



RIO DELL CITY COUNCIL
REGULAR MEETING - 6:30 P.M.
TUESDAY, JANUARY 3, 2023
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

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

Note: City Council Photo Op at 6:20 p.m.

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

Effective immediately, the City of Rio Dell will reopen City Council meetings held in City Hall Council Chambers to in-person attendance by the public. The public may also attend these meeting virtually through Zoom. The meetings will also be viewable via livestreaming through our partners at Access Humboldt via their YouTube channel or Suddenlink (Optimum) channels on Cable TV.

To maintain safety and minimize the health risks associated with COVID-19, participants may be required to complete an Attestation of Vaccination upon entering the City Council Chambers. Fully vaccinated participants will not be required to wear a mask. Unvaccinated participants must wear face coverings at all times while in the City Hall Council Chambers.

Public Comment by Email:

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

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

Zoom Public Comment:

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

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. SPECIAL CALL ITEMS

- 1) 2023/0103.01 - Approve Resolution No. 1562-2023 Accepting the Certification of Votes for the November 8, 2022 General Election **(ACTION)** 1

E. CEREMONIAL MATTERS

- 1) 2023/0103.02 - Swearing in and Seating of Newly Elected Councilmembers Debra Garnes, Julie Woodall and Robert Orr
- 2) 2023/0103.03 - Election of Mayor and Mayor Pro Tem **(ACTION)** 10

F. PUBLIC PRESENTATIONS

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

G. CONSENT CALENDAR

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

- 1) 2023/0103.04 - Approve Minutes of the December 6, 2022 Regular Meeting **(ACTION)** 13
- 2) 2023/0103.05 - Approve Minutes of the December 20, 2022 Special Emergency Meeting **(ACTION)** 26
- 3) 2023/0103.06- Approve Reappointment of Alice Millington to the Rio Dell Planning Commission for a three-year term ending December 31, 2025 **(ACTION)** 30

- 4) 2023/0103.07 - Approve Resolution No. 1563-2023 Declaring the need for continued in-person/hybrid City Council and Commission meeting in Accordance with AB 361
(ACTION) 34
- 5) 2023/0103.08 - Receive and File Check Register for November 2022
(ACTION) 39
- H. ITEMS REMOVED FROM THE CONSENT CALENDAR
- I. REPORTS/STAFF COMMUNICATIONS
 - 1) 2023/0103.09 - Update on December 20, 2022 Earthquake
(RECEIVE & FILE)
 - 2) 2023/0103.10 - City Manager/Staff Update **(RECEIVE & FILE)**
- J. SPECIAL PRESENTATIONS/STUDY SESSIONS
- K. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS
 - 1) 2023/0103.11 - Approve Appointments and Alternates to External Boards, Committees and Commissions **(DISCUSSION/POSSIBLE ACTION)** 42
- L. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS
 - 1) 2023/0103.12 - Introduction and First Reading (by title only) of Ordinance No. 397-2023 Amending Chapter 5.40 "Cannabis Business Tax" Sections 5.40.260 and 5.40.290 of the Rio Dell Municipal Code (RDMC)
(DISCUSSION/POSSIBLE ACTION) 45
- M. COUNCIL REPORTS/COMMUNICATIONS
- N. ADJOURNMENT

*The next regular City Council meeting is scheduled for
Tuesday, January 17, 2023 at 6:30 p.m.*

*675 Wildwood Avenue
Rio Dell, CA 95562*



For Meeting of: January 3, 2023

TO: Rio Dell City Council
FROM: Karen Dunham, City Clerk
THROUGH: Kyle Knopp, City Manager
DATE: January 3, 2023
SUBJECT; Accepting Certification of Votes

RECOMMENDATION

Approve Resolution No. 1562-2023 Accepting the Certification of Votes for the November 8, 2022 General Election.

BUDGETARY IMPACT

None

BACKGROUND AND DISCUSSION

The Humboldt County Elections Department officially certified the votes cast in the November 8, 2022 General Election on December 6, 2022. The Resolution accepts the vote count and recognizes the election of the three candidates as Councilmembers Elect for four-year terms ending with the 2026 General Election. The Resolution also recognizes the passage of Measure "O" for reduction of the existing one percent (1%) City sales tax to three-quarters of one percent (0.75%) effective January 1, 2025, and continuing at a reduced rate until repealed by the voters.

Swearing in and seating of the new councilmembers elect will take place following the regular agenda items including the selection of Mayor and Mayor Pro Tem for two- year terms.

ATTACHMENTS:

Resolution No. 1562-2023
Official Vote Count



RESOLUTION NO. 1562-2023
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
ACCEPTING THE CERTIFICATION OF VOTES FOR THE
NOVEMBER 8, 2022 GENERAL ELECTION

WHEREAS, the Humboldt County Election Division has officially certified the votes cast in the November 8, 2022 General Election for the City of Rio Dell for Rio Dell City Councilmembers and Measure O: reducing the existing one percent (1%) City sales tax to three-quarters of one percent (0.75%) effective January 1, 2025, and continuing the tax at a reduced rate until repealed by the voters as:

Robert Orr	-	626	35.27%		
Julie Woodall	-	615	34.65%		
Debra L. Garnes	-	534	30.08%		
Measure O	-	491	Yes	52.51%	
	-	444	No	47.49%	

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIO DELL DOES HEREWITH RESOLVE:

To accept the vote count as certified by the Humboldt County election Division (copy attached); and

To recognize the election of the three (3) candidates as Councilmembers Elect for a four- year term or as otherwise prescribed by law; and

To recognize the passage of Measure O; a Ballot Measure in favor of reducing the existing one percent (1%) City sales tax to three-quarters of one percent (0.75%) effective January 1, 2025, and continuing the tax at a reduced rate until repealed by the voters, having received the required simple majority of affirmative votes.

PASSED AND ADOPTED this 3rd day January 3, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra L. Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above to be a full, true and correct copy of Resolution No. 1562-2023 adopted by the City Council of the City of Rio Dell on January 3, 2023.

Karen Dunham, CMC
City Clerk, City of Rio Dell



COUNTY OF HUMBOLDT
Office of Elections & Voter Registration

2426 6th Street
Eureka, CA 95501-0788
707-445-7481
Fax 707-445-7204



December 7, 2022

City of Rio Dell
Attn: Karen Dunham - City Clerk
675 Wildwood Ave
Rio Dell, CA 95562

Re: Statewide General Election – November 8, 2022
Certification Results

Enclosed please find a copy of the County of Humboldt's Certificate of Results of Canvass for the Statewide General Election held on November 8, 2022 for the following:

- Citycouncilmember
- Measure O Rio Dell Tax

Please feel free to contact our office with questions.

Regards,

Christina Strevey
Administrative Analyst
Humboldt_elections@co.humboldt.ca.us
707-445-7481

Enclosures

**General Election 2022
Cumulative**

Humboldt County 2022 General Election

Run Time 8:33 AM
Run Date 12/06/2022

Humboldt County

STATEWIDE GENERAL ELECTION

11/8/2022

Official Results

Registered Voters
48741 of 84792 = 57.48%
Precincts Reporting
120 of 120 = 100.00%

RIO DELL CITY COUNCILMEMBER - Vote for THREE (3)

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	960	1,919	50.03%

Choice	Party	Election Day		Vote by mail		Early Voting		Total	
ROBERT ORR		111	37.25%	515	34.87%	0	0.00%	626	35.27%
JULIE WOODALL		101	33.89%	514	34.80%	0	0.00%	615	34.65%
DEBRA L. GARNES		86	28.86%	448	30.33%	0	0.00%	534	30.08%
Cast Votes:		298	100.00%	1,477	100.00%	0	0.00%	1,775	100.00%
Undervotes:		246		754		0		1,000	
Overvotes:		0		1		0		1	
Unqualified Write-ins:		23		79		0		102	

Measure O - Rio Dell Tax

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	960	1,919	50.03%

Choice	Party	Election Day		Vote by mail		Early Voting		Total	
Yes		77	42.54%	414	54.91%	0	0.00%	491	52.51%
No		104	57.46%	340	45.09%	0	0.00%	444	47.49%
Cast Votes:		181	100.00%	754	100.00%	0	0.00%	935	100.00%
Undervotes:		8		17		0		25	
Overvotes:		0		0		0		0	
Unqualified Write-ins:		0		0		0		0	

Certificate of Election

State of California }
County of Humboldt

I, Kelly E. Sanders, Registrar of Voters in and for the County of Humboldt in the State of California, do hereby certify that at a general election held in and for said county on November 8, 2022, **ROBERT ORR** was elected to the office of **RIO DELL CITY COUNCILMEMBER** for the County of Humboldt as appears by the official returns of said election and the statement of votes cast now on file.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this 6th day of December, 2022.



Kelly E. Sanders
Kelly E. Sanders

Certificate of Election

State of California }
County of Humboldt

I, Kelly E. Sanders, Registrar of Voters in and for the County of Humboldt in the State of California, do hereby certify that at a general election held in and for said county on **November 8, 2022**, **JULIE WOODALL** was elected to the office of **RIO DELL CITY COUNCILMEMBER** for the County of Humboldt as appears by the official returns of said election and the statement of votes cast now on file.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this 6th day of December, 2022.



Kelly E. Sanders
Kelly E. Sanders

Certificate of Election

State of California }
County of Humboldt }

I, Kelly E. Sanders, Registrar of Voters in and for the County of Humboldt in the State of California, do hereby certify that at a general election held in and for said county on **November 8, 2022**, **DEBRA L GARNES** was elected to the office of **RIO DELL CITY COUNCILMEMBER** for the County of Humboldt as appears by the official returns of said election and the statement of votes cast now on file.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this 6th day of December, 2022.



Kelly E. Sanders
Kelly E. Sanders

**Certificate of Results of Canvass
November 8, 2022
Statewide General Election
Measure O Rio Dell Tax**

STATE OF CALIFORNIA }
 }
COUNTY OF HUMBOLDT } SS

I, Kelly E. Sanders, Registrar of Voters of the County of Humboldt, do hereby certify that pursuant to the provisions of Section 15301 et al., of the California Elections Code, I did canvass the return of votes cast in the November 8, 2022, Statewide General Election, and that the Statement of Votes Cast to which this Certification is attached shows the total number of votes cast and the total number of votes cast for each candidate and/or measure in each respective precinct therein and that the totals for each candidate and/or measure are true and correct.

WITNESS MY HAND AND OFFICIAL SEAL this 6th Day of December, 2022.

KELLY E. SANDERS
REGISTRAR OF VOTERS

Signed: *Kelly E. Sanders*





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

For Meeting of: January 3, 2023

TO: Mayor and Members of the City Council
FROM: Karen Dunham, City Clerk
THROUGH: Kyle Knopp, City Manager
DATE: January 3, 2023
SUBJECT: Election of Mayor and Mayor Pro Tem

RECOMMENDATION

1. Follow City Council Procedure to Elect a Mayor and Mayor Pro Tem.

BACKGROUND AND DISCUSSION

Resolution No.1127-2011 provides a procedure for appointments by the City Council for vacant positions on the City Council and Commissions and establishes the procedures for selecting the Mayor and Mayor Pro Tem. Section 36801 of the California Government Code also establishes the procedures for choosing the Mayor and Mayor Pro Tem as follows:

Section 36801: The City Council shall meet at the meeting at which the declaration of the election results for a general municipal election is made pursuant to Sections 10262 and 10263 of the Elections Code and following the declaration of the election results and the installation of elected officials, choose one of its members as Mayor, and one of its members as Mayor Pro Tempore.

All Councilmembers shall be considered nominated for Mayor and Mayor Pro Tem unless a Councilmember chooses to decline nomination. Each term will be for two (2) years ending with the 2024 General Election.

Ballots will be provided to Councilmembers at the meeting. The process will begin with the selection of Mayor. The City Clerk will read the results of the vote and follow the process for filling the position pursuant to Resolution 1127-2011. Councilmembers will then be asked to vote for their choice for the position of Mayor Pro Tem, following the same process.

Attachment:
Resolution No. 1127-2011



RESOLUTION NO. 1127-2011
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF RIO DELL PROVIDING A PROCEDURE FOR
APPOINTMENTS BY THE CITY COUNCIL
FOR VACANT POSITIONS ON THE CITY
COUNCIL AND COMMISSIONS

WHEREAS, the City Council is authorized under RDMC Section 2.55 to establish and by a majority vote appoint individuals to commissions, boards and committees; and

WHEREAS, City Council desires to use the same system to select the Mayor and Mayor Pro Tempore as is used to appoint individuals to commissions, boards and committees; and

WHEREAS, when vacancies occur on the City Council and Commissions, the City Council will vote to appoint replacements for the duration of the term (or for a full term when an election is planned and less candidates file than the number of seats that will become vacant); and

WHEREAS, the City Council desires that a set of procedures be in place to formally guide the voting process;

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

1. Upon notice of a vacancy, an application time period shall be designated whereby interested applicants may complete an application to fill the vacant seat.
2. Names of all qualified applicants shall be placed in nomination for the vacant Seat.
3. All Councilmembers shall be considered nominated for Mayor and Mayor Pro Tempore (with the exception of the newly appointed Mayor). Any Councilmember may decline nomination for Mayor or Mayor Pro-Tempore.
4. Applicants shall be given an opportunity to make a short presentation to the Council at a public meeting.
5. At a City Council meeting where the vacancy is akenized, each Councilmember will write the name of the applicant of their choice, and sign their ballot.

6. The ballots will be passed to the City Clerk to be counted and announced by name and for whom they voted.
7. If an applicant receives 3 or more votes, that candidate is chosen for the vacancy. Otherwise, there will be a runoff ballot between the top 2 applicants. Applicants receiving 2 votes will be placed in the runoff, and a separate vote shall be held for those receiving 1 vote if only 1 applicant has 2 votes (i.e. 2,1,1,1).
7. In the case of ties, a revote will be held.
8. After 3 ties, the Council will declare that the item be continued and placed on the next regular agenda.
9. At the next regular or special council meeting where the continued item is agenzized, the Council shall re-vote up to 2 more times in the same manner as described above. In the event there is still a tie vote, the Council will declare a deadlock and reopen the application process.

BE IT FURTHER RESOLVED, that the procedure for establishing a system for City Council appointments to commissions, boards and committees and procedures for the selection of Mayor and Mayor Pro Tempore as described in Resolution Nos. 416, 625, 700, and 822-1-2002 are hereby repealed and replaced with the procedure described above.

PASSED AND ADOPTED by the City Council of the City of Rio Dell on this 6th day of September, 2011 by the following vote:

AYES: Woodall, Leonard, Marks, Thompson, Wilson
 NOES: None
 ABSENT: None
 ABSTAIN: None

 Julie Woodall, Mayor

Attest:

 Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
REGULAR MEETING MINUTES
DECEMBER 6, 2022**

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

ROLL CALL: Present: Mayor Garnes, Mayor Pro Tem Johnson, Councilmembers Carter, Wilson and Woodall

Others Present: City Manager Knopp, Chief of Police Allen, Finance Director Sanborn, Water/Roadways Superintendent Jensen, Wastewater Superintendent Taylor, Community Service Officer Clark, Senior Fiscal Assistant Maciel and City Clerk Dunham

Absent: Community Development Director Caldwell

CEREMONIAL MATTERS

Proclamation Acknowledging and Thanking Gordon Johnson for his Extraordinary Service to the Citizens of Rio Dell

Mayor Garnes read the proclamation acknowledging and thanking Gordon Johnson for his extraordinary service to the citizens of Rio Dell over the past 12 years serving on the Rio Dell Planning Commission and the Rio Dell City Council as Councilmember and Mayor Pro Tem. She extended thanks to Gordon's wife Darlene.

Mayor Pro Tem Johnson said that the last 12 years of being involved with the City has been one of the highlights of his life. He said that there was never a moment that he didn't enjoy himself. He commented that Rio Dell has one of the best staffs in the State of California and he knows that because he attended the League of California Cities meetings for years and rubbed shoulders with a lot of other cities, not only cities of Rio Dell's size but cities much larger. The City's department heads could serve in cities of hundreds of thousands of people and he is very grateful for that. The City Council has been great to work with and our Mayor is marvelous.

He pointed out that not only was the City founded in 1965, he and his wife Darlene were married in 1965 and the generations continue, not only with his children and grandchildren, but they also have three great-grandsons. He expressed thanks to everyone and said that it has been a real pleasure serving the citizens of Rio Dell.

Councilmember Woodall thanked Mayor Pro Tem Johnson for his professionalism, integrity and wealth of knowledge that he brought to the City Council and said that he served the citizens of Rio Dell for a long time and would truly be missed. She added that it was a pleasure working with him and hinted to him that there is a current vacancy on the Rio Dell Planning Commission.

PUBLIC PRESENTATIONS

Mayor Garnes called for public comment on non-agenda items. No public comment was received.

CONSENT CALENDAR

Mayor Garnes asked if any councilmember, staff or member of the public would like to remove any item from the Consent Calendar for separate discussion. Mayor Pro Tem Johnson removed the minutes of the November 15, 2022 regular meeting since he was not present at that meeting and wished to abstain from vote.

Motion was made by Woodall/Carter to approve the Consent Calendar including the following items:

- 1) Minutes of the November 22, 2022 Special Meeting;
- 2) Resolution No. 1560-2022 Amending the Master Fee Schedule;
- 3) Purchase of two replacement pumps for Wastewater Irrigation Field not to exceed \$\$10,752.73; and
- 4) Minor location changes for Chamber of Commerce kiosks on City Hall grounds.

Motion carried 5-0.

ITEMS REMOVED FROM CONSENT CALENDAR

Approval of Minutes of the November 15, 2022 Regular Meeting

Motion was made by Woodall/Carter to approve the minutes of the November 15, 2022 regular meeting. Motion carried 4-0; 1 abstention.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update

City Manager Knopp provided a staff update on recent activities and events and reported that the latest election report was issued earlier this afternoon and as it concerns Rio Dell, Measure O passed. In addition, Mayor Garnes and Councilmember Woodall were re-elected and Robert Orr was elected to the City Council, each to 4-year terms ending in 2026.

He also reported on the closeout of the City's PSPS Resiliency Grant noting that the City received two new generators for the City's sewer lift stations.

He announced that the December 20, 2022 Regular City Council meeting was cancelled noting that there were no urgent items needing the Council's attention before the January 3, 2023 regular meeting.

Councilmember Carter commented that she was happy to see the startup of Neighborhood Watch Programs and the establishment of a Community Emergency Response Team (CERT). She said that it was great news and that she would likely be volunteering for both.

Councilmember Wilson commented on the start up of the City's new website and said that it appears to be an improvement from the previous website.

City Manager explained that it was designed by a firm that specifically does municipal government websites so they had the basic layout. He said that there is definitely some fine tuning and content updates that need to happen over the next few weeks.

Councilmember Woodall referred to a recent post she saw on Facebook regarding the purchase of firearms for the Police Department and asked Chief Allen to respond to the comments.

Chief Allen explained that there was a post on social media in regard to the City of Rio Dell purchasing rifles for the department that cost \$4,000 per rifle which was not true. He checked with finance staff and reviewed purchases going back the past seven years and there were no such purchases. He cautioned citizens to not believe everything posted on social media and said if there are ever any questions regarding purchases by his department, he would be happy to explain them.

SPECIAL PRESENTATIONS/STUDY SESSIONS

Presentation – Monument Road Slip-Out with Update on Possible Costs to the City of Rio Dell

City Manager Knopp provided a brief recap of the situation and said that in 2017, there were a series of storm events involving heavy rain with a slip-out occurring on Monument Road. The location of the damage spans approximately 260 feet, with one-half located within City boundaries and the other half in the County. Representatives were here from FEMA who were dealing with a number of other disasters and were somewhat combative with the City and County regarding this issue and cost estimates for the repair. There were discussions on who would be the lead on the project; initially the City was going to lead it and after further conversations with the County and FEMA, it was determined that the best route to go was for the County take the lead on this particular project.

He noted that there has been a series of delays related to the project but applauded the County for doing a great job in advocating for an appropriate resolution to the problem and the engineer's alternative solution of a Soldier Pile Wall, which is the only viable option.

He then referred to correspondence attached to the staff report which provides more detail of the situation including the appeals to FEMA. He noted that the County did receive correspondence back from CalOES that upon final appeal, the Monument Road slip-out repair was partially approved for the amount of \$2,359,983, which unfortunately was well below the original funding request of \$3,111,717. This creates a possible local cost share

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of \$899,232 and possible cost share by the City of \$449,616 +/- . He noted that initially the City was looking at a potential \$70,000-\$150,000 cost share by the City.

He introduced Tony Segetti, Deputy Public Works Director for Humboldt County who was present remotely to provide a brief presentation and answer any questions about the project.

Tony provided a brief presentation and said that since 2017 when the disaster occurred, FEMA has been resistant to the engineered designs, costs and recommendations for the project. The original design was to repair the roadway and the installation of a Mechanically Stabilized Embankment (MSE) wall. A geotechnical engineering firm was hired to do some drilling and they did not recommend the MSE wall as a viable solution. The reasons were that it would be too tall to get it down to stable material below the slide and it would require total closure of that portion of Monument Road. They then put together a scope of work for a Soldier Pile Wall due to the recommendation of the geotechnical engineer and submitted the change request to FEMA/CalOES. The first appeal was denied stating that the ground had preexisting issues of slope instability and the change request included work that went beyond the damaged facility's pre-disaster design.

He said that they filed a second appeal showing that the road failure was the result of the storm disaster of 2017. FEMA/CalOES responded with the letter dated November 9, 2022 partially approving the second appeal, agreeing that Monument Road did not have pre-existing damage and that the damage was the result of the 2017 storms however; would not approve the change from the Mechanically Stabilized Embankment (MSE) wall to the Soldier Pile Wall. Their conclusion was that they would not approve a change in the scope of work, but would increase the approved amount of funding to \$2,359,983 associated with the cost of installing an MSE wall. However, they did say that if we want to construct the Soldier Pile Wall, they will approve the project with the capped amount of funding; any costs over that would be the responsibility of the County and the City of Rio Dell.

He pointed out that the \$2.3 million does not include project contingency or preliminary or construction engineering. As such, the project could cost an additional \$500,000, with the cost shared by the County and the City. He indicated that they are working with GHD who designed the project, to look for some cost reductions possibly up to \$250,000 however, due to current pricing and inflation the bids could come in significantly higher than anticipated.

He reviewed the project timeline and said that he would like to get a contractor on board in January or February with construction to begin as soon as the ground dries out.

Mayor Pro Tem Johnson commented that as a contractor and an engineer, he has both designed and/or built both types of structures. He said that the geotechnical engineer is correct in that if you don't have a rock-solid foundation, the Mechanically Stabilized Embankment (MSE) wall is going to fail. He said that the correct thing to do is to build a

Soldier Pile Wall as designed by GHD and it will eliminate the need to go back and do repairs in the future.

City Manager Knopp asked Tony for an estimated timeline to go out to bid on the project and potential construction.

Tony said that the plan is to advertise the project in mid-January (for 5 weeks), open bids around the end of February. After that, it typically takes three months to get the contractor to work on the ground. He pointed out that if the bids come in too high, they don't have to award the project.

Mayor Garnes thanked Tony for the presentation.

Presentation – FY 2021-22 Annual Financial Report

Finance Director Sanborn provided a presentation on the Fiscal Year 2021-22 Annual Financial Report.

He said that the Annual Financial report summarizes and analyzes the financial performance of the City for Fiscal Year 2021-22. Details of the report describe revenues and expenditures incurred during the fiscal year and explains material differences between the values and adjusted budget. Financial reserves and fund balances are also updated at the terminus of the fiscal year. This report was created using unaudited financials as of June 30, 2022. The official audit will be finalized towards the end of January, 2023.

The City has three main Fund Types in which its finances are consolidated within. The General Fund, Enterprise funds consisting of Sewer and Water and Special Revenue Funds. Overall, City Expenses exceeded Revenues by nearly \$10,000 – most notably due to capital improvement projects subsidized by the City's general fund.

He presented a slide that compared actuals to budget for major funds – due to economic uncertainties and the lingering Covid pandemic revenue estimates were conservative and actuals ended up 1.6% higher than projected. Expenditures were 8% lower than budgeted due to lower anticipated capital costs.

The General Fund ended the fiscal year with a fund balance of over 1.7 million dollars. This was a decrease of \$743,000 due to actual expenditures exceeding revenues attributed to Capital Improvements projects completed within the City. Total Special Revenue Funds, along with the Sewer and Water Enterprise funds saw net increases to their fund balances due to actual revenues exceeding expenditures as displayed in the table provided.

General Fund revenues were \$132,534 less than budgeted primarily due to a decrease in budgeted cannabis revenue. Overall, General Fund revenues were approximately \$370,000 less than the prior year actuals.

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City General Fund Major revenues were \$1,432,913 for Fiscal Year 21-22 with Property Taxes In Lieu of Vehicle License Fees and Retail Sales tax bringing in over \$447,000 and \$688,000 respectively.

Street Fund revenues exceeded expenditures by over \$25,000 primarily due to expenditures being lower than estimated. The streets funds consist of Gas Tax, SB1 Road Maintenance and Rehab account, TDA funds, and RSTP revenues.

Actual revenues for the Sewer Enterprise Fund were 6% more than budgeted with expenditures 13% less than budgeted. This variance is contributed to lower spending on capital projects and professional services, along with salary savings. Sewer Fund balances increased by \$281,589 or 15% more than estimated at the time of 2022-23 budget development.

Actual revenues for the Water Enterprise Fund were 10% more than budgeted with expenditures 6% less than budgeted. This variance is also contributed to lower spending on capital projects and professional services, along with salary savings. Water Fund balances increased by \$144,481 or 5% more than estimated at the time of 2022-23 budget development.

Other major funds included in the special revenues fund include the building fund, the Supplemental Law Enforcement Services Fund, and CDBG Fund. The building fund receives a General Fund transfer annually to cover excess expenditures over revenues. The Supplemental Law Enforcement Services Fund is used to supplement law enforcement services such as salaries and benefit costs. The CDBG fund saw an increase in revenues of \$166,000 due to loans being paid off. The CDBG has an ending fund balance of \$572,587 as of June 30, 2022 and funds can be used on eligible CDBG projects.

He concluded the presentation and offered to answer any questions the Council may have.

Councilmember Woodall referred to the Program Income in the CDBG fund and asked when those funds would need to be expended.

Finance Director Sanborn explained that staff is currently working with a CDBG team to allocate those funds toward an approved project but nothing has been finalized yet.

Mayor Pro Tem Johnson commented that last year the City invested over \$500,000 into the streets program and did not receive the cannabis taxes that were anticipated. He said that the reserves did go down a bit but are still healthy and the reserves are there primarily to shelter the City during a rainy day and also to invest in the City such as the street projects.

Jonathan Brodeur referred to the fund balances in the water and sewer funds and asked where that money goes. He commented that the people that are charged late fees are

the people that have the most trouble paying their utility bills. He said that these fees are sometimes excessive and wondered how much of that fund balance is generated from late fees and what if any services are available to help those people.

Finance Director Sanborn explained that the excess revenue is used for capital improvement projects. Late fee revenue as described in the Prop 218 process are going to be used to offset discounts for water and sewer at the end of the fiscal year once that is set up.

Johnathan asked if there is a discount applied across the board or a program for low income customers.

City Manager Knopp explained that the proposal is for a program based off of the PG&E Cares Act for those that apply for the program. Staff is still in the process of developing the program but hope to get it out by the end of the fiscal year.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Second Reading (by title only) and Adoption of Ordinance No. 396-2022 Amending Chapter 15.05 "Construction Codes" Section 15.05.020 of the Rio Dell Municipal Code (RDMC)

City Manager Knopp provided a staff report and said that every three years, the California Building Standards Commission (CBSC) adopts a compilation of building regulations referred to as the California Building Standards Code (California Code of Regulations, Title 24). Inclusive in these regulations are the California Building, Mechanical, Plumbing, Electrical, Existing Buildings, Fire, Energy, Residential Building, Historical Building, and Green Building Codes. The code that the State of California requires all cities and counties to adopt allows the local agency to adopt more restrictive codes but not less restrictive.

He explained that the new codes become effective on January 1, 2023 regardless if the new codes have been adopted by the City.

Staff recommended the second reading and adoption of Ordinance 396-2022 amending Section 15.05.020 "Building Codes" of the Rio Dell Municipal Code to reference the 2022 California Building Codes and the 2021 International Property Maintenance Code.

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

Motion was made by Johnson/Woodall to conduct the second reading (by title only) and adopt Ordinance No. 396-2022 amending Section 15.05.020 "Building Codes" of the Rio Dell Municipal Code to reference the 2022 California Building Codes and the 2021 International Property Maintenance Code. Motion carried 5-0.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS/PUBLIC HEARINGS

Discussion on Police Department Restructuring

City Manager Knopp provided a brief staff report and said that at the October 4, 2022 regular meeting, Mayor Pro Tem Johnson suggested scheduling a study session to look at Police Department staffing. With the consensus of the Council, staff was directed to place the item on the agenda for discussion.

Chief Allen briefed the Council on the possibility of adding an additional police officer position. He outlined a list of ten (10) benefits of having the additional officer which included the following:

- 1) Officers are working 10-hours shifts and responding to calls for service alone;
- 2) Will have staffing 24 hours/day and eliminate the on-call status between 0300-0700;
- 3) Will be able to implement a police bike program and foot patrol to promote community policing further;
- 4) Will have coverage for those officers subpoenaed to court without increasing overtime;
- 5) Will have coverage for officers on training, sick, or vacation without increasing overtime;
- 6) The City will be covered if a person is arrested and taken to the Humboldt County Correctional Facility, Humboldt County Juvenile Hall, and/or Redwood Memorial Hospital;
- 7) This will allow the department to be proactive in reducing crime instead of reactive;
- 8) Will provide quicker response times to calls for service
- 9) Will assist with Code Enforcement, Animal Control, and other projects that benefit the well-being of the City of Rio Dell;
- 10) Will provide more interaction and safety to Rio Dell Elementary and Monument Middle School as the department moves closer to having its own School Resource Officer. Currently Fortuna Police Department provides this service due to Measure Z funding.

Chief Allen noted that each of those ten benefits comes back to one thing; and that is safety to both the community and the officers who are more than likely working alone. He said that the current number of officers is six with 1 police chief, 1 police sergeant, 4.25 officers. 3 of the 4 full-time positions are filled and hopefully by the end of the week he will be offering a conditional offer to fill the fourth position. He noted that they also have 1 reserve officer and the former Police Chief Jeff Conner working as an Administrative Sergeant who is handling administrative duties and covering shifts. In addition, there is one Community Service Officer (CSO) who splits her time between Code Enforcement and Animal Control, and a part-time Records Clerk who works 28 hours a week.

Chief Allen then reviewed the costs associated with the proposal and said that the total salary and benefits of adding a police officer position at the entry-level position is \$114,527. Due to the additional workload the position would potentially create, it would be appropriate to classify the part-time Records Technician to full-time at a total cost of \$81,983. There would also be additional costs associated with needed equipment and

police academy training.

He said that one of his goals would be to establish a bike patrol program as well as foot patrol which make officers more accessible to the community which builds better relationships between the officers and the citizens. He pointed out that this is not reasonable with only one officer on duty.

He said that in looking forward, this is something that is needed rather than something that is just wanted.

Mayor Pro Tem Johnson commented that a couple of months ago, he and Councilmember Woodall talked to Chief Allen about staffing and asked him if he would like to make a presentation to the City Council about what he sees as the needs for the department.

He brought up the idea of having a canine unit which may be something to think about in the future but supported the idea of budgeting for an additional police officer to provide coverage for officers training, sick, on vacation or out with an injury. He said that there was a time during his time on the City Council where the department was down to a chief and a sergeant for probably 6-8 months and they worked way too many hours to protect our citizens. He said that he would totally support the Chief's recommendation because it is smart business to do it. He said that he would also like to see Rio Dell have a canine in the department again because when an officer is going to a fight with 7 or so people, a dog is real benefit.

Councilmember Woodall agreed with Mayor Pro Tem Johnson and pointed out that when people are looking at an area to move to, safety is one of the factors they look at and the City needs to be able to provide that. We also don't want our citizens having to step in and help our officers because it is not safe.

She referred to a ride-along she was on with an officer and the officer responded to a call that resulted in calling Fortuna for backup because there was not another officer available. She also was on a ride-along when there was a DUI arrest and was amazed with the time and involvement it required. She said that it was reported that there is an average of 14 calls that come in between 3 am -7 am when there is no coverage but in watching social media, there are a lot of crimes that don't get called in.

She asked if there were savings with being down 1 officer or if those funds were used for overtime.

Chief Allen indicated that there were some savings but was not certain of the exact amount.

Councilmember Woodall asked if there would be ways to offset some of the costs associated with hiring another full-time police officer.

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Chief Allen noted that the former police chief would be retiring soon so there would some salary savings there but some overtime costs would still be necessary for various reasons. He pointed out that they currently are being reactive and with more officers they would be more proactive and actually prevent some crimes from occurring.

Councilmember Woodall commented that there could possibly be more community involvement with an additional officer.

Chief Allen said that he recently learned that the Fortuna Police Department covers the Rio Dell School which is funded by Measure Z and that he would like Rio Dell to be more involved with the school and be the role model for students.

Councilmember Wilson supported the proposal for an additional officer and said that part of the reason for not adding an officer position before was that Chief Conner's focus was more on officer retention. He asked how that is working.

Chief Allen said that realistically when you are looking a policing, it is about money and said that it is difficult to compete with larger agencies. He commented that some of his officers have expressed some interest in leaving however, he does have a lot of people interested in working for Rio Dell. Keeping employees happy and healthy is important and adding an additional officer will allow officers to have a break.

Councilmember Wilson asked if an additional officer would require the purchase of an additional patrol vehicle. Chief Allen said that there is a new vehicle coming soon.

Chief Allen commented that staffing of police departments is a nationwide problem noting that there are only 12 students in the current police academy compared to the usual 30-40.

Councilmember Carter said that she was very supportive of the idea because without a police department, we are not a city. She liked the idea of getting out of the vehicle and having more community involvement with citizens. She said that she watched the Chief do that at Wildwood Days which was really nice to see.

Mayor Garnes supported the idea and said that she loved the canine idea as well as the bike patrol. She expressed the importance of officers having time off and having backup when they need it. She asked what the chances were of having dispatch handled in Rio Dell or if we would always be required to use Fortuna.

Chief Allen explained that with dispatch comes additional staffing and although we pay a lot to Fortuna, for now it is the only viable solution.

Consensus of the Council was to address the subject of police department staffing during the next budget discussions.

Mayor Garnes called for public comment.

Jonathan Brodeur commented that adding an additional officer seems that it may still be pushing officers to the brink.

He said that he is with the Kiwanis Club and they had a meeting and discussed the idea of having a lighted bike parade with the kids and perhaps the officers could join in on bikes. Having a bike patrol gets the officers out there and promotes community interaction. He said that hopefully the lighted bike parade would be happening next year.

Mayor Pro Tem Johnson commented that this Council does budget adjustments regularly for unanticipated expenditures and he thinks that the police department staffing request is worthy of considering an immediate budget adjustment.

City Manager Knopp said that it would be a Council decision. If the Council desires, staff could schedule another meeting to take a look at the staffing options and costs. He advised the Council that the budget allocation to the Police Department has doubled over the last 5 years and the Council would need to make sure the City is generating additional revenue to even maintain the existing staffing level. He noted that every year the costs continue to go up but the Chief does make a very compelling case.

The founding of the police department is an important critical service to the community. As such, the Council needs to look at all the options for funding the request including perhaps asking for additional Measure Z funding. He commented that there are limits as to what the City financially can do out of the General Fund. The police department consumes approximately 65% of the General Fund budget. The Council has added a police officer position, a community services officer, approved a residency incentive program, and made major investments in modernizing equipment and software. All of those investments were necessary and the most critical issue surrounding the maintenance of an effective police department. This is central to the struggle the City has been facing for many years which is how do we generate additional revenue and how do we channel that to provide better services to the community.

He said that the Council should take a huge amount of credit for making decisions outside of the box and pushing to make things happen. If the Council so directs, staff would be happy to return with options however; the plan will need to fit into a roughly balanced budget. He pointed out that there are high vacancy rates in police departments so the Council may have to become comfortable with passing deficit budgets.

He noted that at the end of this year if all the money is spent out of the program budget, the projected balance in reserves will only be around \$1.3 million, and that does not include the approximate \$500,000 outlay coming from those reserves for the Monument Road slip-out. The reason we retain those reserve funds is to cover those types of expenditures and it may mean that funds won't be available for paving projects. He explained that this potentially leads to some challenges to figure out how to make this work

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and looking at City Council priorities and deciding where the Council wants the community's money to be spent. He said that staff would be happy to take a look at it and bring something back to the Council for consideration. He said that the message is very clear that this is something that should be looked at in the upcoming FY 2023-24 budget.

Mayor Garnes asked if there is an officer that would be willing to take on the responsibility of a canine in the department.

Chief Allen noted that it is a huge benefit but also a huge responsibility of having a canine. It is not only the cost of the canine but the cost for training and equipment which includes an additional vehicle. He estimated a cost of \$75,000.

Consensus of the Council was to direct staff to return to the Council in January or February with options to consider regarding re-staffing of the police department.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Woodall announced that she would be attending a Humboldt Transit Authority (HTA) meeting tomorrow. She then thanked the Chamber of Commerce for hosting the Annual Tree Lighting Event and the Fire Department for organizing the parade. She said that the festivities were held at the Resource Center now located in the Chamber of Commerce building and said that the new Director, Sara Reback is wonderful and will be providing a lot of services to the community. She also commented that she and Councilmember Carter would be attending the Rio Dell School Board meeting on Thursday.

Councilmember Carter also thanked the Chamber of Commerce, the Community Resource Center, the Rio Dell Fire Department, and the California Conservation Corp for showing up and decorating for the holidays. She encouraged everyone to visit the Chamber of Commerce Facebook page and invited residents and businesses to sign up for the Christmas Decorating Contest sponsored by the Chamber of Commerce.

Councilmember Wilson reported that the next Humboldt Waste Management Authority (HWMA) meeting would be held in January where they will be discussing SB 1383 rather than in December as originally planned.

Mayor Garnes thanked everyone who helped in organizing the Tree Lighting Event and Truck Parade and said that she would be participating in the Food for Humboldt food drive with Senator McGuire and local high school students on December 8 from 3-6 at Safeway in Eureka and invited others to participate.

Mayor Pro Tem Johnson reported that this would not be his last meeting representing the City as he would be attending an HCAOG meeting next Thursday. He also thanked the community for their support of Measure O which he said is so important for the City and in part, it will help finance the police department request for additional officers and equipment.

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He said that as he mentioned earlier, he has absolutely enjoyed the last dozen years or so representing the City of Rio Dell and it has been a high point in his life.

ADJOURNMENT

Motion was made by Johnson/Carter to adjourn the meeting at 7:53 p.m. to the January 3, 2023 regular meeting. Motion carried 5-0.

Attest:

Debra Garnes, Mayor

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
SPECIAL MEETING MINUTES
DECEMBER 20, 2022**

Mayor Garnes called the Special meeting of the Rio Dell City Council to order at 4:30 p.m.

ROLL CALL: Present: Mayor Garnes, Mayor Pro Tem Johnson, Councilmembers Carter, Wilson and Woodall

Others Present: City Manager Knopp, Chief of Police Allen, Sergeant Beauchaine and City Clerk Dunham

EMERGENCY MEETING MATTERS (Gov't Code Section 54956.5(b)(1))

Approve Resolution No. 1564-2022 Ratifying the Proclamation by the City Manager in his Capacity of Emergency Services of the City of Rio Dell Confirming the Existence of and Declaring a Local Emergency due to a 6.4 Magnitude Earthquake

City Manager Knopp provided an update on the 2:34 a.m. earthquake that shook the City and areas of the County and reviewed the items discussed with the press and the Fire Department earlier in the day. Regarding the City's water system, he said that there is no estimated time for water to be restored. Staff is focusing its resources on making sure the emergency tanks are topped and ready in case there is a fire event or subsequent aftershock that causes further disruptions.

The number one priority is maintaining the public safety component of the water system. Tomorrow the crew will be working toward pushing water back into the piping system to determine the number and location of water leaks. Much of this will exceed staff's capability to do the repairs in short order so will be working with partner cities, special districts and anyone that has available resources to assist including private contractors.

He said that staff is hopeful to be able to get the water system back online tomorrow and once PG&E restores power, that should ease some of the problems for public works to get the water back on. He noted that because the system has been de-pressurized it may take some time to chlorinate the system and get the appropriate testing to make sure the water is safe for consumption. In the meantime, the City has ordered an additional 40 pallets of drinking water through CalOES along with some other supplies that have been secured with the help of Supervisors Bushnell and Bohn. The water is being distributed at the Rio Dell Fire Department and if the water restrictions continue for a longer duration, more drinking water will be ordered.

In terms of housing, one of the big disappointments of this earthquake is the number of homes that have been knocked off their foundations. There are currently 15 homes that have been red-tagged with approximately 30 residents displaced. The City is working diligently to find temporary housing for those that are unable to find alternative housing.

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In addition, there are approximately 18 homes yellow-tagged with approximately one-half of the residences inspected for obvious exterior damage. This is going to be an ongoing process and will take some time to work through it.

He expressed the City's appreciation for its partnerships with the County of Humboldt and partner cities. He extended special thanks to Sheriff Honsel, Supervisor Bushnell, City of Arcata and John Ford, Humboldt County Planning Director who have all come in and assisted the City.

City Manager Knopp explained that the item before the Council is more of a formality ratifying the City Manager's proclamation in his capacity as Director of Emergency Services confirming the existence of and declaring a local emergency due to the earthquake. Once the Council approves the resolution and the Mayor signs it, it will be forwarded to the County Office of Emergency Services (OES).

He said that this earthquake event is definitely a countywide emergency with power out throughout the County although he is getting information that power is being restored in certain areas of the County. It was anticipated that power would be restored to Rio Dell in the next day or so.

He then called for questions from the Council.

Mayor Pro Tem Johnson asked if Water Superintendent Jensen had any idea of where water lines may be broken or separated.

City Manager Knopp indicated that he has already identified a couple of very large problems that staff will not be able to fix without the assistance of an outside contractor. Part of the problem is that the system is not energized meaning there isn't pressurized water in the pipes so they can't tell where the leaks are. As such, the goal is to get fire suppression in order and then start working our way through town. He said that the strategy will be to start with the higher elevations then work to the lower elevations. He noted that Public Works has been on duty since 2:35 this morning when the earthquake hit and will certainly need outside assistance to get the system back online.

Councilmember Carter expressed thanks and appreciation to everybody who stepped up to help the community and said the response with City staff and the Fire Department has been inspiring and very heart-warming.

Councilmember Wilson echoed Councilmember Carter's sentiments and said that as Fire Chief Wilson said, this is what small communities do. He said that it makes you proud to be part of this City. He asked if Rio Dell was the only city in this dire of a situation.

City Manager Knopp commented that he had not had the opportunity to directly check in

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with Ferndale, but his understanding is that they were less impacted by the earthquake and for whatever reason, Rio Dell got hit significantly harder. Fortuna got hit hard with there water system but were able to contain the damage but it appears that Rio Dell is ground zero on this event.

Councilmember Woodall thanked City Manager Knopp, Mayor Garnes, Police Chief Allen and Fire Chief Wilson for providing very informative information at the press conference.

Mayor Garnes expressed special thanks to Supervisor Bushnell for being here to assist since early morning. She noted that CalOES is standing by and the Seismic Safety Commission called in and offered to help. Everyone across the State, the County and the City has pitched in to help and Rio Dell is grateful.

Mayor Garnes called for public comment.

Supervisor Bushnell commented that she is here for the City and that is was great to come here and see everybody working together. She confirmed that Rio Dell was the hardest hit community. She noted that Fortuna has water now but still has no power and PG&E provided an update that power was expected to be restored by 10 p.m. With the exception of the damage to Fernbridge, Ferndale didn't seem to experience extensive damage. She said that she would be here today to help with anything the City needs as well as tomorrow.

Councilmember Woodall asked if PG&E would be coming back around and turning natural gas back on at the homes that were turned off, or if those residents would need to call and schedule it with PG&E.

City Manager Knopp recommended residents call PG&E for advice.

Motion was made by Johnson/Woodall to approve Resolution No. 1564-2022 *Ratifying the Proclamation by the City Manager in his Capacity of Emergency Services of the City of Rio Dell Confirming the Existence of and Declaring a Local Emergency due to a 6.4 Magnitude Earthquake*. Motion carried 5-0.

PUBLIC PRESENTATIONS

An unidentified resident addressed the Council and said that his parents house was red tagged because the house came off the foundation and asked how they could get personal items out of the home.

City Manager Knopp recommended they call the Emergency OES number at the Fire Department at (707) 506-5083.

Fire Chief Wilson said that the Fire Department would be happy to assist those residents

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that were red-tagged to make sure the structures are safe to enter. He said that they also will assist residents with checking their gas meters and lighting pilot lights if needed.

City Manager Knopp said that City Hall was being powered by a natural gas generator.

Councilmember Wilson asked if there was a charging station at City Hall for cell phones and other devices that the public could access.

City Manager Knopp noted that staff was allowing citizens to charge their devices in the Council Chambers.

Fire Chief Wilson said that people could also charge devices at the Fire Hall. He noted that fire department personnel would be onsite 24-7 and would also go out and charge freezers or refrigerators for residents if needed.

Alice Millington asked if there was anyone local that could replace windows.

City Clerk Dunham indicated that there was a company from Mendocino County (Redwood Restoration) on site across from the school available to board up and/or replace windows.

ADJOURNMENT

Motion was made by Johnson/Carter to adjourn the meeting at 4:52 p.m. to the January 3, 2023 regular meeting.

Debra Garnes, Mayor

Attest:

Karen Dunham, City Clerk



*675 Wildwood Avenue
Rio Dell, CA 95562*

TO: Rio Dell City Council
THROUGH: Kyle Knopp, City Manager
FROM: Karen Dunham, City Clerk
DATE: January 3, 2023
SUBJECT: Planning Commission Appointments

RECOMMENDATION

Approve reappointment of Alice Millington to the Rio Dell Planning Commission for a three-year term ending December 31, 2025.

BACKGROUND AND DISCUSSION

There are currently two vacancies on the Rio Dell Planning Commission as the result of terms that expired on 12/31/22. A Notice of Vacancy was posted on November 15, 2022 with the final date for submission of applications being December 22, 2022.

The only application received was from current commissioner Alice Millington whose term expired on December 31, 2022. Commissioner Jacqui Wilson whose term also expired will be moving out of the area and therefore unable to continue serving another term.

With one vacancy remaining, staff will continue soliciting applications to fill the final vacancy.

ATTACHMENTS: Planning Commission Application

RECEIVED
11-29-22 RW



**CITY OF RIO DELL
APPLICATION FOR
PLANNING COMMISSION APPOINTMENT**

Thank you for expressing your interest in serving the community as an appointed member of the Rio Dell Planning Commission. All applicants must permanently reside within the City of Rio Dell at the time of application. The appointed Planning Commissioner will be required to file a Fair Political Practices Commission (FPPC) Statement of Economic Interest Form 700 required by California Government Code §87200 et seq. and the City of Rio Dell Conflict of Interest Code.

This application is considered a public record pursuant to the California Public Records Act (Government Code §6520 et seq.) and may be made available to any member of the public upon request.

PERSONAL DATA:

Name: Alise Hillington

Address Where you Reside: 378 Wildwood, Rio Dell

Mailing Address (if different): _____

Home Phone: _____ Cell Phone: 707-764-4081

Email Address: alismill@tidepool.com

EDUCATIONAL DATA:

High School: Benedictine, Det., Mich class of '66

College/University: Cal Poly Pomona, Cal Poly Humb B.S. '81

EMPLOYMENT DATA:

Current Employer/Occupation When Employed: Self-Employed R.E. Broker

GENERAL INFORMATION:

Do you currently serve on a City Board or Commission? Yes No

If yes, please list:

Planning

Please list any past or present community involvement:

CEO & CFO, Bless the Beasts of, Humb Co, a 501(c)3

Please explain why you are interested in the appointment and what you, as a City Planning Commissioner, would offer to the Planning Commission and the community:

The perspective of nearly 40 yrs in real estate permanently took hold.

Do you or any member of your immediate family residing in your household, hold a position (paid or unpaid) with any person or entity, or have a contract with or any obligation to any person or entity, that might appear to constitute a conflict of interest for a City Planning Commissioner? For purposes of this question, "entity" specifically includes, but is not limited to, the City of Rio Dell and any entity which receives funds from the City. Yes No

If yes, please explain:

Larry Arsexault is a planning commissioner and resides at the same address.

CERTIFICATE OF APPLICANT:

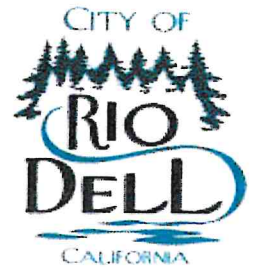
I certify that: 1) I permanently reside within the City limits of the City of Rio Dell; and 2) all statements made in this application are true and complete. I understand that any false statement or omission of material facts will subject me to disqualification or dismissal.

DATE: 11/28/22 SIGNATURE: *Alice Wellington*

RETURN COMPLETED APPLICATION TO:

Karen Dunham, City Clerk
675 Wildwood Avenue
Rio Dell, CA 95562
Phone: 764-3532
admin1@riodellcity.com

675 Wildwood Avenue
Rio Dell, CA 95562



For Meeting of: January 3, 2023

TO: Mayor and Members of the City Council

FROM: Karen Dunham, City Clerk

THROUGH: Kyle Knopp, City Manager

DATE: January 3, 2023

SUBJECT: Resolution Declaring the Need for Continued In-Person/
Hybrid Meetings in Accordance with AB 361

RECOMMENDATION

Adopt Resolution No. 1563-2023 declaring the need for continued in-person/hybrid City Council and Commission meetings during declared State of Emergency pursuant to Gov't Code Section 54953 (AB 361).

BACKGROUND AND DISCUSSION

At the March 1, 2022 regular meeting, the City Council adopted Resolution No. 1528-2022 declaring the need to discontinue virtual meetings and resume with in-person/virtual (hybrid) meetings effective March 1, 2022. Staff is required to return to the Council every 30 days to reconsider the circumstances of the emergency and either vote to continue with in-person/virtual (hybrid) meetings or resume with virtual (Zoom) meetings. At the September 6, 2022 regular meeting, the Council voted to continue with in-person/virtual (hybrid) meetings and to revisit the item at subsequent meetings.

Staff's recommendation was to continue holding in-person/hybrid meetings until such time the need arises to resume with virtual (Zoom) meetings

Under the standard Brown Act Teleconferencing Requirements, during teleconferencing meetings, at least a quorum of the members of the local public agency body must participate from locations within the boundaries of the local jurisdiction. In addition, each teleconference location from which a member will be participating must be specifically identified in the meeting notice and agenda, including full address with the agenda posted at each location. The meeting and all teleconference locations must also be physically accessible to the public.

Under AB 361, a quorum is not required to be located within the boundaries of the local jurisdiction and the public agency must only give notice and post the agenda in accordance with the Brown Act provisions for in-person meetings.

Continuing with in-person/virtual (hybrid) meetings under AB 361 allows flexibility for Councilmembers, staff or members of the community to attend virtually if they are not able to attend in-person under relaxed Brown Act requirements.

The latest data from the Centers for Disease Control and Prevention (CDC) reported the COVID-19 community levels for Humboldt County as "Low" risk, which is the same as last month.

On Monday, October 17, 2022, Governor Newsom announced that California's COVID 19 State of Emergency will end on February 28, 2023. The Governor's noted that this will allow health care providers flexibility to handle a potential surge of winter infections.

With passage of Resolution 1563-2023 to continue conducting City Council meetings in-person/virtually, staff will bring the item back at the February 7, 2023 regular meeting to reconsider the circumstances of the emergency and, if appropriate, make findings to continue to hold in-person/virtual (hybrid) meetings, or to resume with virtual (Zoom) meetings.

Attachments:

Resolution No. 1563-2023 - Continuing with In-Person/Virtual Meetings



RESOLUTION NO. 1563-2023

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL
DECLARING THE NEED TO CONTINUE CONDUCTING CITY
COUNCIL AND COMMISSION MEETINGS IN-PERSON/VIRTUALLY
DURING DECLARED STATE OF EMERGENCY PURSUANT TO
GOVERNMENT CODE SECTION 54953 (AB 361) RESCINDING
RESOLUTION NO. 15455-2022**

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, on March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up Zoom meetings for all City Council and Commission meetings; and

WHEREAS, on March 27, 2020, the City Council adopted Resolution No. 1449-2020 declaring a local emergency due to COVID-19; and

WHEREAS, on November 8, 2020, the Humboldt County Health Department extended the order requiring all individuals to wear face coverings when indoors in workplaces and public settings, with limited exceptions; and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361 which allows cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements that are similar but not identical to the rules and procedures established by the previous Executive Brown Act Orders; and

WHEREAS, on October 5, 2021 the City Council adopted Resolution No. 1505-2021 declaring the need for virtual City Council and Commission meetings

during declared State of Emergency pursuant to Government Code Section 54953 (AB 361) and continued extending the declaration through April 2022; and

WHEREAS, on March 1, 2022 the City Council adopted Resolution No. 1528-2022 declaring the need to discontinue virtual (Zoom) meetings and resume with in-person/virtual (hybrid) meetings effective immediately; and

WHEREAS, the State and the County no longer have social distancing guidance; and

WHEREAS, the latest data from the Centers for Disease Control and Prevention (CDC) reported the COVID-19 community levels for Humboldt County as “Low” risk which means that people should only wear masks based on personal preference and personal level of risk; and

WHEREAS, the City Council reviewed the findings and determined that the state of local emergency does not continue to directly impact the ability of the City Council and its Commissions, as well as staff and members of the public from meeting safely in person; and

WHEREAS, AB 361 provides that, if the state of emergency remains active for more than 30 days, a local agency must make certain findings by majority vote every 30 days to continue using the bill’s exemption to the Brown Act teleconferencing rules; and

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

- a. The City Council has reconsidered the circumstances of the state of emergency; and
- b. The state of local emergency does not continue to directly impact the ability of the City Council and its Commissions, as well as staff and members of the public from meeting safely in person; and
- c. The State and County of Humboldt no longer have social distancing guidance but urges all unvaccinated individuals in public spaces to maintain social distancing; and the City can maintain those social distancing requirements for unvaccinated Councilmembers, Commissioners, staff and the public in the meeting spaces.

City Council and Commission meetings will continue as in-person/virtual (hybrid) meetings until such time the order is rescinded, superseded or amended by the Rio Dell City Council.

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk of the City of Rio Dell, certify that the foregoing Resolution was introduced at a special meeting of the City Council held on January 3, 2023 and was adopted thereafter by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Karen Dunham, City Clerk

**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
11470	11/02/2022	[2303] COAST CENTRAL CREDIT UNION	POA Dues for PPE 10/21/2022	120.00
11471	11/02/2022	[6974] FLAHERTY, DEVEN	CUSTOMER DEPOSIT REFUND	77.69
11472	11/02/2022	[2405] FORTUNA ACE HARDWARE	Red Paint & Credit	497.64
11473	11/02/2022	[5052] GHD, INC	For Professional Services Rendered Through 10/29/2022; Rio Dell City Engineer Services	2,173.00
11474	11/02/2022	[2457] HUMBOLDT COUNTY CLERK-RECORDER	Copies for Code Enforcement	9.00
11475	11/02/2022	[3462] ITRON	FCS SFTW, up to 2500 Meters, Electronic Deliver	2,380.00
11476	11/02/2022	[5613] KELLY-O'HERN ASSOCIATES	Map and CAD files sent to GHD for design purposes - Sidewalk Surveys	8,000.00
11477	11/02/2022	[2551] MIRANDA'S ANIMAL RESCUE	Animal Control for October 2022	1,900.00
11478	11/02/2022	[3006] MISSION LINEN SUPPLY, INC	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS; CLEAN MOP HEAD	214.52
11479	11/02/2022	[2569] NORTH COAST LABORATORIES, INC.	MAINTENANCE & LAUNDER UTILITY WORKERS SHIRTS; CLEAN MOP HEAD	265.00
11480	11/02/2022	[6100] NORTHERN CALIFORNIA GLOVE	BOD/NFR, Coliform Presence/Absence	169.84
11481	11/02/2022	[4393] NYLEX.net. Inc.	Nitrile Gloves	1,280.00
11482	11/02/2022	[6943] PACE SUPPLY CORP	MONTHLY MAINTENANCE FOR NOVEMBER 15 THROUGH DECEMBER 15, 2022; AND SECURITY GATEWAY FOR PD	3,060.71
11483	11/02/2022	[3343] PITNEY BOWES RESERVE ACCOUNT	Street 90 ELL Brass, Gasketed Sewer Pipe and Plugs - N. Trunk Line, ELL Gasketed - N. Trunk Line, Water Meter Parts - Fiberglass Rods, Picking Error Invoice 028128053	400.00
11484	11/02/2022	[6349] RECOLOGY EEL RIVER	Postage Purchased from Reserve on 11.1.2022	51.53
11485	11/02/2022	[2659] RIO DELL PETTY CASH	Garbage Bags Month of October 2022	47.25
11486	11/02/2022	[7185] STAPLES ADVANTAGE	2 Tubs for School Halloween Parade; Hire Cost Postage; Plates, Napkins and Bandages	289.03
11487	11/09/2022	[0576] 101 AUTO PARTS	Folder Hanging Frame, Telephone Cord, Stapler and Push Pins, 500 #10 Peel & Seal Envelope	110.52
11488	11/09/2022	[5381] ALTERNATIVE BUSINESS CONCEPTS	Grommets and Lamps, Grommet, Lamp, Paint Gray, Metric Nut	2,354.21
11489	11/09/2022	[3975] AT&T - 5709	MONTHLY MAINTENANCE & COPIER CHARGES FOR OCTOBER 2022	57.01
11490	11/09/2022	[4937] CA DEPARTMENT OF TRANSPORTATION	FAX LINE EXPENSES FOR NOVEMBER 2022-PD	481.84
11491	11/09/2022	[2293] CITY OF FORTUNA	FAX LINE EXPENSES FOR NOVEMBER 2022-CITY HALL	5,766.66
11492	11/09/2022	[2405] FORTUNA ACE HARDWARE	SIGNALS & LIGHTING BILLING JULY 2022 THROUGH SEPTEMBER 2022	55.30
11493	11/09/2022	[6486] GREEN TO GOLD ENTERPRISES LLC	POLICE DISPATCH SERVICES FOR NOVEMBER 2022	15.20
11494	11/09/2022	[2457] HUMBOLDT COUNTY CLERK-RECORDER	Plastic Bags and Rags	5.00
11495	11/09/2022	[6410] HUMBOLDT LODGING ALLIANCE	Plastic Inserts	620.43
11496	11/09/2022	[2474] HUMMEL TIRE & WHEEL, INC	Copies - Personal Purchase for Kevin Caldwell Paid City \$5	752.43
11497	11/09/2022	[3478] MATTHEWS PAINTS	HCTBID TOT Assessment Tax Fee Report Form July-September 2022	86.41
11498	11/09/2022	[2569] NORTH COAST LABORATORIES, INC.	Tire Change on '21 Ford Interceptor	70.00
11499	11/09/2022	[6943] PACE SUPPLY CORP	EZ Liner Aerosol, Green Masking Tape	738.48
11500	11/09/2022	[6621] PAPE MACHINERY	Total Coliform Bacteria 3X5	815.31
11501	11/09/2022	[6349] RECOLOGY EEL RIVER	ELL Brass, Dual Armor FCRC Ford, 250PSI SDR9 Black PE4710	246.40
11502	11/09/2022	[4525] SHERLOCK RECORDS MGMT	Troubleshoot Oil Leak (Transmission Leak) on Backhoe Loader	144.00
11503	11/09/2022	[7316] SILKE COMMUNICATIONS SOLUTIONS	Trash	785.00
			STORAGE SERVICE FOR NOVEMBER 2022	
			Labor cost to mount PD cameras in Patrol Cars	

**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
11504	11/09/2022	[4908] THE MITCHELL LAW FIRM, LLP	LEGAL SERVICES FOR OCTOBER 2022, LEGAL SERVICES FOR OCTOBER 2022	2,049.00
11506	11/09/2022	[2787] WYCKOFF'S	Pool Telescoping Pole, Pool Leaf Rake 5pk Metal Blades, 12in Blade	94.19
11507	11/16/2022	[2340] DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	Fingerprint APPS; Fingerprint - FBI	84.00
11508	11/16/2022	[2394] FEDEX	BLOOD ALCOHOL ANALYSIS FOR OCTOBER 2022	143.64
11509	11/16/2022	[2405] FORTUNA ACE HARDWARE	3 Pickup Tools	87.85
11510	11/16/2022	[2437] HACH	3 Reagent Set, Chlorine Free CL17; 3 Reagent Set, Chlorine Total CL17;	536.33
11511	11/16/2022	[2457] HUMBOLDT COUNTY CLERK-RECORDER	Recording Fees: Cortazar's Subdivision Agreement, Copies - Personal Purchase for Kevin Caldwell	204.00
11512	11/16/2022	[7475] LEAF CAPITAL FUNDING LLC	Lease of Kyocera TA 308ci Copier System	391.05
11513	11/16/2022	[2569] NORTH COAST LABORATORIES, INC.	BOD/NFR	255.00
11514	11/16/2022	[5101] NORTH VALLEY LABOR COMPLIANCE SERVICES	Prepared Annual Labor Compliance Report	75.00
11515	11/16/2022	[6100] NORTHERN CALIFORNIA GLOVE	Nitrile Orange Grip amd Blue Exam Gloves	254.18
11516	11/16/2022	[6825] OPTIMUM	INTERNET SERVICES NOVEMBER 2022	900.00
11517	11/16/2022	[6943] PACE SUPPLY CORP	Straight Coupling Brass Pack Joint, Copper Coupling Muellers	193.06
11518	11/16/2022	[2772] WENDT CONSTRUCTION, INC	78 Davis St: Install 20ft of 4" PVC Sewer Lateral w/ Cleanout & Box Stubbed to Property Line	6,175.00
11519	11/23/2022	[6038] ACCURATE TERMITE & PEST SOLUTIONS	BI-MONTHLY PEST CONTROL @ 675 WILDWOOD AVE	105.00
11520	11/23/2022	[7355] CASTILLO, DORA	CUSTOMER DEPOSIT REFUND	34.55
11521	11/23/2022	[2303] COAST CENTRAL CREDIT UNION	POA Dues for PPE 11/4/2022	120.00
11522	11/23/2022	[7477] DEPARTMENT OF PESTICIDE REGULATION	Qualified Applicator Certificate - Alfonso Garcia	60.00
11523	11/23/2022	[2356] DOWNEY BRAND LLP	Permitting and Regulatory Issues; for Services Rendered Through October 31, 2022	1,360.00
11524	11/23/2022	[2386] EUREKA RUBBER STAMP CO.	"Robert Orr": 2x10 Walnut Name Plate, 2x10 Glossy Name Plate, 1x2 Glossy Name Plate	53.80
11525	11/23/2022	[2393] FASTENAL COMPANY	Segmented Diamond Saw Blades	257.41
11526	11/23/2022	[2405] FORTUNA ACE HARDWARE	HEPA Material Filter, Roller, and Paint	86.28
11527	11/23/2022	[7391] GRAY, DONALD & WHITE, MORGEN	CUSTOMER DEPOSIT REFUND	167.69
11528	11/23/2022	[6486] GREEN TO GOLD ENTERPRISES LLC	Arbor Type Metal	17.36
11529	11/23/2022	[7220] LARRY WALKER ASSOCIATES, INC.	Assistance during NPDES permit reissuance. For Services Rendered Through 10/31/2022	614.80
11530	11/23/2022	[2522] LECAH	City of Rio Dell SSMP Update; for Services Rendered Through 10/31/2022	100.00
11531	11/23/2022	[2570] NILSEN COMPANY	2022 ANNUAL DUES	2,318.53
11532	11/23/2022	[6100] NORTHERN CALIFORNIA GLOVE	40# Solar Salt Softner	185.84
11533	11/23/2022	[2319] OPTIMUM BUSINESS	Full Face Mask	535.59
11534	11/23/2022	[6943] PACE SUPPLY CORP	PUBLIC WORKS INTERNET & CITY HALL/PD/ PW PHONE SERVICES 11/10/22 - 12/09/22	705.83
11535	11/23/2022	[2703] SPRINGVILLE SAFETY & SUPPLY	Gate Valve, Straight Brass Coupling	51.00
16	11/23/2022	[2750] USA BLUEBOOK	16 Person Metal Kit Flygt Ready 4 Contractors Pump (for Leaks)	1,190.40

**City of Rio Dell
Check Listing for City Council Meeting**

Ref#	Date	Vendor	Description	Amount
11537	11/23/2022	[7116] VARGAS-RUIZ, DEYSI	CUSTOMER DEPOSIT REFUND	11.70
11538	11/23/2022	[2787] WYCKOFF'S	Deep Channel Strut (Mono Chloramine)	113.25
Total Checks/Deposits				53,570.74

Ref#	Date	Vendor	Description	Amount
476981	11/02/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR AFLAC INSURANCE ONLINE PAYMENT FOR OCTOBER 2022	-1585.90
9837174	11/08/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR ALLIED ADMINISTRATORS-DELTA DENTAL ONLINE PAYMENT FOR DEC. FY2022/2023	-2061.10
155	11/08/2022	WITHDRAWAL	DEPOSITED ITEM RETURNED	-65.45
844-128	11/14/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR PPE 11/04/2022	-2971.47
3398476	11/14/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR PPE 11/04/2022	-16435.50
6802127	11/14/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR MISSIONSQUARE RETIREMENT ONLINE PAYMENT FOR PPE 11/04/2022	-12315.15
9837177	11/16/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR BANK OF AMERICA CREDIT CARDS ONLINE PAYMENT FOR OCT/NOVEMBER 2022	-5763.48
9837175	11/21/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR DEARBORN LIFE INSURANCE ONLINE PAYMENT FOR DECEMBER 2022.	-435.00
9837172	11/21/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR PG&E ONLINE PAYMENT FOR NOVEMBER 2022.	-20771.76
9837178	11/21/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR VSP INSURANCE ONLINE PAYMENT FOR DECEMBER 2022.	-409.74
4900822	11/22/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR WEXBANK/SHELL FUEL COMPANY ONLINE PAYMENT FOR OCT/NOV FY2022-2023	-3728.82
9837176	11/23/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR BENEFIT BRIDGE/PUBLIC AGENCY COALITION PAYMENT FOR DEC.FY2022-2023	-26809.53
9837171	11/26/2022	WITHDRAWAL	BANK ANALYSIS FEE FOR NOVEMBER 2022.	-17.60
157-792	11/28/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EDD PAYROLL TAXES FOR PPE 11/18/2022	-3341.23
1317263	11/28/2022	ELECTRONIC FUNDS TRANSFER	EFT FOR EFTPS PAYROLL TAXES FOR PPE 11/18/2022	-17413.20
995349	11/30/2022	WITHDRAWAL	DEPOSITED ITEM RETURNED	-156.20
Total EFT's/Bank Withdrawals				-114,281.13

Ref#	Date	Vendor	Description	Amount
9837173	11/29/2022	WITHDRAWAL	DEBIT CARD FOR POSTAGE TO MAIL U/B BILLS FOR NOVEMBER 2022.	-492.30
Total Debit Card Withdrawals				-492.30

Ref#	Date	Vendor	Description	Amount
TRX TO PR	11/14/2022	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCT FOR PPE 11/04/2022	-42571.35
TRX TO PR	11/22/2022	TRANSFER FROM CHECK TO PAYROLL ACCOUNT	TRANSFER TO PAYROLL ACCT FOR PPE 11/18/2022	-45181.04
Total Transfer Between Accounts				-87,752.39



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

For Meeting of: January 3, 2023

TO: Mayor and Members of the City Council
THROUGH: Kyle Knopp, City Manager
FROM: Karen Dunham, City Clerk
DATE: January 3, 2023
SUBJECT: 2023-2024 Appointments to Boards, Committees and Commissions

RECOMMENDATION

Approve the appointments and alternates to the external organizations and internal advisory bodies listed on the following attachment:

BACKGROUND AND DISCUSSION

Chapter 2.55 of the Rio Dell Municipal Code (RDMC) provides authority for the City Council by majority vote for the appointment of Councilmembers as representatives of the City to serve on various boards, commissions, committees and task forces. The operational identities of such organizations are defined by law, ordinance or resolution. It is the responsibility of those representatives to report events of the organization to the City Manager and Council at reasonable intervals or as defined by ordinance, law or resolution.

Attached is a list of the agencies and their respective meeting days and times. With the seating of the new City Council, appointments will need to be made to the respective external organizations. Please review the list and comment on any changes or suggestions you may have.

ATTACHMENTS:

City Council Board/Committee/Commission Assignments



CITY COUNCIL BOARD/COMMITTEE/COMMISSION ASSIGNMENTS

ORGANIZATION	APPOINTEE	ALTERNATE
Humboldt County Association of Governments (HCAOG) Meets 3rd Thursday at 4:00 p.m. in Eureka	Vacant	Woodall
Humboldt County Convention & Visitors Bureau Meets Quarterly for lunch (various locations)	Garnes	Carter
Humboldt Waste Management Authority (HWMA) Meets 3rd Thursday at 5:30 p.m. in Eureka	Wilson	Vacant
Humboldt Transit Authority (HTA) Meets 3rd Wednesday at 9:00 a.m. at HTA	Woodall	Vacant
League of California Cities Redwood Empire Division (LOCC) Meets Quarterly (various locations)	Garnes	Carter
Redwood Region Economic Development Commission (RREDC) Meets 4th Monday at 6:30 p.m. in Eureka	Carter	Woodall
Local Agency Formation Commission (LAFCo)	None	None
Redwood Coast Energy Authority (RCEA) Meets 3rd Monday at 3:00 in Eureka	Wilson	Garnes
Humboldt/Del Norte Hazardous Response Authority Meets Quarterly at 4:30 p.m. in Eureka	Carter	Garnes

INTERNAL COMMITTEES


COMMITTEE	APPOINTEE	ALTERNATE
Traffic Committee: Chief of Police Allen, City Manager Knopp, Community Development Director Caldwell, Water/Roadways Superintendent Jensen, Rio Dell Fire Chief Wilson, Councilmembers Wilson and Vacant		
Nuisance Advisory Committee: City Manager Knopp, Community Development Director Caldwell, Chief of Police Allen, Council members Woodall and Carter, Public Members Jim Brickley, Alonzo Bradford and Patrick Knight	710	
Sculpture Committee: Community Development Director Caldwell, Councilmember Wilson, Mayor Garnes (Alternate), Susan Pryor, Robert (Robey) Agnew, Jim Brickley		
Liaison to Rio Dell Fire District:	Woodall	Garnes
Liaison to Rio Dell/Scotia Chamber of Commerce:	Carter	Woodall
Labor Adhoc Committee:	Garnes	Vacant
Economic Development Adhoc Committee:	Garnes	Vacant
Gateway Adhoc Committee:	Woodall	Garnes
Utility Rate Adhoc Committee:	Wilson	Vacant
Wastebin Selection Adhoc Committee:	Woodall	Carter
Beautification, Walkability and Pride Committee: Public members: Elizabeth Warren, Ania Laniewski & Rey De La Cruz	Garnes	Carter
Updated January 3, 2023		



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

For Meeting of: January 3, 2022

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Kyle Knopp, City Manager

Date: December 20, 2022

Subject: Amendment of the Cannabis Tax Regulations, Sections 5.40.260 and 5.40.290 of the Rio Dell Municipal Code (RDMC).

Recommendation:

That the City Council:

1. Receive staff's report regarding amending Sections 5.40.260 and 5.40.290 of the Rio Dell Municipal Code (RDMC); and
2. Introduce (first reading) Ordinance No. 397-2023 amending Chapter 5.40, "Cannabis Business Tax", Sections 5.40.260 and 5.40.290 of the Rio Dell Municipal Code (RDMC); and
3. Open the public hearing, receive public input and deliberate; and
4. Continue consideration of the proposed Ordinance to your meeting of January 17, 2023 for the second reading approval and adoption.

Background

The City's current cannabis cultivation tax regulations requires quarterly payments based on the fiscal year. For Indoor cultivation and Tier 2 Mixed-Light cultivation this payment schedule is appropriate because the operators cultivate year-around.

Farmer's utilizing outdoor/greenhouse rely on the typical outdoor growing season April through October generally. As the Council is aware the farmers on the Dinsmore Plateau have been experiencing difficulty in paying their annual taxes.

Staff and the City Attorney are recommending amending the regulations to require that farmer's utilizing outdoor/greenhouse cultivation techniques (Dinsmore Plateau) pay the previous growing season tax by March 15th of the following year.

Under the current regulations these farmers have until June 30th of the following year to pay their taxes for the previous growing season. The proposed amendments will allow the City to revoke or suspend their cultivation licenses/permits for failure to pay the previous growing season's taxes.

Attachment 1: Ordinance No. 397-2023 amending Chapter 5.40, "Cannabis Business Tax", Sections 5.40.260 and 5.40.290 of the Rio Dell Municipal Code (RDMC);

ORDINANCE NO. 397-2023



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL
AMENDING CHAPTER 5.40, "CANNABIS BUSINESS TAX", SECTIONS 5.40.260 AND 5.40.290 OF
THE RIO DELL MUNICIPAL CODE (RDMC) TO REQUIRE THAT FARMER'S UTILIZING
OUTDOOR/GREENHOUSE CULTIVATION TECHNIQUES PAY THE PREVIOUS GROWING SEASON
TAX BY APRIL 15TH OF THE FOLLOWING YEAR**

WHEREAS, the City's current cannabis cultivation tax regulations requires quarterly payments based on the fiscal year; and

WHEREAS, for Indoor cultivation and Tier 2 Mixed-Light cultivation this payment schedule is appropriate because the operators cultivate year-around; and

WHEREAS, farmer's utilizing outdoor/greenhouse rely on the typical outdoor growing season April through October generally; and

WHEREAS, the farmers on the Dinsmore Plateau have been experiencing difficulty in paying their annual taxes; and

WHEREAS, under the current regulations these farmers have until June 30th of the following year to pay their taxes for the previous growing season; and

WHEREAS, staff and the City Attorney are recommending amending the regulations to require that farmer's utilizing outdoor/greenhouse cultivation techniques (Dinsmore Plateau) pay the previous growing season tax by March 15th of the following year; and

WHEREAS, the proposed amendments will allow the City to revoke or suspend their cultivation licenses/permits for failure to pay the previous growing season's taxes

WHEREAS the City has reviewed and processed the proposed text amendments 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 17.35.010 of the City of Rio Dell Municipal Code; and

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

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

1. The proposed amendments are in the public interest; and
2. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
3. The proposed amendments are not considered a project under CEQA and is therefore Categorically Exempt pursuant to Section 15378 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

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

Section 1

Chapters 5.40.260 and 5.40.290 of the Rio Dell Municipal Code (RDMC) are hereby amended as follows.

5.40.260 - Payment—Time limits.

The business tax imposed by this chapter shall be due and payable as follows:

- A. Each person engaged in business involving Commercial Cannabis Activity, *other than Outdoor, Greenhouse or Tier 1 cannabis cultivation, as defined in Section 5.40.260.B, below*, shall, on or before the last day of the month following the close of each fiscal year quarter, prepare and submit a tax statement on the form prescribed by the Director and remit to the Director the tax due. The tax due shall be no less than the quarterly installment due. Each person shall pay on or before the last day of the month following the close of each calendar quarter.

B. Each person engaged in Outdoor, Greenhouse or Tier 1 cannabis cultivation shall on or before March 15th of each year prepare and submit a tax statement to the City on the form prescribed by the Director and remit to the Director the tax due for cannabis cultivated during the growing season for the immediately preceding calendar year. Outdoor cultivation is defined as cannabis cultivation outside without using any artificial lighting on mature plants. Greenhouse cultivation is defined as cannabis cultivation within greenhouses without using any artificial lighting. Tier 1 cannabis cultivation is defined as cannabis cultivation without the use of artificial light or the use of artificial light at a rate above zero, but no more than six watts per square foot.

BC If the business tax is owed is based on Square Foot, as defined in Section 5.40.100, the tax statement may include a request for adjustment of the tax due to square foot authorized but not utilized for cultivation, and/or crop loss, along with evidence substantiating the square footage utilized and/or crop loss. The decision to prorate or adjust the tax will be made at the sole discretion of the City. A fee may be adopted by the City Council and collected by the Director to pay for the cost of investigating, verifying, and opining on such request for adjustment of the tax.

CD All tax statements shall be completed on forms prescribed by the Director.

DE Tax statements and payments for all outstanding taxes owed the City are immediately due to the Director upon cessation of business for any reason.

5.40.290 - Payment—Penalty for delinquency.

A. Any person who fails or refuses to pay any business tax required to be paid pursuant to this chapter on or before the due date shall pay penalties and interest as follows:

1. Original Delinquency. A penalty equal to twenty-five percent (25%) of the amount of the tax in addition to the amount of the tax, plus interest on the unpaid tax calculated from the due date of the tax at the rate of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid; and
2. Continued Delinquency. An additional penalty equal to twenty-five percent (25%) of the amount of the tax if the tax remains unpaid for a period exceeding one (1) calendar month beyond the due date, plus interest on the unpaid tax calculated at the rate of one percent (1%) per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
3. Revocation of Permit. The City may, in the City's sole discretion, revoke the Permit for any person who fails or refuses to pay any business tax required to be paid pursuant to this chapter on or before the due date.

B. Whenever a check is submitted in payment of a business tax and the check is subsequently returned unpaid by the bank upon which the check is drawn, and the check is not redeemed prior to the due date, the taxpayer will be liable for the tax amount due plus penalties and interest as provided for in this section plus any amount allowed under state law.

C. The business tax due shall be that amount due and payable from the first date on which the person was engaged in business involving Commercial Cannabis Activity in the City, together with applicable penalties and interest calculated in accordance with subsection A. above.

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. CEQA Compliance

The proposed amendments are not considered a project under CEQA and is therefore Categorical Exempt pursuant to Section 15378 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations

Section 5. 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 January 3, 2023 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 January 17, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 397-2023 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the January 17, 2023.

Karen Dunham, City Clerk, City of Rio Dell