

STUDY SESSION

Location:	City Hall	Date:	April 5, 2012
	834 Main Street	Time:	6:00 PM
	Ferndale CA 95536	Posted:3/29/11	

1. CALL STUDY SESSION TO ORDER – Mayor
 - a. Review of Planning Process 6:00 pm
2. ADJOURN STUDY SESSION

AGENDA

**CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.
REGULAR CITY COUNCIL MEETING**

Location:	City Hall	Date:	April 5, 2012
	834 Main Street	Time:	7 pm
	Ferndale CA 95536	Posted:03/29/12	

We welcome you to the meeting. Members of the Public may be heard on any business item on this Agenda before or during the City Council consideration of the item. The public may also directly address the City Council on any item of interest to the public that is not on the Agenda during the public comment time; however, the City Council generally cannot take action on an item not on the agenda.

A person addressing the City Council will be limited to five (5) minutes unless the Mayor of the City Council grants a longer period of time. While not required, we would appreciate it if you would identify yourself with your name and address when addressing the Council.

This City endeavors to be ADA compliant. Should you require assistance with written information or access to the facility, or a hearing amplification, please call 786-4224 24 hours prior to the meeting.

TO SPEAK ON ANY ISSUE, BE ACKNOWLEDGED BY THE MAYOR BEFORE PROCEEDING TO THE PODIUM, STATE YOUR NAME AND ADDRESS FOR THE RECORD (optional), AND DIRECT YOUR COMMENTS ONLY TO THE COUNCIL.

1. CALL MEETING TO ORDER – Mayor
2. PLEDGE ALLEGIANCE TO THE FLAG
3. ROLL CALL – Deputy City Clerk
4. CEREMONIAL: NONE
5. MODIFICATIONS TO THE AGENDA
6. STUDY SESSIONS
7. PUBLIC COMMENT. (This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgent nature requiring immediate action. This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes.) Page 4
8. CONSENT CALENDAR. (All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember, staff or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately under “Call Items.”)
 - a. Acceptance of Accounts Payable Page 5

Section 1

Call Meeting to Order

Section 2

Pledge Allegiance

Section 3

Roll Call

Section 4

Ceremonial

Section 5

Modifications to the Agenda

Section 6

Study Sessions

Section 7

Public Comment

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction.

Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rd of the Council (three of the five members) that the item came up after the agenda was posted and is of an urgent nature requiring immediate action.

This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes. Please state your name and address for the record. (This is optional.)

Section 8

Consent Agenda

All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion.

Is there anyone on the Council, Staff or the public that would like to pull an item off the Consent Agenda for scrutiny? Those items will be considered separately under "Call Items."

City of Ferndale
834 Main Street, P.O. Box 236, Ferndale, CA 95536

Printed Regular Checks

General Checking - Distribution Detail - From 02/21/12 To 03/20/12
Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

Chk No.	Date	Pay Ven ID	Vendor Name \ Payee Name	Distribution	Check
Acct No.	Type	Override Description	Amount	Amount	
44737	03/15/12	101AP	101 AUTO PARTS		55.94
30515014			Vehicle expense	55.94	
Total for 101 AUTO PARTS					55.94
44685	03/01/12	AMRVC	AMERICAN RIVER COLLEGE 1		41.00
10215048			Training	41.00	
Total for AMERICAN RIVER COLLEGE 1					41.00
44686	03/01/12	ARNKE	ARNOLD C. KEMP		201.00
10435052			Building regulation/inspectio	201.00	
Total for ARNOLD C. KEMP					201.00
44687	03/01/12	PHIAY	AYCOCK & EDGMON		2,022.00
10165054			Audit and accounting	2,022.00	
Total for AYCOCK & EDGMON					2,022.00
44738	03/15/12	BAKTA	BAKER & TAYLOR		409.17
10615024			Books	409.17	
Total for BAKER & TAYLOR					409.17
44739	03/15/12	BAYWE	BAY WEST SUPPLY, INC.		550.04
10155020			Building and ground maint.	183.55	
10175024			Supplies - public restroom	48.54	
10625020			Building and ground maint.	210.21	
10635020			Buildings and grounds maintenance	107.74	
Total for BAY WEST SUPPLY, INC.					550.04
44688	03/01/12	BENAD	BENEFICIAL ADMIN COMPANY INC.		187.04
10012260			Health insurance payable	43.57	
10105007			Medical insurance	8.88	
10125007			Medical insurance	24.12	
10215007			Medical insurance	48.24	
10315007			Medical insurance	2.47	
10635007			Medical insurance	1.21	
22315007			Medical insurance	1.57	
24315007			Medical insurance	2.47	
25315007			Medical insurance	3.65	
26315007			Medical insurance	2.17	
30515007			Medical insurance	48.69	
Total for BENEFICIAL ADMIN COMPANY INC.					187.04
44689	03/01/12	BRSMT	BRET SMITH		16.19
10215024			Special department supply	16.19	
Total for BRET SMITH					16.19
44690	03/01/12	CALST	CALIFORNIA STATE DISBURSEMENT UNIT		408.91
10012250			Garnishments payable	408.91	
Total for CALIFORNIA STATE DISBURSEMENT UN					408.91

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Acct No.	Type			Override Description	Amount	Amount
44740	03/15/12		CAMEL	CAMPTON ELECTRIC SUPPLY, INC.		34.52
	10155020			Building and ground maint.	34.52	
Total for CAMPTON ELECTRIC SUPPLY, INC.						34.52
44691	03/01/12		CITFO	CITY OF FORTUNA		1,016.66
	10215035			Dispatch service	1,016.66	
Total for CITY OF FORTUNA						1,016.66
44692	03/01/12		DCIBU	DCI BUILDERS		1,110.64
	30515095			Capital outlay	1,110.64	
Total for DCI BUILDERS						1,110.64
44693	03/01/12		DELOR	DEL ORO WATER CO., FDLE. DIST.		334.20
	10155031			Water	57.95	
	10175031			Water - public restroom	47.63	
	10215029			Water	28.97	
	10615033			Water	24.74	
	10625033			Water	64.65	
	10635031			Water	79.11	
	24315033			Water	31.15	
Total for DEL ORO WATER CO., FDLE. DIST.						334.20
44694	03/01/12		EELRI	EEL RIVER DISPOSAL		3,927.37
	10155030			Trash service	59.04	
	10635020			Buildings and grounds maintenance	2,763.51	
	30515030			Garbage/sludge	1,104.82	
Total for EEL RIVER DISPOSAL						3,927.37
100	03/01/12	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		736.15
	10012302			State P/R Tax Deposits	736.15	
44741	03/15/12		EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		85.86
	10012302			State P/R Tax Deposits	77.70	
	10125012			Office expense	8.16	
Total for EMPLOYMENT DEVELOPMENT DEPART						822.01
44742	03/15/12		FMCC	FORD CREDIT DEPT 67-434		9,035.84
	10215094			Vehicle replacement	9,035.84	
Total for FORD CREDIT DEPT 67-434						9,035.84
44695	03/01/12		FORMO	FORTUNA MOTORS		92.88
	10215014			Vehicle expense	92.88	
Total for FORTUNA MOTORS						92.88
44696	03/01/12		HAJCO	Hajoca Corp.		29.59
	30515121			Sewer plant maintenance	29.59	
Total for Hajoca Corp.						29.59
44697	03/01/12		HENEL	HENRY'S ELECTRIC		1,038.99
	29315095			EECBG Expenditures	1,038.99	
Total for HENRY'S ELECTRIC						1,038.99

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Acct No.	Type			Override Description	Amount	Amount
44698	03/01/12		HORBU	HORIZON BUSINESS SERVICES		9.65
	10215012			Office expense	9.65	
Total for HORIZON BUSINESS SERVICES						9.65
44743	03/15/12		HUMTI	HUMMEL TIRE & WHEEL, INC		40.39
	24315014			Vehicle expense	40.39	
Total for HUMMEL TIRE & WHEEL, INC						40.39
44699	03/01/12		JAYPA	JAY PARRISH		400.00
	10165096			Car Allowance	400.00	
Total for JAY PARRISH						400.00
44744	03/15/12		LMREN	L & M RENNER, INC.		1,332.74
	10215016			Fuel	706.35	
	24315016			Vehicle Fuel	466.46	
	30515016			Vehicle gas	159.93	
Total for L & M RENNER, INC.						1,332.74
44745	03/15/12		LEACA	LEAGUE OF CALIFORNIA CITIES		879.00
	10125044			Meetings and dues	879.00	
Total for LEAGUE OF CALIFORNIA CITIES						879.00
44700	03/01/12		LINFR	LINDSEY FRANK		384.00
	10215048			Training	384.00	
Total for LINDSEY FRANK						384.00
44701	03/01/12		LGCON	LOCAL GOVERNMENT CONSULTANTS, LLC		1,000.00
	10165052			SB 90 Cost recovery	1,000.00	
Total for LOCAL GOVERNMENT CONSULTANTS, L						1,000.00
44702	03/01/12		MERFR	MERCER FRASER COMPANY		109.36
	24315021			Street maintenance	109.36	
Total for MERCER FRASER COMPANY						109.36
44746	03/15/12		MILFA	MILLER FARMS NURSERY, INC.		19,640.25
	30515095			Capital outlay	19,640.25	
Total for MILLER FARMS NURSERY, INC.						19,640.25
44703	03/01/12		MIRRE	MIRANDA'S RESCUE		450.00
	10225096			Animal control	450.00	
Total for MIRANDA'S RESCUE						450.00
44704	03/01/12		MISSN	MISSION UNIFORM & LINEN		52.06
	10635020			Buildings & grounds maintenance - Comm	52.06	
Total for MISSION UNIFORM & LINEN						52.06
44705	03/01/12		NORCO	NORTH COAST LABORATORIES LTD.		130.00
	30515157			Effluent testing	130.00	
44747	03/15/12		NORCO	NORTH COAST LABORATORIES LTD.		2,520.00
	30515157			Effluent testing	2,520.00	

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Acct No.		Type		Override Description	Amount	Amount
Total for				NORTH COAST LABORATORIES LTD.		2,650.00
100	03/01/12	EFT	NORVA	NORTH VALLEY BANK		4,355.26
	10012301			Federal P/R Tax Deposits	4,355.26	
44706	03/01/12		NORVL	NORTH VALLEY BANK (1) \ NORTH VALLEY BANK		1,948.36
	26315194			Interest-Six Rivers loan	1,948.36	
Total for				NORTH VALLEY BANK		6,303.62
44707	03/01/12		PACGA	PACIFIC GAS & ELECTRIC		1,169.17
	22315058			Street lighting	1,169.17	
Total for				PACIFIC GAS & ELECTRIC		1,169.17
44708	03/01/12		PASSN	PASSION FLOWERS		53.63
	10115012			Office expense - Council	53.63	
Total for				PASSION FLOWERS		53.63
44748	03/15/12		PIEBU	PIERSON BUILDING CENTER		223.58
	30515024			Special department supply	173.07	
	30515122			Sewer line maintenance	50.51	
Total for				PIERSON BUILDING CENTER		223.58
44709	03/01/12		PLANW	PLANWEST PARTNERS, INC.		2,779.50
	10415052			General planning services	2,779.50	
Total for				PLANWEST PARTNERS, INC.		2,779.50
44710	03/01/12		RSLIV	R & S LIVESTOCK SUPPLY		26.80
	30515125			Chlorine	26.80	
Total for				R & S LIVESTOCK SUPPLY		26.80
44711	03/01/12		ROBSM	ROBIN SMITH		153.47
	10245052			Professional services	153.47	
Total for				ROBIN SMITH		153.47
44749	03/15/12		SCCUT	SCOTTY'S CUTTERS EDGE		655.06
	24315020			Building & ground maintenance	655.06	
Total for				SCOTTY'S CUTTERS EDGE		655.06
44750	03/15/12		SPPFN	SPONSORED PROGRAMS FOUNDATION		2,697.76
	30515055			Contractual services	2,697.76	
Total for				SPONSORED PROGRAMS FOUNDATION		2,697.76
44712	03/01/12		STAPE	STAPLES CREDIT PLAN		563.49
	10125012			Office expense	50.00	
	30515012			Office expense	513.49	
Total for				STAPLES CREDIT PLAN		563.49
44713	03/01/12		FEREN	THE FERNDAL E ENTERPRISE		121.40
	10115012			Office expense - Council	50.00	
	10115013			Advertising - Council	32.73	
	10165064			Election expense	23.80	
	10415013			Advertising	14.87	

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Chk No.	Date	Pay Ven ID	Vendor Name \ Payee Name	Distribution	Check
Acct No.	Type	Override Description	Amount	Amount	
Total for THE FERNDALE ENTERPRISE				121.40	
44714	03/01/12	THOGZ	THOMAS W. GONZALEZ, SR		310.00
	10635020		Buildings and grounds maintenance	310.00	
44751	03/15/12	THOGZ	THOMAS W. GONZALEZ, SR		290.00
	10635020		Buildings and grounds maintenance	290.00	
Total for THOMAS W. GONZALEZ, SR				600.00	
44715	03/01/12	TIMST	TIMES STANDARD		170.10
	10115013		Advertising - Council	170.10	
Total for TIMES STANDARD				170.10	
44752	03/15/12	TIPMO	TIPPLE MOTORS, INC.		358.55
	24315014		Vehicle expense	358.55	
Total for TIPPLE MOTORS, INC.				358.55	
44716	03/01/12	USBNK	U.S. BANK CORPORATE PAYMENT SYSTEM		485.36
	30515158		UPS/Fedex	485.36	
Total for U.S. BANK CORPORATE PAYMENT SYSTE				485.36	
44717	03/01/12	VALGR	VALLEY GROCERY		Void
	10012100		Accounts payable	Void	
Total for VALLEY GROCERY				0.00	
44753	03/15/12	VALLU	VALLEY LUMBER		427.59
	10155020		Building and ground maint.	11.25	
	10175024		Supplies - public restroom	203.55	
	10215020		Building and gounds maint.	2.22	
	10635020		Buildings and grounds maintenance	106.40	
	20625020		Blding/Grd Mnt.	20.76	
	24315021		Street maintenance	83.41	
Total for VALLEY LUMBER				427.59	
44718	03/01/12	WYCKO	WYCKOFF'S		1,716.21
	30515122		Sewer line maintenance	1,716.21	
Total for WYCKOFF'S				1,716.21	
Total for the 53 checks				66,786.73	66,786.73

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Account Distributions

Account No.	Account Description	Amount
10012100	Accounts payable	0.00
10012250	Garnishments payable	408.91
10012260	Health insurance payable	43.57
10012301	Federal P/R Tax Deposits	4,355.26
10012302	State P/R Tax Deposits	813.85
10105007	Medical insurance	8.88
10115012	Office expense - Council	103.63
10115013	Advertising - Council	202.83
10125007	Medical insurance	24.12
10125012	Office expense	58.16
10125044	Meetings and dues	879.00
10155020	Building and ground maint.	229.32
10155030	Trash service	59.04
10155031	Water	57.95
10165052	SB 90 Cost recovery	1,000.00
10165054	Audit and accounting	2,022.00
10165064	Election expense	23.80
10165096	Car Allowance	400.00
10175024	Supplies - public restroom	252.09
10175031	Water - public restroom	47.63
10215007	Medical insurance	48.24
10215012	Office expense	9.65
10215014	Vehicle expense	92.88
10215016	Fuel	706.35
10215020	Building and grounds maint.	2.22
10215024	Special department supply	16.19
10215029	Water	28.97
10215035	Dispatch service	1,016.66
10215048	Training	425.00
10215094	Vehicle replacement	9,035.84
10225096	Animal control	450.00
10245052	Professional services	153.47
10315007	Medical insurance	2.47

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10415013	Advertising	14.87
10415052	General planning services	2,779.50
10435052	Building regulation/inspectio	201.00
10615024	Books	409.17
10615033	Water	24.74
10625020	Building and ground maint.	210.21
10625033	Water	64.65
10635007	Medical insurance	1.21
10635020	Buildings and grounds maintenance	3,629.71
10635031	Water	79.11
20625020	Blding/Grd Mnt.	20.76
22315007	Medical insurance	1.57
22315058	Street lighting	1,169.17
24315007	Medical insurance	2.47
24315014	Vehicle expense	398.94
24315016	Vehicle Fuel	466.46
24315020	Building & ground maintenance	655.06
24315021	Street maintenance	192.77
24315033	Water	31.15
25315007	Medical insurance	3.65
26315007	Medical insurance	2.17
26315194	Interest-Six Rivers loan	1,948.36
29315095	EECBG Expenditures	1,038.99
30515007	Medical insurance	48.69
30515012	Office expense	513.49
30515014	Vehicle expense	55.94
30515016	Vehicle gas	159.93
30515024	Special department supply	173.07
30515030	Garbage/sludge	1,104.82
30515055	Contractual services	2,697.76
30515095	Capital outlay	20,750.89
30515121	Sewer plant maintenance	29.59
30515122	Sewer line maintenance	1,766.72
30515125	Chlorine	26.80
30515157	Effluent testing	2,650.00
30515158	UPS/Fedex	485.36

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66,786.73

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Printed PayCheck Checks

General Checking - Date Range: From 02/21/12 To 03/20/12 - Check #: All - Dept: All
Sort Code: All - EmpID: All - Emp Name: All - By Check Number

<u>Check #</u>	<u>Date</u>	<u>Emp. #</u>	<u>Employee Name</u>	<u>Amount</u>
44673	02/21/12	1,215	DEBERA H. AUSTRUS	1,668.65
44674	02/21/12	2,190	HEATH A. BOHACIK	854.76
44675	02/21/12	5,220	STEVE L. COPPINI	1,172.14
44719	03/06/12	1,215	DEBERA H. AUSTRUS	1,668.64
44720	03/06/12	2,190	HEATH A. BOHACIK	719.90
44721	03/06/12	6,115	MARY ELLEN BOYNTON	85.02
44722	03/06/12	5,220	STEVE L. COPPINI	1,312.53
44723	03/06/12	5,221	DOUGLAS E. CULBERT	1,952.57
44724	03/06/12	2,178	PAUL A. DIAZ JR.	938.37
44725	03/06/12	2,185	LINDSEY D. FRANK	1,014.68
44726	03/06/12	2,179	JASON R. HYNES	1,210.35
44727	03/06/12	1,012	JAY D. PARRISH	2,403.69
44728	03/06/12	6,142	DIANNA L. RICHARDSON	85.03
44729	03/01/12	1,510	MARIA A. ROSA	193.77
44730	03/06/12	2,200	BRET A. SMITH	1,417.83
44731	03/06/12	1,216	BRIANNA A. SMITH	611.11
44732	03/06/12	5,280	DANIEL V. SUTTON	1,030.73
44754	03/20/12	1,215	DEBERA H. AUSTRUS	1,668.64
44755	03/20/12	2,190	HEATH A. BOHACIK	745.48
44756	03/20/12	6,115	MARY ELLEN BOYNTON	85.03
44757	03/20/12	5,220	STEVE L. COPPINI	1,095.54
44758	03/20/12	5,221	DOUGLAS E. CULBERT	1,952.56
44759	03/20/12	2,185	LINDSEY D. FRANK	1,009.63
44760	03/20/12	2,179	JASON R. HYNES	1,051.15
44761	03/20/12	5,235	TIMOTHY W. MIRANDA	1,119.59
44762	03/20/12	1,012	JAY D. PARRISH	2,403.69
44763	03/20/12	6,142	DIANNA L. RICHARDSON	85.02
44764	03/20/12	2,200	BRET A. SMITH	1,417.82
44765	03/20/12	1,216	BRIANNA A. SMITH	605.78
44766	03/20/12	5,280	DANIEL V. SUTTON	1,049.91
44767	03/20/12	6,221	BONNIE K. VON BRAUN	27.11
Total				32,656.72

City of Ferndale, Humboldt County, California USA
City Council Minutes for March 1, 2012

Mayor Jeffrey Farley called the Regular City Council Meeting to order at 7:04p.m. Present were Councilmen Stuart Titus, Niels Lorenzen, Ken Mierzwa, and John Maxwell, along with staff City Manager Jay Parrish, Chief Bret Smith, and City Engineer Praj White. Those present pledged allegiance to the flag. Chief Bret Smith called roll call.

Modifications to the agenda: None

Public Comment: Duane Martin asked if there were any updates concerning a meeting/presentation by ShellWind in April. Staff said there was no update at this time.

Consent Calendar: MOTION: (Maxwell/Mierzwa) Accept Accounts Payable and Approve the minutes for February 2, 2012 the meeting with the correction of a name under the Plastic Bag Ordinance item from Bret Wagner to Bret Whitnell. Motion passed unanimously with an (uncounted) abstention from Lorenzen.

Pay Request #1 for the Pedestrian Improvement Project: MOTION: (Maxwell/Mierzwa) Approve Resolution 2012-09 the First Partial Pay Request to Sierra National Construction Inc, for the Pedestrian Improvement Project. Unanimous.

Respectfully submitted,

Bret Smith
Chief of Police

Section 9

CALL ITEMS

*These are items pulled from the consent agenda
for discussion and a separate motion.*

Section 10

PRESENTATIONS

Section 11

BUSINESS

Meeting Date:	April 5, 2012	Agenda Item Number	11a
Agenda Item Title:	Ordinance 2012-02 Authorizing the extension of interim Ordinance No 2011-03		
Presented By:	Jay Parrish, City Manager		
Type of Item:	<input checked="" type="checkbox"/>	Action	<input type="checkbox"/> Discussion <input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENATION:

The City Council:

1. Hold a public hearing;
2. Approve the City Council Report dated March 13, 2012 of measures taken to alleviate the condition which led to the initial adoption of the interim urgency ordinance; and
3. Read the title, introduce and adopt an ordinance entitled: "AN ORDINANCE OF THE CITY OF FERNDALE, CALIFORNIA AUTHORIZING THE EXTENSION OF INTERIM URGENCY ORDINANCE NO. 2011-03 WHICH IMPOSES A MORATORIUM ON THE LEGAL ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF FERNDALE PURSUANT TO GOVERNMENT CODE SECTION 65858."

BACKGROUND:

At the March 3, 2011 City Council meeting, the Council adopted an extension of an Interim Urgency Ordinance No. 2011-03, which extended a temporary moratorium on the establishment and operation of medical marijuana dispensaries within the City for a period of one (1) year. The ordinance prohibited the establishment of medical marijuana dispensaries during this interim period and required staff to continue to study and monitor measures taken to alleviate the condition/s/, which led to the adoption of the ordinance. Unless extended by ordinance of the City Council, as authorized by state law, the temporary moratorium period will automatically expire on March 30, 2012.

To date staff has taken the following measures:

- Reviewed the City’s General Plan, including the Land Use Element Goals and Policies;
- Researched and reviewed the City’s ordinances relative to pharmacies, drug stores and other similar service/retail businesses;
- Consulted with the City’s Building Inspector regarding regulations which may affect health and safety;

- Consulted with other cities to understand how they have or will be responding to requests for establishment and operation of medical marijuana dispensaries;
- Consulted with other cities concerning permitted uses or prohibitions on the establishment of medical marijuana dispensaries;
- Obtained medical marijuana dispensary ordinances from other agencies that may include information useful to the City's ongoing study of this issue.
- Analyzed legislation both proposing and opposing legalization of marijuana in California.
- Noted the results of the November 2010 marijuana ballot issue in California.
- Continue to monitor case decisions involving MMD litigation.
- Continue to monitor the federal government's increased attention to California's medical marijuana laws.

Staff has obtained pertinent data that will better assist the City to determine how best to address important policy questions and issues relative to appropriately regulating medical marijuana dispensaries. However, we still face some notable concerns with the continued introduction of opposing legislation and ballot measures regarding the legalization of marijuana. Accordingly, with the federal government's increased attention to California's medical marijuana laws, what will be the impact and/or consequences for local government engaging in activities inconsistent with federal law?

Therefore, staffs recommends the City Council hold a public hearing and approve an extension of the Medical Marijuana Dispensary Interim Urgency Ordinance as authorized by state law for an additional one (1) year.

Adoption of the Interim Urgency Ordinance extending the temporary moratorium on the establishment of medical marijuana dispensaries within the City will allow staff to analyze and evaluate the impact and results of legislation, ballot measures and federal government scrutiny. Should staff conclude its analysis and review of the issues surrounding the establishment of medical marijuana dispensaries in the City prior to March 30, 2013; the matter will be brought back before the City Council prior to that date.

The proposed Interim Urgency Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly; it prevents changes in the environment pending the completion of the written report described above.

FISCAL IMPACT:

None

ORDINANCE NO. 2012-02

AN INTERIM URGENCY ORDINANCE OF THE CITY OF FERNDALE AUTHORIZING THE EXTENTION OF INTERIM URGENCY ORDINANCE NO 2011-03 WHICH IMPOSES A MORATORIUM ON THE LEGAL ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF FERNDALE PURSUANT TO GOVERNMENT CODE SECTION 65858.

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

ARTICLE 1: SHORT TITLE, PURPOSE AND SCOPE

§1.01 This ordinance shall be known and cited as the “Medical Marijuana Dispensary” Ordinance.

§1.02: Purpose: It is declared that this article is enacted for the purpose of extending the urgency ordinance imposing a moratorium on the legal establishment and operation of medical marijuana dispensaries and related uses. This would allow the City to continue to review, add and/or amend ordinances in order to protect the public health, welfare, and safety from impacts associated with or implicated by use of property for Medical Marijuana Dispensaries.

§1.03: Scope: This ordinance shall apply to any and all locations within the city limits of Ferndale.

§1.04: The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of Ferndale City ordinances and County, State and Federal laws. Nothing in this ordinance shall be read, interpreted or construed so as to limit any existing right or power of the City.

ARTICLE 2: STATUTORY AUTHORITY / ENFORCEMENT AUTHORITY

§2.01: Statutory and Enforcement Authority is granted in the following from the Health and Safety Code Section 11362.5 et seq. and Government Code Section 65858.

ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

§3.01 Administration and Enforcement

3.01.1 The Chief of Police of the City is the chief law enforcement officer for the City. The Chief of Police shall carry out the additional powers and duties imposed by this ordinance.

ARTICLE 4: DEFINITIONS§4.01 Definitions.

4.01.1 For the purpose of this ordinance, "medical marijuana dispensary" (MMD) means any profit or not-for-profit facility or location, whether permanent or temporary, where the owner(s) or operator(s) intends to or does possess and distribute marijuana for any purpose. A MMB includes a marijuana club as describe in People v. Peron, (1997) 59 Cal. App. 4th 1383, and further includes medical marijuana cooperatives. A MMB shall not include the following uses, as long as the location of such uses are otherwise regulated by the City's Municipal Code: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; a residential hospice; or a home health agency licensed pursuant to Chapter 8 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq.

ARTICLE 5: NECESSITY

- §5.01 In 1996 the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 112362.5 et seq. and entitled it "The Compassionate Use Act of 1996").
- 5.01.2 The intent of Proposition 215 was to enable seriously ill Californians to legally possess, use, and cultivate marijuana for medical use under state law.
- 5.01.3 As a result of Proposition 215, individuals have established MMDs in various cities.
- 5.01.4 The experiences of California cities in the regulation and policing of MMDs have varied from city to city. Several California cities have experienced an increase in crime, such as burglary, robbery, loitering around the dispensaries, an increase in pedestrian and vehicular traffic and noise in the vicinity of the dispensaries, and the sale of illegal drugs, including the illegal resale of marijuana from dispensaries in the areas immediately surrounding such MMDs.
- 5.01.5 In October 2005, the State Board of Equalization instituted a policy that allows MMDs to obtain a seller's permit thus enabling the State to collect sales tax on medical marijuana sales.
- 5.01.6 Recent surveys with several California cities regarding the secondary effects of MMDs indicated the following mutual issues: street dealers attempting to sell to patrons entering/exiting dispensaries; smoking marijuana in public areas; driving while under the influence of marijuana; attempted burglaries of marijuana establishments; robberies of clients patronizing establishments; adverse impacts on neighboring businesses; physicians writing prescriptions for any patrol regardless of medical infirmity; nuisance behavior of patrons; and illegal drug sales from dispensaries.
- 5.01.7 The City has not adopted rules and regulations specifically applicable to the establishment and operation of MMDs. The lack of such controls may lead to a proliferation of dispensaries and the inability of the City to regulate these establishments in a manner that will protect the general public, homes and businesses adjacent to and near such businesses, and the patient or clients of such establishments.
- 5.01.8 Based on the adverse secondary impacts experience by other cities and the lack of any regulatory program in the City regarding the establishment and operation of MMDs, it is reasonable to conclude that negative effects on the public health, safety and welfare may occur in Ferndale as a result of the proliferation of MMDs and the lack of appropriate regulations governing the establishment and operation of such facilities.
- 5.01.9 A MMD currently is not an expressly permitted use or a use permitted subject to a conditional use permit in any zoning district in the City of Ferndale. However, such establishments may seek to locate in any zoning district disguised as a permitted use or may seek to legalize this use.

5.01.10 The establishment of, or the issuance or approval of any permit, certificate of use and occupancy, or other entitlement for the legal establishment of a MMD in the City may result in a threat to public health, safety and welfare in that the Ferndale Municipal Code does not currently regulate the location and operation of MMDs and does not have a regulatory program in effect that will appropriately regulate the location, establishment, and operation of MMDs in the City.

§5.02 Enactment

- 5.02.1 For the period of this ordinance a MMD shall be considered a prohibited use in any zoning district of the City, even if located within an otherwise permitted use. No permits or authorizations for a MMD shall be issued while this ordinance is in effect.
- 5.02.2 The City Council finds that this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Sections 15060 (c) (2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060 (c) (3) the activity is not a project as defined in Section 15378 Title 14, of the California Code of Regulations) because it has no potential for resulting in physical change to the environment, directly or indirectly. Conversely, it prevents changes in the environment pending the completion of the contemplated municipal code review.
- 5.02.3 The City Manager or his/her designee/s/ may: (1) review and consider options for the regulation of MMDs in the City, including, but not limited to the development of appropriate rules and regulations governing the location and operation of such establishments in the City; (2) meet with medical patients, advocates, law enforcement representatives, and other interested parties; and (3) shall file a written report describing the measures which the City has taken to address the conditions which led to the adoption of this ordinance with the City Council ten (10) days prior to the expiration of this interim urgency ordinance, or any extension thereof, and such report shall be made available to the public.
- 5.02.4 Pursuant to Section 65858 of the Government Code, a written report has been issued by the City Council of the City of Ferndale describing the measures that have been taken thus far to alleviate the condition that led to the adoption of the interim urgency ordinance.
- 5.02.5 This interim urgency ordinance is adopted pursuant to Section 65858 of the California Government Code.
- 5.02.6 This interim urgency ordinance shall take effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council. This extension of the interim urgency ordinance will remain in effect for one (1) year from March 30, 2012, which is the expiration date of the first one (1) year interim urgency ordinance extension and shall thereafter be of no further

force and/or effect. Unless otherwise extended as allowed by law, this ordinance shall expire on March 30, 2013.

ARTICLE 6: SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 7: EFFECTIVE DATE: This interim urgency ordinance becomes effective thirty (30) days after the date of its enactment.

ARTICLE 8: POSTING REQUIREMENT: The City Clerk shall cause publication of this ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city, and posted in at least three public places in the city.

ARTICLE 9: ENACTING DATE AND SIGNATURES: Passed, approved and adopted by the City Council of the City of Ferndale at a special meeting on March 13, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Brianna A. Smith, Deputy City Clerk

Jeffrey Farley, Mayor

Meeting Date:	April 5, 2012	Agenda Item Number	11b
Agenda Item Title:	Increased Membership Timeline		
Presented By:	Jeff Farley, Mayor		
Type of Item:	X	Action	Discussion
Action Required:		No Action	x Voice Vote
			Information
			Roll Call Vote

RECOMMENDATION:

Have discussion related to increased membership to HCAOG.

BACKGROUND:

In January, HCAOG formed a subcommittee to discuss expanding membership of HCAOG and has presented a timeline leading to a vote by HCAOG in October. Between now and then there will be information gathering, sharing of information, discussion, and etc. Our HCAOG Board representative asked that this item be put on Ferndale City Council’s April agenda for discussion with Council members.

On March 5, 2012 we received an email from HCAOG staff related to membership in the JPA and possible amendment to allow for increased membership. That correspondence is attached.

Feb – April: *Gathering Information through 8 Questions / Sharing and Discussing Information Gathered / Determining if Additional Information is desired.*

- February Meeting– Timeline proposal and questions in packet
- February Meeting – Discussion of committee’s proposed questions and timeline.
- February Meeting – Approval of Board to accept timeline, questions and steps proposed.
- February & March – HCAOG Board Members discuss questions with their individual City Council, City Manager, City Staff, etc. as needed to answer questions below.
- HCAOG Chair speaks at Tribal Chairman Meeting (March or April) about timeline for HCAOG to make a decision on the request for membership.
- April 5 – deadline to email responses to questions to HCAOG Office.
- April Meeting – Answers from/for all in Board packet.
- April Meeting Agenda Item – Board discussion and decision on which question responses need answered, by whom and in what form?

May-June: *Answering Board Member Questions*

- May & June meetings– Questions answered (various formats)

August: *Defining the Criteria for Membership*

- July - August Meeting Agenda Item- Formulating HCAOG membership criteria regarding Tribal representation.

October: *Decision by HCAOG Board*

- October Meeting Agenda Item -Vote

Questions

1. What are the opportunities you see in bringing Tribal representation to the HCAOG Board of Directors?
2. Which of these do you find to be the most beneficial?
3. What concerns do you have?
4. Which of these do you find to be the most disadvantageous?
5. Do you have additional questions you would like answered before voting on this item?
6. Who do you think you need to hear from in order to answer any questions you may have?
7. What form would you like to receive this information in – written document, public presentation, workshop, 1-page summary, diagrams, etc.?
8. Any additional thoughts you'd like to add?

Meeting Date:	April 5, 2012	Agenda Item Number	11c
Agenda Item Title:	Humboldt County Tourism Business Improvement District (HCTBID)		
Presented By:	Jay Parrish, City Manager		
Type of Item:	X	Action	Discussion Information
Action Required:		No Action	x Voice Vote Roll Call Vote

RECOMMENDATION:

Approve Resolution 2012-10, giving the City’s consent to the County of Humboldt to form the Humboldt County Tourism Business Improvement District.

BACKGROUND:

California State law, under Streets and Highways Code Sections 36620 *et seq.*, provides that local jurisdictions may establish business improvement districts for the purpose of levying assessments to support activities that enhance the affected businesses. One such type of business improvement district is a tourism business improvement district. This district levies assessments on lodging businesses customarily passed along to overnight guests and is collected on the guests' bills in a manner similar to the transient occupancy tax. These taxes are used to promote tourism in the area and thereby attract additional guests to the lodging businesses. Tourism business improvement districts are currently in existence in several nearby counties, including Mendocino, Sonoma, Napa and Marin.

The Humboldt County Tourism Business Improvement District (HCTBID) will operate in accordance with its Management District Plan (MDP). The proposed MDP was available for review by all persons or entities eligible to sign the petitions in favor of the formation of the HCTBID. The MDP must satisfy all of the criteria set forth in Streets and Highways Code Section 36622, which includes a map of the proposed district, its name, a description of the district boundaries, the activities proposed for the operation of the district and the annual operational costs, the proposed source of financing, the time and manner of collecting assessments, the number of years the assessments will be levied, the proposed rules and regulations of the district, and the list of businesses to be assessed.

Since last July, County staff has been working with HCCVB and their consultant and HCCVB has been working with local lodging businesses during the gathering of petitions in favor of creating a district. County staff has stated the MDP meets the minimum requirements of Streets and Highways Code Section 36622. The County Board of Supervisor (Board) has discretion under State law to require additional provisions in the MDP if the Board believes such provisions would be beneficial to the formation and administration of the proposed district. No changes have been made to the MDP at this time.

The Board was satisfied that the MDP provided an adequate basis for the operation and administration of the proposed district. The next step was to find property or business owners,

who will pay more than 50 percent of the assessments proposed to be levied in the HCTBID, to sign written petitions requesting the formation of the district. The HCCVB submitted signed petitions to the Treasurer-Tax Collector and that office has determined that the signed petitions have met the threshold necessary for the Board of Supervisor to move forward.

At their March 13, 2012 meeting, the Board confirmed that the petition requirements have been met and authorized, by resolution, proceeding with the formation of the HCTBID.

Because the HCTBID is proposed to include lodging businesses within the incorporated cities as well as in the unincorporated area, the County is required under Streets and Highways Code Section 36620.5 to seek the consent of five of the seven cities in Humboldt County. The cities of Blue Lake and Rio Dell are not included in the proposed HCTBID because the City of Blue Lake lacks a process for collecting transient occupancy taxes and the City of Rio Dell has requested to be excluded from the HCTBID. Accordingly, consent is being sought from only five incorporated cities. Because the cities' resolutions have the effect of an ordinance, the resolutions are not effective until 30 days after passage. Therefore, the County is requesting that the cities provide their consent early enough so that the resolutions will be effective at the time your Board actually votes whether to form the district.

Once the cities have expressed their consent, the Board will be required to hold two public sessions. The first is a public meeting under Government Code Section 54954.6(c) to allow for public comment regarding the establishment of the district and the assessments. The second, to be held a minimum of seven days after the first, is a public hearing for the purpose of approving the district and the assessments. At the public hearing (second session), the Board may exclude additional territory from the boundaries of the HCTBID and may modify the MDP only for the purpose of lowering the proposed assessments. Other substantive changes to the MDP would not be possible at that time.

The county resolution of intent sets a date for the first public meeting on May 15, 2012, and the public hearing on the final approval of the HCTBID for May 22, 2012. These dates will comply with the notice requirements for the public hearing and give the cities time to provide the consent that will be a pre-requisite to form the district according to the proposed boundaries. These dates will also allow for the HCTBID to become operative by July 1, 2012. The final Board resolution, like the resolutions of the cities, has the effect of an ordinance. It will not be effective until 30 days after passage.

In conjunction with the process to obtain city approval and the final hearing on the district, County staff will be working on the development of a district operating agreement with the Humboldt Lodging Alliance (HLA). Under the proposed MDP, the HLA will be the non-profit organization that administers the HCTBID's budget in order to carry out the activities of the district. This agreement between the County and the HLA will set out the terms under which the HLA will conduct its administration and its coordination with other County officials, such as the County Treasurer and the County Auditor, who will have duties related to the collection, remittance, and auditing of district assessments. It is anticipated that the terms of the operating agreement will be developed and brought to the Board for approval before the final hearing on the formation of the district. The operating agreement would not take effect unless and until the Board approves the formation of the district.



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

For the meeting of: March 13, 2012

Date: February 29, 2012

To: Board of Supervisors

From: Phillip Smith-Hanes, County Administrative Officer *PSH*

Subject: Process for Formation of Humboldt County Tourism Business Improvement District

RECOMMENDATION(S):

That the Board of Supervisors:

1. Consider the proposed Management District Plan (MDP) shown in Attachment 1 for the Humboldt County Tourism Business Improvement District (HCTBID) and find that the MDP satisfies the requirements of Streets and Highways Code Section 36622;
2. Determine that no changes to the MDP are desired and certify – on the basis of the findings letter presented by the Treasurer-Tax Collector (Exhibit A to Attachment 2) – that the County has received written petitions signed by the property or business owners who will pay more than 50 percent of the assessments proposed to be levied in the proposed HCTBID;
3. Adopt the Resolution contained in Attachment 2 declaring the Board's intention to establish the HCTBID and setting a public hearing for May 22, 2012;
4. Adopt the Resolution contained in Attachment 3 requesting the consent of the cities of Arcata, Eureka, Ferndale, Fortuna and Trinidad to create the HCTBID, with such consent to be indicated by the passage by the City Councils of each of the respective cities of a resolution substantially in the

Prepared by Phillip Smith-Hanes CAO Approval *Cheryl Dillingham*

REVIEW: Auditor _____ County Counsel JTS Personnel _____ Risk Manager _____ Other _____

TYPE OF ITEM: Consent
 Departmental
 Public Hearing
 Other _____

PREVIOUS ACTION/REFERRAL: Board Order No. H-1
 Meeting of: 7/5/11

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
 Upon motion of Supervisor _____ Secoded by Supervisor _____

Ayes _____
 Nays _____
 Abstain _____
 Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: _____
 By: _____
 Kathy Hayes, Clerk of the Board

form of the sample resolution shown in Attachment 4 and returning a certified copy thereof to the Clerk of the Board no less than 24 calendar days prior to the May 15, 2012, public meeting; and

5. Direct the Clerk of the Board to publish the Notice of Public Meeting and Public Hearing contained in Attachment 5 and to mail out majority protest notices in conformity with Streets and Highways Code Section 26623 and Government Code Section 54954.6.

SOURCE OF FUNDING: Assessment on Affected Businesses

DISCUSSION:

California State law, under Streets and Highways Code Sections 36620 *et seq.*, provides that local jurisdictions may establish business improvement districts for the purpose of levying assessments to support activities that enhance the affected businesses. One such type of business improvement district is a tourism business improvement district, which levies assessments on lodging businesses – customarily passed along to overnight guests and collected on the guests' bills in a manner similar to the transient occupancy tax – that are used to promote tourism in the area and thereby attract additional guests to the lodging businesses. Tourism business improvement districts are currently in existence in several nearby counties, including Mendocino, Sonoma, Napa and Marin.

On July 5, 2011, your Board heard a presentation from the Humboldt County Convention & Visitors Bureau (HCCVB) about the process for forming a tourism business improvement district in Humboldt County, and directed staff "to work with HCCVB and consultant to pursue the concept of forming a Tourism Business Improvement District and bring back to the Board at a future date undetermined." Staff has been working with HCCVB and their consultant since last July, and HCCVB has been working with local lodging businesses during this time to sign petitions in favor of creating a district.

The Humboldt County Tourism Business Improvement District (HCTBID) will operate in accordance with its Management District Plan (MDP). The proposed MDP was available for review by all persons or entities eligible to sign the petitions in favor of the formation of the HCTBID. The MDP must satisfy all of the criteria set forth in Streets and Highways Code Section 36622, which include a map of the proposed district, its name, a description of the district boundaries, the activities proposed for the operation of the district and the annual operational costs, the proposed source of financing, the time and manner of collecting assessments, the number of years the assessments will be levied, the proposed rules and regulations of the district, and the list of businesses to be assessed.

Staff has reviewed the MDP of the proposed district and believes that it meets the minimum requirements of Streets and Highways Code Section 36622. However, your Board has discretion under State law to require additional provisions in the MDP if the Board believes such provisions would be beneficial to the formation and administration of the proposed district. Generally, changes to the MDP the Board may wish to make must be made prior to the adoption of the resolution of intent to form the district. Staff is not recommending any changes to the MDP at this time.

Once your Board is satisfied that the MDP will provide an adequate basis for the operation and administration of the proposed district, the next step is to find that property or business owners who will pay more than 50 percent of the assessments proposed to be levied in the HCTBID have signed written petitions requesting the formation of the district. The HCCVB has submitted to the Treasurer-Tax Collector signed petitions for this purpose. The Treasurer-Tax Collector has been working with HCCVB to tally these written petitions and has submitted the findings letter contained in Exhibit A to Attachment 2. According to the tally, the signed petitions have met the threshold necessary to allow the Board to proceed.

If your Board agrees that the petition requirement has been met and you wish to proceed with the formation of the HCTBID, you must declare your intent to do so by Resolution. A draft Resolution for this purpose is included as Attachment 2. Because the HCTBID is proposed to include lodging businesses within the incorporated cities as well as in the unincorporated area, the County is required under Streets and Highways Code Section 36620.5 to seek the consent of the cities. A draft Resolution requesting this consent is included as Attachment 3, and a sample resolution for city councils to provide such consent is contained in Attachment 4. The cities of Blue Lake and Rio Dell are not included in the proposed HCTBID because the City of Blue Lake lacks a process for collecting transient occupancy taxes and the City of Rio Dell has expressed a desire to be excluded from the HCTBID. Accordingly, consent is being sought from only five of the seven incorporated cities. Because the cities' resolutions have the effect of an ordinance, they are not effective until 30 days after passage. Therefore, the County is requesting that the cities provide their consent early enough so that the resolutions will be effective at the time your Board actually votes whether to form the district.

Once the cities have expressed their consent, the Board will be required to hold two public sessions. The first is a public meeting under Government Code Section 54954.6(c) to allow for public comment regarding the establishment of the district and the assessments. The second, to be held a minimum of seven days after the first, is a public hearing for the purpose of approving the district and the assessments. At the public hearing (second session), the Board may exclude additional territory from the boundaries of the HCTBID and may modify the MDP only for the purpose of lowering the proposed assessments. Other substantive changes to the MDP would not be possible at that time. The proposed resolution of intent sets a date for the first public meeting on May 15, 2012, and the public hearing on the final approval of the HCTBID for May 22, 2012. These dates will comply with the notice requirements for the public hearing and give the cities time to provide the consent that will be a pre-requisite to form the district according to the proposed boundaries. These dates will also allow for the HCTBID to become operative by July 1. (Because the final Board resolution, like the resolutions of the cities, has the effect of an ordinance, it will not be effective until 30 days after passage.)

In conjunction with the process to obtain city approval and the final hearing on the district, County staff will be working on the development of a district operating agreement with the Humboldt Lodging Alliance (HLA). Under the proposed MDP, the HLA will be the non-profit organization that administers the HCTBID's budget in order to carry out the activities of the district. This agreement between the County and the HLA will set out the terms under which the HLA will conduct its administration and its coordination with other County officials, such as the County Treasurer and the County Auditor, who will have duties related to the collection, remittance, and auditing of district assessments. It is hoped that the terms of the operating agreement will be developed and brought to your Board for approval before the final hearing on the formation of the district. The operating agreement would not take effect unless and until the Board approves the formation of the district.

FINANCIAL IMPACT:

The proposed Board action has no direct effect on the County's budget. Staff time to work on this project has been absorbed within existing budgets of the various involved departments. The major financial impact of proceeding with the formation of the HCTBID will be on affected businesses and, ultimately, lodging business guests who would bear the cost of the assessments.

OTHER AGENCY INVOLVEMENT:

City of Arcata
City of Eureka

City of Ferndale
City of Fortuna
City of Trinidad
Humboldt County Convention & Visitors Bureau
Humboldt Lodging Alliance

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Board could decide that formation of the HCTBID is not in the best interest of the County and stop the process at this point. This alternative is not recommended because more than 50 percent of the businesses affected by the district formation are in support of forming the HCTBID.
2. The Board could make changes to the MDP that would be beneficial to the formation and administration of the proposed district. Staff does not recommend any such changes at this time.
3. The Board could alter the schedule, for example to provide HCCVB time to gather additional support from lodging businesses in specific areas of the County. Any delay in the schedule would mean that the HCTBID would not be formed by July 1, 2012, and would collect less than a full year of revenue in its first fiscal year of operation. This process has been ongoing for seven months at this point, so most affected businesses have likely made a firm decision whether or not to support the district formation.

ATTACHMENTS:

1. Proposed Management District Plan
2. Resolution Declaring Intention to Establish the Humboldt County Tourism Business Improvement District and Setting a Public Hearing
 - A. Findings Letter from Treasurer-Tax Collector
 - B. Map of District
3. Resolution Requesting the Consent of the Cities of Arcata, Eureka, Ferndale, Fortuna and Trinidad to Create the Humboldt County Tourism Business Improvement District
 - A. Map of District
4. Sample Resolution for City Councils
5. Notice of Public Hearing

ATTACHMENT 1

**HUMBOLDT COUNTY TOURISM BUSINESS
IMPROVEMENT DISTRICT**

MANAGEMENT DISTRICT PLAN

*Formed pursuant to the Property and Business Improvement District Act of 1994
(Streets and Highways Code §36600 et seq.)*

Submitted to

The Humboldt County Convention and Visitors Bureau
and
Humboldt County Lodging Businesses

Prepared By



October 19, 2011

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I. INTRODUCTION

Developed by lodging businesses and the Humboldt County Convention and Visitors Bureau (HCCVB), the Humboldt County Tourism Business Improvement District (HCTBID) is a benefit assessment district proposed to help fund marketing and sales promotion efforts for Humboldt County lodging businesses. This approach has been used successfully in other destination areas throughout the state to drive additional room night sales.

- Location:** The proposed HCTBID includes all lodging businesses (hotels, motels, inns, bed and breakfasts, vacation homes, corporate vacation housing, private campgrounds and r.v. parks) located within the boundaries of the County of Humboldt, including the cities of Arcata, Eureka, Ferndale, Fortuna, and Trinidad.
- Services:** Marketing and sales promotions to increase room night sales and market Humboldt County lodging businesses as tourist, meeting, and event destinations.
- Budget:** The total HCTBID annual budget for each year of its five year operation is anticipated to be approximately \$1,000,000.
- Cost:** Annual assessment rates are 2% of gross short term (stays less than 31 days) room rental revenue on lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days. Assessments pursuant to the HCTBID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to February 1, 2012.
- Formation:** TBID formation requires submittal of petitions from lodging businesses representing more than 50% of the total annual assessment followed by a Board of Supervisors hearing and an opportunity for a written protest. The assessed lodging business owners will receive notice of the public hearing by mail. If there is a majority written protest, the TBID will not be formed.
- Duration:** The proposed HCTBID will have a five year life beginning on or about July 1, 2012. Once per year beginning on the anniversary of the formation of the district there is a 30-day period in which owners paying more than 50% of the assessment may protest and terminate the district.

II. WHY A TOURISM BUSINESS IMPROVEMENT DISTRICT FOR HUMBOLDT COUNTY?

There are several reasons why now is the right time to form a TBID in Humboldt County.

Declining Funding for Tourism Promotion

Until recent years, the cities and County of Humboldt supported destination marketing with funding tied to bed tax growth. However, beginning in 2003, budget cuts and "take-aways" began to reduce funding for tourism marketing, despite growth in transient occupancy tax collections. With the financial meltdown and demands for public safety, local governments have been forced to divert transient occupancy tax funding away from destination marketing.

An Opportunity to Remain Competitive

Case studies show that when marketing stops, people stop visiting. Surveys have shown that over forty percent of Humboldt County's visitors are influenced by marketing programs. As a result of marketing programs, area chambers of commerce and the CVB make thousands of direct referrals to lodging businesses each year. Humboldt County is surrounded by competitors who are equally sophisticated and have more funding for marketing. To remain competitive, it is imperative that the lodging community find a new source of funding for tourism marketing.

An Opportunity for Increasing Tax Revenues

As occupancy rates increase, so too will sales and transient occupancy tax revenues. With stable public-private funding for tourism marketing efforts, annual occupancy rates should increase significantly as new marketing and sales promotion programs are implemented. Greater occupancy will also produce an increase in sales tax revenues from tourist spending. This represents a substantial return to the local jurisdictions.

Stable Funding for Tourism Promotion

The HCTBID will provide a stable source of funding for consistent tourism promotion efforts. The HCTBID will provide funding for tourism promotion free of extenuating circumstances that can reduce or eliminate other sources of funding for tourism promotion.

III. WHAT IS A TOURISM BUSINESS IMPROVEMENT DISTRICT?

Tourism Business Improvement Districts (TBIDs) utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TBIDs allow lodging business owners to organize their efforts to increase tourism. Lodging business owners within the district fund a TBID, and those funds are used to provide services that the businesses desire and that benefit the lodging businesses within the District.

Tourism Business Improvement District services may include:

- Marketing Assessed Businesses
- Tourism Promotion Activities
- Sales Lead Generation

In California, Tourism Business Improvement Districts are formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of a special benefit assessment district to raise funds within a specific geographic area. *The key difference between TBIDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to Tourism Business Improvement Districts:

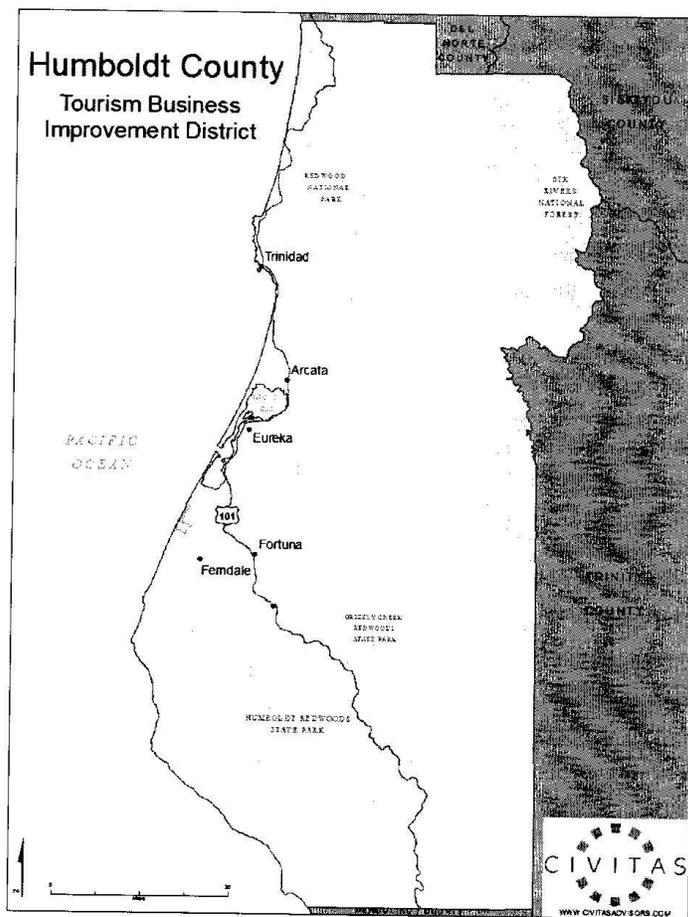
- Funds cannot be diverted to government programs;
- Tourism Business Improvement Districts are customized to fit the needs of each tourism district;
- They allow for a wide range of services, including those listed above;
- Tourism Business Improvement Districts are *designed, created and governed by those who will pay* the assessment; and
- They provide a stable funding source for tourism promotion.

The Property and Business Improvement District Law of 1994 is provided in Appendix 1.

IV. TBID BOUNDARY

The HCTBID will include all lodging businesses (hotels, motels, inns, bed and breakfasts, vacation homes, corporate vacation housing, private campgrounds and r.v. parks), existing and in the future, available for public occupancy within the boundaries of the County of Humboldt, including the cities of Arcata, Eureka, Ferndale, Fortuna, and Trinidad.

A complete listing of lodging businesses within the proposed HCTBID can be found in Appendix 2.



V. SERVICE PLAN AND BUDGET

A. Assessment

The HCTBID annual assessment rate is 2% of gross short term (stays less than 31 days) room rental revenue for lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days. Assessments pursuant to the HCTBID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to February 1, 2012.

The term "gross revenue" as used herein includes the following: (1) Any charge for a room, whether the guest uses the room or not; (2) Any charge for additional guests in a room; and (3) Any fee for guaranteeing the availability of a room, whether or not that room is occupied. Gross revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes. Any other charges shall be considered gross revenue only in accordance with the local transient occupancy tax.

Bonds shall not be issued.

The amount of assessment, if passed on to each transient, shall be disclosed in advance.

B. Determination of Specific Benefit

State law requires that assessment funds be expended on a specific benefit conferred directly to the payors that is not provided to those not charged, and which does not exceed the reasonable cost to the County and cities of conferring the benefit.

The specific benefit the district will provide to assessed lodging businesses, and will not provide to non-assessed lodging businesses, is room night sales. The programs and services provided with the district funds will be designed specifically to drive room night sales at assessed lodging businesses. Only assessed lodging businesses will be featured in marketing materials, receive sales leads generated from district-funded activities, be featured in advertising campaigns, and benefit from other district-funded services. Non-assessed lodging businesses will not receive these and any other district-funded services.

C. Time and Manner for Collecting Assessments

Assessment Collection

The HCTBID assessment will be implemented beginning on or about July 1, 2012, and continue for five years. The County and each city will be responsible for collecting the

assessment from lodging businesses in their respective jurisdictions on a monthly or quarterly basis. The assessment shall be collected at the same time and in the same manner as transient occupancy taxes. The County and cities shall take all reasonable efforts to collect the assessments from lodging businesses within their respective jurisdictions. Each jurisdiction shall forward the assessments to the Humboldt Lodging Alliance (HLA), the designated owner's association for the district.

Penalties and Interest; Collection of Delinquencies

Each city and the County shall be responsible for collecting delinquent assessments, penalties, and interest from lodging businesses within its jurisdiction. Each jurisdiction shall impose penalties and interest in accordance with its provisions for penalties and interest on delinquent transient occupancy taxes, and shall collect delinquencies in accordance with its methods for collecting delinquent transient occupancy taxes.

D. Annual Service Plan

A service plan budget has been developed to deliver services to assessed businesses for each year of district operation. An annual service plan and budget will be developed by the Humboldt County Convention and Visitors Bureau and approved by the HLA Board. The maximum cost of the activities provided in each year of operation of the district shall be \$3,000,000 or the actual amount of assessment collected, whichever is less.

HCTBID Annual Budget
2012-2017

Category	Percent of Budget	Dollar Amount
Community Organizations	25%	\$250,000
Sales and Marketing	67%	\$670,000
Administration	5%	\$50,000
Collection Costs	1%	\$10,000
Contingency/Renewal	2%	\$20,000
Total Annual Budget	100%	\$1,000,000

Community Organizations

Community organizations (ex. chambers of commerce) in each jurisdiction are eligible to apply for up to 25% of the assessment revenues generated in that jurisdiction to fund tourism marketing and visitor services programs. The programs must provide a specific benefit to the hotels paying the assessment that is not provided to those not paying.

For the county the regional organizations will receive up to 25% of the revenues collected in their region according to the county's regional collection statistics. TBID board members will vote on funding of community organizations in the jurisdiction they represent. For example, Arcata's three members vote on projects proposed by Arcata community organizations, Eureka's seven members vote on Eureka community organizations, the County's five members on the county's community organizations, etc.

Community organizations will be invited to develop proposals for marketing the community to overnight visitors using TBID funds, focusing on developing new shoulder-season and off-season business. Approved marketing activities include advertising, promotions, visitor services and especially creating new destination events. All activities using TBID funds must specifically benefit lodging properties. Community Organizations must have systems in place to separately account for use of TBID funds.

Proposals will be developed in collaboration with the TBID board and staff during the first quarter of the fiscal year. During the last quarter (April-June), organizations will report to the TBID board on the results achieved with TBID funding.

With the approval of the TBID board, organizations may "roll over" funding from one year to the next year in order to accomplish larger projects.

If the full 25 percent funding in any jurisdiction is not applied for or granted, the balance of funds will remain with the district and may be allocated as the TBID board sees fit.

Sales and Marketing

A sales and marketing program will promote Humboldt County lodging businesses as tourist and meeting destinations. The sales and marketing program will have a central theme of promoting Humboldt County lodging businesses as desirable places to visit, and may include the following activities:

- Internet marketing efforts to increase awareness and optimize internet presence;
- Print ads in magazines and newspapers targeted at potential visitors;
- Outreach and coordination to generate favorable publicity;
- Cooperation and partnership with other destinations and entities when such activities benefit assessed Humboldt County lodging businesses;
- Television ads targeted at potential visitors;
- Creation of destination events;
- Partnership with county Chambers of Commerce;
- Radio ads targeted at potential visitors;
- Attendance of trade and consumer shows;

- Sales blitzes;
- Familiarization tours;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps;
- Attendance of professional industry conferences and affiliation events;
- Lead generation activities designed to attract tourists and group events to Humboldt County;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts;
- Education of hospitality staff on service and safety (related to alcohol and food) designed to create a visitor experience that will bring repeat visits; and
- Education of lodging business management and the owners' association on marketing strategies best suited to meet Humboldt County lodging businesses' needs.

Administration and Operations

The administrative and operations portion of the budget shall be utilized for staffing costs, office costs, insurance, accounting and legal expenses, and other general administrative costs.

Collection Costs

The County of Humboldt and each city shall be paid a fee equal to 1% of the amount of assessment collected in their respective jurisdictions to cover their costs of collection and administration.

Contingency/Renewal

A prudent portion of the budget will be set aside in a contingency fund, to be used for unforeseeable costs in carrying out the sales and marketing programs or in the event collections are less than anticipated. If at the expiration of the district there are contingency funds remaining, and business owners wish to renew the district, the remaining contingency funds may be used for renewal costs.

E. Adjustments

Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the County and the HLA board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) per year.

F. District Expiration

If there are funds remaining at the end of the District term and lodging businesses choose to renew, these remaining funds could be transferred to the renewed District. If there are funds remaining at the end of the District and lodging businesses choose not to renew, any remaining funds will be spent consistent with this Plan or returned to assessed businesses in equal proportions to the assessment paid by each business.

VI. BID GOVERNANCE

A. Owners' Association

Designation

The Board of Supervisors, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the owners' association of the HCTBID as defined in Streets and Highways Code §36614.5. The Humboldt Lodging Alliance will serve as the Owners' Association for the HCTBID.

Composition

The HLA Board of Directors shall be composed of nineteen directors representing lodging businesses paying the HCTBID assessment. Each director will have one vote. The Board will be structured to ensure lodging businesses located in each jurisdiction are represented in proportion to the amount of assessment collected in that region. The initial Board shall include the following representatives.

Business Location	Number Directors
Arcata	3
Eureka	7
Ferndale	1
Fortuna	2
Trinidad	1
County	5

B. Brown Act and California Public Records Act Compliance

The owners' association is subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act, designed to promote public accountability. The owners' association of a TBID is considered a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the HLA board and standing committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and producing requirements of the California Public Records Act.

C. Annual Report

The HLA board shall present an annual report at the end of each year of operation to the Board of Supervisors pursuant to Streets and Highways Code §36650 (see Appendix 1). A copy of the annual report shall be provided to the cities of Arcata, Eureka, Ferndale, Fortuna, and Trinidad.

APPENDIX 1 – THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994 STREETS AND HIGHWAYS CODE Division 18. Parking

*** THIS DOCUMENT IS CURRENT THROUGH 2009-2010 EXTRAORDINARY SESSIONS 1-5, ***
AND 7, AND URGENCY LEGISLATION THROUGH CH 4 OF THE 2010 REGULAR SESSION

§ 36600. Citation of part

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

§ 36601. Legislative findings and declarations

The Legislature finds and declares all of the following:

(a) Businesses located and operating within the business districts of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of the business districts of its cities in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow cities to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that benefits from those improvements.

(d) Assessments levied for the purpose of providing improvements and promoting activities that benefit real property or businesses are not taxes for the general benefit of a city, but are assessments for the improvements and activities which confer special benefits upon the real property or businesses for which the improvements and activities are provided.

§ 36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within a business improvement area. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

§ 36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

§ 36603.5. Part prevails over conflicting provisions

Any provision in this part that conflicts with any other provision of law shall prevail over the other provision of law.

§ 36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

§ 36605. [Section repealed 2001.]**§ 36606. "Assessment"**

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and promoting activities which will benefit the properties or businesses located within a property and business improvement district.

§ 36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.

§ 36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with *Section 6500*) of Chapter 5 of Division 7 of Title 1 of the *Government Code*, the public member agencies of which includes only cities, counties, or a city and county.

§ 36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

§ 36610. "Improvement"

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.

(j) Facilities or equipment, or both, to enhance security of persons and property within the area.

(k) Ramps, sidewalks, plazas, and pedestrian malls.

(l) Rehabilitation or removal of existing structures.

§ 36611. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

§ 36612. "Property"

"Property" means real property situated within a district.

§ 36613. "Activities"

"Activities" means, but is not limited to, all of the following:

(a) Promotion of public events which benefit businesses or real property in the district.

(b) Furnishing of music in any public place within the district.

(c) Promotion of tourism within the district.

(d) Marketing and economic development, including retail retention and recruitment.

(e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.

(f) Activities which benefit businesses and real property located in the district.

§ 36614. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

§ 36614.5. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement activities and improvements specified in the management district plan. An owners' association may be an existing nonprofit entity

or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all documents relating to activities of the district.

§ 36615. "Property owner"; "Owner"

"Property owner" or "owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. The city council has no obligation to obtain other information as to the ownership of land, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this subdivision requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient.

§ 36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

§ 36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

§ 36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

§ 36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

§ 36621. Initiation of proceedings; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

- (1) A map showing the boundaries of the district.
- (2) Information specifying where the complete management district plan can be obtained.
- (3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

§ 36622. Contents of management district plan

The management district plan shall contain all of the following:

(a) A map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected lands and businesses included. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements and activities proposed for each year of operation of the district and the maximum cost thereof.

(e) The total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her

property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof, including operation and maintenance. The plan may provide that all or any class or category of real property which is exempt by law from real property taxation may nevertheless be included within the boundaries of the district but shall not be subject to assessment on real property.

(l) Any other item or matter required to be incorporated therein by the city council.

§ 36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with *Section 53753 of the Government Code*.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with *Section 54954.6 of the Government Code*, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of

the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest which does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners of businesses in the proposed district which will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

§ 36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements or activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

§ 36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish the proposed property and business improvement district, the city council shall adopt a resolution of formation that shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement about whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties or businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements and activities to be provided in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements and activities funded by the assessments proposed to be levied.

(b) The adoption of the resolution of formation and recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

§ 36626. Resolution establishing district

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in paragraphs (1) to (8), inclusive, of subdivision (b) of Section 36625, but need not contain information about the preliminary resolution if none has been adopted.

§ 36626.5. [Section repealed 1999.]

§ 36626.6. [Section repealed 1999.]

§ 36626.7. [Section repealed 1999.]

§ 36627. Notice and assessment diagram

Following adoption of the resolution establishing the district pursuant to Section 36625 or 36626, the clerk of the city shall record a notice and an assessment diagram

pursuant to Section 3114. If the assessment is levied on businesses, the text of the recorded notice shall be modified to reflect that the assessment will be levied on businesses, or specified categories of businesses, within the area of the district. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

§ 36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

§ 36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements and activities.

§ 36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a parking and business improvement area.

§ 36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and a new district established pursuant to this part.

§ 36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution establishing the management district plan described in Section 36622. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part shall be charged interest and penalties.

§ 36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

§ 36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after

the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

§ 36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

§ 36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

§ 36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention; Modification of improvements and activities by adoption of resolution after public hearing

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public meetings and public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public meeting.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public meeting, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

§ 36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

§ 36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

§ 36641. [Section repealed 2001.]

§ 36642. [Section repealed 2001.]

§ 36643. [Section repealed 2001.]

§ 36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.

(2) The improvements and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements and the activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

§ 36651. Designation of owners' association to provide improvements and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements or activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

§ 36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

§ 36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30

days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners of real property or of businesses in the area who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

§ 36671. Refund of remaining revenues upon disestablishment of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

RESOLUTION 2012-10**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF HUMBOLDT TO FORM THE HUMBOLDT COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT (HCTBID)**

WHEREAS, the County of Humboldt is beginning the process to form a Humboldt County Tourism Business Improvement District (“HCTBID”) pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code sections 36600 *et seq.*, to promote tourism to lodging businesses in Humboldt County; and

WHEREAS, the Board of Supervisors of the County of Humboldt has requested consent to form the HCTBID by including the territory within the City of Ferndale with the adoption of Humboldt County Board of Supervisors Resolution No. 2012-(xx), dated March 13, 2012,

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

Section 1: The above recitals are correct.

Section 2: The City Council consents to the County of Humboldt forming the HCTBID, which District shall include the City of Ferndale.

Section 3: The City Council grants to the County of Humboldt jurisdiction for all purposes in the creation, operation, and administration of the proposed HCTBID, including the authority to levy the assessments within the City of Ferndale contemplated by the Management District Plan; provided however that, if the HCTBID is established, the City of Ferndale shall collect and remit the assessments of the HCTBID in accordance with the Management District Plan for all lodgings located in the City of Ferndale.

Section 4: The Deputy City Clerk is hereby directed to transmit a certified copy of this Resolution to the Clerk of the Board of Supervisors of the County of Humboldt.

Section 5: This resolution shall be effective 30 days after its adoption. Ferndale, State of California, held this 5 day of April, 2012.

PASSED AND ADOPTED at a regular meeting of the City Council on the 5th day of April, 2012, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Jeffery Farley, Mayor

ATTEST:

Brianna Smith, Deputy City Clerk

Meeting Date:	April 5, 2012		Agenda Item Number	11d	
Agenda Item Title:	Resolution 2012-11 Accepting the 2 nd Pay Request for the Pedestrian Improvement Project				
Presented By:	Jay Parrish, City Manager				
Type of Item:	X	Action		Discussion	Information
Action Required:		No Action	x	Voice Vote	Roll Call Vote

RECOMMENDATION:

Accept Resolution 2012-11 approving the second partial pay request to Sierra National Construction Inc.

BACKGROUND:

The Pedestrian Improvement Project began construction on January 23, 2012. The project generally consists of the construction of a new roadway on Herbert Street between Dewey Ave and Rose Ave. The road section includes the installation of sidewalk, curb and gutter, various storm drain improvements and paving on Herbert Street. This grant funded project has been in the works for several years and has gone through some modifications due to a reduction in original funding.

FISCAL IMPACT:

\$ 31,195.35



March 29, 2012

Mr. Jay Parrish
City Manager
City of Ferndale
834 Main Street
Ferndale, CA 95536

RE: City of Ferndale Pedestrian Improvement Project

Dear Mr. Parrish:

The Pedestrian Improvement Project began construction on January 23, 2012. The project includes the installation of sidewalk, curb and gutter, storm drain and paving on Herbert Street from the intersection with Rose Avenue through the intersection of Dewey Avenue. All improvements have been completed with the exception of signage and striping on the improved section. The remaining work should be completed in the coming weeks, weather permitting, and the road will be opened to traffic at that time.

During the period included in the third partial payment estimate, the contractor completed all storm drain improvements and the majority of the sidewalk, curb and gutter on Herbert Street. The adjacent home owners and business have been accommodated throughout construction. Temporary access to all properties has been provided to the residents at all times and the permanent access constructed is a significant improvement over the original conditions.

The contractor has submitted the third partial payment estimate. I have reviewed the estimate and find it acceptable and appropriate for the work completed at the time the estimate was prepared. The current pay estimate includes the following:

- Traffic Control
- Erosion Control
- Site Demolition
- Storm Drain Installation
- Subgrade Preparation
- Subbase Placement
- Curb and Gutter Installation
- Sidewalk Installation

Civil Engineers
Surveyors
Water Resources Engineers
Water & Wastewater Engineers
Construction Managers
Environmental Scientists
Landscape Architects
Planners

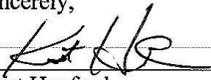
The retention required by the contract specifications has been withheld from this pay request.

A summary of the current construction contract is included below

Original Contract Amount	\$	230,090.00
Net Total Change Orders	\$	0
Total Contract + Change Orders	\$	239,090.00
Contract Work + Change Order Work Completed To Date	\$	108,639.00
Work To Date Minus 10% Retention	\$	97,775.10
Previous Billed	\$	66,579.75
Work To Date Minus Previous Billed	\$	31,195.35
TOTAL AMOUNT DUE	\$	31,195.35

In the coming month, all construction on the Pedestrian Improvement Project should be completed and the road will be opened for traffic. Weather permitting, all signage and striping will be completed within the next two weeks along with all site cleanup and restoration. All work completed will be reimburse through Caltrans Local Assistance. Reimbursement will be processed for this partial payment and the final reimbursement request will be processed within two weeks of completion of the project. Reimbursement of all project costs is expected to be issued within ninety days of the project completion. If you have any questions, please feel free to contact me.

Sincerely,


 Kent Hanford
 Resident Project Representative

The project is now complete

RESOLUTION 2012-11
THE CITY COUNCIL OF THE CITY OF FERNDALE
APPROVES THE SECOND PARTIAL PAYMENT REQUEST TO SIERRA NATIONAL CONSTRUCTION INC. FOR
THE PEDESTRIAN IMPROVEMENT PROJECT

WHEREAS, Sierra National Construction Inc. began Work on our Pedestrian Improvement Project on January 23, 2012; and

WHEREAS, Manhard Consulting is supplying Construction Administration for this project; and

WHEREAS, The City of Ferndale will be processing partial pay requests on a monthly basis, as well as periodic individual bills; and

WHEREAS, The City Council has received the second partial payment request of \$31,195.35 for Sierra National Construction Inc. This all falls within the parameters of our Pedestrian Improvement budget.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Ferndale hereby approves payment of the First partial payment request in the amount of \$31,195.35 for Sierra National Construction.

PASSED AND ADOPTED on this 1th day of March, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

 Jeffrey Farley, Mayor

ATTEST:

 City Clerk / Deputy City Clerk

Meeting Date:	April 5, 2012	Agenda Item Number	11e
Agenda Item Title:	Resolution 2012-12 Approving Payment of \$6000 to Manhard Consulting to Complete the General Permit Closeout Process and Not to Exceed Amount Unless Written Approval by City Manager and Resolution 2012-13 Approving the Anticipated Costs Dependent on Amount of Maintenance and Monitoring Required During Each Year For the Wetland Mitigation and Monitoring Plan.		
Presented By:	Jay Parrish, City Manager		
Type of Item:	X	Action	Discussion
Action Required:		No Action	x
			Voice Vote
			Information
			Roll Call Vote

RECOMMENDATION:

Approve Resolution 2012-12 Approving Payment of \$6000 to Manhard Consulting to Complete the General Permit Closeout Process, and Not to Exceed Amount Unless Written Approval by City Manager and Approve Resolution 2012-13 Approving the Anticipated Costs Dependent on Amount of Maintenance and Monitoring Required During Each Year For the Wetland Mitigation and Monitoring Plan.

BACKGROUND:

General Permit to Discharge Stormwater Associated with Construction Activity-

The City filed a Notice of Intent to comply with General Permit at the end of 2009. Prior to the start of Construction, May 2012, a Stormwater Pollution and Prevention Plan (SWPPP) was prepared to show how the requirements of General Permit would be compiled with during construction. Prior to the start of Construction, May 2012, a Stormwater Pollution and Prevention Plan (SWPPP) was prepared to show how the requirements of General Permit would be compiled with during construction. In July of 2011, the General Permit requirements changed. However the City’s project was “Grandfathered” into the old requirements until September 2, 2011. Since construction extended beyond this date, the City was required to file a notification to comply with the new General Permit requirements and update the SWPPP to show how the new requirements would be compiled with.

Coastal Developmental Permit (CDP)-Wetland Mitigation and Monitoring-

In The Coastal Developmental Permit (CDP) Conditions of Approval the City was required to submit a Wetland Mitigation and Monitoring Plan (Plan) prior to the commencement of construction the purpose of the Plan is to describe how the compensatory wetland of 1.55 acres will be developed, maintained, and monitored and how all temporarily impacted grazing lands (staging area, stockpile area, waterline installation area) will be restored to pre-construction conditions, The construction of the Wetland Mitigation Area has been completed, and The WWTF construction completion date is January 10, 2012.



Civil Engineering
 Surveying
 Water Resources Management
 Water & Wastewater Engineering
 Supply Chain Logistics
 Construction Management
 Environmental Sciences
 Landscape Architecture
 Land Planning

MEMO

TO: Mr. Jay Parrish, City Manager, City of Ferndale
 FROM: Annjanette Dodd, PhD, PE, City Engineer's Office
 Date: March 27, 2012

RE: 1) General Permit to Discharge Stormwater Associated with Construction Activity
 2) Coastal Development Permit (CDP) - Wetland Mitigation and Monitoring

Per your request I have prepared a summary of costs and tasks necessary to meet the compliance requirements for the State General Stormwater Construction Permit and Wetland Mitigation and Monitoring as set forth in the Coastal Development Permit. Both permits are associated with the construction of the Wastewater Treatment Facility (WWTF). If you have any questions, please do not hesitate to contact me.

1) General Permit to Discharge Stormwater Associated with Construction (General Permit)

- **Background:** The City filed a *Notice of Intent* to comply with the General Permit at the end of 2009. Prior to the start of construction, May 2010, a Stormwater Pollution and Prevention Plan (SWPPP) was prepared to show how the requirements of General Permit would be complied with during construction. In July of 2011, the General Permit requirements changed. However, the City's project was "Grandfathered" into the old requirements until September 2, 2011. Since construction extended beyond this date, the City was required to file a notification to comply with the new General Permit requirements and update the SWPPP to show how the new requirements would be complied with.
- The General Permit covers all construction activity and is separate from the Wetland Mitigation and Monitoring requirements set forth in the CDP.
- The City is responsible for complying with this permit until a *Notice of Termination* (NOT) is filed.
- Compliance includes stormwater sampling during rain events exceeding 0.5 inches, maintaining erosion control measures, and maintaining SWPPP reporting and diary requirements.
- Since January, approximately \$2,000 has been billed to the City for stormwater sampling and reporting that is required to maintain compliance.
- **Conclusion:** To terminate the General Permit coverage, the following needs to be done:
 - Prepare the project file showing how the City maintained compliance during the project (in case the City gets audited). This involves filling out forms, compiling the contractor's paperwork, additional field stormwater sampling (up to three events) and reporting, coordinating with City Public Maintenance staff to make sure erosion control measures maintained, and submit the *Notice of Termination*.
 - We have estimated costs not-to-exceed \$6,000 to complete the General Permit closeout process described above. This amount will not be exceeded without written approval from the City Manager.
 - The City will be required to continue stormwater sampling until the NOT is filed. Each sampling event costs the City about \$500.

Jay Parrish
March 27, 2012

Page 2 of 4

- 2) Coastal Development Permit (CDP) - Wetland Mitigation and Monitoring
- **Background:** Per the CDP Conditions of Approval the City was required to submit a Wetland Mitigation and Monitoring Plan (Plan) prior to the commencement of construction. The purpose of the Plan is to describe how the compensatory wetland of 1.55 acres will be developed, maintained, and monitored and how all temporarily impacted grazing lands (staging area, stockpile area, waterline installation area) will be restored to pre-constructed conditions.
 - The construction of the Wetland Mitigation Area has been completed. The WWTF construction completion date is January 10, 2012.
 - The constructed wetland mitigation, monitoring and reporting requirements as set forth in the Plan and the CDP need to commence to maintain compliance with the CDP. Details and costs associated with this maintenance over the next six years are summarized in the table below. Annual reports need to be submitted to the Executive Director of California Coastal Commission (CCC) by December 31 of each year for the duration of the required monitoring period (5 years), beginning the first year AFTER submission of the “as-built” assessment. Thus, the first annual report is due December 31, 2013 and the final report will be due by December 31, 2017.

Table 1: Summary of tasks and estimated costs required as part of the Wetland Mitigation and Monitoring Plan.

Monitoring Event	Tasks	Estimated Cost
Year 0: 2012	Initial “as-built” Assessment	Total Year 0 \$ 10,000 - \$ 12,500
Initial Assessment	<ol style="list-style-type: none"> 1. Determine the initial biological and ecological status of wetland mitigation area. 2. Prepare and submit an “as built” and deed restriction to CCC. 3. Prepare and submit the initial assessment which includes an analysis of the attributes that will be monitored including a description of the methods for making the evaluation of each attribute. 	\$ 7,000 - \$ 8,500
As-built Survey & Declaration of Land Use Restriction	<ol style="list-style-type: none"> 1. Conduct a topographic survey of entire constructed wetland. 2. Prepare legal description of wetland and easements and prepare maps for the purpose of recording the deeded restriction for the wetland mitigation area. 	\$3,000 - \$ 4,000
Year 1: 2013	Monitoring, and Maintenance	Total Year 1 \$ 8,500 - \$ 14,000
Monitoring	<ol style="list-style-type: none"> 1. Setup monitoring plots. 2. Conduct and analyze qualitative monitoring of the wetland (hydrologic regime, biogeochemical functions, wildlife surveys, and remedial actions). 3. Conduct and analyze quantitative monitoring of the wetland (vegetation, hydrology, and soils). 4. Prepare template for Annual Monitoring Report and Annual Monitoring Report to CCC no later than December 31, 2013. 	\$ 6,000 – \$ 8,000
Maintenance	<ol style="list-style-type: none"> 1. Work with City of Ferndale staff and/or with the California Conservation Corps to remove all non-native, invasive plant species within the wetland mitigation area during spring, summer, fall, and winter. 2. Work with City of Ferndale staff and/or with the California Conservation Corps to remove trash from the wetland, replace any dead plants after the one year warranty, and maintain erosion control measures within the wetland mitigation area on an as-needed basis. 3. Work with City of Ferndale staff to maintain the irrigation system within the wetland mitigation area monthly during the dry season. 	\$ 2,500 – \$ 6,000

Jay Parrish
March 27, 2012

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Years 2 to 4: 2014 - 2016	Monitoring and Maintenance	Total Per Year \$6,500 – \$12,000
Monitoring	<ol style="list-style-type: none"> 1. Conduct and analyze qualitative monitoring of the wetland (hydrologic regime, biogeochemical functions, wildlife surveys, and remedial actions). 2. Conduct and analyze quantitative monitoring of the wetland (vegetation, hydrology, and soils). 3. Compare and analyze the current and previous year's data. 4. Prepare and submit Annual Monitoring Report to CCC no later than December 31 of each year. 	<i>\$ 4,000 – \$ 6,000 Per Year</i>
Maintenance	<ol style="list-style-type: none"> 1. Work with City of Ferndale staff and/or with the California Conservation Corps to remove all non-native, invasive plant species within the wetland mitigation area during spring, summer, fall, and winter. 2. Work with City of Ferndale staff and/or with the California Conservation Corps to remove trash from the wetland, replace any dead plants or seed any bare areas, and maintain erosion control measures within the wetland mitigation area on an as-needed basis. 3. Work with City of Ferndale staff to maintain the irrigation system within the wetland mitigation area monthly during the dry season. 	<i>\$ 2,500 – \$ 6,000 Per Year</i>
Year 5: 2017	Monitoring and Maintenance	Year 5 Total \$ 9,500 - \$ 16,000
Monitoring	<ol style="list-style-type: none"> 1. Conduct and analyze qualitative monitoring of the wetland (hydrologic regime, biogeochemical functions, wildlife surveys, and remedial actions). 2. Conduct and analyze quantitative monitoring of the wetland (vegetation, hydrology, and soils). 3. Compile and analyze Years 1 through 5 qualitative and quantitative data. 4. Prepare and submit Final Monitoring Report and Assessment to CCC no later than December 31, 2017. 	<i>\$ 7,000 – \$ 10,000</i>
Maintenance	<ol style="list-style-type: none"> 1. Work with City of Ferndale staff and/or with the California Conservation Corps to remove all non-native, invasive plant species within the wetland mitigation area during spring, summer, fall, and winter. 2. Work with City of Ferndale staff and/or with the California Conservation Corps to remove trash from the wetland, replace any dead plants or seed any bare areas, and maintain erosion control measures within the wetland mitigation area on an as-needed basis. 3. Work with City of Ferndale staff to maintain the irrigation system within the wetland mitigation area quarterly during the dry season. 	<i>\$ 2,500 – \$ 6,000</i>

Jay Parrish
 March 27, 2012

Page 4 of 4

- Note that costs for the first reporting year (2013) is higher because the costs account for setting up monitoring plots and the reporting templates that will be used during the following years. The costs for the final reporting year (2017) are higher because the final report addresses all data collected over the entire five-year monitoring period and final determination.
- Total anticipated annual costs depend on the amount of maintenance and monitoring required during each year.

- The amount of maintenance will depend on annual success and includes: irrigation, plant replacement (if necessary), weeding, rodenticides, invasive vegetation clearing, trash removal, and erosion control. The maintenance schedule is:

Tasks	Year 1	Year 2	Year 3	Year 4	Year 5
Weeding	4 times				
Trash Removal	As needed				
Irrigation Maintenance	Monthly	Monthly	Quarterly	Quarterly	Quarterly
Plant Replacement	As needed				
Erosion Control	As needed				

- Monitoring begins once a full growing season has elapsed from installation of the last planted material and is both qualitative and quantitative, including site surveys of: condition, wildlife, vegetation, hydrology, and soils.

RESOLUTION 2012-12**THE CITY COUNCIL OF THE CITY OF FERNDALE****APPROVES PAYMENT OF \$6000 TO MANHARD CONSULTING TO COMPLETE THE GENERAL PERMIT CLOSEOUT PROCESS, AND NOT TO EXCEED AMOUNT UNLESS WRITTEN APPROVAL BY CITY MANAGER**

WHEREAS, the City filed a Notice of Intent to comply with General Permit at the end of 2009. Prior to the start of Construction, May 2012, a Stormwater Pollution and Prevention Plan (SWPPP) was prepared to show how the requirements of General Permit would be compiled with during construction. Prior to the start of Construction, May 2012, a Stormwater Pollution and Prevention Plan (SWPPP) was prepared to show how the requirements of General Permit would be compiled with during construction. In July of 2011, the General Permit requirements changed. However the City's project was "Grandfathered" into the old requirements until September 2, 2011. Since construction extended beyond this date, the City was required to file a notification to comply with the new General Permit requirements and update the SWPPP to show how the new requirements would be compiled with; and

WHEREAS, The General Permit covers all construction activity and is separate for the Wetland Mitigation and Monitoring requirements set forth in the CDP; and

WHEREAS, The City is responsible for complying with this permit until a *Notice of Termination* (NOT) is filed; and

WHEREAS, Compliance includes stormwater sampling during rain exceeding 0.5 inches, maintaining erosion control measures and maintaining SWPPP reporting requirements; and

WHEREAS, Since January, approximately \$2,000 has been billed to the City for storm water sampling and reporting that is required to maintain compliance; and

WHEREAS, to terminate the Permit coverage the following needs to be done;

- Prepare the project file showing how the City maintained compliance during the project(in case the City gets audited), This involves filling out forms, compiling contractor's paperwork additional field stormwater sampling(up to three events) and reporting, coordinating with City Public Maintenance staff to make sure erosion control measures are maintained, and submit the *Notice of Termination*
- We have estimated costs not to exceed \$ 6,000 to complete the General Permit closeout process described above. This amount will not be exceeded without written approval from the City Manager.
- The City will be required to continue stormwater sampling until NOT is filed. Each event costs the City \$500.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Ferndale hereby approves payment of \$6,000 Manhard Consulting to complete the General Permit closeout process described above. The amount will not be exceeded without written approval from the City Manager.

PASSED AND ADOPTED on this 5th day of April, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeffrey Farley, Mayor

ATTEST:

City Clerk / Deputy City Clerk

RESOLUTION 2012-13**THE CITY COUNCIL OF THE CITY OF FERNDALE****APPROVES THE ANTICIPATED ANNUAL COSTS DEPENDANT ON AMOUNT OF MAINTENANCE AND MONITORING REQUIRED DURING EACH YEAR FOR THE WETLAND MITIGATION AND MONITORING PLAN**

WHEREAS, In The Coastal Developmental Permit (CDP) Conditions of Approval the City was required to submit a Wetland Mitigation and Monitoring Plan (Plan) prior to the commencement of construction; and

WHEREAS, the purpose of the Plan is to describe how the compensatory wetland of 1.55 acres will be developed, maintained, and monitored and how all temporarily impacted grazing lands (staging area, stockpile area, waterline installation area) will be restored to pre-construction conditions; and

WHEREAS, the construction of the Wetland Mitigation Area has been completed; and The WWTF construction completion date is January 10, 2012; and

WHEREAS, the constructed wetland mitigation, monitoring and reporting requirements as set forth in the Plan and the CDP need to commence to maintain compliance with CDP; and

WHEREAS, detail and costs associated with this maintenance over the next six years may vary depending on the qualitative and quantitative monitoring; and

WHEREAS, annual reports need to be submitted to the Executive Director of California Coastal Commission (CCC) by December 31 of each year for the duration of the monitoring period (5 years), beginning the first year after submission of the "as built" assessment. Thus the first annual report is due December 31, 2013 and the final report will be due by December 31, 2017.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Ferndale hereby approves the anticipated annual costs dependant on the amount of maintenance and monitoring required during each year for the Wetland Mitigation and Monitoring Plan.

PASSED AND ADOPTED on this 5th day of April, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jeffrey Farley, Mayor

ATTEST:

City Clerk / Deputy City Clerk

Section 12

CORRESPONDENCE

Correspondence Files are available for review at City Hall during regular business hours, Monday through Thursday, 9am to 4pm.

March 9, 2012
TO: STATE, COUNTY AND
CITY OFFICIALS

NOTIFICATION OF APPLICATION FILING BY PACIFIC GAS AND ELECTRIC COMPANY (PG&E) FOR 2012 RATE DESIGN WINDOW

On February 29, 2012, Pacific Gas and Electric Company (PG&E) filed its 2012 Rate Design Window (RDW) Application with the California Public Utilities Commission (CPUC). The application proposes several rate design changes, described below, and submits reports and studies in compliance with previous Commission Decisions (D.11-05-047, D.10-02-032, and D.11-11-008).

This application proposes to adjust residential electric baseline quantities to 50% of average usage (currently 55%), and for all-electric customers in the winter season, to 60% from current 65% level, as allowed by law. These changes will bring the current rate structures more in line with the cost it takes for PG&E to produce, procure and deliver safe and reliable electric service. In addition, PG&E proposes to modify the minimum bill charge that is calculated for customers with very low or no energy usage in any month. The proposed changes will make it more consistent with the minimum bill charge methodology adopted by the CPUC for another California utility.

This application also proposes minor changes to PG&E's dynamic pricing rates, which are its Peak Day Pricing (PDP) rate for non-residential customers and its SmartRate program for residential customers. Both of these dynamic pricing rates are overlays on top of the basic underlying tariff, which introduce a very high price that is dispatched on a limited number of "event days" when temperatures (and thus energy usage loads) are high, in exchange for lower rates during all other hours of the year. Specifically, this application proposes to:

- Ensure that the hours on event days when peak day prices are dispatched cover the period from 1 p.m. - 6 p.m., aligning with the requirements of CPUC Decision 11-06-022.
- Make minor changes to bring greater consistency and uniformity to the operating seasons, number of events per year, event triggers and day-ahead notice for PG&E's dynamic pricing programs.

What Impact will this Application have on Rates?

Since this application proposes no change to the amount of total revenues collected by PG&E, the average residential rate will not change. However, some customers will see bill increases while others see bill decreases, depending upon their monthly usage levels, whether they are basic or all-electric service customers and in what climate zone they live. Many non-CARE customers (63 percent) will see an average bill increase of \$1.95 per month; 21 percent of non-CARE customers will see an average bill decrease of \$8.46 per month; and, 16 percent will see virtually no change. For customers enrolled in the CARE program, 84 percent will see an average bill increase of \$1.25 per month, and 16 percent will see virtually no change.

FOR FURTHER INFORMATION
To request a copy of the application and exhibits or for more details, call PG&E at 1-800-743-5000
For TDD/TTY (speech-hearing impaired), call 1-800-652-4712
Para mas detalles llame al 1-800-6789
詳情請致電 1-800-893-9555

You may request a copy of the application and exhibits by writing to:

Pacific Gas and Electric Company
2012 RDW Application
P.O. Box 7442, San Francisco, CA 94120

THE CPUC PROCESS
The CPUC's Division of Ratepayer Advocates (DRA) will review this application.

The DRA is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout the state and obtain the lowest possible rate for service consistent with reliable and safe service levels. The DRA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. The DRA's views do not necessarily reflect those of the CPUC. Other parties of record may also participate.

The CPUC may hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record may present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend, but not participate in, these hearings.

After considering all proposals and evidence presented during the hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it, or deny the application. The CPUC's final decision may be different from PG&E's application.

If you would like to learn how you can participate in this proceeding or if you have comments or questions, you may contact the CPUC's Public Advisor as follows:

Public Advisor's Office
505 Van Ness Avenue
Room 2103
San Francisco, CA 94102
1-415-703-2074 or 1-866-849-8390 (toll free)
TTY 1-415-703-5282 or TTY 1-866-836-7825 (toll free)
Email to public.advisor@cpuc.ca.gov

If you are writing a letter to the Public Advisor's Office, please include the name of the application to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

A copy of PG&E's 2012 RDW application and exhibits are also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday-Friday, 8a.m.-noon and on the CPUC's website at www.cpuc.ca.gov/puc.

RECEIVED
MAR 15 2012
BY:.....

cc packet
CW
PW
PG&E

March 13, 2012
TO: STATE, COUNTY AND CITY OFFICIALS

RECEIVED
MAR 19 2012

NOTIFICATION OF APPLICATION FILING BY PACIFIC GAS AND ELECTRIC COMPANY TO RECOVER COSTS ASSOCIATED WITH ITS CUSTOMER DATA ACCESS APPLICATION (A.12-03-002)

BY:

What is the Customer Data Access Application?

On July 28, 2011, the California Public Utilities Commission (CPUC) issued Decision (D.) 11-07-056 which ordered Pacific Gas and Electric Company (PG&E), Southern California Edison and San Diego Gas and Electric Company to file applications with the CPUC to provide third party access to a customer's energy usage data via the utility backhaul when authorized by the customer.

On March 5, 2012, PG&E filed application 12-03-002 (Customer Data Access Project) with the CPUC to comply with the CPUC's order. Through its Customer Data Access Project, PG&E will develop a system that will allow third parties to access customer energy usage data **once the third party has been authorized to do so by the customer**. To implement this project, PG&E is requesting \$19.4 million to be recovered from rates from 2013 through 2016.

Will Electric Rates Increase?

Yes, this request will result in a slight increase to electric rates for bundled service customers (those using electric generation, transmission and distribution service from PG&E) and for direct access and community choice aggregation customers (those purchasing electricity from non-PG&E suppliers). Approval of this application will increase bundled rates by less than one percent. Using the 2016 (highest single year) combined cost of \$5.59 million, the bundled system average rate increase will be 0.05 percent, relative to current rates.

FOR FURTHER INFORMATION

To request a copy of the application and exhibits or for more details, call PG&E at 1-800-743-5000.

For TDD/TTY (speech-hearing impaired), call 1-800-652-4712.

Para más detalles llame al 1-800-660-6789

詳情請致電 1-800-893-9555

You may request a copy of the application and exhibits by writing to:

Pacific Gas and Electric Company
Customer Data Access Application
P.O. Box 7442, San Francisco, CA 94120

THE CPUC PROCESS

The CPUC's Division of Ratepayer Advocates (DRA) will review this application.

The DRA is an independent arm of the CPUC, created by the Legislature to represent the interests of all utility customers throughout the state and obtain the lowest possible rate for service consistent with reliable and safe service levels. The DRA has a multi-disciplinary staff with expertise in economics, finance, accounting and engineering. The DRA's views do not necessarily reflect those of the CPUC. Other parties of record may also participate.

The CPUC may hold evidentiary hearings where parties of record present their proposals in testimony and are subject to cross-examination before an Administrative Law Judge (ALJ). These hearings are open to the public, but only those who are parties of record may present evidence or cross-examine witnesses during evidentiary hearings. Members of the public may attend, but not participate in, these hearings.

After considering all proposals and evidence presented during the hearing process, the ALJ will issue a draft decision. When the CPUC acts on this application, it may adopt all or part of PG&E's request, amend or modify it, or deny the application. The CPUC's final decision may be different from PG&E's application.

If you would like to learn how you can participate in this proceeding or if you have comments or questions, you may contact the CPUC's Public Advisor as follows:

Public Advisor's Office
505 Van Ness Avenue
Room 2103
San Francisco, CA 94102 1-415-703-2074 or 1-866-849-8390 (toll free)
TTY 1-415-703-5282 or 1-866-836-7825 (toll free)
Email to public.advisor@cpuc.ca.gov

If you are writing a letter to the Public Advisor's Office, please include the number of the application (12-03-002) to which you are referring. All comments will be circulated to the Commissioners, the assigned Administrative Law Judge and the Energy Division staff.

A copy of PG&E's Customer Data Access Application and exhibits is also available for review at the California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, Monday-Friday, 8 a.m.-noon, and the CPUC's website at www.cpuc.ca.gov/puc.

CU
Public Works
PG&E ✓
CC packet



RECEIVED MAR 27 2012

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

North Coast Regional Water Quality Control Board

March 21, 2012

Jay Parrish
Ferndale City Manager
P.O. Box 1095
Ferndale, CA 95536

Dear Mr. Parrish:

Subject: Rescission of Cease and Desist Order No. R1-2008-0110
File: Ferndale City, Publicly Owned Treatment Works (POTW)
Waste Discharge Requirements WDID No. 1B8313OHUM

On March 15, 2012, the Regional Water Board was pleased to adopt Order No. R1-2012-0018 rescinding Cease and Desist Order No. R1-2008-0110 for the City of Ferndale Wastewater Treatment Facility (WWTF). The Order was adopted without changes from the tentative Order transmitted to you on January 11, 2012. Order No. R1-2012-0018 confirms that the City of Ferndale has met all requirements necessary to develop and implement wintertime disposal method for treated wastewater from the WWTF which complies with Cease and Desist Order No. R1-2008-0110 requirements.

We look forward to our continued working relationship with you. Please contact Lisa Bernard of my staff at lbernard@waterboards.ca.gov or (707) 576-2677, if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Catherine Kuhlman".

Catherine Kuhlman
Executive Officer

120321_LMB_Ferndale_CDORescTrans

Return Receipt Requested

Enclosure: Cease and Desist Rescission Order R1-2012-0018

cc: Jay Parrish, Ferndale City Manager, citymanager@ci.ferndale.ca.us
Doug Culbert, Chief Plant Operator, chiefoperator@ci.ferndale.ca.us
Dave Smith, USEPA, Region 9, Smith.DavidW@epamail.epa.gov
Amelia Whitson, US EPA Region 9, Whitson.Amelia@epamail.epa.gov

DAVID M. NOREN, CHAIR | CATHERINE KUHLMAN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | www.waterboards.ca.gov/northcoast

A small logo consisting of a recycling symbol (three chasing arrows) followed by the text "RECYCLED PAPER".

CM
DOUG
WWTF
CONFS ✓

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2012-0018

RESCISSION OF CEASE AND DESIST ORDER No. R1-2008-0110

For

THE CITY OF FERNDALE WASTEWATER TREATMENT FACILITY
NPDES PERMIT No. CA0022721
WDID No. 1B83136OHUM

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. The City of Ferndale (hereinafter Discharger or City) owns and operates a municipal wastewater treatment facility (WWTF) and associated wastewater collection, reclamation, and disposal facilities that serve a population of 1,457 residential and commercial users. The WWTF is currently discharging under Order No. R1-2009-0034 and National Pollutant Discharge Elimination System (NPDES) Permit No. CA0022721 adopted on July 23, 2009.
2. On December 11, 2008, the Regional Water Board issued Cease and Desist Order No. R1-2008-0110 to the Discharger for chronic violations of:
 - a. Effluent discharge rate restrictions; and
 - b. Basin Plan requirements for implementation of point source measures in the North Coast Basin.
3. Between December 2008 and December 2011, the Discharger:
 - a. Submitted a request for a 1:1 discharge rate, which complied with Basin Plan variance requirements;
 - b. Submitted 50% design plans for upgrades to the WWTF;
 - c. Secured funding for the project;
 - d. Submitted final design plans for upgrades to the WWTF;
 - e. Obtained all required permits;
 - f. Constructed a new wastewater treatment facility; and
 - g. Achieved full compliance with Final Effluent Limitations.

4. Documentation submitted by the Discharger confirms that actions necessary to provide adequate treatment and ability to meet final effluent limitations found in Order No. R1-2009-0034 for waste received and treated at the WWTF have been met.
5. Regional Water Board action to rescind Cease and Desist Order No. R1-2008-0110 is exempt from provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) in accordance with title 14, California Code of Regulations, Section 15061(b)(3).

THEREFORE, IT IS HEREBY ORDERED that Cease and Desist Order No. R1-2008-0110 for the Discharger is rescinded and the prohibition on addition of new flows of wastewater to the WWTF no longer applies.

Ordered by



Catherine Kuhlman
Executive Officer

March 15, 2012

Section 13

REPORTS

Section 13a: City Manager Staff Report

CITY MANAGER:

Meetings:

- Kiwanis meeting 1st and 3rd Tuesday of the month at 4:30 pm
- City Council- March 5nd – 6:00-11:30 pm
- SRWC meeting- March 27th- 2:00-4:00 pm
- City Manager meeting- March 15th- 3:00-5:00 pm
- RCEA Board meeting – Mar 19th 3:15- 5:00 pm
- ERD contract negotiations with Chuck Schager regarding revenue sharing in our Franchise agreement. Remember that our goal from the state is to lower our overall tonnage to landfills; however we receive Franchise fees based on our tonnage. As we lower our tonnage we actually receive less money as we achieve our goal. This evolution ultimately requires us to raise rates to accomplish the same service, unless we include a share of the increased recycling revenue as a way to offset costs. I have contacted Councilmen Maxwell who will attend meetings as we go through this process.
- Daily conversations and weekly meeting with Manhard project manager Kent Hanford regarding the Bicycle and Pedestrian project. We are just waiting for better weather in order to pave Herbert Street. City Engineer Praj White is trying to get an addition grant that will extend project to address a greater area to complete sidewalk grid. He has also included new projects into a request through Mike Thompson for new monies available to our region for street projects.
- A Number of meetings with Film Commissioner going over several potential filming activities and permitting questions. A number of productions interested enough to have interviews and phone conversations to go over our policies. Nothing solid at this point.
- Daily meetings with chief regarding police activities.
- Daily interaction with Staff regarding daily workload. We continue to adjust organizationally to most efficiently process a very diverse workload with some of our employees.
- Several conversations with Rio Dell city manager regarding turbine project. Also had numerous conversations and discussions with County Planning staff and our Planner to determine the best way to comply with city council direction regarding wind turbine project. The letter to the county has been sent that relays the Council's direction as to our position regarding the project.
- Several conversations with Margo regarding Garden Club and a project in front of city hall that will completely redo the planting scheme in front of City Hall. I have a request into Cal-fire to replace our city hall sign also. Michael Stewart planted three red maples in front of the chimney which completes the tree planting scheme developed by the beautification committee. The Garden club has also contacted us to plant a tree in front of the police station and is working with Chief Smith and Michael Stewart to come up with a suitable tree to plant for Arbor Day. If you have not had time to look at the police station renovation, please stop by and ask to have a tour of the place. The layout is much more conducive to constituent service than the old floor

plan. We are probably set up for the next twenty years as far as renovation and repairs to the structure. I have had a couple of conversations with church leaders to take them up on an offer to help paint City Hall. I have also spoke with Mark Daniels the Rotary president who said that they may participate to help paint or possibly supply paint. I may talk with the Rotary at their next Tuesday meeting to formally ask them to supply paint for the project. We would be replacing the gutters at this time also.

- Preparing request for funding from non-profit that would help us renovate our city council stage area. I will include replacement of curtains, new sound system for microphones, as well as electrical connections that allow the dais to be mobile and to move out of way of the curtains when not being used. I have also been in touch with Sean McLaughlin of Access Humboldt regarding our sound system so that we can if desired do meetings that can be aired on their stations.
- I have been in contact with RWQCB and USDA and other agencies to find a date to have our WWTF completion ceremony. We have settled on April 17th at 12:30 pm. We will give tours starting at 10:00 am and continue to give them until around 2:00 pm. Lisa Bernard (RWQCB) called and asked if Doug and I would be able to come to their March 15th meeting to talk about the completion of our plant. We will be asking that they lift the CDO from the City and she would like us to be present. The CDO was placed on us in 2003 so they understand how momentous an occasion this represents. CPO and I went to meeting along with mayor, vice mayor, John Maxwell, wetland consultant Annje Dodd and Planwest executive director George Williamson. I gave a short thank you to the Board and staff for all the help and guidance through our process, and our CPO, Doug Culbert gave the PowerPoint presentation he gave council several months ago showing the Board the chronological evolution of the construction of our project all the way up to completion. By the way the RWQCB voted unanimously to lift the Cease and Desist order to the cheers of the crowd.
- Numerous conversations regarding Salt River Project with Watershed Council members, NRC representatives, council members and citizens. We continue work with property owners in effort to get support for project. Hope to have work start this spring. The project remains very important to the City because of the location next to our wastewater facility and the health of Francis Creek and our whole drainage system. It should be noted that without all the property owners signing on to the project we will not be able to move forward. There are only a few property owners who have not signed. Some of the members of the SRWC having been meeting with property owners and trying to get them to understand that we are reaching the end of some funding cycles and we will need to have all of those signatures or redesign the project leaving some areas out. Number of meetings with members of the SRWC regarding the operation and maintenance of the Salt River watershed after the project's completion. This will be the area we focus on in the next few months and years. The SRWC board voted to increase the size of the board at the last meeting in anticipation of getting some of the sub committees up and going and to increase representation of the watershed on the board. The new board members are Jay Russ and Dennis DelBiaggio. As of printing we were still two signatures short of having everyone's signature.
- Numerous meetings with individual councilmen and the mayor regarding City issues.
- Daily meetings with Public Works in morning to go over daily activities. We are still working with the Silva's on an agreement regarding access to Russ Park at the end of Eugene Street. The fence at firemen's park continues and most of the cement work is completed. Remember that the old fence was put up and paid for by the City and this one is being paid for by neighboring the property owner. It really has turned out nice and we will probably need to replace a short

section on our property at our own expense to finish off the project. Property owner is working with our engineer on related development.

- Sculpture in City Green looks great, and we have received many complements.
- The Sign Ordinance Committee is making good progress. The current ordinance and procedures are still in effect and businesses must still go through design review and procedures for placement of signs and related issues.
- Discussions with City Planner regarding design review and planning issues. I plan on having a study session to go over with council the past planning structure and costs compared to our current structure. The reason for the study session is to assess continuation of General Plan directive from Council as well as planning services in general. Because we contract with Planwest to help us on so many different planning issues I felt it was important to review all aspects of our interaction before the Council decides to move to the next element of our General Plan update. This will give the Council opportunity to voice support of acknowledge progress of their directives and to make suggestions or changes to current process and structure.
- Tom Stevens and I went with Mark Distefano up Francis Creek to tour last year's slide. The tour was scheduled for Friday the 24th at 8:00 am. The tour took around five hours and we were able to go all the way to the top of the slide and all the way back down to the creek to see what the slide looks like one year later. We were also able to talk to Mark about a collaborative reporting and monitoring program that Tom agreed to develop if the property owner was interested. I believe that this would be in everyone best interest. One month later, we are working out the details on a monitoring program that will give the community long and short term information on any movement of the slide area. This along with the turbidity station on Van Ness should supply enough information to help in our understanding of conditions on Francis Creek as well as maintenance needs. As of date of printing a report has not been generated related to the monitoring parameters and plan. There is no doubt that a lot of sediment is coming down during rain events such as we had last week.
- Numerous conversations with Parsac executive director Joann Rennie regarding our reduced workforce an associated issues. We will have a seminar located in Arcata that all of the Parsac members are welcome to attend as well as our Councils. The presenter is a world renowned motivational speaker that is being sponsored by Parsac. I was given the task of finding a venue and filling the sits. We have opened this up to Arcata and the County and should be a very successful event. If any Councilmen want to participate, please contact me, and I will try to include you in the event that happens the day after our Council meeting.
- I was able to attend Liebert, Cassidy Whitmore seminar last week that was half a day on Wednesday and half a day on Thursday. The seminar was regarding employee evaluation and discipline. Although many of the principles were included in our present policies, enough changes in best management procedures have changed that I have begun the process of updating our procedures and processes. Russell Gans our City Attorney will review the end product.
- A number of conversations with John Miller of the County Planning department to check on whether there have been any information from Shell Wind regarding the wind turbine project. Nothing new to report on that.
- Met with Supervisor Smith, Dawn Elsbree, Karen Pingetore, and Mayor Farley. Supervisor Smith introduced Dawn as Headwaters Fund Coordinator. She went over Prosperity 2012, which is a process to update the Comprehensive Economic Development Strategy (CEDS). The process

should produce and updated and adopted CEDS, a prioritized infrastructure list, an action plan that implements the strategy, and a measurement and evaluation methodology.

- Discussions with City Planner regarding design review and planning issues. We sent the final General Plan Housing Element and resolutions to HCD for their review. With their approval we will have finished the first of seven elements. Our Historical and Cultural Element is almost done with final reviews from the Planning Commission and they have requested that we send it to the Council. Most of our General Plan was last updated in 1987. We will give a report as to the next elements we may update. We have a study session scheduled before our next council meeting to go over our planning
- A prospective buyer of the Gingerbread Mansion came in and discussed his plans of running the facility as a Bed and Breakfast. The prospective buyer believes that it will take about two weeks to decide whether the project will pencil out financially. This iconic building has remained vacant for almost two years and it would be nice to see it back in business. You may remember that this business is in an area zoned residential and will need to have a use permit that would allow the manager to live within the premises instead of the owner, who lives out of the area. I spoke with potential buyer day of printing and he thought that escrow would close the next day. I will then bring something forward to the Planning Commission to comply with our ordinances governing Bed and breakfasts.
- Spoke with several pastors in the town who expressed an interest in helping put a new coat of paint on City Hall. I plan on speaking to the Rotary to see if they would like to participate. We have made many improvements over the last few years and painting will be one of the major maintenance needs. We are also intending to replace gutters before painting and inside the council chambers we have improvements to the stage area, including the sound system and curtains.
- The Signing Light Foundation will meet on Friday the 29th to go over funding possibilities and required communication with non-profits in area as well as a Rotary meeting requesting some of the required matching money. Spoke with Congressmen Thompson last week and he pledged to help us in our efforts to retain Lens in our community.

FINANCE MANAGER:

Meetings:

Projects:

- Payroll
- Accounts Payable
- Accounts Receivable
- Purchase Various Supplies
- Receive and File December, January, February Financial Reports

DEPUTY CITY CLERK:

MEETINGS:

- Attended the Nuts and Bolts Training-March 1 & 2, 2012-Napa, CA
- Special Design Review Meeting-March 8, 2012
- Special Design Review Meeting- March 15, 2012
- Special Design Review Meeting- March 19, 2012
- Daily meetings with City Manager to discuss various office issues
- Coordinated with City Manager and City Planner on planning and developmental projects.

PROJECTS:

- Assembled City Council Agenda/Packet for March 1, 2012 Meeting
- Assembled Special Design Review Agenda/Packet for March 8, 2012 Meeting
- Posted City Council Agenda uptown/at city hall/and online
- Posted Special Design Review Agenda; uptown/at city hall
- Type City Council Minutes from the March 1, 2012 Meeting
- Sign and File Resolution 2012-09
- Assembled Sign Committee Agenda/Packet for the March 15, 2012 Meeting
- Posted Sign Committee Agenda-uptown/city hall
- Assembled Special Design Review Agenda/Packet for the March 15, 2012 Meeting
- Posted Special Design Review Agenda-uptown/city hall
- Assembled the Planning Commission Agenda/Packet for the March 21, 2012 Meeting
- Posted Planning Commission Agenda-uptown/city hall and online.
- Typed Minutes for the Special Design Review Meeting on March 15, 2012
- Assembled Special Design Review Packet for the March 19, 2012 Meeting
- Typed Minutes for the Special Design Review Meeting on March 19, 2012.
- Electronic Deposit.
- Separate/Copy/Distribute Mail.
- Checks.
- Collected and sent in 700 Forms.
- Research on ERD Agreement.
- Business Licenses.
- Field Observation Forms.
- Dog Licenses.
- Faxed Building Permits for March to Assessor's office
- Research on the Personnel Policy Manuel.
- Faxed CA Roster of Incorporated City and Town Officials to the CA Roster Coordinator.
- Started assembling the City Council Packet for April 5th 2012.
- Faxed Parade Permits to Cal-trans.
- Various Filing

- Answer Phones/Take Messages/Counter work

Building and Encroachment Permits Issued

B1207	850 Howard	Re-roof detached carport
B1208	484 Main	Install furnace
B1209	455 Brown	Partial Re-roof
B1210	1430 Main	Re-roof
E1201	Grizzly Bluff Rd, Ocean, Wildcat and Mattole Rd	Survey Crew
E1202	246 Berding	Man lift

CITY PLANNER:

Meetings, Planning & Coordination

- Coordinated with City Manager and Deputy City Clerk on planning and development projects.
- Reviewed building permit application for water damage repairs and rewiring at 484 Main Street.
- Reviewed Sign Ordinance Committee’s progress on Sign Ordinance Update. Researched sign ordinance outlines, reviewed sign matrix, and provided feedback.
- Attended 2/22 Planning Commission meeting and presented revised Historical & Cultural Resources Element Update and Draft Resolution 2012-XX General Plan Historical & Cultural Resources Element Update Adoption.
- Prepared outline of City actions necessary to implement the updated General Plan Housing Element.
- Initiated staff report for 4/5 City Council meeting to consider Historical & Cultural Resources Element Update and recommendation from the Planning Commission.
- Attended March 15 Regional Water Quality Control Board hearing at Fortuna River Lodge where Ferndale Cease and Desist Order was rescinded due to completion of new Waste Water Treatment Facility.

Projects

- General Plan Update - Housing Element Update – Sent adopted General Plan Housing Element Update and signed Resolution 2012-08 General Plan Housing Element Update Adoption to HCD. Received email and compliance letter from HCD stating that the adopted Housing Element Update is in compliance with state housing element law. Sent memo to City Manager outlining City actions necessary to implement the updated element.

- General Plan Update—Historical & Cultural Resources (H&CR) Element—initiated memo to the City Manager outlining the progression of work for preparing the Historical and Cultural Resources Element Update for evaluation and review during the upcoming study session.

CITY ENGINEER:

Sewer Projects: –

- Investigating permit requirements and estimated cost for a sludge storage/drying building

Pedestrian Improvement Project:

Herbert Street: (Phase 1)

- Sierra National is nearly complete
- Roadway Striping should be conducted in the next two week

Rose Street: (Phase 2)

- \$250,000.00 from StateTE fund waiting for CTC approval. Vote in Late March 2012

Applications –

Navy Housing Parking Proposal

Willis Hadley Francis Street Project

General Engineering –

- HCAOG
 - Attend TAC meetings
- Working on a proposed capital improvement report (roads and drainage)
 - Submitted Berding Street Improvement project to be listed as regional priority (\$1,400,000 cost estimate)
 - Prepare Project Study Report for resurfacing Berding Street
 - Prepare scope, exhibit, preliminary cost estimates and priority for roads/street projects
 - Prepare scope, exhibit, preliminary cost estimates and priority for drainage projects
- WWTF Construction Permit Compliance – Performed water sampling for Storm water Pollution and Prevention Plan
- ARRA reporting for Pedestrian Improvement Project
- Review opportunities for new transportation projects funded by State or Federal sources
- Research and correspondence with City and County staff regarding Francis Creek sediment deposition and dredging.

- Looking into solutions for 5th Street Flooding in front of Navy House Parcel
- Looking into grading and drainage at west end of Fern Street

Meetings and Committees –

- No meetings

Reporting and Correspondence –

- Prepared monthly staff report
- General correspondence and meetings with City Staff

WASTEWATER OPERATIONS:

- Eel River Disposal in to fix wheels on dumpster
- Performed the copper WER(Water Effects Ratio) sampling this month.
- Contact with Clark Fenton form Humboldt County regarding flow data from Francis Creek.
- Discussed sludge disposal strategies with City Manager
- Discussed gate issues with Kent Hanford; working with Miller Farms to get it fixed.
- Manhard delivered “As Built” plans for the facility
- Sent official letter to Trojan requesting that they change the setting on the UV unit from Title 22 to normal operation. T22 requires that 2 banks run at all times regardless of the dose. Since we do not discharge onto public land we are not regulated by T22. By making this change it will allow us to run just one bank reducing energy costs.
- Email and phone correspondence with Aeromod regarding our sludge loading and getting suggestions on how to reduce our load in the plant while minimizing costs. It was realized that we were receiving influent levels outside the design of the plant. This issue was only temporary and staff is looking at locating the reason for the changes.
- Completed and submitted electronic annual report for the Regional Board
- Calibrated Wasting airlifts to 48 gpm. It was suggested by Aeromod that we decrease our wasting duration and increase the times we waste. This would help in not pushing solids back into the system once they are wasted. This seems to be working.
- Updated SEMS software download.
- Follow up with Becker’s regarding an interior sewer issue in their building
- Periodic correspondence with Portland Engineering regarding SCADA.
- Two influent pumps became inoperable and staff contacted the contractor and IT department to troubleshoot. After doing some preliminary troubleshooting it was found that both pumps were clogged. With the help of Fortuna Iron’s boom truck we pulled the pumps and cleaned them out. Both were jammed with rags and debris from 7 months of operation. This work was done by City staff saving money on repair costs for the manufacturer’s technicians.
- Worked on replacement equipment application
- Received 8 of septic dumps from Wyckoff’s totaling 12,000 gallons and generating \$2,160 in revenue for the facility.
- Gave tour of facility to twenty five HSU Engineering students.
- Attended Regional Board meeting with City Manager and Council members. Gave presentation with City Manager. Board voted to rescind the City’s Cease and Desist Order after 7 years.

- Operator Coppini demolished old storage shed at effluent site in preparation for constructing sludge drying building.
- Staff performed full clean and maintenance on the Sequox process.
- Miller Farms completed install of stronger, reinforced mechanical gate
- Report ARRA numbers to US Census Bureau
- Monthly eSMR was submitted
- Staff performed routine process tests in new lab.
- Prepared monthly sample containers
- Filled out POs for monthly invoices
- Monthly samples picked up by NCL
- Operator Coppini attended local Grade 3 review workshop in preparation for his exam at the end of March
- Adjusted set points on influent and pond pumping to minimize flows to the pond and maximizing flows through the plant.
- New polymer for the dewatering process delivered
- Operator Coppini performed several dewatering events. In March 3 tons of sludge was dewatered and disposed of.
- CPO performed the daily operation of WWTP during operator Coppini’s scheduled day off.
- Operator Coppini performed general maintenance around the facility
- Operator Coppini filed online SSO report.
- Operator Coppini performed the normal in-house weekly and monthly testing and scheduled lab work to be done.

Feb 2012 Flows	Total	Average	Minimum	Maximum
Influent MGD	7.54	.243	.143	.590
Effluent MGD	8.21	.265	.141	.534

PUBLIC WORKS:

CITY PROPERTY

- Firemen’s Park
 - Routine Maintenance, i.e. Mowing Park and Baseball Field.
 - Routine daily walk through to pick-up garbage.
 - Cleaned off the graffiti on the sidewalks by the picnic area
 - Repaired and repairing picnic tables.
 - Building four new picnic tables.
 - Repaired water line to snack shack and drinking fountain.
- Park Restrooms

- Routinely cleaned every day of the week including weekends.
- Russ Park
 - Routine maintenance: Pulling out trash from trash & recycle bins as needed.
 - Picked-up loose garbage from Russ Park.
- Town Hall
 - Routine mowing and weed eating
 - Pull out trash daily
 - Cut back rose bushes.
 - Laid down weed block and tan bark.
 - There are windows that are in need of repair.
- Library
 - Routine mowing and weed eating
- City Parking Lot
 - Picked up garbage – Routinely as least once a week unless otherwise warranted.
- Main Street Restrooms
 - Routine maintenance: Daily cleaning and stocking of Main Street Restrooms – 7 days a week.
- Community Center
 - Routine checking of CC when the facility is rented before and after.
 - Showing CC to potential renters as needed
 - Installed new screens on the air vents
 - Removed old water heater from the unisex bathroom. Replaced with a new two gallon tank.
 - Weed Whacked overgrown vegetation behind building.
 - Working on the gutters.
 - **CHILDRENS CENTER**
- Police Department
 - Routine mowing and weed eating
- Scout Hall - Routine mowing and weed eating
-
- Roadsides - Routine mowing and weed eating
- Wet Well –
-
-
- Public Works –
- CalOSHA came to town and we need permits for every propane tank at the city owned buildings.
- CalOSHA also mandates that no PVC shall be used on air lines. PW repaired this problem
- Waiting for air tank permit from CalOSHA and all propane tanks.
-

Children’s Center –

Storm Drains

Removed debris from all the drains and grates around town. –

Sewers**STREETS AND SIDEWALKS**

- Routine maintenance: Regular maintenance of roadside mowing.
- Routine picking up trash at the edge of town.
- Routine maintenance: Continuing to pick-up piles around town as resident call and request removal.
- Routine maintenance: Sweep Main St., Monday, Wednesday and Friday mornings.
- Marked out USA locates throughout town. – When needed.
- Removing piles.
- Cleaned Wildcat Rd.
- Cleaned off Rose Ave street and side walk. Home tree removal – Removed leaves, branches and sawdust.
- Patched roads all over town.
- Graveling alleys that are in need.
- Filling holes.
- Patched alley behind Valley Grocery.
- Patched Ocean, Frances and Van Ness.
- Sink hole on Washington and Nichols Way. Called in a locate. Will identify and determine if PW can do this in house or have to contract out.

VEHICLE / EQUIPMENT MAINTENANCE

- Routine monthly maintenance and weekly maintenance on frequently used equipment.
- Maintenance on mowers, weed eaters and power equipment.
- Repaired blinking barricades and rebuilding them as needed.

MISCELLANEOUS

- Routine paperwork.
- Dealing with daily work orders as residents call.
- Viewed Safety videos.
- Went to Bay West to pick up supplies.

POLICE DEPARTMENT:

Officer Lee Haldorson has been proceeding through his Field Training Program on the weekends.

The glass has been installed in the front lobby remodel. We are waiting for the quote for the lobby telephone.

Officer Haldorson attended POST certified training for driver's training.

Officer Hynes attended POST certified training regarding writing search warrants.

Chief Smith attended Kiwanis meetings/functions.

Chief Smith attended the monthly LECAH meeting.

Chief Smith attended the monthly Community Corrections Partnership Executive Committee.

Chief Smith attended the annual California Police Chief's Conference in Sacramento.

Police Statistics – February 2012

SERIOUS CRIMES	Number	Cleared
Homicide	0	
Rape	0	
Robbery	0	
Larceny	2	
Assault	0	
Burglary	0	
Vehicle Theft	0	
TOTAL	2	
SECONDARY CRIMES	4	
Calls for Service	29	
Reports Written	11	
Traffic Citations	17	
Other Citations	2	
Parking Citations	0	
Warnings	27	
ARRESTS	3	
AGENCY ASSISTS	12	
TRAFFIC COLLISIONS	1	

Section 13b: Commissions, Committees and Other**City of Ferndale, Humboldt County, California USA**
Minutes for Planning Commission Meeting of March 21, 2012

Call to Order: Chair Jorgen Von Frausing-Borch called the Planning Commission meeting to order at 7:09pm. Commissioners Dan Brown, and Uffe Christiansen well as staff Deputy City Clerk Brianna Smith. Lino Mogni and Trevor Harper had excused absences. Those in attendance pledged allegiance to the flag. MOTION: (Brown/Christiansen). The February 22, 2012 minutes were unanimously approved.

Proposed Sign Definitions: Michael Bailey Chairman for the Sign Committee gave an update on the progress that the Committee is making and their next steps. MOTION: (Christiansen/Brown) Accept the proposed draft sign definitions. Unanimous.

The next regular meeting will be April 18, 2012. The meeting was adjourned at 7:33pm.

Respectfully submitted,

Brianna Smith
Deputy City Clerk

City of Ferndale, Humboldt County, California USA

Special Design Review Minutes for the 03/08/12 8:30am meeting

Vice Chairman Dane Cowan opened the meeting at 8:36 a.m. Committee Members Lino Mogni, Michael Sweeney and Michael Bailey, along with staff City Manager Jay Parrish and Deputy City Clerk Brianna Smith were present. Dan Brown was absent. There were no modifications to the agenda.

There was no public comment.

447 Main Street-Ferndale Repertory Theatre-Temporary Banner: MOTION: (Mogni/Bailey). Approve applicants temporary banner. Unanimous.

The meeting adjourned at 8:48am. The next meeting regular meeting will be March 22, 2012.

Respectfully submitted:

Brianna Smith
Deputy City Clerk

City of Ferndale, Humboldt County, California USA
Special Design Review Minutes for the 03/15/12 8:30am meeting

Chairman Dan Brown opened the meeting at 8:32 a.m. Committee Members Dane Cowan, Lino Mogni, Michael Sweeney and Michael Bailey, along with staff Deputy City Clerk Brianna Smith were present. There were no modifications to the agenda.

There was no public comment.

1430 Main Street-Siding: After discussion with Committee members they felt that there was not enough information to approve the application for new siding on 1430 Main Street. They would like more detail about this project. Some of their question are as followed; Are the casing and trims going to be changed out? What's the consideration on bead board on the front bay? Is the casing going to be over the top or butted? They also would like to see some visual aid such as drawings. MOTION: (Cowan/Sweeney). Table this item until more information is provided to the Committee. Unanimous.

The meeting adjourned at 8:54am. The next meeting regular meeting will be March 22, 2012.

Respectfully submitted:

Brianna Smith
Deputy City Clerk

City of Ferndale, Humboldt County, California USA

Special Design Review Minutes for the 03/19/12 8:30am meeting

Chairman Dan Brown opened the meeting at 8:32 a.m. Committee Members Dane Cowan, Lino Mogni, Michael Sweeney and Michael Bailey, along with staff City Manager Jay Parrish and Deputy City Clerk Brianna Smith, also applicants Mitch Tonini and Maggie Tonini were present. There were no modifications to the agenda.

1430 Main Street-Siding: Applicant Mitch Tonini brought in some pictures as the Design Review Committee had requested. He was able to answer the questions that the Committee had at last week's Special meeting regarding the siding. 3 samples of siding were provided to choose from. MOTION: (Bailey/Mogni). Accept proposal as stated by the applicant to put the sample number 3 on and to maintain the existing reveal on the front of the house. 4 ayes and 1 nay by Committee Member Cowan, who felt he couldn't support this change, as it physically impacts the entire area.

The meeting adjourned at 8:54am. The next meeting regular meeting will be March 22, 2012.

Respectfully submitted:

Brianna Smith
Deputy City Clerk

City of Ferndale, Humboldt County, California USA
Special Design Review Minutes for the 03/19/12 8:30am meeting

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The meeting adjourned at 8:54am. The next meeting regular meeting will be March 22, 2012.

Respectfully submitted:

Brianna Smith
Deputy City Clerk

City of Ferndale, Humboldt County, California USA

Sign Ordinance Committee Minutes for the 3/15/12 2:30 pm meeting

Chairman Michael Bailey opened the meeting at 2:31 pm. Committee members Michael Sweeney, Karen Pingitore and Trevor Harper were present. Committee member Phil Ostler was absent.

No modifications to agenda

February 16, 2012 Minutes: MOTION: Approve minutes as presented. (Pingitore/Sweeney). All in favor.

No public comment.

- A. Approval of Sign Definitions - Approved sign definitions have been forwarded to Planning Commission by approved motion at the February 16, 2012 meeting.
- B. General Sign Regulations.

Chairman Bailey introduced a proposed outline to be used as a guide in restructuring the existing sign ordinance. Discussion ensued on the General Sign Regulations which is Step 4 in the Committees' Action Plan.

General Regulations apply to all zones while individual zones have more specific regulations. Committee members discussed the need for a table of contents to make it easier to locate relevant information rather than having to search through a lengthy document for specific information. Michael Sweeney introduced a table he had prepared that was included in the Committee packet that organized the sign regulations by zoning classification. This table included signs that are principal permitted (allowed without a use permit) and signs that require a use permit. The zoning designations included "All Zones", Residential, Commercial or Manufacturing zones, and a complex of Agriculture Services Commercial, Highway Service Commercial, Limited Industrial, Heavy Industrial, Planned Development, Agriculture-Exclusive, and Public Facility zones as well as the Design Control Combining Zone.

The idea behind the table is that an applicant or other person seeking information on sign regulations can locate the zoning designation that applies to any parcel in question and then determine what sign regulations apply to that zone. The table refers to the regulations in the existing City of Ferndale sign ordinance including regulations that apply to signs that are principally permitted in any given zone as well as the signs that require a use permit. Committee members felt that this table could serve the same purpose as a table of contents and would allow for easy reference to applicable sign regulation for each zoning designation. Basically, the table would answer the question "Do I have to have a permit for a sign on my parcel?" – if yes - "What are the applicable sign regulations I would need to comply with in order to obtain an approved use permit?"

The Committee also discussed the need to incorporate Exempt and Prohibited signs somewhere in the ordinance to make it clear to both applicants and staff whether or not a sign of any kind is allowed or

not. Referring to the adopted Definitions section, exempt signs are covered under “unregulated” but the definition of unregulated is not clear. Chairman Bailey has modified the definition of unregulated to include “exempt” signs with the caveat that “Signs otherwise exempt, may nonetheless require review by the Design Review Committee if located in the D Combining Zone.”

Likewise, “Prohibited” signs are covered in the existing definition. A list of prohibited signs will need to be developed. Chairman Bailey noted that such a list has been included in the General Sign Regulation outline under the section on Prohibited or Illegal Signs.

The Committee agreed to modify the proposed outline for the updated sign ordinance by placing the “Sign Regulation by Zoning Designation” Table after the Definitions and before the General Sign Regulations. Sweeney agreed to include the City of Ferndale Sign Ordinance Article and section numbers for each set of sign regulations presented in the table.

Chairman Bailey returned the focus of discussion onto the outline for General Sign Regulations, Requirements and Restrictions. Chairman Bailey proposed that each committee member assume responsibility for developing regulations for selected sections of the outline and present their draft for discussion at the next Sign Ordinance Committee meeting in April.

Chairman Bailey presented a draft he has prepared for Sign Standards for outline section 1003.1 Sign Standards and Design Criteria which include items such as color, design and construction, and maintenance. Committee discussion address the issue that proposed regulations on color may be overstepping the intent of the ordinance to regulate signs and structural members such that they are harmonious with the surrounding architectural setting. Regulations on color in particular may be seen as subjective in nature and be left up to the owner/applicant to determine what color(s) will adequately represent the purpose of any sign in question. Within the Historic Main Street and Design Control Combining Zone, the Design Review Committee would be addressing overall aesthetics of a proposed sign and make the value determination of “in harmony” with surrounding neighborhood.

Further discussion followed on the proposed Design and Construction regulations requiring a proposed permanent sign be designed by a professional engineer, architect, etc. to ensure that signs are designed and constructed in a manner that public safety and liability issues will be protected. Committee members felt that requiring a building or business owner to hire an engineer or other design professional to design their sign could be expensive and beyond sign budgets. Karen Pingitore commented that building owners as well as business owners are “liable” for sign construction and must ensure that signs do not pose a threat to customers or passersby.

The issue of Maintenance was also discussed as it is often the absence of maintenance and deterioration of signs and supporting structures that can be subject to damage and hazard during high winds and heavy rains. Again Karen Pingitore pointed out that the subject of maintenance is the responsibility of the building and business owners. The language in the Maintenance section of Chairman Bailey’s draft points out that the City could deem a poorly maintained and dilapidated sign that may be a hazard to the public as a public nuisance and abated in compliance with the Municipal Code. In any event, the

policy of the City would be to encourage proper sign maintenance. Committee members felt that Maintenance was a very important issue and should be moved to the beginning of the section on General Sign Regulations.

Trevor Harper suggested that rather than assign sections of the outline for General Regulations to individual Sign Committee members, that each member familiarize themselves with existing language of the Ferndale Sign Ordinance as well as review sign regulations from other cities and be prepared to discuss appropriate language and regulations at subsequent meetings. In general, other Committee members supported that approach and agreed that the section on Miscellaneous Business Signs would be the subject of the next Sign Committee meeting in April. Chairman Bailey will provide each Committee member with sample sign and zoning codes from a selection of other sites for reference.

The next regular meeting will be April 19, 2012 at 2:30 pm. The meeting was adjourned at 4:00 pm.

Respectfully submitted by:

Michael Sweeney

Section 13c: Council Reports and Comments

Section 14
ADJOURNMENT