in Publication 28 which is available on our Website [www.boe.ca.gov/pdf/pub28.pdf](http://www.boe.ca.gov/pdf/pub28.pdf) or by calling the Board's Local Revenue Allocation Unit at (916) 324-3000.

**SECTION I: MEDIA RECIPIENT CONTACT INFORMATION**

(If the name/position below is not authorized by resolution or letter of designation, this form must be signed by a position authorized by resolution to designate other officials or employees)  County  City  District (add-on)

Your name: BROOKE WOODCOX Jurisdiction: CITY OF RIO DELL  
Title: FINANCE DIRECTOR Tax Area Code: 390  
Address: 1675 WILDWOOD AVE. Telephone: 707.764.3532  
City, State, Zip: RIO DELL, CA 95562 FAX: 707.764.6480  
E-Mail Address: finance1@riodellcity.com

**SECTION II: REGISTRATION DATA REQUEST (List of name, address and BOE account number for each business)**

A. Do you require a one-time registration listing (Start-up) showing all sales and use tax accounts in your jurisdiction, indicate yes or no:  Yes  No

**SECTION III: ALLOCATION DATA REQUEST (List of local tax dollars distributed to your jurisdiction by BOE account number)**

A. Do you wish to receive monthly allocation and registration media indicate yes or no:  Yes  No

B. If you require prior period local tax data\*, indicate the periods below:  
(MMY) From: \_\_\_\_\_ To: \_\_\_\_\_

\*AVAILABLE HISTORY IS LIMITED TO PREVIOUS 36 MONTHS.

Signed by individual (or designee) authorized by resolution to receive confidential Board of Equalization information:

BROOKE WOODCOX (Print Name) FINANCE DIRECTOR (Title)  
\_\_\_\_\_  
(Signature) (Date)

**RETURN THIS FORM TO:**  
STATE BOARD OF EQUALIZATION  
LOCAL REVENUE ALLOCATION UNIT  
450 N STREET MIC 27  
PO BOX 942879  
SACRAMENTO CA 94279-0027  
FAX to (916) 324-3001  
For assistance in completing this form, contact Debbie Blaisdell at 916 324-1204.

---

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



CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
April 21, 2015

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager 

FROM: Brooke Woodcox, Finance Director 

DATE: April 21, 2015

SUBJECT: **Ordinance No. 335-2015 Amending Section 13.10.241 Rio Dell Municipal Code Related to Property Lien Assessments for Delinquent Sewer Accounts**

---

### Recommendation

1. Receive staff's report regarding the proposed text amendment; and
2. Open the public hearing, receive public input, and deliberate; and
3. Adopt Ordinance No. 335-2015 amending Chapter 13.10 Sewer Rates and Regulations, Section 241 Discontinuance of Service for Nonpayment for Customers Without Water Service
4. Direct the City Clerk, within 15 days after adoption of the Ordinance, to post an adoption summary 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 26933(a) of the California Government Code.

### Background and Discussion

It was reported to Council at a regularly scheduled Council meeting on April 7, 2015, that Ordinance 332-2015 had incorrect information and an amendment was necessary. The original Ordinance allowed the City to collect delinquent charges, penalties, and *twelve months advance payments* to be placed as liens against property owners that fail to pay their sewer bills. Staff then sought legal Counsel prior to issuing any property tax liens.

Ordinance 335-2015 is to correct the language of Section 12.10.241 of the Rio Dell Municipal Code related to property lien assessments for delinquent sewer account. This ordinance removes the language *"and the next 12 months service"* and allows for property tax liens for sewer accounts to be placed only to the extent of delinquent charges, penalties, and roll change costs.

#### **Financial Impact**

The financial impact of removing the language *"and the next 12 months service"* is that the City will collect on delinquent sewer charges after the fact, instead of twelve months advance.

#### **ATTACHMENTS**

- Resolution 1259-2015 Amending Ordinance 332-2015
- Copy of Resolution 1253-2014 Wastewater Fees and Charges for Wastewater Customers Pursuant to Ordinance 322-2014
- Minutes of January 20, 2015 meeting First Reading of Ordinance 332-2015
- Minutes of February 3, 2015 meeting Second Reading of Ordinance 332-2015
- Minutes of April 7, 2015 meeting First Reading of Ordinance 335-2015



**RESOLUTION NO. 1259-2015  
ORDINANCE 335-2015 AMENDING RIO DELL  
MUNICIPAL CODE SECTION 13.10.241  
PROPERTY TAX LIENS FOR NONPAYMENT OF DELINQUENT  
SEWER BILLS FOR CUSTOMERS THAT DO NOT SUBSCRIBE  
TO WATER SERVICE, AND A MEANS OF COLLECTING  
THE DELINQUENT CHARGES ON THE PROPERTY TAX BILL**

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

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

**WHEREAS:** The City of Rio Dell is in need of an incentive and procedure to effect the collection of delinquent sewer bills from customers that use sewer services, but are habitually delinquent in paying for the service and suffer no consequence, and

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

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

**NOW THEREFORE, BE IT RESOLVED** that Resolution 335-2015 amends Ordinance 332-2015, Chapter 13.10, Section 241 of the Rio Dell Municipal Code regarding the establishment of property tax liens for nonpayment of delinquent sewer bills for customers that do not subscribe to water service, and provides a means of collecting delinquent charges on the property tax bill. The City Council of the City of Rio Dell does hereby ordain as follows:

AMEND section 13.10.241 as follows:

**13.10.241 DISCONTINUANCE OF SERVICE FOR NONPAYMENT FOR CUSTOMERS WITHOUT WATER SERVICE**

In the event that any non-water account customer shall be delinquent in the payment of his or her sewer bill twice in succession or three times in a 12 month period, the City may initiate proceedings to have such delinquent charges, *late penalties, and* roll change costs ~~and the next 12 months of sewer service~~ (figured on a flat rate based on the average residential usage in the City) lump sum assessed against the real property or premises where the service is provided to become a lien against the property.

The lien shall be turned over to the County Assessor who shall enter the lien on the assessment rolls as a special assessment, thereafter to be collected at the same time and in the same manner as ordinary municipal taxes, to be subject to the same penalties and procedures under foreclosure and sale as provided by the Government Code and as provided for ordinary municipal taxes.

I HEREBY CERTIFY that the foregoing Amendment was duly introduced at a regular meeting of the City Council of the City of Rio Dell on April 21, 2015, and furthermore was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell on the Twenty-first day of April 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify that the above and foregoing to be a full, true and correct copy of the Amendment to Municipal Code 13.10.241 adopted by the City of Rio Dell on April 21, 2015.

---

Karen Dunham, City Clerk, City of Rio Dell

**RESOLUTION NO. 1253-2015**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL RESTATING  
WASTEWATER FEES AND CHARGES FOR WASTEWATER CUSTOMERS  
PURSUANT TO ORDINANCE NO. 322-2014**

**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 the City of Rio Dell did adopt Ordinance **No. 322-2014** that allows for sewer rates and charges to be modified by resolution of the City Council to provide for future changes; and

**WHEREAS**, Ordinance **No. 322-2014** deemed reasonable and authorizes the Council for the City of Rio Dell to fix charges to pay for expenses to be incurred by the wastewater department. The expenses to be paid include: (a) salaries, office expenses and other necessary disbursements; (b) the operation expenses of the utility; (c) provisions for the appropriate funds for repairs, replacements or betterments; and

**WHEREAS**, all wastewater system connections, once purchased, place a demand on the capacity of the treatment and collection system for processing and treat possible effluent whether in service or not; and

**WHEREAS**, the City Council of the City of Rio Dell has held public meetings pursuant to Proposition 218 to discuss the need for an increase in wastewater rates and charges; and

**WHEREAS**, the City has entered into a funding agreement for construction of a \$12.6 million Sewer Plant and Effluent Disposal Project with the State Water Resources Control Board; and the City must earmark funds for the repayment of the loan.

**NOW, THEREFORE BE IT RESOLVED** that this Resolution establishes and fixes wastewater service rates and charges for residential, commercial and institutional customers and replaces the wastewater rates and previously set by Ordinance or Resolution. Wastewater rates shall include a fixed minimum charge in addition to volume rates based on winter water consumption. Wastewater rates shall meet the following conditions:

- 1) **Sewer Bills.** Sewer bills are based on consumption but in no case are sewer bills less than the fixed/minimum service charge that is applied to the sewer bill for an equivalent dwelling unit (EDU).
- 2) **Definition of Consumption.** "Consumption" shall mean a three month average of winter water use as measured and recorded at the water meter serving the same parcel or premise receiving sewer service for the months of December, January, and February. The City Manager or his designee is authorized to make adjustments to customer winter water consumption due to any of the following conditions:

Vacancy: If the water consumption readings for the three winter months indicate that the premise being served sewer service was vacant during a portion of the three winter months, the City is authorized to average the water consumption for the period the premise appeared to be occupied.

Irregularity: The City is authorized to eliminate from the calculation water readings which are clearly not representative of average monthly water use when compared to water readings for two of the three months.

New Residential Account: New residential accounts will be billed based on the city-wide residential average of 5ccf until a usage history is established.

New Commercial Account: New commercial accounts at existing locations will be billed based on prior occupant's water consumption unless the new commercial operation is significantly different from the previous commercial operation.

- 3) Water Consumption Measurements. Water consumption is measured in units of one hundred cubic feet (ccf). One ccf equals 748 gallons.
- 4) Winter Water Consumption Rate. Each unit of winter water consumption is billed at the volume rate for the customer category/group. Sewer fixed minimum charges and volume rates are presented in the table below:

**Sewer Fees and charges per Equivalent Dwelling Unit:**

Customer class	Customer Class Description	Minimum Monthly (Fixed) Sewer Service Charge	Volume Rate (per ccf of winter water use)
Low Strength	See Exhibit A	\$47.01 per EDU	\$3.29 per ccf
Domestic Strength	See Exhibit A	\$47.01 per EDU	\$4.11 per ccf
Medium Strength	See Exhibit A	\$47.01 per EDU	\$6.17 per ccf
High Strength	See Exhibit A	\$47.01 per EDU	\$7.19 per ccf

EDU – equivalent dwelling unit

Ccf – hundred cubic feet

- 5) Residential Water Consumption Maximum. Single family residential and multifamily residential customers shall not be billed for monthly winter water consumption in excess of 15 units.
- 6) Customer Categories/Groups. Sewer customers are classified as low strength, domestic strength, medium strength, and high strength based on the content and strength of the discharge as established by industrial standards and California State Water Resources Control Board guidelines and as determined by the City Engineer.
- 7) **There shall be a new service connection fee of \$5,220 required for each individual dwelling, residence, building, or separate service to any multiple use consumer on any parcel or parcels under the same ownership. The fee shall be levied in addition to any actual costs by the City to provide the new service and shall be received into the sewer capital fund for the purpose of capital expenditures.**

## Exhibit A

### Strength Classifications into Low, Domestic, Medium, and High Strength Dischargers

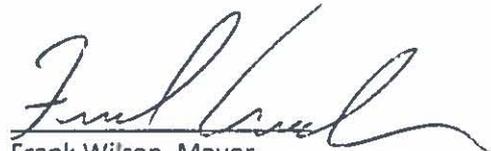
Low Strength	<ul style="list-style-type: none"> <li>Banks &amp; Financial Institutions</li> <li>Barber Shops</li> <li>Hair Salon (hair cutting only)</li> <li>Dry Cleaners</li> <li>Laundromats</li> <li>Offices - Business and Professional</li> <li>Offices - Medical/Dental (without surgery)</li> <li>Post Offices</li> <li>Retail Stores</li> <li>Schools without cafeteria</li> <li>Car Wash</li> </ul>
Domestic Strength	<ul style="list-style-type: none"> <li>Residential - All</li> <li>Appliance Repair</li> <li>Auto Dealers - without Service Facilities</li> <li>Nail Salons</li> <li>Pet Groomers</li> <li>Bars &amp; Taverns - without dining</li> <li>Camp Ground or RV Park</li> <li>Churches, Halls &amp; Lodges</li> <li>Fire Stations</li> <li>Hotels, Motels, B&amp;Bs, and Vacation Rentals (W/O restaurant)</li> <li>Libraries</li> <li>Rest Homes</li> <li>Shoe Repair Shops</li> <li>Theaters</li> <li>Warehouses</li> <li>Car Washes - Self Service</li> <li>High Tech Medical Manufacturing</li> <li>Light Manufacturing/Industrial</li> <li>Mobile Home Park</li> <li>Gas Station</li> <li>Gym or Health Club</li> <li>Schools with cafeteria</li> <li>Auto Dealers - with Service Facilities</li> <li>Machine Shops</li> <li>Service Stations, Garages, Auto Repair Shops</li> </ul>
Medium Strength	<ul style="list-style-type: none"> <li>Restaurants - W/O Dish Washer &amp; Garbage Disposal</li> <li>Coffee Shops - W/O Dish Washer &amp; Garbage Disposal</li> <li>Mini Marts - W/O Dish Washer &amp; Garbage Disposal</li> <li>Mini Mart with Gas Pumps - W/O Dish Washer &amp; Garbage Disposal</li> <li>Catering - W/O Dish Washer &amp; Garbage Disposal</li> <li>Hotel/Motel with Restaurant</li> <li>Beauty Shops ( hair cutting w/additional treatments)</li> <li>Hospitals - General, Convalescent &amp; Veterinarian</li> <li>Medical Offices - with Surgery</li> <li>Dental Offices</li> </ul>
High Strength	<ul style="list-style-type: none"> <li>Restaurants - with Dish Washer or Garbage Disposal</li> <li>Coffee Shops - with Dish Washer or Garbage Disposal</li> <li>Catering - with Dish Washer or Garbage Disposal</li> <li>Bakeries</li> <li>Butcher Shops</li> <li>Fish Market/Shop</li> <li>Markets - with Dish Washer or Garbage Disposal</li> <li>Markets - with Bakeries or Butcher Shops</li> <li>Mini Marts - with Dish Washer or Garbage Disposal</li> <li>Wineries</li> <li>Cheese Makers</li> <li>Dairy Products (milk producers, yogurt, ice cream maker)</li> <li>Specialty Foods Manufacturing (a.g., olive oil maker)</li> <li>Ice Cream Shop</li> <li>Tasting Rooms</li> <li>Spa with Various Beauty Treatments</li> <li>Funeral Homes/ Mortuary</li> </ul>

**BE IT RESOLVED** that rates will be adjusted for inflation each year, based on the Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers, and effective July 1 of each fiscal year. The month of comparison from the index shall be the preceding January; and

**BE IT FURTHER RESOLVED** that these fees and charges apply to all connections to the City of Rio Dell's wastewater collection and treatment system, once they are purchased from the City, without regard to the actual status of the connection or if the premises are occupied or unoccupied; and

**PASSED AND ADOPTED** by the City Council of the City of Rio Dell on February 3, 2015 by the following vote:

Ayes: Wilson, Garnes, Johnson, Marks and Thompson  
Noes: None  
Abstain: None  
Absent: None



Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above to be a full, true and correct copy of Resolution No. 1253-2015 adopted by the City Council of the City of Rio Dell on February 3, 2015.



Karen Dunham, City Clerk

**ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS**

Adopt Resolution No. 1250-2015 Authorizing the Update of Signers on all US Bank Accounts  
Finance Director Woodcox provided a staff report and said the City's signature cards on the US Bank accounts need to be updated to include the current City Manager, Mayor and Mayor Pro Tem as well as updating the Finance Director as the authorized representative allowed to access the accounts and to make transfers between the three US Bank accounts including the General checking account, the Payroll account and the CDBG account.

Councilmember Thompson noted that Councilmember Garnes and Marks were not included on the list of authorized signers.

Finance Director Woodcox explained in 2011, the Council authorized two additional signers to the accounts for a total of six because of difficulties encountered in acquiring the two required signatures on checks but staff felt that six signers is sufficient and as new councilmembers, they may not want to have that responsibility.

Councilmember Johnson asked if the update will require new signers going to the bank.

City Clerk Dunham indicated the form was in the office and ready for signatures.

Motion was made by Garnes/Marks to approve Resolution No. 1115-2015 *Authorizing the Update of Signature Cards on all U.S. Bank Accounts*. Motion carried 5-0.

Introduction and First Reading (by title only) of Ordinance No. 321-2015 Amending the Definition of Inoperative Vehicle, Section 8.15.020 of the Rio Dell Municipal Code (RDMC)  
City Manager Knopp stated that staff had requested this item be removed from the agenda to allow for minor revision before introduction and first reading.

Introduction and First Reading (by title only) of Ordinance No. 332-2015 amending Section 13.10.240 and Adding Section 1310.241 to the Rio Dell Municipal Code (RDMC) Related to Delinquent Sewer Accounts

Finance Director Woodcox provided a staff report and stated that an amendment is needed to assist staff in managing the collection of delinquent sewer accounts that do not subscribe to water service since the City lacks any leverage to collect on these account as they become past due. She said the amended language will allow past due sewer accounts and prospective amounts to be turned over to the County Assessor to place as a lien against the property and collected with municipal taxes. She noted that the amendment will allow collection of sewer charges 12 months in advance in addition to past due charges and will also make it possible to collect on accounts when there is a change in ownership as the lien amounts will be prorated to the responsible party prior to the sale of the property.

She indicated that there are currently about 20 delinquent sewer accounts: five of which are on homes in foreclosure.

Councilmember Thompson asked if staff will have to go to court to file the liens.

Finance Director Woodcox explained that she spoke to Joe Mellett from the Auditor's office who informed her that the delinquent accounts can be submitted with a letter from the City citing the California Government Code section that authorizes the action, the assessor parcel number and amount and they will be placed as a lien on the property. She noted that the accounts can be submitted once a year for a very minimal cost and if they are submitted during other times of the year the fee will be \$15.00 per account. She said she will be setting it up for submittal to the Assessor at the beginning of each tax year.

Councilmember Johnson questioned the fees and penalties assessed on delinquent accounts.

Finance Director Woodcox said currently past due utility accounts are assessed a 10% penalty per month and the maximum penalty that can be assessed is 12%.

Mayor Wilson asked if the 12 month advance billing for sewer account is proposed for all sewer only accounts or just on delinquent accounts.

Finance Director Woodcox stated it would apply to all delinquent accounts past 3 months.

Councilmember Barnes asked if the reason for the delinquency is because no one is living in the residence.

Finance Director Woodcox said that generally the delinquencies are related to vacant properties.

Councilmember Barnes then asked if customers are required to pay for a sewer connection when they purchase a home.

Finance Director Woodcox explained that the connection fees are paid at the time of construction.

Councilmember Barnes questioned why someone would be required to pay for a sewer service if they are not using it.

Finance Director Woodcox explained that when the wastewater rate study was done, the rates were based on total wastewater connections to the collection and treatment system without regard to the actual status of the connection or if the premises were occupied or unoccupied. She noted that the rates were established to meet a certain dollar amount to maintain the sewer system.

Councilmember Thompson referred to the 1978 Sewer Bond Assessment that will terminate in 2018 and said each individual connection at the time of the assessment including services to a garage or guest house were assessed and those residents are paying for a second connection even though it may no longer be activated. The same theory was used in determining the number of connections for the wastewater rate study.

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

Nick Angeloff asked if it will become an issue when the water rate study is done so customers will also be charged a standby fee for water when it is not being used.

City Manager Knopp stated that it is unknown at this time if there will be any additional fees or charges related to water and water rates is an issue the Council hopes to make progress on over the next 6 months.

Mayor Wilson asked for clarification on who is primarily being affected by this action.

He clarified that the primary customers affected aren't those that are simply refusing to pay because they know the City can't disconnect their sewer service but the majority of the delinquent accounts are related to vacant properties with no water service so there is no incentive for them to pay for the standby sewer charge.

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

Mayor Wilson asked if the lien will be satisfied with the sale of the property.

Finance Director Woodcox pointed out that the lien will show on the property tax bill and collected in the same manner the taxes are collected. She pointed out that this process was initiated by the former City Manager and when he left, he passed it on to her to complete.

Motion was made by Thompson Johnson to introduce and conduct first reading (by title only) of *Ordinance No. 332-2015 Amending Section 13.10.240 and Adding Section 13.10.241 to the Rio Dell Municipal Code Related to Delinquent Sewer Accounts* and to continue the second reading, consideration and adoption of the proposed Ordinance to the meeting of February 3, 2015.  
Motion carried 5-0.

## REPORTS/STAFF COMMUNICATIONS

City Manager Knopp reported on recent activities and events and reiterated that he had made significant progress with staff on the health insurance plan which represents a cost savings for the City and said he will be bringing a detailed report back to the Council at the next meeting for approval.

Second Reading (by title only) and Adoption of Ordinance No. 332-2015 Amending Section 13.10.240 and Adding Section 1310.241 to the Rio Dell Municipal Code (RDMC) Related to Delinquent Sewer Accounts

Finance Director Woodcox provided a staff report and said staff is recommending the adoption of Ordinance No. 332-2015 amending the Rio Dell Municipal Code (RDMC) related to collection of delinquent sewer accounts. She explained what has been happening with the new sewer rate structure is that several of the sewer customers that don't also have water service (as many as 20) are letting those bills go unpaid and the City doesn't have any leverage to collect on these accounts as they become past due. She said the amended language will allow past due sewer accounts and prospective amounts to be turned over to the County Assessor to place as a lien against the property and collected with municipal taxes. She noted that the amendment will allow collection of sewer charges 12 months in advance in addition to past due charges and will also make it possible to collect on accounts when there is a change in ownership as the lien amounts will be prorated to the responsible party prior to the sale of the property.

Councilmember Johnson asked the dollar amount of the delinquent accounts.

Finance Director Woodcox estimated total delinquent sewer account to be in the range of \$4,000-\$5,000 to date.

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

Motion was made by Johnson Marks to conduct second reading (by title only) and adopt *Ordinance No. 332-2015 Amending Section 13.10.240 and Adding Section 1310.241 to the Rio Dell Municipal Code (RDMC) Related to Delinquent Sewer Accounts*. Motion carried 4-1.

Introduction and First Reading (by title only) of Ordinance No. 333-2015 Amending Chapter 2.55, Commissions, Committees, Boards, Agencies and Task Forces, and Section 10.05.100, Traffic Committee of the Rio Dell Municipal Code (RDMC)

City Manager Knopp provided a staff report and explained this ordinance amendment relates to Title 2, *Administration and Personnel* of the Rio Dell Municipal Code (RDMC). He said upon the recent establishment of the Nuisance Committee, staff discovered that the Nuisance Committee was not identified as one of the committees in Chapter 2.55 of the RDMC. In addition to that omission, staff discovered other inconsistencies and omissions including reference to the CDBG Committee under Section 2.55.010; inconsistent provisions of the Traffic Committee found in Chapter 10.5; the Nuisance Hearing Committee not identified; the Wildwood Avenue Sculpture Committee not identified; and that the CDBG provisions are not consistent with the City's adopted guidelines.

He said as such, staff is recommending Chapter 2.55 be amended to accurately reflect the composition and responsibilities of the various commissions, committees, boards, agencies and

# CITY OF RIO DELL CHECK REGISTER

## General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0003618	3/02/2015	[2366] EEL RIVER DISPOSAL INC	GARBAGE BAGS FOR FEBRUARY 2015	651.50
0003619	3/02/2015	[2757] US POSTMASTER	POSTAGE FOR FEBRUARY 2015 FOR UTILITY BILLING	367.95
0003620	3/05/2015	[3108] ACCUFUND, INC.	ANNUAL SUPPORT 4/1/15 - 3/31/16	6,127.50
0003621	3/05/2015	[2224] AQUA BEN CORPORATION	HYDROFLOC 750L 55 GAL DRUM	803.03
0003622	3/05/2015	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT CASE #200000001183524 FOR PPE 2/2	81.69
0003623	3/05/2015	[5330] CAPITAL ONE COMMERCIAL	COSTCO - HOT CUPS, 40 PK AA BATTERIES AND BIN	61.65
0003624	3/05/2015	[2285] CC MARKET (1)	BIRTHDAY CAKE FOR THE MONTH OF FEBRUARY 2015	30.00
0003625	3/05/2015	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 2/20/15	120.00
0003626	3/05/2015	[3148] COUNTY OF HUMBOLDT	ASSESSOR PARCEL MAP UPDATES; MAP 52-22	6.50
0003627	3/05/2015	[4382] DOCUSTATION	MONTHLY MAINTENANCE & COPY CHARGES FOR FEBRUARY	1,660.56
0003628	3/05/2015	[2407] FORBUSCO LUMBER	12 - PIER BLOCKS; 10 - 4X4X8 PT; 50 LBS 16 V 30 - 2X4X8 PT 10 - 2X4X8 PT RETURNS: 7 - 4X4X8 PT; 4 - 2X4X8 PT; 7 - 2X6X 500 - 6" GARDEN STAPLES	342.42
0003629	3/05/2015	[2501] HAJOCA CORPORATION	11 CHRISTY FL09D WATER FIBERLYTE LIDS	350.97
0003630	3/05/2015	[4908] MITCHELL BRISSO DELANEY & VRIEZE	PROFESSIONAL SERVICES FOR FEBRUARY 2015 PROFESSIONAL SERVICES FOR FEBRUARY 2015 PROFESSIONAL SERVICES FOR FEBRUARY 2015 PROFESSIONAL SERVICES FOR FEBRUARY 2015 PROFESSIONAL SERVICES FOR FEBRUARY 2015	2,123.00
0003631	3/05/2015	[2410] NORTH COAST CLEANING SERVICES, INC.	MONTHLY CLEANING SERVICE FOR FEBRUARY 2015	471.00
0003632	3/05/2015	[2569] NORTH COAST LABORATORIES, INC.	AMMONIA NITROGEN W/O DISTILLATION; NITRATE/NI AMMONIA NITROGEN W/O DISTILLATION; NITRATE/NI	280.00
0003633	3/05/2015	[4393] NYLEX.NET	MONTHLY MAINTENANCE FOR MARCH 15 THROUGH APRIL	900.00
0003634	3/05/2015	[2659] RIO DELL PETTY CASH	PROPANE; DISH SOAP; PICTURE HANGING KIT; DEED	29.85
0003635	3/05/2015	[4525] SHERLOCK RECORDS MGMT	STORAGE SERVICES FOR FEBRUARY & BOX RETRIEVAL	88.60
0003636	3/05/2015	[4570] SHRED AWARE	SHREDDING	70.00
0003637	3/05/2015	[4699] SIERRA CHEMICAL CO	CHEMICALS & CONTAINER DEPOSITS	3,175.17
0003638	3/05/2015	[2319] SUDDENLINK COMMUNICATIONS	MONTHLY BROADBAND SERVICES FOR MARCH 2015	246.32
0003639	3/05/2015	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 2/20/15	5,414.30
0003640	3/05/2015	[5166] VSP-VISION SERVICE PLAN	VISION INSURANCE FOR MARCH 2015	448.44
0003641	3/05/2015	[2772] WENDT CONSTRUCTION, INC	TREE DAMAGE REPAIRS TO DINSMORE BOOSTER STATI	14,155.00
0003642	3/05/2015	[5647] WHITCHURCH ENGINEERING, INC.	SITE INVESTIGATIONS FOR BELLEVIEW & OGLE AVE	6,053.25
0003643	3/05/2015	[2792] ZUMAR INDUSTRIES, INC.	STREET NAME SIGNS - TOWNSEND, BELLEVIEW, WILD	721.62

# CITY OF RIO DELL CHECK REGISTER

## General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0003644	3/13/2015	[0576] 101 AUTO PARTS	TWO BATTERIES & CORE DEPOSITS FOR 2004 FORD F 80 PK TERRY RAGS; BATTERY CORE DEPOSIT CREDIT	285.51
0003645	3/13/2015	[5443] AIRGAS USA, LLC	CYLINDER RENTAL	20.84
0003646	3/13/2015	[3975] AT&T - 5709	PHONE EXPENSES FOR FEBRUARY 2015	509.67
0003647	3/13/2015	[5114] BEST BEST & KRIEGER LLP	LEGAL SERVICES THROUGH FEBRUARY 28, 2015	173.02
0003648	3/13/2015	[2293] CITY OF FORTUNA	POLICE DISPATCH SERVICES FOR MARCH 2015	1,542.00
0003649	3/13/2015	[5127] DELTA DENTAL	DENTAL INSURANCE FOR APRIL 2015	2,254.66
0003650	3/13/2015	[2385] EUREKA READYMIX	4.11 TONS CRUSHED ROCK	48.60
0003651	3/13/2015	[5241] GE CAPITAL	XEROX COPIER PAYMENT FOR MARCH 2015	475.49
0003652	3/13/2015	[2437] HACH	REAGENT SET, CHLORINE FREE CL17	177.00
0003653	3/13/2015	[4212] LEC CORPORATION	LEAK REPAIRS ON DOUGLAS TANK #1	2,350.00
0003654	3/13/2015	[5222] R.J. RICCIARDI, INC	PROFESSIONAL SERVICES REGARDING AUDIT PERIOD	3,960.00
0003655	3/13/2015	[3029] REDWOOD COFFEE SERVICE	COFFEE	63.00
0003656	3/13/2015	[2664] ROGERS MACHINERY INC	REPAIRS TO GORMAN RUPP PUMP	1,921.50
0003657	3/13/2015	[5797] SAFE RESTRAINTS, INC.	THE COMPLETE WRAP RESTRAINT SYSTEM INCLUDING	1,239.25
0003658	3/13/2015	[5564] SALMON, COLE	CUSTOMER DEPOSIT REFUND	12.29
0003659	3/13/2015	[2742] SCOTIA TRUE VALUE HARDWARE	THREE 1" WHITE MPT PLUGS; RETURN THREE 3/4" B 1 QT SAE30 MOTOR OIL; 4 - 1/2-13X1-1/2 STAINL TRAD ANVIL PRUNER; PWR GEAR BY PRUNER 8 - NICKEL PLATED KEYS THREE 3/4" BRASS PIPE PLUGS DURAFRAME TROWEL; EIGHT 60 LB CONCRETE MIX	134.98
0003660	3/13/2015	[2710] STARPAGE	PAGING SERVICES FOR MARCH 2015	12.95
0003661	3/13/2015	[2319] SUDDENLINK COMMUNICATIONS	INTERNET SERVICE FROM 3/10/15 TO 4/9/15	134.95
0003662	3/13/2015	[2731] THOMAS & ASSOCIATES	PUMP LIFT STATION PARTS: 2 - WEAR PLATE ASSEM	456.61
0003663	3/19/2015	[2457] HUMBOLDT COUNTY CLERK	CEQA NOTICE OF EXEMPTION FOR METROPOLITAN WEL	50.00
0003664	3/20/2015	[3114] 3T EQUIPMENT CO., INC.	1/2" FLYING NOZZLE 3D	392.13
0003665	3/20/2015	[4603] CALIF. BUILDING STANDARDS COMMISSION	PERMIT ASSESSMENT FEES FOR OCTOBER THROUGH DE	13.50
0003666	3/20/2015	[5781] CALIFORNIA BUILDING OFFICIALS	ANNUAL DUES 4/1/15 TO 3/31/16	215.00
0003667	3/20/2015	[2261] CALIFORNIA STATE DISB UNIT	GARNISHMENT CASE #200000001183524 FOR PPE 3/6	81.69
0003668	3/20/2015	[2303] COAST CENTRAL CREDIT UNION	POA DUES FOR PPE 3/6/15	120.00
0003669	3/20/2015	[3461] CRIMESTAR CORPORATION	RECORDS MANAGMENT SYSTEM ANNUAL SUPPORT FEE P	1,500.00
0003670	3/20/2015	[0155] LINDA DAWDY	CUSTOMER DEPOSIT REFUND	3.30
0003671	3/20/2015	[2342] DEPT OF CONSERVATION DIVISION OF ADMIN.	STRONG MOTION INSTRUMENTATION & SEISMIC HAZAR	26.03

# CITY OF RIO DELL CHECK REGISTER

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Check	Date	Vendor	Description	Check / Payment
0003672	3/20/2015	[5568] DIVISION OF THE STATE ARCHITECT	DISABILITY ACCESS & EDUCATION FEES FOR OCTOBE	5.70
0003673	3/20/2015	[4855] FRESHWATER ENVIRONMENTAL SERVICES	CONSULTING SERVICES FROM 1/5/15 TO 1/30/15 CONSULTING SERVICES FROM 2/10/15 TO 2/17/15	2,400.00
0003674	3/20/2015	[2458] HUMBOLDT COUNTY DIVISION OF ENVIRONMENTAL HEALTH	HAZARDOUS MATERIALS FACILITY FEE; CUPA STATE	638.76
0003675	3/20/2015	[2603] PG&E	UTILITY EXPENSES FOR FEBRUARY 2015	16,126.86
0003676	3/20/2015	[3343] PITNEY BOWES RESERVE ACCOUNT	POSTAGE PURCHASE FOR RESERVE	400.00
0003677	3/20/2015	[2619] PITNEY BOWES, INC. (QTR Pymnt)	QUARTERLY PAYMENT FOR JANUARY THROUGH MARCH 2	166.41
0003678	3/20/2015	[3354] SERGIO RAMIREZ	CUSTOMER DEPOSIT REFUND	1.76
0003679	3/20/2015	[5772] SACRAMENTO VALLEY ASSOCIATION OF	INTERMEDIATE PERMIT TECH TRAINING COURSE	100.00
0003680	3/20/2015	[2694] SHELL OIL CO.	PD FUEL EXPENSES FOR FEBRUARY 2015 PW FUEL EXPENSES FOR FEBRUARY 2015 ADMIN CAR FUEL EXPENSES FOR FEBRUARY 2015 PD FUEL EXPENSES FOR MARCH 2015 PW FUEL EXPENSES FOR MARCH 2015	1,959.98
0003681	3/20/2015	[2719] SWRCB OFFICE OF OPERATOR CERT	GRADE 3 WATER TREATMENT OPERATOR CERTIFICATE	190.00
0003682	3/20/2015	[2481] VANTAGEPOINT TRANSFER AGENTS-304361	RETIREMENT FOR PPE 3/6/15	5,410.60
0003683	3/20/2015	[2772] WENDT CONSTRUCTION, INC	VACTOR TRUCK RENTAL	150.00
0003684	3/20/2015	[2719] SWRCB OFFICE OF OPERATOR CERT	GRADE 3 WATER DISTRIBUTION OPERATOR CERTIFICA	90.00
0003685	3/20/2015	[2719] SWRCB OFFICE OF OPERATOR CERT	GRADE II WWTP OPERATOR CERTIFICATION RENEWAL	230.00
0003686	3/20/2015	[2719] SWRCB OFFICE OF OPERATOR CERT	GRADE III WWTP OPERATOR CERTIFICATE RENEWAL F	300.00
0003687	3/27/2015	[2237] BANK OF AMERICA BUSINESS CARD	USPS - EVERY DOOR DIRECT MAILING OF WINTER 20 7-ELEVEN: 14.825 GAL FUEL FOR CITY CAR HAMPTON INN & SUITES - THIS CHARGE IS IN ERRO THE INN @ JACK LONDON SQUARE - LODGING & PARK	1,292.20
0003688	3/27/2015	[5769] BLUE SHIELD OF CALIFORNIA	HEALTH INSURANCE FOR APRIL 2015	17,792.65
0003689	3/27/2015	[3605] CDWG GOVERNMENT, INC.	COMPUTER FOR DATA STORAGE	1,656.70
0003690	3/27/2015	[2291] CITY OF EUREKA	HAZ-MAT JPA CONTRIBUTION FY 2014-15	1,325.00
0003691	3/27/2015	[3148] COUNTY OF HUMBOLDT	ASSESSOR PARCEL MAP UPDATES; MAP 53-14	6.50
0003692	3/27/2015	[2411] DEARBORN NATIONAL LIFE INSURANCE COMPANY	LIFE INSURANCE FOR APRIL 2015	248.00
0003693	3/27/2015	[2105] KAREN L DUNHAM	REIMBURSEMENT FOR LODGING & PER DIEM - SCORE/BUILDING WORKSHOP	368.81

# CITY OF RIO DELL CHECK REGISTER

## General Checking - US Bank of California

Check	Date	Vendor	Description	Check / Payment
0003694	3/27/2015	[3782] EUREKA-HUMBOLDT FIRE EXTINGUISHER CO., INC	ANNUAL FIRE EXTINGUISHER MAINTENANCE SERVICE	801.83
0003695	3/27/2015	[5765] GARNES, DEBRA	ANNUAL FIRE EXTINGUISHER MAINTENANCE SERVICE	406.93
0003696	3/27/2015	[5052] GHD, INC	REIMBURSEMENT FOR LODGING, MEALS & MILEAGE FO	1,272.00
0003697	3/27/2015	[2750] HD Supply Facility Maintenance DBA: USA BLUEBOOK	PROFESSIONAL SERVICES FOR WATER SYSTEM MEETINGS	2,683.35
0003698	3/27/2015	[4218] MAS MODERN MARKETING	PROFESSIONAL SERVICES FOR COUNCIL MEETINGS	179.83
0003699	3/27/2015	[2569] NORTH COAST LABORATORIES, INC.	ENGINEERING SERVICES FOR TAC MEETINGS & TRANS	35.00
0003700	3/27/2015	[5730] O & M INDUSTRIES	NITRATE STANDARD, NITRATE NITROGEN STANDARD,	97.00
0003701	3/27/2015	[5724] JOHN PARKER	DRUG TESTING POUCHES	156.15
0003702	3/27/2015	[4338] QUILL CORPORATION	COLIFORM QUANTI-TRAY	123.57
0003703	3/27/2015	[2709] STAPLES DEPT. 00-04079109	TEST WALL FURNACES & RESET OPEN LIMITS	291.53
0003704	3/31/2015	[2659] RIO DELL PETTY CASH	CUSTOMER DEPOSIT REFUND	142.83
0003705	3/31/2015	[2757] US POSTMASTER	SAMSUNG BLACK TONER CARTRIDGE; GEL INK PENS	367.71
			XEROX BLACK, YELLOW, MAGENTA & CYAN TONER CAR	
			POSTAGE; LUNCH, SNACKS & DRINKS FOR SEXUAL HA	
			POSTAGE FOR MARCH 2015 FOR UTILITY BILLING	
			<b>Total Checks/Deposits</b>	<b>120,371.95</b>