

**AGENDA**  
**RIO DELL CITY COUNCIL**  
**CLOSED SESSION – 6:00 P.M.**  
**REGULAR MEETING - 6:30 P.M.**  
**TUESDAY, MAY 2, 2017**  
**CITY COUNCIL CHAMBERS**  
**675 WILDWOOD AVENUE**

***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 American 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 the meeting.*

- A. CALL TO ORDER
- B. ROLL CALL
- C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:
  - 1) 2017/0502.01 - **Conference with Labor Negotiator – City Manager**  
Employee Organizations: Rio Dell Employees Association  
Rio Dell Police Officers Association and all Contract  
Employees (Pursuant to §59457.6)
- D. PUBLIC COMMENT REGARDING CLOSED SESSION
- E. RECESS INTO CLOSED SESSION
- F. RECONVENE 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 Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.*

## K. CONSENT CALENDAR

*The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council embers 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) 2017/0502.02 - Approve Minutes of the April 18, 2017 Regular Meeting  
**(ACTION)** 1
- 2) 2017/0502.03 - Receive & File Measure Z Quarterly Narrative **(ACTION)** 14

## L. ITEMS REMOVED FROM THE CONSENT CALENDAR

## M. SPECIAL PRESENTATIONS/STUDY SESSIONS

## N. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) 2017/0502.04 - Police Department Update **(RECEIVE & FILE)** 16
- 2) 2017/0502.05 - Discussion on Town Holiday Decorations Proposal  
**(DISCUSSION/POSSIBLE ACTION)** 18
- 3) 2017/0502.06 - Discussion/Possible Adoption of FY 2017/18 Operating  
and Capital Budget **(DISCUSSION/POSSIBLE ACTION)** 20

## O. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2017/0502.07 - Introduction and First Reading (by title only) of Ordinance  
No. 358-2017 Amending the City's Sign Regulations, Section  
17.30.300( e) of the Rio Dell Municipal Code (RDMC) to  
correct an error **(DISCUSSION/POSSIBLE ACTION)** 30

2) 2017/0502.08 - Second Reading (by title only) and Adoption of Ordinance No. 356-2017 amending Section 13.05 Water Rates and Regulations to require that all new residential dwellings, commercial and industrial buildings within the City be required to connect to the City's water system and have fees and charges established by Resolution  
**(DISCUSSION/POSSIBLE ACTION)** **40**

P. REPORTS/STAFF COMMUNICATIONS

Q. COUNCIL REPORTS/COMMUNICATIONS

R. ADJOURNMENT

*The next regular City Council meeting is scheduled for  
Tuesday, May 16, 2017 at 6:30 p.m.*



including an estimate of probable costs for Christmas decorations for the downtown. The proposal included lighting both the North and South Rio Dell signs with LED lights, plywood cutouts along Wildwood Ave., lights on the Spruce tree at City Hall, decorating and lighting a tree downtown, LED lights on the Chamber building, and lamp post banners. He noted that the estimate did not include lights on the trees at Memorial Park.

Mayor Wilson referred to the \$2,450 quote and asked if the Chamber is asking the City to assume that cost.

Mr. Brickley indicated that the proposal is for the City to cover the cost of decorations with the chamber providing the labor to construct the plywood cutouts and install the decorations.

Mayor Wilson stated that the Council cannot take action on matters presented under *Public Presentations* but said the matter can be agenzized for a later meeting.

**Dan McCauley, Dan's Custom Metals** addressed the Council and provided a handout of proposed rough draft renditions of sculptures for possible placement in the Wildwood Avenue median. He noted that he has been doing welding and sculptures for 23 years and that his designs have a lot of movement with the wind to bring them alive so to speak and are all very structurally sound.

Mayor Wilson said that the City appreciates the opportunity to work with him and explained that the Rio Dell Sculpture Committee meets as often as they can and that his renderings will be provided to staff to present to the Sculpture committee for consideration and recommendation to the Council.

## CONSENT CALENDAR

Motion was made by Johnson/Marks to approve the consent calendar including approval of minutes of the March 28, 2017 Joint Study Session; approval of minutes of the April 4, 2017 Regular meeting; approval of the selection of JJA CPA, Inc. for auditing services for fiscal years 2016/17 through 2020/21; approval of Pay Request No. 3 in the amount of \$27,274.37 to Wahlund Construction for work related to the Metropolitan Wells Project; adoption of Resolution No. 1332-2017 including Rio Dell in the Humboldt County Tourism Business Improvement District (HCTBID); to continue second reading and adoption of Ordinance No. 356-2017 Water Rates and Regulations requiring that all new residential dwellings, commercial and industrial buildings within the City connect to the City's water system and establishing fees and charges by Resolution to the meeting of May 2, 2017; and to receive and file the check register for March 2017. Motion carried 3-0.

## SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Authorize the City Manager to pursue a Memorandum of Understanding (MOU) with the County of Humboldt designating the City of Rio Dell as the Lead Agency for repair of the 2017 Winter Storm Damage on Monument Road

City Manager Knopp provided a staff report and noted that City Engineer Steve McHaney was present to answer any questions related to the project. He said during the winter storm events of 2017; there were initially two (2) potential problem areas identified; a slip out on Monument Road and an issue at the wastewater disposal field. He said the storm events have been declared federal and state disasters with damages to Monument Road estimated at \$1 million. He noted that the damage at the wastewater disposal field was so minimal, that damage will not be included in any disaster related work.

He said there is clearly a significant amount of damage on Monument Road and it happens to fall on the City boundary line with the County at the foot of John Deere Lane. He said the recommended action is to authorize the City Manager to pursue a Memorandum of Understanding (MOU) with the County designating Rio Dell as the lead agency for repair of the storm related damage.

He further reported that the damage initially started with approximately 50% in the City and 50% in the County but it has now moved further within the City limits. He said City and County staff met with FEMA representatives to take a look at the damage which extends approximately 210 feet in total and it was advised that one agency take the lead on the project. He pointed out that this is an area that was identified by the City Engineer last year as potential for failure.

City Manager Knopp also noted that local jurisdictions are on the hook for no less than 6.25% of the costs so in this case the City and the County will need to come to some sort of agreement regarding cost share of the project.

City Engineer, Steve McHaney addressed the Council and said he visited the site with the County, City staff and FEMA representatives and noted that this site is something he has actually been watching for around 20 years and that it is located on a particularly steep hillside and has been probable to damage and it was just a matter of time this would occur. He said the worst part of the damage is within the County however; as the City Manager indicated it is creeping down further into the City. He said for the City to spend the money now with a small shared cost it's a real bargain.

He explained that it is important to make sure in moving forward that FEMA is willing to fund this kind of repair so they put together a conceptual cost estimate based on several factors and came up with a rough estimate of \$1 million to basically repair 210 feet. He noted that the costs could be less but it's easier to estimate high and not use all the money than to estimate low and have to go back and try to get additional funding. He said the site needs to have a geotechnical evaluation, a survey and design work done to really figure out how deep and wide they will need to go with the repairs.

City Engineer McHaney explained the plan is to work with FEMA collaboratively and come up with a realistic but pretty comprehensive project that works, find out if FEMA will fund the project, then come back to the Council for approval to begin the geotechnical work, survey and design. He pointed out that construction of the project will not start anytime soon; the earliest date probably next summer as it takes months to go through the FEMA process and also you don't want to disturb the area during the wet season.

Mayor Pro Tem Johnson commented that it looks like the easterly portion that is clearly in the City has tremendous risk for closing both lanes of traffic this next winter. He said he sees that as huge potential and feels there needs to be some provisions for potentially some really costly maintenance for the next year.

City Engineer McHaney commented that is a possibility so they will need to watch it closely but hopefully it will dry out this summer to keep things stable. He noted that in his opinion, the City's portion is slightly more stable than the County's portion and if there is another really wet winter the County's portion will get larger.

Mayor Pro Tem Johnson asked if FEMA covers 100% of maintenance.

City Engineer McHaney explained that they will sometimes pay 100% of debris removal and emergency protective measures such as sand bags during a flood. He said as an example, if the during a declared disaster the City had to rent barricades or something to that affect, FEMS would likely cover that expense.

Mayor Pro Tem Johnson commented that this could represent a huge expense to the City and possible closure of Monument Road.

City Engineer McHaney said it certainly will be closed to one-lane traffic for the next year at the very minimum. He noted that the exact boundary between the City and the County seems to be of some debate and since they don't know precisely where the boundary is, that will need to be determined with the survey including any existing right-of-ways before they can design the project.

Mayor Pro Tem Johnson said provided the City Manager is authorized to proceed, in very short order he would expect GHD to be developing some kind of schedule for initial surveying, geotechnical borings and whatever else is needed.

City Engineer McHaney explained assuming FEMA gives the City the go ahead and the City is identified as the lead agency on the project, at that point they will come back to the Council for authorization to proceed.

Mayor Wilson called for public comment; there was no public comment received.

Motion was made by Johnson/Marks to authorize the City Manager to pursue a Memorandum of Understanding (MOU) with the County of Humboldt designating the City of Rio Dell as the lead agency for repair of the 2017 Winter Storm Damage on Monument Road. Motion carried 3-0.

Budget Workshop – FY 2017/18 Proposed Operating and Capital Budget

Finance Director Woodcox provided a power point presentation on the *FY 2017/18 Proposed Operating and Capital Budget*. Provided in the presentation was an overview of:

- Position Allocations
- General Fund Revenues
- General Fund Expenditures
- Enterprise Funds
- City-Wide Expenditures
- Proposed Capital Projects

18.5 full-time positions were proposed for the 2017/18 budget representing an increase from the current year of 16.8 positions.

City-wide revenues were forecasted at \$3.6 million, General Fund revenues at \$923,579, and General Fund expenditures at \$1,056,836, representing a draw on General Fund reserves of \$133,256 for the 2017/18 fiscal year.

With regard to the Enterprise funds, \$2,317,545 was projected for total revenues; \$1,102,763 Water revenue and \$1,214,782 Sewer revenue. Operating costs increased by \$86,368 from the 2016/17 fiscal year due to one additional position in Public Works and the Measure Z position.

City wide expenditures including operating expenditures, debt service and capital projects totaled \$4,119,688 as proposed with expenditures exceeding revenues by \$446,675.

Next was review of proposed Capital projects with \$200,000 in General Fund projects; \$189,500 in Water Fund projects; \$164,250 in Sewer projects; \$74,250 in Streets projects; and \$160,000 in CDBG projects for a total of \$788,000.

Other Capital projects for consideration included a \$60,000 Street fund subsidy; \$45,000 for a Code Enforcement Officer for 6 months; \$4,500 for accounting software (AccuFund IT); \$15,000 for Economic Development assistance; and \$10,000 for vehicle maintenance and repairs.

Finance Director Woodcox said while it looks like there are deficits in the budget she wanted to point out that the reserves are healthy and the City's overall financial outlook is good.

Mayor Pro Tem Johnson questioned the expenditure for replacement of the sewer machine and push camera.

Water/Roadways Superintendent Jensen commented that the current sewer machine was purchased in 2004 and requires a lot of maintenance and the push camera is outdated.

Mayor Wilson asked for the detail of the \$31,581 proposed expenditure for computer maintenance and support (5173).

Finance Director Woodcox stated that it basically includes IT services with Nylex, AccuFund support and email access. She noted that the contract with Nylex is approximately \$13,000 annually.

Mayor Wilson said he would like to know how much time they actually spend and exactly what services they perform for that amount.

Finance Director Woodcox commented that they provide weekly onsite computer support and other services as needed.

Mayor Wilson then questioned the age of the computer equipment and asked if there are frequent problems with the equipment.

Finance Director Woodcox indicated that the server was replaced around the time she started (2014).

Chief of Police Hill added that the server in the police department was replaced approximately 5 years ago and explained that when they get a new server, it takes Nylex several days to integrate it with DocStar and the Crime Management system.

Mayor Wilson noted that in the current year budget there were funds budgeted for replacement of some computers and asked if that was done.

Staff noted that new computers were purchased in the Finance Department, the Police Department and that the City Clerk's computer will also be replaced before the end of the year.

Mayor Pro Tem Johnson questioned the age of the laptop computers in the police vehicles.

Chief of Police Hill stated that those laptops are now obsolete and are not in the vehicles anymore. He said in the future they will be going the next step and getting a system that speaks to dispatch via cellular rather than the laptops that speak to the police department.

Mayor Wilson called for public comment on the proposed budget.

**Hunter Cresswell**, reporter for the Times-Standard commented on the proposed expenditure of \$20,000 for a lawn mower and flippantly asked if that mower will fly or something.

City Manager Knopp explained that commercial mowers are expensive and the current mower is being replaced because of high maintenance costs. He said the \$20,000 is just an estimate based on replacement of the current mower which is a 4WD all-terrain type mower.

Mayor Wilson questioned the General Fund subsidy and asked if the proposed budget includes any salary increases or contractual changes.

Finance Director Woodcox explained the subsidy is \$133,000 and includes two (2) additional positions and a Building Department subsidy of \$8,621. She said overall salaries increased by \$136,000 due to one additional position and some contractual changes and changes in benefits throughout the year but no current salary increases were included.

Finance Director Woodcox asked for Council direction regarding any proposed changes to the proposed budget including any modification to Capital projects.

Mayor Wilson asked for clarification on the replacement of three (3) public works vehicles.

City Manager Knopp explained the plan is to retire the 2004 Jeep Liberty and an older small truck and replace those vehicles with a new utility truck.

Mayor Wilson asked the age of the forklift.

Water/Roadways Superintendent noted that it was purchased used in 2008 for around \$6,000 and it is basically worn out.

Mayor Pro Tem Johnson asked if the improvements to the entryway at City Hall will be added to the existing ADA porch project contract.

City Manager Knopp stated that it is potentially an option but the scope of that project is very specific to the porch improvements may need to be done under a separate contract because the ADA project has already exceeded the available funding.

Finance Director Woodcox pointed out that the Code Enforcement position as proposed under *Other Capital Projects to Consider* would be a great asset to the City.

Water/Roadways Superintendent and Wastewater Superintendent Trainee Yaple left the meeting at this time.

Short Presentation on Draft Cannabis Enforcement and Needs Assessment Report

City Manager Knopp provided a staff report and said the initial outline of the *Draft Cannabis Enforcement and Needs Assessment Report* was prepared to give Council the opportunity to review the outline and make suggestions for areas to include or prioritize. He said at this point, the idea is to introduce it to the Council then come back at perhaps a workshop to have a detailed discussion about aspects of cannabis enforcement and the processes involved for effective and efficient administration of policies and procedures.

He provided an overview of the report including:

- Summary of City Enforcement Responsibilities
- City Relationships and "Responsibilities with County, State and Federal Governments
- Revenue Collection
- Code Enforcement
- Law Enforcement
- City Permitting

Mayor Wilson said regarding the track and trace program, asked if the City will be required to purchase software to integrate it with our computer system.

City Manager Knopp noted that software will be needed but it will largely be the burden of the cannabis related businesses.

Mayor Wilson mentioned the need for hiring additional staff to implement and enforce the policies. He commented that staff needs to be able to enforce the ordinance so neighbors are not impacted by the odor associated with someone growing recreational marijuana indoors without proper filters and fans.

He pointed out that new software always comes with promises that it will work magically but it rarely does. He said staff needs to be careful and make sure the software will integrate with the State's program.

City Manager Knopp noted that the State will essentially be selecting the track and trace vendor and everyone will then jump on board. He pointed out that the City may not have the need for relationships with some of these agencies but needs to have a plan in place.

Discussion continued regarding a needs assessment for the track and trace program, the degree of the workload on staff to administer the taxes, banking and cash management, code enforcement versus law enforcement, the complaint process, and the administrative hearing process.

City Manager Knopp indicated there needs to be one (1) central point of contact for code enforcement complaints and said the start-up costs for a code enforcement officer is around \$45,000 but the expectation is that the position will be paid for by the permittees.

He said in the end, the report will help identify clear needs of the enforcement plan. He reiterated that staff will schedule a workshop with the Council to provide a more in-depth review of the program.

Mayor Wilson said he would like staff to encourage stakeholders to attend the workshop so there are no surprises down the road.

Mayor Pro Tem Johnson asked if the Planning Commission will be included in the workshop.

City Manager Knopp said it's not really a land use issue but he would encourage them to attend.

Mayor Wilson called for public comment on the report; there was no public comment received.

Short Presentation from Byran McWaters (MadMetals) Regarding a Conceptual Sculpture of an Eagle and Fish and Appoint an Alternate City Councilmember to the Sculpture Committee

Byran McWaters provided a brief presentation and said he was approached by Dennis Wendt regarding the idea of doing a sculpture for the City and said his concept includes an eagle with a steelhead in its mouth landing on a concrete podium. He said in looking at the history of Rio Dell, he thought it would be nice to incorporate a saw blade into the wings of the eagle. He said the sculpture is designed to be five (5) feet tall with the eagle's wings spanning out 10 to 15 feet. He said the head and tail feathers will be done in aluminum and the body in steel and said these metals will require little or no maintenance.

Mayor Wilson asked for clarification as to who will be funding the sculpture.

Mr. McWaters clarified that the sculpture is being paid for by Dennis Wendt and donated to the City.

Mayor Wilson thanked Dennis on behalf of the City for his generous contribution.

Dennis Wendt said he wanted to do something for the City in the way of a sculpture and Mr. McWaters is the person that can do it. He noted that one deviation from the original plan is to perhaps place the sculpture in the center median on Wildwood Ave. rather than on the City Hall lawn.

Mayor Wilson expressed concern about the possibility of someone running into the sculpture if it is placed in the median.

Mr. McWaters explained a vehicle would hit the concrete pedestal before hitting the sculpture and said he will take photos of potential locations for placement of the sculpture and do a mockup with the scale of the sculpture before constructing it to make sure it fits properly.

By consensus of the Council, Councilmember Marks was appointed as Alternate to the Rio Dell Sculpture Committee.

### ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Resolution No. 1331-2017 Amending Project Budget for 2017 Slurry Seal Project to include an additional \$7,200 General Fund Subsidy for Sealing of Lower Monument Road

City Manager Knopp provided a staff report and said he received an email from the contractor asking if the City would like to add any extra work for slurry sealing. He said under the 2017 Asphalt Repair project included crack sealing of the lower portion of Monument Road but in light of the recent storms, staff is recommending the contractor focus on crack sealing on the upper portion of Monument Road above Pacific Ave. and add slurry sealing on the lower portion of Monument Road. He noted that the addition of this section of roadway is estimated to cost \$7,200 including a 10% contingency and the project is likely to come in lower than the estimate.

Mayor Wilson called for public comment on the proposed resolution; no public comment was received.

Motion was made by Johnson/Marks to approve Resolution No. 1331-2017 amending the project budget for the 2017 Slurry Seal Project to include an additional \$7,200 General Fund Subsidy for sealing of lower Monument Road. Motion carried 3-0.

Second reading (by title only) and adoption of Ordinance No. 355-2017 Amending Section 17.30.020 "Accessory Uses and Buildings" of the Rio Dell Municipal Code (RDMC) to include Cargo/Shipping Containers used as Accessory Structures

City Manager Knopp provided a brief staff report and said at the April 4, 2017 meeting the Council considered and approved the Planning Commission's recommendations regarding the use of cargo containers in certain zones throughout the City. He explained that new cargo containers in residential zones are not allowed unless an exception is approved by the Planning Commission through the Conditional Use Permit (CUP) process. He said the Council also followed the recommendation of the Planning Commission to allow existing cargo containers on lots larger than 10,000 sq. ft. to remain subject to certain performance standards including a building permit, location standards and limiting the number of containers to no more than two (2).

The Council also directed staff to amend the screening provisions to require vegetation and/or fencing from public view which he noted was incorporated into the ordinance.

Mayor Pro Tem Johnson asked if existing cargo containers will be required to obtain a building permit.

City Clerk Dunham explained that cargo containers used as accessory structures are considered the same as any other accessory structure and that any structure over 120 sq. ft. requires a permit.

Mayor Pro Tem Johnson said he would like to see the fees for existing containers waived.

Mayor Wilson stated that the idea was to prohibit cargo containers in residential zones so in the event a container wears out, feels they shouldn't be allowed to be replaced.

City Clerk Dunham explained that existing cargo containers are considered legal non-conforming uses and can be replaced however; if the use ceases for 12 months or more it is deemed to an abandonment of the use and it would then revert back to the current requirements of the zone.

Councilmember Marks stated that he is perfectly happy with the original ordinance to not allow them at all.

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

City Manager Knopp suggested the matter be continued to the next regular meeting on May 2, 2017.

Motion was made by Johnson/Wilson to continue the discussion, consideration and possible adoption of Ordinance No. 355-2017 to the meeting of May 2, 2017. Motion carried 3-0.

Mayor Wilson stated that he would also like staff to send out notices to all property owners with existing cargo containers and that they be identified by assessor parcel number so there is no misconception later on.

## **REPORTS/STAFF COMMUNICATIONS**

City Manager Knopp provided a written City Manager update of recent activities and events. (attachment 1 to these minutes).

Finance Director Woodcox reported on recent activities and events in the finance department and said the auditor from the State Controller's Office was here for over a week to audit the Gas Tax Funds for 2015-2016 and said there were only a couple of small items identified. She said a report will be forthcoming.

## **OTHER COUNCIL REPORTS**

Councilmember Marks said he would be attending a Humboldt Transit Authority (HTA) meeting the following day.

Mayor Wilson reported on his attendance at the last Redwood Coast Energy Authority (RCEA) meeting and said there was an update on the Community Choice Aggregation (CCA) program

and stated that it goes live on May 1, 2017 so if anyone wants to opt out of the program they need to do so before then or they will be required to wait one (1) year have the opportunity again. He noted that the estimated discount in electricity from PG&E's rates is 2.7%.

**ADJOURNMENT**

Motion was made by Johnson/Marks to adjourn the meeting at 8:27 p.m. to the May 2, 2017 regular meeting. Motion carried 3-0.

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

Attest:

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

Paving Project – Preparation work has been underway for over a week on implementation of the project. Work on Davis street is expected to begin next week, weather permitting.

Rio Dell Annual Cleanup will be held on Saturday, May 13<sup>th</sup> at the School Facility parking lot.

Brown Act Training Reminder: Brown Act training provided by expert trainer Jack Hughes with Liebert, Cassidy and Whitmore. The date for this is Friday, May 5 from 10am to noon in the Board of Supervisors Chambers (825 5<sup>th</sup> Street, Eureka).

City staff is looking into the replacement of the existing city garbage and recycling cans. There are 30 bins spread throughout 15 different locations in town. Existing recycling funds would be used for the project.

Danco project meeting: Staff met with representatives from Danco on the Senior Housing Project. At this point in time Danco would need \$1,560,000 in local subsidies or in-kind contributions to make the project happen. Staff will continue to monitor developments in Sacramento and Washington to see if additional housing funds materialize.

City staff obtained an inspection warrant on a code violator on Berkeley street and conducted an inspection today with the aide of personnel from the City of Fortuna, County of Humboldt and the Rio Dell Fire District. An agenda item on this topic is scheduled for the Council's next meeting on May 2, 2017.

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CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
May 2, 2017

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager 

FROM: Brooke Woodcox, Finance Director 

DATE: May 2, 2017

SUBJECT: Measure Z Funding 3<sup>rd</sup> Quarter Report

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**RECOMMENDATION**

1. Review staff report and attached information

**BACKGROUND AND DISCUSSION**

The City applied for Measure Z funding for fiscal years 2015/16 and 2016/17 for administrative assistance and a Code Enforcement Officer in the Rio Dell Police Department (RDPD). The City was granted funding for a Police Records Technician that provides departmental administrative support, and to a smaller degree, code enforcement activities.

The RDPD strives to provide 24 hours of police coverage, which has left a gap in administrative staffing during normal business hours. Prior to Measure Z funding the police department was closed when a single on-duty officer was responding to calls or actively patrolling. Since July of 2015 a total of 2,363 hours of administrative assistance has been funded through Measure Z allowing the RDPD doors to reliably be open four days per week. In addition, code enforcement logs reflect a total of 134 complaints received with 93 cases closed since July 2015. By June 30, 2017, Measure Z reimbursements will total an estimated \$69,218 (FY 15/16 \$35,569; FY 16/17 \$33,649).

Each quarter the City submits a quarterly narrative to report on the benefits that Measure Z funding has provided. The 3<sup>rd</sup> quarter narrative is attached for Council's reference.

**ATTACHMENT S**

Measure Z Quarterly Narrative Report Form – Q3 2017

**COUNTY OF HUMBOLDT – MEASURE Z  
Quarterly Narrative Report Form**

Organization Name: CITY OF RIO DELL Report Date: March 31, 2017

Contact Name: Brooke Woodcox Phone: 707.764.3532

1. Please describe the Measure Z activities completed and/or total numbers served or reached.

The purpose of Measure Z funding is to provide clerical support for the Rio Dell Police Department (RDPD) to support law enforcement, nuisance abatement and code enforcement activities. Measure Z funded administrative support has allowed officers to spend more time on essential services such as 9-1-1 emergency response, crime investigation/prosecution, drug/illegal marijuana growhouse enforcement prevention, and other law enforcement duties that serve to create a safer community for Rio Dell.

The City’s Police Department is staffed by five (5) sworn officers that provide police services 24 hours per day. The limited number officers that are meeting the coverage goals has left a gap in department services because the PD doors are closed when a single officer on duty is responding to calls or actively patrolling. The Measure Z funded position has greatly enhanced services by allowing the PD doors to reliably be open four (4) days per week. Law enforcement response times have been shortened and officers can spend more time in the field on active patrol.

The Police Records Technician position has also created an effective plan towards making a more harmonious community through Code Enforcement activities. By actively responding to complaints and facilitating abatement, the City is enhancing the housing inventory and improving property values in the City of Rio Dell.

Code enforcement and nuisance abatement activities include animal control, building code enforcement, tampering with City property, marijuana, noise, trash, vehicle, and visual blight nuisances.

FISCAL YEAR 2016/17  
SUMMARY - CODE ENFORCEMENT AND NUISANCE ABATEMENT ACTIVITIES

	1ST QTR	2ND QTR	3RD QTR	4TH QTR	CURRENT YEAR	PRIOR YEAR	TOTAL
OPENED CASES	16	18	22		56	78	134
CLOSED CASES	5	9	16		30	63	93
<b>CASES OPEN AT MARCH 31, 2017</b>							<b>41</b>

During the 3<sup>rd</sup> quarter of FY 2016/17 the City received a total of twenty-two (22) new code enforcement and nuisance abatement cases. The majority were for vehicle nuisances (11). Other calls during the 3<sup>rd</sup> quarter were for blight (5), garbage (2), trailer camping (2), and building (2). At the end of the quarter a total of fifty-six (56) new cases had been received for the 2016/17 fiscal year, and thirty (30) cases have been closed.

2. What difference did Measure Z funding make in the Community and for the population you are serving?

The four day a week clerical position has allowed the Police Officers to spend more time in the field, respond to calls for service in a timelier manner, and actively patrol the City. Customer service is greatly enhanced by having a staff person in the Police Department since previously the Police Department was closed when the officers were on patrol or responding to calls for service.

3. Describe any unanticipated impacts of receiving Measure Z funding, positive or negative, not already described above. N/A

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**CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
APRIL 2, 2017**

TO: Mayor and Members of the City Council  
THROUGH: Kyle Knopp, City Manager   
FROM: Graham Hill, Chief of Police  
DATE: May 2, 2017  
SUBJECT: Update

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**RECOMMENDED CITY COUNCIL ACTIONS**

Receive and File

**SUMMARY**

I presented the Police Department's Annual Report in February of this year, and since that time some additional questions have been raised. I hope to address these questions in this report.

In March of 2015 we purchased five body worn cameras at a cost of \$1,995.00. We tested several systems in early 2014 and late 2013 and chose the body camera system we did, based on its configuration and cost. They worked reliably for a period of time and we started to have issues within about a year. We continued to use the working units and did not get any support from the company we ordered them from. Though the warranty had expired we expected more support than what was given.

I took the units out of use in 2016 and we started to research replacement camera's. I currently have assigned Officer Walstrom to research a new system to get into place. It should be noted we are still using our audio system in the meantime and our in-car video is still functioning properly. We have thoroughly

tested units from three different companies and are currently awaiting a fourth unit from another company. One of the advantages of the old system, if there is one, is it provided some experience with body worn video that we have been able to apply to our current field tests. Among the things, we are looking at in body worn system are: reliability, battery life, mounting options, functionality, accompanying software, video quality, size, and cost.

At this point we are still testing cameras. Prices vary, and while cost will play a role in our selection, I do not want to repeat our last experience. I will be presenting our findings and selection, which will include the cost, at a future date. We hope to have something within the next two months to bring to council.

Regarding police training in the last several months we have sent officers to the following training:

- Radar school
- Interview and Interrogation
- Legal update, perishable skills
- Tactical Combat Casualty Care
- Multiple on-line post training course
- Patrol Rifle training
- Firearms qualification

Additionally, we have our two Field Training Officer's signed up for a mandatory training update in May, as well as at least one spot for a tactical entry class this month, and a Taser Instructor Course is currently being worked on for next month.

**ATTCHMENTS:**

None



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

May 2, 2017

TO: Rio Dell City Council  
FROM: Kyle Knopp, City Manager   
SUBJECT: Discussion on Town Holiday Decorations Proposal

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff.

BACKGROUND AND DISCUSSION

At your April 18, 2017 Council meeting, the Rio Dell-Scotia Chamber of Commerce submitted a written proposal for decorations and associated costs for holidays in December of 2017. Attached to this report is the proposal. The Council asked that this item be placed on the agenda for discussion.

## - TOWN CHRISTMAS DECORATIONS PROPOSAL

- (1) - Outline both North & South 'Rio Dell' signs with L.E.D. Bulbs.
- (2) - Install secular, holiday theme painted plywood cut-outs along Wildwood Ave.
- (3) - Re-install lights on City Hall Spruce tree.
- (4) - Install 'Town' tree and L.E.D. bulbs on Chamber building.
- (5) - Install eight Lamp Post Banners along Wildwood Ave.

### - Expenses -

(6) Sheets, 4X8, 3/4" CDX Plywood:	\$ 250.
Paint & Varnish:	\$ 180.
L.E.D. Colored Bulbs:	\$ 1,000.
Lamp Post Banners:	\$ 672.
Banner Hardware:	\$ 400.
	Approx. Total: \$ 2,450.

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



CITY OF RIO DELL  
STAFF REPORT  
CITY COUNCIL AGENDA  
May 2, 2017

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager *[Signature]*

FROM: Brooke Woodcox, Finance Director *[Signature BW]*

DATE: May 2, 2017

SUBJECT: Discussion/Possible Adoption of FY 2017/18 Operating and Capital Budget

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**RECOMMENDATION**

1. Review the Staff report and attached information; and
  2. Receive Staff's presentation on the City's budget
  3. Receive public input, discuss and deliberate adoption of FY 2017/18 Budget
  4. Adopt Resolution 1333-2017 Operating and Capital Budget for fiscal year 2017/18
- OR**
5. Continue budget discussions and adoption at a later date
- OR**
6. Provide staff with budgetary changes to be brought back at a later date

**BACKGROUND AND DISCUSSION**

On April 4<sup>th</sup> at a regularly scheduled Council meeting a presentation on the City's financial status and general outlook was provided as a context for the 2017/18 Operating and Capital Budget. On April 18<sup>th</sup> a budget workshop was held for a review of proposed revenues and expenditures for the coming fiscal year. Since then the budget has not changed and is presented as it was on April 18<sup>th</sup>.

The budget calendar reflects May 2<sup>nd</sup> as the possible adoption date; it is recommended that Council adopt the budget no later than June 20<sup>th</sup>, 2017 at their regularly scheduled Council meeting.

## **BUDGETARY IMPACT**

Total expenditures are \$4,119,688 (operating expenditures \$2,781,388; debt service and pass-thru amounts \$550,300; and capital projects \$788,000); revenues are \$3,673,014. This is a draw on reserves of \$446,675. Fund balances remain healthy, with the exception of the Gas Tax Fund.

## **ATTACHMENTS**

Resolution 1333-2017 Fiscal Year 2017/18 Operating and Capital Budget  
Capital Projects Listed by Fund  
Operating Expenditures by Line Item  
Explanations of Significant Variances  
Budget Comparison by Department (chart)

**RESOLUTION NO. 1333-2017  
A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF RIO DELL  
ADOPTING THE OPERATING & CAPITAL BUDGET  
FOR THE FISCAL-YEAR 2017-2018**

**WHEREAS**, the City is required to adopt an annual operations budget pursuant to City of Rio Dell Resolution 966-2007; and

**WHEREAS**, the proposed budget for the Fiscal-year beginning July 1, 2017 and ending June 30, 2018, as presented by the Finance Department has been reviewed and revised by the City Manager, and the City Council; and

**NOW THEREFORE BE IT RESOLVED**, that the City of Rio Dell City Council does hereby adopt the City of Rio Dell 2014-2015 Operating & Capital Budget, including revenues totaling **\$3,673,014** and expenditures in the amount of **\$4,119,688**, for a draw on reserves in the amount of **\$ -446,675** as follows:

FUND NAME	FUND BALANCE	REVENUES	EXPEND	RESERVES	TRANSFERS	FUND BALANCE
	BEGINNING	TOTAL	TOTAL	CHANGE	Projected Totals	ENDING
005 Admin Fund	8,979	3,887	2,650	1,237		10,216
008 Building Fund	19,462	35,131	63,214	(28,083)	(8,621)	(0)
037 CDBG Fund	559			-		559
039 CDBG RRLF Fund	152,277	3,174	164,850	(161,676)		(9,399)
000 General Fund	1,129,263	923,579	1,037,336	(113,756)	8,621	1,006,886
044 Measure Z Fund		34,101	34,101	(0)		(0)
074 Recycling Fund	14,455	5,000	5,000			14,455
015 Parks Fund	13,610					13,610
046 Realignment Grant Fund	14,911	4,800		4,800		19,711
040 SLESF Fund	45,936	100,000	90,740	9,260		55,196
043 Vehicle Abatement Fund	2,605					2,605
053 Sewer Assmt District Fund	35,245	28,500	30,500	(2,000)		33,245
052 Sewer Capital Fund	62,792	71,930	164,250	(92,320)	(500,000)	470,472
054 Sewer Debt Svc Fund	553,907	303,000	303,000		500,000	53,907
054 Sewer Restricted Reserve	302,822					302,822
050 Sewer Operations Fund	304,532	811,352	803,327	8,025		312,557
027 Solid Waste Fund	39,665	9,000	3,510	5,490		45,155
093 Spay & Neuter Fund	2,868					2,868
020 Gas Tax Fund (HUTA)	151,770	100,580	229,842	(129,262)		22,508
024 TDA Fund	27,968	114,217	119,301	(5,084)		22,884
026 RSTP Fund	2,018	22,000	23,671	(1,671)		347
062 Water Capital Fund	572,631	176,904	189,500	(12,596)		560,035
063 Water Metro Wells Fund	18,536	14,795	3,400	11,395		29,931
064 Water Dinsmore Zone	8,902	22,744	3,400	19,344		28,246
061 Water Restricted Reserve	13,600	27,500	27,200	300		13,900
061 Water Debt Svc Fund	97,971	136,700	136,000	700		98,671
060 Water Operations Fund	183,855	724,120	684,896	39,224		223,079
<b>TOTAL FY 2018/17</b>	<b>3,781,138</b>	<b>3,673,014</b>	<b>4,119,688</b>	<b>(446,675)</b>		<b>3,334,463</b>

**BE IT FURTHER RESOLVED**, that the staffing is adopted and funded in the 2017/18 Operations Budget as follows:

JOB TITLE	FULL-TIME EMPLOYEES (FTEs)				
	2013/14	2014/15	2015/16	2016/17	2017/18
Accountant I	1	--	1	1	1.0
Chief of Police	1	1	1	1	1.0
City Clerk	1	1	1	1	1.0
City Manager/Public Works Director	1	1	1	1	1.0
Community Development Director	1	1	1	1	0.8
Finance Director	1	1	1	1	1.0
Fiscal Assistant II	1	1	1	1	1.0
Public Works Leadman	--	--	1	--	1.0
Police Officer	3	3	3	3	3.0
Records Technician	--	--	--	--	0.7
Sergeant	1	1	1	1	1.0
Senior Fiscal Assistant	1	1	1	1	1.0
Utility Worker I	3	3	3	2	2.0
Water/Wastewater Plant Operator I	1	1	1	1	1.0
Wastewater Superintendent Trainee	--	--	--	1	1.0
Wastewater Superintendent	1	1	1	--	--
Water/Streets Superintendent	1	1	1	1	1.0
	17.75	16.80	18.80	16.80	18.5

**BE IT FURTHER RESOLVED**, as follows:

**Section 1.**

It is the intention of the City Council in approving and adopting an annual budget to provide financial guidance for routine operations of City business and for the purpose of providing information to the general public.

**Section 2.**

The adopted annual City budget will be implemented and maintained in accordance with City Budget Policy as outlined in Resolution 966-2007.

**Section 3.**

Adoption of the annual budget does not expressly approve expenditures of funds in excess of purchasing authority as outlined by City Resolution, Ordinance, State, or Federal law.

**Section 4.**

Adoption of the 2017/18 Budget includes the streets funds (Gas Tax, TDA, and RSTP) whose expenditures have exceeded revenues for several years. As such, these funds are not projected to have the required minimum Reserve balance as set forth in City policy. Therefore, an exception to the City's Minimum Fund Balance Policy established by Resolution No. 1154-2012 is hereby granted to Gas Tax Fund, TDA Fund, and RSTP Fund.

**Section 5.**

Adoption of the 2017/18 Sewer Program includes an inter-fund transfer of \$500,000 from the Sewer Debt Service Fund (054) to the Sewer Operations Fund (050).

**Section 6.**

Adoption of the 2017/18 Building Program includes an inter-fund transfer of \$8,621 from the General Fund Fund (000) to the Building Fund (008).

**Section 7.**

Adoption of the 2017/18 Budget shows deficits (expenditures exceeding revenues and transfers) in the following funds and the following amounts: CDBG (039) \$161,676, General Fund (000) \$113,756, Sewer Assessment Fund (053) \$2,000, Gas Tax Fund (020) \$129,262, TDA Fund (024) \$5,084, RSTP Fund (026)\$1,671, and Water Capital Fund (062)\$12,596.

**PASSED AND ADOPTED** by the City of Rio Dell on this 2<sup>nd</sup> day of May 2017, by the following roll call vote:

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

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

ATTEST:

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

FY 2017/18  
PROPOSED CAPITAL/SPECIAL PROJECTS

GENERAL FUND (000)	AMOUNT	DESCRIPTION
Belleview/Ogle (carry-over 15/16)	45,000	Belleview/Ogle street repairs
Lawn Mower	20,000	Replacement for City Lawn Mower
City Hall Repairs and Improvements		
CDBG ABR ADA Improvements	90,000	GF Subsidy for City Hall ADA improvements
Council Chambers	15,000	Acoustics, misc. improvements
Reception Area	20,000	Security, misc. improvements
Broken Windows	10,000	Repairs and maintenance
<b>GEN FUND PROJECTS</b>	<b>200,000</b>	

WATER FUND (062)	AMOUNT	DESCRIPTION
Water Plant Effluent Redirection	150,000	
"Hawk" Calibration	15,000	
Utility Truck (0.40)	14,000	
Forklift (0.15)	2,250	
<b>WATER FUND PROJECTS</b>	<b>189,500</b>	

SEWER FUND (062)	AMOUNT	DESCRIPTION
Contact Basic Covers	30,000	
Sewer Machine Replacement	35,000	
Sewer Push Camera	5,000	
Utility Truck (0.40)	14,000	
I & I Reduction	60,000	
Forklift (0.80)	12,000	
<b>SEWER FUND PROJECTS</b>	<b>164,250</b>	

STREETS FUNDS (020, 024)	AMOUNT	DESCRIPTION
Four Ft. Roller & Trailer	33,000	
Utility Truck (0.20)	7,000	
Street Striping	20,000	
Drainage replacements	30,000	
Forklift (0.05)	750	
<b>STREETS FUNDS PROJECTS</b>	<b>74,250</b>	

CDBG FUND (037)	AMOUNT	DESCRIPTION
CDBG ABR ADA Improvements	160,000	City Hall ABR ADA (plus GF \$90k Subsidy)
<b>CDBG FUND PROJECT</b>	<b>160,000</b>	

788,000

City of Rio Dell - Operating Expenditures  
FY 2017/18 PROPOSED BUDGET COMPARED TO FY 2016/17 BUDGET  
Presented by Line Item

	<b>CITY-WIDE OPERATING COSTS</b>	<b>2017/18 PROPOSED BUDGET</b>	<b>2016-17 BUDGET WITH AMEND.</b>	<b>INCREASE (DECREASE)</b>
<b>SALARIES AND BENEFITS</b>	5000 Full Time Salaries	1,052,543	952,546	99,997
	5026 Part Time Temporary Salaries	24,621	32,656	(8,035)
	5030 Overtime Salaries	23,405	28,626	(5,221)
	5035 Benefit - ICMA City 457	141,362	129,119	12,243
	5040 Benefit - Health Insurance	199,864	175,721	24,143
	5041 Health Savings	-	4,801	(4,801)
	5042 Benefit - Life Insurance	3,864	2,943	921
	5044 Benefit - Dental/Vision Insur	28,317	26,497	1,820
	5045 Worker Compensation Insurance	85,736	83,152	2,584
	5050 FICA	84,193	72,960	11,233
	5055 Unemployment Insurance	9,045	7,278	1,767
	5060 Clothing Allowance	6,750	5,948	802
	5080 Hiring Costs	3,000	3,000	-
	<b>OPERATING SUPPLIES</b>	5101 Office Supplies	8,681	8,327
5102 Operating Supplies		11,005	16,402	(5,397)
5103 Postage		12,622	9,616	3,006
5104 Printing - Forms		14,534	15,239	(705)
5105 Advertising		1,648	1,138	510
5106 Promotional		702	1,132	(430)
5107 Memorial Park Expense		1,100	1,100	-
5108 Streets		21,000	21,000	-
5109 Chemicals		59,055	53,000	6,055
5110 Accounting		32,000	26,500	5,500
5112 Legal		47,250	35,163	12,087
5115 Contract/Professional Services		107,665	173,394	(65,729)
5116 Bank Fees		1,200	2,200	(1,000)
5117 Animal Control		12,000	12,000	-
5119 Safety Supplies & Equipment		5,699	4,504	1,195
5120 Cell Phones		10,894	10,519	375
5121 Telephone - Pager		11,140	11,502	(362)
5122 Training - Conference		19,410	22,246	(2,836)
5123 Auto/Transportation - Public Works		1,100	900	200
5123 Automobile - Transportation		11,719	10,695	1,024
5125 Publications - Books		1,614	1,569	45
5126 Dues & Memberships		10,547	9,282	1,265
5127 License		1,160	1,360	(200)
5128 Employee Relations		510	510	-
5130 Rents - Leases		12,577	13,701	(1,124)
5131 Records Maintenance		2,314	1,862	452
5135 Maintenance - Repair		106,850	90,432	16,418
5136 Parks Maintenance - Repair		2,023	2,023	-
5138 Office Equipment		7,805	15,896	(8,091)
5138 Office Equipment - P.W.		1,950	2,430	(480)
5139 Equipment		18,025	18,025	-
5141 General Liability Insurance		60,512	58,481	2,031
5143 Property Insurance		9,906	11,551	(1,645)
5144 Employee Practice Liab Insurance		3,917	10,247	(6,330)
5150 Electricity		192,799	188,329	4,470

City of Rio Dell - Operating Expenditures  
 FY 2017/18 PROPOSED BUDGET COMPARED TO FY 2016/17 BUDGET  
 Presented by Line Item

CITY-WIDE OPERATING COSTS	2017/18 PROPOSED BUDGET	2016-17 BUDGET WITH AMEND.	INCREASE (DECREASE)
5151 Natural Gas	22,987	24,131	(1,144)
5152 Water	29,822	36,349	(6,527)
5153 Sewer	44,665	28,135	16,530
5154 Garbage	750	750	-
5160 Elections	2,000	-	2,000
5162 Medical	3,650	3,780	(130)
5163 Property Tax Admin Fees	2,800	3,000	(200)
5164 Regulatory Fees	18,910	33,840	(14,930)
5165 Property Tax Assessment	2,443	2,242	201
5166 LAFCO Fees	1,850	1,500	350
5167 Seismic Fees	165	200	(35)
5171 Computer Software	2,525	2,525	-
5173 Computer Maintenance - Support	31,581	30,317	1,264
5174 Web Design Services	3,840	2,635	1,205
5192 Code Enforcement	500	1,000	(500)
5193 Nuisance Abatement-Vehicle	1,750	1,250	500
5212 Gas & Oil	28,742	28,052	690
5213 Vehicle Repair	12,000	10,750	1,250
5215 Public Works - Small Tools	3,055	5,763	(2,708)
5217 License	40	40	-
5225 Public Works - Lab Testing	22,300	22,500	(200)
5227 Public Works - Equip. Repair	20,611	31,698	(11,087)
5229 Public Works - Equip. Rental	2,250	1,750	500
5308 Dispatch Service Due	24,900	24,900	-
5430 Fines/Penalties	1,000	1,000	-
5514 Engineering	8,500	8,504	(4)
5520 Improvements	1,220	1,220	-
5900 RFD and Library Water/Sewer	5,900	4,667	1,233
<b>TOTAL BUDGET AMOUNTS</b>	<b>2,786,388</b>	<b>2,700,020</b>	<b>86,368</b>

OPERATING SUPPLIES

SIGNIFICANT BUDGET VARIANCES  
PROPOSED BUDGET FOR FY 2017/18 COMPARED TO 2016/17 BUDGET

5000 – 5055 Salaries and benefits items

- Increase in expenditures as proposed for personnel costs have increased \$136,651
- A Public Works Leadman position has been added to Public Works Budget
- Police Department contractual language allows for PD personnel to be paid for all holidays (130 hours per officer). This amount wasn't included in the prior year's budget, but is included in this year's budget.
- Contractual changes in FY 2016/17 contribute to the increase
- Health insurance increase is due to various employee changes (family versus single, number of employees receiving health benefits, etc.). Insurance costs increase slightly in January 2019.
- Employer's share of taxes increase along with wages

5110 Accounting

- Accounting costs have been increased (\$5,500). Additional amounts may not be necessary since a new auditing firm will be performing the City's FY 2016/17 audit.

5112 Legal Costs

- Increased \$12,087. Staff anticipates additional legal assistance during the election process and implementation of the medical marijuana industry and taxation process; FY 2016/17 shows legal costs have exceeded appropriations at 3/31/17

5115 Contract/Professional Services

- Reduced \$65,729. The City Manager and Sewer budget items were reduced approximately \$15,000 each for this item since this cost decreased in the prior fiscal year. The water budget was reduced \$25,000 since the item had been carried over from the water rate study amount.

5135 Maintenance and Repairs

- Increased in the water operations fund from \$53,000 to \$67,920, (amount from the water rate study for general operating maintenance and repairs)

5138 Office Equipment

- Decreased \$8,000. This amount was appropriated in FY 2016/17 for computer replacement

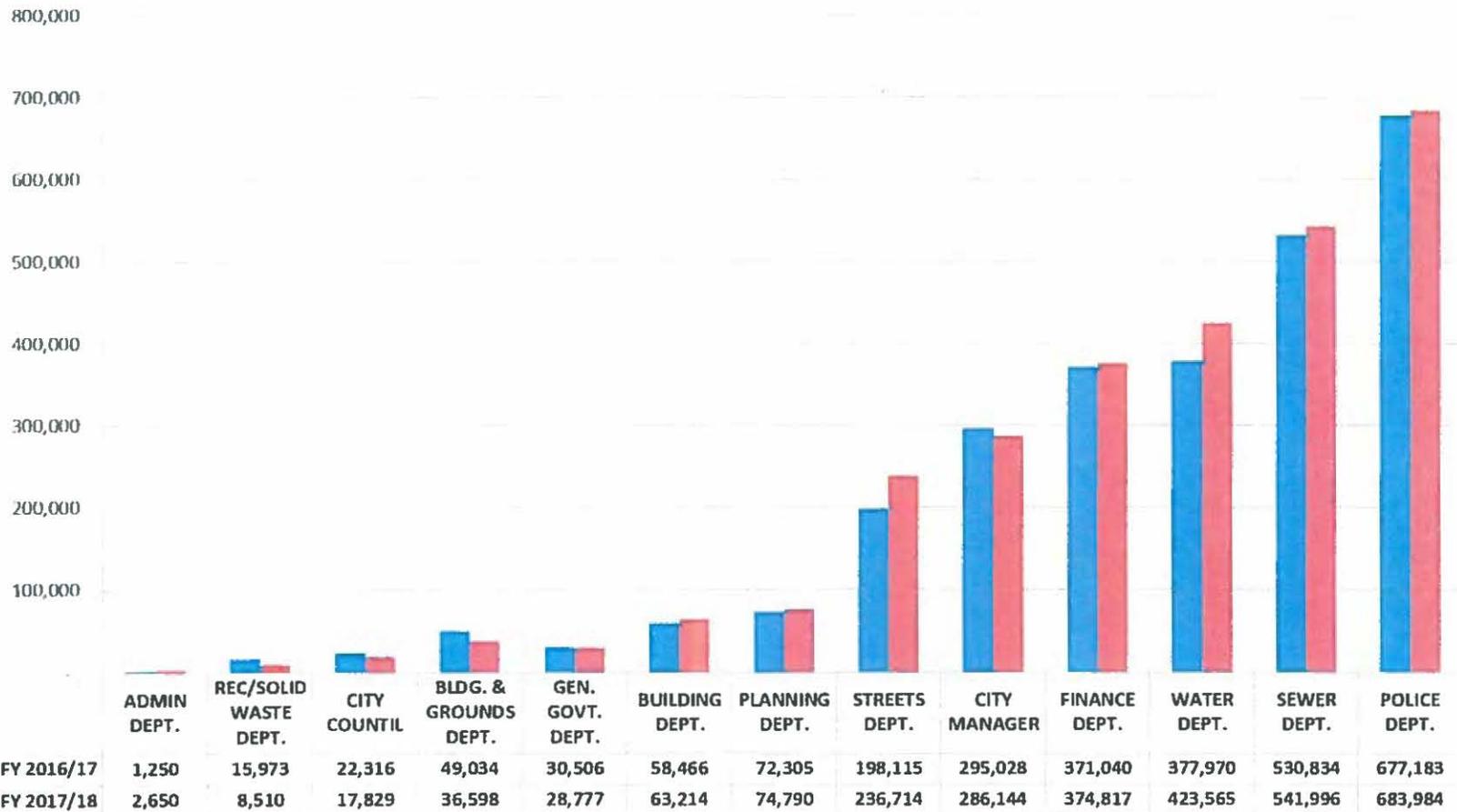
5164 Regulatory Fees

- Decreased \$14,930 due to reduction in water related regulatory fees from the State Water Resources Control Board

5227 Equipment Repair

- Reduced \$11,087 in sewer dept. budget based on new machinery and equipment purchases in FY 2016/17

### City of Rio Dell PROPOSED BUDGET BY DEPT (COMPARATIVE)



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



For Meeting of: May 2, 2017

To: City Council  
From: Kevin Caldwell, Community Development Director   
Through: Kyle Knopp, City Manager   
Date: April 26, 2017  
Subject: Sign Regulations, Section 17.30.300(e) of Rio Dell Municipal Code.

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**Recommendation:**

That the City Council:

1. Receive staff's report regarding the Planning Commission's recommendations amending Section 17.30.300(e) of Rio Dell Municipal Code, the City's existing sign regulations to correct an error; and
2. Open the public hearing, receive public input and deliberate; and
3. Introduce (first reading) Ordinance No. 358-2017 amending the City's Sign Regulations, Section 17.30.300(e) of Rio Dell Municipal Code to correct an error and continue consideration, approval and adoption of the proposed Ordinance to your meeting of May 16, 2017 for the second reading and adoption.

**Background and Discussion**

Staff recently discovered an error in the existing sign regulations, Section 17.30.300 of the Rio Dell Municipal Code (RDMC). The City adopted the current zoning regulations in 2004. The vast majority, including the sign regulations, of the adopted regulations were carried over from the original zoning regulations, Ordinance 59.

In reviewing the Wendt Design Review application, staff discovered that appurtenant signs are restricted to the Community Commercial (CC) zone. The current sign regulations are included as Attachment 1. The applicable provision is identified below:

### **17.30.300 Signs and nameplates.**

*(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed; provided, that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet, and divided into not more than six single- or double-faced signs, shall be permitted in any CC zone (emphasis added).*

Staff reviewed the original sign regulations, Section 6.18, Ordinance 59 included as Attachment 2, and determined that there was an error in carrying over the previous regulations into the current regulations. Section 6.18(e) of the original sign regulations are provided below:

### **6.18 Signs and nameplates.**

*(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed; provided, that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet, and divided into not more than six single- or double-faced signs, shall be permitted in any C or M-L zone (emphasis added).*

It is clear that the original sign provisions applied to all commercial zones and the Limited Industrial (M-L) zone. The 2004 amendments established the Town Center (TC) designation and replaced the Limited Industrial (M-L) zone with the Industrial Commercial (IC) zone. Accordingly, staff is recommending that Section 17.30.260(1)(e) be amended to include all commercial zones, including the Town Center, Neighborhood Center, Community Commercial and the Industrial Commercial zones.

Another issue that requires an amendment is the fact that the regulations do not reference whether or not illuminated signs are allowed. However, as one can see in Attachment 2, there is a hand-written note indicating that illuminated signs are allowed. Staff believes this was the intent and that the historical application of the provision is consistent with ability to install illuminated signs. As such, staff is recommending that the regulations include a provision that appurtenant illuminated signs are allowed in commercial zones, including the Town Center, Neighborhood Center, Community Commercial and the Industrial Commercial zones.

Staff's recommendation was presented to the Planning Commission at their meeting of April 25, 2017 and the Commission agreed (4 – 0 vote) with staff's recommendations and recommends your Council approve the minor text amendments.

### **Procedures for Zoning Ordinance Amendments**

Pursuant to Section 17.35.010 of the City of Rio Dell Municipal Code, the following City procedures are required to amend the Ordinance:

- An amendment may be initiated by one or more owners of property affected by the proposed amendment, as set out in Section 17.35.010(3), or by action of the Planning Commission, or the City Council.
- The application of one or more property owners for the initiation of an amendment shall be filed in the office of the City Clerk on a form provided, accompanied by a filing fee.

- Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- Notice of hearing time and place shall be published once in a newspaper of general circulation at least ten calendar days before the hearing or by posting in at least three public places.
- At the public hearing, the Planning Commission shall hear any person affected by the proposed amendment. The hearing may be continued from time to time.
- Within 40 days of the conclusion of the hearing, the Planning Commission shall submit to the City Council a written report of recommendations and reasons therefore.
- Subject only to the rules regarding the placing of matters on its agenda, the City Council, at its next regular meeting following the receipt of such report, shall cause the matter to be set for a public hearing. Notice of the time and place of the hearing shall be given as provided in Section 17.30.010(5), hereof.
- At the public hearing, the City Council shall hear any person affected by the proposed amendment. The hearing may be continued to a specified future date, but shall be concluded within 60 days of the commencement thereof.
- The City Council shall not make any change in the proposed amendment until the proposed change has been referred to the Planning Commission for a report, and the Planning Commission report has been filed with the City Council.

#### **Zone Amendment Required Findings:**

##### **1. The proposed amendment is consistent and compatible with the General Plan and any implementation programs that may be affected.**

One of the primary purposes of the General Plan is to facilitate planned, orderly development and to promote economic development, the public health, safety and welfare of the community. There are a number of policies which encourage a vibrant commercial community. Appropriate and visible signage is an important factor in the success of any business. There are no specific General Plan goals, policies or discussions that are contrary to the recommended amendments. Therefore, staff believes the proposed minor amendments are consistent with the General Plan.

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

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

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

**Attachments:**

1. Existing Sign Regulations, Section 17.30.300 Rio Dell Municipal Code.
2. Former Sign Regulations, Section 6.18, Ordinance 59
3. Ordinance No. 358-2017 amending Section 17.30.300(1)(e) of the Rio Dell Municipal Code to correct an error and allow illuminated appurtenant signs in all commercial zones, including the Town Center and Industrial Commercial zones.



## RIO DELL MUNICIPAL CODE

### 17.30.300 Signs and nameplates.

(1) On-Site Signs. Nameplates (which shall be limited to a statement of the name, address and occupational designation of the occupant) and signs shall be permitted in conformity with the following regulations:

(a) One nameplate, not illuminated, appurtenant to any permitted use, not exceeding two square feet shall be permitted in urban residential, suburban residential or suburban zones, and not exceeding four square feet shall be permitted in all other zones.

(b) One sign, not illuminated, to advertise the sale of property on which it is displayed and not exceeding six square feet shall be permitted in any zone; not exceeding 15 square feet shall be permitted in any CC, NC, or TC zone.

(c) Signs, not illuminated and not exceeding 100 square feet in aggregate, to advertise the sale of lots in the subdivision in which they are displayed shall be permitted with a use permit in any zone.

(d) Signs, not illuminated, appurtenant to any permitted use, not over 75 square feet in the aggregate and divided into not more than three single or double signs shall be permitted with a use permit in any zone except urban residential, suburban residential, or suburban zones.

(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed; provided, that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet, and divided into not more than six single- or double-faced signs, shall be permitted in any CC zone.

(f) Traffic or other municipal signs, legal notices, railroad crossing signs, public telephone signs, signs placed by a public utility showing the location of underground facilities, danger and such temporary, emergency or non-advertising signs as may be approved by the City Council shall be permitted in all districts without the necessity of obtaining a use permit.

(g) No permit for any sign shall be issued and no sign shall be constructed or maintained which does not comply with all provisions of this title or which has less horizontal or vertical clearance from communications lines and energized electrical power lines than that prescribed by the laws of the State of California or rules and regulations duly promulgated by agencies thereof.

(2) Off-Site Signs. No sign advertising a commercial good, product or service which is located on a different lot or parcel of land from which the commercial advertiser's place of business is located shall be permitted, except with a use permit. Limited temporary off-site signs providing location and other information relating to local events and activities shall be permitted if installed with the permission of the property owner. [Ord. 252 § 6.18, 2004.]

(3) Election Campaign Signs. Temporary campaign signs relating to federal, state, county, city, school district, special district, or other governmental agency elections are permitted in all zones subject to the following regulations:

(a) Signs may be displayed up to 60 days before a scheduled election and must be removed within 10 days after the election;

(b) Signs shall be limited to 4 square feet and 48 inches in height. No more than 4 signs shall be allowed on any one parcel;

(c) No sign may be placed on private property without the consent of the property owner.

(d) Signs may be freestanding or attached to existing buildings or fences. However they are not permitted on street signs, trees, shrubs, bus stops, power poles, utility cabinets or other public appurtenances;

(e) Signs may not be placed within 15 feet of any fire hydrant, street sign or traffic signal, or interfere with, confuse, obstruct or mislead traffic;

(f) Signs may not be placed within a public right of way, nor within 30 feet of an intersection and no closer than 3 feet from the curb. Where no curb exists, signs shall be at least 5 feet from the edge of the pavement;

(g) Homeowners are allowed to place political signs in the windows of their property;

(h) Signs may not be illuminated, including motion and/or flashing lights, but may be placed where existing lighting may permit them to be seen at night.

Sec. 6.17 REMOVAL OF NATURAL MATERIALS.

Surface removal of minerals and natural materials, including building and construction materials to be used for commercial purposes, shall be allowed in any zone with a use permit. A use permit shall not be required for on-site excavation and removal of materials for normal construction of buildings, structures or underground facilities or where such removal is primarily for building site grading and land leveling.

Sec. 6.18 SIGNS AND NAMEPLATES.

Nameplates (which shall be limited to a statement of the name, address and occupational designation of the occupant) and signs shall be permitted in conformity with the following regulations:

A. One nameplate, not illuminated, appurtenant to any permitted use, not exceeding 2 square feet shall be permitted in R-S, R-1 and R-2 zones, and not exceeding 4 square feet shall be permitted in all other zones.

B. One sign, not illuminated, to advertise the sale of property on which it is displayed and not exceeding 6 square feet shall be permitted in any zone; not exceeding 15 sq. feet shall be permitted in any C Zone; not exceeding 20 sq. feet shall be permitted in any F Zone.

C. Signs, not illuminated and not exceeding 100 square feet in aggregate, to advertise the sale of lots in the subdivision in which it is displayed shall be permitted with a use permit in any zone.

D. Signs, not illuminated, appurtenant to any permitted use, not over 75 square feet in the aggregate and divided into not more than 3 single or double-faced signs shall be permitted with a use permit in any zone except R-S, R-1 and R-2 Zones.

Can be  
Illuminated

E. Signs, appurtenant to any permitted use and not to exceed 3 square feet per front foot of the site on which it is displayed, provided that any site shall be permitted at least 50 square feet, but in no case more than 300 square feet, and divided into not more than 6 single or double-faced signs, shall be permitted in any C or M-L Zone.

F. Signs, whether appurtenant to permitted use or not, and not limited as to size or number, shall be permitted in M-H Zones, and with a use permit in C-2 Zones.

G. Traffic or other municipal signs, legal notices, railroad crossing signs, public telephone signs, signs placed by a public utility showing the location of underground facilities, danger and such temporary, emergency or non-advertising signs as may be approved by the City Council shall be permitted in all districts without the necessity of obtaining a use permit.

ORDINANCE NO. 358-2017



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING SIGN REGULATIONS,  
SECTION 17.30.300 OF THE RIO DELL MUNICIPAL CODE:**

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

**WHEREAS** staff recently discovered an error in the existing sign regulations, Section 17.30.300 of the Rio Dell Municipal Code (RDMC); and

**WHEREAS** the City adopted the current zoning regulations in 2004 and the vast majority, including the sign regulations, of the adopted regulations were carried over from the original zoning regulations, Ordinance 59; and

**WHEREAS** staff discovered that appurtenant signs are restricted to the Community Commercial (CC) zone; and

**WHEREAS** the original sign provisions, Section 6.18 of the Rio Dell Municipal Code (RDMC) applied to all commercial zones and the Limited Industrial (M-L) zone; and

**WHEREAS** the 2004 amendments established the Town Center (TC) designation and replaced the Limited Industrial (M-L) zone with the Industrial Commercial (IC) zone; and

**WHEREAS** staff is recommending that Section 17.30.300(1)(e) be amended to include all commercial zones, including the Town Center, Neighborhood Center, Community Commercial and the Industrial Commercial zones; and

**WHEREAS** the current regulations do not reference whether or not appurtenant illuminated signs are allowed; and

**WHEREAS** staff is recommending that the regulations include a provision that appurtenant illuminated signs are allowed in commercial zones, including the Town Center, Neighborhood Center, Community Commercial and the Industrial Commercial zones; and

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

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

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

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

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

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

**WHEREAS** the City has determined that the establishment of sign regulation regarding the placement of political and election signs is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rio Dell:

1. Finds that the proposed amendments are consistent with an overall comprehensive view of the General Plan; and
2. Finds that based on evidence on file and presented in the staff report that the potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare; and
3. Finds that based on the nature of the project, the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant* effect on the environment.
4. Adopt Ordinance No. 300-2013 amending Section 17.30.260(1)(e) of the Rio Dell Municipal Code to allow appurtenant illuminated signs in commercial zones, including the Town Center zone and the Industrial Commercial zone.

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

**Section 1. Blue, underlined text is the new regulations.**

**17.30.300(e) Signs and nameplates.**

(e) Signs, appurtenant to any permitted use and not to exceed three square feet per front foot of the site on which it is displayed; provided, that any site shall be permitted at least 50 square

feet, but in no case more than 300 square feet, and divided into not more than six single- or double-faced signs, illuminated or not shall be permitted in any ~~CC-zone~~ commercial zone, including the Town Center, Neighborhood Center, Community Commercial and the Industrial Commercial zones.

## Section 2. Severability

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

## Section 3. Limitation of Actions

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

## Section 4. Effective Date

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

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on May 2, 2017 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on May 16, 2017 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 358-2017 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on May 16, 2017.

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Karen Dunham, City Clerk, City of Rio Dell



For Meeting of: May 2, 2017

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager 

Date: April 24, 2017

Subject: Approval and Adoption of Ordinance No. 356-2017 amending Chapter 13.05 Water Rates and Regulations to require that all new residential dwellings, commercial and industrial buildings within the City be required to connect to the City's water system and have fees and charges established by Resolution.

**Recommendation:**

That the City Council:

1. Receive staff's report regarding amending Chapter 13.05, Water Rates and Regulations to require that all new residential dwellings, commercial and industrial buildings within the City be required to connect to the City's water system and have fees and charges established by Resolution, and
2. Open the public hearing, receive public input and deliberate; and
3. Find that the proposed text amendment is consistent and compatible with the General Plan and any implementation programs that may be affected; and
4. Find that the proposed amendments have been processed in accordance with the California Environmental Quality Act (CEQA); and
5. Adopt Ordinance No. 356-2017 amending Chapter 13.05 Water Rates and Regulations to require that all new residential dwellings, commercial and industrial buildings within the City be required to connect to the City's water system and have fees and charges established by Resolution.
6. 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 36933(a) of the California Government Code.

## Discussion

As reported at your meeting of April 4, 2017, staff recently discovered that there is no language in Chapter 13.05 Water Rates and Regulations that requires that all *new* residential dwellings, commercial and industrial buildings within the City connect to the City's water system. As such, staff has amended Chapter 13.05 to require residential dwellings, commercial and industrial buildings within the City connect to the City's water system.

Staff also discovered that there are a number of fees identified in Chapter 13.05 that are outdated. Staff is recommending that the majority of the fees be established by Resolution of the City Council. The recommended fees and Resolution are a separate Agenda Item for this meeting. Again, the adoption of fees by Resolution only requires one reading and approval and does not require that Code Publishing update the Rio Dell Municipal Code (RDMC). Staff believes the recommended action would streamline the administrative burden of updating fees and eliminate the cost of updating the Municipal Code.

Only two penalty fee/charges provisions are recommended to be codified, Section 13.05.470 and Section 13.05.500. Staff is recommending that the Criminal fines and penalties be raised from \$500.00 to \$1,000.00. This would be consistent with the fines and penalties in the Nuisance Regulations, and Land Use Regulations. Below is a copy of the two referenced Sections:

### **13.05.460 13.05.470 Warnings, civil fines and penalties.**

Any person, business or corporation violating any provisions of this chapter or the water shortage contingency plan shall receive an immediate written warning from the City for the first offense. Civil fines and/or penalties shall be imposed should the first offense warning be ignored. Any person, business or corporation violating any of the provisions set forth in this chapter or the water shortage contingency plan shall be fined an amount of **\$250.00** for the second offense and **\$500.00** for the third or more offense. The City will have the authority to disconnect water service to any known violator. The City reserves the right to enforce the provisions of this chapter through any appropriate means, including but not limited to small claims court. Regardless of which procedure is chosen by the City, the penalty and/or judgment shall include reasonable enforcement costs to the City, including but not limited to staff time, court costs, and the City Attorney costs. [Ord. 241 § 46, 2000.]

### **13.05.490 13.05.500 Criminal fines and penalties.**

Any person, firm or corporation violating any of the provisions of this chapter or the water shortage contingency plan shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding ~~\$500.00~~ **\$1000.00**, or by

imprisonment in the County Jail of the County of Humboldt, State of California, for not more than six months, or by both fine and imprisonment. In addition, any defendant shall pay restitution to the City for staff, court and attorney costs for enforcement. [Ord. 241 § 49, 2000.]

## **Attachments**

Attachment 1: Ordinance No. 356-2017 amending Chapter 13.05 Water Rates and Regulations to require that all residential dwellings, commercial and industrial buildings within the City be required to connect to the City's water system and have fees and charges established by Resolution.

**ORDINANCE NO. 356-2017**



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL  
AMENDING CHAPTER 13.05 WATER RATES AND REGULATIONS  
OF THE RIO DELL MUNICIPAL CODE (RDMC) TO REQUIRE THAT ALL RESIDENTIAL  
DWELLINGS, COMMERCIAL AND INDUSTRIAL BUILDINGS WITHIN THE CITY BE  
REQUIRED TO CONNECT TO THE CITY'S WATER SYSTEM AND HAVE FEES AND  
CHARGES ESTABLISHED BY RESOLUTION.**

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

**WHEREAS** the current Water Rates and Regulations do not require that all new residential dwellings, commercial and industrial buildings within the City be required to connect to the City's water system; and

**WHEREAS** it is in the public interest to require that all new residential dwellings, commercial and industrial buildings within the City be required to connect to the City's water system to help cover the cost of water delivery, water system maintenance, operations, administration, capital expenditures and/or debt service; and

**WHEREAS** the current rates and fees identified in Chapter 13.05 do not accurately reflect the actual adopted rates and fees; and

**WHEREAS** the City Council had adopted updated fees by Resolution rather than Ordinance; and

**WHEREAS** the adoption of fees by Resolution is not as administratively burdensome compared to adopting fees by Ordinance; and

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

Section 1. Chapter 13.05 Water Rates and Regulations is amended as follows:

**Chapter 13.05  
WATER RATES AND REGULATIONS**

Sections:

Article I. General

13.05.010 Definitions.

13.05.020 Departmental rules and regulations – Modifying rates.

13.05.030 Settlement of disputes between consumer and City.

Article II. Connections – Installation of Service

13.05.040 Connections.

~~13.05.040~~ 13.05.050 Backflow preventer.

~~13.05.050~~ 13.05.060 Installation of shut-off valves.

~~13.05.060~~ 13.05.070 Distance of sewer or gas service from water service.

~~13.05.070~~ 13.05.080 Repairs to water mains, meters and lines by City.

~~13.05.080~~ 13.05.090 Shutting off water for repairs – Delinquent accounts.

~~13.05.090~~ 13.05.100 Right of entry of City employees for purpose of making inspections.

~~13.05.100~~ 13.05.110 Use of water in steam boilers, hydraulic elevators, power pumps, etc.

~~13.05.110~~ 13.05.120 Turning water off or on in an emergency.

~~13.05.120~~ 13.05.130 Unlawful use, injury, etc., of equipment.

~~13.05.130~~ 13.05.140 Application for service – Form.

~~13.05.140~~ 13.05.150 New service connection for multi-use motels and hotels.

13.05.150 13.05.160 Fees for new service connections.

~~13.05.160~~ 13.05.170 Charges for installing meters.

~~13.05.170~~ [13.05.180](#) Installations and connections outside City limits.

~~13.05.180~~ [13.05.190](#) Prerequisites to multiple service connections.

~~13.05.190~~ [13.05.200](#) Turning on water without consent of Water Department prohibited.

~~13.05.200~~ [13.05.210](#) Use of water by contractors and other persons in construction work.

~~13.05.210~~ [13.05.220](#) Supplying to other than occupant of premises.

~~13.05.220~~ [13.05.230](#) Consumers to accept service conditions – Pressure maintenance.

#### Article III. Rates, Charges and Billings

~~13.05.230~~ [13.05.240](#) Rates and charges.

~~13.05.240~~ [13.05.250](#) Billing.

~~13.05.250~~ [13.05.260](#) Penalty.

~~13.05.260~~ [13.05.270](#) Discontinuance of service for non-payment.

~~13.05.270~~ [13.05.280](#) Reconnection fees.

~~13.05.280~~ [13.05.290](#) Procedure for restoring service after delinquency.

~~13.05.290~~ [13.05.300](#) Shut-off fee following unauthorized connection.

~~13.05.300~~ [13.05.310](#) Payment extension.

#### Article IV. Meters

~~13.05.310~~ [13.05.320](#) Meters to remain City property – Repairs by City.

~~13.05.320~~ [13.05.330](#) One meter to lot or parcel of land – Exception.

~~13.05.330~~ [13.05.340](#) Maximum size of meters.

~~13.05.340~~ [13.05.350](#) Connecting service pipe to meter – Premises to be left as originally found upon completion of tests – Notice to City – Liability of plumber/consumer.

~~13.05.350~~ [13.05.360](#) Bill to be rendered after connection.

~~13.05.360~~ [13.05.370](#) Liability of consumer for damages to meter.

~~13.05.370~~ [13.05.380](#) Cutting off or interfering with meter.

~~13.05.380~~ [13.05.390](#) Application for shutting off water on supply side of meter – Bill to be rendered.

#### Article V. Fire Hydrants

~~13.05.390~~ [13.05.400](#) Purpose of hydrants – Persons authorized to open.

~~13.05.400~~ [13.05.410](#) Taking water from hydrants generally.

~~13.05.410~~ [13.05.420](#) Replacing cap after use.

#### Article VI. Vacation Locks

~~13.05.420~~ [13.05.430](#) Vacation locks.

~~13.05.430~~ [13.05.440](#) Charges for vacation locks.

#### Article VII. Water Conservation – Water Shortage

~~13.05.440~~ [13.05.450](#) Water conservation.

~~13.05.450~~ [13.05.460](#) Water shortage.

~~13.05.460~~ [13.05.470](#) Warnings, civil fines and penalties.

~~13.05.470~~ [13.05.480](#) Enforcement.

#### Article VIII. General Provisions

~~13.05.480~~ [13.05.490](#) Constitutionality.

~~13.05.490~~ [13.05.500](#) Criminal fines and penalties.

### **13.05.010 Definitions.**

For any purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Applicant” shall mean an owner of property who applies for water service to such property.

“Consumer” shall mean any person to whom the City supplies water services under a contract, either expressed or implied, to make payment therefor.

“Cost” shall include labor, material, transportation, expense, supervision, engineering and other administrative expense.

“Council” shall mean the City Council or the City Manager acting under authority of the City Council.

“Department” shall mean the water department of the City.

“Extension” shall mean a water main extension.

“Legal or equitable owner” shall mean any owner of record, mortgagee, trustee or contract purchaser of real property.

“Main” shall mean a water main in the water distribution system of the City without regard to sizing.

“Service connections” shall be understood to designate the laying of pipes from the main to the property line and meter inclusively. [Ord. 241 § 1, 2000.]

### **13.05.020 Departmental rules and regulations – Modifying rates.**

The Council reserves the right and power from time to time to adopt rules and regulations for the operation and maintenance of the water department of the City, and for furnishing water to users, and may likewise establish and modify the rates, charges and penalties established and imposed by this chapter, and may from time to time prescribe rules for the extension of water mains within and beyond the boundaries of the City. [Ord. 241 § 2, 2000.]

### **13.05.030 Settlement of disputes between consumer and City.**

If a dispute shall arise between any water consumer and the City concerning water service or the amount of water billed to such consumer, the dispute may be settled subject to the approval of the Council by the City Manager, unless otherwise authorized by the City Council. The final decision and settlement of any such dispute reviewed by the Council shall be recorded in the meeting minutes. The provisions and procedures provided for in this section are

permissive only and shall in no way affect the other provisions of this chapter. [Ord. 241 § 3, 2000.]

## Article II. Connections – Installation of Service

### 13.05.040 Connections.

All new residential dwellings, commercial and industrial buildings within the City shall be required to connect to the City's water system.

### ~~13.05.040~~ 13.05.050 Backflow preventer.

If the placing of a check valve or cross connection control valve on the private property side of the water meter of any consumer is necessary in the opinion of the Director of Public Works for the safety and protection of the water system or appliances thereof, such consumer shall be notified in writing by the City to have such a valve installed, at his expense, and if after 10 days' written notice such valve has not been installed and working, then the service shall be discontinued and the water shut off until such valve is installed and the City notified, after which service will be restored only upon the payment of a ~~\$50.00~~ reconnection ~~charge~~ fee established by resolution of the City Council. [Ord. 241 § 4, 2000.]

### ~~13.05.050~~ 13.05.060 Installation of shut-off valves.

Consumers of water shall install, at their own expense, a shut-off valve inside the property line at a location accessible to the employees of the City and its Water Department or as otherwise approved by the Director of Public Works, and City shutoffs at consumer request will be billed ~~at \$35.00~~ a fee established by resolution of the City Council. [Ord. 241 § 5, 2000.]

### ~~13.05.060~~ 13.05.070 Distance of sewer or gas service from water service.

No sewer ditch, sewer pipe, gas pipe or any other service shall be installed or maintained nearer than two feet in any direction to any water service pipe, water main or water service meter of the City. [Ord. 241 § 6, 2000.]

### ~~13.05.070~~ 13.05.080 Repairs to water mains, meters and lines by City.

The City shall, at its own expense, make all repairs necessary to water mains, meters and pipe lines connecting with water mains. The City shall make no repair or do any work whatsoever on the water pipe line beyond the meter connection or on private property. [Ord. 241 § 7, 2000.]

### ~~13.05.080~~ 13.05.090 Shutting off water for repairs – Delinquent accounts.

The City reserves the right to shut off the water supply to any premises at any time without notice, for the purpose of making repairs, extensions or other necessary purposes, or for any

violation of this chapter, or any overdue payment, or delinquency of payment of any City utility service. [Ord. 241 § 8, 2000.]

~~13.05.090~~ **13.05.100** Right of entry of City employees for purpose of making inspections.

Any authorized employee of the City shall have reasonable access to any premises supplied with water for the purpose of making inspections of the water system and water meters upon such premises. Any person who, as owner or occupant of any premises, refuses admittance to, or hinders or prevents inspection by, an authorized employee of the City, after service of notice of intention, shall have all water shut off. [Ord. 241 § 9, 2000.]

~~13.05.100~~ **13.05.110** Use of water in steam boilers, hydraulic elevators, power pumps, etc.

It shall be unlawful for any person to draw any water from any pipes or water mains of the City directly into any stationary steam boiler, hydraulic elevator, power pump or similar apparatus. If a consumer shall desire water from the City to be used in any stationary steam boiler, hydraulic elevator, power pump or similar apparatus, the consumer must first apply therefor in writing to the City Engineer, and if a permit is granted, such consumer must provide a tank or reservoir of such capacity as is required by standard practice. No such tank or reservoir shall be installed or used unless and until the plans and specifications have been examined and approved in writing by the City Engineer. [Ord. 241 § 10, 2000.]

~~13.05.110~~ **13.05.120** Turning water off or on in an emergency.

The City shall have the right in an emergency to turn the water off or on without notice, but it shall be the duty of the Water Department to make a reasonable effort to notify all consumers that the water is to be turned off or on. [Ord. 241 § 11, 2000.]

~~13.05.120~~ **13.05.130** Unlawful use, injury, etc., of equipment.

It shall be unlawful for any person to open any fire hydrant, stopcock, gate valve, or to interfere in any manner with any street water service, water connection or any water meter attached to any service pipe connected with the water mains, or to turn on or off any water meter or water pipe of the City, or any reservoir of the City, or to tape any water service pipe, or take or draw water from any water main pipe or hydrant of the City without paying the established water rental therefor after having made written application therefor as provided by this chapter, or in any way to trespass upon the public property of the Water Department without written permission first being obtained from the Director of Public Works. [Ord. 241 § 12, 2000.]

~~13.05.130~~ **13.05.140** Application for service – Form.

Before any water will be supplied by the City to any person which requires a connection or reconnection from the City-owned water mains to water pipes on any real property, the occupant of the property shall make a written application for such service and service

connection upon a form provided by the City. If the consumer is not the owner of the property, the owner's name, address and telephone number shall be required on the application and a copy of the lease/rental agreement shall be provided. [Ord. 241 § 13, 2000.]

~~13.05.140~~ 13.05.150 New service connection for multi-use motels and hotels.

New service connection fees for multi-use motels and hotels shall be ~~\$110.00~~ established by resolution of the City Council for each said unit that has no more than one bathroom and no kitchen facilities ~~or \$1,000, whichever is greater~~. Further, the number and sizing of services both on private property and to connection with the main supply line shall be subject to the sole approval of the Public Works Director. From the service connection fee, 80 percent shall be received into the water fund for purposes of operational expenditures, and 20 percent shall be received into the water fund for capital expenditure and debt service. [Ord. 241 § 14, 2000.]

~~13.05.150~~ 13.05.160 Fees for new service connections.

There shall be a new service connection fee ~~of \$1,000~~ 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 established by resolution of the City Council. This fee is levied in addition to any actual costs by the City to provide the new service. From the service connection fee, ~~\$800.00~~ 80 percent shall be received into the water fund for purposes of operational expenditures, and ~~\$200.00~~ 20 percent shall be received into the water fund for capital expenditure and debt service. [Ord. 241 § 15, 2000.]

~~13.05.160~~ 13.05.170 Charges for installing meters.

There shall be a charge set apart from any other charge or fee for the actual costs to the City for the installation, whether by force account or contract, of any water meter, encoder receiver transmitter, concrete or fiberglass box, or valve, etc., to provide water to any private property or other consumer; provided further, that such a charge shall be established by resolution of the City Council ~~a minimum of \$200.00 or actual costs, whichever is higher~~. Meter types, sizes, locations and connections methods shall be at the sole discretion of the ~~City Manager~~ Public Works Director. [Ord. 296, 2012; Ord. 241 § 16, 2000.]

~~13.05.170~~ 13.05.180 Installations and connections outside City limits.

Notwithstanding any other sections, the connection fees and installation charges for outside the City limits shall be 150 percent of those same fees and charges for inside the City limits. [Ord. 241 § 17, 2000.]

~~13.05.180~~ 13.05.190 Prerequisites to multiple service connections.

No water shall be served to two or more parcels of property separately owned through a common service pipe. When more than one occupancy is placed on the same parcel of property

and each is conducting a separately established residence or business, a water meter shall be required and installed for each occupancy.

Where there is a pre-existing multiple use service from one meter, the City shall establish additional accounts and charges for each additional commercial, professional, dwelling, or living unit situated upon the premises not served by an individual meter, and the cost shall not be less than the established minimum for each such use in the multiple services. [Ord. 241 § 18, 2000.]

~~13.05.190~~ **13.05.200** Turning on water without consent of Water Department prohibited.

It shall be unlawful for any person to turn on the water after the same shall have been turned off. [Ord. 241 § 19, 2000.]

~~13.05.200~~ **13.05.210** Use of water by contractors and other persons in construction work.

Contractors or any person desiring to use water in construction work where connection must be made other than through a water meter shall in each and every case make written application for and obtain a written permit for the same from the Water Department before connecting with any water main, standpipe or using water therefrom, and shall make the deposit required by the Water Department to be used. Such permit shall be exhibited upon the work for which it has been issued during the full time the water is being used pursuant to such permit. [Ord. 241 § 20, 2000.]

~~13.05.210~~ **13.05.220** Supplying to other than occupant of premises.

It shall be unlawful for any person to supply water to any other person other than the occupants of the premises of such consumer as provided through an assigned meter. [Ord. 241 § 21, 2000.]

~~13.05.220~~ **13.05.230** Consumers to accept service conditions – Pressure maintenance.

All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distributing system at the location of the proposed service connection and to hold the department harmless from all damage arising from low pressure or high pressure conditions or interruptions of service. [Ord. 241 § 22, 2000.]

Article III. Rates, Charges and Billings

~~13.05.230~~ **13.05.240** Rates and charges.

**The City Council shall establish fees, rates and charges by resolution to cover the cost of water delivery, water system maintenance, operations, administration, capital expenditures and/or debt service.**

~~Rates effective with the passage of the ordinance codified in this section are:~~

~~(1) New rates will incorporate a \$4.50 system fee that will be identified and used for capital expenditures or debt service.~~

~~(2) New rates will also incorporate \$8.50 for use in water system maintenance and operations expenditures.~~

~~Elements (1) and (2) above are established as the base minimum monthly billing charge, at \$13.00.~~

~~(3) There shall be charged \$1.72 per each and every 100 cubic feet of water metered over and beyond a maximum amount of 600 cubic feet as recorded from one monthly meter reading to the following. The City Council has the authority to adjust the maximum usage allowance by resolution for seasonal purposes.~~

~~Element (3), excess usage rates, will also be used for water system operation costs.~~

~~(4) Mobile home parks are exempt from the foregoing rate structure and shall be billed as follows:~~

~~(a) A \$6.50 per month per space (hook up) system fee will be incorporated into monthly billing whether any water is used or not.~~

~~(b) A \$50.00 per month meter rate will be charged when a single meter serves three or more spaces.~~

~~(c) A \$1.72 per 100 cubic feet of water used in excess of 300 cubic feet times the number of spaces reserved.~~

~~(5) All rates, charges, fees and penalties contained in this chapter may be modified by resolution of the City Council of the City of Rio Dell to provide for future changes. [Ord. 241 § 23, 2000.]~~

#### ~~13.05.240~~ 13.05.250 Billing.

(1) All water billing shall be monthly based on meter reading which will commence approximately ~~six~~ three (3) weekdays prior to the end of each month, with billings scheduled for posting and delivery on the first day of each month. Utility bills are due and payable no later than the ~~last day~~ 26<sup>th</sup> of each month at Rio Dell City Hall.

The City may read water meters on a bimonthly basis. If a bimonthly meter reading schedule is established, monthly bills shall be calculated as set forth by resolution duly adopted by the City Council of the City of Rio Dell.

Utility bills not having been paid by the ~~last day~~ 26<sup>th</sup> of the month shall be considered delinquent and no further notice is required other than the said next following billing reflecting two months of service are outstanding.

Should payment in full not be received within 10 calendar days from the said second billing, then shut-off notices shall be sent to the water customer and the water service discontinued until payment of all outstanding billings is made in full; provided further, that no such shut-off will occur on a Friday, weekend, or City holiday unless specifically directed by the Director of Public Works.

(2) Water service billing shall be assessed against the person or persons who reside in or otherwise occupy the premises being served and are identified as the same having completed an application for water service as a non-owner resident of the premises, and after submitting a deposit as established by resolution of the City Council ~~having deposited \$30.00 surety~~ against any water charges sustained during the said non-owner's occupancy or control of the said premises, whereupon the said depositor shall receive a numbered receipt which shall be required to be presented at demand of all or any part of any refundable balance of said deposit remaining after any and all current water service charges have been deducted; provided, however, that the ~~property owners~~ person or persons who reside in or otherwise occupy the premises shall be liable for any and all unpaid water service charges not paid by the said non-owners or remaining after full deposit amounts have been applied to any outstanding water service billings.

(3) Should any particular monthly meter reading not be possible, due to malfunctioning equipment, temporary inaccessibility or other reason that prohibits meter reading, each such account shall be billed for the total minimum rate until such time as the problem is resolved and monthly meter reading can be resumed. The City may remove any obstruction that prohibits meter reading at the sole expense of the consumer.

~~(4) In any case served by the Rio Dell water system, either in or outside of the City limits, that is not provided Rio Dell City water through a metered system shall pay the following monthly rates as minimum:~~

~~(a) Inside City limits, the same as RDMC 13.05.230.~~

~~(b) Outside City limits, 150 percent of the total minimum rate in effect in RDMC 13.05.230.~~

~~(5)~~ (4) City water users on meters outside the City limits shall pay for service as contained in RDMC ~~13.05.230~~ 13.05.240 at 150 percent thereof, and all other requirements of this chapter shall be enforceable as a condition of service thereto.

~~(6)~~ (5) Any water service situation not specifically covered in any section of this chapter will be reviewed and handled on a case-by-case basis as determined by the Public Works Director, with resultant fees, if involved, established on an equitable basis with those rates herein established.

~~(7)~~ **(6)** Failure to receive a bill does not relieve the consumer of liability for payment of any amounts due by this chapter. [Ord. 243 § 1, 2002; Ord. 241 § 24, 2000.]

~~13.05.250~~ **13.05.260** Penalty.

Rates and charges which are not paid on or before the date of delinquency shall be subject to a penalty of 10 percent, and thereafter shall be subject to a further penalty of one-half of one percent per month on the first day of each month following. [Ord. 241 § 25, 2000.]

~~13.05.260~~ **13.05.270** Discontinuance of service for non-payment.

In the event that any consumer shall be delinquent in the payment of his water bill, and in accordance with the provisions of RDMC ~~13.05.240~~ **13.05.250**(1), the department shall have the right forthwith and without further notice to discontinue water service to the premises of such delinquent consumer. [Ord. 241 § 26, 2000.]

~~13.05.270~~ **13.05.280** Reconnection fees.

There shall be herewith established a connection fee for use when service is disconnected because of failure to pay City utility bills, payments are delinquent, or for other reasons including but not limited to vandalism of City-owned property, meters, or system piping, and when abandoned services are requested to be reactivated. The **delinquency** reconnection fee shall be **established by resolution by the City Council** ~~\$35.00~~, plus actual costs involved in the reconnection. Reconnections requested between 4:00 p.m. and 8:00 a.m. on weekdays, any time on weekends or holidays, shall be assessed an additional ~~\$40.00~~ fee **as established by resolution of the City Council**. [Ord. 241 § 27, 2000.]

~~13.05.280~~ **13.05.290** Procedure for restoring service after delinquency.

If water service is cut off or discontinued for failure to pay delinquent bills, or for any reason, such service may again be established only in the event the consumer or the owner of the premises served pays all delinquent bills and charges as may be required by this chapter. [Ord. 241 § 28, 2000.]

~~13.05.290~~ **13.05.300** Shut-off fee following unauthorized connection.

If any consumer has been found to connect to the Rio Dell water system without authorization, either without first establishing service or following disconnection for delinquency, the City shall disconnect said service and assess a penalty ~~of~~ **established by resolution of the City Council** ~~\$400.00~~ plus costs. This penalty is in addition to any reconnection fees, penalties, outstanding utility bill balances and legal action that may be taken against said consumer. [Ord. 241 § 29, 2000.]

~~13.05.300~~ 13.05.310 Payment extension.

Every request that is made by a residential consumer for an extension of payment period of such bill asserted to be beyond the means of the customer to pay in full during the normal period for payment shall be reviewed by the City Manager or the City Manager's designee. The review shall include consideration of whether the consumer shall be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed six months. Granting of a payment extension is discretionary.

The City Manager is authorized to discontinue service to a residential consumer with an amortization agreement if the consumer fails to keep the account current as charges accrue in each subsequent billing period. [Ord. 241 § 30, 2000.]

Article IV. Meters

~~13.05.310~~ 13.05.320 Meters to remain City property – Repairs by City.

All water meters are the property of the City and the City will maintain and repair them when in its judgment such repairs are needed. [Ord. 241 § 31, 2000.]

~~13.05.320~~ 13.05.330 One meter to lot or parcel of land – Exception.

There shall be at least one meter on each lot or parcel of real property which is improved with a dwelling or building thereon, except where one building occupies more than one lot, then only one meter for such building shall be required. [Ord. 241 § 32, 2000.]

~~13.05.330~~ 13.05.340 Maximum size of meters.

No water meter larger than a one-inch meter shall be installed on any lot or to any consumer, except upon approval and consent of the Director of Public Works. [Ord. 241 § 33, 2000.]

~~13.05.340~~ 13.05.350 Connecting service pipe to meter – Premises to be left as originally found upon completion of tests – Notice to City – Liability of plumber/consumer.

When any plumber or any other person connecting a water service pipe to the property side of a meter uses water for testing the pipes, he must leave the service box in as good condition as found, and shall leave the water shut off, if found shut off, and shall in writing notify the City at the time the connection is made. Any damage caused by negligence or carelessness of any plumber or other person to any part of the meter box or connection must be paid by said plumber or person to the City on demand. [Ord. 241 § 34, 2000.]

**~~13.05.350~~ 13.05.360 Bill to be rendered after connection.**

The Water Department may connect a meter to any water service or service pipe at any time it shall deem expedient to do so, and render a corrected bill from the date of installation of such meter according to the meter rates and charges. [Ord. 241 § 35, 2000.]

**~~13.05.360~~ 13.05.370 Liability of consumer for damages to meter.**

After the water meter is so connected to the water service or service pipe, any damage to such meter, meter lock or service pipes resulting from malice, carelessness, or negligence or the consumer or any member of his family, anyone employed by him, or others, and any damage which may result from hot water or steam from a boiler, or otherwise, shall be paid for by such consumer to the City on presentation of a bill; and in case such bill is not paid, the water shall be shut off from the premises without further notice, and the same shall not be turned on until all charges are paid. [Ord. 241 § 36, 2000.]

**~~13.05.370~~ 13.05.380 Cutting off or interfering with meter.**

It shall be unlawful for any person to interfere with or cut off or remove a water meter from any water service where it has been installed without first receiving written permission from the Director of Public Works. Such permission shall be granted only for the purpose of tests, replacements, or repairs to meter or service pipes, readjustment of service or similar emergency. [Ord. 241 § 37, 2000.]

**~~13.05.380~~ 13.05.390 Application for shutting off water on supply side of meter – Bill to be rendered.**

Upon the written application of the owner of a building or premises to have the water shut off on the supply side of the meter, the City shall have the water shut off and at the time record the reading of the meter and render a bill in a sum which shall be the greater of the amount of water used according to the rates and charges provided for, or for the monthly minimum charge due for the fractional part of the month. [Ord. 241 § 38, 2000.]

Article V. Fire Hydrants

**~~13.05.390~~ 13.05.400 Purpose of hydrants – Persons authorized to open.**

Fire hydrants are provided for the sole purpose of extinguishing fires, and shall be opened and used only by the Fire Department or other officials of the City authorized to do so. [Ord. 241 § 39, 2000.]

~~13.05.400~~ 13.05.410 Taking water from hydrants generally.

Persons wishing to take a supply of water from a fire hydrant must make application to the Water Department for such service. The Department will make the necessary connections and install a meter of required size upon payment of a ~~\$25.00~~ service charge established by resolution of the City Council.

When water is required for construction purposes of any type, upon making proper application a service connection will be made with a main or at a hydrant at the most accessible point to the construction work. When the connection is not sufficiently accessible and water must be taken to the work in a tank wagon or barrel, such supply shall be taken through the meter as installed. In no case will water be furnished for any purpose except through a meter, and unless paid for. [Ord. 241 § 40, 2000.]

~~13.05.410~~ 13.05.420 Replacing cap after use.

Every person authorized to open a fire hydrant shall replace the cap on the outlet when the same is not in use, and leave the hydrant in as good condition as when found, and such officer or person shall report to the Director of Public Works any leaks or breaks or damage to the fire hydrant immediately upon delivery. [Ord. 241 § 41, 2000.]

Article VI. Vacation Locks

~~13.05.420~~ 13.05.430 Vacation locks.

Water service may be discontinued to any premises at the written request of the consumer directed to the Water Department for a period of not less than 30 days. [Ord. 241 § 42, 2000.]

~~13.05.430~~ 13.05.440 Charges for vacation locks.

A charge ~~of \$10.00~~ established by resolution of the City Council will be made for locking a meter at the request of the consumer. An additional ~~\$10.00~~ charge established by resolution of the City Council will be charged before service is renewed. Neither charge will negate the system charge, however, which shall be billed monthly. [Ord. 241 § 43, 2000.]

Article VII. Water Conservation – Water Shortage

~~13.05.440~~ 13.05.450 Water conservation.

When the City determines that water conservation measures are necessary, the City Council will ask that water users conserve water. An official water conservation plan will be adopted by the City Council. Public service announcements will be made to inform the users via news media and public posting. [Ord. 241 § 44, 2000.]

~~13.05.450~~ 13.05.460 Water shortage.

When the City has determined that there is potential for a water shortage or when an emergency shortage occurs, City officials will take appropriate actions to conserve and ration water. The City will adopt and enact a water shortage contingency plan. [Ord. 241 § 45, 2000.]

~~13.05.460~~ 13.05.470 Warnings, civil fines and penalties.

Any person, business or corporation violating any provisions of this chapter or the water shortage contingency plan shall receive an immediate written warning from the City for the first offense. Civil fines and/or penalties shall be imposed should the first offense warning be ignored. Any person, business or corporation violating any of the provisions set forth in this chapter or the water shortage contingency plan shall be fined an amount of \$250.00 for the second offense and \$500.00 for the third or more offense. The City will have the authority to disconnect water service to any known violator. The City reserves the right to enforce the provisions of this chapter through any appropriate means, including but not limited to small claims court. Regardless of which procedure is chosen by the City, the penalty and/or judgment shall include reasonable enforcement costs to the City, including but not limited to staff time, court costs, and the City Attorney costs. [Ord. 241 § 46, 2000.]

~~13.05.470~~ 13.05.480 Enforcement.

Enforcement of water conservation measures shall be carried out by enforcement officers appointed by the City Manager. Enforcement officers shall issue citations. [Ord. 241 § 47, 2000.]

Article VIII. General Provisions

~~13.05.480~~ 13.05.490 Constitutionality.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City of Rio Dell, State of California, hereby declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared invalid or unconstitutional. [Ord. 241 § 48, 2000.]

~~13.05.490~~ 13.05.500 Criminal fines and penalties.

Any person, firm or corporation violating any of the provisions of this chapter or the water shortage contingency plan shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding ~~\$500.00~~ \$1000.00, or by imprisonment in the County Jail of the County of Humboldt, State of California, for not more than six months, or

by both fine and imprisonment. In addition, any defendant shall pay restitution to the City for staff, court and attorney costs for enforcement. [Ord. 241 § 49, 2000.]

**Section 2. Severability**

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

**Section 3. Limitation of Actions**

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

**Section 4. Effective Date**

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

**I HEREBY CERTIFY** that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on April 4, 2017 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the May 2, 2017 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 the above and foregoing to be a full, true and correct copy of Ordinance No. 356-2017 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the May 2, 2017.

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