

CLOSED STUDY SESSION

Location:	City Hall	Date:	October 16, 2014
	834 Main Street	Time:	6:00 pm
	Ferndale CA 95536	Posted:	October 9, 2014

1. CALL CLOSED STUDY SESSION TO ORDER – Mayor
2. Pursuant to Government Code 54954.5, Public Employee Performance Evaluation, City Manager
3. ADJOURN CLOSED STUDY SESSION

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

Location:	City Hall	Date:	October 16, 2014
	834 Main Street	Time:	7:00 pm
	Ferndale CA 95536	Posted:	October 9, 2014

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 – City Clerk: Mayor Titus; Vice Mayor Mierzwa; Councilman Brown; Councilman Maxwell; and Councilman Sweeney.
4. REPORT OUT OF CLOSED SESSION
5. CEREMONIAL – None
6. MODIFICATIONS TO THE AGENDA
7. STUDY SESSIONS - REPORT OUT
8. 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 may 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.)

- 9. 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 Council Member, 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. Approval of Minutes of the September 4, 2014 Regular City Council Meeting Page 5
 - b. Approval of Minutes of the September 17, 2014 Special City Council Meeting Page 9
 - c. Acceptance of Printed Regular Checks and Checkbook Register for July 21 – August 20, 2014 Page 12
 - d. Acceptance of Financial Statements dated June 30, 2014 Page 30
 - e. Resolution No. 2014-20 Authorize Collection of Drainage Assessment Page 60
- 10. CALL ITEMS REMOVED FROM CONSENT CALENDAR
- 11. PRESENTATION/COMMUNITY FORUM – Humboldt County Administrative Office will give a presentation on Measure Z
- 12. PUBLIC HEARING
 - a. Second Reading Ordinance No. 2014-07 Amending Sign Ordinance 13-02 Page 62
- 13. BUSINESS
 - a. Adopt Resolution No. 2014-21 Approving Revised Personnel Policy Manual Page 66
 - b. Examples of Nuisance Ordinances From Other Jurisdictions for Review in Anticipation of Study Session Before November 6 City Council Meeting Page 136
- 14. CORRESPONDENCE Page 138
- 15. REPORTS
 - a. City Manager Report Page 170
 - b. Commissions and Committee Reports
 - i. Planning Commissions Minutes Page 180
 - ii. Design Review Committee Minutes Page 182
 - c. Minutes from Joint Power Authorities (JPAs) and Reports
 - i. Humboldt County Association of Governments (HCAOG) Page 186
 - ii. Humboldt Waste Management Authority (HWMA) Page 189
 - iii. Hazardous Materials Response Authority (HMRA) Page 191
- 16. ADJOURN

**This notice is posted in compliance with Government Code §54954.2.
 The next Regular Meeting of the Ferndale City Council will be held on Thursday,
 November 6, 2014 in the City Hall at 7:00 p.m.**

Section 1

CALL MEETING TO ORDER

Section 2

PLEDGE ALLEGIANCE

Section 3

ROLL CALL

Section 4

CLOSED SESSION REPORT OUT

Section 5

CEREMONIAL

Section 6

MODIFICATIONS TO THE AGENDA

Section 7

STUDY SESSIONS

Section 8

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 9

CONSENT CALENDAR

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, Humboldt County, California, U.S.A.
DRAFT Minutes for City Council Meeting of September 4, 2014

Mayor Stuart Titus called the Regular City Council Meeting to order at 7:01 pm. Those present pledged allegiance to the flag. The City Clerk called roll and present were Mayor Titus, Vice Mayor Mierzwa, Council Members John Maxwell, Michael Sweeney and Daniel Brown along with staff City Manager Jay Parrish, City Clerk Jennifer Church, Police Chief Bret Smith, Contract City Planner George Williamson and Contract City Engineers Praj White and Yoash Tilles.

Ceremonial: None

Modifications to the Agenda: Move item 12.g, Approve Response to Grand Jury, to come after item 12.a, Consider Appointment of Member to Serve on the Design Review Committee.

Report out of Study Session: None

Public Comment:

A member of the public, Duane Martin, addressed the Council with a comment regarding the lack of June 30, 2014 financials. Mr. Martin stated that there should at least be an unaudited report included for the public to see.

Consent Calendar: **MOTION**: to accept Consent Calendar (**Titus/Mierzwa**) **Unanimous**.

Call Items: None

Presentation / Community Forum: None.

Public Hearing:

Draft 2014 Housing Element Update: Contract City Planner George Williamson reported. Because the City had a good basis last cycle, and because there was a detailed, high quality report, the City qualified for a stream-lined review. Mr. Williamson mentioned that with the City's efforts, Ferndale Housing has been a real success. There has continually been 100% occupancy and the housing has been well-managed. The Housing Element was brought before Planning Commission and unanimously recommended approval to bring it to City Council. Councilman Sweeney noted that one map still has "Navy Housing" as opposed to "Ferndale Housing". City Manager Parrish also mentioned "Navy Housing" in the table of contents. Planner Williamson will have these changed. **MOTION**: to approve CEQA document related to Housing Element. (**Maxwell/Sweeney**) **Unanimous**. **MOTION**: to approve housing element update with two corrections to change "Navy Housing" to "Ferndale Housing" noted above. (**Maxwell/Mierzwa**). **Unanimous**.

Unmet Transit Needs: City Manager Parrish reminded the council and public that for at least the last eight years, the City has chosen option (b) during the Unmet Transit Needs hearing. Debra Dees of HCAOG stood and presented on the subject. Ms. Dees stated that the Unmet Transit Needs hearing is an annual item to ensure that there are no unmet transit needs that are reasonable to meet county-wide. The purpose of doing this annually is to make sure any unmet needs that are reasonable to meet are met before TDA funds are spent on other items such as streets and roads. Bringing it to the Council is the public participation process. Ms. Dees thanked the Council for its annual participation and hearing. Ms. Dees let the public know that flyers with information regarding this subject were distributed around the county, and are posted on buses, and on the HCAOG website. There will be an HCAOG public hearing on September

18th on the subject. All comments received by HCAOG by September 30th will be included in this year's Report of Findings. All comments will be reviewed and a determination will be made if unmet transit needs that are reasonable to be met exist. If not, funds may be requested for non-transit purposes. Data gathered on this year's Report of Findings is for the 2015-2016 year. Approval of document will be in January. City Government may implement new services prior to report from HCAOG. A member of the public, Duane Martin, asked if the construction on Main Street could be a temporary excuse for an unmet need. Ms. Dees reiterated that this is for those who don't have access to transit. An inconvenience wouldn't qualify for that. City Manager Parrish stated he would check with Humboldt Transit Authority about the possibility of a shuttle service. Mayor Titus questioned the marketability of that. City Manager Parrish reminded the council of the shuttles used for the fair in the past, it was somewhat under-utilized, and that it would be an extra expense for the city. **MOTION:** To select option b) there are no unmet transit needs which are reasonable to meet. **(Maxwell/Sweeney). Unanimous.**

Ordinance No. 2014-07 Amending Sign Ordinance 13-02: City Manager Parrish discussed the background of this item. Last Study Session gave the Council a chance to look at it again and make some suggestions regarding the Sign Ordinance. Mr. Parrish stated that the City can't regulate content, i.e. product vs open, but that the City can regulate the number and size of internally illuminated signs. Mr. Parrish also mentioned that such internally illuminated signs could only be lit during regular business hours, which would eliminate lit "closed" signs after hours. City Planner Williamson commented that this item was brought back to Planning Commission and that there was a unanimous vote by the commission in support of making the proposed changes. Councilman Maxwell stated that this amendment would allow hotels to have lit "vacancy" or "no vacancy" signs during business hours.

MOTION: to forward review for consideration of Ordinance No. 2014-07 Amending Sign Ordinance 13-02 to the October 2 City Council agenda for the second reading. **(Sweeney/Maxwell). Unanimous.**

Business:

Consider Appointment of Marc Daniels to Design Review: City Manager Parrish reported. A vacancy has been on the Design Review Committee since Mr. Warner's appointment to Planning Commission. Staff advertised this position in June. An application was received from Marc Daniels. No other applications were received. A unanimous vote in favor of appointing Mr. Daniels was taken at the August 20, 2014 Planning Commission meeting. Mr. Daniels was present at the City Council Meeting. Mr. Daniels thanked the Council for considering him for the position and stated he would try to do a good job. **MOTION:** to approve Planning Commission's recommendation of appointing Marc Daniels to Design Review Committee. **(Titus/Brown). Unanimous.** After the vote Mr. Daniels was sworn in by the City Clerk.

Approve Response to Grand Jury: Chief Smith spoke to the Council regarding the letter the City received from the Grand Jury. The letter was in regards to how children under the age of 16 should be handled in crisis. Three findings were listed in the letter as well as three recommendations for law enforcement. Chief Smith wrote a letter in response to the letter from the Grand Jury. Chief Smith took the opportunity to respond with concerns over cost and timeliness of the recommendations made by the Grand Jury. Chief Smith stated that his response was consistent with other cities. **MOTION:** to authorize the sending of the response letter to the Grand Jury. **(Maxwell/Mierwa). Unanimous.**

Authorize City Manager to Send Support Letter to Bear River Band of Rohnerville Rancheria: City Manager Parrish stated that it was good to hear from the Rancheria. The City has been working on the Salt River restoration project for over a decade. Mr. Parrish welcomes the

Rancheria as a partner in the effort of restoring the Eel River. Mr. Parrish wants to be supportive of this project. The Rancheria can use all the help they can get. Councilman Sweeney stated that it sounds like a good thing to support. **MOTION:** to authorize City Manager to send letter in support of Bear River Band of Rohnerville Rancheria Eel River Restoration Project. **(Mierzwa/Sweeney). Unanimous.**

Update from Ad Hoc Committee on Old Nilsen Property: A study session is scheduled for Wednesday, September 17th at 5:30 pm. This study session will allow City Council to discuss the three options for the site as well as allow the public to comment. Councilman Brown stated that a reason for the study session is that Councilman Sweeney will be out of town for the next City Council meeting but has been a big player throughout this project. City Manager Parrish stated that Mr. Ostler is still \$20,000 short of the \$50,000 goal and that Mr. Ostler is planning on putting out a press release regarding the project and asking for donations. If Mr. Ostler is successful in his fundraising efforts, by the October 2nd Council meeting, we can have the MOU, Lease agreement, construction costs associated with a design. If he's unsuccessful and the Council decides on option two or three, without building, then costs can be generated for one of those two options. City Engineer Praj White spoke about the process of getting the project moving forward. Currently, there is no set project until one of the three options is chosen. Once it is decided if there will be a building or not, the Engineers can get an estimate over to the Planners for a CEQA Analysis. Mr. Williamson added that this is a Planning Commission item. Mr. von Frausing-Borch confirmed that he'd appreciate having this meeting before the Planning Commission meeting, which is also on Wednesday, September 17th at 7 pm.

Rose Ave Change Orders 1B and 8A: City Engineer Praj White presented this item. Mr. White stated that this project is complete pending the actions taken at the City Council Meeting. Change Order 1B is a correction to a calculation which results in a credit of \$377 back to the city. Change Order 8A is a difference in cost of \$1,021.05 between using medium-sized stones, as originally planned, and large-sized stones that were decided on to protect the safety of the property. The City's direct cost ends up being \$10,154.50 and the rest will be reimbursed by the State of California. Mr. White informed the Council of compliments he has received from neighbors on Rose Ave regarding the construction company as well as the look of the new sidewalk. Councilman Maxwell asked City Engineers if something was set in place to guarantee the straight lines of the new sidewalk after what happened on 5th Street. Mr. White stated that they were involved throughout and feels the lines are straight and the curbs are standard. Councilman Mierzwa commented that he has heard some resident comments on the length of the project, but nothing on the sidewalks themselves. Mr. White stated that over time he can have color added to sidewalks throughout the city to match. City Manager Parrish stated that he had a discussion with CalTrans regarding the color of the sidewalks before the project started on Main and the importance of keeping the historical integrity. Mr. von Frausing-Borch shared his displeasure with the white sidewalks through town. He mentioned a CR professor, Bill Hull, with whom he thinks the City should consult with regarding sidewalk color matching. **MOTION:** to approve costs associated with change orders 1b and 8a. **(Titus/Sweeney) 4-0-1 (Mierzwa abstains)**

Rose Ave Final Payment: City Engineer Praj White reports that this pay request is for the previously mentioned change orders and release of 10% retention on the project. In his opinion, V & C Construction has completed the contract they signed up for. **MOTION:** to approve phase 2 progress payment 4 final payment for Rose Ave Pedestrian Project. **(Sweeney/Brown). Unanimous.**

Resolution no. 2014-17 Adoption on Gann Appropriations: City Manager Parrish presented that this is an annual item that should be done concurrent with the budget. Next year this item will be added to the agenda at that time so they can be passed together. Mr. Parrish shared that the purpose of the Gann Appropriations Spending Limitations is to show that the City isn't over-taxing the citizens. It is an annual way of making sure the City is taxing the correct amount. Mr. Parrish confirmed that the calculation is a formula based on per capita and population. He brought attention to the fact that Ferndale's population went down, therefore, the tax limit also went down. **MOTION:** to approve Resolution no. 2014-17 as submitted. **(Titus/Brown). Unanimous.**

Resolution no. 2014-18 Authorize the City to Borrow from NVB: City Manager Parrish stated that this is an annual loan renewal. The City cannot borrow funds for more than one year at a time. Mr. Parrish reminded the Council that last year there was a lump payment of \$25,000 to cover one month's payment and a payment towards principal. Councilman Maxwell recalled bringing up an accelerated payoff schedule last year and questioned if that was the plan again this year. Councilman Brown added that it is his opinion that it should be paid off as quickly as possible to avoid paying the interest. City Manager Parrish discussed that more could be paid and that it would come from the drainage fund. He mentioned that in the future the City could impose a new sales tax to help pay this loan off early. In the past, some interest had been shown in this. **MOTION:** to make a payment of \$25,000 as was done last year to NVB loan. **(Brown/Maxwell). Unanimous.**

Correspondence: No comments.

Reports: City Manager made a comment that a large CalTrans project is starting Monday September 8. The City anticipates calls on hardships. CalTrans will try to minimize inconveniences. They will be breaking the project into thirds. They will do one side of the street at a time to leave one lane open at all times. Chief and the Fire Department will be made aware of what streets will be affected at what time. There will be no parking on Brown Street. Fire Department had concerns of people parking in the red. There will be drop-off zones for Main Street. Mr. Parrish had a lot of meetings and a lot of interaction with CalTrans to help make this go smoothly and minimize impact. Mayor Titus mentioned a great opportunity he had to be part of opening ceremonies of the new health center. Mayor Titus stated that it is very state-of-the-art and impressive. There is already a back-log of patients utilizing this new facility.

Mayor Titus adjourned the meeting at 8:33 pm.

Respectfully submitted,

Jennifer Church, City Clerk

City of Ferndale, Humboldt County, California, U.S.A.
DRAFT Minutes for Special City Council Meeting of September 17, 2014

Mayor Stuart Titus called the Special City Council Meeting to order at 5:30 pm. Those present pledged allegiance to the flag. Mayor Titus stated for the record that all Council Members were present along with staff City Manager Jay Parrish and City Clerk Jennifer Church.

Modifications to the Agenda: None

Public Comment: None.

BUSINESS:

Review and Choose Alternative Design and Use of the Old Nilsen Property: Councilman Sweeney began the discussion by stating that the Ad Hoc Committee has not had any further meetings or discussions. The three options have been presented and the Council needs to discuss the pros and cons of each option and move forward. Mr. Sweeney stated that no votes have been made on a specific layout. Once a decision is made, focus can be put on an approximate layout. Mayor Titus turned attention to Mr. Ostler for a report on his fundraising efforts. Mr. Ostler stated that he has not raised the money and that he is exactly \$20,000 short of his goal of \$50,000. Mr. Ostler thanked the Council for their patience during his fundraising campaign. Mr. Ostler said he may have it in a month or two, but also stated that he doesn't want to hold up the project any longer. Mayor Titus thanked Mr. Ostler for his fundraising efforts and interest. Councilman Maxwell asked Mr. Ostler if those individuals who committed to donating money for this project had a time limit on their donations. Mr. Ostler responded that the people who have committed did not place a time restriction on their donations and that they are very committed to the project.

Jorgen Von Frausing-Borch commented that he thought maybe the other funds haven't been raised because there has been no progress on the project. Mr. Von Frausing-Borch wonders if people would step up with more donations once they see something moving along. Mr. Von Frausing-Borch stated that \$30,000 should be more than enough money to start making a decision. His final comment was that he would hate to see the barn torn down due to a lack of funds. Doug Brower concurred with Mr. Von Frausing-Borch and said he felt comfortable donating an additional \$5,000 from his restaurant, whether it was a donation or through a fundraiser, or however he could get it. Mr. Brower stated that he doesn't want \$20,000 to stop the City from moving forward. Michael Warner commented that he thinks we need to know the final plan before demolishing the building. Mr. Warner stated that he could also possibly make a donation towards the project.

Councilman Sweeney addressed the concerns of the public by stating that the lack of resolution has been the main obstacle in this project. Mr. Sweeney offered a little more history by saying that initially the idea was to make the barn into an artisan's workshop, but that meant human occupancy, which meant stricter codes, ADA compliance, restrooms, etc. This is when Phil Ostler stepped in. Mr. Ostler brought forward an idea that didn't require human occupancy. If the barn comes down and a fence is constructed of the old-growth redwood siding, it would keep the ambiance of the area, which is the main goal. The extra space could be used for not only parking, but also farmer's markets or artisan's fairs. It could be a gathering place. Michael Warner addressed the Council by saying that if you establish a use for the property, then that's what it will become. By keeping it in place versus just having a façade, it puts it in a holding pattern to become something else. Mr. Warner stated that the

City should keep the building to become something down the road. Councilman Brown answered Mr. Warner by stating that the City doesn't have the manpower or the funds or resources to restore or stabilize it. Mr. Brown said it is hard to imagine the barn being gone, but in its current state, it's a liability and an unattractive nuisance. One of his concerns is that someone will go into the barn for shelter and start a fire for heat and the barn would burn down.

Councilman Mierzwa shifted gears and asked City Manager Parrish if we have any cost estimates to pave the property as a parking lot. Mr. Mierzwa commented that he could see even the smallest project costing large amounts of money. City Manager Parrish said that the designs vary greatly, therefore the cost varies greatly. Councilman Mierzwa continued that he doubts \$50,000 will cover any of our options we've come up with, plus the added CEQA costs. Mr. Mierzwa advised that the City needs to be careful how the project is approached. It would be hard to put the barn back once it's been torn down. Mr. Mierzwa wants to keep all options open. He asked the City to think beyond just this property and what it means to the City as a whole. Mr. Mierzwa questioned what this project would do the budget ongoing. He'd like the project to be run by the Street Committee. There are other paving projects that need to be done and could see this project being pushed out. He doesn't see the hurry. It is his opinion that we pursue preservation first. Councilman Sweeney spoke to Councilman Mierzwa's question regarding the rush on the project. Mr. Sweeney stated that the Ad Hoc Committee had completed its charge by identifying the best options for the property based on input from citizens and research. The hurry is due to the potential liability of someone being injured or transients moving into the building and burning it down. City Manager Parrish added that the City found out the hazardous materials side of the building before accepting the property. Mr. Parrish recalled from meetings with the engineers an estimate of \$75,000 to pave the property, but that whether or not the building is there is the critical piece for getting estimates. The City was fortunate to receive this property, and City Manager Parrish stated that a garage in the middle of a parking lot isn't the optimal use. He went on to add that all the buildings intermingle. On Main Street there is an even stronger connection. The historical integrity is important for the entire ambiance of the City. Mr. Parrish stated that it would benefit the entire community to have more parking. Mr. Parrish finished by saying that we need guidance from the whole council as to the importance at each level.

Councilman Brown liked Mr. Ostler's idea of how to not only save it, but make it useful. Another attractive point is that Mr. Ostler would take control and liability of the structure and it wouldn't be the City's issue. One concern that Mr. Brown raised was that the City could be sued.

Councilman Sweeney addressed the Council regarding the buildings status. Mr. Sweeney stated that it is outside of the historic district, but inside design control. It is possible that it could qualify for a CEQA exemption according to previous discussions with Melanie. It would be a City project, so it would go before Planning Commission, but no permits would be needed. Based on initial studies, there would be no significant environmental impacts from this project.

Vice Mayor Mierzwa stated that he would like to bring this to his Monday meeting to get more opinions. Mr. Mierzwa said there are a lot of finance people and people interested in those types of projects in that group and that maybe they could throw out some cost estimates.

According to Mayor Titus, the Council is willing to give Mr. Ostler more time. Mayor Titus thanked Councilman Brown and Councilman Sweeney for their work on the Ad Hoc Committee. Because the Ad Hoc Committee is no longer meeting, there is no longer a need to have one. With this comment, Councilman Maxwell expressed some concern over the design because he has heard some citizen

concern about the width of the entrance pathway. Mr. Maxwell wants to make note for the plans that two trucks be able to pass. City Manager Parrish reviewed this with the Planners and the suggestion was to take away the parking next to the building to open that up. Councilman Sweeney added that he is sure the design will be heavily scrutinized by the Engineers regarding turning radius, setbacks, etc. Trucks will be able to get back there and turn around.

Mr. Ostler would like another 30 days to continue his fundraising efforts. Mr. Ostler thinks another 30 days would help. Mr. Ostler would like to see the building stay. In the future it can be whatever the City wants it to be. Councilman Mierzwa expressed his support to make every reasonable effort to save this building. Mr. Mierzwa also cautioned the Council about making any formal decisions because then it becomes a project and starts to cost the City money. Councilman Sweeney reiterated that this means the green light is still on for Mr. Ostler. Mr. Warner stated that he is willing to participate in anything that's needed to help develop the project more fully. Mr. Warner made a suggestion to put resources and energy into developing context around the project. Mr. Warner posed the questions to the Council: what does the City as a whole need? And what experience does the City want people to have when they are in that part of downtown?

Mayor Titus questioned whether the City could get expertise elsewhere as to the historic aspect of the building or if the Council needs to make a decision to find out if the building is historic. City Manager Parrish said that in his preliminary meetings with the Planners, it was stated that it is not historic unless the City declares it as such. Mr. Parrish stated concerns that people have been found camping in the barn and that if people want in, they'll get in. Councilman Mierzwa added that being a historic site is not black and white. It's a grey area and the City should dig a little deeper to find out the answer. City Manager Parrish said he would meet with Planwest for a more thorough review. Mr. Ostler commented that the Ferndale Museum has the barn listed as a hitching barn in 1902.

MOTION: to table the item until the November 6, 2014 regular City Council meeting. **(Titus/Mierzwa).**
Unanimous.

Mayor Titus adjourned the meeting at 6:38 pm.

Respectfully submitted,

Jennifer Church
City Clerk

City of Ferndale

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

Printed Regular Checks

General Checking - Distribution Detail - From 07/21/14 To 08/20/14
 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	
48020	07/22/14		ADSTR	ADAM STRICKER		48.78
10215024				Special department supply	48.78	
Total for ADAM STRICKER						48.78
100	07/21/14	EFT	AFLAC	AFLAC - REMIT. PROCESSING SERV.		39.32
10012260				Health insurance payable	39.32	
100	08/06/14	EFT	AFLAC	AFLAC - REMIT. PROCESSING SERV.		39.32
10012260				Health insurance payable	39.32	
Total for AFLAC - REMIT. PROCESSING SERV.						78.64
48136	08/13/14		PHIAY	AYCOCK & EDGMON		36.25
10165054.1				ACCOUNTING SERVICES	36.25	
Total for AYCOCK & EDGMON						36.25
48104	08/13/14		BAKTA	BAKER & TAYLOR		35.35
10615024				Books	35.35	
Total for BAKER & TAYLOR						35.35
48156	08/20/14		BAYWE	BAY WEST SUPPLY, INC.		373.22
10175024				Supplies - public restroom	235.35	
10155020				Building and ground maint.	30.05	
10625020				Building and ground maint.	107.82	
Total for BAY WEST SUPPLY, INC.						373.22
48086	08/06/14		CALST	CALIFORNIA STATE DISBURSEMENT UNIT		278.76
10012250				Garnishments payable	278.76	
Total for CALIFORNIA STATE DISBURSEMENT UNI						278.76
48105	08/13/14		CIG	CIG		4,040.00
10215014				Vehicle expense	3,062.72	
30515014				Vehicle expense	469.45	
24315014				Vehicle expense	507.83	
Total for CIG						4,040.00
48078	08/04/14		CITFO	CITY OF FORTUNA		1,016.66
10215035				Dispatch service	1,016.66	
Total for CITY OF FORTUNA						1,016.66
48083	08/04/14		CRAFT	CRAFTSMAN'S MALL		54.00
21625020				Building and grounds maint	54.00	
Total for CRAFTSMAN'S MALL						54.00
48106	08/13/14		CREATIVE	CREATIVE SERVICES OF NEW ENGLAND		266.95
10215024				Special department supply - Children's Ba	266.95	
Total for CREATIVE SERVICES OF NEW ENGLAND						266.95
48021	07/22/14		CRYST	CRYSTAL SPRINGS BOTTLED WATER CO.		57.25
10215012				Office expense	57.25	
Total for CRYSTAL SPRINGS BOTTLED WATER CO.						57.25

City of Ferndale

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

Printed Regular Checks

General Checking - Distribution Detail - From 07/21/14 To 08/20/14
 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	
48014	07/21/14		DVLNO	DAVE LENARDO		295.00
30515055				Contractual services	295.00	
48079	08/04/14		DVLNO	DAVE LENARDO		275.00
30515055				Contractual services	275.00	
48155	08/18/14		DVLNO	DAVE LENARDO		290.00
30515055				Contractual services	290.00	
Total for DAVE LENARDO						860.00
48107	08/13/14		DCIBU	DCI BUILDERS		196.89
30515122				Sewer line maintenance	196.89	
48157	08/20/14		DCIBU	DCI BUILDERS		208.77
30515122				Sewer line maintenance	208.77	
Total for DCI BUILDERS						405.66
48030	07/28/14		DELOR	DEL ORO WATER CO., FDLE. DIST.		749.05
24315033				Water	42.68	
10615033				Water	26.21	
10625033				Water	118.33	
10175031				Water - public restroom	121.21	
10155031				Water	261.83	
10215029				Water	58.84	
10635031				Water	62.35	
30515032				Utilities - electric - plant	57.60	
Total for DEL ORO WATER CO., FDLE. DIST.						749.05
48108	08/13/14		DOCST	DOCUSTATION INC. \ DOCUSTATION		143.70
10165078				Copy machine expense	143.70	
Total for DOCUSTATION						143.70
48031	07/28/14		EDWJO	EDWARD JONES & COMPANY		6,373.45
10105010				Deferred comp	612.41	
10215010				Deferred retirement	2,038.42	
10315010				Deferred retirement	55.32	
22315010				Deferred retirement	61.47	
26315010.1				Deferred compensation	100.73	
30515010				Deferred retirement	3,360.42	
10635010				Deferred retirement	71.86	
24315010				Deferred retirement	72.82	
Total for EDWARD JONES & COMPANY						6,373.45
48022	07/22/14		EELRI	EEL RIVER DISPOSAL		281.43
10155030				Trash service	31.31	
30515030				Garbage/sludge	250.12	
Total for EEL RIVER DISPOSAL						281.43

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Acct No.		Type		Override Description	Amount	Amount
100	07/21/14	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		961.61
	10012302			State P/R Tax Deposits	961.61	
100	07/28/14	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		772.40
	10012302			State P/R Tax Deposits	772.40	
100	08/05/14	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		939.83
	10012302			State P/R Tax Deposits	939.83	
100	08/20/14	EFT	EMPDE	EMPLOYMENT DEVELOPMENT DEPARTMENT		959.71
	10012302			State P/R Tax Deposits	959.71	
Total for EMPLOYMENT DEVELOPMENT DEPART						3,633.55
48036	07/31/14		COMAS	FERNDALE TECH.		260.00
	10125012			Office expense	260.00	
Total for FERNDALE TECH.						260.00
48037	07/31/14		FRONT	FRONTIER		1,073.74
	10155034			Telephone	287.53	
	10215034			Telephone	370.16	
	24315034			Telephone	78.19	
	10615034			Telephone	168.93	
	30515034			Telephone	168.93	
Total for FRONTIER						1,073.74
48109	08/13/14		GECAP	GE CAPITAL		221.37
	10165078			Copy machine expense	221.37	
Total for GE CAPITAL						221.37
48110	08/13/14		HAJCO	Hajoca Corp.		51.37
	30515122			Sewer line maintenance	51.37	
Total for Hajoca Corp.						51.37
48087	08/06/14		HSBS	HEALTHSMART BENEFIT SOLUTIONS, INC.		199.56
	10215007			Medical insurance - PD	61.31	
	10105007			Medical insurance- CM	7.14	
	10125007			Insurance Med/Den/Vis - CLERKS	35.55	
	25315007			Medical insurance - WW	1.29	
	24315007			Medical insurance - TDA	8.98	
	10315007			Medical insurance - STREETS	2.70	
	22315007			Medical insurance - GAS TAX	7.08	
	26315007			Medical insurance - DRAINAGE	4.78	
	30515007			Medical insurance - SEWER	53.42	
	10635007			Medical insurance - COMMUNITY	4.27	
	10012260			Health insurance payable	13.04	
Total for HEALTHSMART BENEFIT SOLUTIONS, IN						199.56
48015	07/21/14		HUMCV	HUM CO CONVENTION & VISITORS BUREAU		1,500.00
	10175072.1			Donation - Visitors & Conv.	1,500.00	
Total for HUM CO CONVENTION & VISITORS BURE						1,500.00

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Acct No.	Type	Override Description	Amount	Amount		
48016	07/21/14	HUMEH	HUM CO DEPT OF ENVIRONMENTAL HEALTH		614.35	
24315044			Meetings & dues	323.00		
30515044			Meetings and dues	291.35		
Total for HUM CO DEPT OF ENVIRONMENTAL HE					614.35	
48111	08/13/14	HUMHI	HUMBOLDT CO HISTORICAL SOCIETY		35.00	
10615024			Books	35.00		
Total for HUMBOLDT CO HISTORICAL SOCIETY					35.00	
48112	08/13/14	HUMEL	HUMBOLDT COUNTY ELECTIONS		258.35	
10165064			Election expense	258.35		
Total for HUMBOLDT COUNTY ELECTIONS					258.35	
48032	07/28/14	HUMLOD	HUMBOLDT LODGING ALLIANCE, INC.		5,376.54	
10175072.3			TOT 2% HLA QTRLY	5,376.54		
Total for HUMBOLDT LODGING ALLIANCE, INC.					5,376.54	
48113	08/13/14	HUMTE	HUMBOLDT TERMITE & PEST		114.00	
10635020			Buildings and grounds maintenance	65.00		
10215020			Building and grounds maint.	49.00		
Total for HUMBOLDT TERMITE & PEST					114.00	
48038	07/31/14	JAYPA	JAY PARRISH		400.00	
10012100			Accounts payable	400.00		
48046	07/31/14	JAYPA	JAY PARRISH Duplicate - Accountant to correct entry. Car Allowance	400.00	400.00	
10165096						
48046	08/15/14	JAYPA	JAY PARRISH Duplicate - Accountant to correct entry Car Allowance	400.00	400.00	
10165096						
Total for JAY PARRISH					1,200.00	
48114	08/13/14	JOEAU	JOE'S AUTO GLASS		180.00	
10215014			Vehicle expense	180.00		
Total for JOE'S AUTO GLASS					180.00	
48115	08/13/14	JUNLI	JUNIOR LIBRARY GUILD		Void	
10012100			Accounts payable	Void		
48132	08/13/14	JUNLI	JUNIOR LIBRARY GUILD		168.00	
10615024			Books	168.00		
Total for JUNIOR LIBRARY GUILD					168.00	
48082	08/04/14	KARBR	KARL BRUNGS		65.60	
10155020			Building and ground maint.	65.60		
48085	08/04/14	KARBR	KARL BRUNGS		84.98	
10155020			Building and ground maint.	84.98		
Total for KARL BRUNGS					150.58	
48116	08/13/14	KEESU	KEENAN SUPPLY		51.37	
30515122			Sewer line maintenance	51.37		
Total for KEENAN SUPPLY					51.37	

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Acct No.	Type			Override Description	Amount	Amount
48023	07/22/14		KRISTAVARES	KRIS TAVARES		34.17
	10125012			Office expense	34.17	
Total for KRIS TAVARES						34.17
48135	08/13/14		LMREN	L & M RENNER, INC.		3,241.98
	10215016			Fuel	1,718.25	
	24315016			Vehicle Fuel	1,134.69	
	30515016			Vehicle gas	389.04	
Total for L & M RENNER, INC.						3,241.98
48117	08/13/14		LELEXPL	LEXIPOL LLC		1,980.00
	10215053			Lexipol Services	1,980.00	
Total for LEXIPOL LLC						1,980.00
48118	08/13/14		MANHD	MANHARD CONSULTING LTD		11,031.81
	10425052			General engineering	507.00	
	40315052			Plans, specs & estimates	10,524.81	
Total for MANHARD CONSULTING LTD						11,031.81
48039	07/31/14		MERFR	MERCER FRASER COMPANY		912.74
	30515122			Sewer line maintenance	912.74	
48119	08/13/14		MERFR	MERCER FRASER COMPANY		49.79
	30515122			Sewer line maintenance	49.79	
Total for MERCER FRASER COMPANY						962.53
48080	08/04/14		MIRRE	MIRANDA'S RESCUE		450.00
	10225096			Animal control	450.00	
Total for MIRANDA'S RESCUE						450.00
48120	08/13/14		MISSN	MISSION UNIFORM & LINEN		110.13
	10635020			Buildings & grounds maintenance - Commu	92.52	
	10175024			Supplies - public restroom	17.61	
Total for MISSION UNIFORM & LINEN						110.13
48121	08/13/14		MBDVZ	MITCHELL, BRISSO. DELANEY & VRIEZE		1,092.50
	10145052			Professional services	1,092.50	
Total for MITCHELL, BRISSO. DELANEY & VRIEZE						1,092.50
48122	08/13/14		NILCO	NILSEN COMPANY		228.74
	10625020			Building and ground maint.	38.07	
	10635020			Buildings and grounds maintenance	45.43	
	30515121			Sewer plant maintenance	46.83	
	10175024			Supplies - public restroom	23.63	
	24315021			Street maintenance	74.78	
Total for NILSEN COMPANY						228.74
48123	08/13/14		NORCO	NORTH COAST LABORATORIES LTD.		4,019.00
	30515157			Effluent testing	3,859.00	
	30515157			Testing and monitoring	160.00	
Total for NORTH COAST LABORATORIES LTD.						4,019.00

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Acct No.	Type	Override Description	Amount	Amount		
48088	08/06/14	NORVL		NORTH VALLEY BANK (1) \ NORTH VALLEY BANK		1,374.04
	26315194			Interest-Six Rivers loan	1,374.04	
Total for NORTH VALLEY BANK						1,374.04
48124	08/13/14	ORGEX		ORGANIZED EXECUTIVE		147.00
	10125012			Office expense	147.00	
Total for ORGANIZED EXECUTIVE						147.00
48033	07/28/14	PACGA		PACIFIC GAS & ELECTRIC		1,237.01
	22315058			Street lighting	1,237.01	
48133	08/13/14	PACGA		PACIFIC GAS & ELECTRIC		7,001.69
	10175032			Electric - public restroom	39.42	
	10155032			Utilities electric	174.95	
	10215032			Utilities electric	158.70	
	30515032			Utilities - electric - plant	185.65	
	24315032			Utilities	117.95	
	10615032			Utilities	135.47	
	10625032			Utilities - electric	98.95	
	22315058			Street lighting	23.04	
	10635032			Utilities	333.86	
	30515032			Utilities - electric - plant	5,733.70	
Total for PACIFIC GAS & ELECTRIC						8,238.70
48024	07/22/14	PARS1		PARSAC (1) \ PARSAC		27,496.00
	10105009			Workers comp. insurance	1,249.48	
	10125009			Workers comp. insurance	4,427.52	
	10155009			Workers comp. insurance	145.18	
	10215009			Workers comp. insurance	8,943.45	
	10315009			Workers comp. insurance	548.31	
	10615009			Workers comp. insurance	246.44	
	10635009			Wokers compensation insurance	737.11	
	22315009			Workers comp. insurance	1,091.19	
	25315009			Workers compensation ins.	189.31	
	26315009.1			Workers comp. insurance	756.99	
	30515009			Workers comp. insurance	8,367.14	
	24315009			Workers comp. insurance	634.03	
	10615009			Workers comp. insurance	159.85	
Memo: WORKERS COMPENSATION						
48025	07/22/14	PARS2		PARSAC (2) \ PARSAC		18,586.00
	10165061			Insurance (PARSAC)	11,086.00	
	30515162			Insurance PARSAC Liability	7,500.00	
Memo: Liability Insurance						
Total for PARSAC						46,082.00
48040	07/31/14	PLANW		PLANWEST PARTNERS, INC.		2,461.80
	10415052			General planning services	1,271.80	
	10415058			Special Planning Projects	1,190.00	
Total for PLANWEST PARTNERS, INC.						2,461.80

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Acct No.	Type		Override Description	Amount	Amount	
48125	08/13/14		QUILL	QUILL		102.80
10615012			Office expense	102.80		
Total for QUILL						102.80
48026	07/22/14		RESTIF	RESTIF CLEANING SERVICES		302.00
10635055			Contractual Services	302.00		
48126	08/13/14		RESTIF	RESTIF CLEANING SERVICES		100.00
10635055			Contractual Services	100.00		
Total for RESTIF CLEANING SERVICES						402.00
48041	07/31/14		ROBWIDEMAN	ROBERT WIDEMAN		500.00
10215026.1			Uniform allowance	500.00		
Total for ROBERT WIDEMAN						500.00
48081	08/04/14		ROBSM	ROBIN SMITH		153.47
10245052			Professional services	153.47		
Total for ROBIN SMITH						153.47
48034	07/28/14		RWSSE	RWS SERVICES		33.86
10215088			Equipment repair other	33.86		
Total for RWS SERVICES						33.86
48127	08/13/14		SEQGA	SEQUOIA GAS COMPANY		157.48
10155033			Utilities gas	157.48		
Total for SEQUOIA GAS COMPANY						157.48
48017	07/21/14		SDRMA	SPECIAL DISTRICT RISK MANAGEMENT AUT		11,538.24
10105007			Medical insurance	511.01		
10125007			Medical insurance	1,822.72		
25315007			Medical insurance	92.35		
10215007			Medical insurance	3,930.04		
24315007			Medical insurance	330.72		
10315007			Medical insurance	276.87		
22315007			Medical insurance	384.59		
26315007			Medical insurance	253.82		
30515007			Medical insurance	2,942.98		
10635007			Medical insurance	223.04		
10012260			Health insurance payable	770.10		

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Acct No.	Type	Override Description	Amount	Amount		
48093	08/06/14	SDRMA		SPECIAL DISTRICT RISK MANAGEMENT AUT		737.91
	10105007			Medical insurance	26.72	
	10125007			Medical insurance	105.89	
	25315007			Medical insurance	4.83	
	10215007			Medical insurance	227.96	
	24315007			Medical insurance	19.03	
	10315007			Medical insurance	16.08	
	22315007			Medical insurance	17.43	
	26315007			Medical insurance	19.03	
	30515007			Medical insurance	166.79	
	10635007			Medical insurance	12.88	
	10012260			Health insurance payable	121.27	
48095	08/06/14	SDRMA		SPECIAL DISTRICT RISK MANAGEMENT AUT		11,538.24
	10105007			Medical insurance	511.01	
	10125007			Medical insurance	1,822.72	
	25315007			Medical insurance	92.35	
	10215007			Medical insurance	3,930.04	
	24315007			Medical insurance	330.72	
	10315007			Medical insurance	276.87	
	22315007			Medical insurance	384.59	
	26315007			Medical insurance	253.82	
	30515007			Medical insurance	2,942.98	
	10635007			Medical insurance	223.04	
	10012260			Health insurance payable	770.10	
Total for SPECIAL DISTRICT RISK MANAGEMENT A						23,814.39
48158	08/20/14	STAW2		STATE WATER RESOURCES CONTROL BO (1) \ STATE WATE		170.00
	30515044			Meetings and dues	170.00	
Total for STATE WATER RESOURCES CONTROL BO						170.00
48134	08/13/14	FARSH		THE FARM SHOP		65.13
	10215014			Vehicle expense	65.13	
Total for THE FARM SHOP						65.13
48018	07/21/14	FEREN		THE FERNDALE ENTERPRISE		Void
	10012100			Accounts payable	Void	
	10012100			Office expense - Council	Void	
48035	07/28/14	FEREN		THE FERNDALE ENTERPRISE		118.37
	10615024			Books	55.00	
	10115012			Office expense - Council	63.37	
48042	07/31/14	FEREN		THE FERNDALE ENTERPRISE		26.00
	10115013			Advertising - Council	26.00	
Total for THE FERNDALE ENTERPRISE						144.37
48043	07/31/14	JAMESTYLER		TYLER JAMES		500.00
	10215026.1			Uniform allowance	500.00	
Total for TYLER JAMES						500.00

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Acct No.	Type	Override Description	Amount	Amount		
48044	07/31/14		USBNK	U.S. BANK CORPORATE PAYMENT SYSTEM		297.54
	10125012			Office expense	297.54	
Total for U.S. BANK CORPORATE PAYMENT SYSTE						297.54
48128	08/13/14		UNDSE	UNDERGROUND SERVICE ALERT		152.94
	10315044			Meetings and dues	76.47	
	30515044			Meetings and dues	76.47	
Total for UNDERGROUND SERVICE ALERT						152.94
100	07/21/14	EFT	USTRE	UNITED STATES TREASURY		5,998.01
	10012301			Federal P/R Tax Deposits	5,998.01	
100	08/05/14	EFT	USTRE	UNITED STATES TREASURY		5,877.71
	10012301			Federal P/R Tax Deposits	5,877.71	
100	08/20/14	EFT	USTRE	UNITED STATES TREASURY		5,983.83
	10012301			Federal P/R Tax Deposits	5,983.83	
Total for UNITED STATES TREASURY						17,859.55
100	08/04/14	EFT	FARHO	USDA RURAL DEVELOPMENT		138,631.87
	30515194			Interest on bonds	138,631.87	
Total for USDA RURAL DEVELOPMENT						138,631.87
48102	08/11/14		VCCON	V&C CONSTRUCTION		55,511.42
	40315052			Plans, specs & estimates	23,301.00	
	40315052			Plans, specs & estimates	32,210.42	
Total for V&C CONSTRUCTION						55,511.42
48159	08/20/14		VALLU	VALLEY LUMBER		99.86
	10315021			Street maintenance	97.41	
	10635020			Buildings and grounds maintenance	2.45	
Total for VALLEY LUMBER						99.86
48129	08/13/14		VERZN	VERIZON		279.38
	10155034			Telephone	49.71	
	10215034			Telephone	171.96	
	30515034			Telephone	45.88	
	24315034			Telephone	11.83	
Total for VERIZON						279.38
48027	07/22/14		WELF	WELLS FARGO FINANCIAL LEASING		134.38
	10215024			Special department supply	134.38	
48130	08/13/14		WELF	WELLS FARGO FINANCIAL LEASING		134.38
	10215024			Special department supply	134.38	
Total for WELLS FARGO FINANCIAL LEASING						268.76
48028	07/22/14		WENCO	WENDT CONSTRUCTION CO,INC.		1,200.00
	30515030			Garbage/sludge	1,200.00	
Total for WENDT CONSTRUCTION CO,INC.						1,200.00
48131	08/13/14		WILSA	WILDWOOD SAW		106.51
	24315088			Equipment repair	106.51	

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Acct No.		Type		Override Description	Amount	Amount
Total for WILDWOOD SAW						106.51
48045	07/31/14		WDMCN	WILLIAM DONNY MOBLEY CONSTRUCTION		18,214.25
	30515122			Sewer line maintenance	18,214.25	
Total for WILLIAM DONNY MOBLEY CONSTRUCTI						18,214.25
Total for the 93 checks					370,306.91	370,306.91

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Account Distributions

Account No.	Account Description	Amount
10012100	Accounts payable	400.00
10012250	Garnishments payable	278.76
10012260	Health insurance payable	1,753.15
10012301	Federal P/R Tax Deposits	17,859.55
10012302	State P/R Tax Deposits	3,633.55
10105007	Medical insurance	1,055.88
10105009	Workers comp. insurance	1,249.48
10105010	Deferred comp	612.41
10012100	Office expense - Council	63.37
10115013	Advertising - Council	26.00
10125007	Insurance Med/Den/Vis	3,786.88
10125009	Workers comp. insurance	4,427.52
10125012	Office expense	738.71
10145052	Professional services	1,092.50
10155009	Workers comp. insurance	145.18
10155020	Building and ground maint.	180.63
10155030	Trash service	31.31
10155031	Water	261.83
10155032	Utilities electric	174.95
10155033	Utilities gas	157.48
10155034	Telephone	337.24
10165054.1	ACCOUNTING SERVICES	36.25
10165061	Insurance (PARSAC)	11,086.00
10165064	Election expense	258.35
10165078	Copy machine expense	365.07
10165096	Car Allowance	800.00
10175024	Supplies - public restroom	276.59
10175031	Water - public restroom	121.21
10175032	Electric - public restroom	39.42
10175072.1	Donation - Visitors & Conv.	1,500.00
10175072.3	TOT 2% HLA QTRLY	5,376.54
10215007	Medical insurance	8,149.35
10215009	Workers comp. insurance	8,943.45

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10215010	Deferred retirement	2,038.42
10215012	Office expense	57.25
10215014	Vehicle expense	3,307.85
10215016	Fuel	1,718.25
10215020	Building and grounds maint.	49.00
10215024	Special department supply	584.49
10215026.1	Uniform allowance	1,000.00
10215029	Water	58.84
10215032	Utilities electric	158.70
10215034	Telephone	542.12
10215035	Dispatch service	1,016.66
10215053	Lexipol Services	1,980.00
10215088	Equipment repair other	33.86
10225096	Animal control	450.00
10245052	Professional services	153.47
10315007	Medical insurance	572.52
10315009	Workers comp. insurance	548.31
10315010	Deferred retirement	55.32
10315021	Street maintenance	97.41
10315044	Meetings and dues	76.47
10415052	General planning services	1,271.80
10415058	Special Planning Projects	1,190.00
10425052	General engineering	507.00
10615009	Workers comp. insurance	406.29
10615012	Office expense	102.80
10615024	Books	293.35
10615032	Utilities	135.47
10615033	Water	26.21
10615034	Telephone	168.93
10625020	Building and ground maint.	145.89
10625032	Utilities - electric	98.95
10625033	Water	118.33
10635007	Medical insurance	463.23
10635009	Wokers compensation insurance	737.11
10635010	Deferred retirement	71.86
10635020	Buildings and grounds maintenance	205.40

City of Ferndale

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

Printed Regular Checks

General Checking - Distribution Detail - From 07/21/14 To 08/20/14
 Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

10635031	Water	62.35
10635032	Utilities	333.86
10635055	Contractual Services	402.00
21625020	Building and grounds maint	54.00
22315007	Medical insurance	793.69
22315009	Workers comp. insurance	1,091.19
22315010	Deferred retirement	61.47
22315058	Street lighting	1,260.05
24315007	Medical insurance	689.45
24315009	Workers comp. insurance	634.03
24315010	Deferred retirement	72.82
24315014	Vehicle expense	507.83
24315016	Fuel	1,134.69
24315021	Street maintenance	74.78
24315032	Utilities	117.95
24315033	Water	42.68
24315034	Telephone	90.02
24315044	Meetings & dues	323.00
24315088	Equipment repair	106.51
25315007	Medical insurance	190.82
25315009	Workers compensation ins.	189.31
26315007	Medical insurance	531.45
26315009.1	Workers comp. insurance	756.99
26315010.1	Deferred compensation	100.73
26315194	Interest-Six Rivers loan	1,374.04
30515007	Medical insurance	6,106.17
30515009	Workers comp. insurance	8,367.14
30515010	Deferred retirement	3,360.42
30515014	Vehicle expense	469.45
30515016	Vehicle gas	389.04
30515030	Garbage/sludge	1,450.12
30515032	Utilities - electric - plant	5,976.95
30515034	Telephone	214.81
30515044	Meetings and dues	537.82
30515055	Contractual services	860.00
30515121	Sewer plant maintenance	46.83

City of Ferndale

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

Printed Regular Checks

General Checking - Distribution Detail - From 07/21/14 To 08/20/14

Check #: All - Vendor: All - Payee Name: All - By Payee Name - AP Pmt Distribution

30515122	Sewer line maintenance	19,685.18
30515157	Testing and monitoring	4,019.00
30515162	Insurance PARSAC Liability	7,500.00
30515194	Interest on bonds	138,631.87
40315052	Plans, specs & estimates	66,036.23
		<hr/> 370,306.91 <hr/>

City of Ferndale

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

Checkbook Register

General Checking

From 07/21/14 To 08/20/14 - By Check Number

Number	Date	Payee/Description	Vendor Name	Checks \ Payments	Deposits \ Additions	Balance
		Beginning balance				641,520.80
Deposit	07/31/14	AR Deposit			22,231.83	663,752.63
Deposit	07/31/14	AR Deposit			13,497.73	677,250.36
Deposit	08/12/14	AR Deposit			10.00	677,260.36
Deposit	08/12/14	AR Deposit			70,985.92	748,246.28
Deposit	08/20/14	AR Deposit			5,000.00	753,246.28
Deposit	08/20/14	DELETED AR Deposit		5,000.00		748,246.28
Deposit	08/20/14	AR Deposit			10,415.90	758,662.18
100	07/21/14	AFLAC - REMIT. PROCESSING SE		39.32		758,622.86
100	07/21/14	EMPLOYMENT DEVELOPMENT D		961.61		757,661.25
100	07/21/14	UNITED STATES TREASURY		5,998.01		751,663.24
100	07/28/14	EMPLOYMENT DEVELOPMENT D		772.40		750,890.84
100	08/04/14	USDA RURAL DEVELOPMENT		138,631.87		612,258.97
100	08/05/14	EMPLOYMENT DEVELOPMENT D		939.83		611,319.14
100	08/05/14	UNITED STATES TREASURY		5,877.71		605,441.43
100	08/06/14	AFLAC - REMIT. PROCESSING SE		39.32		605,402.11
100	08/20/14	EMPLOYMENT DEVELOPMENT D		959.71		604,442.40
100	08/20/14	UNITED STATES TREASURY		5,983.83		598,458.57
47996	07/22/14	KEVIN BRADSHAW		283.08		598,175.49
47997	07/22/14	WILLIAM O. BRIGGS		119.29		598,056.20
47998	07/22/14	ELIZABETH CONNER		1,307.77		596,748.43
47999	07/22/14	STEVE L. COPPINI		1,904.41		594,844.02
48000	07/22/14	JOHNNY F. HOPPIS		1,054.83		593,789.19
48001	07/22/14	TYLER JAMES		1,033.24		592,755.95
48002	07/22/14	NANCY S. KAYTIS-SLOCUM		18.49		592,737.46
48003	07/22/14	TIMOTHY W. MIRANDA		1,016.57		591,720.89
48004	07/22/14	JAY D. PARRISH		2,040.95		589,679.94
48005	07/22/14	DIANNA L. RICHARDSON		101.69		589,578.25
48006	07/22/14	BRET A. SMITH		1,340.26		588,237.99
48007	07/22/14	ADAM D. STRICKER		1,284.17		586,953.82
48008	07/22/14	KRISTENE M. TAVARES		1,141.50		585,812.32
48009	07/22/14	STEVE A. THRAP		1,252.82		584,559.50
48010	07/22/14	DONNA E. TIMMERMAN		1,318.05		583,241.45
48011	07/22/14	BONNIE K. VON BRAUN		66.32		583,175.13
48012	07/22/14	ROBERT A. WIDEMAN		1,066.72		582,108.41
48013	07/22/14	CHRISTOPHER D. WILLIAMS		1,020.32		581,088.09
48014	07/21/14	DAVE LENARDO		295.00		580,793.09
48015	07/21/14	HUM CO CONVENTION & VISIT		1,500.00		579,293.09
48016	07/21/14	HUM CO DEPT OF ENVIRONMENT		614.35		578,678.74
48017	07/21/14	SPECIAL DISTRICT RISK MANAGE		11,538.24		567,140.50
48018	07/21/14	THE FERNDALE ENTERPRISE		Void		567,140.50
48020	07/22/14	ADAM STRICKER		48.78		567,091.72
48021	07/22/14	CRYSTAL SPRINGS BOTTLED WA		57.25		567,034.47
48022	07/22/14	EEL RIVER DISPOSAL		281.43		566,753.04
48023	07/22/14	KRIS TAVARES		34.17		566,718.87

City of Ferndale

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

Checkbook Register

General Checking

From 07/21/14 To 08/20/14 - By Check Number

Number	Date	Payee/Description	Vendor Name	Checks \ Payments	Deposits \ Additions	Balance
48024	07/22/14	PARSAC Memo: WORKERS COMPENSATION	PARSAC (1)	27,496.00		539,222.87
48025	07/22/14	PARSAC Memo: Liability Insurance	PARSAC (2)	18,586.00		520,636.87
48026	07/22/14	RESTIF CLEANING SERVICES		302.00		520,334.87
48027	07/22/14	WELLS FARGO FINANCIAL LEA		134.38		520,200.49
48028	07/22/14	WENDT CONSTRUCTION CO,I		1,200.00		519,000.49
48030	07/28/14	DEL ORO WATER CO., FDLE. DI		749.05		518,251.44
48031	07/28/14	EDWARD JONES & COMPANY		6,373.45		511,877.99
48032	07/28/14	HUMBOLDT LODGING ALLIAN		5,376.54		506,501.45
48033	07/28/14	PACIFIC GAS & ELECTRIC		1,237.01		505,264.44
48034	07/28/14	RWS SERVICES		33.86		505,230.58
48035	07/28/14	THE FERNDALE ENTERPRISE		118.37		505,112.21
48036	07/31/14	FERNDALE TECH.		260.00		504,852.21
48037	07/31/14	FRONTIER		1,073.74		503,778.47
48038	07/31/14	JAY PARRISH		400.00		503,378.47
48039	07/31/14	MERCER FRASER COMPANY		912.74		502,465.73
48040	07/31/14	PLANWEST PARTNERS, INC.		2,461.80		500,003.93
48041	07/31/14	ROBERT WIDEMAN		500.00		499,503.93
48042	07/31/14	THE FERNDALE ENTERPRISE		26.00		499,477.93
48043	07/31/14	TYLER JAMES		500.00		498,977.93
48044	07/31/14	U.S. BANK CORPORATE PAYMEN		297.54		498,680.39
48045	07/31/14	WILLIAM DONNY MOBLEY CON		18,214.25		480,466.14
48046	07/31/14	JAY PARRISH - Duplicate	Accountant to correct entry.	400.00		480,066.14
48046	08/15/14	JAY PARRISH - Duplicate	Accountant to correct entry.	400.00		479,666.14
48047	08/05/14	MARY ELLEN BOYNTON		18.49		479,647.65
48048	08/05/14	WILLIAM O. BRIGGS		119.28		479,528.37
48049	08/05/14	ELIZABETH CONNER		1,304.26		478,224.11
48050	08/05/14	STEVE L. COPPINI		1,842.35		476,381.76
48051	08/05/14	TYLER JAMES		1,033.25		475,348.51
48052	08/05/14	TIMOTHY W. MIRANDA		961.87		474,386.64
48053	08/05/14	JAY D. PARRISH		2,040.96		472,345.68
48054	08/05/14	DIANNA L. RICHARDSON		83.20		472,262.48
48055	08/05/14	MARIA A. ROSA		245.51		472,016.97
48056	08/05/14	BRET A. SMITH		1,340.26		470,676.71
48057	08/05/14	ADAM D. STRICKER		1,284.17		469,392.54
48058	08/05/14	KRISTENE M. TAVARES		1,141.25		468,251.29
48059	08/05/14	STEVE A. THRAP		1,252.82		466,998.47
48060	08/05/14	DONNA E. TIMMERMAN		1,239.90		465,758.57
48061	08/05/14	BONNIE K. VON BRAUN		99.48		465,659.09
48062	08/05/14	ROBERT A. WIDEMAN		1,066.73		464,592.36
48063	08/05/14	CHRISTOPHER D. WILLIAMS		1,020.31		463,572.05
48078	08/04/14	CITY OF FORTUNA		1,016.66		462,555.39
48079	08/04/14	DAVE LENARDO		275.00		462,280.39
48080	08/04/14	MIRANDA'S RESCUE		450.00		461,830.39

City of Ferndale

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

Checkbook Register

General Checking

From 07/21/14 To 08/20/14 - By Check Number

Number	Date	Payee/Description	Vendor Name	Checks \ Payments	Deposits \ Additions	Balance
48081	08/04/14	ROBIN SMITH		153.47		461,676.92
48082	08/04/14	KARL BRUNGS		65.60		461,611.32
48083	08/04/14	CRAFTSMAN'S MALL		54.00		461,557.32
48084	08/05/14	JOHNNY F. HOPPIS		1,018.68		460,538.64
48085	08/04/14	KARL BRUNGS		84.98		460,453.66
48086	08/06/14	CALIFORNIA STATE DISBURSEM		278.76		460,174.90
48087	08/06/14	HEALTHSMART BENEFIT SOLUT		199.56		459,975.34
48088	08/06/14	NORTH VALLEY BANK	NORTH VALLEY B	1,374.04		458,601.30
48093	08/06/14	SPECIAL DISTRICT RISK MANAGE		737.91		457,863.39
48095	08/06/14	SPECIAL DISTRICT RISK MANAGE		11,538.24		446,325.15
48102	08/11/14	V&C CONSTRUCTION		55,511.42		390,813.73
48104	08/13/14	BAKER & TAYLOR		35.35		390,778.38
48105	08/13/14	CIG		4,040.00		386,738.38
48106	08/13/14	CREATIVE SERVICES OF NEW E		266.95		386,471.43
48107	08/13/14	DCI BUILDERS		196.89		386,274.54
48108	08/13/14	DOCUSTATION	DOCUSTATION I	143.70		386,130.84
48109	08/13/14	GE CAPITAL		221.37		385,909.47
48110	08/13/14	Hajoca Corp.		51.37		385,858.10
48111	08/13/14	HUMBOLDT CO HISTORICAL SO		35.00		385,823.10
48112	08/13/14	HUMBOLDT COUNTY ELECTI		258.35		385,564.75
48113	08/13/14	HUMBOLDT TERMITE & PEST		114.00		385,450.75
48114	08/13/14	JOE'S AUTO GLASS		180.00		385,270.75
48115	08/13/14	JUNIOR LIBRARY GUILD		Void		385,270.75
48116	08/13/14	KEENAN SUPPLY		51.37		385,219.38
48117	08/13/14	LEXIPOL LLC		1,980.00		383,239.38
48118	08/13/14	MANHARD CONSULTING LTD		11,031.81		372,207.57
48119	08/13/14	MERCER FRASER COMPANY		49.79		372,157.78
48120	08/13/14	MISSION UNIFORM & LINEN		110.13		372,047.65
48121	08/13/14	MITCHELL, BRISSO. DELANEY &		1,092.50		370,955.15
48122	08/13/14	NILSEN COMPANY		228.74		370,726.41
48123	08/13/14	NORTH COAST LABORATORIES L		4,019.00		366,707.41
48124	08/13/14	ORGANIZED EXECUTIVE		147.00		366,560.41
48125	08/13/14	QUILL		102.80		366,457.61
48126	08/13/14	RESTIF CLEANING SERVICES		100.00		366,357.61
48127	08/13/14	SEQUOIA GAS COMPANY		157.48		366,200.13
48128	08/13/14	UNDERGROUND SERVICE ALER		152.94		366,047.19
48129	08/13/14	VERIZON		279.38		365,767.81
48130	08/13/14	WELLS FARGO FINANCIAL LEA		134.38		365,633.43
48131	08/13/14	WILDWOOD SAW		106.51		365,526.92
48132	08/13/14	JUNIOR LIBRARY GUILD		168.00		365,358.92
48133	08/13/14	PACIFIC GAS & ELECTRIC		7,001.69		358,357.23
48134	08/13/14	THE FARM SHOP		65.13		358,292.10
48135	08/13/14	L & M RENNER, INC.		3,241.98		355,050.12
48136	08/13/14	AYCOCK & EDGMON		36.25		355,013.87
48137	08/19/14	FARAZ AZIZSOLTANI		412.61		354,601.26

City of Ferndale

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

Checkbook Register

General Checking

From 07/21/14 To 08/20/14 - By Check Number

Number	Date	Payee/Description	Vendor Name	Checks \ Payments	Deposits \ Additions	Balance
48138	08/19/14	MARY ELLEN BOYNTON		83.20		354,518.06
48139	08/19/14	WILLIAM O. BRIGGS		119.29		354,398.77
48140	08/19/14	JENNIFER L. CHURCH		675.42		353,723.35
48141	08/19/14	ELIZABETH CONNER		1,307.76		352,415.59
48142	08/19/14	STEVE L. COPPINI		1,842.35		350,573.24
48143	08/19/14	JOHNNY F. HOPPIS		900.60		349,672.64
48144	08/19/14	TYLER JAMES		1,033.24		348,639.40
48145	08/19/14	TIMOTHY W. MIRANDA		961.87		347,677.53
48146	08/19/14	JAY D. PARRISH		2,040.95		345,636.58
48147	08/19/14	DIANNA L. RICHARDSON		83.21		345,553.37
48148	08/19/14	BRET A. SMITH		1,340.26		344,213.11
48149	08/19/14	ADAM D. STRICKER		1,284.17		342,928.94
48150	08/19/14	KRISTENE M. TAVARES		1,141.50		341,787.44
48151	08/19/14	STEVE A. THRAP		1,252.82		340,534.62
48152	08/19/14	DONNA E. TIMMERMAN		1,388.14		339,146.48
48153	08/19/14	ROBERT A. WIDEMAN		1,066.72		338,079.76
48154	08/19/14	CHRISTOPHER D. WILLIAMS		1,020.32		337,059.44
48155	08/18/14	DAVE LENARDO		290.00		336,769.44
48156	08/20/14	BAY WEST SUPPLY, INC.		373.22		336,396.22
48157	08/20/14	DCI BUILDERS		208.77		336,187.45
48158	08/20/14	STATE WATER RESOURCES CON	STATE WATER R	170.00		336,017.45
48159	08/20/14	VALLEY LUMBER		99.86		335,917.59
				427,744.59	122,141.38	

City of Ferndale
Financial Statements
June 30, 2014

City of Ferndale
Financial Statements
June 30, 2014

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General Fund
Balance Sheet
As of June 30, 2014

ASSETS

Current Assets	
Cash	\$ 494,432.26
Petty cash	60.00
Cash-Restricted-insurance	15,000.00
Undeposited funds	1,530.38
Revenue receivable	117,457.35
Interest receivable	389.06
Due from other funds	<u>41,402.04</u>
 Total Current Assets	 \$ <u>670,271.09</u>
 TOTAL ASSETS	 \$ <u><u>670,271.09</u></u>

LIABILITIES AND NET ASSETS

Current Liabilities	
Accounts payable	\$ 120,044.23
Garnishments payable	12.27
Health insurance payable	5,491.31
Federal withholding payable	1,690.00
State unemployment payable	<u>772.40</u>
 Total Current Liabilities	 \$ <u>128,010.21</u>
 Total Liabilities	 \$ <u>128,010.21</u>
Fund Balance	
Fund balance-unappropriated	\$ 588,234.08
Fund balance-special purposes	10,000.00
Revenue over (under) expenditures	<u>(55,973.20)</u>
Total Fund Balance	\$ <u>542,260.88</u>
 TOTAL LIABILITIES AND FUND BALANCE	 \$ <u><u>670,271.09</u></u>

Russ Park Fund
Balance Sheet
As of June 30, 2014

ASSETS

Current Assets		
Cash	\$	<u>4,466.79</u>
Total Current Assets	\$	<u>4,466.79</u>
TOTAL ASSETS	\$	<u><u>4,466.79</u></u>

LIABILITIES AND NET ASSETS

Current Liabilities

Fund Balance		
Fund balance-unappropriated	\$	(1,789.47)
Fund balance-special purposes		6,262.19
Revenue over (under) expenditures		<u>(5.93)</u>
Total Fund Balance	\$	<u>4,466.79</u>
TOTAL LIABILITIES AND FUND BALANCE	\$	<u><u>4,466.79</u></u>

Park Fund
Balance Sheet
As of June 30, 2014

ASSETS

Current Assets		
Cash-Restricted-Fireman's PK	219.24	
Cash-Restricted-Bocce Ball Court	<u>1,854.92</u>	
Total Current Assets		\$ <u>2,074.16</u>
TOTAL ASSETS		\$ <u><u>2,074.16</u></u>
LIABILITIES AND NET ASSETS		
Current Liabilities		
Due to other funds	<u>\$ 11,351.19</u>	
Total Current Liabilities		\$ <u>11,351.19</u>
Total Liabilities		\$ <u>11,351.19</u>
Fund Balance		
Fund balance-unappropriated	\$ 4,590.54	
Revenue over (under) expenditures	<u>(13,867.57)</u>	
Total Fund Balance		\$ <u>(9,277.03)</u>
TOTAL LIABILITIES AND FUND BALANCE		\$ <u><u>2,074.16</u></u>

Gas Tax Fund
Balance Sheet
As of June 30, 2014

ASSETS

Current Assets		
Cash	\$	67,902.96
Gas tax		<u>5,597.73</u>
Total Current Assets	\$	<u>73,500.69</u>
TOTAL ASSETS	\$	<u><u>73,500.69</u></u>

LIABILITIES AND NET ASSETS

Current Liabilities

Fund Balance		
Fund balance-special purposes	\$	70,618.83
Revenue over (under) expenditures		<u>2,881.86</u>
Total Fund Balance	\$	<u>73,500.69</u>
TOTAL LIABILITIES AND FUND BALANCE	\$	<u><u>73,500.69</u></u>

TEA 21
Balance Sheet
As of June 30, 2014

ASSETS

Current Assets		
Cash	\$	<u>66,854.67</u>
Total Current Assets	\$	<u>66,854.67</u>
TOTAL ASSETS	\$	<u><u>66,854.67</u></u>

LIABILITIES AND NET ASSETS

Current Liabilities

Fund Balance		
Fund balance-special purposes	\$	66,741.13
Revenue over (under) expenditures		<u>113.54</u>
Total Fund Balance	\$	<u>66,854.67</u>
TOTAL LIABILITIES AND FUND BALANCE	\$	<u><u>66,854.67</u></u>

Transportation Development Act

Balance Sheet
As of June 30, 2014

ASSETS

Current Assets

Cash \$ 240,900.30

Total Current Assets \$ 240,900.30

TOTAL ASSETS \$ 240,900.30

LIABILITIES AND NET ASSETS

Current Liabilities

Fund Balance

Fund balance-special purposes \$ 251,687.21

Revenue over (under) expenditures (10,786.91)

Total Fund Balance \$ 240,900.30

TOTAL LIABILITIES AND
FUND BALANCE \$ 240,900.30

Integrated Waste Management

Balance Sheet

As of June 30, 2014

ASSETS

Current Assets

Cash	\$	<u>43,224.07</u>	
Total Current Assets			\$ <u>43,224.07</u>
TOTAL ASSETS			\$ <u><u>43,224.07</u></u>

LIABILITIES AND NET ASSETS

Current Liabilities

Fund Balance

Fund balance-special purposes	\$	36,825.69	
Revenue over (under) expenditures		<u>6,398.38</u>	
Total Fund Balance			\$ <u>43,224.07</u>
TOTAL LIABILITIES AND FUND BALANCE			\$ <u><u>43,224.07</u></u>

Drainage Fund

Balance Sheet
As of June 30, 2014

ASSETS

Current Assets		
Cash	\$	<u>110,842.50</u>
Total Current Assets	\$	<u>110,842.50</u>
TOTAL ASSETS	\$	<u><u>110,842.50</u></u>
LIABILITIES AND NET ASSETS		
Current Liabilities		
Accrued interest payable	\$	<u>613.02</u>
Total Current Liabilities	\$	<u>613.02</u>
Total Liabilities	\$	<u>613.02</u>
Fund Balance		
Fund balance-special purposes	\$	173,517.43
Revenue over (under) expenditures		<u>(63,287.95)</u>
Total Fund Balance	\$	<u>110,229.48</u>
TOTAL LIABILITIES AND FUND BALANCE	\$	<u><u>110,842.50</u></u>

TE Funds - Ped. and Bicycle Path
Balance Sheet
As of June 30, 2014

ASSETS

Current Assets		
Revenue receivable	<u>139,497.95</u>	
Total Current Assets		\$ <u>139,497.95</u>
TOTAL ASSETS		\$ <u><u>139,497.95</u></u>
LIABILITIES AND NET ASSETS		
Current Liabilities		
Accounts payable	\$ 125,190.45	
Due to other funds	<u>30,050.86</u>	
Total Current Liabilities		\$ <u>155,241.31</u>
Total Liabilities		\$ <u>155,241.31</u>
Fund Balance		
Fund balance-special purposes	\$ (0.09)	
Revenue over (under) expenditures	<u>(15,743.27)</u>	
Total Fund Balance		\$ <u>(15,743.36)</u>
TOTAL LIABILITIES AND FUND BALANCE		\$ <u><u>139,497.95</u></u>

Sewer Fund
Balance Sheet
As of June 30, 2014

ASSETS	
Current Assets	
Cash	\$ <u>466,132.79</u>
Total Current Assets	\$ <u>466,132.79</u>
Fixed Assets	
Vehicles	\$ 18,905.00
Equipment	97,646.87
Less accumulated depreciation	(71,320.36)
Sewer system	13,436,274.06
Less accumulated depreciation	<u>(1,951,995.13)</u>
Total Fixed Assets	\$ <u>11,529,510.44</u>
TOTAL ASSETS	\$ <u><u>11,995,643.23</u></u>
LIABILITIES AND FUND EQUITY	
Liabilities	
Accrued interest payable	47,464.94
Notes payable-long term	14,811.07
Notes payable-water res #2	4,911.92
Notes Payable USDA	<u>4,769,000.00</u>
Total Liabilities	\$ <u>4,836,187.93</u>
Total Liabilities	\$ <u>4,836,187.93</u>
Fund Equity	
Retained earnings-unreserved	\$ 229,093.22
Investment in fixed assets	6,940,391.00
Revenue over (under) expenditures	<u>(10,028.92)</u>
Total Fund Equity	\$ <u>7,159,455.30</u>
TOTAL LIABILITIES AND FUND EQUITY	\$ <u><u>11,995,643.23</u></u>

Governmental Fixed Assets

Balance Sheet
As of June 30, 2014

ASSETS	
Fixed Assets	
Buildings and improvements	463,886.10
Accumulated depreciation	(130,577.66)
Vehicles	123,652.97
Accumulated depreciation	(88,036.15)
Equipment	109,735.82
Accumulated depreciation	(109,735.82)
Less accumulated depreciation	10,700,070.45
Accumulated depreciation- Roadways	(4,483,682.67)
Sidewalks	163,000.00
Accumulated depreciation - Sidewalks	(101,632.22)
Sewer system	25,200.00
accumulated depreciation - Streetlights	(13,440.00)
Less accumulated depreciation	<u>131,000.00</u>
 Total Fixed Assets	 \$ <u>6,789,440.82</u>
 TOTAL ASSETS	 \$ <u><u>6,789,440.82</u></u>
 LIABILITIES AND FUND BALANCE	
Fund Balance	
Investment in Fixed Assets	\$ <u>6,789,440.82</u>
Total Fund Balance	\$ <u>6,789,440.82</u>
 TOTAL LIABILITIES AND FUND BALANCE	 \$ <u><u>6,789,440.82</u></u>

General Government Long term Debt

Balance Sheet
As of June 30, 2014

ASSETS		LIABILITIES AND FUND BALANCE	
Liabilities			
Vacation payable	\$	(39,292.38)	
Notes payable		<u>(116,226.28)</u>	
Total Liabilities			\$ <u>(155,518.66)</u>
Fund Balance			
Fund balance-long term debt	\$	<u>155,518.66</u>	
Total Fund Balance			\$ <u>155,518.66</u>
TOTAL LIABILITIES AND			
FUND BALANCE			<u><u>\$ -</u></u>

City of Ferndale
 General Fund
 Statement of Activities-Cash Basis
 Actual vs. Budget
 For the 12 Months Ended June 30, 2014

	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
Revenues					
Taxes					
10014102 - Property tax-secured	\$ (22,007.11)	\$ 124,103.84	\$ 140,000.00	\$ (15,896.16)	(89)%
10014104 - Property tax-unsecured	(1,791.49)	4,931.18	5,000.00	(68.82)	(99)%
10014106 - Property tax prior	38,161.15	38,161.15	0.00	38,161.15	0%
10014107 - Supplemental role	(1,085.43)	2,360.82	4,000.00	(1,639.18)	(59)%
10014110 - Sales and use tax	23,029.79	149,493.59	110,000.00	39,493.59	(136)%
10014111 - Trash franchise	1,053.47	5,772.62	4,040.00	1,732.62	(143)%
10014112 - PG&E franchise	0.00	6,420.57	9,000.00	(2,579.43)	(71)%
10014114 - Cable franchise	6,117.24	23,906.82	17,500.00	6,406.82	(137)%
10014116 - Business license tax	8,335.00	26,378.50	17,000.00	9,378.50	(155)%
10014118 - Real property transfer tax	1,395.58	4,110.10	2,000.00	2,110.10	(206)%
10014120 - Transient lodging tax	30,196.63	126,270.71	80,000.00	46,270.71	(158)%
Total Taxes	83,404.83	511,909.90	388,540.00	123,369.90	132%
Licenses and Permits					
10024132 - Construction permits	\$ 4,059.95	\$ 25,623.37	\$ 18,500.00	\$ 7,123.37	(139)%
10024164 - Health protection	175.00	1,050.00	4,000.00	(2,950.00)	(26)%
10024166 - Encroachment permits	0.00	280.00	200.00	80.00	(140)%
10024278 - Animal license fees	490.00	3,783.75	2,800.00	983.75	(135)%
Total Licenses and Permits	4,724.95	30,737.12	25,500.00	5,237.12	121%
Fines					
10034283 - Court fines	\$ 3,391.71	\$ 5,253.16	\$ 5,000.00	\$ 253.16	(105)%
Total Fines	3,391.71	5,253.16	5,000.00	253.16	105%
Use of Money and Property					
10044182 - Interest	\$ 543.48	\$ 781.15	\$ 1,100.00	\$ (318.85)	(71)%
10044297 - Town hall rent	515.00	4,835.00	12,000.00	(7,165.00)	(40)%
10044297.1 - Community Center rents	2,442.00	23,947.07	30,000.00	(6,052.93)	(80)%
Total Use of Money and Property	3,500.48	29,563.22	43,100.00	(13,536.78)	69%

City of Ferndale
General Fund
Statement of Activities-Cash Basis
Actual vs. Budget
For the 12 Months Ended June 30, 2014

REVENUE - Continued	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
Intergovernmental					
10054204 - Motor vehicle in-lieu tax	\$ (5,509.76)	\$ 122,020.66	\$ 150,000.00	\$ (27,979.34)	(81)%
10054222 - Home owners prop. tax relief	303.13	2,020.91	2,000.00	20.91	(101)%
10054286 - Street sweeping	0.00	1,900.00	3,800.00	(1,900.00)	(50)%
10054290 - Peace off. stds. & trng.	9,307.13	9,657.13	3,200.00	6,457.13	(302)%
10054292 - Realignment Grant	20,000.00	20,000.00	0.00	20,000.00	0%
10054300 - Public safety 1/2 cent	1,022.26	3,850.20	3,000.00	850.20	(128)%
10054310 - COPS program	<u>5,262.41</u>	<u>88,952.26</u>	<u>100,000.00</u>	<u>(11,047.74)</u>	<u>(89)%</u>
Total Intergovernmental	<u>30,385.17</u>	<u>248,401.16</u>	<u>262,000.00</u>	<u>(13,598.84)</u>	<u>95%</u>
Fees for Service					
10084271 - Parking fees	\$ 0.00	\$ 61.75	\$ 500.00	\$ (438.25)	(12)%
10084279 - Copy machine fees - Library	0.00	143.65	225.00	(81.35)	(64)%
10084280 - Copy machine fees - City	1.50	27.12	125.00	(97.88)	(22)%
10084291 - Special police services	10.00	4,680.00	12,712.39	(8,032.39)	(37)%
10084298 - Fair racing revenue	<u>0.00</u>	<u>2,438.45</u>	<u>2,500.00</u>	<u>(61.55)</u>	<u>(98)%</u>
Total Fees for Service	<u>11.50</u>	<u>7,350.97</u>	<u>16,062.39</u>	<u>(8,711.42)</u>	<u>46%</u>
Other Revenue					
10094284 - Donations - Library	\$ 0.00	\$ 125.00	\$ 300.00	\$ (175.00)	(42)%
10094284.1 - Donations - City	140,141.00	141,719.48	20,450.00	121,269.48	(693)%
10094306 - Lytle Foundation - Library	0.00	0.00	10,000.00	(10,000.00)	0%
10094307 - Miscellaneous	1,728.35	10,809.80	3,600.00	7,209.80	(300)%
10094311 - Little League Park Utilities	0.00	200.00	200.00	0.00	(100)%
10094405 - SB 90 Cost recovery	0.00	0.00	35,464.00	(35,464.00)	0%
10094410 - County admin fees PTAF	<u>0.00</u>	<u>0.00</u>	<u>12,956.00</u>	<u>(12,956.00)</u>	<u>0%</u>
Total Other Revenue	<u>141,869.35</u>	<u>152,854.28</u>	<u>82,970.00</u>	<u>69,884.28</u>	<u>184%</u>
TOTAL REVENUE	<u>267,287.99</u>	<u>986,069.81</u>	<u>823,172.39</u>	<u>162,897.42</u>	<u>120%</u>

City of Ferndale
 General Fund
 Statement of Activities-Cash Basis
 Actual vs. Budget
 For the 12 Months Ended June 30, 2014

	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
EXPENDITURES					
Mayor and City Council					
10115012 - Office expense - Council	\$ 0.00	\$ 130.00	\$ 350.00	\$ 220.00	37%
10115013 - Advertising - Council	0.00	2,784.50	400.00	(2,384.50)	696%
10115044 - Meeting and dues - Council	0.00	130.00	500.00	370.00	26%
10115045 - LAFCO fees	0.00	1,971.05	2,000.00	28.95	99%
Total Mayor and City Council	0.00	5,015.55	3,250.00	(1,765.55)	154%
City Manager and City Clerk					
10105002 - Salary - City Manager	\$ 2,074.66	\$ 30,175.96	\$ 29,144.13	\$ (1,031.83)	104%
10105006 - SSI tax	158.70	2,528.92	2,331.53	(197.39)	108%
10105007 - Medical insurance	546.56	8,014.93	6,659.57	(1,355.36)	120%
10105009 - Workers comp. insurance	1,249.48	1,249.48	850.00	(399.48)	147%
10105010 - Deferred comp	612.41	2,540.24	2,331.53	(208.71)	109%
10125002 - Salary - City Clerk	7,138.27	54,215.66	46,873.67	(7,341.99)	116%
10125006 - Payroll taxes	545.86	5,444.80	3,749.89	(1,694.91)	145%
10125007 - Insurance Med/Den/Vis	1,824.01	15,867.79	15,936.07	68.28	100%
10125009 - Workers comp. insurance	4,427.52	4,427.52	1,200.00	(3,227.52)	369%
10125010 - Deferred retirement	0.00	1,037.68	3,749.89	2,712.21	28%
Total City Manager and City Clerk	18,577.47	125,502.98	112,826.28	(12,676.70)	111%
Operating Expenditures					
10125012 - Office expense	\$ 926.52	\$ 13,269.25	\$ 6,000.00	\$ (7,269.25)	221%
10125044 - Meetings and dues	0.00	2,228.34	2,050.00	(178.34)	109%
10125063 - Contract Services	0.00	17,181.05	35,413.44	18,232.39	49%
10125099 - Miscellaneous	0.00	(66.50)	0.00	66.50	0%
Total Operating Expenditures	926.52	32,612.14	43,463.44	10,851.30	75%
City Attorney					
10145052 - Professional services	\$ 1,301.50	\$ 20,757.23	\$ 10,000.00	\$ (10,757.23)	208%
Total City Attorney	1,301.50	20,757.23	10,000.00	(10,757.23)	208%

City of Ferndale
General Fund
Statement of Activities-Cash Basis
Actual vs. Budget
For the 12 Months Ended June 30, 2014

EXPENDITURES - Continued	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
Government Buildings					
10155002 - Salary - permanent	\$ 587.54	\$ 6,292.08	\$ 2,607.90	\$ (3,684.18)	241%
10155005 - Salary - overtime	0.00	5.64	0.00	(5.64)	0%
10155006 - SSI tax	59.26	1,286.44	260.79	(1,025.65)	493%
10155009 - Workers comp. insurance	145.18	145.18	306.72	161.54	47%
10155020 - Building and ground maint.	108.11	3,975.41	20,000.00	16,024.59	20%
10155030 - Trash service	30.55	864.06	450.00	(414.06)	192%
10155031 - Water	134.21	972.35	500.00	(472.35)	194%
10155032 - Utilities electric	181.50	2,312.99	1,750.00	(562.99)	132%
10155033 - Utilities gas	0.00	4,235.69	4,600.00	364.31	92%
10155034 - Telephone	435.95	3,993.27	2,450.00	(1,543.27)	163%
Total Government Buildings	<u>1,682.30</u>	<u>24,083.11</u>	<u>32,925.41</u>	<u>8,842.30</u>	<u>73%</u>
Nondepartmental					
999 - Suspense	\$ (4,962.43)	\$ 0.00	\$ 0.00	\$ 0.00	0%
10165015 - Property tax admin. fees	(2,479.00)	3,576.00	3,568.00	(8.00)	100%
10165052 - SB 90 Cost recovery	0.00	0.00	700.00	700.00	0%
10165054 - Audit and accounting	5,809.25	39,698.00	15,000.00	(24,698.00)	265%
10165054.1 - ACCOUNTING SERVICES	0.00	5,676.50	9,000.00	3,323.50	63%
10165055 - Contractual services	0.00	720.00	600.00	(120.00)	120%
10165061 - Insurance (PARSAC)	11,086.00	11,086.00	7,500.00	(3,586.00)	148%
10165063 - Insurance (Fire Bldg.)	40.00	10,269.00	7,700.00	(2,569.00)	133%
10165078 - Copy machine expense	221.31	4,248.52	4,250.00	1.48	100%
10165095 - Capital outlay	118,000.00	118,060.00	1,500.00	(116,560.00)	7,871%
10165096 - Car Allowance	400.00	4,800.00	4,800.00	0.00	100%
10165099 - Miscellaneous	0.00	5,746.59	1,800.00	(3,946.59)	319%
Total Nondepartmental	<u>128,115.13</u>	<u>203,880.61</u>	<u>56,418.00</u>	<u>(147,462.61)</u>	<u>361%</u>
Community Promotion					
10175024 - Supplies - public restroom	\$ 327.79	\$ 2,439.94	\$ 1,500.00	\$ (939.94)	163%
10175031 - Water - public restroom	178.89	1,216.66	850.00	(366.66)	143%
10175032 - Electric - public restroom	31.44	240.19	250.00	9.81	96%
10175072 - Chamber of Commerce	0.00	22,097.36	22,122.36	25.00	100%
10175072.1 - Donation - Visitors & Conv.	0.00	0.00	1,500.00	1,500.00	0%
10175072.2 - Employee appreciation	0.00	106.96	150.00	43.04	71%
10175072.3 - TOT 2% HLA QTRLY	15,107.34	27,541.90	10,000.00	(17,541.90)	275%
Total Community Promotion	<u>15,645.46</u>	<u>53,643.01</u>	<u>36,372.36</u>	<u>(17,270.65)</u>	<u>147%</u>

RESTRICTED FOR MANAGEMENT'S USE ONLY.

City of Ferndale
 General Fund
 Statement of Activities-Cash Basis
 Actual vs. Budget
 For the 12 Months Ended June 30, 2014

EXPENDITURES - Continued	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
Police					
10215002 - Salary - permanent	\$ 15,729.80	\$ 192,492.73	\$ 181,616.77	\$ (10,875.96)	106%
10215005 - Salary - overtime	370.96	5,921.80	4,000.00	(1,921.80)	148%
10215006 - SSI tax	1,231.73	17,478.37	14,849.34	(2,629.03)	118%
10215007 - Medical insurance	3,937.18	42,225.70	38,172.19	(4,053.51)	111%
10215009 - Workers comp. insurance	8,943.45	8,943.45	13,000.00	4,056.55	69%
10215010 - Deferred retirement	2,038.42	7,817.33	14,529.34	6,712.01	54%
10215012 - Office expense	135.51	2,003.64	1,800.00	(203.64)	111%
10215014 - Vehicle expense	57.03	6,563.51	7,500.00	936.49	88%
10215016 - Fuel	1,003.71	15,669.47	14,000.00	(1,669.47)	112%
10215020 - Building and grounds maint.	98.00	1,307.22	2,800.00	1,492.78	47%
10215024 - Special department supply	9,504.21	16,152.18	19,712.39	3,560.21	82%
10215026 - Uniform expense	0.00	4,199.92	250.00	(3,949.92)	1,680%
10215026.1 - Uniform allowance	0.00	(2,099.96)	1,900.00	3,999.96	(111)%
10215029 - Water	27.87	499.05	400.00	(99.05)	125%
10215031 - Gas	0.00	97.18	600.00	502.82	16%
10215032 - Utilities electric	150.48	1,694.05	1,400.00	(294.05)	121%
10215034 - Telephone	1,190.25	6,177.49	4,200.00	(1,977.49)	147%
10215035 - Dispatch service	1,016.66	12,199.92	12,199.92	0.00	100%
10215044 - Meetings and dues	315.00	1,145.00	3,500.00	2,355.00	33%
10215048 - Training	0.00	2,374.00	3,500.00	1,126.00	68%
10215051 - Physical exams	0.00	1,161.65	1,000.00	(161.65)	116%
10215052 - Professional services	0.00	1,318.00	1,250.00	(68.00)	105%
10215053 - Lexipol Services	1,970.00	4,920.00	2,950.00	(1,970.00)	167%
10215063 - Contract Services	0.00	176.74	478.56	301.82	37%
10215086 - Booking fees	(999.60)	(547.40)	600.00	1,147.40	(91)%
10215088 - Equipment repair other	976.56	1,954.81	500.00	(1,454.81)	391%
10215094 - Vehicle replacement	36,574.00	36,574.00	9,300.00	(27,274.00)	393%
10215098 - Background expense	0.00	1,629.09	1,500.00	(129.09)	109%
Total Police	<u>84,271.22</u>	<u>390,048.94</u>	<u>357,508.51</u>	<u>(32,540.43)</u>	<u>109%</u>
Animal Control					
10225096 - Animal control	\$ 450.00	\$ 5,536.70	\$ 5,500.00	\$ (36.70)	101%
Total Animal Control	<u>450.00</u>	<u>5,536.70</u>	<u>5,500.00</u>	<u>(36.70)</u>	<u>101%</u>

RESTRICTED FOR MANAGEMENT'S USE ONLY.

City of Ferndale
 General Fund
 Statement of Activities-Cash Basis
 Actual vs. Budget
 For the 12 Months Ended June 30, 2014

EXPENDITURES - Continued	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
Health					
10245052 - Professional services	\$ 154.47	\$ 1,892.64	\$ 2,200.00	\$ 307.36	86%
Total Health	<u>154.47</u>	<u>1,892.64</u>	<u>2,200.00</u>	<u>307.36</u>	<u>86%</u>
Street and Roads					
10315002 - Salary - permanent	\$ 1,981.68	\$ 14,496.78	\$ 11,762.40	\$ (2,734.38)	123%
10315005 - Salary - overtime	9.44	87.65	0.00	(87.65)	0%
10315006 - SSI tax	129.69	1,118.61	940.99	(177.62)	119%
10315007 - Medical insurance	279.57	3,185.29	2,096.91	(1,088.38)	152%
10315009 - Workers comp. insurance	548.31	548.31	847.07	298.76	65%
10315010 - Deferred retirement	55.32	352.70	940.99	588.29	37%
10315020 - Building and ground maint.	15.75	264.53	0.00	(264.53)	0%
10315021 - Street maintenance	0.00	4,937.75	0.00	(4,937.75)	0%
10315044 - Meetings and dues	0.00	152.94	60.00	(92.94)	255%
10315055 - Contractual services	0.00	539.00	0.00	(539.00)	0%
10315095 - Capital outlay	0.00	26.25	0.00	(26.25)	0%
Total Streets and Roads	<u>3,019.76</u>	<u>25,709.81</u>	<u>16,648.36</u>	<u>(9,061.45)</u>	<u>154%</u>
Planning					
Revenues Collected					
10084287.3 - Reimbursed Fees Planning	\$ 0.00	\$ 0.00	\$ 2,000.00	\$ 2,000.00	0%
Total Revenue Collected	<u>0.00</u>	<u>0.00</u>	<u>2,000.00</u>	<u>2,000.00</u>	<u>0%</u>
Expenditures					
10415013 - Advertising	\$ 0.00	\$ 47.59	\$ 200.00	\$ 152.41	24%
10415052 - General planning services	716.60	18,988.36	12,000.00	(6,988.36)	158%
10415053 - Reimbursable fees	275.50	4,327.38	7,500.00	3,172.62	58%
10415055 - General plan review fund	116.00	11,801.46	12,500.00	698.54	94%
10415058 - Special Planning Projects	1,837.00	20,243.58	7,508.00	(12,735.58)	270%
Total Expenditures	<u>2,945.10</u>	<u>55,408.37</u>	<u>39,708.00</u>	<u>(15,700.37)</u>	<u>140%</u>
Net Planning Expenditures	<u>\$ (2,945.10)</u>	<u>\$ (55,408.37)</u>	<u>\$ (37,708.00)</u>	<u>\$ (17,700.37)</u>	<u>(147)%</u>

City of Ferndale
 General Fund
 Statement of Activities-Cash Basis
 Actual vs. Budget
 For the 12 Months Ended June 30, 2014

EXPENDITURES - Continued	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
City Engineer					
Revenues Collected					
10084270 - Plan check fees	\$ 100.00	\$ 2,149.92	\$ 3,250.00	\$ 1,100.08	66%
10084287.2 - Developer reimbursed fees	(21,578.50)	6,717.63	8,000.00	1,282.37	84%
Total Revenue Collected	<u>(21,478.50)</u>	<u>8,867.55</u>	<u>11,250.00</u>	<u>2,382.45</u>	<u>79%</u>
Expenditures					
10425052 - General engineering	\$ 1,191.00	\$ 15,477.90	\$ 15,000.00	\$ (477.90)	103%
10425053 - Developer engineering	29.00	8,237.45	5,000.00	(3,237.45)	165%
10425055 - General plan update	0.00	0.00	12,670.00	12,670.00	0%
10425056 - Building plan check	28.50	75.06	0.00	(75.06)	0%
10425056.1 - Building product review	18.90	33.30	0.00	(33.30)	0%
Total Expenditures	<u>1,267.40</u>	<u>23,823.71</u>	<u>32,670.00</u>	<u>8,846.29</u>	<u>73%</u>
Net City Engineer Expenditures	<u>\$ (22,745.90)</u>	<u>\$ (14,956.16)</u>	<u>\$ (21,420.00)</u>	<u>\$ 6,463.84</u>	<u>70%</u>
Building Regulation					
10435052 - Building regulation/inspectio	\$ 3,172.84	\$ 21,664.00	\$ 10,000.00	\$ (11,664.00)	217%
TotalBuilding Regulation	<u>3,172.84</u>	<u>21,664.00</u>	<u>10,000.00</u>	<u>(11,664.00)</u>	<u>217%</u>
Library					
10615002 - Salary - permanent	\$ 357.28	\$ 4,656.52	\$ 5,451.46	\$ 794.94	85%
10615006 - SSI tax	46.29	551.75	436.12	(115.63)	127%
10615009 - Workers comp. insurance	406.29	406.29	700.00	293.71	58%
10615012 - Office expense	0.00	404.36	600.00	195.64	67%
10615020 - Building and ground maint.	0.00	1,898.65	1,200.00	(698.65)	158%
10615024 - Books	1,111.12	5,942.15	5,000.00	(942.15)	119%
10615031 - Gas	0.00	3,947.90	3,600.00	(347.90)	110%
10615032 - Utilities	156.54	1,577.82	1,650.00	72.18	96%
10615033 - Water	21.87	321.34	300.00	(21.34)	107%
10615034 - Telephone	163.62	1,791.13	1,300.00	(491.13)	138%
10615078 - Copy machine expense	0.00	0.00	100.00	100.00	0%
10615095 - Lytel grant expenditures	0.00	0.00	10,000.00	10,000.00	0%
Total Library	<u>2,263.01</u>	<u>21,497.91</u>	<u>30,337.58</u>	<u>8,839.67</u>	<u>71%</u>

City of Ferndale
 General Fund
 Statement of Activities-Cash Basis
 Actual vs. Budget
 For the 12 Months Ended June 30, 2014

EXPENDITURES - Continued	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
Parks and Recreation					
10625002 - Salary Permanent	\$ 306.00	\$ 3,859.00	\$ 1,632.00	\$ (2,227.00)	236%
10625006 - SSI Tax	39.63	462.16	16.32	(445.84)	2,832%
10625020 - Building and ground maint.	125.90	2,858.44	2,500.00	(358.44)	114%
10625024 - Special department supply	0.00	724.30	150.00	(574.30)	483%
10625032 - Utilities - electric	85.16	788.41	650.00	(138.41)	121%
10625033 - Water	<u>103.98</u>	<u>1,277.75</u>	<u>900.00</u>	<u>(377.75)</u>	<u>142%</u>
 Total Parks and Recreation	 <u>660.67</u>	 <u>9,970.06</u>	 <u>5,848.32</u>	 <u>(4,121.74)</u>	 <u>170%</u>
Community Center					
10635002 - Salary	\$ 928.78	\$ 11,434.18	\$ 10,921.18	\$ (513.00)	105%
10635005 - Salary - overtime	7.55	76.51	0.00	(76.51)	0%
10635006 - SSI tax	84.05	897.41	873.69	(23.72)	103%
10635007 - Medical insurance	227.31	2,549.34	1,800.25	(749.09)	142%
10635009 - Wokers compensation insurance	727.11	727.11	250.00	(477.11)	291%
10635010 - Deferred retirement	71.86	393.41	873.69	480.28	45%
10635020 - Buildings and grounds maintenance	129.12	5,511.96	7,000.00	1,488.04	79%
10635031 - Water	68.16	932.85	750.00	(182.85)	124%
10635032 - Utilities	336.20	2,997.15	3,000.00	2.85	100%
10635033 - Gas	100.71	1,916.68	4,000.00	2,083.32	48%
10635055 - Contractual Services	<u>0.00</u>	<u>2,341.02</u>	<u>1,478.56</u>	<u>(862.46)</u>	<u>158%</u>
 Total Community Center	 <u>2,680.85</u>	 <u>29,777.62</u>	 <u>30,947.37</u>	 <u>1,169.75</u>	 <u>96%</u>
 Total General Fund Expenditures	 <u>\$ 288,612.20</u>	 <u>\$ 1,041,956.84</u>	 <u>\$ 813,373.63</u>	 <u>\$ (228,583.21)</u>	 <u>128%</u>
 Revenues over (under) Expenditures	 <u>\$ (21,324.21)</u>	 <u>\$ (55,887.03)</u>	 <u>\$ 9,798.76</u>	 <u>\$ (65,685.79)</u>	 <u>570%</u>
 Transfers in (out)					
 Rvenues over (under) Expenditures and Transfers in (out)	 <u>\$ (21,324.21)</u>	 <u>\$ (55,887.03)</u>	 <u>\$ 9,798.76</u>	 <u>\$ (65,685.79)</u>	 <u>(570)%</u>

City of Ferndale
 Special Revenue Funds
 Statement of Revenues and Expenditures
 Actual vs. Budget
 For the 12 Months Ended June 30, 2014

	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
<u>Russ Park Fund</u>					
Revenues					
20624182 - Interest income	\$ 7.59	\$ 7.59	\$ 0.00	\$ 7.59	0%
20624284 - Donations - Russ Park	0.00	0.00	0.00	0.00	0%
20625990 - Transfer in(out)	0.00	0.00	0.00	0.00	0%
Total Revenue	<u>7.59</u>	<u>7.59</u>	<u>0.00</u>	<u>7.59</u>	<u>0%</u>
Expenditures					
20625020 - Blding/Grd Mnt.	\$ 0.00	\$ 13.52	\$ 1,800.00	\$ 1,786.48	1%
20625024 - Special department supply	0.00	0.00	0.00	0.00	0%
Total Expenditures	<u>0.00</u>	<u>13.52</u>	<u>1,800.00</u>	<u>1,786.48</u>	<u>1%</u>
Revenues Over (under) Expenditures	<u>\$ 7.59</u>	<u>\$ (5.93)</u>	<u>\$ (1,800.00)</u>	<u>\$ 1,794.07</u>	<u>\$ (0)</u>
<u>Park Fund</u>					
Revenues					
21624182 - Interest	\$ 1.53	\$ 1.53	\$ 0.00	\$ 1.53	0%
21624284.3 - Donations - Firemen's Park	0.00	0.00	6,000.00	(6,000.00)	0%
21624285 - Bocce ball	0.00	214.50	2,500.00	(2,285.50)	(9)%
Total Revenue	<u>1.53</u>	<u>216.03</u>	<u>8,500.00</u>	<u>(8,283.97)</u>	<u>3%</u>
Expenditures					
21625020 - Building and grounds maint	\$ 132.75	\$ 14,083.60	\$ 8,500.00	\$ (5,583.60)	166%
21625060 - Bocce ball	0.00	0.00	1,300.00	1,300.00	0%
Total Expenditures	<u>132.75</u>	<u>14,083.60</u>	<u>9,800.00</u>	<u>(4,283.60)</u>	<u>144%</u>
Revenues Over (under) Expenditures	<u>\$ (131.22)</u>	<u>\$ (13,867.57)</u>	<u>\$ (1,300.00)</u>	<u>\$ (12,567.57)</u>	<u>\$ (1,067)</u>

City of Ferndale
 Special Revenue Funds
 Statement of Revenues and Expenditures
 Actual vs. Budget
 For the 12 Months Ended June 30, 2014

	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
<u>Gas Tax Fund</u>					
Revenues					
22314182 - Interest	\$ 95.06	\$ 95.06	\$ 0.00	\$ 95.06	0%
22314210.1 - Gas tax (2105)	5,425.65	9,732.10	6,746.00	2,986.10	(144)%
22314210.2 - Gas tax (2106)	3,439.90	10,472.88	9,272.00	1,200.88	(113)%
22314210.3 - Gas tax (2107)	3,365.45	10,410.77	10,043.00	367.77	(104)%
22314210.4 - Gas tax (2107.5)	(2,246.62)	1,000.00	1,000.00	0.00	(100)%
22314210.5 - Gas Tax (2103)	6,380.55	19,935.67	20,438.00	(502.33)	(98)%
Total Revenue	16,459.99	51,646.48	47,499.00	(4,147.48)	109%
Expenditures					
22315002 - Salary - permanent	\$ 1,100.67	\$ 25,031.11	\$ 22,907.55	\$ (2,123.56)	109%
22315005 - Overtime	7.55	126.76	0.00	(126.76)	0%
22315006 - SSI tax	97.21	1,873.12	1,832.60	(40.52)	102%
22315007 - Medical insurance	391.67	5,252.75	3,332.84	(1,919.91)	158%
22315009 - Workers comp. insurance	1,091.19	1,091.19	1,000.00	(91.19)	109%
22315010 - Deferred retirement	61.47	391.89	1,832.60	1,440.71	21%
22315057 - Street signs	0.00	45.04	0.00	(45.04)	0%
22315058 - Street lighting	1,260.23	14,776.02	14,500.00	(276.02)	102%
22315063 - Contract Services	0.00	176.74	957.12	780.38	18%
Total Expenditures	4,009.99	48,764.62	46,362.71	(2,401.91)	105%
Revenues Over (under) Expenditures	\$ 12,450.00	\$ 2,881.86	\$ 1,136.29	\$ (1,745.57)	\$ 254
<u>TEA 21</u>					
Revenues					
23314182 - Interest	\$ 113.54	\$ 113.54	\$ 0.00	\$ 113.54	0%
23314211 - RSTP revenue	0.00	0.00	0.00	0.00	0%
23314287.7 - STIP	0.00	0.00	0.00	0.00	0%
23314500 - Appropriation of reserves	0.00	0.00	0.00	0.00	0%
Total Revenue	113.54	113.54	0.00	(113.54)	0%
Expenditures					
23315022 - Street Project	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	0%
23315052 - SRTS engineering	0.00	0.00	0.00	0.00	0%
Total Expenditures	0.00	0.00	0.00	0.00	0%
Revenues Over (under) Expenditures	\$ 113.54	\$ 113.54	\$ 0.00	\$ (113.54)	\$ -

City of Ferndale
Special Revenue Funds
Statement of Revenues and Expenditures
Actual vs. Budget
For the 12 Months Ended June 30, 2014

	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
<u>Transportation Development Act</u>					
Revenues					
24314182 - Interest	\$ 393.20	\$ 393.20	\$ 0.00	\$ 393.20	0%
24314231 - Transportation devel. act	<u>9,577.02</u>	<u>54,778.00</u>	<u>42,049.00</u>	<u>12,729.00</u>	<u>(130)%</u>
Total Revenue	<u>9,970.22</u>	<u>55,171.20</u>	<u>42,049.00</u>	<u>13,122.20</u>	<u>131%</u>
Expenditures					
24315002 - Wages	\$ 987.63	\$ 12,790.57	\$ 15,719.82	\$ 2,929.25	81%
24315005 - Salary - overtime	13.84	103.57	0.00	(103.57)	0%
24315006 - SSI tax	99.30	1,019.60	1,257.59	237.99	81%
24315007 - Medical insurance	353.72	4,048.26	227.60	(3,820.66)	1,779%
24315009 - Workers comp. insurance	634.03	634.03	750.00	115.97	85%
24315010 - Deferred retirement	72.82	438.43	1,257.59	819.16	35%
24315014 - Vehicle expense	61.42	3,344.33	1,000.00	(2,344.33)	334%
24315016 - Fuel	662.83	8,493.29	8,500.00	6.71	100%
24315020 - Building & ground maintenance	32.20	1,015.38	1,750.00	734.62	58%
24315021 - Street maintenance	752.76	5,040.18	5,000.00	(40.18)	101%
24315022 - Street project	210.00	23,372.23	0.00	(23,372.23)	0%
24315024 - Special department	0.00	1,210.89	500.00	(710.89)	242%
24315032 - Utilities	149.21	2,203.47	2,000.00	(203.47)	110%
24315033 - Water	34.23	456.60	425.00	(31.60)	107%
24315034 - Telephone	112.07	979.83	650.00	(329.83)	151%
24315055 - Shaw ave - Construction	0.00	343.75	0.00	(343.75)	0%
24315063 - Contract Services	0.00	47.53	478.56	431.03	10%
24315088 - Equipment repair	<u>0.00</u>	<u>416.17</u>	<u>500.00</u>	<u>83.83</u>	<u>83%</u>
Total Expenditures	<u>4,176.06</u>	<u>65,958.11</u>	<u>40,016.16</u>	<u>(25,941.95)</u>	<u>165%</u>
Revenues Over (under) Expenditures	<u>\$ 5,794.16</u>	<u>\$ (10,786.91)</u>	<u>\$ 2,032.84</u>	<u>\$ (12,819.75)</u>	<u>\$ (531)</u>

City of Ferndale
 Special Revenue Funds
 Statement of Revenues and Expenditures
 Actual vs. Budget
 For the 12 Months Ended June 30, 2014

	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
<u>Integrated Waste Management</u>					
Revenues					
25314182 - Interest	\$ 64.36	\$ 64.36	\$ 0.00	\$ 64.36	0%
25314288 - Tipping fees IWM	3,359.71	6,649.37	5,000.00	1,649.37	(133)%
25314600 - Recycling grant	<u>5,000.00</u>	<u>5,000.00</u>	<u>5,000.00</u>	<u>0.00</u>	<u>(100)%</u>
Total Revenue	<u>8,424.07</u>	<u>11,713.73</u>	<u>10,000.00</u>	<u>1,713.73</u>	<u>117%</u>
Expenditures					
25315002 - Salary	\$ 374.94	\$ 3,412.55	\$ 5,267.01	\$ 1,854.46	65%
25315006 - SSI tax	28.68	273.37	421.36	147.99	65%
25315007 - Medical insurance	153.66	1,080.12	3,023.20	1,943.08	36%
25315009 - Workers compensation ins.	189.31	189.31	1,226.88	1,037.57	15%
25315010 - Deferred retirement	0.00	0.00	421.36	421.36	0%
25315600 - Recycling grant expenditures	<u>0.00</u>	<u>360.00</u>	<u>0.00</u>	<u>(360.00)</u>	<u>0%</u>
Total Expenditures	<u>746.59</u>	<u>5,315.35</u>	<u>10,359.81</u>	<u>5,044.46</u>	<u>51%</u>
Revenues Over (under) Expenditures	<u>\$ 7,677.48</u>	<u>\$ 6,398.38</u>	<u>\$ (359.81)</u>	<u>\$ 6,758.19</u>	<u>\$ (1,778)</u>

City of Ferndale
Special Revenue Funds
Statement of Revenues and Expenditures
Actual vs. Budget
For the 12 Months Ended June 30, 2014

	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
<u>Drainage Fund</u>					
Revenues					
26314182 - Interest	\$ 222.78	\$ 222.78	\$ 0.00	\$ 222.78	0%
26314230 - Drainage fees	0.00	1,806.36	5,000.00	(3,193.64)	(36)%
26314240 - Drainage District fees	0.00	0.00	18,550.00	(18,550.00)	0%
Total Revenue	222.78	2,029.14	23,550.00	(21,520.86)	9%
Expenditures					
26315002 - Wages	\$ 901.77	\$ 14,319.71	\$ 12,130.98	\$ (2,188.73)	118%
26315005 - Salary - overtime	10.70	88.73	0.00	(88.73)	0%
26315006 - SSI tax	87.38	1,069.05	970.48	(98.57)	110%
26315007 - Medical insurance	258.60	3,046.83	2,171.29	(875.54)	140%
26315009 - Workers comp. insurance	0.00	0.00	766.77	766.77	0%
26315009.1 - Workers comp. insurance	756.99	756.99	0.00	(756.99)	0%
26315010 - Deferred compensation	0.00	172.08	970.48	798.40	18%
26315010.1 - Deferred compensation	100.73	353.60	0.00	(353.60)	0%
26315024 - Supplies	0.00	64.13	0.00	(64.13)	0%
26315052 - Engineering	0.00	683.75	0.00	(683.75)	0%
26315063 - Contract Services	0.00	176.74	1,914.24	1,737.50	9%
26315192 - Debt service - principal	38,425.54	38,425.54	0.00	(38,425.54)	0%
26315194 - Interest-Six Rivers loan	(35,677.46)	6,159.94	25,133.76	18,973.82	25%
Total Expenditures	4,864.25	65,317.09	44,058.00	(21,259.09)	148%
Revenues Over (under) Expenditures	\$ (4,641.47)	\$ (63,287.95)	\$ (20,508.00)	\$ (42,779.95)	\$ 309
<u>TE Funds - Ped. and Bicycle Path</u>					
Revenues					
40314235 - Transportation Enhancement reven	\$ 142,752.18	\$ 142,752.18	\$ 8,000.00	\$ 134,752.18	(1,784)%
Total Revenue	142,752.18	142,752.18	8,000.00	(134,752.18)	1,784%
Expenditures					
40315052 - Plans, specs & estimates	\$ 25,837.31	\$ 33,305.00	\$ 8,000.00	\$ (25,305.00)	416%
40315055 - Construction	125,190.45	125,190.45	0.00	(125,190.45)	0%
Total Expenditures	151,027.76	158,495.45	8,000.00	(150,495.45)	1,981%
Revenues Over (under) Expenditures	\$ (8,275.58)	\$ (15,743.27)	\$ 0.00	\$ 15,743.27	\$ -

RESTRICTED FOR MANAGEMENT'S USE ONLY.

Proprietary Fund
Statement of Revenues and Expenditures

	Current Period Actual	Year To Date Actual	Annual Budget	Variance	Percent of Budget
Sewer Fund					
Revenues					
30514182 - Interest	\$ 456.90	\$ 456.90	\$ 0.00	\$ 456.90	0%
30514274 - Sewer service charge	13,383.82	491,511.75	458,516.01	32,995.74	(107)%
30514275 - Sewer connection fees	(16,844.00)	0.00	10,000.00	(10,000.00)	0%
30514307 - Miscellaneous revenue	23,666.00	56,680.00	75,000.00	(18,320.00)	(76)%
30514308 - Revenue reserved for plant repl	1,918.36	210,043.83	194,089.99	15,953.84	(108)%
Total Revenue	22,581.08	758,692.48	737,606.00	(21,086.48)	103%
Expenditures					
30515002 - Salary - permanent	\$ 14,126.27	\$ 175,118.76	\$ 132,056.24	\$ (43,062.52)	133%
30515005 - Salary - overtime	355.00	6,241.13	13,599.60	7,358.47	46%
30515006 - SSI tax	1,159.73	14,648.85	11,652.47	(2,996.38)	126%
30515007 - Medical insurance	2,996.40	30,945.30	35,156.23	4,210.93	88%
30515009 - Workers comp. insurance	8,367.14	8,367.14	4,000.00	(4,367.14)	209%
30515010 - Deferred retirement	3,360.42	10,640.67	10,564.50	(76.17)	101%
30515012 - Office expense	0.00	513.24	1,000.00	486.76	51%
30515014 - Vehicle expense	129.81	2,631.50	2,000.00	(631.50)	132%
30515016 - Vehicle gas	227.25	2,797.96	4,500.00	1,702.04	62%
30515022 - Street repair	0.00	8,296.71	0.00	(8,296.71)	0%
30515024 - Special department supply	1,303.68	1,609.03	1,000.00	(609.03)	161%
30515030 - Garbage/sludge	824.25	21,774.56	20,000.00	(1,774.56)	109%
30515032 - Utilities - electric - plant	6,552.94	58,240.05	70,000.00	11,759.95	83%
30515034 - Telephone	303.95	2,932.23	4,500.00	1,567.77	65%
30515044 - Meetings and dues	180.00	825.00	1,000.00	175.00	83%
30515048 - Training	0.00	479.98	2,500.00	2,020.02	19%
30515052 - Professional services	0.00	0.00	300.00	300.00	0%
30515055 - Contractual services	615.00	12,933.60	17,135.52	4,201.92	75%
30515092 - Sewer plant permit	0.00	7,045.11	6,000.00	(1,045.11)	117%
30515094 - Safety equipment	0.00	1,038.68	1,000.00	(38.68)	104%
30515095 - Capital outlay	527.25	23,755.76	20,000.00	(3,755.76)	119%
30515099 - Miscellaneous	0.00	97.43	1,000.00	902.57	10%
30515121 - Sewer plant maintenance	841.13	18,732.02	15,000.00	(3,732.02)	125%
30515122 - Sewer line maintenance	118.21	6,074.74	10,000.00	3,925.26	61%
30515125 - Chemicals	0.00	1,658.49	2,000.00	341.51	83%
30515157 - Testing and monitoring	1,185.00	25,727.57	32,000.00	6,272.43	80%
30515158 - Postage and shipping	0.00	568.89	600.00	31.11	95%
30515162 - Insurance PARSAC Liability	7,500.00	7,500.00	7,500.00	0.00	100%
30515164 - Fines	0.00	3,000.00	39,000.00	36,000.00	8%
30515190 - USDA loan	23,924.45	113,045.08	194,000.00	80,954.92	58%
30515192 - Retirement of bonds	0.00	0.00	4,100.00	4,100.00	0%
30515194 - Interest on bonds	(56,631.87)	0.00	0.00	0.00	0%
30515197 - Sewer treatment loan	357.28	357.28	0.00	(357.28)	0%
30515198 - Sewer match loan	(28,242.32)	1,521.52	30,000.00	28,478.48	5%
30515199 - Depreciation	199,603.12	199,603.12	0.00	(199,603.12)	0%
Total Expenditures	189,684.09	768,721.40	693,164.56	(75,556.84)	111%
Revenues Over (under) Expenditures	\$ (167,103.01)	\$ (10,028.92)	\$ 44,441.44	\$ 54,470.36	\$ (23)

RESTRICTED FOR MANAGEMENT'S USE ONLY.

Supplemental Information

City of Ferndale
Summary of Cash Balances and Investments
June 30, 2014

CASH BY FUND	<u>AMOUNT</u>	<u>PERCENT</u>
General Fund Cash		
Cash - unrestricted	\$ 494,432.26	
Petty cash	60.00	
Cash-restricted-insurance	15,000.00	
Total General Fund	<u>\$ 509,492.26</u>	<u>33.70%</u>
Park Fund Cash		
Cash - restricted - Fireman's	\$ 219.24	
Cash - restricted - Bocce Ball Courts	1,854.92	
Total Park Fund	<u>\$ 2,074.16</u>	<u>0.14%</u>
Gas Tax Cash		
Cash - restricted	\$ 67,902.96	4.49%
TEA 21 Cash		
Cash - restricted	\$ 66,854.67	4.42%
Transportation Development Act Cash		
Cash - restricted	\$ 240,900.30	15.93%
Integrated Waste Management Cash		
Cash - restricted	\$ 43,224.07	2.86%
Drainage Fund Cash		
Cash - restricted	\$ 110,842.50	7.33%
TE Funds		
Russ Park Fund Cash		
Cash - restricted	\$ 4,466.79	0.30%
Sewer Fund Cash		
Cash -unrestricted	\$ 466,132.79	
Total Sewer Fund	<u>\$ 466,132.79</u>	<u>30.83%</u>
TOTAL CASH BY FUND	<u><u>\$ 1,511,890.50</u></u>	<u><u>100%</u></u>
CASH BY ACCOUNT		
General Checking Six Rivers	\$ 806,431.29	53.34%
LAIF	705,399.21	46.66%
Petty cash	60.00	0.00%
TOTAL CASH BY ACCOUNT	<u><u>\$ 1,511,890.50</u></u>	<u><u>100%</u></u>

RESOLUTION 2014-20
A RESOLUTION OF THE CITY OF FERNDALE AUTHORIZING THE CITY MANAGER
TO COLLECT THE DRAINAGE ASSESSMENT

- A. **WHEREAS**, At the general election held on November 4, 1997, Measure V ("Measure V") appeared on the ballot presented to the voters of the City of Ferndale; and
- B. **WHEREAS**, Measure V posed the following question to the voters of the City of Ferndale: "Shall the City create a storm drain utility within the City of Ferndale and assess \$25.00 per fiscal year per parcel, for the purpose of providing funding for storm drain maintenance, repairs and improvements?" Yes No
- C. **WHEREAS**, Based on the certified election results for the November 4, 1997 general election, 336 voters in the City of Ferndale voted "Yes" on Measure V (72.26%), and 129 voters voted "No" (27.24%);
- D. **WHEREAS**, From 1997 through calendar year 2012, the Lytle Foundation generously donated the sum of \$25,000.00 per fiscal year to offset funds needed by the City of Ferndale for drainage purposes, and donated this sum on the condition that the City of Ferndale not collect the per parcel assessment authorized by Measure V so long as the Lytle Foundation contributed this annual donation;
- E. **WHEREAS**, On November 19, 2012, the Lytle Foundation notified the City of Ferndale that it would no longer donate the sum of \$25,000.00 per fiscal year to offset the Measure V assessment;
- F. **WHEREAS**, In order to partially fund drainage maintenance costs and expenses, the City of Ferndale must commence collection of the Measure V assessment;
- G. **WHEREAS**, The City Attorney and separately retained legal counsel have both opined that Measure V constitutes a special tax, subject to collection pursuant to California Government Code § 53750(h)(2)(B); and
- H. **WHEREAS**, The City Manager seeks authorization to initiate collection of the per parcel assessment authorized by Measure V, and authorization to notify the Humboldt County Tax Assessor to continue collection of said assessment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FERNDALE DOES HEREBY ADOPT THE FINDINGS RECITED ABOVE AND AUTHORIZES THE CITY MANAGER TO COLLECT THE ASSESSEMENT AUTHORIZED BY THE VOTERS OF THE CITY OF FERNDALE PURSUANT TO MEASURE V, AND TAKE ALL ACTIONS NECESSARY TO INSTRUCT THE HUMBOLDT COUNTY TAX ASSESSOR TO CONTINUE COLLECTION OF THE ASSESSEMENT.

PASSED, APPROVED AND ADOPTED this 16th day of October, 2014 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

 Stuart Titus, Mayor

ATTEST:

 Jennifer Church, City Clerk

Section 10
CALL ITEMS

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

Section 11
PRESENTATIONS

Section 12
PUBLIC HEARING

Meeting Date:	October 16, 2014	Agenda Item Number	12.a
Agenda Item Title:	Second Reading Ordinance No. 2014-07 Amending Sign Ordinance 13-02		
Presented by:	City Manager or Contract Planner		
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

RECOMMENDATION:

Review and consider approval of second reading of Draft Ordinance 2014-07 Amending Sign Ordinance 13-02.

BACKGROUND:

The Council, staff and community members have been working on necessary amendments to the Sign Ordinance for the last several years. At its regular meeting of May 1, 2014 the City Council placed a 90-day moratorium on enforcement of the provision of the Ordinance disallowing internally illuminated "Open" signs for the businesses that had been sent a courtesy letter; and at its regular meeting of June 5, 2014 the Council placed a 90-day moratorium on enforcement of the provision of the Ordinance disallowing internally illuminated "Vacancy" signs to the businesses that had been sent courtesy letters.

The moratoriums were placed to give staff time to include Council suggestions and to bring back to the Council for action. After reviewing the issue, staff developed three options for the Council to consider relative to this provision of the Ordinance. At its regular meeting of August 7, 2014, the City Council voted unanimously to direct staff to bring forward amendments to the Sign Ordinance. The amendments allow internally illuminated signs without regard to content (other than offensive) while maintaining and clarifying restrictions such as a maximum of three product signs that are internally illuminated per business, a maximum of two per window, and inclusion of size limitations. Additionally, the Ordinance requires internally illuminated signs to be lit only when the business is open.

DISCUSSION

Staff has drafted the Ordinance containing the amendments to accomplish the Council's direction and the Draft was brought before the Planning Commission at its regular meeting on August 20, 2014. The Commission unanimously recommended approval of the Ordinance to the City Council. The Council approved the first reading at its regular meeting on September 4, 2014. The Draft Ordinance is now before City Council for a Second Reading.

ATTACHMENT:

Draft Ordinance 2014-07 Amending Sign Ordinance 13-02

[Please note: the Ordinance before the City Council, attached, only contains the sections of Sign Ordinance 13-02 that are being amended; to see a copy of the entire ordinance, go to the City's web site at ci.ferndale.ca.gov, click on Laws, and scroll down to the Sign Ordinance.

ORDINANCE NO 2014-07

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, AMENDING SIGN ORDINANCE 13-02
SECTIONS PERTAINING TO INTERNALLY ILLUMINATED SIGNS

Table of Contents

Article 1 Short Title and Purpose..... 1

Article 2 Statutory Authority 1

Article 3 General Provisions 1

Article 4 Enactment..... 2

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

Article 1 SHORT TITLE AND PURPOSE

- §1.1 **Short Title:** This Ordinance shall be known and cited as “Amending Sign Ordinance 13-02 Internally Illuminated Signs.”
- §1.2 **Purpose:** The purpose of this Ordinance is to amend Sign Ordinance 13-02 to modify and clarify regulations pertaining to internally illuminated signs.

Article 2 STATUTORY AUTHORITY

- §2.1 The statutory authority for this Ordinance is California Government Code §65000 et seq., §65850(b), §38774, §38775, Business and Professions Code §5200 et seq. and §5490 et seq., Civil Code §713, and other applicable State laws.

Article 3 GENERAL PROVISIONS

- §3.1 The following changes shall be made to Sign Ordinance 13-02. The sections noted shall read as follows:

Article 6 Exemptions from Sign Permit Requirements

- §6.2 **Permanent Signs.**
 - 6.2.8 **Window Signs.** In all zones except residential zones, (R- zones), window signs in compliance with §10.10 of this Ordinance are allowed without a sign permit and are exempt from design review provided the signs are not internally illuminated, do not exceed two square feet per sign and do not exceed the aggregate signage allowed for the window.

Article 7 Prohibited Signs

All signs not expressly allowed by this Ordinance shall be prohibited, including the following:

~~§7.10 Internally illuminated signs except product signs;~~

§7.~~11~~-10 Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads, or confuses pedestrian or vehicular traffic, or creates a safety hazard;

§7.~~12~~-11 Any sign not established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation; and

§7.~~13~~-12 Temporary and portable signs, except as specifically allowed elsewhere in this Ordinance.

Article 10 Standards for Specific Sign Types

§10.5 ~~Product-Internally Illuminated~~ Signs. ~~Businesses may be permitted a~~ A maximum of ~~three~~ four ~~Product- Internally Illuminated~~ signs, with a maximum of two per window, may be permitted provided the signs:

10.5.1 Shall be located in the building interior but not on doors or second story windows; and

10.5.2 Shall not blink, flash, flutter, or change intensity, brightness, or color; and

10.5.~~2~~-3 Shall not exceed ~~four~~ three square feet; and

10.5.~~3~~-4 ~~Shall~~ May be illuminated only during business hours; and

10.5.5 Shall not exceed 15 watts or 1000 lumens; and

10.5.6 For those Internally Illuminated signs in windows, all signs in aggregate shall not exceed 25 percent of total window area.

Article 4 ENACTMENT

§4.1 **Severability.** If any section, sub-section, paragraph, sentence, or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Ordinance, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Ordinance shall be deemed to be severable.

§4.2 **Effective Date.** This Ordinance shall become effective 30 days after the date of its enactment.

PASSED AND ADOPTED on this 16th day of October, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

City Clerk

Stuart Titus, Mayor

First Reading: 9/4/2014	Amended:	
Second Reading:		
Enacted:		
Amended:		

Section 13

BUSINESS

Meeting Date:	October 16, 2014	Agenda Item Number	13.a
Agenda Item Title	Adopt Resolution No. 2014-21 Approving Revised Personnel Policy Manual		
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

RECOMMENDATION

Approve the Revised Personnel Policy Manual by adopting Resolution No. 2014-21.

DISCUSSION:

The current Personnel Policy Manual (PPM) was accepted by Ordinance 99-02, and amended by Resolutions 2002-20, 2004-05 and 2010-10. During the January 3, 2013 meeting, the City Council approved having the City Attorney review and update our PPM, not to exceed \$3500. We have received a grant from PARSAC for this amount.

At its regular meeting of May 2, 2013 the City Council reviewed the draft changes made by City Attorney Gans and asked that several other changes be made before the document return for final approval. Those changes have been made and the manual has been reviewed and approved by the City Attorney. It is now before City Council for your approval.

FINANCIAL IMPACT:

PARSAC has paid for this update.

RESOLUTION 2014-21**APPROVE THE REVISED PERSONNEL POLICY MANUAL**

WHEREAS, Ferndale's Personnel Policy Manual was accepted on October 11, 1999 with the approval of Ordinance 99-02, and

WHEREAS, Section 1.0.2 of the Manual states: The City reserves the right to amend, supplement, or rescind any provision of this Personnel Policy Manual as it deems appropriate in its sole and absolute discretion. As policies and benefits are changed and revised, they will be approved by Resolution of the City Council. All subsequent revisions to this Manual will be incorporated and documented by Section. Therefore, as revisions are approved by the City Council, the affected Section(s) will be replaced in their entirety, and

WHEREAS, the Personnel Policy Manual has been updated by Resolutions 2002-20 and 2010-10, and

WHEREAS, Ferndale's City Attorney has reviewed and suggested changes to the Personnel Policy Manual.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ferndale to accept the revised Personnel Policy Manual.

PASSED AND ADOPTED on this 16th day of October, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Stuart Titus, Mayor

Jennifer Church, City Clerk

City of Ferndale

834 Main Street * P.O. Box 1095 * Ferndale, CA 95536

Phone: 707.786.4224 FAX 707.786.9314

Email: cityclerk@ci.ferndale.ca.us

PERSONNEL POLICY MANUAL

City of Ferndale, October, 2014

1.0.0 General Policies

1.0.1 Purpose of Policies

This **City of Ferndale (City) Personnel Policy Manual** (this “Manual”) serves as the City of Ferndale's policies, rules, and procedures for personnel matters. Changes to this Manual must be approved by the City Manager.

1.0.2 Policy Amendments

The City Manager reserves the right to amend, supplement, or rescind any provision of this Manual as he/she deems appropriate in his/her sole and absolute discretion. As policies and benefits are changed and revised, they will be approved by Resolution of the City Council. All subsequent revisions to this Manual will be incorporated and documented by Section. Therefore, as revisions are approved by the City Council, the affected Section(s) will be replaced in their entirety.

1.0.3 Notice to Employees

A copy of this Manual and all approved revisions will be provided to each and every regular employee upon his/her hiring, and upon implementation of any revision after hire. Each employee will sign a copy of that certain written form entitled “Acknowledgment of Receipt of City of Ferndale Personnel Policy Manual”, and a signed copy will be placed in each employee’s personnel file that certifies that they have read and understand all provisions of this Manual.

1.0.4 At-Will Employment

All City employees serve as “at-will” employees of the City except those employees who serve under a written employment agreement/contract. This means that the employee is entirely free to terminate his/her employment with the City at any time, either with or without a reason. It also means that the City, acting through the City Manager, has the very same right as the employee and can terminate the employee’s employment at any time, with or without cause. Terms, conditions, and privileges of employment with the City may be modified at the sole discretion of the City Manager with or without notice. Only the City Manager has the authority to make any agreement for employment other than for employment “at-will”, or make any agreement limiting the City’s discretion to modify terms and conditions of employment. Only the City Manager has the authority to make any such agreement, and even then, such an agreement is enforceable only if it is in writing, signed by the City Manager and expressly approved and ratified by the City Council after consideration and action at a duly noticed public meeting. No implied contract or agreement concerning any employment-related decision or term, condition, or privilege or employment can be created by any other statement, practice, policy, or conduct. Terms, conditions, and benefits of employment within the sole discretion of the City would include, but not limited to, the following examples: hiring decisions, compensation, promotion, demotion, qualifications, benefits, transfers, employee

discipline, layoff, recall, work rules, hours of work, schedules of work, work assignments, employment duties, responsibilities, performance, and/or production standards, subcontracting, expansion, reduction or cessation of certain operations, merger, consolidation, sale or relocation of facilities and operations, decisions concerning the use of equipment, methods or facilities, or any other term, condition, or privilege of employment that the City, in its sole discretion, deems necessary to the safe, efficient and cost-effective operation of its legal responsibilities and duties.

1.0.5 Fair and Equitable Administration

The City has established by the adoption of this Manual, the fair and equitable administration of personnel matters and they are delineated throughout this Manual.

1.0.6 Independent Contractor Exemption

The City Manager may contract for specific functions to be accomplished by independent contractors (example: City Attorney, City Planner, City Engineer, Building Official, City Auditor, etc.). Independent contractors are exempt from the provisions of this Manual except for Section 9 (Personnel Complaint Procedures). When the City Council is in session to discuss and consider personnel issues, these independent contractor positions are considered to be “employees” under the Ralph M. Brown Act and matters related to their retention/employment are subject to review in closed session pursuant to California Government Code Section 54957. Therefore, the City Council must deliberate these issues in “closed session” as specified in Section 55957 of The Ralph M. Brown Act unless requested in writing by the “employee” to be held in open session. Therefore, Section 9, Citizen's Personnel Complaint Procedure is applicable to these independent contractor positions that function as employees.

1.0.7 Use of Gender Specific Wording

For sake of clarity and simplification, the masculine gender of various words is used through this Manual. In all cases, both the masculine and feminine genders are applicable and the use of the masculine version does not imply any gender bias by the City.

1.1.0 Administration

The City of Ferndale is a Council-Manager form of government. The City Manager (referred to herein as “City Manager” or as “CM”) is responsible for the efficient administration of all affairs of the City including personnel matters except for those personnel related functions specifically retained by the Council.

1.1.1 Authority Over Employees

The City Manager has the authority to control, order, and give directions to all heads of departments and to subordinate officers and employees of the City under his jurisdiction

through their department heads. No department head shall be removed until the CM has first reviewed such action with the City Council in closed session and has obtained the Council's approval.

1.1.2 Powers of Appointment and Removal

The CM shall appoint, remove, promote, and demote any and all officers and employees of the City of Ferndale, subject to all the provisions of this Manual and other applicable rules and regulations.

1.1.3 Administrative Reorganization of Departments and Employees

It is the duty and responsibility of the CM to conduct studies and effect such administrative reorganization of departments, employees, positions, or units under his direction as may be indicated in the interest of efficient, effective, and economical conduct of the City's business.

1.2.0 Fair Employment

It is the policy of the City to guarantee every application for employment and every employee, the right of equal treatment without regard to race, color, sex, age, religion, national origin, sexual preference, disability or veteran status, or any other class protected by law. The policy extends to recruiting, hiring, working conditions, employee treatment, training programs, promotions, use of the City's facilities, and all other terms and conditions of employment.

In recruiting and selecting employees, it is the policy of the City to further the principles of equal employment by seeking talented and competent persons who are suited for a specific position by reason of training, experience, character, personality, intelligence and general ability. Such action shall occur without regard to the individual's race, color, sex, age, religion, national origin, sexual preference, disability or veteran status, or any other class protected by law.

It is the policy of the City that all personnel actions such as compensation, benefits, transfers, continuing education, tuition assistance, and social and recreation programs will be administered without regard to an individual's race, color, sex, age, religion, national origin, sexual preference, disability or veteran status, or any other protected basis. When necessary, under the California Fair Employment and Housing Act and Americans with Disabilities Act, the City will reasonably accommodate employees and applicants with disabilities if the person is otherwise qualified to safely perform all of the essential functions of the position.

1.3.0 Policy Against Harassment

1.3.1 Purpose

The City is committed to providing a workplace free of sexual harassment (which includes harassment based on gender, pregnancy, childbirth, or related medical conditions), as well as harassment based on such factors as race, color, creed, national

origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, medical leave status, veteran status, or any other basis protected by federal, state or local laws.

The City strongly disapproves of and will not tolerate harassment of employees by managers, supervisors, or co-workers. Similarly, the City will not tolerate harassment by its employees of non-employees with whom City employees have a business, service, or professional relationship. The City also will attempt to protect employees from harassment by non-employees in the workplace. All employees are required to attend initial training and participate in periodic additional training.

1.3.2 Definition of Harassment

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with an employee's work performance. Sexual harassment is defined by the Fair Employment and Housing Commission as "unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature." Sexually harassing conduct can be by a person of either the same or opposite sex. Such conduct constitutes sexual harassment when:

1. Submission to the conduct is made either an explicit or implicit condition of employment;
2. Submission or rejection of the conduct is used as the basis for an employment decision; or
3. The harassment interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment.

Unlawful harassment includes, but is not limited to:

1. Verbal conduct such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations, jokes, or comments;
2. Visual conduct such as derogatory posters, photography, cartoons, drawings, or gestures;
3. Physical conduct such as assault (unwanted touching), blocking normal movement, or interfering with work directed at an individual because of his or her sex or any other basis;
4. Threats and demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors;
5. Retaliation for having reported or threatened to report harassment; or

6. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, and suggestive or obscene letters, notes, or invitations.

1.3.3 Reporting and Investigation of Harassment Claims

The City understands that victims of harassment are often embarrassed and reluctant to report acts of harassment out of fear of being blamed, concern about being retaliated against, or because it is difficult to discuss sexual matters openly with others. However, no employee should have to endure harassing conduct, and the City therefore encourages employees to promptly report any incidents of harassment so that corrective action may be taken.

On this subject, employees are required to report any behavior they consider to be improper or offensive. Similarly, employees are required to report romantic relationships in the workplace, even if they appear to be consensual, where conduct associated with such relationship causes others to be uncomfortable or offended. This would include acts of favoritism, where an employee is perceived to receive preferential treatment as a result of a relationship, for example. This is particularly important if it appears preferential treatment involves job-related benefits.

If an employee thinks he or she is being harassed on the job because of his or her sex, race, ancestry or other protected basis, the employee should immediately provide a written complaint detailing the facts of the incident to the employee's immediate supervisor, Department Head or to the City Manager. An employee is not required to complain to any person if that person is the individual who is harassing the employee, but may instead report the harassment to his or her immediate supervisor or any other member of management.

Supervisors and Department Head's will refer all harassment complaints to the City Manager. The City Manager will immediately undertake an effective, thorough and objective investigation of the harassment allegations. As soon thereafter as possible, the City Manager will communicate his/her determination to the complaining employee and the accused, and the remedial action (if any) to be taken to the complainant, and, when appropriate, to other persons who are directly concerned.

1.3.4 Corrective Action

If the City Manager determines that unlawful harassment has occurred, the City Manager will take effective remedial action commensurate with the severity of the offense. This action may include disciplinary action against the harasser, up to and including termination. Appropriate action will also be taken to deter any further harassment. Whatever action is taken against the harasser will be made known to the employee who filed the complaint, and the City Manager will take appropriate action to remedy any loss to the complaining employee resulting from harassment.

No individual will suffer any reprisals or retaliation for reporting any incidents of harassment, or perceived harassment, for making any complaints of harassment, or for participating in any investigation of incidents or harassment or perceived harassment.

The City encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved. In addition to notifying the City about harassment or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing (“DFEH”), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is generally one year from the date of the alleged unlawful conduct. If the DFEH believes that a complaint is valid and settlement efforts fail, the DFEH may seek an administrative hearing before the California Fair Employment and Housing Commission (“FEHC”) or file a lawsuit in court. Both the FEHC and the courts have the authority to award monetary and non-monetary relief in meritorious cases. Employees can contact the nearest DFEH office or the FEHC at the locations listed in the City’s DFEH poster or by checking the state government listings in the local telephone directory or online.

1.4.0 Employment of Relatives

No person shall be employed as an employee of the City who would be placed in a supervisory or subordinate relationship over or under a person who is a member of the other’s “immediate family”¹. The fact that one or more supervisory levels may exist between related employees does not eliminate the conflict prohibited by this section. No person shall be hired or retained as an employee in a regular or temporary position whose immediate family includes a current City Council member. Employees are responsible for informing the City Manager of any relationship, or potential relationship, prohibited by this paragraph.

If an employee becomes part of another employee’s immediate family, or if an employee becomes part of a City Council member’s immediate family, only one of the individuals will be permitted to stay in their position. The individuals involved must decide within 30 days of the effective date of the relationship who will retain their position. Absent such a decision, the CM will make the decision if the relationship is between employees. The City Council will make the decision if the relationship is between an employee and a City Council member. Non-paid volunteers acting as employees are exempt from the provisions of this Section.

1.5.0 Personnel Records

All applications for employment, personnel records and employment referral records will be maintained for seven years after the date of last written activity.

A personnel record shall be maintained for every employee and shall contain all information pertinent to his or her employment. An employee’s personnel file may be examined only by the

¹ The definition of “*immediate family*” is in paragraph 1.14.0 in Section 1 of this Manual.

CM, the employee's Department Head, the employee assigned to be responsible for personnel records and those authorized by the CM. The Mayor and the City Council have access to the CM's personnel record.

Employees have the right to examine any portion of their personnel file after submitting a written request to their Department Head or the CM. The City Manager maintains a written form for this purpose, which the employee shall use when making a request.

Employees have the right to file a written exception to anything found in their personnel files. An employee's written exception will be filed with their personnel file and will become a part of their permanent personnel file.

Except where the disclosure of additional information is required or authorized by law, the only information from the employee's personnel file which may be publicly released is: employee's name; positions held including job descriptions; salary range and other general terms or limits of compensation; and dates pertaining to the employee's employment.

1.6.0 Confidential Information

Employees may not issue any statement representing City policy or programs or release official information to news media or the public without prior authorization of the CM or as otherwise provided by law.

1.7.0 Medical Examinations/Fitness for Duty

The CM or City Council may require an employee to undergo medical (physical or mental) exams, drug testing, or skill tests (at City's expense), if the employee's supervisor has reason to believe the employee may be unfit for duty. Such tests can be the basis for reassignment, leaves, conditional employment or termination.

1.8.0 Drug-Free Workplace Policy

1.8.1. Objective of Policy

It is the intent of the City to maintain a workplace that is free of drugs and alcohol to provide a safe, efficient, and productive workplace. Employees who are under the influence of a drug or alcohol on the job compromise the City's interests and endanger their own health and safety as well as the health and safety of others.

Substance abuse in the workplace can also cause a number of other work-related problems, including absenteeism and tardiness, unsatisfactory job performance, increased workloads for co-employees, behavior that is disruptive to other employees, and products or services that are of inferior quality.

To further its interests in avoiding accidents, to promote and maintain safe and efficient working conditions for all employees, and to protect its business, property, equipment and operations, the City has established this policy regarding the use of alcohol and

drugs. As a condition of continued employment with the City, each employee must abide by this policy. The City Manager has been designated to administer this policy, monitor the program and make reports as required by law.

If a Department Head or other reliable party, as defined below, has “reasonable suspicion” that an employee may be in violation of this policy, they will report the concern to the City Manager in a timely manner. The decision to refer an employee for drug-testing will be made by the City Manager in accordance with the procedures outlined below.

1.8.2. Applicable Definitions

For purposes of this policy, the following definitions will apply:

1. “Illegal drugs or other controlled substances” means any drug or substance that is not legally obtainable, is legally obtainable but has not been legally obtained, or has been legally obtained but is being sold or distributed unlawfully.
2. “Legal drug” means any drug including prescription or over-the-counter drugs that have been legally obtained and that are not unlawfully sold or distributed.
3. “Abuse of any legal drug” means the use of any legal drug for any purpose other than the purposes for which it was prescribed or manufactured, or in a quantity, frequency, or manner that is inconsistent with the instructions or recommendations of the prescribing physician or manufacturer.
4. “Reasonable suspicion” includes a suspicion that is based on specific personal observations such as an employee’s manner, disposition, muscular movement, appearance, behavior, speech or breath odor, information provided to a Department Head or City Manager, by an employee, law enforcement officials, a security service, or other persons believed to be reliable, or a suspicion that is based on other relevant circumstances.
5. “Possession” means that an employee has the substance on his/her person or otherwise under his/her control.

1.8.3. Prohibited Conduct

The prohibitions set forth in this section apply whenever the interests of the City may be adversely affected, including any time an employee is:

1. On City premises;
2. Conducting or performing City business, regardless of the physical location;
3. Operating or responsible for the operation, custody or care of City equipment or other property; or

4. Responsible for the safety of others in connection with, or while performing, City-related business.

1.8.4. Alcohol

The following acts are prohibited and will subject an employee to discipline up to and including discharge:

1. The unauthorized use, possession, purchase, sale, manufacture, distribution, or dispensation of alcohol; or
2. Being under the influence of alcohol or otherwise impaired as a result of being under the influence of alcohol.

1.8.5. Illegal Drugs

The following acts are prohibited and will subject an employee to discipline up to and including discharge:

1. The use, possession, purchase, sale, manufacture, distribution, transportation or dispensation of any illegal drug or other controlled substance; or
2. Being under the influence of any illegal drug or other controlled substance or otherwise impaired as a result thereof.

1.8.6. Legal Drugs

1. The abuse of any legal drug;
2. The purchase, sale, manufacture, distribution, transportation, dispensation or possession of any legal prescription drug in a manner inconsistent with law; or
3. Working while impaired by the use of a legal drug whenever such impairment might:
 - (a) Endanger the safety of the employee or some other person;
 - (b) Pose a risk of significant damage to City property; or
 - (c) Substantially interfere with the employee's job performance or the efficient operation of City business or equipment.

1.9.0. Drug-Free Awareness/Reporting

1.9.1. Employee Awareness

The City has established a Drug-Free Awareness Program that is designed to educate employees about the dangers of drug abuse in the workplace and to help ensure that employees are familiar with this policy and with the disciplinary actions that can result

from a violation of it. From time to time, employees will be requested to attend one of the sessions of the Drug-Free Awareness Program. During each such session, employees will be given current information about relevant City policies on this subject.

1.9.2. Management Awareness

The City Manager and supervisors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or to otherwise engage in conduct that violates this policy. When any supervisor has reasonable suspicion to believe that an employee or employees are working in violation of this policy, prompt action is required. If the employee in question performs in a designated safety-sensitive position, such action may include drug testing in accordance with the procedures outlined in this Manual.

1.9.3. Criminal Convictions

Employees must notify the City (by notifying the City Manager) of any conviction under a criminal drug statute for a violation occurring in the workplace or during any City-related activity or event. Employees must notify the City within five days after any such conviction. When required by federal law, the City will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace as required by law.

1.10.0 Legal Drugs

The City recognizes that employees may, from time to time, be prescribed legal drugs that, when taken as prescribed or in accordance with the manufacturer's instructions, may result in impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to City property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, he/she may not report to work. To accommodate the absence, the employee may use accrued sick leave or vacation time. The employee may also contact the City Manager to determine whether or not he/she qualifies for an unpaid leave of absence. Nothing in this policy is intended to permit the use of accrued sick leave or vacation time to accommodate absences due to the abuse of legal drugs.

Further, nothing in this policy is intended to diminish the City's commitment to employ and reasonably accommodate qualified disabled individuals. The City will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability.

1.10.1 Normal Use of Over-The-Counter Drugs

Nothing in this policy is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, provided that such activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this policy.

1.10.2 Off-The-Job Activity

Unless an employee is in a designated safety-sensitive position, this policy is not intended to regulate off-the-job conduct, provided the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this policy. If an employee is in a designated safety-sensitive position, he or she will be subject to drug testing as described below in this policy.

1.10.3 Authorized Use of Alcohol

The City may have events or social functions where alcohol for consumption may be available by others. The City does not support the consumption of alcohol at these events. Further the consumption of alcohol is at the employee's own risk. However, under no circumstances are employees to become impaired at such events or to be transported to or from such events by third parties who are impaired.

1.11.0 Confidentiality

Disclosures made by employees to designated supervisors concerning their use of legal drugs will be treated confidentially and will not be revealed to other managers, supervisors, or employees unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to designated supervisors concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

1.12.0 Counseling/Employee Assistance

Employees, who suspect they may have alcohol or drug problems, even if in the preliminary stages, are encouraged to voluntarily seek diagnosis and to follow through with the treatment as prescribed by professionals. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact the City Manager, who will determine whether the City can accommodate the employee by providing unpaid leave for the time necessary to complete participation in the program. Employees should be aware that participation in a rehabilitation program would not necessarily shield them from discipline for a violation of this policy, especially if discipline is imposed for a violation occurring before the employee seeks assistance.

1.13.0 Drug Testing

1.13.1 Testing of Applicants for Employment

As part of the City's employment screening process, any applicant for a City position, to whom a conditional offer of employment has been made, must pass a pre-employment drug and alcohol test under the procedures described below. The offer of employment is contingent on a negative test result.

1.13.2 Annual Testing of Employees in Designated Safety-Sensitive Positions

Employees in safety-sensitive positions may be required to submit to annual drug testing, under the procedures described below. The City Manager will schedule the testing. Safety sensitive positions include the following:

- Any employee who operates a City vehicle on a regular routine basis as part of their normal work activities.
- Any employee who has a Class A or B driver's license as required by the City.
- Any employee who operates City heavy equipment. (i.e. backhoe, dump truck)
- Any employee certified to wear Self Contained Breathing Apparatus.
- Department Heads and supervisors

If an employee refuses to cooperate with the administration of a drug test, the refusal will be handled in the same manner as a positive test result.

1.13.3 Reasonable Suspicion Testing

If an employee acts in such a manner that his/her supervisor or the City Manager has a reasonable suspicion that the employee is working in an impaired condition or otherwise engaging in conduct that violates this policy, the employee will be asked about any observed behavior and offered an opportunity to give a reasonable explanation. If the employee is unable to satisfactorily explain the behavior, he/she will be requested to take a drug test in accordance with the procedures outlined below.

If the employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

1.13.4 Random Testing

Employees in safety sensitive positions only may be subject to random testing as authorized or required by state or federal law or regulation.

1.13.5 Testing Procedures

The City will refer the applicant or employee to an independent National Institute on Drug Abuse (NIDA)-certified medical clinic or laboratory which will administer the test. The City will pay the cost of the test and the applicant or employee's reasonable transportation costs to the testing facility. The applicant or employee will have the opportunity to alert the clinic or laboratory's personnel of any prescription or non-prescription drugs that he/she has taken that may affect the outcome of the test. All drug testing will be performed by urinalysis. Initial screening will be done by EMIT II. Positive results will be confirmed by gas chromatography/mass spectrometry.

The clinic or laboratory will inform the City as to whether the applicant or employee passed or failed the drug test.

In the event of a positive test result, the applicant or employee may:

- Submit additional information in writing to the City to try to explain the positive test result, provided that the City must receive the explanation within three working days after the applicant or employee receives notice of the positive test result;
- Request in writing a confirmatory retest of the original sample, at the applicant or employee's own expense, provided that the City must receive the written request for a confirmatory retest within 48 hours after the applicant or employee receives notice of the positive test results. Any confirmatory retest requested and paid for by the applicant or employee must be conducted by a laboratory that is certified to perform drug testing by the National Institute on Drug Abuse.

If an employee fails the test, he/she will be considered to be in violation of this policy and will be subject to appropriate discipline, up to and including termination.

1.13.6 Acknowledgment and Consent

Any applicant or employee subject to testing under this policy will be asked to sign a form acknowledging the procedures governing testing, and consenting to:

1. The collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and
2. The release to the City of medical information regarding the test results. Refusal to sign the agreement and consent form, or to submit to the drug test, will result in the revocation of an applicant's job offer, or will subject an employee to discipline up to and including discharge.

1.13.7 Confidentiality

All drug testing records will be treated as confidential.

1.14.0 Definitions

The following definitions apply throughout this Manual unless the context requires another meaning:

ANNIVERSARY DATE: Shall mean any anniversary of the date of the employees first day on the job in a regular (part-time or full-time) position with the City.

APPLICANT: Shall mean a person who has filed an application for a job opening.

APPOINTMENT: Shall mean the selection of an applicant for either a regular or temporary position with the City of Ferndale.

CITY: Shall mean the City of Ferndale.

CITY COUNCIL MEMBERS: Shall mean the four elected or appointed persons serving as City Council members of the City of Ferndale.

CITY CLERK: Shall refer to the appointed position of City Clerk of the City of Ferndale.

CITY MANAGER or CM: Shall refer to the appointed position of City Manager who is the administrative head of the government of the City of Ferndale as provided in Ferndale Ordinance 99-01.

DEPARTMENT HEAD: Shall mean the City Clerk, Director of Public Works, Chief of Police, Chief Plant Operator or their designees.

EMPLOYEE: Shall mean any person holding a paid position with the City of Ferndale unless the individual was hired as an independent contractor or a consultant.

EMPLOYEE, EXEMPT: Any employee exempted from federal and state wage laws.

EMPLOYEE, FULL-TIME: A full-time employee is defined as either a permanent or temporary employee scheduled to work a minimum of thirty (30) hours per week.

EMPLOYEE, HOURLY PAID: Shall mean any person working for an hourly wage.

EMPLOYEE, NON-EXEMPT: Shall mean an employee of the City who is not classified as an “exempt” employee as defined elsewhere in this section of definitions.

EMPLOYEE, PART TIME: A part-time employee is defined as either a permanent or temporary employee scheduled to work less than thirty (30) hours per week.

EMPLOYEE, REGULAR: Shall mean an employee who is appointed to fill a permanent position (part-time or full-time) and has satisfactorily completed the applicable probationary period.

EMPLOYEE, SALARIED: Shall mean any employee who is paid a fixed amount each pay period. “Salary Basis” means each pay period, the employee is paid a predetermined amount, at least the minimum weekly salary regulated by federal regulations, and the amount is not reduced because of variations in the quality or quantity of the work performed.

EMPLOYEE, TEMPORARY: Shall mean an employee hired for a specific term (normally expected to be no more than six (6) months) or project and is not eligible for any benefits other than those benefits required by law.

EMPLOYMENT STANDARDS: Shall mean the qualifications the City prescribes for the selection of an employment candidate to fill a specific job position.

FLEX TIME: The discretionary flexibility of an “exempt” employee to schedule his work time and time off subject to the approval of the Department Head or CM in the case of a Department Head and the provisions of Section 5.0 of this Manual.

IMMEDIATE FAMILY: Shall mean spouse, long term partner, parents, children, brother, sister, grandparents, grandchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law or any other person who is a legal dependent of the employee. The term “spouse” includes registered domestic partner.

MAYOR: Shall mean the separate and directly elected executive head of City government.

PROBATIONARY PERIOD: The probationary period is different for different employment standards. They are defined in Section 2 of this Manual.

SERIOUS HEALTH CONDITION: one that requires either in-patient care in a medical facility or continuing treatment or supervision by a health-care provider.

1.15.0 Uniforms and Protective Clothing

1.15.1 Policy for Sworn Police Officers

The policy and standards for required uniforms, protective clothing, shoes, personal safety items, etc., is delineated in the Ferndale Police Department Operations Manual which may be revised from time to time. The cost of some of these items which are provided by the employee may be reimbursed by the City. The reimbursement policy is delineated in the Police Department Operations Manual. All reimbursable purchases made by Police Department employees require the approval of the Police Chief prior to expenditure by the employee.

1.15.2 Policy for All Other Employees

The policy and standards for required dress, protective clothing, safety shoes, personal safety items, etc., is to provide the minimum equipment necessary for the employee to safely do his/her job. The cost of some of these items that are provided by the employee may be reimbursed by the City. All reimbursable purchases made by City employees require the approval of the City Manager prior to expenditure by the employee.

1.16.0 Vehicle Cost Reimbursement

If an employee is authorized in writing by the Department Head or the CM to use his or her personal vehicle in the performance of City work, reimbursement will be based on total miles driven at the IRS-approved rate per mile in effect at the time of travel. Any fines incurred as a result of driving or parking violations are the driver’s sole responsibility.

Proof of adequate insurance covering collision, personal injury and property damage with at least \$100,000/\$300,000 coverage must be provided every six months. A valid driver’s license shall

be required by the City for every employee authorized to use a personal vehicle in the performance of City work. The CM will maintain this in the employees' personnel file. Every attempt shall be made to coordinate work so that City vehicles are available and operational for the performance of City work.

1.17.0 Expense Reimbursement

All purchases made by an employee, on behalf of the City, must be authorized by the CM. Unauthorized purchases may not be reimbursed by the City. The CM may authorize disbursement for budgeted purchases less than \$5,000.00. Disbursements of \$5,000.00 or greater must be approved by the City Council.

1.18.0 Change of Employee Status or Address

It is the employee's responsibility to advise the City's business office and his or her Department Head of any change in the employee's withholding status, telephone number, address, name or other such information (marriage, change in number of dependents, etc.) that might affect the City payroll records and/or other employee benefits such as health and dental care, etc.

1.19.0 Workplace Violence

1.19.1 Summary of Policy

In recognition of the fact that workplace violence is a concern among employers and employees across the country, the City has committed itself to providing a safe, violence-free workplace. In this regard, the City strictly prohibits employees, consultants, clients, customers, visitors, the public, or anyone else on City premises or engaging in a City-related activity from behaving in a violent or threatening manner.

Moreover, as part of this policy, the City seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring.

The City believes that prevention of workplace violence begins with recognition and awareness of potentially early warning signs and has established procedures for responding to any situation that presents the possibility of violence.

1.19.2 Workplace Violence Defined

Workplace violence includes, but is not limited to, the following:

1. Threats of any kind;
2. Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others;
3. Other behavior that suggests a propensity toward violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage

of City property, or a demonstrated pattern of refusal to follow City policies and procedures;

4. Defacing City property or causing physical damage to its facilities; or
5. With the exception of security personnel and law enforcement officers, bringing weapons or firearms of any kind on City premises, in City parking lots, or while conducting City business.

1.19.3 Reporting

If any employee observes or becomes aware of any of the above-listed actions or any other actual violence, imminent violence, or threat of imminent violence by an employee, client, customer, consultant, visitor, or anyone else, he or she should immediately notify his/her supervisor, the Department Head, or the City Manager, or any other management employee. If appropriate, the employee should also contact the local law enforcement authorities by dialing 911.

Further, employees should notify the City Manager if any restraining order is in effect, or if a potentially violent, non-work-related situation exists that could result in violence in the workplace.

1.19.4 Investigation

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, the City will inform the reporting individual of the results of the investigation. To the extent possible, the City will maintain the confidentiality of the reporting employee and of the investigation. The City may, however, need to disclose results in appropriate circumstances. For example, this may occur in order to protect individual safety. The City will not tolerate retaliation against any employee who reports workplace violence.

1.19.5 Corrective Action and Discipline

If the City determines that workplace violence has occurred, the City will take appropriate corrective action, and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or verbal warnings, probation, reassignment of responsibilities, suspension, or termination of employment. If the violent behavior is that of a non-employee, the City will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

In situations where it is found appropriate to do so, the City may request that an employee who violates this policy participate in counseling, either voluntarily or as a condition of continued employment.

1.20.0 Suggestion System

The City encourages employees to submit ideas and suggestions to improve operations and reduce costs. These suggestions should be discussed with the Department Head. Suggestions which may affect multiple Departments should be submitted to the City Manager by the Department Head.

2.0 EMPLOYMENT CLASSIFICATION

2.1.0 Probationary Period, Procedures, and Evaluation

2.1.1 General

All new employees shall be on a probationary period starting with the first day of employment. Such period of probation shall be to determine the employee's ability to satisfactorily perform the duties of the employee's job and determine his or her ability to work with other employees.

2.1.2 Police Officers

The probationary period for police officers shall be eighteen (18) months for all entry-level positions and twelve (12) months for all promotions.

2.1.3 All Other Employees

The probationary period for all employees other than police officers shall be six (6) months for all entry-level positions and six (6) months for all promotions. A probationary period may be extended for 60 days with the consent of the City Manager (CM) and employee.

2.1.4 Probationary Procedures

During the probationary period, an employee may be dismissed at any time in accordance with at-will status by the City Manager (CM). Dismissal shall be in accordance with procedures set forth in Section 7 of this Manual. Any employee dismissed during his or her probationary period following a promotional appointment shall be reinstated to the position from which he was promoted unless the employee was charged with misconduct (Section 4) which warranted the disciplinary procedure of dismissal (Section 7).

The probationary period shall not include time served under any temporary appointment. Probationary employees shall be entitled to use sick leave and vacation leave during the probationary period with the approval of the Department Head. Probationary employees shall be paid for the City holidays listed in Section 10 of this Manual. If the Job Description provides for the position to be eligible for City-provided health, dental, and vision care benefits, there may be a required waiting period before these benefits can be used by a newly appointed employee. Regular appointment shall begin with the day

following the expiration date of the probationary period.

While serving a probationary period, the employee is not prevented from being promoted to a higher position. If an employee is promoted during his or her probationary period, the probationary period for the position to which he is promoted shall begin with the date of appointment to the promoted position.

The Department Head, with the approval of the CM, may extend the probationary period for an additional period of time when such an extension is deemed appropriate or beneficial. The extension requires a written notice stating the reason for the extension.

2.1.5 Probationary Evaluation

Each probationary employee shall have his/her performance evaluated at the end of every three (3) months for the entire length of his/her probationary period or at more frequent intervals when deemed necessary by the Department Head, CM, or City Council. Such evaluations shall be reported on a Performance Evaluation Report, which will become part of the employees file. (The format of this report may change from time to time and may be specific to the Department.)

A probationary employee is not entitled to utilize the grievance procedures as described in Section 8 of this Policy.

2.2.0 Permanent Full-Time

An employee who has been appointed to a position that is regularly assigned at least thirty (30) hours of work per week for fifty-two (52) weeks per year and has successfully completed the probationary period is considered a permanent full-time employee and shall be eligible for all paid benefits. See Appendix A in Section 12 - Schedule of Employee Benefits by Classification which summarizes paid benefits.

2.3.0 Regular Part-Time

An employee who has been appointed to a position that regularly works less than thirty (30) hours a week for fifty-two (52) weeks per year and has successfully completed the probationary period is considered a regular part-time employee. Regular part-time employees are eligible for some paid benefits. See table in Section 12 - Schedule of Employee Benefits by Classification which summarizes paid benefits.

2.4.0 Temporary Full-Time

An employee who has been appointed to a position that regularly works at least thirty (30) hours per week and for a duration of six (6) months or less is a temporary full-time employee. The purpose for the temporary position can be for performing seasonal work, special contracts or projects, or to help the City with abnormally large workloads or emergencies, or other conditions as approved by the CM. Temporary full-time employees are paid on an hourly basis and are not

eligible for health, dental, vision benefits, vacation, or sick leave benefits. Temporary full-time employees may be assigned to work overtime and will receive overtime pay at the rate of 1 ½ for every hour worked for all overtime work performed.

2.5.0 Temporary Part-time

An employee who has been appointed to a position that regularly works less than thirty (30) hours per week and for a duration of six (6) months or less is a temporary part-time employee. The purpose for the temporary position can be for performing seasonal work, special contracts or projects, or to help the City with abnormal large workloads or emergencies, or other conditions as approved by the CM. Temporary part-time employees are paid on an hourly basis and are not eligible for health insurance, vacation, or sick leave benefits.

3.0 HIRING POLICY

3.1.0 General

When a permanent or temporary position becomes vacant, the Department Head with the approval of the City Manager may determine whether or not to fill the vacancy. If the vacancy is to be filled, the City Manager shall have the authority to hire the most qualified applicant after following the recruitment procedure. If a Department Head position becomes vacant, the City Manager will hire or promote the most qualified applicant for the position. If the City Manager position becomes vacant the City Council will select the most qualified candidate.

3.2.0 Recruitment

Vacancies may be filled by open or closed recruitment as recommended by the Department Head and approved by the CM. When a new position is created by the City, the City Manager will determine if the position will be filled by either “open” or “closed” recruitment, unless specifically directed by the City Council.

Open recruitment procedure indicates that the position is open to the public at large and the City will receive applications from any person.

Closed recruitment procedure indicates that the position is for promotional determination and is open to only eligible City employees. The City Manager may use this procedure to hire temporary employees for special projects of less than six months.

3.2.1 Permanent job openings for positions to be filled through the “open” procedure will use a public announcement process that may include, but is not limited to: posting announcements at appropriate federal, state and local employment agencies (such as EDD, etc.) and contacting prospective applicants through local as well as professional organizations and publications. All announcements for “open” job openings shall be advertised in a local daily newspaper for a minimum of five days.

3.2.2 Permanent job openings for positions to be filled through the “closed” procedure

will be announced only to City employees and are exempt from the public announcement process. The City Manager must present his/her reasons for a “closed” procedure to the City Council for approval prior to any job opening announcement.

3.2.3 Temporary job openings may be filled through either the “open” or “closed” procedure. However, the urgent need to fill temporary positions created because of abnormally large workloads or emergencies may allow the requirement to advertise in a local daily paper for a minimum of five days to be waived. The CM has the authority to waive the requirement due to urgency.

3.3.0 Applications

All job applications shall be made on application forms provided by the City. The application form must be filled out completely and submitted to the business office of the City on or before the closing date and time specified in the job announcement or postmarked before midnight of the closing date.

All job applications are confidential records of the City, and under no circumstances will they be returned to the applicants. Incomplete applications or defective applications may be amended by the applicant prior to the closing date for filing applications. After the closing for filing applications, incomplete or defective applications may constitute disqualification of the applicant as determined by the CM.

3.4.0 Qualification of Applicants

Applicants must have met the minimum qualification requirements as stated in the job description.

If the selected job applicant is determined to possess extraordinary qualifications for the position for which the applicant is being appointed, the CM with the approval of the City Council may offer a higher salary than was offered in the job announcement but is still within the approved pay scale range of the position.

The Department Head or the CM may disqualify any applicant if the applicant is found to:

1. Lack any of the preliminary requirements announced for the position.
2. Be unable to perform the essential functions of the position with or without reasonable accommodations for the applicant’s disability.
3. Have been convicted of any crime designated by California Government Code Section 1021.
4. Have made a false statement of material fact in his or her application.
5. Have failed to submit his or her application correctly or within the prescribed time limits.
6. Have been dismissed previously from employment by the City for inefficiency, delinquency, or misconduct.
7. Any other material fact that makes the applicant unacceptable for City

employment.

If an applicant is invited to an interview and is disqualified following the interview, a written notice shall be given to the applicant within ten (10) days of the elimination of that applicant from further consideration.

Statements of required training and experience will be used as part of the basis for comparison among applicants; however, the CM after the recommendation of the Department Head will make a final determination of what are reasonable and acceptable qualifications in all cases.

3.5.0 Offer of Employment

Prior to making an offer of employment for either regular open and temporary positions, all applicants may be required to successfully complete the following:

1. California Criminal Identification and Investigation record check.
2. A drug screening test.
3. A physical examination to determine fitness for the physical requirements of the position.
4. Check of references, former employers, and other associated background checks.
5. Fingerprint record.
6. Department of Justice (fingerprints) previous employer background check.

All offers of employment require the approval of the CM.

4.0 EMPLOYEE CONDUCT

4.1.0 General

In addition to general job knowledge, each employee is expected to show initiative in his or her work, to accept responsibility and to follow through with assigned tasks. Cooperation and consideration among fellow employees is paramount. Physical abuse, spoken or written threats, or spoken or written disparagements of any kind toward the public or other employees are forbidden and will not be tolerated.

In dealing with the public, all employees are expected to maintain a courteous and helpful attitude.

4.2.0 Attendance and Punctuality

4.2.1 General

Attendance, which includes absences and tardiness, is important and is given consideration in performance evaluations, merit increases and promotions. Excessive employee absences and/or tardiness for which there is no satisfactory explanation may jeopardize continued employment.

4.2.2 Notice

Employees are responsible for informing their supervisor in advance of any deviation that may be required in regular work hours, including any time the employee may be late and all forms of absences. The employee is required to give as much advance notice as possible.

4.2.3 Abandonment of Employment

If an employee is absent without authorization from his/her Department Head or the City Manager for three consecutive work days, the City shall consider the employee to have resigned his/her position by method of abandonment. Absences of shorter duration without authorization may be regarded as misconduct and can be cause for discipline according to Section 7.0 of this Manual.

4.3.0 Smoking

Smoking is not allowed inside the City offices, facilities, vehicles, or any rooms used by the public.

4.4.0 Personal Business and Employment Other than the City

Employees may not use City's time or facilities, equipment, supplies, prestige or uniforms for personal purposes or for private gain.

Employees may not receive money in excess of \$10.00 or any other form of non-City consideration for performance of job-related duties.

Employees of the City, regardless of the capacity in which he may be employed, cannot engage or have the appearance of engaging in any activity for compensation which is inconsistent, incompatible or conflicting with his or her duties or which might impair the impartial performance of his or her duties as a City employee.

No employee of the City, while on duty, shall participate in any non-City government activity without prior written approval of the Department Head or CM.

No employee shall engage in or direct an action that they know will violate City, State, or

Federal law or ordinance.

4.5.0 City Property

Employees are personally responsible for the care and custody of any City vehicles, radios, pagers, keys, uniforms or other City property assigned to them for their use. The cost of replacing or repairing any such property which is lost, stolen, or damaged due to negligence, as determined by the Department Head or CM, may be investigated and deducted from the employee's wages if appropriate. Employees are not permitted to use City facilities, equipment, supplies or uniforms for personal use during or after business hours without prior written authorization from the Department Head or CM. The use of city facilities to store or shelter personal vehicles or private property other than those personal tools used in the performance of city work is prohibited.

4.6.0 Personal Appearance

Clean, appropriate dress and grooming are required when working or conducting City business. Clothing expressing profanity or political or commercial messages is forbidden and inappropriate for conducting city business.

4.7.0 Safety

4.7.1 Personal Safety

All employees are responsible for exercising appropriate safety procedures necessary to prevent accidents and injuries. Each employee's cooperation in the implementation of this responsibility is required. Any unsafe condition of which any employee is aware must be reported immediately to his or her supervisor.

4.7.2 On-the-Job Incidents

Any accident or injury, no matter how small, must be reported immediately the same day to the employee's supervisor and a written report must be filed with the CM as soon as possible. If the incident occurs after regular work hours, the employee must telephone the City emergency number and file a verbal report as soon as possible.

4.7.3 Incidents Involving a City Vehicle

In all traffic accidents involving a City of Ferndale vehicle, the employee will contact the appropriate police department to investigate the accidents. In the case of a traffic accident with another vehicle, the employee is required to obtain: the driver's license number, vehicle license number, names of the insurance company covering the other driver and the name of the Police Officer investigating the accident.

4.7.4. Driving and Cell Phones

In the interest of safety, employees are expressly forbidden from using cell phones while driving either on City business or during City hours. This includes writing, sending, or reading text-based communications, such as text messages and e-mail.

If your job requires you to keep your cell phone turned on at times while you are driving, you must use a hands-free device and safely pull off the road and park your vehicle before talking on the phone. Employees are expressly prohibited from placing any phone calls while operating a motor vehicle while driving on City business and/or City time.

Failure to comply with this policy may result in discipline, up to and including termination.

4.8.0 Political Conduct

As citizens, City employees have the right to participate in elections and be involved in various political activities. As employees of a governmental entity, certain constraints may be placed upon the nature and manner of their involvement. Prior to any active involvement in any election or in any political issue, the CM should be consulted to clarify your rights and responsibilities. The CM should consult with the City Council prior to any political activity.

4.9.0 Misconduct

City may use a full range of disciplinary actions in accordance with at-will employee status, varying from verbal reprimands to termination, to address inappropriate behavior or poor performance.

4.10.0 Solicitation and Distribution of Written Materials by Employee

City employees may not engage in solicitation on City premises during working or non-working time. Solicitation or distribution by an employee in any way connected with the sale of goods or services is strictly prohibited anywhere on City property at any time. City employees may distribute or circulate written materials not generated by the City to other employees only during non-working time and not on city property.

4.11.0 Employee Information Area

The City maintains an employee information area at city hall for the purpose of communicating with its employees. Postings are limited to City-related material including statutory and legal notices, safety awareness, update notices concerning any employee benefits and similar subjects of general interest to City employees.

4.12.0 Loss or Damage of Employee's Personal Property

The City does not assume any responsibility for the loss or damage of employee's personal belongings or property. Employees are expected to exercise proper care and judgment to protect

their personal property from loss or damage.

The City will not assume responsibility for fire, theft, or damage of an employee's private automobile including while driving on City business.

4.13.0 Search of City Property and Employee's Personal Belongings

The City reserves the right to search work stations, lockers, desks, City vehicles, lunch boxes, briefcases, purses, coats, tool boxes, and any other personal property of employees, and their contents for unsafe or illegal items on City property. City employees do not have an expectation of privacy while on City property. The City will conduct searches only when there is reasonable cause to believe that the employee has contraband or unsafe items in their possession. Any contraband in plain view may be confiscated.

When contraband is not in plain view, but there is reasonable cause to believe that contraband is on City property, the City will ask for the employee's permission to conduct a search. City employees have no reasonable expectation of privacy in, and may not withhold permission for City officials to search, City supplied containers, including desks, lockers, tool boxes, and City vehicles.

4.14.0 E-Mail, Voice-Mail, and Computer Network System Privacy

The City respects the individual privacy of its employees. Personal privacy rights do not extend to work-related conduct or the use of City-owned equipment, computers or supplies. The following policies concerning e-mail, voice-mail, and computer stand-alone or network systems apply to all City employees:

4.14.1 City's Right to Access Information

Although City employees may have individual access codes to e-mail, voice-mail, and computer network systems, these systems shall be accessible at all times by the CM, Department Heads, and other City officials, and may be subject to periodic unannounced examinations by the City. All system pass codes must be available to the CM, Department Heads and City officials. Employees may not use pass codes that are unknown to the City. Backup copies of e-mail or voice-mail may be maintained and may be referenced for business and legal reasons.

4.14.2 Use of Systems Restricted to City Business

City employees are expected to use e-mail, voice-mail, computer network system(s) for City business only and not for personal purposes. Personal purposes include, but not limited to, soliciting for commercial ventures, religious or political causes, outside organizations, or other non job-related solicitations.

4.14.3 Prohibited Content

City employees are prohibited from using the City's information system in any way that may be disruptive or offensive to others, including, but not limited to, the transmission of sexually explicit messages, cartoons, ethnic or racial slurs, or anything that may be construed as harassment or disparagement of others.

4.14.4 Password Security

City employees are prohibited from unauthorized use of the access codes of other employees to gain access to their e-mail and voice-mail messages. Personal or other inappropriate use of the City's information system(s) may result in discipline, up to and including discharge.

5.0 WORK SCHEDULES

5.1.0 Work Hours

5.1.1 The work week for the City consists of seven (7) days and begins at 12:00 A.M., on Saturday and ends at 11:59 P.M. the next succeeding Friday. The work schedule for each Department will be established by the Department Head with the approval of the City Manager (CM). The work hours for each employee will be scheduled by the Department Head and/or CM. The work schedule for the CM will be established by the City Council.

5.1.2 The needs and services of the City require a variety of work schedules. These are determined by the Department Head, or the CM.

5.1.3 Regular work hours are eight hours of a twenty-four-hour-day as determined by the Department Head or CM. Employees shall be in attendance at their work during their regular hours of work and shall not absent themselves during working hours for any reason without prior written approval of the Department Head or CM.

5.1.4 Any dispute as to what hours are assigned to an employee shall be decided by the Department Head or CM. That decision shall be final.

5.2.0 On-Call (As a general rule, the City does not require on-call for regular employees. The Police Department policy may differ.)

5.2.1 "On-Call" is the term used for employees designated by job description and/or the Department Head to be available during off-work hours to respond to emergencies. Both the Police and Public Works Departments require employees to be "On-Call" and each Department will establish a written "On-Call" policy which is approved by the CM.

5.2.2 Compensation for "On-Call" assignments will be delineated in each Department's written "On-Call" policy and approved by the CM. The "On-Call" compensation

schedules for each Department will also be included in the Salary Schedule approved by the City Council.

5.2.3 Officers assigned to “On-Call” duty will be compensated one (1) hour regular pay for every four (4) hours “On-Call” in the pay period. If the officer is required to respond to a call for service, the officer shall be compensated a minimum of two (2) hours at the appropriate rate of pay. “On-Call” compensation for the police department only applies to hours between 0000 – 0600 hours.

5.3.0 Stand-By

5.3.1 “Stand-By” is the term used for employees designated by job description and/or the Department Head to be generally available during off-work hours to respond to and assist the “On-Call” employee if an emergency is significant and beyond the ability of the “On-Call” person to contain or resolve.

5.3.2 Compensation for “Stand-By” assignments will be delineated in each Department’s written “On-Call” policy and approved by the CM. The “Stand-By” compensation schedules for each Department will also be included in the Salary Schedule approved by the City Council.

5.3.3 Officers assigned to “Stand-By” will be compensated one (1) hour regular pay for every four (4) hours on “Stand-by” status in a pay period. If the officer/s is/are required to respond to an emergency, the officer/s shall be compensated a minimum of two (2) hours at the appropriate rate of pay. “On-Call” compensation for the police department only applies to hours between 0000 – 0600 hours.

5.4.0 Overtime

5.4.1 The City pays overtime for non-exempt employees at time and one-half for any hours worked in excess of 40 hours per week or 8 hours per day and for the first 8 hours worked on the seventh consecutive workday of a workweek, and at double time for any hours worked in excess of 12 hours per day or beyond 8 hours on the seventh consecutive workday of a workweek. All overtime must be approved in advance by the employee’s supervisor.

5.4.2 Overtime will be computed on actual minutes worked, adjusted to the nearest 15-minute increment.

5.4.3 Only those hours that are actually worked are counted to determine an employee’s overtime pay. “Hours worked” means time actually spent on the job. It does not include an unpaid meal period, makeup time, or hours away from work due to vacation, sickness, holiday, jury duty, or other absences from work. Exempt employees are not paid overtime, even if their hours exceed the normal work schedule.

5.4.4 A non-exempt employee may not work overtime without the express written documented prior approval of his/her supervisor.

5.5.0 Flex Time

“Flex Time” means a work schedule other than a standard work week. The practice and use of Flex Time cannot result in adverse performance of the employee’s area or department of responsibility and should be used only if necessary to achieve the objectives of the City. The use of Flex Time requires the prior written approval of the CM. The accumulation of Flex Time does not become an ownership or vested right of the employee. Flex Time is never allowed to be converted to a cash reimbursement for any reason. If the employee leaves employment of the City for any reason, there is no reimbursement for any accumulated Flex Time.

5.6.0 Time Sheets

5.6.1 With regard to all employees, time records must reflect the hours worked each day. An employee is allowed to record time only on his/her time record, and must be completed daily. Completing another employee’s time record or falsifying any time record will not be tolerated and may result in immediate termination of employment.

5.6.2 An employee’s time record is confidential. Viewing another employee’s time record, except by the Department Head or the City Manager, is prohibited.

5.6.3 Employees are required to verify the accuracy of their pay upon receipt of their check. The City wants to be sure you have been paid all amounts earned. Accordingly, if you disagree with the amount of your check, you are required to bring any concerns about the accuracy of your paycheck to the attention of your Department Head or the City Manager without delay. The Department Head shall verify and approve each employee’s accumulated hours of work prior to submitting to the business office for payment. Records of hours worked, vacation time, sick leave, and holiday accumulated and used, shall be kept by the business office.

5.7.0 Payroll Deductions

5.7.1 Taxes

Federal and state laws require the City to withhold the following taxes from all employees’ wages:

1.	Federal Income Tax;
2.	California Income Tax;
3.	Federal Insurance Contributions Act (FICA), (Social Security and Medicare) Payroll Tax;
4.	California State Disability Insurance (SDI) Payroll Tax.

5.7.2 Garnishments

Wage garnishments against an employee’s pay can be a costly administrative burden for

the City. Therefore, City employees are expected to meet their personal financial obligations without involving the City. If the City receives a court order to garnish an employee's wages, the City must comply with that order. If the City receives excessive court orders to garnish an employee's wages this may result in discipline, up to and including discharge.

5.8.0 Paydays

The City Clerk or Finance Director will issue paychecks. Paychecks will be issued according to the payday notice posted in the Employee Information Area located in City Hall (See Section 4 of this Manual about Employee Information Area). Employee paychecks will be released only to the employee unless the employee has provided the City with written authorization to give it to another individual.

If an employee does not work on the posted payday, the City's business office will hold the employee's check until the employee picks it up.

Employees who resign or are discharged by the City will be paid all amounts due to the employee in accordance with applicable law.

6.0 EMPLOYEE PERFORMANCE

6.1.0 Job Description

Each City position shall have a written job description and each employee shall be provided a copy at the time of hire. A copy of the current job description will become a permanent part of the employee's file.

If an employee changes positions, the job description for the new position will be given to the employee and it will become a permanent part of the employee's file.

If the job description is revised, the revised job description will be given to the employee and that job description will become a permanent part of the employee's file.

Failure to meet performance requirements of the job description, either during or after the probation period, could result in some form of disciplinary action as described in Section 7.0 of this Manual.

6.2.0 Performance Review

The City encourages all employees to develop their full potential as it relates to job performance. To assist the employee and City management in assessing and further developing an employee's performance, capacity for increasing responsibility and promotion, as well as standards for a given position, performance appraisals will be conducted on a regular basis by the Department Head.

6.2.1 Evaluations will become a permanent part of the employee's employment record and may be used in disciplinary actions, transfers, promotions and other personnel matters.

6.2.2 Evaluation Format

A formal evaluation will take place two weeks prior to the end of the probationary period and at least once annually thereafter. A performance review may also be conducted whenever the employee's Department Head believes there has been a significant change, either positive or negative, in the employee's performance.

The Department Head will provide the employee with a written report which will be reviewed with the employee during a confidential interview. After reviewing the report, the employee will be asked to sign it and acknowledge that he/she either concurs or does not concur with the evaluation findings. If the employee does not concur, he/she may file a written statement within the next five working days indicating which aspects of the evaluation he/she contests. The employee's written statement will become part of the written record. The statement will be maintained in the employee's personnel file.

6.3.0 Unsatisfactory Performance

When a formal evaluation determines that an employee's work performance is unsatisfactory, appropriate corrective effort, including counseling and training, shall be undertaken. If the employee's performance continues to be unsatisfactory, disciplinary action shall be taken.

6.4.0 Salary Increase

6.4.1 General Policy

It is the intent of City to establish and maintain rates of pay that fairly compensate employees for performance of their respective duties. Fair compensation is that which is consistent with the level of compensation for comparable positions in public and private organizations as determined by the City Council and reflects the level of responsibility assigned to the position.

6.4.2 Completion of Probation

A new employee may become eligible for two types of salary adjustments after successful completion of the probationary period. The two types of salary increases are Merit Increases and Cost of Living Adjustments (COLA). All salary adjustments, whether a Merit Increase or COLA adjustment, are entirely discretionary in nature and the employee has no right or entitlement to an adjustment.

6.4.3 Cost of Living Adjustments (COLA)

The CM, during the preparation of the City Budget for the next fiscal year, may consider

the effect of the Consumer Price Index (CPI) on the City's current Salary Plan, in the CM's discretion. The CM may, in his or her discretion, propose a Cost of Living Adjustment (COLA) to the Salary Plan when the proposed Annual Budget is submitted to the City Council for approval. If a COLA is approved by the City Council, the Salary Plan will be adjusted to reflect this change. If a COLA adjustment is approved by the City Council, all city employees will receive the increase.

6.5.0 Advancement

The City encourages all its employees to pursue job advancement. This can be accomplished by increasing understanding and proficiency in job skills used within their department and in any other areas. All current employees of the City are encouraged to apply for appointment to any vacant position. The City will consider new skill acquisition and education when considering advancement.

7.0 DISCIPLINARY POLICIES AND PROCEDURES

7.1.0 General

Discipline refers to actions taken by the City to discourage or eliminate poor performance of an employee, including, but not limited to actions deemed as misconduct as specified in Section 4.9.0 of this Manual. Disciplinary action can range from verbal reprimands to dismissal.

There are two separate disciplinary policies and procedures for City employees. One policy and procedure is applicable to all City employees except sworn police officers. The other policy and procedure is applicable only to sworn police officers, including the Chief of Police. The disciplinary procedure used by the City for sworn police officers follows standards that comply with the "Peace Officers Bill of Rights." These two separate policies and procedures are clearly differentiated in this Section.

7.2.0 Disciplinary Policy and Procedures for Sworn Police Officers

Disciplinary policy and procedures for City employees who are sworn police officers are delineated in the Ferndale Police Departmental Manual of Operations, in the section titled "Disciplinary Procedures" and are summarized and referenced in this Section of the Manual.

7.2.1 Types of Disciplinary Actions

The types of disciplinary actions applicable to sworn police officers are delineated in the Ferndale Police Department Manual of Operations (and its successors).

7.2.2 Authorization of Disciplinary Action

Authority to administer disciplinary action is delineated in the Ferndale Police Department Manual of Operation (and its successors). However, section 7.3.2 of this Policy Manual is applicable concerning disciplinary action against the Chief of Police

who functions as a Department Head.

7.2.3 Reasons for Disciplinary Action

Section 7.3.3 of this Policy Manual is applicable to sworn police officers and the Chief of Police.

7.2.4 Documentation of Disciplinary Action

Section 7.3.4 of this Policy Manual is applicable to sworn police officers and the Chief of Police.

7.2.5 Effective Date of Disciplinary Action

Section 7.3.5 of this Policy Manual is applicable to sworn police officers and the Chief of Police.

7.2.6 Provisions for Immediate Actions

Section 7.3.6 of this Policy Manual is applicable to sworn police officers and the Chief of Police.

7.2.7 Right to Appeal Disciplinary Action

Section 7.3.7 of this Policy Manual is applicable.

7.3.0 Disciplinary Policy and Procedures for All Other City Employees

Disciplinary policy and procedures for all City employees other than sworn police officers are delineated in this section of the Personnel Policy Manual.

7.3.1 Types of Disciplinary Actions

A City employee may receive the following types of disciplinary action:

1.	Verbal reprimand
2.	Written counseling
3.	Letters of Reprimand
4.	Disciplinary probation
5.	Suspension with or without pay
6.	Reduction in pay
7.	Demotion
8.	Dismissal

7.3.2 Authorization of Disciplinary Action

Only Department Heads and City Manager may administer all the listed disciplinary actions in 7.3.1. However, supervisors may issue verbal reprimands to City employees who report to that supervisor. Department Heads can only administer disciplinary action to City employees who report to that Department Head. Only the CM can administer disciplinary action to Department Heads. If the situation warrants the action, the CM may administer disciplinary action directly to a City employee who is not a Department Head when the Department Head position is vacant. The City Council may discipline the CM.

7.3.3 Reasons for Disciplinary Action

Disciplinary action can be for violations of laws and for those provisions listed in Section 4 of this Manual.

7.3.4 Documentation of Disciplinary Action

Every disciplinary action, except a verbal reprimand, will be documented and a copy placed in the City's personnel records for that employee and the original will be given to the employee. It is at the discretion of the Department Head or the CM, if a verbal reprimand is documented and filed in the employee's personnel file for future reference. (If a verbal reprimand is documented, it is considered to be "documented counseling" and will still be treated as a verbal reprimand and not a written reprimand). If a verbal reprimand is documented and filed, the original will be given to the employee.

The documentation of disciplinary action (referred to in this Section as Written Notice of Disciplinary Action) shall contain at least the following information:

1. Employee's Name and the date the Written Notice of Disciplinary Action is issued;
2. A clear and concise statement of the acts or omissions (misconduct) upon which the disciplinary action is based;
3. A description of the disciplinary action and the effective date or dates;
4. A statement that a copy of this Written Notice of Disciplinary Action will be placed in the employee's personnel record. In addition, if disciplinary action is based on other documents, a copy of those materials will be provided to the employee or made available for examination if requested by the employee;
5. A statement advising the employee of the right to appeal to the CM or City Council;
6. A statement that if the employee wishes to appeal the disciplinary action, the

employee's request to appeal must be presented in writing within two (2) working days of the delivery date of Written Notice of Disciplinary Action, otherwise the employee shall be deemed to have waived all rights to the appeal procedure;

7. The Written Notice of Disciplinary Action shall be given to the employee by personal delivery or by registered mail with return receipt requested. If the notice is sent by registered mail, it shall be deemed received in three (3) calendar days after mailing.

7.3.5 Effective Date of Disciplinary Action.

7.3.5.1 If the disciplinary action against a City Employee is: (1) Reduction in pay, (2) Suspension without pay, (3) Demotion, or (4) Dismissal, the employee's Department Head (or the CM in the case of a disciplinary action against a Department Head) shall provide the employee a Written Notice of Disciplinary Action and allow at least two (2) working days before the effective date of the disciplinary action. However, in these cases, the employee may be given a suspension with pay immediately while allowing at least two (2) working days before the effective date of the disciplinary action.

7.3.5.2 If the disciplinary action against a City employee is: (1) Written reprimand, (2) Disciplinary probation, or (3) Suspension with pay, the employee's Department Head (or the CM in the case of a disciplinary action against a Department Head) shall provide the employee a written notice, the effective date of the disciplinary action and if it can be effective immediately.

7.3.6 Provisions for Immediate Disciplinary Actions

If an employee reports for work under the influence of alcohol and/or drugs, or if the employee's actions clearly indicate that the employee's continued presence at the work site would constitute a threat to property or to the health and safety of the public or the City employee, the Department Head or the CM may suspend the employee without pay immediately and prior to giving the Written Notice of Disciplinary Action. The delivery of the Written Notice of Disciplinary Action (Section 7.3.4) shall be accomplished as soon as practicable, but not less than two (2) calendar days. This provision for immediate action is provided to protect the City and the employee from possible harm and injury.

7.3.7 Right to Appeal Disciplinary Action

All employees who are disciplined have the right to appeal the disciplinary action, except for a verbal reprimand.

7.3.7.1 All appeals of disciplinary actions by a Department Head against an employee shall be heard by the CM. All appeals of disciplinary actions by the CM against a Department Head or in case where the CM also serves as the

employee's Department Head shall be heard by the CM.

7.3.7.2 Requests of appeal to the CM shall be made in writing and submitted to the CM through the employee's Department Head or directly to the CM in the case of disciplinary action against a Department Head. In the case where the CM also serves as the employee's Department Head, the request for appeal will be submitted directly to the CM.

7.3.7.3 The request for appeal must be submitted by the appellant employee within two (2) working days of the receipt of the Written Notice of Disciplinary Action. Failure to request an appeal within this time frame shall be a waiver of the employee's right to appeal.

7.3.7.4 The written request for appeal shall include a statement of the facts of the appeal and the recommended solution in sufficient detail to enable the CM to understand the nature of the disciplinary action and proceedings and the parties concerned. The request for appeal shall include any relevant written information germane to the appeal.

7.3.7.5 The CM will hear the appeal within five (5) working days after receipt of the request for appeal, unless there is an extension by mutual agreement of the appellant and the CM. If CM is absent from the City, the appeal will be heard by the CM within two (2) working days after his or her return. All appeals will be heard in private with the CM. The CM may request the employee's Department Head to be present during the appeal hearing at the discretion of the CM. The employee may have another person of his or her choice attend the appeal hearing with the CM.

7.3.7.6 The disciplinary action prescribed in the Written Notice of Disciplinary Action will not take effect until the CM has heard the employee's appeal and issued a written decision. However, if the employee was suspended with pay or suspended without pay under the provisions of paragraph 7.3.6, those suspensions will remain in effect until a decision on the appeal is made by the CM.

7.3.7.7 The CM may perform further relevant investigation(s) after hearing the employee's appeal. The CM shall issue a written decision on the appeal of disciplinary action within two (2) working days after the appeal hearing, unless there is an extension by mutual agreement of the appellant and the CM.

7.3.7.8 The CM's written decision on the appeal may: (1) Sustain the Written Notice of Disciplinary Action; (2) Reverse the disciplinary action and expunge the Written Notice of Disciplinary Action from the employee's personnel record; (3) Impose a different type of disciplinary action in lieu of the original disciplinary action and issue a revised Written Notice of Disciplinary Action.

7.3.7.9 After the CM has issued his or her written decision on the appeal, the

appellant employee has the right to appeal the disciplinary action and the CM's decision to the City Council. The disciplinary action issued by the CM will be placed into effect while the request for appeal is deliberated and a decision issued by the City Council.

7.3.7.10 The request for the City Council to hear the appeal shall be in writing and delivered to the City Clerk by the appellant within five (5) working days after the employee was presented the CM's decision. Failure to submit a request within the prescribed time limit shall be a waiver of the employee's right to appeal. The written request shall include a statement of the facts of the appeal and the recommended solution in sufficient detail to enable the City Council to understand the nature of the proceedings and the parties concerned, and shall have as attachments any and all relevant written information developed during the pre-appeal stages.

7.3.7.11 Unless such time is extended by mutual agreement of the appellant and the CM, the City Council shall commence its hearing at its next regularly scheduled meeting for which notice of action can be reasonably given and posted as required by Sections 54954.2 and 54957 of the Government Code (Ralph M. Brown Act). Some personnel issues are protected from public disclosure for the benefit of the employee by Section 54957 of the Government Code (Ralph M. Brown Act). Therefore, all disciplinary appeal hearings by the City Council shall be heard in "closed session." However, the appellant employee can request the disciplinary hearing be open to the public.

7.3.7.12 During the disciplinary appeal hearing, the appellant employee may represent himself or be represented by anyone of his or her choice. The CM shall represent his/her authority as provided by ordinance; however he may also delegate other employees, such as a Department Head to represent his/her authority. The City Council functions as the judge and final authority of the City. The City Council is not a party in disciplinary hearings.

7.3.7.13 The City Council shall render a decision within thirty (30) days after the conclusion of the disciplinary appeal hearing. The decision shall contain a summary of the evidence, findings of fact, and a statement of the reasons underlying the decision. A copy of the decision shall be sent to the appellant employee and the CM. The City Council's decision shall be the final and the City's binding administrative remedy.

8.0 GRIEVANCE POLICY AND PROCEDURE

8.1.0 General

It is the intent of the City to equitably resolve employee grievances at the lowest level of administrative responsibility possible, and to provide an orderly procedure for reviewing and resolving grievances promptly.

The grievance procedure allows an employee to:

1. Express a complaint;
2. Question a policy or its application;
3. Or otherwise express dissatisfaction on any matter affecting his or her employment which cannot be resolved by informal discussion and for which appeal or hearing procedure is not otherwise provided.

In the grievance procedure, each employee shall have the right to have someone he/she chooses to represent him/her. No reprisals shall be invoked against any employee for initiating or participating in a grievance procedure.

8.2.0 Definitions

8.2.1 A "grievant" shall mean an employee or group of employees that file a grievance.

8.2.2 A "grievance" shall mean a statement by a grievant, that a controversy, dispute, or disagreement of any kind or character exists for which an appeal is not provided by other policy or procedures. The grievance may be caused by:

1. The interpretation or application of any rule governing personnel practices;
2. Working conditions;
3. Decisions on wages, working hours, or other terms and conditions of employment.
4. Those items listed in Manual Section 1.2.1

8.3.0 Grievance Procedures

8.3.1 The grievant initiates a grievance by filing a Grievance Letter. The grievance must be filed within thirty (30) days following knowledge of the act or condition which is the basis of the grievance. The Grievance Letter is submitted to the employee's direct supervisor. If the grievant does not present the grievance within the prescribed time frame or to his/her direct supervisor, the grievance may be declined.

8.3.2 The supervisor shall respond, in writing, to the employee within five (5) working days after receiving the grievance form.

8.3.3 If the grievant is not satisfied with the written decision of the immediate supervisor, he may, within ten (10) working days after receiving the written decision of the immediate supervisor, appeal the grievance, in writing, to the Department Head (or the City Manager (CM), if Department Head was the employee's direct supervisor who

responded to the grievance).

8.3.4 The written appeal shall include a statement of the grievance, citing the relevant rule or procedure, a copy of the supervisor's written decision, and the grievant's reasons for objecting to that decision. The Department Head (or CM, if applicable) will hold meeting(s) with the immediate supervisor and/or the grievant within five (5) working days after receipt of the written appeal.

8.3.5 The Department Head (or CM, if applicable) will issue a written decision within five (5) working days after the last meeting.

8.3.6 If the grievant is dissatisfied with the decision of the Department Head (or CM, if applicable) the grievant may appeal the decision to the City Council. The appeal must be submitted within ten (10) working days after the decision of the Department Head.

8.3.7 The City Council will hear the appeal within five (5) working days after the grievance is submit to the City Council. The City Council may use any process that is appropriate to resolve the grievance. The City Council will issue a written decision within twenty (20) working days after the appeal was presented. The decision of the City Council shall be the final and binding administrative remedy available to the grievant.

9.0 PERSONNEL COMPLAINT PROCEDURES

9.1.0 General

9.1.1 The purpose of this Section is to provide procedures to receive and promptly resolve public complaints concerning the conduct of City employees (including sworn police officers) and independent contractors who serve for the City. It also provides protection to City employees and independent contractors from slander and erroneous allegations.

9.1.2 Under Government Code Section 54957 (Ralph M. Brown Act), public agencies must protect their employees, including independent contractors serving for the City, from undue publicity or embarrassment specifically during or in public meetings. It is also the City's policy not to allow its employees to be publicly attacked, berated, or slandered.

9.1.3 This Section is not applicable to elected officials of the City.

9.1.4 Every practical means will be used to insure that no adverse consequences occur to any person or witness because of registering a complaint or providing information in any investigation of a complaint.

9.1.5 It is the purpose of these procedures to provide prompt and fair disposition of complaints concerning the conduct of City employees.

9.2.0 Acceptance of Complaints

9.2.1 The public may file complaints against City employees (including sworn police officers) and independent contractors serving for the City in the following manner:

9.2.1.1 File a written complaint to the City Clerk's office to the attention of the City Manager (CM), or,

9.2.1.2 Make an appointment with the CM to present allegations, or,

9.2.1.3 Public complaints against sworn police officers can be made directly to the police chief and handled according the Ferndale Police Departmental Manual of Operations, Section 13-100.00, titled "Citizen Complaint Procedures." Complaints against the police chief should be made directly to the City Council.

9.2.2 Allegations will be promptly investigated. However, if the investigation discloses that the complaint was knowingly false, the person filing the complaint may be subject to both criminal prosecution and/or civil litigation.

9.2.3 Complaints about City employees or independent contractors serving for the City will not be accepted or heard in open session of the City Council as required by Government Code Section 54957.

9.3.0 Complaints Against Employees Reporting to Department Heads

Citizen complaints against employees who report to a Department Head shall be referred to the Department Head by the CM for further investigation as discussed in 9.6.0 of this Manual, below. Any disciplinary procedures against the employee arising from the complaint shall be governed by Section 7, Disciplinary Policy and Procedures.

9.4.0 Complaints Against Department Heads

Citizen complaints against employees who are Department Heads shall be investigated as discussed in 9.6.0 of this section by the CM. Any disciplinary procedures against the employee arising from the complaint shall be governed by Section 7, Disciplinary Policy and Procedures.

9.5.0 Complaints Against the CM

Citizen complaints against the CM shall be investigated as discussed in 9.6.0 of this section by the Mayor or Vice Mayor. Any disciplinary procedures against the employee arising from the complaint shall be governed by Section 7, Disciplinary Policy and Procedures and the Mayor shall take charge of those functions delineated for the CM to perform.

9.6.0 Investigation

9.6.1 The employee under investigation shall be notified of the allegations as soon as

possible and given an opportunity to assist. Investigations shall always be conducted in accordance with federal, state, and local statutes, provisions of the California Government Code, and this Manual.

9.6.2 Investigations will be conducted promptly and will be completed within thirty (30) days from the receipt of the complaint unless abnormal circumstances delay the completion of the investigation.

9.6.3 If the nature of the complaint is such that it is believed by the CM that City staff can not conduct an objective and/or unbiased investigation, the CM may engage another agency or independent investigator to complete the investigation.

9.7.0 Evaluation and Disposition

9.7.1 Upon completion of the investigation, the CM will evaluate the investigation findings. The CM may determine the need for a further investigation.

9.7.2 The evaluation of the investigation is to determine if there is sufficient evidence to:

9.7.2.1 Sustain the complaint,

9.7.2.2 Establish the guilt or innocence of the accused employee, and

9.7.2.3 Make a proper and just disposition of the complaint.

9.7.3 Upon the completion of the evaluation of the investigation, the CM will make one of the following determinations:

9.7.3.1 Not Sustained - Unfounded: The investigation conclusively proved that the conduct alleged in the complaint did not occur, or the employee named in the complaint was not involved in the alleged misconduct.

9.7.3.2 Not Sustained - Exonerated: The conduct which provided the basis for the complaint occurred. However, the investigation revealed that such conduct was justified, lawful, and proper.

9.7.3.3 Not Sustained - Inconclusive: The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegations made in the complaint.

9.7.3.4 Sustained: The investigation disclosed sufficient evidence to clearly prove the allegations made in the complaint.

9.7.4 If the CM determines that the complaint is sustained and the employee(s) is guilty of misconduct as defined in Section 4, the disciplinary procedures in Section 7 are

applicable.

9.7.5 Only complaints resulting in disciplinary action will be placed in the employee's personnel file.

9.7.6 Notice to the complainant will be made at the time of final conclusion and disposition of the investigation.

9.7.7 Nothing contained herein shall preclude or prohibit any employee from pursuing civil litigation for false and/or malicious personnel complaints.

10.0 PAID HOLIDAYS

10.1 City Holidays and Paid Personal Time Off (PPTO)

10.1.1 Paid holidays and Paid Personal Time Off (PPTO) are benefits provided by the City and is not an employee right. All regular full-time employees are eligible for eight (8) hours of pay for each of the City's eleven (11) holidays and also eight (8) hours of Personal Paid Time Off (PPTO). Some regular part-time employees receive prorated paid holiday and PPTO benefits. The prorated schedule is shown in Appendix A at the end of Section 12 of this Manual. .

10.1.2 The City recognizes eleven (11) holidays which are shown in Appendix A at the end of this Section. The clerk's office at City Hall is closed to the public on City Holidays.

10.1.3 The use of Personal Paid Time Off (PPTO) is chosen by the employee and must be approved by the Department Head and scheduled so as not to interrupt City services. The PPTO can be used in increments of one (1) hour and must be used between July 1 and June 30 each fiscal year. Any PPTO not used within the fiscal year will be lost.

10.2.0 Rescheduling City Holidays

10.2.1 If a City holiday falls on Saturday, it shall be observed on the Friday preceding.

10.2.2 If a City holiday falls on a Sunday, it shall be observed on the Monday following.

10.3.0 Work Performed on City Holidays

10.3.1 Regular Non-Exempt Employees

If a regular full-time or part-time non-exempt employee is required to work on a City holiday, the employee shall be paid for the City holiday according to Paid Benefits Schedule in Appendix A of Section 12 and receive overtime pay at the rate of 1 ½ for every hour worked. However, if holiday work is a requirement of the job description and part of the position's normal workday, the employee will receive overtime pay for the

hours.

10.3.2 Regular Exempt Employees

If a regular full-time or part-time exempt employee is required to work on a City holiday, the employee shall be paid for the City holiday according to the Paid Benefits Schedule in Appendix A at the end of Section 12 and also receive “flex time off” at the rate of one (1) hour for every hour worked on the holiday. The use and management of an exempt employee’s flex time bank is delineated in Section 5 of this Manual.

10.3.3 All Temporary Employees

Temporary employees do not receive paid holiday benefits. If a temporary employee is required to work on a City holiday, they will be paid only for the hours worked.

Appendix A – Section 10 – City Holidays		
Number	Holiday	Date
1	New Year’s Day	January 1
2	Martin Luther King Day	Third Monday of January
3	President’s Day	Third Monday of February
4	Memorial Day	Last Monday of May
5	Fourth of July	July 4
6	Labor Day	First Monday of September
7	Veteran’s Day	November 11
8	Thanksgiving Day	Fourth Thursday of November
9	Day after Thanksgiving Day	Day after Thanksgiving Day
10	Christmas Day	December 25
11	Day before or after Christmas	December 24 or December 26 ²

² As appropriate and determined by the City Manager

11.0 LEAVE TIME

11.1.0 Paid Vacation Leave

11.1.1 General

Paid vacation leave is a benefit provided by the City and is not an employee right. Paid vacation leave time is earned by eligible employees in an “earn-as-you-work” (accrual) method according to the hours worked in each pay period. All regular full-time and some part-time employees are eligible to earn paid vacation leave according to the Paid Vacation Leave Schedule³. Temporary employees do not earn paid or unpaid vacation leave. Employees serving under an employment agreement shall earn vacation leave according to the Paid Vacation Leave Schedule unless the employment agreement specifies other provisions.

11.1.2 Authorized Use of Vacation Leave

The use of vacation leave will be scheduled at least one week in advance (unless approved by the City Manager on less advanced notice) and approved by the Department Head. Vacation leave for Department Heads must be approved by the City Manager. Vacation leave will not be authorized if it interferes with the operation of the City as determined by the Department Head and/or City Manager. However, the City will make every practical effort to accommodate the employee’s request to take vacation leave. The employee will not lose any accumulated vacation leave if the employee is not allowed to use vacation leave due to the operational needs of the City.

If a City holiday falls during an authorized vacation leave day, that day shall not be charged against the employee’s vacation leave time. If a City holiday falls during an authorized vacation leave day taken by a Police Officer, the Police Officer shall receive pay for both a vacation day and a Holiday.

11.1.3 Vacation Leave Accumulation

Paid vacation leave shall be earned starting at the date of hire and accumulated in the employee’s Vacation Leave Bank as earned paid vacation leave hours. An employee must have one year of continuous service before eligible to use accumulated vacation leave from the employee’s Vacation Leave Bank unless approved by Department Head.

Employees who have completed one year in regular employment may request to take their vacation time all at once, or in increments as small as 2 hours with the approval of their Department Head. Department Heads require the approval of the CM. Paid vacation leave that has not been earned will not be approved. The city's accrual cap

³ See Table titled Schedule for Earned Paid Vacation Leave in Appendix A of this Section 11

policy limits employees' personal and vacation leave to that which is earned in two years.

Vacation time may be accumulated by the employee under the following conditions and limits:

11.1.3.1 At least one-half (½) of the employee's earned vacation for the year must be taken in the year it is earned unless the employee requests to postpone the use of vacation leave.

11.1.3.2 Postponement of vacation leave requires CM approval.

11.1.3.3 Employees cannot transfer to the next fiscal year, more vacation leave than the amount the employee earned during the preceding twenty-four (24) month period. The employee's total accumulated vacation leave is calculated as of June 30 each fiscal year. The amount of accumulated (unused) vacation leave in the employee's Vacation Bank, if any, that exceeds the amount earned by the employee during the preceding twenty-four (24) month period will be lost.

11.1.3.4 The City will make every practical effort throughout the fiscal year to allow employees to use vacation leave to prevent employees from losing accumulated vacation leave that cannot be transferred into the next fiscal year. However, it is the employee's responsibility to schedule and request permission to use vacation leave and prevent the inadvertent loss of accumulated vacation leave.

11.1.3.5 Employees may receive a cash reimbursement for accumulated vacation leave under any of the following conditions with the approval of the CM:

1. The employee is experiencing extreme hardship circumstances and submits a written request to his or her Department Head and the Department Head approves the request.
2. The Department Head determines that it is impractical to allow the employee to take vacation leave due to the operational needs of the City and requests the employee to take cash reimbursement for accumulated vacation leave.
3. Termination of the employee by the City for any reason.
4. Layoff of the employee due to lack of work or funds.
5. Resignation or abandonment of employment by the employee.
6. Death of the employee.

11.1.3.6 Vacation leave shall not accrue while an employee is on unpaid leave or while on disciplinary probation.

11.1.4 Increased Paid Vacation Benefits for Years of Employment

The City provides increasing amounts of paid vacation leave to eligible employees who have continuous years of employment with the City. There are three (3) classifications for earning paid vacation leave. The classifications are: 0 to five years; six to ten years; and eleven and more years. These paid vacation-earning classifications are shown in the Schedule for Earning Paid Vacation Leave in Appendix A at the end of this Section.

The years of continuous employment are calculated according to the City's fiscal year of July 1 to June 30 as follows:

1. During the first fiscal year of employment with the City, if an employee works more than one-hundred-thirty (130) days, that year will be counted as the first year of employment for computing "Years of Continuous City Employment".
2. During the first fiscal year of employment with the City, if an employee works one-hundred-thirty (130) days or less, that year will not be counted as a year on employment for computing "Years of Continuous City Employment".
3. In both case 1 and 2 above, all subsequent fiscal years of continuous employment by the employee will be counted as one (1) additional "Year of Continuous City Employment."

11.2.0 **Paid Sick Leave**

11.2.1 General

Paid sick leave is a benefit provided by the City and not an employee right. All regular full-time and some part-time employees are eligible to earn paid sick leave in an "earn-as-you work" (accrual) method according to the hours worked in each pay period. All regular full-time and some part-time employees are eligible to earn paid sick leave according to the Benefits Schedule for All Regular Full-Time and Regular Part-Time Employees Classified by Hours Schedule to be Worked⁵. Temporary employees do not earn paid sick leave. Employees do not earn sick leave when the employee is on a leave of absence without pay for more than one-half (1/2) of the month or suspended without pay.

11.2.2 Uses of Paid Sick Leave

Accumulated paid sick leave may be used in increments as small as one (1) hour for the following purposes:

⁵ See Appendix A in Section 12

11.2.2.1 Employee Illness: Absence from work due to employee illness or physical injury or absence required by the employee for medical, dental or optical appointments.

11.2.2.2 Family Illness or Injury: Absence from work due to illness in the employee's immediate family. See definition of immediate family in Section 1 of this Manual.

11.2.2.3 Maternity/Paternity or Foster Care Leave: Absence from work for the addition of a child to the employee's immediate family whether by birth, adoption or foster care placement for a maximum use of twenty-four (24) paid sick leave hours for each occurrence. This use of paid sick leave is limited to regular full-time or regular part-time employees who regularly work thirty (30) or more hours each week. See definition of immediate family in Section 1 of this Manual.

11.2.2.4 Bereavement Leave: Absence from work for a death in an employee's immediate family for a maximum use of forty (40) paid sick leave hours for each occurrence. This use of paid sick leave is limited to regular full-time or regular part-time employees who regularly work thirty (30) or more hours each week. See definition of immediate family in Section 1 of this Manual.

11.2.3 Notification

Any employee requesting sick leave shall notify his or her immediate supervisor at the beginning of the work day to be missed or not later than one hour after the scheduled start time unless the employee is physically unable to make notification in which case notification shall be made as soon as possible. In case more than one sick leave day is to be taken, the notification shall be made each day except when ordered by a doctor to stay off work until a specific date or when hospitalized.

11.2.4 Verification of the Use of Paid Sick Leave

An employee may be required to provide verification for using paid sick leave for absences from work that are more than three (3) consecutive working days. If paid sick leave is used for other than the authorized uses listed above, the employee may be disciplined or dismissed.

11.2.5 Sick Leave Accumulation

Paid sick leave shall be earned starting at the date of hire and accumulated in the employee's Sick Leave Bank as earned paid sick leave hours. An employee must have six months of continuous service before eligible to use accumulated paid sick leave. Employees cannot transfer more than 192 hours of accumulated paid sick leave into the next fiscal year. No cash reimbursement will be made to the employee for any accumulated paid sick leave or any accumulated paid sick leave that cannot be transferred

in the next fiscal year.

Accumulated paid sick leave hours, if any, which exceed the maximum amount of paid sick leave that is allowed to be transferred into the next fiscal year will be accumulated as service credit hours. Service credit hours will be used for calculating retirement benefits for eligible employees according to the rules and provisions of the applicable retirement program.⁶

11.3.0 Unpaid Personal Leave

A regular full-time or regular part-time employee who desires a leave of absence from work without pay shall file a written request with the Department Head, stating the title of his or her position, the beginning and ending dates of the requested leave, and a full statement for the reasons for such a request. The Department Head may grant or deny such leave for a period not to exceed one workweek. Leave without pay for more than one week must be approved by the CM.

Absence without prior approval for not less than one (1) day or more than four (4) days during any calendar year shall be sufficient grounds for suspension without pay, and more severe discipline if warranted under the circumstances. An absence without prior approval for five (5) days or more during any calendar year shall be sufficient grounds for dismissal.

The Department Head or CM may require an employee returning after a leave of absence to pass such medical examination, at the City's expense, as is deemed satisfactory for reinstatement.

11.4.0 Unpaid Family Care and Medical Leave

The City provides the following types of family care and medical leave for eligible employees:

- (1) Family care and medical leave for up to 12 weeks per year in accordance with California's Moore-Brown-Roberti Family Rights Act ("CFRA") and the federal Family and Medical Leave Act of 1993 ("FMLA"), as described below;
- (2) Disability leave as required to reasonably accommodate employees with a workplace injury or a qualified disability under the Americans with Disabilities Act ("ADA") or the Fair Employment and Housing Act; and
- (3) Leave for other legally required leaves of absence, as set forth below.

Employees having any questions regarding this policy should contact the City Manager.

⁶ A Deferred Compensation Program for eligible sworn police officers, and the California Public Employee Retirement System (PERS) for all other eligible employees.

11.4.1 Family Care and Medical Leave (“CFRA”/“FMLA”)

11.4.1.1 Eligibility

To be eligible for family care and medical leave, an employee must: (1) have worked for the City for at least 12 months prior to the date on which the leave is to commence; and (2) have worked at least 1250 hours in the 12 months preceding the leave.

11.4.1.2 Permissible Uses of Leave

“Family Care Leave” may be requested for (1) the birth or adoption of an employee’s child; (2) the placement of a foster child with the employee; (3) to care for the serious health condition of an employee’s child, domestic partner, spouse, or parent; or (4) for a serious illness or injury suffered by the employee’s spouse, child, parent, next of kin, or registered domestic partner while in the line of duty on active duty. “Medical Leave” may be requested for an employee’s own serious health condition. A “serious health condition” is one that requires either in-patient care in a medical facility or continuing treatment or supervision by a healthcare provider.

In addition, leave may be granted for:

- a. A “qualifying exigency” (as defined by federal regulation) because the employee is the spouse, son, daughter, or parent of an individual on active military duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation (FMLA only); or
- b. An employee who is the spouse, son, daughter, parent, or next of kin of a covered service member shall be entitled to a maximum of 26 workweeks of leave during a 12-month period to care for the service member (FMLA only).

11.4.1.3 Amount of Leave

Provided all the conditions of this policy are met, an employee may take a maximum of 12 weeks of family care and medical leave in a rolling 12-month period measured backwards from the date the employee’s leave commences. Parents who are both employed by the City may take a maximum combined total of 12 weeks of family care leave in a 12-month period for the birth, adoption, or foster care of their child.

The substitution of paid leave for family care or medical leave does not extend the total duration of family care and medical leave to which an employee is entitled beyond 12 weeks in a 12-month period. For example, if an employee has accrued

four weeks of unused paid vacation time at the time of the request for family care or medical leave that paid vacation time will be substituted for the first four weeks of family care or medical leave, leaving up to eight additional weeks of unpaid leave.

Family care leave taken for the birth, adoption, or foster care placement of a child generally must be taken in blocks of at least two weeks' duration. However, the City will provide employees with family care leave for birth, adoption, or foster care placement of less than two weeks' duration on occasion. Family care leaves for the birth, adoption or foster care placement of a child must be concluded within one year of the birth, adoption or placement.

Family care or medical leave for the employee's own serious health condition, or for the serious health condition of the employee's spouse or domestic partner, parent, or child, may be taken intermittently or on a reduced schedule where medically necessary. If leave is taken intermittently or on a reduced schedule, the City retains the discretion to transfer the employee temporarily to alternative position with equal pay and benefits which better accommodates the employee's leave schedule.

11.4.1.4 Effect of Leave on Pay

Family care and medical leave is unpaid. Employees are required to use accrued vacation time and other paid personal leave (except sick leave) for all family care and medical leaves except for disability caused by pregnancy. Employees may choose to use accrued vacation time and other paid personal time (except sick leave) for leave due to a disability caused by pregnancy. Employees are required to use sick leave for medical leaves based on the employee's own medical condition, including disability caused by pregnancy. Employees may elect to use up to half of the sick leave they accrue on an annual basis to attend to the illness of a child, parent, spouse, or domestic partner of the employee or for other types of family care leave. Sick leave pay and vacation pay will supplement any State Disability, Workers' Compensation or Paid Family Leave Insurance benefits.

Employees may be entitled to paid family leave (PFL) for up to six weeks in any 12-month period. PFL provides a partial wage replacement for absences from work to care for a seriously ill or injured family member or for bonding with a minor child within one year of the birth or placement of the child in connection with foster care or adoption. PFL is administered like state disability insurance by the California Employment Development Department. PFL must be taken concurrently with family care and medical leave and does not entitle an employee to take any additional time off. In addition, an employee must use up to two weeks of any accrued but unused vacation before the employee will be eligible to receive PFL. Unless an employee qualifies for leave under the CFRA or the FMLA, he or she will have no right to continued employment, and no right to

reinstatement after taking leave, except in the case of pregnancy as required by law.

11.4.1.5 Effect of Leave on Benefits

During an employee's family care or medical leave, for up to a maximum of 12 weeks in a 12-month period, the City will continue to pay for the employee's participation in the City's group health plans, to the same extent and under the same terms and conditions as would apply had the employee not taken leave, as required by law. An employee on unpaid family care or medical leave must make arrangements to pay the employee's normal portion of the insurance premiums in order to maintain insurance coverage. If the employee's premium payment is more than 30 days late, the employee's coverage may be dropped. In the event the City chooses to pay the employee's portion of the premium during any unpaid leave, the employee is required to repay the City for all payments made by the City.

If the employee fails to return from the leave for a reason other than the recurrence or continuation of the health condition that brought about the leave or other circumstances beyond the employee's control, the City may recover any health premiums paid by the City on the employee's behalf during any unpaid periods of the leave.

Employees on family care and medical leave accrue employment benefits such as sick leave, vacation benefits or seniority only when paid leave is being substituted for unpaid leave and only if the employee would otherwise be entitled to such accrual.

11.4.1.6 Procedure for Requesting Leave

a. Notice Requirements

Employees should notify the City of their request for family care or medical leave as soon as they are aware of the need for such a leave. For foreseeable events, if possible, the employee must provide 30 calendar days' advance notice to the City of the need for family care or medical leave. For events that are unforeseeable, but are not emergencies, the employee must notify the City as soon as he or she learns of the need for the leave, ordinarily no later than one to two working days after the employee learns of the need for the leave. If the leave is requested in connection with a planned, non-emergency medical treatment, the employee may be requested to reschedule a treatment so as to minimize disruption of the City's business.

If an employee fails to provide the requisite 30-day advance notice for foreseeable events without any reasonable excuse for delay, the City reserves the right to delay the taking of the leave until at least 30 days

after the date the employee provides notice of the need for family care or medical leave.

All requests for family care or medical leave should include the anticipated dates and duration of the leave. Any request for extensions of a family care or medical leave must be received at least five working days before the date on which the employee was originally scheduled to return to work and must include the revised anticipated dates and duration of the family care or medical leave.

b. Medical Certification

Any request for medical leave for an employee's own serious health condition or for family care leave to care for a child, spouse, domestic partner or parent with a serious health condition must be supported by medical certification from a health care provider. For foreseeable leaves, employees must provide the required medical certification before the leave begins. When this is not possible, employees must provide the required certification within 15 calendar days after the City's request for certification, unless it is not practicable under the circumstances to do so, despite the employee's good faith efforts. Failure to provide the required medical certification may result in the denial of foreseeable leaves until such certification is provided. In the case of unforeseeable leaves, failure to provide the required medical certification within 15 days of being requested to do so may result in a denial of the employee's continued leave. Any request for extension of the leave also must be supported by an updated medical certification.

The medical certification for a child, spouse, domestic partner, or parent with a serious health condition must include the following:

- i. The date on which the serious health condition commenced;
- ii. The probable duration of the condition;
- iii. The health care provider's estimate of the amount of time needed for family care;
- iv. The health care provider's assurance that the health care condition warrants the participation of the employee to provide family care; and
- v. In the case of intermittent or reduced schedule leave where medically necessary, the probable duration of such a schedule.

The medical certification for leave for the employee's own serious health condition must include the following.

- i. The date on which the serious health condition commenced;
- ii. The probable duration of the condition;
- iii. A statement that, due to the serious health condition, the employee is unable to perform the functions of his or her position; and
- iv. In the case of intermittent or reduced schedule leave where medically necessary, the probable duration of such a schedule.

In addition, the certification may, at the employee's option, identify the nature of the serious health condition involved. If the City has reason to doubt the validity of the certification provided by the employee, the City may require the employee to obtain a second opinion from a doctor of the City's choosing at the City's expense. If the employee's health care provider and the doctor providing the second opinion do not agree, the City may require a third opinion, also at the City's expense, performed by a mutually agreeable doctor who will make a final determination. Before permitting the employee to return to work, the City also may require the employee to provide medical certification that he or she is able to return to work.

11.4.1.7 Effect of Leave on Reinstatement

Employees returning from family care or medical leave within the time frames permitted by law are entitled to reinstatement to the same or a comparable position consistent with applicable law. The City retains the right to deny reinstatement to employees who are among the highest paid ten percent of the City's employees, and whose reinstatement would cause substantial and grievous economic injury to the City's operations.

11.4.1.8 Relationship with Pregnancy Disability Leave

The provisions of the City's family care and medical leave policy are separate and distinct from those of the pregnancy disability leave to which an employee may also be entitled, as described in Section 11.5.0 of this Manual, below.

The provisions of the City's family care and medical leave policy regarding the leave's effect on pay, notice requirements, medical certification requirements, and reinstatement also apply to all pregnancy-related disability leaves. However, for

pregnancy-related disabilities, there is no process for obtaining more than one medical opinion, and there is no reinstatement exception for key employees (i.e., the highest paid ten percent). For the purpose of applying those provisions, an employee's pregnancy-related disability is considered to be a serious health condition.

11.5.0 Pregnancy Leave

The City recognizes that employees may be unable to work for temporary, but extended periods of time due to pregnancy, childbirth, or related medical conditions ("pregnancy-disability"). Accordingly, for any employee who is disabled on account of pregnancy, childbirth, or related medical conditions, the City provides pregnancy-disability leave for the period of actual disability, up to a maximum of four months.

Pregnancy-disability leave may be taken intermittently, or on a reduced-hours schedule, as medically advisable.

Moreover, an employee is entitled to a reasonable accommodation for pregnancy, childbirth, or related medical conditions if she so requests and provides the City with medical certification from her health care provider. In addition to other forms of reasonable accommodation, a pregnant employee is entitled to transfer temporarily to a less strenuous or hazardous position or to less hazardous or strenuous duties if she so requests, the transfer request is supported by a proper medical certification, and the transfer is a reasonable accommodation.

11.5.1 Procedure for Requesting Leave

Whenever possible, an employee should submit a written request for pregnancy disability leave or pregnancy disability transfer to the City Manager as soon as she is aware of the need for such leave or transfer. If the leave or transfer is foreseeable, the employee must provide 30 calendar days' advance notice to the City of the need for pregnancy disability leave or transfer. If it is not practicable for the employee to give 30 calendar days' advance notice of the need for leave or transfer, the employee must notify the City as soon as practicable after she learns of the need for the pregnancy disability leave or transfer.

If an employee fails to provide the requisite 30 days' advance notice for foreseeable need for leave or transfer, without any reasonable excuse for the delay, the City reserves the right to delay the taking of the leave until at least 30 days after the date the employee provides notice of the need for the leave or transfer.

Any request for a pregnancy disability leave must be supported by medical certification from a health care provider, which shall provide the following information:

- The date on which the employee became disabled due to pregnancy;
- The probable duration of the period or periods of disability; and

- An explanatory statement that, due to the disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, her pregnancy, or to other persons.

In the case of a pregnancy-disability transfer, the medical certification must provide the following information:

- The date on which the need to transfer became medically advisable;
- The probable duration of the period or periods of the need to transfer; and
- An explanatory statement that, due to the employee's pregnancy, the transfer is medically advisable.

Upon expiration of the time period for the leave or transfer estimated by the health care provider, the City may require the employee to provide another medical certification if additional time is requested for leave or transfer. Any request for a leave of absence after disability has ended will be treated as a request for family care leave which will run consecutively with pregnancy disability leave.

11.5.2 Substitution of Paid Leave for Pregnancy-Related Disability Leave

A pregnancy disability leave is unpaid, but employees must use any accrued sick pay during the leave and may, at their option, elect to use any accrued vacation time during the leave. Sick leave and vacation will supplement any State Disability or Paid Family Leave Insurance benefits. The City will maintain group health benefits during a pregnancy disability leave as required by law. The substitution of paid leave for pregnancy-related disability leave does not extend the total duration of the leave to which an employee is entitled.

11.5.3 Leave's Effect on Benefits

An employee who is on pregnancy-related disability leave will accrue employment benefits, such as sick leave, vacation leave, and seniority only when paid leave is being substituted for unpaid leave, and only if the employee would otherwise be entitled to such accrual.

11.5.4 Reinstatement

Unless the City and the employee have already agreed upon the employee's return date, an employee who has taken a pregnancy-disability leave or transfer must notify the City Manager at least two business days before her scheduled return work or, as applicable, transfer back to her former position. The City will reinstate the employee to her position unless:

- a. The employee's job has ceased to exist for legitimate business reasons;

- b. The employee's job could not be kept open or filled by a temporary employee without substantially undermining the City's ability to operate safely and efficiently;
- c. The employee has directly or indirectly indicated her intention not to return;
- d. The employee is no longer able to perform the essential functions of the job with or without reasonable accommodation;
- e. The employee has exceeded the length of the approved leave; or
- f. The employee is no longer qualified for the job.

If the City cannot reinstate the employee to the position she held before the pregnancy disability leave began, the City will offer the employee a comparable position, provided that a comparable position exists and is available, and provided that filling the available position would not substantially undermine the City's ability to operate safely and efficiently.

Before returning to work, each employee who has taken a pregnancy-disability leave or transfer must be released by her doctor to return to work certifying that she is able to safely perform all of the essential functions of her position with or without reasonable accommodation. The release should be in writing and submitted to the City Manager on or before the employee's return from a pregnancy-disability leave or transfer.

11.6.0 Paid Leave for Jury Duty or Legal Proceedings

Paid leave for jury duty or legal proceeding is a benefit by the City and not an employee right.

11.6.1 A paid leave of absence will be granted if any regular full-time or regular part-time employee who regularly works thirty (30) or more hours each week and receives a jury summons or is otherwise required by law to appear as a witness in court or other legal proceedings. The maximum amount of paid leave for this type of absence from work is equal to the hours which the employee would normally work in a five day period per fiscal year. Any additional time will be treated as an unpaid leave of absence in accordance with federal and state laws governing such leaves. In unusual circumstances the employee may appeal this rule directly to the City Council.

11.6.2 Before any paid or unpaid court leave is granted, the employee must submit a copy of the official summons or order to the Department Head prior to the beginning of such duty or service.

11.6.3 If the court appearance is related to official City responsibilities or business (such as Police Officer required to be a witness in court) the time spent in court by the employee will be paid as "on duty time" by the City.

11.7.0 Unpaid Military Leave & Military Spouse Leave

Any regular full-time or regular part-time employee who is a member of the Armed Forces or Coast Guard of the United States or the California National Guard (including any reserve element of these Services) will be granted an unpaid military leave of absence in accordance with Federal and State laws governing such leaves. If the performance of ordered military duty is to extend beyond the time period covered by Federal and State laws, the CM may approve to extend the military leave. Employees, at their choice, may use accumulated paid vacation leave, Paid Personal Time Off (PPTO), or flex time for required military leave.

Employees who work more than 20 hours per week on average and have a spouse in the Armed Forces, National Guard or Reserves who has been deployed during a period of military conflict are eligible for up to 10 unpaid days off when their spouse is on leave from military deployment. Employees must request this leave in writing to the City Manager within two business days of receiving official notice that their spouse will be on leave. Employees requesting this leave are required to attach to the leave request written documentation certifying that their spouse will be on leave from deployment.

11.8.0 Paid and Unpaid Volunteer Firefighters Leave

Paid leave time to perform volunteer firefighter's duties is a benefit provided by the City and not an employee right. Any regular full-time or regular part-time employee who regularly works thirty (30) or more hours each week and is an active member of the Ferndale Volunteer Fire District will be granted ongoing paid short-term⁷ leaves of absence to respond to fire calls and other immediate emergencies. Other official business of the Fire District which requires the absence of the employee from work will be granted as unpaid leave of absence in accordance with Federal and State laws governing such leaves. Employees, at their choice, may use accumulated paid vacation leave, Paid Personal Time Off (PPTO), or flex time for unpaid volunteer firefighters leave.

11.9.0 Unpaid Leave for School Visits

Employees who are parents, guardians, or grandparents with custody of a child enrolled in kindergarten to grade 12, or attending a licensed child day care facility, may take unpaid time off to participate in school activities.

11.9.1 Absence for the purpose of participating in school activities is subject to the following provisions:

1. The total time off for school activities cannot exceed eight hours in any

⁷ Ongoing short-term leaves of absence means paid time off to respond and return from fire calls and emergencies that are normally short in duration (example: fifteen (15) minutes to two (2) hours in duration) Although these emergency events are seldom long in duration, they may be frequent, hence the term "ongoing short-term leaves of absence".

calendar month or 40 hours in any school year.

2. Employees must provide reasonable advance notice to the Department Head.
3. Employees must first use accumulated paid vacation time and other personal leave such as Paid Personal Time Off (PPTO), paid sick leave, or flex time for school visits before unpaid time off will be granted.
4. Employees must provide their Department Head with documentation from the child's school which indicated that the employee participated in a school activity on the day of absence.

11.9.2 If both parents are employed by the City, the parent who first gives notice to their Department Head will be covered by the above provisions. The other parent may take time off only if he or she obtains the approval of his or her Department Head.

11.9.3 If an employee is a parent, guardian, or grandparent with custody of a child who has been suspended from school and the employee receives notice from the child's school requesting that the parent attend a portion of a school day in the child's classroom, the employee may take unpaid time to appear at the school. The employee must, prior to the planned absence, give reasonable notice to their Department Head that he has been requested to appear at the child's school.

11.10.0 Paid Voting Time Off

All employees who are registered voters may claim time off without loss of pay to vote at statewide elections under Section 14350 of the California Election Code if the voter does not have sufficient time outside of working hours to vote. All employees must notify their Department Head at least two (2) working days prior to the Election Day if time off for voting is required. No more than two (2) hours of the time taken off for voting will be without loss of pay. The time for voting will be only at the beginning or end of the regular work shift, whichever allows the most free time for voting and the least time off from the regular work shift. If there is sufficient time for the employee to vote outside of working hours, the City will not provide paid voting time off.

11.11.0 Bereavement Leave

This policy shall apply to full-time employees in all classifications. In the event of a death in the immediate family, an employee may be granted a paid leave of absence not to exceed three days, upon written approval of the employee's supervisor and the City Manager. This is in addition to regular sick leave and vacation time. The employee's supervisor or the City Manager may require verification.

If an employee requires more than three days off for bereavement leave, the employee may request additional unpaid leave or may request an opportunity to use any accrued sick leave or vacation time, with the City Manager's prior approval.

Employees who are not eligible for paid bereavement leave benefits may receive necessary time off without pay, subject to the City's prior approval.

11.12.0 Domestic Violence Leave

Consistent with applicable law, the City will provide time off to an employee who has been the victim of domestic violence or whose child has been a victim of domestic violence to help ensure the health, safety, or welfare of the domestic violence victim. This includes time off for court proceedings, counseling, medical attention, and participation in safety planning programs. The City requires reasonable advance notice of the leave when feasible. If time off is taken due to an emergency, the employee must, within 15 days of the absence or within a reasonable period of time, provide the City with certification of the need for the leave such as a police report, court order, or documentation from a health care provider. Leave granted pursuant to this policy is unpaid.

11.13.0 Drug/Alcohol Rehabilitation

Employees being medically treated for acute drug-induced illness or acute alcoholism who enroll in a rehabilitation treatment program may take up to 45 days of unpaid time off to participate in the program, consistent with applicable law. Reasonable notice must be given to the City Manager before taking time off, preferably at least two weeks' notice. A physician's certificate of participation in a treatment program is required. Accrued, unused vacation time or unpaid time off may be used for this purpose.

11.14.0 Crime Victims' Leave

Consistent with applicable law, the City will provide time off to an employee to attend judicial proceedings related to a serious crime, if that employee is a victim of a serious crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim. The City requires that, where feasible, in advance of taking leave, the employee provide it with a copy of the notice of each scheduled proceeding that is provided to the victim by the agency responsible for providing notice. If advance notice is not possible, the employee is required to provide the City with a notice within a reasonable time.

11.15.0 Catastrophic Leave Bank

An employee or their designee may request the establishment of a Catastrophic Leave Bank on behalf of the employee. The employee or designee shall make a request of the City Manager for the creation of a sick/vacation leave transfer bank, which includes sufficient information to establish a need. The following guidelines shall govern:

An employee who has suffered a medical condition or injury not covered by Workers Compensation Insurance, which has caused an employee to take a medical leave, and who has exhausted their accumulated sick leave/vacation leave benefits shall qualify for the creation of a sick/vacation leave transfer bank (Catastrophic Leave). The need to use sick/vacation leave must be supported by a qualified medical opinion. A Catastrophic Leave Bank may also be established if an employee's immediate family member has suffered an injury or illness which is life-

threatening, as is confirmed by competent medical authority, and there is a demonstrable need for the employee to attend the immediate family member.

A Catastrophic Leave Bank is subject to the following restrictions:

1. The amount of sick/vacation hours an employee may receive as Catastrophic Leave donations will be capped at 160 hours in any 12-month period. If the Catastrophic Leave donations are for an employee's immediate family member, the amount of hours which can be received will be capped at 80 hours in any 12-month period.
2. Any employee may voluntarily donate sick/vacation leave to another City employee only if the donating employee retains 20 hours of vacation Leave in their vacation leave bank at the time of any vacation time transfer.
3. Once a Catastrophic Leave Bank is established, the bank will be supervised by the City Finance Manager or their designee. The bank will have a published starting date, and expiration date and history of use.

Section 11 - Appendix A - Summary of Paid Vacation Leave

SCHEDULE FOR EARNING PAID VACATION LEAVE FOR ALL EMPLOYEES OTHER THAN POLICE OFFICERS			
Years of Continuous City Employment ⁸	Vacation Benefits Earned and Classified by Hours Scheduled to Work per Week		
	30 - 40	20 to 29	1 to 19
0 through 5	0.03846 hours per hour worked (80 hours per year)	0.03846 hours per hour worked	none
6 through 10	0.05769 hours per hour worked (120 hours per year)	0.05769 hours per hour worked	none
11 and more	0.07692 hours per hour worked (160 hours per year)	0.07692 hours per hour worked	none

Full Time Police Officers earn 15 days of Vacation Leave per year pursuant to Resolution 04-25 and by state law.

12.0 OTHER EMPLOYEE BENEFITS

12.1.0 General

Employee benefits, sometimes called “fringe benefits” are an important part of the overall compensation the City provides to its employees. Besides the benefits discussed in Sections 10 and 11 of this Manual, this Section discusses the other benefits provided by the City.

Very few benefits are mandated by law. However, the City provides benefits to its employees to encourage a mutually beneficial and desirable association between the City and its employees.

⁸ The method for determining “years of continuous City employment” is discussed under Paid Vacation Leave in this Section. This schedule operates under the definition of the City’s fiscal year beginning on July 1 and ending on June 30 each year.

12.2.0 Social Security and Medicare Insurance (Employee benefit that is optional for municipal governments)

All employees of the City are covered under the provisions of the Federal Insurance Contributions Act (FICA). The amount of deduction from the employee's wages for social security and Medicare taxes is matched by the City. The benefit each employee may receive at retirement is a complicated matter based on the employee's career earnings record, age, and date of retirement. Details can be provided by the local Social Security Office.

12.3.0 Unemployment Insurance (Employee benefit required by law)

Unemployment Insurance is provided at no cost to the employee through City contributions. Employees are not eligible for unemployment insurance if they voluntarily quit without good cause, or are discharged for misconduct connected with work.

12.4.0 Workers' Compensation Insurance (Employee benefit required by law)

12.4.1 All City employees are covered by Workers' Compensation Insurance at no cost to the employee. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if hospitalized, immediately.

12.4.2 Employees who sustain work-related injuries or illness must inform their Supervisor immediately. No matter how minor the on-the-job injury may appear, it is important that it be reported immediately. Reporting procedures are critical to qualify for payment of workers' compensation.

12.4.3 Worker's compensation fraud is cause for immediate termination.

12.4.4 A release from the doctor providing care, stating that the employee is able to resume normal duties, is required before the employee can return to work after a work-related injury or illness.

12.4.5 Neither the City nor the City's workers' compensation insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

12.5.0 State Disability Insurance (Employee benefit that is optional for municipal governments)

All employees are covered under California's State Disability Insurance Plan (SDI), which provides low-cost protection for loss of earnings due to non-work related illness or accident. Benefits begin on the first (1st) day of hospitalization or after the seventh (7th) day of illness or accident if the employee is not hospitalized.

12.6.0 Health Insurance (Paid employee benefit not required by law)

12.6.1 The City offers a paid health insurance program for all regular full-time employees and all regular part-time employees working thirty (30) or more hours per week⁴. Health insurance coverage is a benefit provided by the City and is not an employee right. City employees may opt out of health insurance. The health insurance coverage may include the employees' eligible dependents as determined by the insurance underwriter. Acceptance of coverage of the employee or eligible dependents by the health insurance underwriter is not guaranteed by the City. Each covered employee will be provided with a handbook which discusses the insurance program and covered health care costs.

12.6.2 The City will select the health care program offered to employees and the amount of premium it will pay for the selected type of plan. If the health insurance plan allows the employee to select alternative types of coverage (as an example; a PPO health plan instead of a HMO health plan), and the alternate type of coverage selected by the employee is more expensive, the City will pay only the premium cost for the type of plan the City has selected. The employee will be required to pay the additional premium cost for the alternative choice.

12.6.3 The type and extent of paid health care coverage the City will provide may be changed or revised from time to time. The City may elect to change health insurance programs which could change the provisions and terms of the program. Amendments to the coverage will be provided to each participating employee when coverage or benefits are changed.

12.7.0 COBRA (Health Benefits Continuation) (Employee benefit not required to be provided by the City)

12.7.1 The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee, a reduction in an employee's hours or a leave of absence, an employee's divorce or legal separation, employee becomes entitled to Medicare, or a dependent child no longer meets eligibility requirements.

12.7.2 Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rate plus an administration fee. The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice

⁴ See Appendix A in this Section

contains important information about the employee's rights and obligations.

12.8.0 Dental and Vision Care Benefits (Paid employee benefit not required by law)

12.8.1 The City offers a reimbursement dental and vision care plan for all regular full-time employees and all regular part-time employees working thirty (30) or more hours per week⁵. Dental and vision care is a benefit provided by the City and is not an employee right. This coverage may include the employee's eligible dependents as determined by the City. Each covered employee will be provided with a handbook which discusses the reimbursement program and covered costs.

12.8.2 The type and extent of paid dental and vision care coverage the City will provide may be changed or revised from time to time. The City may elect to change the provisions and terms of the program or to participate in a dental and/or vision care insurance program. Amendments to the coverage will be provided to each participating employee when coverage or benefits are changed.

12.9.0 Retirement Benefits (Paid employee benefit not required by law)

The City offers a paid retirement program. The retirement program is a benefit provided by the City and is not an employee right. The program is outlined below.

The type and extent of retirement benefits may be changed or revised from time to time. The City may elect to change the provisions and terms of the programs offered or to participate in different retirement programs. Applicable retirement program summaries and subsequent amendments to the retirement plans will be provided to each participating employee when they are changed.

12.9.1 Retirement Program for Eligible Employees

The City participates in a retirement program for the benefit of the employee. Currently the City contributes an amount of money to a retirement fund for the employee. An employee becomes eligible for the City's retirement plan after completing one (1) year of employment with the City. The employee has full access to their retirement fund after the moneys have been paid and may withdraw the money. The City has no responsibility for management of the fund after making the payment as described in this Manual.

The City currently contributes an amount equal to 8% of the employee's base pay to their retirement fund. This payment will be made twice a year in two equal installments.

12.10.0 Payroll Advances (Employee benefit not required by law)

In special hardship circumstances, the City will allow all regular employees to request an advance on earned wages (salary) which are not yet due for payment by the City. Temporary employees cannot request advances on earned wages. Employees who request an advance of

⁵ See Appendix A in this Section

earned wages must complete the applicable request form and have it approved by their Department Head. Normal processing time is two working days after the completed form is submitted for payroll processing. However, due to work schedules, it may take longer to process the special request. The maximum number of requests per employee for an advance on earned wages is three (3) per fiscal year.

12.11.0 Employee's Share of Premiums

The employee's share of any premiums for group health insurance, or dental and vision care benefits for the employee and the employee's dependents will be paid by method of payroll deduction. An employee on unpaid medical or family leave must make arrangements to pay the employee's normal portion of the insurance premiums in order to maintain insurance coverage. If the employee's premium payment is more than 30 days late, the employee's coverage may be dropped. In the event the City chooses to pay the employee's portion of the premium during any unpaid leave, the employee is required to repay the City for all payments made by the City.

Section 12 - Appendix A - Summary of Paid Benefits by Classification

Paid Benefits Schedule for all Regular Full-Time and Regular Part-Time Employees Classified by Hours Scheduled to be Work per Week			
Special Benefit	Hours Per Work Week		
	30 - 40	20 to 29	1 to 19
Paid Holidays (Section 10)	8 hours pay for each City Holiday	4 hours pay for each City Holiday	None
Paid Personal Time Off (Section 10)	8 hours pay	4 hours pay	None
Paid Vacation (See Section 11 for earned vacation computations)	Pro-rated by years of service	Pro-rated by years of service	None
Paid Sick Leave (Section 11)	0.04615 hours per hour worked	0.04615 hours per hour worked	No
Paid Bereavement Leave (Section 11)	Up to a maximum of 3 days (i.e., 24 hours) per incident		
Paid Health Care Benefits (Section 12)	Yes	No	No
Paid Dental and Vision Care Benefits (Section 12)	Yes	No	No
Participate in City Retirement Plan (Section 12)	Yes	No	No

**ACKNOWLEDGMENT OF RECEIPT
OF CITY OF FERNDALE PERSONNEL POLICY MANUAL**

I acknowledge that I have received a copy of the CITY OF FERNDALE (hereafter “the City”) Personnel Policy Manual dated October, 2014. I have read and understand my rights to and responsibilities for fostering a safe, professional, and discrimination-free work environment as set forth in the Manual. In particular, I have read the Policy against Harassment as well as the Drug-Free Workplace policy. I agree to abide by these policies, as well as the other policies contained in the Manual. I have also had an opportunity to discuss any questions with the City Manager or my Department Head.

In addition, I understand that, because the City cannot anticipate every issue that may arise during my employment, if I have questions regarding any of the District’s policies or procedures, I will consult the City Manager or my Department Head.

I agree and understand that my relationship with the City is “at-will,” which means that my employment is for no definite period and may be terminated by the City or me at any time for any reason, with or without cause or advance notice. I further understand that the City may demote or discipline me or otherwise alter the terms of my employment at any time and at its sole discretion, in accord with the Personnel Policy Manual. I understand that only the City Manager may change this at-will employment relationship, and then only if it is in writing.

I further understand that the policies contained in the Personnel Policy Manual are guidelines only and are not intended to create any contractual rights or obligations, express or implied. I further understand that the City has the right to amend, interpret, modify, or withdraw any of the provisions of the Personnel Policy Manual at any time in its sole discretion, with or without notice, except for its policy of at-will employment.

I also understand and agree that if the terms of this Acknowledgment of Receipt are inconsistent with any policy or practice of the City, now or in the future, the terms of the Acknowledgment of Receipt shall control.

Lastly, I understand and agree that this Acknowledgment of Receipt contains a full and complete statement of the agreements and understandings that it recites, that no one has made any promises or commitments to me contrary to the above, and that this Acknowledgment of Receipt supersedes all previous agreements, whether written or oral, express or implied, relating to the subjects covered by this Acknowledgment of Receipt.

Employee Name (Printed)

Signature

Date

Meeting Date:	October 16, 2014	Agenda Item Number	13.b
Agenda Item Title	Examples of Nuisance Ordinances From Other Jurisdictions for Review in Anticipation of Study Session Before November 6 City Council Meeting		
Presented By:	City Manager Parrish		
Type of Item:	<input type="checkbox"/>	Action	<input type="checkbox"/>
		Discussion	<input checked="" type="checkbox"/>
		Information	<input type="checkbox"/>
Action Required:	<input checked="" type="checkbox"/>	No Action	<input type="checkbox"/>
		Voice Vote	<input type="checkbox"/>
		Roll Call Vote	<input type="checkbox"/>

RECOMMENDATION: Review sample Nuisance Ordinances from other jurisdictions in preparation and anticipation for a study session prior to the November 6, 2014 regular City Council meeting.

BACKGROUND: The City of Ferndale's Nuisance Ordinance was last updated in 2006. On November 7, 2013, the City Council authorized City Attorney and City Staff to revise and update the Ordinance for numerous reasons, including, but not limited to, the following: (i) consistency and integration with current City Ordinances regarding design review, aesthetic preservation and historical structure preservation; (ii) consistency and integration with current City Ordinances relating to criminal activity, including, without limitation, the City's Ordinance regulating marijuana cultivation and prohibiting dispensaries within City limits; (iii) consistency and integration with aspects of the City's Sign Ordinance (as amended); (iv) consistency and integration with aspects of the City's Building Code; and (v) evaluation of the Nuisance Ordinance's enforcement provisions and the City's ability to abate and deter nuisances. At its regular meeting on February 6, 2014 the council requested adding a specific definition of blight and requested the Ordinance be brought back for a First Reading. At the May 1, 2014 regular meeting, Council directed staff to come back with sample ordinances from other jurisdictions for review to address a comprehensive rewrite of the ordinance. These samples are before the Council for review in anticipation of a study session on November 6, 2014 prior to the regular City Council meeting.

FISCAL IMPACT: None.

Section 14

CORRESPONDENCE

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



COUNTY OF HUMBOLDT
Registrar of Voters
Voter Registration-Elections
3033 H STREET, Rm 20
EUREKA, CA 95501
(707)445-7678/FAX (707)445-7204

Date: September 15, 2014

To: Jennifer Church
City of Ferndale

From: Celeste Cannady
Humboldt County Elections

Re: City of Ferndale Candidates

Attached for proofing are the following documents to be printed in the Sample Ballot Booklet for the November 4, 2014 General Election concerning:

- Daniel Brown Ballot Art Work
- Don Hindley Ballot Art Work
- Michael Sweeney Ballot Art Work
- Doug Brower Ballot Art Work
- Jorgen Von Frausing-Borch Ballot Art Work

Please sign below indicating your approval of the attached documents and return the approval to our office no later than Tuesday September 16, 2014, at 5:00 p.m. No documents can be changed or corrected except for errors made by the Office of Elections while formatting the documents for the Sample Ballot Booklet. **If there are any problems, please notify our office immediately.**

Thank you.

I hereby approve of the attached document proofs to be printed in the Sample Ballot Booklet.

JENNIFER CHURCH
Name

Jennifer Church
Signature

9/16/14
Date

CITY OF FERNDALE MAYOR
Vote for ONE

DON HINDLEY
Consultant

DANIEL BROWN
City Council

Write-in

CITY OF FERNDALE COUNCIL
MEMBER

Vote for no more than TWO

MICHAEL SWEENEY
Appointed Incumbent

JORGEN VON
FRAUSING-BORCH
Planning Commissioner

DOUG BROWER
Ferndale Business Owner

Write-in

Write-in

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



September 19, 2014

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

Dear Mr. Parrish:

RE: Ferndale's 5th cycle (2014-2019) Adopted Housing Element

Thank you for submitting Ferndale's housing element adopted September 4, 2014 that was received for review on September 16, 2014. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review.

The Department is pleased to find the adopted housing element in full compliance with State housing element law (GC, Article 10.6). The adopted element was found to be substantially the same as the revised draft element the Department's July 3, 2014 review determined met statutory requirements.

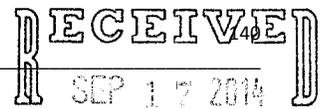
Please note, Ferndale now meets specific requirements for several State funding programs designed to reward local governments for compliance with State housing element law. For example, the Housing Related Parks and Local Housing Trust Fund Programs both include housing element compliance either as a threshold or competitive factor in rating and ranking applications. Please see the Department's website for specific information about these and other State funding programs at http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hecomp1011708.pdf.

The Department appreciates the dedication and cooperation that Ms. Melanie Rheaume and Ms. Leslie Marshall, Planwest Partners, provided throughout the course of the housing element review. The Department wishes Ferndale success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to GC Section 65400. If the Department can provide assistance in implementing the housing element, please contact Robin Huntley, of our staff, at (916) 263-7422.

Sincerely,

A handwritten signature in black ink that reads "Glen A. Campora". The signature is written in a cursive style.

Glen A. Campora
Assistant Deputy Director



BY:.....



September 11, 2014

Ferndale City Council
P.O. Box 1095
Ferndale, CA 95536

Re: Franchise Solid Waste – Direct Material

Dear Mayor Titus and Council Members,

Since 1998, Humboldt Waste Management Authority has been responsible for coordinating transportation and disposal of municipal solid waste material on behalf of our member agencies to out of the area landfills. Combining and leveraging member agency franchise solid waste enabled an economy of scale for securing competitive price proposals for transportation and disposal of solid waste to landfill(s). Combining the franchise solid waste streams eliminated the need for each City and County to enter into individual transportation and disposal agreements for their franchise waste, as well as associated contract management and reporting responsibilities.

Until this past June, the Authority contracted with two private landfills for the disposal of wastes. Waste was transported to either Anderson Landfill in Anderson CA, or Dry Creek Landfill, located in White City, Oregon. The Anderson Landfill agreement terminated June 1, 2014 and the Dry Creek Landfill agreement is scheduled to terminate October 31, 2016.

In anticipation of the expiring agreement with Anderson Landfill, the HWMA Board of Directors released a Request for Proposal for long-term transportation and disposal services in November 2013. In April of 2014, following a report and recommendation by the evaluating sub-committee comprised of two Board Members, Member Agency and Authority staff, the Board accepted the proposal made by Solid Waste of Willits/Potrero Hills. The agreement was finalized and solid waste began being hauled to Potrero Hills on June 2, 2014 for a period of 10 years. The fiscal impact of moving forward with the SWOW/Potrero proposal is projected to reduce HWMA's transportation and disposal costs by approximately \$100,000 annually compared to existing costs. Beginning November 2016, the savings from the lower-per-ton costs of the SWOW/Potrero proposal could be upwards of \$400,000, at current solid waste volumes, when compared to existing agreement costs.

The Authority Board of Directors requests that all member agencies, in the most expeditious manner possible, direct franchise waste into the Authority's flow for transportation and disposal purposes. Furthermore, the Board requests that Member Agencies conform to the Authority's JPA Section 6.2(h) which states "*..to require the MEMBERS to use all best efforts to direct all SOLID WASTE generated within the MEMBERS' boundaries that are located within the SERVICE AREA to the TRANSFER FACILITY. To the extent legally permissible, MEMBERS shall direct all*

SOLID WASTE collected by MEMBERS' franchised garbage collectors to the TRANSFER FACILITY. MEMBERS shall also direct all other SOLID WASTE generated by MEMBERS to the TRANSFER FACILITY; provided, however, this subsection shall not apply to recyclables nor to SOLID WASTE generated by MEMBERS outside the SERVICE AREA; ...”

The Authority's RFP included total tonnage of our members franchise solid waste. In order to fulfill our agreement with SWOW, and to realize the cost savings associated with the new transportation and disposal agreement and rate structures successful for our entire community, we respectfully request your franchise solid waste be directed to the Authority's designated transportation provider and landfill.

Sincerely,



Jack Thompson
Chair

Attachments:
HWMA Joint Power's Agreement

**HUMBOLDT WASTE MANAGEMENT
AUTHORITY**

JOINT EXERCISE OF POWERS AGREEMENT

(Adopted November 17, 1999,
Amended April 8, 2002, Amended July 12, 2012)

**HUMBOLDT WASTE MANAGEMENT AUTHORITY
JOINT EXERCISE OF POWERS AGREEMENT**
(Adopted November 17, 1999, Amended April 8, 2002, Amended July 12, 2012)

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**HUMBOLDT WASTE MANAGEMENT AUTHORITY
JOINT EXERCISE OF POWERS AGREEMENT
AS AMENDED**

(Adopted November 17, 1999, Amended April 8, 2002, Amended July 12, 2012)

SECTION 1. DEFINITIONS

The terms defined in this Section that are capitalized in this AGREEMENT have the following meanings:

"ACT" means the California Integrated Waste Management Act of 1989 (California Public Resources Code Sections 40000 et seq.) and all regulations adopted under that legislation, as that legislation and those regulations may be amended from time to time.

"AGREEMENT" means this joint exercise of powers agreement, as it may be amended from time to time.

"AUTHORITY" means the HUMBOLDT WASTE MANAGEMENT AUTHORITY a joint exercise of powers authority created by the MEMBERS pursuant to this AGREEMENT.

"BOARD" means the BOARD of DIRECTORS of the AUTHORITY.

"BONDS" shall have the meaning ascribed to such term in the INDENTURE.

"CERCLA" means the Comprehensive Environmental Response, Compensation and Liability Act (Public Law No. 96-510, 94 Stat.2767).

"DIRECTOR" means the representative appointee of a MEMBER to the BOARD.

"EXECUTIVE COMMITTEE" means the committee which shall consist of the participating Agency City and County Managers, or their appointees or designees, to oversee the implementation of this AGREEMENT.

"EXECUTIVE DIRECTOR" means the person appointed by the BOARD as the AUTHORITY'S administrative officer to manage the affairs of the AUTHORITY and to implement the policies of the BOARD.

“FINANCIAL ASSURANCES” means financial assurances by a MEMBER or MEMBERS with respect to FINANCIAL OBLIGATIONS of the AUTHORITY which is acceptable to the other MEMBERS, the AUTHORITY, any REVENUE BOND trustee(s), and any insurer or guarantor of such FINANCIAL OBLIGATIONS and their respective counsel that will assure continued payment of the MEMBERS' share of the outstanding indebtedness. Approval of such financial assurances by an independent financial consultant selected by the BOARD shall be required.

“FINANCIAL OBLIGATIONS” means INDENTURE OBLIGATIONS, REVENUE BONDS and any other financial obligations or liabilities incurred by the AUTHORITY.

"FISCAL YEAR" means the period commencing on each July 1 and ending on the following June 30.

“INDEMNIFY” means to compensate or make whole another party for specified losses suffered by that party, by assuming financial responsibility to pay for such loss.

“INDENTURE” means the Indenture of Trust dated as of April 1, 2002 between the AUTHORITY and BNY Western Trust Company, as such Indenture may be amended and supplemented from time to time (the “Indenture”) and any other similar indentures securing financial obligations of the AUTHORITY with revenues of the AUTHORITY.

“INDENTURE OBLIGATIONS” means BONDS and PARITY OBLIGATIONS, which shall constitute REVENUE BONDS under the terms of this AGREEMENT.

"GOVERNMENT CODE" means Articles 1, 2 and 4 of Chapter 5 of Division 7 of Title 1 of the California Government Code (California Government Code Sections 6500 et seq.) and all regulations adopted under that legislation, as that legislation and those regulations may be amended from time to time.

"LANDFILL" means the Cummings Road Sanitary Landfill.

"MEMBER" means the City of Arcata, the City of Blue Lake, the City of Eureka, the City of Ferndale, the City of Rio Dell, the County of Humboldt, or any city located wholly or partly within Humboldt County which has joined the AUTHORITY pursuant to Section 2.2 and has not subsequently withdrawn. "MEMBERS" means the governing bodies of such entities collectively.

“OUTSTANDING” as of any particular date means (a) with respect to INDENTURE OBLIGATIONS, the term shall have the meaning ascribed to it in the INDENTURE, (b) with respect to REVENUE BONDS, means REVENUE BONDS issued but not yet

defeased or redeemed, and (c) with respect to other financial obligations and liabilities of the AUTHORITY, means those other financial obligations and liabilities which have been incurred but not yet paid in accordance with their terms.

“PARITY OBLIGATIONS” shall have the meaning ascribed to such term in the INDENTURE.”

"PLEDGE OF REVENUES" means a financial assurance mechanism as currently defined in 27 California Code of Regulations section 22200(jj) as amended, by which the AUTHORITY promises to make specified, identified future revenues of facilities under its ratemaking control available to pay future postclosure maintenance costs of a solid waste facility.

"REVENUE BONDS" means revenue bonds, notes, certificates of participation or any other instruments or evidences of indebtedness issued, executed, or delivered by the AUTHORITY from time to time pursuant to the GOVERNMENT CODE or any other applicable law in order to finance any facility owned and/or operated by the AUTHORITY, and/or any financial aspects of closed LANDFILL maintenance.

"SERVICE AREA" means those areas under the jurisdiction of MEMBERS from which the AUTHORITY receives SOLID WASTE for processing, transportation, and disposal. If and when any additional cities join the AUTHORITY pursuant to Section 2.2., the SERVICE AREA shall also include all areas within the joining City or Cities.

"SOLID WASTE" means the type of wastes commonly collected by MEMBERS' franchised SOLID WASTE collectors including putrescible and nonputrescible solid, including garbage, trash, refuse, paper rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. SOLID WASTE does not include source separated recyclable or compostable materials intended for collection as part of a MEMBER's collection and/or recycling, reuse, reprocessing franchise. SOLID WASTE does not include any wastes defined as "hazardous wastes" under federal or state laws or regulations.

"TRANSFER FACILITY" means a SOLID WASTE facility, including any accessory facilities related thereto, meeting the requirements of a "transfer or processing station" under Section 40200 of the California Public Resources Code, for the receiving, processing, disposal, recycling and transportation of SOLID WASTE and the recovery of materials from such SOLID WASTES, which facility is owned by the AUTHORITY, by a MEMBER, or by a private entity, but in all events is available for use by the AUTHORITY or its MEMBERS, such that the waste is handled by the AUTHORITY'S transport and disposal system.

Those approved facilities are set forth on Exhibit A attached hereto.

SECTION 2. FORMATION

- 2.1 **HUMBOLDT WASTE MANAGEMENT AUTHORITY.** Pursuant to the GOVERNMENT CODE, the MEMBERS do hereby create, form and establish the AUTHORITY, a public entity to be known as the "HUMBOLDT WASTE MANAGEMENT AUTHORITY", it being understood that the BOARD shall be entitled to change the AUTHORITY's name from time to time if it so chooses. The AUTHORITY shall be a public entity separate and distinct from each of the MEMBERS.
- 2.2 **Additions.** Any city or county may join the AUTHORITY, upon approval of the then-existing MEMBERS. Such approval shall not be granted unless and until the jurisdiction shall have: (1) covenanted to direct all SOLID WASTE collected by the jurisdiction (if such jurisdiction provides collection services directly to its constituents) to the TRANSFER FACILITY for processing, transportation, and disposal; (2) successfully entered into one or more agreements, satisfactory to the AUTHORITY, which direct its franchised hauler(s) to deliver all SOLID WASTE collected under such franchise(s) to the TRANSFER FACILITY for processing, transportation and disposal; or (3) made such other arrangement or covenant acceptable to the AUTHORITY for the delivery of SOLID WASTE to the TRANSFER FACILITY.
- 2.3 **AUTHORITY Qualifications.** It is hereby understood that the intent of the AUTHORITY is to require all present and future MEMBERS to covenant to take all actions possible to direct SOLID WASTE to the TRANSFER FACILITY and to amend or revise any franchise collection agreements at the earliest possible date (which date may be the next renewal date for such franchise collection agreement) to provide the MEMBER with the right to direct all SOLID WASTE collected under any franchise collection agreement to the TRANSFER FACILITY.

SECTION 3. PURPOSE

- 3.1 **General.** The AUTHORITY is formed to provide economical coordination of SOLID WASTE management services and efficiently and fairly assure against potential adverse effects of past SOLID WASTE management services within the SERVICE AREA. This Agreement is entered into by the MEMBERS in order: 1) that they shall jointly request proposals and contract for SOLID WASTE disposal services; and 2) that they may jointly develop and fund programs to provide for the: A) siting, permitting, developing, constructing, maintaining, operating or contracting for the construction and/or operation of disposal sites, transfer facilities and equipment, materials recovery facilities, waste to

energy facilities, and/or solid waste landfills; B) preparing and implementing an Integrated Waste Management Plan and other planning documents which meet the requirements of the ACT; C) disposal of waste generated in the incorporated and unincorporated area of the County and the granting of franchises for waste hauling, as may be agreed to in writing and signed by any or all MEMBERS; D) planning, implementing and supervising programs which serve all or most jurisdictions, including facilities (household hazardous waste, centralized composting and disposal), special wastes (tires, appliances, and construction/demolition wastes) and recycling market development.

- 3.2 TRANSFER FACILITY The general purpose **may** include, but is not limited to, the purpose of providing economical coordination of SOLID WASTE processing, transfer and disposal services of SOLID WASTE generated within the SERVICE AREA, including but not limited to the acquisition, construction, financing, refinancing, maintaining, operating, rate setting, rate collection, and regulation of a TRANSFER FACILITY.
- 3.3 Landfill Closure and Maintenance. The general purpose also includes, but is not limited to, establishment of pooled insurance and other financial or other mechanisms to provide, for the safe closure and long term postclosure maintenance of the closed LANDFILL serving part or all of the SERVICE AREA for the general purpose of protecting the health and safety of the public within the SERVICE AREA and the specific purpose of protecting the general funds of the MEMBERS against any possible "generator" liability under state or federal laws and regulations which might arise if such landfills are not properly closed and maintained. The purposes of the AUTHORITY may include ownership and/or management of the LANDFILL during the final stages of the LANDFILL's active life, during closure, and thereafter if such is deemed essential, in the discretion of the BOARD OF DIRECTORS, for successful accomplishment of the primary purpose of safe closure and postclosure maintenance. This Section excludes all landfills closed prior to July 1, 1996.
- 3.4 Common and Additional Powers The AUTHORITY's purpose also includes the establishment of the AUTHORITY as an independent joint powers entity to enable the MEMBERS to jointly exercise the common powers of the MEMBERS set forth in Section 3.1 and for the exercise of such additional powers as are conferred under Section 6 or conferred by the GOVERNMENT CODE upon all joint powers authorities.

SECTION 4. ORGANIZATION

- 4.1 Composition The AUTHORITY shall be composed of the City of Arcata, the City of

Blue Lake, the City of Eureka, the City of Ferndale, the City of Rio Dell, any city within the SERVICE AREA which has joined pursuant to Section 2.2 and not subsequently withdrawn, and the County of Humboldt.

- 4.2 Principal Office The principal office of the AUTHORITY shall be established by the BOARD. The BOARD may change that principal office upon giving at least 15 days written notice to each MEMBER.
- 4.3 BOARD The AUTHORITY shall be governed by the BOARD of DIRECTORS, which shall exercise or oversee the exercise of all powers and authority on behalf of the AUTHORITY. The AUTHORITY BOARD of DIRECTORS shall appoint at its first meeting a chairperson and a vice chairperson. Thereafter at its first meeting in each succeeding fiscal year, the BOARD shall appoint new officers. The appointment of the chairperson shall rotate among the MEMBERS of the AUTHORITY.
- 4.4 DIRECTORS.
- (a) The BOARD shall consist of the same number of DIRECTORS as the number of MEMBERS. Each MEMBER shall appoint one DIRECTOR. Upon execution of this AGREEMENT by a MEMBER, the MEMBER shall appoint its representative to the BOARD and at least one person as an alternate to serve in the case of absence or conflict on the part of the appointed DIRECTOR. Thereafter, vacancies shall be filled by the appointing MEMBER within thirty (30) days of the occurrence thereof. Each DIRECTOR and alternate shall be an elected official of the governing body of the MEMBER that he or she represents. If a DIRECTOR or alternate ceases holding any such elected position, he or she shall then cease to serve as a DIRECTOR or alternate. The AUTHORITY and the BOARD shall be entitled to rely on a written notice from the City Clerk (in the case of city MEMBERS) and the Clerk of the Board of Supervisors (in the case of county MEMBERS) as conclusive evidence of the appointment and removal of the DIRECTORS and/or alternates representing that MEMBER.
- (b) Each DIRECTOR and alternate shall hold office from the first meeting of the BOARD after appointment by the MEMBER, until his or her successor is selected by the MEMBER that appointed that DIRECTOR. Each DIRECTOR and alternate shall serve at the pleasure of the MEMBER that he or she represents and may be removed at any time, without cause, at the sole discretion of that MEMBER.
- (c) No compensation shall be received by any DIRECTOR or alternate unless

expressly provided by resolution of the BOARD.

- 4.5 EXECUTIVE COMMITTEE There is hereby created an EXECUTIVE COMMITTEE which shall consist of the MEMBER City and County Managers, or their appointees or designees, to oversee the implementation of this Agreement and the management of the Countywide authority. Said EXECUTIVE COMMITTEE shall advise the BOARD as herein specified.
- a) Develop operational priorities, policies and procedures for systems development, programs and operations to be submitted to the BOARD;
 - b) Review and recommend to the BOARD an operating and capital budget;
 - c) Negotiate and recommend to the BOARD contracts with other agencies;
 - d) Supervise annual evaluation of quality of service;
 - e) Conduct selection process for Countywide AUTHORITY EXECUTIVE DIRECTOR and recommend the candidate to the BOARD; and
 - f) Review performance of EXECUTIVE DIRECTOR and make recommendation to retain or terminate to BOARD.

The EXECUTIVE COMMITTEE shall meet as necessary but not less than quarterly, and as necessary on a special basis, as called by the Chairperson. The EXECUTIVE COMMITTEE shall appoint a chairperson and a vice chairperson. Thereafter at its first meeting in each succeeding fiscal year, the EXECUTIVE COMMITTEE shall appoint new officers. The appointment of the chairperson shall rotate among the MEMBERS of the AUTHORITY. A majority of all members of the EXECUTIVE COMMITTEE shall be present to conduct business of the EXECUTIVE COMMITTEE. The decision of the majority of the EXECUTIVE COMMITTEE shall constitute the acts of the Committee.

- 4.6 TECHNICAL AND ADVISORY COMMITTEES. The existing county/city Integrated Waste Management staff is designated to provide technical information for, make recommendations to, and otherwise advise, the AUTHORITY on relevant waste management issues.

SECTION 5. PERSONNEL AND ADMINISTRATION

- 5.1 Employees. The AUTHORITY may have its own employees or may contract with a

MEMBER agency or firm for the furnishing of any necessary staff services associated with or required by the AUTHORITY. All employees shall report to the Executive Director.

- 5.2 EXECUTIVE DIRECTOR. The Executive Director shall have all administrative powers necessary to implement Board direction, including purchasing, personnel, and finance powers. The Executive Director shall prepare an annual budget and annual rate schedule for the Board's consideration.

SECTION 6. POWERS

- 6.1 FACILITIES. The AUTHORITY is empowered to acquire, construct, finance, refinance, operate, regulate, set rates for and maintain a TRANSFER FACILITY subject, however, to the conditions and restrictions contained in this AGREEMENT. To ensure safe closure and postclosure maintenance of the LANDFILL, the AUTHORITY is empowered to acquire, operate, regulate, set rates for, close and provide postclosure maintenance for the LANDFILL and all facilities and properties related thereto in the manner required by law. To finance such closure and postclosure maintenance, the AUTHORITY is empowered to sell any unnecessary property and to operate, directly or through lessees, gas recovery operations and, to the extent compatible with postclosure maintenance, open-space recreational enterprises on the LANDFILL property and any type of enterprise on the related quarry property, if such are acquired by the AUTHORITY.
- 6.2 Approved Powers. To the full extent permitted by applicable law (including specifically the ACT and the GOVERNMENT CODE), the AUTHORITY is authorized, in its own name, to do all acts necessary or convenient for the exercise of such powers enumerated in the ACT or that each MEMBER could exercise separately including, without limitation, any and all of the following:
- (a) to sue and be sued in its own name;
 - (b) to incur and discharge debts, liabilities and obligations;
 - (c) to issue REVENUE BONDS, from time to time, in accordance with all applicable laws for the purpose of raising funds to finance or refinance the acquisition, construction, improvement, renovation, repair, operation, regulation or maintenance of the TRANSFER FACILITY and/or related facilities;
 - (d) to exercise the power of eminent domain for the acquisition of real and personal property for the TRANSFER FACILITY and access thereto or for the acquisition of the TRANSFER FACILITY itself;

- (e) to acquire, improve, hold, lease and dispose of real and personal property of all types;
- (f) to sell or lease the TRANSFER FACILITY, the LANDFILL property, or the related LANDFILL cover quarry property, if such are acquired by the AUTHORITY;
- (g) to establish rates, tolls, tipping fees, other fees, rentals and other charges in connection with the TRANSFER FACILITY, any other SOLID WASTE facility owned or operated by the AUTHORITY, and any other enterprise which the AUTHORITY is empowered by this Agreement to conduct, as well as any and all services provided by the AUTHORITY, and to include in such rates and charges amounts necessary to carry out those purposes described in Section 3 of this AGREEMENT;
- (h) to require the MEMBERS to use all best efforts to direct all SOLID WASTE generated within the MEMBERS' boundaries that are located within the SERVICE AREA to the TRANSFER FACILITY. To the extent legally permissible, MEMBERS shall direct all SOLID WASTE collected by MEMBERS' franchised garbage collectors to the TRANSFER FACILITY. MEMBERS shall also direct all other SOLID WASTE generated by MEMBERS to the TRANSFER FACILITY; provided, however, this subsection shall not apply to recyclables nor to SOLID WASTE generated by MEMBERS outside the SERVICE AREA;
- (i) to require MEMBERS to amend or revise any franchise collection agreement(s) at the earliest possible date, which shall not be later than the first renewal or extension date or the date of any amendment to such franchise agreement, to provide the MEMBER with the right to direct all waste collected by the franchised hauler(s) to the TRANSFER FACILITY. Any MEMBER currently not having the right to direct SOLID WASTE under its franchise agreement(s) shall covenant to make such amendment in order to join the AUTHORITY;
- (j) to enforce the provisions of MEMBERS' garbage collection agreements that require that all SOLID WASTE collected be delivered to the TRANSFER FACILITY;
- (k) to contract for the processing, transportation and/or disposal of SOLID WASTE delivered to the TRANSFER FACILITY;
- (l) to make and enter into contracts, including contracts with any MEMBER or non-MEMBER, and to assume contracts made by any MEMBER relating to the TRANSFER FACILITY;

- (m) to reimburse the MEMBERS for the costs of services provided to the AUTHORITY;
 - (n) to hire agents and employees;
 - (o) to employ or contract for the services of engineers, attorneys, accountants, planners, consultants, fiscal agents and other persons and entities;
 - (p) to apply for and accept grants, advances and contributions;
 - (q) to make plans and conduct studies;
 - (r) to coordinate efforts with the established local, regional and state waste management agencies;
 - (s) to make payments as necessary for closure and postclosure maintenance for the LANDFILL for the purposes set forth in Section 3.3 of this AGREEMENT and, if the LANDFILL should become a Superfund site, to seek reimbursement for remediation costs from any person or entity (other than any MEMBER) having a legal responsibility for such costs; and
 - (t) to provide the FINANCIAL ASSURANCES required by state and federal law for postclosure maintenance of the LANDFILL, including use of a PLEDGE OF REVENUES based upon any or all of the revenue-producing enterprises owned and/or operated by the AUTHORITY.
- 6.3 Limitations. Such powers shall be exercised subject only to the limitations set forth in this AGREEMENT, applicable law and such restrictions upon the manner of exercising such powers as are imposed by law upon the County of Humboldt in the exercise of similar powers.
- 6.4 Noncompetition. The AUTHORITY shall not provide within the jurisdiction of a MEMBER any recycling services that duplicate or compete with recycling services provided by that MEMBER (at the time the AUTHORITY determines to provide new or expanded recycling services) without consent of the MEMBER. A MEMBER shall not contract with any TRANSFER FACILITY or LANDFILL that duplicates or competes with the services provided by the AUTHORITY without consent of the BOARD.
- 6.5 Possible Future Responsibilities. Upon future approval and agreement by all of the MEMBERS, the AUTHORITY may conduct other related waste management responsibilities and duties, including but not limited to contracting with non-MEMBERS

to accept their SOLID WASTE at the TRANSFER FACILITY.

- 6.6 Individual MEMBER Services. Upon approval of the BOARD and the governing body of a MEMBER, the AUTHORITY may contract to provide other related waste management responsibilities and duties, individually for that MEMBER. These contracted services will be paid for solely by the contracting MEMBER.
- 6.7 Local Governing Body. For the purposes of the California Integrated Waste Management Act of 1989 (Public Resources Code section 40000 et seq.) the AUTHORITY will operate as a “Local Government Body” or “Local Governmental Agency” which has the authority to provide solid waste handling services.

SECTION 7. FINANCE

7.1 Assets, Rights, Debts, Liabilities and Obligations.

- (a) Except as provided in subsection (b), (c) and (d) below, the assets, rights, debts, liabilities and obligations of the AUTHORITY shall not constitute assets, rights, debts, liabilities or obligations of any of the MEMBERS. However, nothing in this AGREEMENT shall prevent any MEMBER from separately contracting for, or assuming responsibility for, specific debts, liabilities or obligations of the AUTHORITY, provided that both the BOARD and that MEMBER give prior approval to such contract or assumption.
- (b) The MEMBERS hereby agree that any defense against claims, as well as the cost of any judgments imposed for claims resulting from actions by the AUTHORITY or any of the officers, agents, employees, or contractors of the AUTHORITY in relation to the TRANSFER FACILITY, any SOLID WASTE facility owned and/or operated by the AUTHORITY or any other enterprise owned and/or operated by the AUTHORITY shall be the sole responsibility of the AUTHORITY. Such costs shall therefore be paid for ultimately through surcharges uniformly imposed on the rates charged to users of the TRANSFER FACILITY.
- (c) To the extent that MEMBERS are also held jointly and severally liable for such amounts by Government Code Section 895.2, if a MEMBER provides for such defense of itself or the AUTHORITY, or pays all or part of such judgment, the MEMBER shall be entitled to reimbursement in full from the AUTHORITY, provided the MEMBER obtains prior approval from the AUTHORITY. Such reimbursement shall be paid over such time as is necessary for the collection of the corresponding reasonable user surcharges.
- (d) If MEMBERS are held responsible by third parties for tort or other claims as a

result of activities of the AUTHORITY, pursuant to Government Code Section 895.2 or state or federal laws applicable to SOLID WASTE management facilities, and the AUTHORITY has ceased to exist and its assets have been fully distributed or consumed, or the AUTHORITY has ceased to operate and has no unencumbered assets capable of generating enough revenue to defend against and pay for such claims, each MEMBER shall be entitled to seek reimbursement from the other MEMBER(S) for the costs of providing the defense against such tort claims or payment of any judgments lawfully imposed in connection therewith to the extent that the amounts paid by the MEMBER exceed that proportion of the total cost which exceeds the ratio of the tonnage of SOLID WASTE generated within the jurisdiction of the MEMBER, including self hauled SOLID WASTE, and processed by the TRANSFER FACILITY in the FISCAL YEAR of the occurrence of the incident giving rise to liability to the total tonnage processed by the TRANSFER FACILITY during said FISCAL YEAR.

- (e) Obligations for capital expenditures at an approved TRANSFER FACILITY shall be included in the service fee for such facility such that only its users contribute toward its capital expenditures. However, all MEMBERS shall contribute a reasonable amount toward all of the AUTHORITY'S costs of administration.

7.2 Budget. A budget for the AUTHORITY shall be adopted by the BOARD for the ensuing FISCAL YEAR prior to June 30 of each year. The budget shall include sufficient detail to constitute an operating guideline. It shall also include the anticipated sources of funds, and the anticipated expenditures to be made for the operations of the AUTHORITY including, but not limited to, the acquisition or construction of a TRANSFER FACILITY and any other facility owned and/or operated by the AUTHORITY and related site improvements, administration, special projects, maintenance and operating costs. Approval of the budget by the BOARD shall constitute authority for the EXECUTIVE DIRECTOR to expend funds for the purposes outlined in the approved budget, but subject to the availability of funds on hand, provided that this shall not be construed to limit the power of the BOARD to modify the budget in whatever manner it deems appropriate and instruct the MANAGER accordingly.

7.3 Rates.

- (a) The BOARD shall establish rates to be charged at the TRANSFER FACILITY in amounts sufficient to provide for the efficient operation, including administrative, processing, transportation and disposal costs, to discharge all indebtedness and liabilities (including, without limitation, any REVENUE BONDS issued in connection therewith) to insure against future liabilities and of the MEMBERS resulting from "generator" status under state and federal laws and regulations relating to landfills experiencing illegal discharges of hazardous substances to the extent that status pertains to SOLID WASTE generated at any time within the

SERVICE AREA, and to pay as yet unfounded costs of closure as well as those costs of postclosure maintenance for the LANDFILL which exceed net revenues from gas recovery and other ongoing LANDFILL site enterprises, as liability for such costs accrues, and to accommodate the planning and implementation of activities incidental thereto.

- (b) The AUTHORITY shall provide at least thirty (30) days advance written notice to its MEMBERS of any intent to increase or decrease rates to be charged at the TRANSFER FACILITY. To the extent possible, the AUTHORITY shall coordinate the effective date of rate increases or decreases with the annual garbage collection rate setting processes of the MEMBERS and other public entities having SOLID WASTE franchising jurisdiction within the SERVICE AREA.

7.4 Financial Audit. There shall be an audit of the accounts and records at least annually as prescribed by Sections 6505 and 6505.5 of the Government Code. The audit shall conform to generally accepted auditing standards. There shall be an annual audit of the services provided, measuring satisfaction with internal and external services.

7.5 Indemnity. The AUTHORITY shall INDEMNIFY, defend and hold harmless the MEMBERS hereto, their officers, officials, employees and volunteers from and against all liability, loss, damage, expense costs (including without limitation costs and fees of litigation), of every nature arising out of the AUTHORITY, described herein, or its failure to comply with any of its obligations contained in the AGREEMENT, except such loss or damage which was caused by the sole negligence or willful misconduct of a MEMBER.

7.6 Insurance. The AUTHORITY will obtain at its expense, and maintain during the term of this AGREEMENT, insurance against claims for injury to persons or damage to property or the environment which may arise from the AUTHORITY'S operation.

Minimum Scope of Insurance.

- a) Insurance Services Office Commercial General Liability coverage ("occurrence" form CG 0001).
- b) Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
- c) Property insurance against all risks of loss to Countywide AUTHORITY property as determined by law or as determined by the AUTHORITY.

Minimum Limits of Insurance.

The AUTHORITY shall maintain limits no less than:

- a) General Liability: \$5,000,000 per occurrence for bodily injury, personal

injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

- b) Employer's Liability: \$1,000,000 per accident for bodily injury or disease.
- c) Property Insurance: Full replacement cost with no coinsurance penalty provision.
- d) Workers' Compensation: Workers' Compensation to statutory limits covering all employees, paid or unpaid.
- e) Errors and omissions insurance to cover any and all instances of misfeasance and/or nonfeasance in the scope of duties.

Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the MEMBERS.

Other Insurance Provisions.

The general liability policy is to contain, or be endorsed to contain, the following provisions:

- a) The MEMBERS, their officers, officials, employees, and volunteers, are to be covered as insured with respect to liability arising out of the operation of the AUTHORITY.
- b) The AUTHORITY'S insurance coverage shall be primary insurance as respects the MEMBERS, their officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the MEMBERS, their officers, officials, employees or volunteers shall be excess of the AUTHORITY'S insurance and shall not contribute with it.
- c) Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the MEMBERS.

Workers' Compensation Insurance Endorsement. The workers' compensation policy shall be endorsed to contain a waiver of subrogation clause which states the following:

"This insurance company agrees to waive all rights of subrogation against the MEMBERS, their officers, officials, employees and volunteers for losses paid under the terms of this policy, which arise from the operation of the Countywide Authority by the named insured for the MEMBERS.

Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

SECTION 8. RULES OF CONDUCT

- 8.1 Bylaws. The BOARD, from time to time, may adopt bylaws for the conduct of the AUTHORITY's affairs, provided that they are not inconsistent with this AGREEMENT.
- 8.2 Officers and Committees. The BOARD may designate such officers and establish such committees as may be necessary or convenient to conduct the AUTHORITY's affairs.
- 8.3 Voting.
- (a) Each DIRECTOR shall have one vote on all matters presented to the BOARD for a vote.
 - (b) Except as provided in Section 8.3(c), the vote of a majority of the DIRECTORS shall constitute the act of the BOARD.
 - (c) A vote of seventy percent (70%) all of the DIRECTORS shall be necessary in order to approve any of the following:
 - (1) the construction budget for any AUTHORITY owned facility;
 - (2) the annual operating budget of the AUTHORITY in excess of debt service on REVENUE BONDS and the payment to the
 - (3) the issuance, execution or delivery of REVENUE BONDS;
 - (4) any change in a budget exceeding 10% of the total amount of
 - (5) any amendment to or the termination of this AGREEMENT;
 - (6) voting rules regarding the approval of contracts between the the admission of an additional MEMBER or a substitute
 - (7) the purchase of a landfill.

- 8.4 Quorum. A majority of the DIRECTORS shall constitute a quorum for the transaction of business of the BOARD except that if there is less than a quorum present, any DIRECTOR who is present or the EXECUTIVE DIRECTOR may adjourn any meeting.
- 8.5 Disclosure of Closed Session Information. Pursuant to Government Code section 54956.96, the BOARD hereby authorizes each DIRECTOR of the BOARD to disclose information received by the BOARD in closed session only in accordance with this section:
- (a) To any alternate DIRECTOR appointed to the BOARD by a MEMBER who shall be attending a properly noticed meeting of the AUTHORITY in lieu of the MEMBER'S regularly appointed DIRECTOR to the BOARD.
 - (b) All information received by a MEMBER'S governing body in closed session related to information presented to the AUTHORITY in closed session shall be confidential. However, a MEMBER'S appointed DIRECTOR or alternate to the AUTHORITY BOARD may disclose information obtained in closed session that has direct financial or liability implications for a MEMBER to the following individuals:
 - (1) Legal counsel for the MEMBER for purposes of obtaining advice on whether the matter has direct financial or liability implications for the MEMBER; and
 - (2) Other officials in the MEMBER'S governing body present in a closed session of the MEMBER agency.
 - (3) Upon adoption of this provision, the governing body of a MEMBER agency, upon advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the AUTHORITY pursuant to section 8.5.

SECTION 9. TERM

The AUTHORITY AGREEMENT is effective on the date it has been executed by all six MEMBERS named in Section 1, and shall continue in full force and effect until amended pursuant to Section 12 or until dissolved pursuant to Section 10 of this AGREEMENT. However, in no event shall the AUTHORITY be dissolved until all of the AUTHORITY's obligations and liabilities respecting all REVENUE BONDS are satisfied, discharged, or terminated or until the provisions of Section 11.2 are complied with.

SECTION 10. WITHDRAWAL.

A participating MEMBER may withdraw upon no less than one year prior written notice to the AUTHORITY BOARD. The withdrawing MEMBER shall continue to be financially responsible for its share of FINANCIAL OBLIGATIONS and liabilities incurred prior to the withdrawal date. Upon such withdrawal, no withdrawing MEMBER shall be entitled to any distribution or withdrawal of property or funds except as may be agreed to by the BOARD; however, such MEMBER shall be entitled to participate in the return of surplus money and other surplus personal property upon the completion of the purpose of the AGREEMENT according to the provisions of Section 11.

SECTION 11. DISSOLUTION**11.1 Assets.**

- (a) Subject to the then-applicable requirements of the GOVERNMENT CODE, upon dissolution of the AUTHORITY, the assets of the AUTHORITY remaining after payment of or adequate provision for all debts, liabilities and obligations of the AUTHORITY shall be divided among the MEMBERS in accordance with an unanimous agreement among them or, in the absence of such an agreement, in proportion to the total tonnage of SOLID WASTE, (inclusive of SOLID WASTE delivered by self haulers) each MEMBER caused to be delivered to the TRANSFER FACILITY.
- (b) To ensure that "adequate provision" is made for all debts, liabilities and obligations of the AUTHORITY upon dissolution, any assets remaining after satisfaction of all debts known to exist as of the time of dissolution shall be placed in a trust account with the Humboldt County Auditor to be held in trust until expiration of the period of postclosure maintenance for the LANDFILL required by state and federal law. If the assets are not liquid, such assets shall first be sold at public auction and the net proceeds placed in the trust fund. While held in trust, such assets and/or any interest earned thereon shall be disbursed only to pay debts of the AUTHORITY arising after dissolution in consequence of actions of the AUTHORITY prior to dissolution, or to pay for costs of postclosure maintenance of, or hazardous waste release remediation at the LANDFILL. Any such disbursement from this dissolution trust fund shall be made by the Humboldt County Auditor only with the unanimous consent of the governing bodies of those agencies which were MEMBERS at the time of dissolution, or by order of a court of competent jurisdiction. Upon expiration of the period of postclosure maintenance, any remaining funds shall be distributed in the manner set forth in

11.2 REVENUE BONDS.

- (a) If any REVENUE BONDS are outstanding at the time of dissolution, the MEMBERS shall cause to be delivered to the REVENUE BOND trustee(s):
 - (i) an opinion of nationally recognized bond counsel substantially to the effect that such dissolution will not cause the interest on the outstanding REVENUE BONDS to be included in gross income for federal income tax purposes; and
 - (ii) evidence from each rating agency then rating the outstanding REVENUE BONDS that such dissolution will not adversely affect the rating of such REVENUE BONDS.
- (b) Approval of any request to dissolve shall not be unreasonably withheld; provided, however, that if any REVENUE BONDS are outstanding at the time the request is made or acted upon, financial assurances are made by the MEMBERS that will assure continued payment of the MEMBERS' share of the outstanding indebtedness which is acceptable to the other MEMBERS, the AUTHORITY, and the REVENUE BOND trustee(s) and their respective counsel. Approval of such financial assurances by an independent financial consultant selected by the BOARD shall be required.

- 11.3 Effective. No dissolution shall be effective unless and until the AUTHORITY and MEMBERS comply with any then-applicable requirements of the GOVERNMENT CODE relating to changes in the composition of entities such as the AUTHORITY; and if and when they have REVENUE BONDS issued by the AUTHORITY outstanding, comply with all of the terms and conditions of all REVENUE BONDS and related documentation including, without limitation, indentures, trust agreements, resolutions and letter of credit agreements.

SECTION 12. AMENDMENTS

This AGREEMENT may only be amended by a written instrument approved in accordance with this AGREEMENT and meeting any requirements imposed by the terms or conditions of all REVENUE BONDS and related documentation including, without limitation, indentures, trust agreements, resolutions and letter of credit agreements. Notwithstanding the foregoing, no amendment shall require any MEMBER to contribute any funds to the AUTHORITY or become directly or contingently liable for any debts, liabilities or obligations of the AUTHORITY

without the consent of that MEMBER evidenced in a written instrument signed by a duly authorized representative of that MEMBER.

SECTION 13. FILING WITH THE SECRETARY OF STATE

The EXECUTIVE DIRECTOR shall file all required notices with the Secretary of State in accordance with California Government Code Sections 6503.5 and 53051, as such may be amended from time to time.

SECTION 14. NOTICES

All notices which any MEMBER or the AUTHORITY may wish to give in connection with this AGREEMENT shall be in writing and shall be served by personal delivery during usual business hours at the principal office of the MEMBER or AUTHORITY, to an officer or person apparently in charge of that office, or by depositing the same in the United States mail, postage prepaid, and addressed to the MEMBER or AUTHORITY at its principal office, or to such other address as the AUTHORITY or MEMBER may designate from time to time by written notice given to the other MEMBERS in the manner specified in this Section. Service of notice pursuant to this Section shall be deemed complete on the day of service by personal delivery (but 24 hours after such delivery in the case of notices of special meetings of the BOARD) or three (3) days after mailing if deposited in the United States mail. Until changed by written notice to the AUTHORITY and the MEMBERS, notice shall be delivered as follows:

CITY OF ARCATA:	Arcata City Manager 736 F Street Arcata, CA 95521
COUNTY OF HUMBOLDT:	County Administrative Officer 825 Fifth Street, Rm. 112 Eureka, CA 95501
CITY OF EUREKA:	Eureka City Manager 531 K Street Eureka, CA 95501
CITY OF FERNDALE:	Ferndale City Manager P.O. Box 1095 Ferndale, CA 95536

CITY OF RIO DELL: Rio Dell City Manager
675 Wildwood Avenue
Rio Dell, CA 95562

CITY OF BLUE LAKE Blue Lake City Manager
P.O. Box 458
Blue Lake, CA 95525

SECTION 15. SUCCESSORS AND ASSIGNS

This AGREEMENT shall be binding upon and shall inure to the benefit of the permitted successors and assigns of the MEMBERS. However, no MEMBER shall assign any of its rights under this AGREEMENT except to a duly formed public entity organized and existing under the laws of the State of California and then only when approved in accordance with this AGREEMENT. No assignment shall be effective unless and until the AUTHORITY, the MEMBERS and the proposed assignee comply with all then-applicable requirements of the GOVERNMENT CODE relating to changes in the composition of entities such as the AUTHORITY and, if and when they have REVENUE BONDS outstanding, in compliance with the terms and conditions of all REVENUE BONDS and related documentation including, without limitation, indentures, trust agreements, resolutions and letter of credit agreements.

SECTION 16. SEVERABILITY

Should any part, term or provision of this AGREEMENT be decided by a final judgment of a court or arbitrator to be illegal or in conflict with any law of the State of California or otherwise be unenforceable or ineffectual, the validity of its remaining parts, terms and provisions shall be not be affected.

SECTION 17. SECTION HEADINGS

All section headings contained in this AGREEMENT are for convenience and reference. They are not intended to define or limit the scope of any provision of this AGREEMENT.

SECTION 18. ARBITRATION

All disputes that arise in connection with the interpretation or performance of this AGREEMENT shall be resolved on an equitable basis by a single arbitrator under the commercial arbitration rules of the American Arbitration Association. The arbitrator's decision shall be final and binding on the AUTHORITY, all MEMBERS and all former MEMBERS involved or affected by the dispute. The AUTHORITY, any MEMBER and any former

MEMBER that is party to the dispute may enforce any award, order or judgment of the arbitrator in any court of competent jurisdiction.

SECTION 19. LAW TO GOVERN

It is understood and agreed by the parties that the law of the State of California shall govern the rights, obligations, duties and liabilities of the parties to this AGREEMENT and shall govern the interpretation of this AGREEMENT.

SECTION 20. ENTIRETY

The MEMBERS agree that this AGREEMENT represents the full and entire agreement between the MEMBERS hereto with respect to matters covered herein. This AGREEMENT supersedes any and all other communications, representations, proposals, understandings or agreements, either written or oral, between the MEMBERS hereto with respect to such subject matter.

SECTION 21. WAIVER

A waiver of any breach of any provision of this AGREEMENT shall not constitute or operate as a waiver of any other breach of such provision or of any other provision, nor shall any failure to enforce any provision hereof operate as a waiver of such provision or of any other provision.

EXHIBIT A

Those facilities approved as of the execution of the foregoing AGREEMENT are:

- Any facility owned by the AUTHORITY;
- The Eel River Disposal facility located at 965 Riverwalk Drive in Fortuna, CA;
- The McKinleyville Transfer Station located at 2585 Central Ave, McKinleyville, CA.
- The Mad River Compost facility located at 6360 West End Road, Arcata, CA.

MITCHELL, BRISSO, DELANEY & VRIEZE, LLP

CLIFFORD B. MITCHELL (1927--2010)

PAUL A. BRISSO

NANCY K. DELANEY

JOHN M. VRIEZE

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NICHOLAS R. KLOEPPER

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EMERY F. MITCHELL (1896 - 1991)
WALTER J. CARTER (1949 - 1993)
R.C. DEDEKAM (1929-- 2011)

September 2, 2014

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

Kyle Knopp
City Manager, City of Rio Dell
675 Wildwood Avenue
Rio Dell, CA 95562

Re: Humboldt Waste Management Authority

Dear Jay and Kyle:

Let this letter reflect that both the City of Ferndale and the City of Rio Dell have requested that our office assist each City with respect to negotiations/discussions with the Humboldt Waste Management Authority ("HWMA") and Eel River Disposal ("ERD") regarding the impact of waste transport to the new disposal transfer facility in Eureka for transfer to the new landfill at/near Willits. As discussed, the interests of Rio Dell and Ferndale are "in line" with respect to this matter, as both Cities currently transport their waste to ERD's facility in Fortuna, and both may experience increased transport costs in the event each City is obligated to re-direct its waste to a transfer station in Eureka, as HWMA has indicated.

Please note, although joint representation is appropriate at this time, in the event a dispute develops or, for any reason, the interests of Rio Dell and Ferndale related to this issue are no longer united, we will likely be required to cease representation of both entities with respect to the matter.

Although our joint communications regarding this matter will be subject to attorney-client privilege if third party inquiries are made, in the unlikely event a dispute

September 2, 2014

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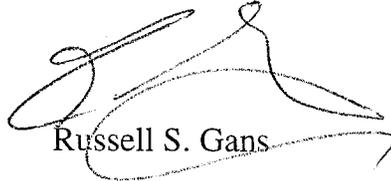
develops regarding the issue between Rio Dell and Ferndale, the communications will not be privileged between the two entities.

Also, since this is a joint representation issue, we will endeavor to allocate our time on the matter so that one-half (50%) is allocated to each respective client.

Please acknowledge your consent to the joint representation and communications regard this matter by counter-signature, below.

Very truly yours,

MITCHELL, BRISSO, DELANEY & VRIEZE, LLP

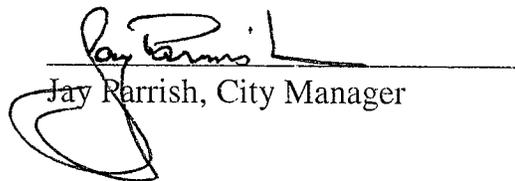

Russell S. Gans

RSG/jg

I have read and understand the foregoing letter from Russell Gans and consent to joint representation by Russell S. Gans of Mitchell Brisso Delaney & Vrieze, LLP.

DATED: 9/8/2014

City of Ferndale


Jay Rarrish, City Manager

DATED: _____

City of Rio Dell

Kyle Knopp, City Manager

Section 15

REPORTS

City of Ferndale, Humboldt County, California USA
City Manager's Report for October 2, 2014 City Council Meeting
Reporting to September 20, 2014

CITY MANAGER

Meetings

- Kiwanis meeting 1st and 3rd Tuesday of the month at 4:30 pm
- City Council meeting – September 4th – Regular meeting from 7:00 – 9:30 pm
- Special City Council Study Session 6:30 pm – Re: Nielson Property
- SRWC meeting- September 9th - 2:00-5:00 pm
- City Manager meeting- September 18th – 3:00-5:00pm
- Weekly training bulletin from ERMAnet . This is an online training program that I have participated in since 2006 as a requirement from our Risk Management Authority.
- Numerous Meetings, conversations and discussions with HWMA, County, and Rio Dell representatives to discuss Solid Waste alternatives for disposal site and transportation costs to that site. September 17th 1:30- 4:00 pm. Those conversations have successfully resulted in an interim agreement to haul HWMA material to Dry Creek, transported by Bennendorf. Although we have a temporary agreement until the end of October we are still negotiating for a long term solution. We are hoping to get an agreement that includes all of the present parties without raising present rates. We believe that if ERD will allow a Solid Waste of Willits trailer on their property and we would be able to avoid any increases to our citizens. This would clearly be the most cost effective solution without directing ERD to transport our solid waste to Hawthorn Street in Eureka, and then be reloaded so it could be transported south to the disposal site. We are still in negotiation and I met with ERD representatives last week and they said that they may permit the trailer to be loaded on the property and HWMA is trying to formulate that agreement.
- Numerous conversations with Chamber of Commerce President regarding collaborative projects. Flower baskets are now attached to the streetlight poles downtown. You might remember that we had similar flower baskets on some of the businesses downtown. This project includes someone who is maintaining the flowers. We have installed them and the Chamber cares for the health and appearance of the baskets. Like the Flags on the streetlight poles, this had been a very positive collaboration with the business district and the Chamber in particular. Although I reported on this last month I wanted to make sure that everyone is aware of the program and to notice how positive an effect it has on our aesthetics.
- Numerous conversations with planner to develop amendments to our Parking Ordinance that takes in the non-compliance issues and allows our present parking to be recognized as sufficient for our developed downtown. The amendments we have been discussing are limited to the onsite parking regulations and not the on-street parking regulations that are issues that are enforcement related and regulated in our Traffic Ordinance. The Planning Commission will review this at their next meeting and be able to make recommendations to the council at our November meeting.
- Numerous conversations with Financial Officer Donna Timmerman related to financial issues and improvements to the just finished budget process. I wanted to say that Donna and staff did a superb job going through the budget. We are already preparing for a visit from our auditor who will begin next year's audit in October or November. Our accountant due to some

health issues has asked our auditor for a delay in order for him to compile some of the information that he is responsible to contribute.

- Daily meetings with staff to delegate workload and improve efficiency.
- Sign Ordinance is on the agenda for second reading.
- Nuisance Ordinance: At Council's direction staff has compiled a number of examples from other cities and we will present that information to council and schedule a study session at the November 6th meeting in an effort to have the council able to have a first reading in December.
- Multiple conversations and meetings with Rio Dell CM and Fortuna CM to discuss common issues in the Eel Valley.
- Discussions with Gerald Silva regarding Russ Park LLA agreement, and they are not ready to move forward as of last week. We have decided to put signs up at a couple of key areas to instruct people who would like to use Russ Park to stay on the road until they get to the sign that points them to the back trail to Russ Park, and to keep their animals on a lease so that they can avoid interaction with ranch animals. It may be worthwhile to mention that we do not allow horses or bikes on the trails in the park, and therefore not on his property.
- Check signing and invoice review for the City.
- Conversations with John Driscoll, Jared Huffman's representative, regarding Ferndale issues.
- I had numerous discussions with Michael Bowen and Donna Chambers on the Coastal Conservancy meeting being held at Ferndale City Hall last week. They had a wonderful time in Ferndale and we were honored to have hosted their regular meeting. The Mayor and I were introduced to their members during the meeting by Doug Bosco, and we were able to thank them for all the funding they have provided to the Salt River Project. They mentioned how impressed they were by our town and our efforts to restore the Salt River, which they observed first hand when they toured the construction site.
- Regular conversations with County Supervisor Bohn regarding common issues.
- Numerous meetings with individual councilmen and the mayor regarding City issues, and updates on representation on the various joint power authorities and issues that relate to our membership on those organizations. We have also added a couple of Ad Hoc committees that have increased the amount of interaction to include those subjects.
- Several routine conversations with Jo Ann Rennie, executive director of Parsac, related to risk management issues. Parsac will be sending representatives to Ferndale, Blue Lake and Trinidad sometime in February to do a risk assessment of our cities. The Chief and I had a number of discussions with Parsac representatives and our City attorney to go over procedures that involved events at the Fair Grounds.
- Daily meetings with Public Works as to daily projects. I met with Public Works every morning at City Hall to go over daily work and projects.
- Daily conversations and communication with Wastewater department to review and go over wastewater activities.
- Numerous conversations with citizens regarding donations and volunteer activities.
- Met Russ Park members to go over trail management and a possible project for the con crew to help us cut the brush away from the trails. This is a yearly agreement with Calfire and they will schedule work between fire calls.
- Periodic meeting with Finance Officer to go over medical coverage in efforts to maximize the City's financial ability to give the best coverage at the best price to our employees.
- On September 20th Kiwanis put on its 7th annual Bocce tournament and it was a beautiful day with a great turnout, great food and great entertainment. We also combined the Bocce

tournament with our Cow Pie Bingo event. This also turned out successful, and of course was a lot of fun for the cows. The two events were especially rewarding and enjoyable to the Hindley family because Jason Hindley's team took first place in the tournament and his wife Jessica won the last plop of Bingo with a win of \$1000.

- The Chamber President, Karen Pingitore and I had numerous meetings with Caltrans representatives relaying comments and suggestions regarding the paving project and reiterating our position that we wanted the sidewalk project to blend in with the old sidewalk like we had requested before that project began. They have agreed to set up a meeting with their hydrologist to go over some possible drainage improvement that could decrease cumulative drainage problems caused by the distance between drainage inlets on main street.

CITY CLERK ACTIVITY

Meetings

- Meetings with City Manager regarding work activities and council agenda.
- Attended:
 - Regular City Council Meeting 9/4/14
 - Special City Council Meeting 9/17/14
- Wrote agenda items and compiled packets for:
 - Regular City Council Meeting 9/4/14
 - Special City Council Meeting 9/17/14
- Transcribed and drafted meeting minutes and uploaded meeting videos for:
 - Regular City Council Meeting 9/4/14
 - Special City Council Meeting 9/17/14
- Posted all meeting agendas and public notices on City Hall, Post Office bulletin boards and at the library.
- Uploaded meeting packets to City website.

Projects

- Work with front counter and telephones assisting the public, answering questions and information requests.
- Updated and maintained City web site (with contractor) with job postings, and updated various forms and Ordinances.
- Provided reports on building permits to CA Department of Real Estate, CA Department of Finance and US Department of Commerce.
- On-going communications with contract Planners about agenda items and public notices for items before the City Council and Planning Commission.
- Sent and received emails daily.
- Pick up and distribute City correspondence daily.
- Organized and filed paperwork.
- Signed and filed resolutions and ordinances of the City Council and the Planning Commission.
- Deposited checks into the bank.

- Responded to Public Records Act requests.
- Wrote and sent letter re non-compliance issues.
- Revised Personnel Manual according to council direction; sent to City Manager and City Attorney for review.
- Re: November 4, 2014 General Election:
 - Provided Access Humboldt with contact info for Mayor and Council Members.
- Maintained minute, resolution, ordinance and agenda binders.

DEPUTY CITY CLERK ACTIVITY

Meetings

- Attended and transcribed minutes for 08/28/2014 and 09/04/2014 Design Review meetings.
- Prepared packets for 08/28/14 and 09/04/2014 Design Review meetings.
- Posted agendas for 08/2/2014 and 09/04/2014 Design Review meetings.
- Prepared packet for 09/17/2014 Planning Commission meeting.
- Posted agenda for 09/17/2014 Planning Commission meeting
- Attended and transcribed minutes for 09/17/2014 Planning Commission meeting.

Projects

- Staffed the front counter and phones at City Hall.
- Processed dog & business licenses.
- Calculated and collected fees for building permits and sent completed applications to Arnie to be checked.
- Processed checks, created revenue spreadsheet and deposits.
- Processed Field Observation Reports.
- Inventoried and ordered office supplies.
- Processed Parade and Encroachment Permits.
- Sent Building Permit reports to Assessors office and Construction Industry Research Board.
- Assisted Finance with Accounts Payable.
- Researched new address and address change procedures
- Researched Traffic Ordinance and Parking Regulations
- Assisted with update on Personnel Manual

FINANCE OFFICER ACTIVITY

- Meetings with City Manager – re: office issues
- Worked with Jay and Jennifer to complete and compile the final draft of the Personnel Policy Manual.
- Preparing for medical open enrollment in October, reviewing insurance options for health, vision and dental.
- Analyzing telecommunication bids from Frontier and Suddenlink to reduce costs.
- Provided Information to the staff of North Valley Bank information for annual loan renewal.

- Working with Accountant on year end closing entries in preparation for Annual Audit.
- Worked with Engineers to complete submission of reimbursement requests from CalTrans.
- Payroll/Payroll Tax Payments
- Accounts Payable
- Accounts Receivables

CITY PLANNER ACTIVITY

Task 1 – General Planning

- Coordinated with City Manager to satisfy Public Records Act request.
- Coordinated with Deputy City Clerk on Ordinance amendment procedures and noticing requirements, address change process, and permitting requirements for unpermitted secondary dwelling unit at 558 Fern.
- Coordinated with City Staff to prepare Public Notices for September 17, 2014 Planning Commission Meeting and October 2, 2014 City Council Meeting.
- Coordinated with City Staff to prepare Agenda Packets for 9/4 City Council Meeting and 9/17 Planning Commission meeting.
- Staffed 9/4 City Council Meeting for adoption of Housing Element Update 2014 and Ordinance 2014-07 amending the Sign Ordinance.
- Staffed 9/17 Planning Commission meeting for hearing on Draft Ordinance 2014-06 Amending Zoning Ordinance 02-02 Parking and Non-Conforming Uses Regulations.

Task 2 – Reimbursable Fee Planning – None

Task 3 – Special Projects

- Prepared language and revised formatting of enacting Ordinance amendments to Zoning Ordinance non-conforming uses provisions.
- Reviewed letter from HCAOG regarding potential changes to RHNA schedule and Housing Element Update. Prepared analysis of potential impacts for City Manager.
- Developed language and revised formatting of enacting Ordinance on amendments to Zoning Ordinance nonconforming uses provisions. Submitted amended language to City Attorney and incorporated revisions.
- Revised enacting ordinance language and formatting on proposed amendments to Zoning Ordinance parking regulations.
- Met with City Council members, City manager, and City Engineer on September 3, 2014 to discuss sidewalk project.
- Coordinated with City Manager to begin research and scoping process for amending the Zoning Ordinance Article 5: Development Standards. Reviewed potential amendments, current standards and consistency. Prepared Scope and Authorization.

Task 4 – Additional Authorizations

- Prepared proposed amendments to Zoning Ordinance parking regulations. Revised enacting ordinance language and formatting.

Task 5 – General Plan Review Fund

- Updated General Plan Element adoption procedures. Prepared Resolution to City Council.
- Reported on Housing Element certification requirements to City Council.
- Developed language for Chapter 6: Goals, Policies and Implementation Programs in the Draft Noise and Air Quality Element Update.
- Made final revisions to the Final Housing Element Update document, and Drafted and submitted the Transmittal Packet for the Final Housing Element Update to HCD.

CITY ENGINEER**Sewer Projects –**

- Inverted siphon replacement and manhole relocation under County of Humboldt Francis Creek Culvert Replacement Project.
 - Francis Creek Culvert Replacement Project will not be executed this year.
 - Funding for the relocation of the manhole and replacement of the inverted siphon still remains in question.
 - Reaching out to Donna Chambers regarding RCD funds for utility relocation
- Wastewater Treatment Facility – Wetland Maintenance, Monitoring and Reporting
 - Working with Steve to discuss potential cost saving solutions for sludge disposal. Possibilities include onsite drying beds and storage, trucking, etc.

Pedestrian Improvement Project -

- Rose Avenue: (Phase 2)
 - Project complete. We are currently working with the appraiser to gain ownership or rights to a gap in the right-of-way at the south side of the Rose and Herbert intersection.

Applications –

- 2nd Hadley Merger (7 parcels)
 - The applicant provided the requested additional information. The application will remain incomplete while the City Engineer's Office waits for Department of Fish & Wildlife approval on Parcel 'C' for the drainage improvements. The agent is in the process of completing the drainage plans. Additionally, the City Engineer's Office is requesting additional information related to the legal descriptions. Once the application is complete, the City Engineer's Office will move forward with referring the project and completing the staff report before scheduling a hearing with the City Council.
- Westfall/Witham Lot Line Adjustment/Subdivision
 - This project included a two parcel subdivision and lot line adjustment located off Rose Avenue. On September 18, 2013, the Planning Commission approved the Lot Line Adjustment for Assessor Parcel Numbers (APNs) 031-241-09 and 031-241-10 and a

minor subdivision of APN 031-241-09. Per the Conditions of Approval (Condition #4), the Lot Line Adjustment and Tentative Map requires a revision to add a fifteen foot (15') drainage easement on the southern boundary of Parcel One (APN 031-241-09). The Notice of Lot Line Adjustment and Certificate of Compliance has not been recorded per the applicant's request. We anticipate the project will be complete when we have the Applicant's permission to proceed. The project expires on September 28, 2015.

At the same hearing, the Conditions of Approval were modified for the subdivision. The Commission requested to remove Condition of Approval 3 related to recording a new deed to establish the appropriate ownerships. Condition of Approval Number 9 originally required that new water service for each parcel be installed at the same time. Because the new parcel will not be developed immediately, the City Engineer's Office, at the request of the Planning Commission, modified Condition Number 9 to allow the applicant to defer the installation of water service to Parcel Number 2 until which time an application for any structures or earthwork activity is proposed to the City of Ferndale. The City Planning and Engineering Offices are currently working with the applicant to satisfy the Conditions of Approval for this project. We anticipate the Conditions of Approval will be satisfied sometime during 2014.

- Mr. Willis Hadley - Francis Street Project:
 - Coordinating with Mr. Hadley's agents and the Department of Fish and Wildlife for natural drainage systems that were proposed to be modified.

- Mr. Willis Hadley – Building Permit Application (Fence)
 - The application was submitted and a conditional approval letter was returned to the applicant. Additional information was received regarding a new landscape/flood barrier wall. The request was forwarded to the Drainage Committee for comment.

General Engineering –

- Working on a proposed Capital Improvement Plan (CIP) (roads, drainage and sewer)
 - Met with City staff to discuss scope of projects to be included but still need to prioritize and prepare estimated for the work. Draft CIP submitted for review.

- Cal Trans Maintenance on SR 211 (Review of SHOPP drawings)
 - Continued coordination and inspections (as needed) will take place until the projects are completed.
 - Working with Caltrans staff to see if the culvert at Shaw and Main can be fixed with this project.
 - Prepared a project description for a new PSR project to do a safety and ADA accessibility study for the pedestrian corridors throughout the City. The map was prepared and distributed for review and comments. Based on the feedback received, the map was revised and will be brought to City Council for approval.

- PGE Undergrounding Project
 - Working with "Undergrounding work group" to develop undergrounding district and compare possible routes and scoring criteria (as needed).

- Old Nilsen Barn Project
 - Prepared several conceptual layouts for parking and rough estimates for construction and development of the site. Waiting for directions form AD-HOC committee.

Meetings and Committees –

- HCAOG Meeting
 - Attended September's Meeting

Reporting and Correspondence –

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

WASTEWATER OPERATIONS

- Monthly samples prepared and sent to North Coast Labs
- Monthly No Spill Certification completed
- Pull and clean disc filters
- Coliform 2nd Tuesday of month and BOD 2nd Thursday of month to Fortuna lab, 2nd BOD sample taken to Fortuna due to lab error on first
- Repair check valve on air compressor
- OITs Thrap and Hanna add shelves in filter building; organize and clean building
- Weekly safety meetings held, including public works employees
- OITs Thrap and Hanna repair toilet at city hall
- Dewater throughout the month for approximately 32 total hours
- Clean out office building at old site and haul waste to dump
- OITs Thrap and Hanna performs lab tests daily to measure efficiency of plant
- Powerwash and service belt press
- Called out for lateral hookup to main on Ocean Ave.
- Monthly eSMR (electronic State Monthly Report) prepared and submitted
- Replace tarp on sludge bin 4
- Front gate chain oiled each Monday
- Replaced UV lights on banks 3 and 4.
- OIT Hanna washed tractor
- Turn sludge at drying facility
- OIT Hanna cleaned walls and catwalks
- Call out for sewer backup on Tennyson. Upon clearing line, found another plug further down stream. Able to clear with hydro
- CPO met with Orrin Plocher of Freshwater Environmental regarding INF compliance letter due to water board on October 1st.
- The facility received a total of 27 septic dumps from Roto Rooter & Wyckoff's totaling

44,300 gallons and generating \$7,264 in revenue for the facility.

- Total flows through the collection system for August were 5.5 MG. Of that, .93 MG was pumped to the equalization pond.
- Influent flows that were treated through the facility totaled 4.6 MG for the month of August. Average irrigation discharge was .1 MGD.

PUBLIC WORKS STAFF ACTIVITY

- Continued with monthly and daily duties. Such as, cleaning and maintenance of city's bathrooms, mowing of city's owned properties, cleaning of storm drains, keeping streets clear of debris and the maintenance of city's facilities.
- Continuing Replacing Stop signs around town.
- Went to Eureka for supplies for the bathrooms.
- Had Sequoia gas come and repair the heater at the Childrens Center.
- Dug electrical for the Bocce ball court.
- Put in electrical at City Hall for the Lions Club Trailer.
- Painted Cross Walks and Curbs throughout.
- Cleaned Arlington and Main after Fair.
- Rebuilt pilot light at community center.
- Children Center replaced carpet inside facility.
- Restriped community center parking lot and City parking lot.
- Culvert fail at Lincoln and Grant St. PW exposed and City Engineer will advised.
- Ordered Street signs for the East side of town.
- Working on bids for Public Works bathroom.
- Helped Kiwanis set up for Bocce Ball Tournament.

POLICE DEPARTMENT

- We have been placing the radar trailer at various locations where we have received speeding complaints.
- Chief Smith attended Kiwanis meetings/functions.
- Chief Smith attended the monthly LECAH meeting.
- The police department continues targeted enforcement of peripheral areas impacting the Ferndale quality of life.
- Ferndale officers provided extra patrol during the fair activities.
- Ferndale officer provided assistance to Fortuna Police Department for the rodeo and associated activities.

Police Statistics – August 2014

SERIOUS CRIMES	Number	Cleared
Homicide	0	
Rape	0	
Robbery	0	
Larceny	0	
Assault	2	
Burglary	3	
Vehicle Theft	0	
TOTAL	5	
SECONDARY CRIMES	7	
Calls for Service	83	
Reports Written	31	
Traffic Citations	0	
Other Citations	0	
Parking Citations	2	
Warnings	33	
ARRESTS	8	
AGENCY ASSISTS	21	
TRAFFIC COLLISIONS	0	

City of Ferndale, Humboldt County, California USA
Minutes for Planning Commission Meeting of August 20, 2014

Call to Order — Chair Jorgen Von Frausing-Borch called the Planning Commission to order at 7:02 pm. Commissioners Dean Nielsen and Doug Brower were present along with staff City Clerk Elizabeth Conner, Deputy City Clerk Kristene Tavares, Contract City Planners George Williamson and Leslie Marshall. Commissioners Michael Warner (excused absence) and Lino Mogni (unexcused absence) were not present. Those in attendance pledged allegiance to the flag.

2.0 Ceremonial - None.

3.0 Modifications to the Agenda – None.

4.0 Approval of previous minutes – Commissioner Neilson would like item 6.4 on the July 16, 2014 minutes to be modified. Chair Von-Frausing-Borch recommended eliminating the word “consensus” from the sentence in question. **MOTION:** to approve the minutes of the July 16, 2014 Regular Meeting with the word “consensus” removed from the sentence in item 6.4.

(Brower/Nielsen) 3-0

5.0 Public Comment – None

6.0 Public Hearing

6.1 Review Draft 2014 Housing Element Update and Draft CEQA Document and Consider Recommending to City Council for Adoption. Contract City Planner George Williamson reported that the requested changes had been made and are shown in red within the document before the commission. He also reminded the Commission that CA Department of Housing and Community Development (HCD) will certify the element with the changes. The Commission commended Planwest for their work on the Housing Element. **MOTION** to recommend to the City Council that the Draft 2014 Housing Element Update and Draft CEQA Document be Approved for adoption. **(Brower/Nielson) 3-0**

7.0 Business

7.1 Recommend to City Council Appointment of Member to Serve on the Design Review Committee. City Clerk Elizabeth Conner reported that the vacancy had been re-advertised and posted and that no other applications had been received. The only applicant is still Mr. Marc Daniels. Mr. Daniels was present and thanked the Commissioners for giving him an opportunity to speak. Commission explained to Mr. Daniels that they were concerned about his attendance for meetings due to his current job. Mr. Daniels explained his current job takes him out of the area annually for a few weeks but assured Commissioners that he would be able to attend most meetings and would give appropriate notice when he cannot. **MOTION:** to recommend to the City Council that Marc Daniels be appointed to the Design Review Committee. **(Brower/Nielson) 3-0**

7.2 Ordinance No. 2014-07 Amending Sign Ordinance 13-02. City Clerk Elizabeth Conner reported that at the August 7, 2014 City Council Meeting, the City Council directed staff to bring

forward amendments to the Sign Ordinance regarding illuminated signs. Staff prepared those Amendments and it is now before the Planning Commission as Ordinance No 2014-07 Amending Sign Ordinance 13-02. Commissioner Brower asked whether the proposed square footage of the illuminated signs would be large enough to cover existing signs. Staff explained that this had been examined and proposed square footage would be sufficient for existing signs. **MOTION** to recommend to the City Council that Draft Ordinance No. 2014-07 Amending Sign Ordinance 13-02 be Approved for adoption. **(Nielson/Brower) 3-0**

7.3 Building and Land Use Permits-No Comments

7.4 Design Review Committee Report and Minutes: Chair Von-Frausing Borch mentioned that in the Design Review Minutes that the committee requested direction from the Planning Commission on Solar Panel guidelines. Staff informed Commissioners that there are state regulations that limit the City's ability to restrict installation of solar panels. The Commission has requested that staff provide an update on any restrictions and guidelines for solar panels in the historical district.

The meeting was adjourned at 8:02pm.

Respectfully submitted,

Kristene Tavares,
Deputy City Clerk

City of Ferndale, Humboldt County, California USA
Design Review Minutes for the 07/24/14 - 8:30am meeting

Chairman Mark Giacomini opened the meeting at 8:32 a.m. Committee Members Paul Gregson, Doug Brower, and Lino Mogni were present along with Deputy City Clerk Kristene Tavares.

Approval of Previous Minutes: **MOTION to APPROVE** June 26, 2014 meeting minutes.
(Gregson/Brower) Unanimous.

There were no Modifications to the Agenda.

There were no Public Comments.

1289 Main Street: The Design Review Committee was presented with a picture of the proposed windows as well as photos of proposed placement of the windows. **MOTION** to make the required findings of fact listed in Attachment A to **APPROVE** the amendment of Design Review Use Permit 1338, subject to the conditions of approval listed in Attachment B, to add three (3) 24" X 40" windows to the garage. **(Gregson/Mogni) Unanimous**

Design Review Sign-Off's: The following DR Permits were signed off: DR1416

There was no Correspondence.

There were no Committee Member Comments.

Meeting adjourned at 8:49 a.m.

Respectfully submitted

Kristene Tavares, Deputy City Clerk
City of Ferndale

City of Ferndale, Humboldt County, California USA
Design Review Minutes for the 08/07/14 - 8:30am meeting

Chairman Mark Giacomini and Committee Member Doug Brower were present along with Deputy City Clerk Kristene Tavares. Paul Gregson (excused absence) and Lino Mogni were not present. Quorum was not met. Meeting was cancelled

Respectfully submitted

Kristene Tavares, Deputy City Clerk
City of Ferndale

City of Ferndale, Humboldt County, California USA
Design Review Minutes for the 08/14/14 - 8:30am meeting

Chairman Mark Giacomini opened the meeting at 8:30 a.m. Committee Members Paul Gregson, Doug Brower, and Lino Mogni were present along with Deputy City Clerk Kristene Tavares, and City Clerk Jennifer Church.

There were no Modifications to the Agenda.

There were no Public Comments.

484 Main Street: The Design Review Committee was presented with pictures of the building and existing deck as well as plans for the new deck and siding. **MOTION** to make the required findings of fact listed in Attachment A to **APPROVE** the Design Review Use Permit, subject to the conditions of approval listed in Attachment B, to replace deck with cedar lumber and replace damaged members underneath. Also repair siding on the rear of building as needed, color scheme will match existing. **(Gregson/Brower) Unanimous**

1182 Main Street: The Design Review Committee was presented with a picture of the home and existing fence as well as plans for the new fence. **MOTION** to make the required findings of fact listed in Attachment A to **APPROVE** the Design Review Use Permit, subject to the conditions of approval listed in Attachment B, to replace existing fence and paint fence to match trim on house. **(Gregson/Brower) Unanimous**

1467 Main Street: The Design Review Committee was presented with pictures of the home and damaged siding as well as paint swatches for proposed new color scheme. **MOTION** to make the required findings of fact listed in Attachment A to **APPROVE** the Design Review Use Permit, subject to the conditions of approval listed in Attachment B to replace siding on home with 1' X 6' tapered redwood siding and repaint house and garage with proposed color scheme. **(Gregson/Brower) Unanimous**

There was no Correspondence.

Committee Member Comments: Committee members would like state regulation for historic district. Staff will put together information regarding this issue and present it at next regular meeting. Committee would also like minutes from the previous meeting to be in packet regardless if it is a special or regular meeting. Staff will comply with this request.

Meeting adjourned at 8:45 a.m.

Respectfully submitted,

Kristene Tavares, Deputy City Clerk
City of Ferndale

City of Ferndale, Humboldt County, California USA
Design Review Minutes for the 08/28/14 - 8:30am meeting

Chairman Mark Giacomini opened the meeting at 8:31 a.m. Committee Members Paul Gregson, Doug Brower, and Lino Mogni were present along with Deputy City Clerk Kristene Tavares.

Approval of Previous Minutes: **MOTION to APPROVE** July 27, August 7, and August 14, 2014 meetings minutes. **(Gregson/Brower) Unanimous**

There were no Modifications to the Agenda.

There were no Public Comments.

Discussion on Applications Involving Non-Visible Changes: The Design Review Committee was presented with Memorandums from City Planner Melanie Rheaume regarding the backs and sides of buildings in the Historic and Design Review Zones. Staff explained that Section 6.05.2 of City of Ferndale Zoning Ordinance explains that a Design Review Permit must be obtained before any changes may be made. Staff also explained that because the Zoning Ordinance does not specify that changes must be visible from a public right of way, Committee must review all projects in Design Review Zoning. Committee Member Gregson thanked staff for the information provided. Committee Member Mogni would like to see Zoning Ordinance pertaining to Design Review.

Design Review Sign-Off's: The following DR Permits were signed off: DR1404, DR 1414, DR1416, and DR1419. Also Chair Mark Giacomini asked that letters be sent to DR1333 and DR1339 asking to get an extension or reapply when ready for project is ready to begin.

There was no Correspondence.

There were no Committee Member Comments.

Meeting adjourned at 8:54 a.m.

Respectfully submitted

Kristene Tavares, Deputy City Clerk
City of Ferndale



HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS

611 I Street, Suite B
Eureka, CA 95501
(707) 444-8208
www.hcaog.net

Board of Directors FINAL MEETING RECORD

Regular Meeting
August 21, 2014, 4:00 p.m.
Eureka City Hall, Council Chambers
531 K Street, Eureka

Present:

Councilmember Susan Ornelas, Chair
Mayor Doug Strehl, Vice Chair
Supervisor Ryan Sundberg
Mayor Frank Jäger
Mayor Sherman Schapiro
Councilmember Ken Mierzwa
Councilmember Gordon Johnson
Councilmember Jack West

City of Arcata
City of Fortuna
County of Humboldt
City of Eureka
City of Blue Lake
City of Ferndale
City of Rio Dell
City of Trinidad

Policy Advisory Committee Members:

Brad Mettam (Alternate)

Caltrans District 01

Staff:

Marcella Clem
Oona Smith
Debbie Egger
Siana Watts

Executive Director
Senior Planner
Administrative Services Officer
Executive Assistant

Absent:

Linda Atkins

Humboldt Transit Authority (HTA)

1. **Call to Order**
Chair Susan Ornelas called the meeting to order at 4:00 p.m.
2. **Public Participation**
There were no public comments for items not on the agenda.
3. **Adjournment of the HCAOG Board; Convening of the Policy Advisory Committee (PAC)**
4:01 p.m.
4. **Consent Calendar**
Motion was made (Jäger/Sundberg) to approve item 4a, of the consent calendar.
a. Approval of Meeting Record – July 17, 2014
Motion carried unanimously.
ABSTENTION: West

Items pulled from the Consent Calendar:**4b. Master Fund Transfer Agreement (MFTA) # 74A0789** [Resolution 14-10]

Motion was made (Schapiro/Jäger) that the PAC recommends the HCAOG Board adopt Master Fund Transfer Agreement #74A0789 between HCAOG and the Department of Transportation, and Resolution 14-10.

Motion carried unanimously.

5. Action Items**a. Final Environmental Impact Report (EIR) of the Regional Transportation Plan 2014**

Update (VROOM) [Resolution 14-11]

Motion was made (Johnson/Mierzwa) that the PAC recommends the HCAOG Board certify the Final EIR of the Regional Transportation Plan 2014 Update.

Motion carried unanimously.

b. Humboldt County Regional Transportation Plan (RTP) 2014 Update [Resolution 14-12]

Motion was made (Schapiro/Johnson) that the PAC recommends the HCAOG Board adopt the Regional Transportation Plan 2014 Update – *Variety in Rural Option of Mobility (VROOM)*.

Motion carried unanimously.

c. Dial-a-Ride (DAR) Ad hoc Committee

Motion was made (Sundberg/Jäger) that the PAC recommends the HCAOG Board consider budgeting carryover TDA funds to hire a consultant to research cost savings, cost sharing, and travel zone improvements for the countywide DAR system.

Motion carried unanimously.

6. Informational Items

a. Active Transportation Plan (ATP) Awards – Staff announced the regional grants awarded in the 2014 ATP cycle, and that the next call for projects would be in March 2015.

b. Caltrans' Climate Change Workshop – Caltrans representative, Brad Mettam, announced there would be a meeting on Monday, August 25, 2014 at 6:00 p.m. at the Wharfinger Building.

c. 2015-16 Unmet Transit Needs (UTN) Cycle Update – Staff provided an update on the UTN public hearings, and Supervisor Sundberg suggested a UTN public hearing be held in McKinleyville

Public Participation on 6c

David Wilhelmi

7. HCAOG Staff and PAC Member Reports

The following matters were presented:

- Councilmember Gordon Johnson requested Caltrans provide the Board with a report on Highway 36 and information regarding safety improvements
- Mayor Jäger informed the Board that there would be a dedication of the Hiksari Trail to Melvin McKinney on September 4, 2014
- Mayor Schapiro announced that Jared Huffman would be holding a meeting on the Eureka postal sorting facility closing. (August 22, 2014 from 4:00 to 5:30 p.m. at the Wharfinger)

- Supervisor Sundberg announced Big Foot Days in Willow Creek beginning August 30, 2014
8. **Reconvening of the HCAOG Board** (4:55 p.m.)
Motion was made (Schapiro/Jäger) to reconvene as the HCAOG Board
Motion carried unanimously.
- Motion was made** (Jäger/West) to approve the recommendations made by the Policy Advisory Committee.
Motion carried unanimously.
9. **Adjournment**
The meeting adjourned at 4:57 p.m.

Respectfully submitted,
Siana L. Watts, Executive Assistant

**BOARD OF DIRECTORS**

Jack Thompson, Rio Dell, **Chair**
Mike Newman, City of Eureka, **Vice Chair**
Lana Manzanita, City of Blue Lake
Alex Stillman, City of Arcata
John Maxwell, City of Ferndale
Rex Bohn, County of Humboldt

Minutes**Thursday, September 11, 2014 5:30 PM****Eureka City Council Chambers****531 K Street, Eureka, CA**

Present: Rex Bohn, John Maxwell, Mike Newman, Alex Stillman, Jack Thompson
Absent: Lana Manzanita
Staff: Jill Duffy, Tyler Egerer
Legal Counsel: Nancy Diamond

1) Call to Order and Roll Call

Chairman Thompson called the meeting to order at 5:34 p.m. A quorum was present and acting.

2) Closed Session

a. Pending Litigation pursuant to California Government Code 54956.9(a); to confer with legal counsel concerning Riverwatch v. HWMA, Recology Humboldt County (US District Court, Northern District, Case No. C14-01074 DMR).

b. Public Employee Performance Evaluation for the position of the Executive Director pursuant to Government Code Section 54957.

Chairman Thompson opened the floor to Public Comment regarding Closed Session. No comment was received.

Chairman Thompson closed the floor to Public Comment.

Chairman Thompson adjourned the meeting to Closed Session at 5:35 p.m.

Chairman Thompson called the meeting to order from Closed Session at 6:39 p.m. No report out was made from Closed Session.

3) Consent Calendar

a. Approve Minutes from the July 10, 2014 HWMA Board of Directors Meeting.

b. Receive June FY13/14 Financials

c. Receive July FY 14/15 Financials

d. Review and Approve Draft Letter to the Member Agencies Ferndale, Rio Dell, unincorporated County (Fortuna/Ferndale and Weott Franchise Waste Areas) to Direct Franchise Solid Waste to the Authority's Designated Transportation Provider and Landfill.

e. Approve Recommendation to Award Cummings Road Leachate Hauling Services to B & B Portable Toilets, LLC.

Motion: Director Stillman Motioned and Director Bohn Seconded to Approve the Consent Calendar.

Action: Approve Motion as made by Director Stillman and Seconded by Director Bohn by the following vote:

Ayes: Bohn, Manzanita, Maxwell, Newman, Stillman, Thompson

Nays: None.

4) Oral and Written Communications

Chairman Thompson opened the floor to Public Comment regarding Items not on the Agenda. No comment was received.

Chairman Thompson closed the floor to Public Comment.

5) Receive Status Report on Cummings Road Burn Ash Debris Clean Up Project.

Discussion of this Item begins at approximate 00:04:30 of the meeting video.

Executive Director Duffy gave a brief recount of the previous activity taking place at the site of the Cummings Road Burn Ash Debris.

Jesse Solorio, of Lawrence & Associates, gave a presentation on the current status of the CRBAD site. *This presentation begins at approximately 00:07:30 of the meeting video.*

Chairman Thompson opened the floor to Public Comment regarding the CRBAD site presentation. No comment was received.

Chairman Thompson closed the floor to Public Comment.

6) Presentation on Authority's Financial Status

Administrative Services Manager Egerer presented a broad overview of the Authority's current financial goals and challenges, and discussed facets of the presentation with the Board. *This presentation begins at approximately 00:42:20 of the meeting video.*

Chairman Thompson opened the floor to Public Comment regarding the presentation on the Authority's finances. No comment was received.

Chairman Thompson closed the floor to Public Comment.

7) Board Member Reports

Discussion of this Item begins at approximate 01:19:40 of the meeting video.

Director Stillman reported on the status of the state's plastic bag ban legislation, and how it relates to work on similar bans within the Humboldt County region.

Director Newman reported on a project being undertaken by RREDC to bring additional airlines into the County's airport, and urge the public to consider assisting in its efforts.

8) Executive Director's Report

Executive Director Duffy gave no additional report to the one presented in the agenda packet.

9) Adjourn

Chairman Thompson adjourned the meeting at 8:01 p.m.

Next Meeting: October 9, 2014 at 5:30 p.m. at Eureka City Hall Council Chambers

**Humboldt/Del Norte
Hazardous Materials Response Authority
Regular Meeting Minutes
Monday, July 14, 2014**

1. Roll Call:

Present: Chairperson Ms. Melinda Ciarabellini, City of Eureka; Mr. Dale Watson, Del Norte County; Mr. Mark Wheatley, City of Arcata; Mr. Daniel Brown, City of Ferndale; Mr. Tim Sanderson, Yurok Tribe.

Guests: Chief Ed Laidlaw, Humboldt Bay Fire Department; Mr. Dan Larkin, Humboldt County Office of Emergency Services; Ms. Maje Hoyos, Humboldt County Division of Environmental Health; Mr. Jose Gonzalez, Humboldt County Division of Environmental Health; Mr. Aldaron Laird, Humboldt Bay Water District Board.

2. Convening of the Meeting:

Meeting was called to order at 4:41 p.m. by Ms. Melinda Ciarabellini.

3. Public Comments:

The public was invited to address the Board, none were present.

4. Old Business:

- A. Ms. Melinda Ciarabellini called for approval of the April 14, 2014 Regular Meeting Minutes. The motion to approve the minutes was made by Mr. Mark Wheatley and was seconded by Mr. Daniel Brown. The motion was carried by those members present.

5. New Business:

- A. Mr. Mark Wheatley introduced the guest speaker Mr. Aldaron Laird who serves on the Humboldt Bay Water District Board and is currently a planner involved with multiple agencies around Humboldt Bay. Mr. Laird explained that the State Coastal Conservancy from its inception in 2010 funded multi-agencies development of Humboldt Bay Sea Level Rise Adaptation Planning Project. Mr. Laird gave a power point presentation on his involvement with the planning effort regarding sea level rise adaptation, efforts of these agencies and the development of the plan. With the completion of Phase 1 and with the ongoing work on Phase 2, Mr. Laird was able to give a detailed account on what is to be expected with the current rise in sea levels, and the corresponding effects of tides that will be impacting the areas in and around Humboldt County.
- B. Chief Ed Laidlaw presented to the Board the 2014 Second Quarter Hazardous Material Regional Response Team Report. Two Level 1 incidents occurred during this period: 1) response to an unknown white powder discovered in envelope sent to the Fortuna Police Department, 2) diesel spill extending throughout the City of Eureka city streets and highway.

One Level 2 response regarding a Semi-tractor trailer involved in a traffic accident on US Route 101 Highway between the town of Benbow and the town of Piercy.

California Specialized Training Institute (CSTI) Technician training was received by 30 students, seven local responders attended. Monthly training and training to allied agencies was conducted during this period, participated and conducted a quarterly drill in conjunction with CSTI Technician training. The United States Postal System conducted a full scale Biological Detection System (BDS) drill at the West Clark Street Main Post Office. Announcement of a potential new member to the Hazardous Material Response Team joining from the California Highway Patrol in the County of Del Norte.

6. Adjournment:

Ms. Melinda Ciarabellini called for adjournment at 6:00 pm. The next Regular Meeting of the Humboldt /Del Norte Hazardous Materials Response Authority meeting is scheduled at the Humboldt Bay Fire Department Conference Room on Tuesday, October 14, 2014 at 4:30 pm.

Section 16

ADJOURN