

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

Location:	City Hall	Date:	April 20, 2022
	VIA ZOOM	Time:	7:00 pm
		Posted:	April 14, 2022

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor’s Emergency Declaration related to COVID-19, and the Governor’s Executive Order N-29-20 issued on March 17, 2020 that allows attendance by members of the City Council, City staff, and the public by teleconference, videoconference, or both.

We are strongly recommending that public comments for this meeting be submitted prior to the meeting. Public comments should be submitted to cityclerk@ci.ferndale.ca.us by 4:00pm on Wednesday, April 20, 2022, please be sure to put “Public Comment” in the subject line, and include the agenda item if applicable. All public comments received by 4pm will be read into the record (limit to 5 minutes) during the regular meeting.

To provide public comment during the meeting, you will need to join the Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/85970543477?pwd=c1dwVFJNQW1jKy9ZeJJDJjVaeVFsUT09>

Or go to Zoom.us and input the following info when prompted:

Meeting ID: 859 7054 3477

Passcode: 083184

You may also dial in using your telephone by using either number: (Use *6 to mute and unmute)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 859 7054 3477

Passcode: 083184

1. CALL MEETING TO ORDER – Mayor
2. PLEDGE ALLEGIANCE TO THE FLAG
3. ROLL CALL – City Clerk: Mayor Hindley; Councilman Avis; Councilman Lund; Councilman Ostler; and Councilman Smith.
4. REPORT OUT OF CLOSED SESSION – None
5. CEREMONIAL – None
6. MODIFICATIONS TO THE AGENDA
7. STUDY SESSION – A Study Session was held on Tuesday, April 5, 2022 at 10:00am to discuss the projects and recommendations for the Per Capita Grant.
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 2/3^{ds} 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 March 16, 2022 Regular City Council Meeting	Page 5
b. Acceptance of Checkbook Register for March 1-31, 2022	Page 9
c. Acceptance of Financial Statements for March 1-31, 2022	Page 12
10. CALL ITEMS REMOVED FROM CONSENT CALENDAR	
11. PRESENTATION	
12. PUBLIC HEARING	
a. Introduction and 1 st Reading of Ordinance 2022-02 Organics Reduction and Recycling	Page 35
b. Introduction and 1 st Reading of Ordinance 2022-01 Approving a Military Equipment Use Policy	Page 62
13. BUSINESS	
a. Per Capita Grant Funding Project Recommendations	Page 85
b. Resolution 2022-04 Appointing a Member to the Library Board	Page 90
c. COVID-19 Update and Discussion	Page 93
i. Reconfirm Existence of Local Emergency	
ii. Reconfirm findings from Resolution 2021-21 to continue the use of Virtual Meetings OR Adopt Resolution 2022-05 Resuming In-Person/Hybrid Meetings	
14. CORRESPONDENCE	Page 104
15. COMMENTS FROM THE COUNCIL	
16. REPORTS	
a. City Manager Report	Page 117
b. Commission and Committee Reports	
c. Minutes from Joint Power Authorities (JPAs) and Reports	
i. Humboldt County Association of Governments (Feb 2022)	Page 122
ii. Redwood Coast Energy Authority (Feb 2022)	Page 125
17. 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
 May 18, 2022 at 7:00 pm.**

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 March 16, 2022

Mayor Hindley called the Regular City Council Meeting to order at 7:00 pm via Zoom Video Conference. Those present did the flag salute. Present were Council Members Stephen Avis, Leonard Lund, Phillip Ostler, and Robin Smith, along with staff: City Manager Jay Parrish, Police Chief Ron Sligh, and City Clerk Kristene Hall.

Report out of Closed Session: None

Ceremonial: City Clerk Hall read a Proclamation to honor the Healthcare Workers within the Community. Mayor Hindley stated that this Proclamation was not for one individual, but to all healthcare workers within the community. Hindley sincerely thanked all the healthcare workers out there and stated that if anyone of them would like a copy of the proclamation, they could request one. Councilman Avis also thanked the workers.

Modifications to the Agenda: City Attorney Ryan Plotz explained the city had received a letter from California River Watch after the agenda had been sent out. Plotz stated the letter alleges the city is out of compliance with certain requirements of the clean water act relating to the Wastewater Treatment Plant. Plotz added that the letter provides a 60-day notice of its intent to bring a lawsuit against the city. Plotz stated that this is a time sensitive matter and since it was received after the posting of the agenda, he is asking the Council to amend the agenda by motion to add a Closed Session as follows:

Conference with legal counsel; anticipated litigation, Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: one case. Facts and circumstances involve the allegation by California River Watch that the city is out of compliance with the Clean Water Act in regards to the City's Wastewater Treatment Plant.

Plotz added that under the Brown Act, the council upon a two thirds vote can move to add an item to the agenda if both the following findings are made. 1. If the matter is of an urgent matter; and 2. If the need for action arose after the publishing of the agenda. Plotz stated that both of those finding had been met.

MOTION: to add the closed session item to the agenda. **(Avis/Ostler) Unanimous**

Report out of Study Session: None

Public Comment: None

Consent Calendar: There were three items on the Consent Calendar for approval. There were no questions from the council or public.

MOTION: to approve the consent calendar. **(Lund/Ostler) Unanimous**

Call Items Removed from Consent Calendar: None

Presentation:

Arlington Avenue Drainage Technical Assistance Project: City Manager Parrish stated that Brett Vivyan was present. Parrish added that Vivyan was part of a state-wide specialized group of Engineers that gives technical assistance to small disadvantaged cities. Parrish added that the city had previously applied for a Prop 1 grant and we were not successful. The state contacted the city and stated they had additional funds available and offered help from this technical assistance committee. Parrish stated the Vivyan was present to update on the proposed project. Vivyan stated that as Parrish stated there was a previous Prop 1 project developed for stormwater that was unsuccessful. The Council for watershed Health works with small communities for technical assistance. Vivyan explained that the technical assistance takes the unsuccessful project and revises it to make it more competitive for grant funding. Vivyan presented a PowerPoint on the updated project. The PowerPoint went over the existing conditions, the original proposed project, the proposed project to date, benefits of the project, and cost estimates.

Public Hearing- None

Business:

General Plan and Housing Element Annual Progress Report: City Planner Krystle Heaney reported on the General Plan Progress Report. Heaney stated that this is a report that is required every year and is sent to the Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). Heaney added that the report requires to include when the Elements were developed, any updates that have been done, and how the city is doing at implantation of programs within the elements. Heaney went over the proposed General Plan progress report with the council. Heaney also added that the city does an additional annual progress report for the Housing Element. HCD requires a detailed report on types of housing developed or demolished. Mayor Hindley questioned the development of low and moderate housing with the cost of lumber and materials. Heaney agreed that material cost is a problem and added that building of Accessory Dwelling Units (ADU's) helps to meet the requirements for low-cost housing. Councilman Avis questioned the elements that have been updated and need CEQA to be adopted, funding for these elements, and a timeframe for completion. Heaney stated that the Land Use, Safety, and Noise and Air Quality are currently in the update process and will need CEQA. Heaney also stated that these will hopefully be completed by the end of 2022. Councilman Smith questioned Land Use Redesignations and rezoning to accommodate a broader range of housing types, and how this would be accomplished in an upscale pricing market like Ferndale. Smith also expressed concerns about being out of compliance with HCD for the City to provide means for low and very low housing. Councilman Avis stated that this is a long-term plan. Avis added that rezoning and redesignating provides the direction to a developer on where and how they can develop the land in certain areas of the city. Heaney added that while the rezoning is a long-term plan, the Housing Element gives a shorter time frame for housing numbers. Regional Housing Number Allocation (RHNA) go to 2027. Heaney added the city has already met the low-income numbers, but still need to need to very low-income number which is 9 units. City Planner Blodgett added that RHNA are not units that have to be built, they are numbers that the city has to have land designated for the ability to build on.

MOTION: to approve the General Plan Annual Progress Report. (Avis/Ostler) **Unanimous**

Per Capita Grant Funding Public Comment and Project Recommendations: City Manager Parrish explained that this grant is something the state does approximately every 10 years to improve parks. Parrish added that the city applied for two separate grants. City Planner Krystle Heaney stated the city had submitted two grant options for both Fireman's and Russ Parks that were lengthy lists. Heaney explained that the city held two public input meetings to narrow down the project lists. Heaney went over the top items that the public chose. Heaney stated that staff is looking for project recommendations from the council. A member of the public spoke on the projects that were important to him. The public member spoke about concerns on the trails being outside the Russ Park boundaries, Russ Park signage, Park maintenance, Russ Park Restroom and/or Tool Shed. Councilman Smith stated his concerns of potential litigation from the park not being properly maintained. City Attorney Ryan Plotz stated the City is covered within the park by our Risk Management CIRA. Plotz also added that the city is obligated to maintain it to be safe for public use. Plotz also stated that government codes do provide immunities to public entities for recreation and use of natural resources. Councilman Avis questioned liability issues on the possibility of trails being out of the park boundary. Plotz stated that this would need to be evaluated and determined on a case-by-case basis. Councilman Smith stated his support for any assistance in maintain the trails. Councilman Avis questioned the parking lots and entrances. Avis also commented on the proposed restroom or making the current restroom more attractive. Avis added that the city should be focusing on improvements at Russ Park. Avis also suggested asking the community to provide funding for the BBQ in Fireman's Park. Mayor Hindley stated the funds should be equally shared. The council further discussed the different options and determined a further review of cost estimates for the various projects should be done and reviewed at a study session. **MOTION:** to table this agenda item and hold a Study Session to further discuss. **(Smith/Ostler) Unanimous**

Resolution 2022-03 Approving the Submission of Police Department Military Equipment Use Policy: Police Chief Ron Sligh stated the police department currently has a 1993 HMMWV 4X4 vehicle that was obtained through a 1033 military surplus program for free. Sligh explained the vehicle was obtained with the thought that it could be used in an emergency flooding event, or its ability to go off-road. Sligh added that in September of 2021, Governor Newsom signed AB 481 which provides certain requirements for the use of military equipment by law enforcement agencies including the approval of a Military Equipment Use Policy approved by the City Council. Sligh explained that the HMMWV falls under this requirement and now requires a policy in order to continue the use of it. Sligh added that this is the only piece of military equipment the Police Department has. City Attorney Ryan Plotz went over the process of AB 481 which includes approving the resolution for the submittal of the Military Equipment Use Policy, Adopting an Ordinance Approving the Policy, and annual reporting. Mayor Hindley added that any equipment that falls under this category would need to be approved by council before purchasing. **MOTION:** to approve Resolution 2022-03 Approving the Submission of Police Department Military Equipment Use Policy. **(Ostler/Avis) Unanimous**

COVID 19 Update and Discussion: City Manager Parrish stated that it had now been 25 months since the Emergency Proclamation. Parrish stated he would like to ask the council to stay with Zoom for at least one more month to make sure the dust settles and we are still looking good. Councilman Smith stated that numbers are still scary, and vaccinations are still not where they should be. Smith stated that there is a new variant now emerging in Hong Kong. Smith stated

that this new variant, BA2, is highly contagious. Smith added there is now a second booster coming out and encourages everyone to get it when it becomes available. **MOTION:** to reconfirm the existence of the local emergency and reconfirm the findings of Resolution 2021-21 to continue the use of virtual meetings. **(Avis/Ostler) Unanimous**

Correspondence: None

Council Comments: None

Reports:

City Managers Report: Councilman Avis stated he was pleased with the information in the City Managers Report.

Other Reports: None

Mayor Hindley adjourned to the Closed Session 9:14pm.

Reconvene to Regular Meeting at 9:23

Report out of Closed Session: City Attorney Plotz reported that the Council unanimously authorized the City Manager to retain outside Clean Water Council for purposes of the notice from California River Watch.

Mayor Hindley Adjourned the Meeting at 9:25pm

Respectfully submitted

Kristene Hall
City Clerk

City of Ferndale

Bank Account Register

General Checking

March 1, 2022 - March 31, 2022

Date	Reference	Payee ID	Description	Checks/ Payments	Deposits/ Additions	Balance
			Beginning Balance			488,143.28
03/01/22		JAY PARRISH	JAY PARRISH	400.00		487,743.28
03/01/22		EDD	EMPLOYMENT DEVELOPMENT DEPT	1,306.51		486,436.77
03/01/22		USTREASURY	UNITED STATES TREASURY	7,163.64		479,273.13
03/01/22	55689	CITFO	CITY OF FORTUNA	3,216.66		476,056.47
03/01/22	55690	MIRRE	MIRANDA'S RESCUE	450.00		475,606.47
03/01/22	55691	VANESSA	VANESSA HUERTA	200.00		475,406.47
03/01/22	55708	ALTBU	ALTERNATIVE BUSINESS CONCEPTS	116.38		475,290.09
03/01/22	55709	SCOUTS	SCOUTS	450.00		474,840.09
03/02/22	55710	HORBU	HORIZON BUSINESS SERVICES	14.03		474,826.06
03/03/22	55719	GEOGL	GEORGE'S GLASS SHOP	497.02		474,329.04
03/03/22	55720	SEQGA	SEQUOIA GAS COMPANY	499.94		473,829.10
03/04/22		FIRST WEST	FIRST WESTERN EQUIPMENT FINANCE	950.45		472,878.65
03/04/22	55721	FEREN	THE FERNDALE ENTERPRISE	67.00		472,811.65
03/05/22	55728	HUMCV	HUM CO CONVENTION & VISITORS BUREAU	1,500.00		471,311.65
03/07/22	55722	FERNMUSEUM	FERNDALE MUSEUM	50.00		471,261.65
03/08/22	55729	FDAC	FDAC EBA	9,130.24		462,131.41
03/09/22			030922STCAL		2,937.71	465,069.12
03/10/22		EXPERTPAY	EXPERTPAY.COM	138.46		464,930.66
03/10/22	1001		PARRISH, JAY D	2,641.92		462,288.74
03/10/22	1002		KAYTIS-SLOCUM, NANCY S	70.27		462,218.47
03/10/22	1003		HALL, KRISTENE M	1,623.30		460,595.17
03/10/22	1004		BOOP, LAUREN	1,258.34		459,336.83
03/10/22	1005		SLIGH, RONALD B	1,868.60		457,468.23
03/10/22	1006		LINDGREN, ROBERT C	1,623.68		455,844.55
03/10/22	1007		FIELDER, CHARLES COSMAS	136.65		455,707.90
03/10/22	1008		GARDNER, TANNER W	1,453.89		454,254.01
03/10/22	1009		MCNEILL, LOGAN D	1,502.83		452,751.18
03/10/22	1010		COPPINI, STEVE L	2,505.54		450,245.64
03/10/22	1011		GARDNER, SHAWN C	1,899.14		448,346.50
03/10/22	1012		LIU, CARSON B	777.86		447,568.64
03/10/22	1013		HOPPIS, JOHNNY F	1,625.72		445,942.92
03/10/22	1014		SUTTON, DANIEL V	245.10		445,697.82
03/10/22	1015		GARDNER, HUNTER C	158.91		445,538.91
03/10/22	1016		RICHARDSON, DIANNA L	63.88		445,475.03
03/10/22	55723		CERVANTES, CESAR E	1,550.97		443,924.06
03/10/22	55724		FRANCESCHI, DAVID A	1,394.21		442,529.85
03/10/22	55725	CHOPPIS	CHELCI HOPPIS	126.91		442,402.94
03/10/22	55726	FEPEA	FEPEA	72.50		442,330.44
03/15/22		EDD	EMPLOYMENT DEVELOPMENT DEPT	1,312.45		441,017.99
03/15/22		USTREASURY	UNITED STATES TREASURY	7,165.25		433,852.74
03/15/22	55730	CARTEGRAPH	CARTEGRAPH	2,646.95		431,205.79
03/15/22	55732	K-OHERN	KELLY-O'HERN ASSOCIATES	562.50		430,643.29
03/15/22	55733	NCJ	NORTH COAST JOURNAL	156.00		430,487.29
03/15/22	55734	SDRMA	SPECIAL DISTRICT RISK MGMT AUTHORITY	563.66		429,923.63
03/15/22	55735	WELLS(\$206)	WELLS FARGO VENDOR FIN SERV	206.76		429,716.87
03/16/22	55736	BATI	BEHAVIORAL ANALYSIS TRAINING INC	575.00		429,141.87
03/16/22	55737	L MCNEILL	LOGAN MCNEILL	640.00		428,501.87
03/16/22	55738	LCENG	LOST COAST ENGINEERING, INC.	1,080.00		427,421.87
03/16/22	55739	PAPE	PAPE MACHINERY	239.06		427,182.81
03/16/22	55740	PLANWEST	PLANWEST PARTNERS, INC.	6,333.75		420,849.06
03/21/22	55741	DELOR	DEL ORO WATER CO., FDLE. DIST.	646.69		420,202.37
03/21/22	55742	COMAS	DEMETRIUS DISTEFANO	190.06		420,012.31
03/21/22	55743	ONTIV	ONTIVEROS & ASSOCIATES, INC.	868.50		419,143.81
03/21/22	55744	PACGA	PACIFIC GAS & ELECTRIC	6,858.13		412,285.68
03/21/22	55745	VAPAC PETRO	VALLEY PACIFIC PETROLEUM SERVICES, INC.	1,448.76		410,836.92

City of Ferndale

Bank Account Register

General Checking

March 1, 2022 - March 31, 2022

Date	Reference	Payee ID	Description	Checks/ Payments	Deposits/ Additions	Balance
03/21/22	55746	WELF(\$106)	WELLS FARGO FINANCIAL LEASING	106.46		410,730.46
03/24/22		EXPERTPAY	EXPERTPAY.COM	138.46		410,592.00
03/24/22	1001		PARRISH, JAY D	2,641.93		407,950.07
03/24/22	1002		HALL, KRISTENE M	1,674.29		406,275.78
03/24/22	1003		BOOP, LAUREN	1,258.34		405,017.44
03/24/22	1004		ALAMEDA, RENAE MARY	255.50		404,761.94
03/24/22	1005		SLIGH, RONALD B	1,868.59		402,893.35
03/24/22	1006		LINDGREN, ROBERT C	1,473.57		401,419.78
03/24/22	1007		MENDES, ALAN SCOTT	683.05		400,736.73
03/24/22	1008		GARDNER, TANNER W	1,419.88		399,316.85
03/24/22	1009		MCNEILL, LOGAN D	1,394.04		397,922.81
03/24/22	1010		COPPINI, STEVE L	2,505.54		395,417.27
03/24/22	1011		GARDNER, SHAWN C	1,936.88		393,480.39
03/24/22	1012		LIU, CARSON B	731.64		392,748.75
03/24/22	1013		HOPPIS, JOHNNY F	1,625.72		391,123.03
03/24/22	1014		SUTTON, DANIEL V	177.57		390,945.46
03/24/22	1015		GARDNER, HUNTER C	127.75		390,817.71
03/24/22	1016		RICHARDSON, DIANNA L	127.75		390,689.96
03/24/22	55747		CERVANTES, CESAR E	1,272.29		389,417.67
03/24/22	55748		FRANCESCHI, DAVID A	1,666.59		387,751.08
03/24/22	55749	CHOPPIS	CHELCI HOPPIS	126.91		387,624.17
03/24/22	55750	FEPEA	FEPEA	72.50		387,551.67
03/29/22		USTREASURY	UNITED STATES TREASURY	7,199.33		380,352.34
03/29/22		EDD	EMPLOYMENT DEVELOPMENT DEPT	1,303.76		379,048.58
03/29/22		TRICOUNTIES	TRI COUNTIES BANK	1,129.58		377,919.00
03/29/22	55751	COMAS	DEMETRIUS DISTEFANO	25.00		377,894.00
03/29/22	55752	FRONT	FRONTIER	522.13		377,371.87
03/29/22	55753	MISLI	MISSION LINEN & UNIFORM SERVICE	21.42		377,350.45
03/29/22	55754	PAPE	PAPE MACHINERY	84.00		377,266.45
03/29/22	55755	SEQGA	SEQUOIA GAS COMPANY	690.64		376,575.81
03/29/22	55756	SUDDEN	SUDDENLINK	978.35		375,597.46
03/29/22	55757	ULINE	ULINE	128.33		375,469.13
03/29/22	55758	USBANK	US BANK	1,203.86		374,265.27
03/31/22			0325STCAL		12,337.15	386,602.42
03/31/22			033122DEPOSIT		80,488.37	467,090.79
				Totals	<u>116,815.72</u>	<u>467,090.79</u>

Transaction count = 90

MARCH 2022 Deposit Recap	03.09.22	03.31.22	03.31.22		
RETAIL TAX		10,210.27			
HIGHWAY USER TAX/ROAD MAIN/VEHICLE LICENSE FEES	2,937.71	2,126.88			
BUSINESS LIC			241.25		
ANIMAL LIC			50.00		
BUILDING RENTS			775.00		
PERMITS			1,781.35		
TOT			18,078.54		
HEALTH INSPECTIONS			225.00		
HCAOG - RSTP					
RECYCLING GRANT					
PARSAC - GRANT / OTHER					
COUNTY OF HUMBOLDT-STREETS & ROADS					
SEPTIC DUMPS / SEWER REVENUE			8,238.50		
FRANCHSE FEES					
HUMBOLDT CTY - COPS			51,048.47		
STATE OF CA - POST REIMBURSEMENT					
DONATIONS					
POLICE SERVICES					
SMALL MISC			50.26		
DRAINAGE FEES					
COUNTY OF HUMBOLDT-PROPERTY TAXES					
COUNTY OF HUMBOLDT-SEWER					
COUNTY OF HUMBOLDT-INTEREST INCOME					
STATE - CAL TRANS - STREET SWEEP					
RCEA - reimb CAP expenses					
AMERICAN RESCUE PLAN ACT					

City of Ferndale
Balance Sheet
Fund 10 - General Fund
As of March 31, 2022

Assets

Current Assets	
Cash	\$ 469,776.40
Restricted Cash	15,150.00
Accounts Receivable	<u>10,406.97</u>
Total Current Assets	<u>495,333.37</u>
Total Assets	<u><u>\$ 495,333.37</u></u>

Liabilities and Fund Balance

Current Liabilities	
Accounts Payable	\$ 7,347.91
Accrued Liabilities	1,836.15
Other Current Liabilities	<u>147,799.13</u>
Total Current Liabilities	<u>156,983.19</u>
Total Liabilities	<u>156,983.19</u>
Fund Balance	
Retained Earnings	<u>338,350.18</u>
Total Fund Balance	<u>338,350.18</u>
Total Liabilities and Fund Balance	<u><u>\$ 495,333.37</u></u>

City of Ferndale
Balance Sheet
Fund 22-Gas Tax
As of March 31, 2022

Assets

Current Assets	
Cash	\$ <u>(6,539.39)</u>
Total Current Assets	<u>(6,539.39)</u>
Total Assets	<u>\$ (6,539.39)</u>

Liabilities and Fund Balance

Current Liabilities	
Total Current Liabilities	\$ <u>0.00</u>
Total Liabilities	<u>0.00</u>
Fund Balance	
Retained Earnings	<u>(6,539.39)</u>
Total Fund Balance	<u>(6,539.39)</u>
Total Liabilities and Fund Balance	<u>\$ (6,539.39)</u>

City of Ferndale
Balance Sheet
Fund 23 - RSTP Fund
As of March 31, 2022

Assets

Current Assets	
Cash	\$ <u>12,141.10</u>
Total Current Assets	<u>12,141.10</u>
Total Assets	<u><u>\$ 12,141.10</u></u>

Liabilities and Fund Balance

Current Liabilities	
Total Current Liabilities	\$ <u>0.00</u>
Total Liabilities	<u>0.00</u>
Fund Balance	
Retained Earnings	<u>12,141.10</u>
Total Fund Balance	<u>12,141.10</u>
Total Liabilities and Fund Balance	<u><u>\$ 12,141.10</u></u>

City of Ferndale
Balance Sheet
Fund 24 - Transportation Development Act
As of March 31, 2022

Assets

Current Assets	
Cash	\$ <u>180,542.35</u>
Total Current Assets	<u>180,542.35</u>
Total Non Current Assets	<u> </u>
Total Assets	<u><u>\$ 180,542.35</u></u>

Liabilities and Fund Balance

Current Liabilities	
Total Current Liabilities	\$ <u>0.00</u>
Fund Balance	
Retained Earnings	<u>180,542.35</u>
Total Fund Balance	<u>180,542.35</u>
Total Liabilities and Fund Balance	<u><u>\$ 180,542.35</u></u>

City of Ferndale
Balance Sheet
Fund 26 - Drainage Fund
As of March 31, 2022

Assets

Current Assets	
Cash	\$ <u>(18,722.24)</u>
Total Current Assets	<u>(18,722.24)</u>
Total Assets	<u>\$ <u>(18,722.24)</u></u>

Liabilities and Fund Balance

Current Liabilities	
Total Current Liabilities	\$ <u>0.00</u>
Total Liabilities	<u>0.00</u>
Fund Balance	
Retained Earnings	<u>(18,722.24)</u>
Total Fund Balance	<u>(18,722.24)</u>
Total Liabilities and Fund Balance	<u>\$ <u>(18,722.24)</u></u>

City of Ferndale
Balance Sheet
Fund 25 - Integrated Waste Mgt
As of March 31, 2022

Assets

Current Assets	
Cash	\$ <u>51,611.62</u>
Total Current Assets	<u>51,611.62</u>
Total Assets	<u><u>\$ 51,611.62</u></u>

Liabilities and Fund Balance

Current Liabilities	
Total Current Liabilities	\$ <u>0.00</u>
Total Liabilities	<u>0.00</u>
Fund Balance	
Retained Earnings	<u>51,611.62</u>
Total Fund Balance	<u>51,611.62</u>
Total Liabilities and Fund Balance	<u><u>\$ 51,611.62</u></u>

**City of Ferndale
Balance Sheet
Fund -30 - Sewer
As of March 31, 2022**

Assets

Current Assets	
Cash	\$ <u>419,865.80</u>
Total Current Assets	<u>419,865.80</u>
 Property and Equipment	
Vehicles	42,332.05
Equipment	107,117.13
Sewer system	13,459,674.06
Energy Savings Project Improvements	9,823.00
Less Accumulated Depreciation	<u>(3,416,855.17)</u>
Net Property and Equipment	<u>10,202,091.07</u>
Total Assets	<u>\$ <u>10,621,956.87</u></u>

Liabilities and Fund Balance

Current Liabilities	
Interest Payable	\$ 41,097.40
Other Current Liabilities	<u>163,375.00</u>
Total Current Liabilities	<u>204,472.40</u>
 Long-Term Liabilities	
Notes Payable USDA	<u>4,153,000.00</u>
Total Long-Term Liabilities	<u>4,153,000.00</u>
Total Liabilities	<u>4,357,472.40</u>
 Fund Balance	
Other Equity	6,649,092.60
Retained Earnings	<u>(384,608.13)</u>
Total Fund Balance	<u>6,264,484.47</u>
Total Liabilities and Fund Balance	<u>\$ <u>10,621,956.87</u></u>

**City of Ferndale
Balance Sheet
GASB 34 ASSETS AND LIABILITIES
As of March 31, 2022**

Assets

Property and Equipment	
Buildings and improvements	\$ 479,444.72
Vehicles	176,365.86
Equipment	190,460.12
Roadways	10,782,034.50
Sidewalks	173,300.00
Streetlights	31,684.18
Land	131,000.00
Less Accumulated Depreciation	<u>(10,165,670.23)</u>
Net Property and Equipment	<u>1,798,619.15</u>
Total Assets	<u><u>\$ 1,798,619.15</u></u>

Liabilities and Fund Balance

Long-Term Liabilities	
Accrued Vacation/Sick pay	\$ 42,600.20
Notes payable-current	15,397.83
Capital leases payable	<u>17,877.41</u>
Total Long-Term Liabilities	<u>75,875.44</u>
Fund Balance	
Other Equity	1,718,440.75
Retained Earnings	<u>4,302.96</u>
Total Fund Balance	<u>1,722,743.71</u>
Total Liabilities and Fund Balance	<u><u>\$ 1,798,619.15</u></u>

**City of Ferndale
Income Statement
Fund 10 - General Fund**

	1 Month Ended March 31, 2022 Actual	9 Months Ended March 31, 2022 Actual	FY 2021/2022 Budget	Over/(Under) Budget
REVENUES				
Revenues - Taxes				
10014102 Property tax-secured	\$ 0.00	\$ 0.00	\$ 151,708.70	\$ (151,708.70)
10014104 Property tax-unsecured	0.00	0.00	5,834.95	(5,834.95)
10014106 Property tax-prior	0.00	0.00	500.00	(500.00)
10014107 Supplemental role	0.00	0.00	2,546.16	(2,546.16)
10014110 Sales and use tax	0.00	112,727.68	165,740.00	(53,012.32)
10014111 Trash franchise	0.00	7,366.05	6,000.00	1,366.05
10014112 PG&E franchise	0.00	0.00	13,000.00	(13,000.00)
10014114 Cable franchise	0.00	11,220.11	24,000.00	(12,779.89)
10014116 Business license tax	241.25	10,723.75	11,124.00	(400.25)
10014118 Real Property Transfer tax	0.00	0.00	3,000.00	(3,000.00)
10014120 Transient lodging tax	0.00	150,081.87	132,964.00	17,117.87
10014121 TOT Humboldt Lodging Authority	0.00	19,501.70	18,735.00	766.70
Total Revenue - Taxes	\$ 241.25	\$ 311,621.16	\$ 535,152.81	\$ (223,531.65)
Revenues - Licenses and Permits				
10024132 Construction permits	\$ 281.35	\$ 36,486.31	\$ 45,000.00	\$ (8,513.69)
10024164 Health protection	325.00	2,675.00	3,000.00	(325.00)
10024166 Encroachment permits	0.00	185.00	350.00	(165.00)
10024278 Animal license fees	50.00	1,197.50	1,400.00	(202.50)
Total Revenue - Licenses and Permits	\$ 656.35	\$ 40,543.81	\$ 49,750.00	\$ (9,206.19)
Revenues - Use of Money and Property				
10044182 Interest	\$ 0.00	\$ 777.10	\$ 16,650.00	\$ (15,872.90)
10044297 Town Hall Rent	425.00	850.00	1,500.00	(650.00)
10044297.1 Community Center rents	50.00	450.00	600.00	(150.00)
Total Revenue -Use of Money and Property	\$ 475.00	\$ 2,077.10	\$ 18,750.00	\$ (16,672.90)
Revenues - Fines				
10034282 Traffic safety fund	\$ 0.00	\$ 0.00	\$ 1,500.00	\$ (1,500.00)
Total Revenue - Fines	\$ 0.00	\$ 0.00	\$ 1,500.00	\$ (1,500.00)
Revenues - Intergovernmental				
10054204 Motor vehicle in-lieu tax	\$ 0.00	\$ 1,583.91	\$ 136,990.00	\$ (135,406.09)
10054222 Home owners prop. tax relief	0.00	0.00	1,200.00	(1,200.00)
10054286 Street sweeping	0.00	18,735.36	18,800.00	(64.64)
10054289 RMRA	2,126.88	15,875.93	26,549.00	(10,673.07)
10054290 Peace off. stds. & trng.	0.00	2,621.28	0.00	2,621.28
10054300 Public safety 1/2 cent	0.00	0.00	2,000.00	(2,000.00)
10054310 COPs Program	0.00	127,335.17	165,000.00	(37,664.83)
Total Revenue - Intergovernmental	\$ 2,126.88	\$ 166,151.65	\$ 350,539.00	\$ (184,387.35)

**City of Ferndale
Income Statement
Fund 10 - General Fund**

	1 Month Ended March 31, 2022 <u>Actual</u>	9 Months Ended March 31, 2022 <u>Actual</u>	FY 2021/2022 <u>Budget</u>	Over/(Under) <u>Budget</u>
Revenues - Fees for Service				
10084271 Parking fees	\$ 0.00	\$ 48.74	\$ 100.00	\$ (51.26)
10084279 Copy machine fees - Library	0.00	10.00	0.00	10.00
10084287.1 Reimbursed building fees	0.00	0.00	5,000.00	(5,000.00)
10084287.2 Developer reimbursed fees	0.00	3,529.75	0.00	3,529.75
10084287.3 Reimbursed Fees Planning	1,500.00	1,500.00	0.00	1,500.00
10084287.9 CAP reimbursement grant: RCEA	0.00	4,958.65	5,000.00	(41.35)
10084291 Special police services	0.00	2,598.35	2,000.00	598.35
10084294 Planning grant - SB2	0.00	0.00	185,500.00	(185,500.00)
10084298 Fair racing revenue	<u>50.26</u>	<u>2,078.15</u>	<u>1,200.00</u>	<u>878.15</u>
Total Revenue - Fees for Service	\$ 1,550.26	\$ 14,723.64	\$ 198,800.00	\$ (184,076.36)
Revenues - Other Revenue				
10094284 Donations - Library	\$ 0.00	\$ 0.00	\$ 100.00	\$ (100.00)
10094284.1 Donations - City	0.00	9,952.32	0.00	9,952.32
10094307 Miscellaneous	300.00	5,118.39	3,600.00	1,518.39
10094311 Utilities - Little League park	<u>0.00</u>	<u>0.00</u>	<u>200.00</u>	<u>(200.00)</u>
Total Revenue - Other Revenue	\$ 300.00	\$ 15,070.71	\$ 3,900.00	\$ 11,170.71
TOTAL REVENUES	\$ 5,349.74	\$ 550,188.07	\$ 1,158,391.81	\$ (608,203.74)

**City of Ferndale
Income Statement
Fund 10 - General Fund**

	1 Month Ended March 31, 2022 Actual	9 Months Ended March 31, 2022 Actual	FY 2021/2022 Budget	Over/(Under) Budget
EXPENDITURES				
Expenditures - City Council				
10115012 Office expense	\$ 0.00	\$ 413.77	\$ 100.00	\$ 313.77
10115013 Advertising	223.00	1,775.98	1,800.00	(24.02)
10115044 Meetings and dues	18.42	1,334.99	1,200.00	134.99
10115045 LAFCO fees	<u>0.00</u>	<u>0.00</u>	<u>678.98</u>	<u>(678.98)</u>
Total Expenditures - City Council	<u>\$ 241.42</u>	<u>\$ 3,524.74</u>	<u>\$ 3,778.98</u>	<u>\$ (254.24)</u>
Expenditures City Manager				
10105002 Salary - permanent	\$ 2,587.82	\$ 25,826.37	\$ 33,641.78	\$ (7,815.41)
10105006 Payroll taxes	197.39	2,129.91	2,716.82	(586.91)
10105007 Medical/Dental/Vision insurance	699.23	6,164.97	8,449.53	(2,284.56)
10105009 Workers comp. insurance	0.00	1,316.64	1,749.37	(432.73)
10105010 Deferred retirement	0.00	1,440.84	2,691.34	(1,250.50)
10105061 Liability Insurance	<u>0.00</u>	<u>1,961.99</u>	<u>1,877.21</u>	<u>84.78</u>
Total expenditures -City Manager	<u>\$ 3,484.44</u>	<u>\$ 38,840.72</u>	<u>\$ 51,126.05</u>	<u>\$ (12,285.33)</u>
Expenditures - City Clerk				
10125002 Salary - permanent	\$ 6,027.03	\$ 66,355.50	\$ 78,506.59	\$ (12,151.09)
10125006 Payroll taxes	539.17	6,217.72	6,648.07	(430.35)
10125007 Medical/Dental/Vision insurance	1,100.63	10,037.69	12,595.01	(2,557.32)
10125009 Workers comp. insurance	0.00	3,164.75	4,082.34	(917.59)
10125010 Deferred retirement	0.00	3,693.48	6,280.53	(2,587.05)
10125012 Office expense	622.19	5,334.27	3,500.00	1,834.27
10125022 IT support	311.06	2,001.20	2,000.00	1.20
10125044 Meetings and dues	0.00	1,075.50	1,200.00	(124.50)
10125061 Liability Insurance	<u>0.00</u>	<u>4,715.95</u>	<u>4,380.67</u>	<u>335.28</u>
Total Expenditures -City Clerk	<u>\$ 8,600.08</u>	<u>\$ 102,596.06</u>	<u>\$ 119,193.21</u>	<u>\$ (16,597.15)</u>

**City of Ferndale
Income Statement
Fund 10 - General Fund**

	1 Month Ended March 31, 2022 Actual	9 Months Ended March 31, 2022 Actual	FY 2021/2022 Budget	Over/(Under) Budget
Expenditures - City Attorney				
10145052 Professional services	\$ 1,980.00	\$ 8,684.50	\$ 20,000.00	\$ (11,315.50)
Total Expenditures - City Attorney	\$ 1,980.00	\$ 8,684.50	\$ 20,000.00	\$ (11,315.50)
Expenditures - Government Buildings				
10155002 Salary - permanent	\$ 280.00	\$ 2,328.00	\$ 2,995.36	\$ (667.36)
10155006 Payroll taxes	38.78	322.45	414.86	(92.41)
10155009 Workers comp. insurance	0.00	126.78	155.76	(28.98)
10155012 Office expense	224.09	305.03	500.00	(194.97)
10155020 Building and ground maint.	481.56	3,870.90	7,000.00	(3,129.10)
10155030 Trash service	34.78	339.90	450.00	(110.10)
10155031 Gas	690.64	6,294.29	7,500.00	(1,205.71)
10155032 Utilities	237.98	1,692.01	2,000.00	(307.99)
10155033 Water	47.91	4,312.15	4,500.00	(187.85)
10155034 Telephone/internet	430.32	4,216.57	4,800.00	(583.43)
10155061 Liability Insurance	0.00	188.93	167.14	21.79
10155063 Building and Property Insurance	0.00	3,239.00	3,200.00	39.00
Total Expenditures - Government Buildings	\$ 2,466.06	\$ 27,236.01	\$ 33,683.12	\$ (6,447.11)
Expenditures - Non departmental				
10165015 Property tax admin. fees	\$ 0.00	\$ 0.00	\$ 3,600.00	\$ (3,600.00)
10165052 Professional services	56.36	56.36	0.00	56.36
10165054 Audit and accounting	0.00	20,254.75	19,800.00	454.75
10165054.1 Accounting services	0.00	3,625.00	10,700.00	(7,075.00)
10165055 Contractual services	0.00	360.00	720.00	(360.00)
10165061 Liability Insurance	0.00	809.21	0.00	809.21
10165076 Copy Machine Maintenance	0.00	0.00	4,680.00	(4,680.00)
10165078 Copy machine expense	431.74	3,184.59	0.00	3,184.59
10165099 Miscellaneous	450.00	1,565.18	2,500.00	(934.82)
10165200 Car allowance	400.00	3,600.00	4,800.00	(1,200.00)
Total Expenditures - Nondepartmental	\$ 1,338.10	\$ 33,455.09	\$ 46,800.00	\$ (13,344.91)
Expenditures - Community Promotion				
10175020 Building and ground maint.	\$ 0.00	\$ 851.44	\$ 100.00	\$ 751.44
10175028 Public restroom	21.42	1,734.68	2,000.00	(265.32)
10175032 Utilities	32.55	330.08	300.00	30.08
10175033 Water	91.81	1,109.88	1,440.00	(330.12)
10175072 Chamber of commerce	0.00	20,082.90	26,777.19	(6,694.29)
10175072.1 Donation - Visitors & Conv.	1,500.00	1,500.00	1,500.00	0.00
10175072.2 Employee appreciation	0.00	0.00	100.00	(100.00)
10175072.3 TOT 2% HLA QTRLY	0.00	19,780.53	18,600.00	1,180.53
Total Expenditures - Community Promotion	\$ 1,645.78	\$ 45,389.51	\$ 50,817.19	\$ (5,427.68)

**City of Ferndale
Income Statement
Fund 10 - General Fund**

	1 Month Ended March 31, 2022 Actual	9 Months Ended March 31, 2022 Actual	FY 2021/2022 Budget	Over/(Under) Budget
Expenditures - Police				
10215002 Salary - permanent	\$ 19,140.42	\$ 185,108.12	\$ 211,285.48	\$ (26,177.36)
10215004 Salary - reserve	940.68	22,454.49	19,722.64	2,731.85
10215005 Salary - overtime	878.76	10,378.23	5,500.00	4,878.23
10215006 Payroll taxes	1,731.22	20,248.99	18,019.04	2,229.95
10215007 Medical/Dental/Vision insurance	3,065.38	27,041.91	34,253.16	(7,211.25)
10215009 Workers comp. insurance	0.00	11,454.32	12,298.43	(844.11)
10215010 Deferred retirement	0.00	5,726.51	12,108.23	(6,381.72)
10215012 Office expense	147.95	1,445.20	3,000.00	(1,554.80)
10215014 Vehicle expense	1,363.06	11,876.06	20,000.00	(8,123.94)
10215016 Fuel	767.84	14,005.34	11,000.00	3,005.34
10215020 Building and ground maint.	49.00	2,080.29	10,000.00	(7,919.71)
10215022 IT support	30.00	5,385.00	1,200.00	4,185.00
10215024 Special department supply	139.95	4,524.79	14,000.00	(9,475.21)
10215026 Uniform expense	0.00	442.93	1,000.00	(557.07)
10215026.1 Uniform allowance	0.00	3,000.00	3,000.00	0.00
10215029 Water/sewer	69.71	1,438.12	2,000.00	(561.88)
10215032 Utilities	169.99	1,383.95	1,800.00	(416.05)
10215034 Telephone/internet	442.71	4,132.10	5,600.00	(1,467.90)
10215035 Dispatch service	3,216.66	28,949.94	36,800.00	(7,850.06)
10215044 Meetings and dues	0.00	78.44	600.00	(521.56)
10215048 Training	1,590.00	5,889.63	2,500.00	3,389.63
10215051 Physical exams	0.00	358.75	900.00	(541.25)
10215052 Professional services	0.00	457.00	2,000.00	(1,543.00)
10215061 Liability Insurance	0.00	17,068.65	13,197.15	3,871.50
10215063 Building and Property Insurance	0.00	897.00	900.00	(3.00)
10215078 Copy machine expense	106.46	958.14	1,400.00	(441.86)
10215088 Equipment repair other	0.00	0.00	2,000.00	(2,000.00)
10215095 Capital outlay	0.00	13,660.43	0.00	13,660.43
10215098 Background expense	0.00	786.66	1,500.00	(713.34)
10215201 Lexipol services	0.00	0.00	2,500.00	(2,500.00)
Total Expenditures - Police	\$ 33,849.79	\$ 401,230.99	\$ 450,084.13	\$ (48,853.14)
Expenditures - Animal Control				
10225096 Animal control	\$ 450.00	\$ 4,050.00	\$ 5,550.00	\$ (1,500.00)
Total Expenditures - Animal Control	\$ 450.00	\$ 4,050.00	\$ 5,550.00	\$ (1,500.00)
Expenditures - Health				
10245048 Training	\$ 0.00	\$ 159.00	\$ 0.00	\$ 159.00
10245052 Professional services	707.00	4,393.50	3,400.00	993.50
Total Expenditures - Health	\$ 707.00	\$ 4,552.50	\$ 3,400.00	\$ 1,152.50

**City of Ferndale
Income Statement
Fund 10 - General Fund**

	1 Month Ended March 31, 2022 Actual	9 Months Ended March 31, 2022 Actual	FY 2021/2022 Budget	Over/(Under) Budget
Expenditures - Streets and Roads				
10315002 Salary - permanent	\$ 1,626.06	\$ 18,089.18	\$ 18,757.44	\$ (668.26)
10315005 Salary - overtime	0.00	5.55	0.00	5.55
10315006 Payroll taxes	141.82	1,559.05	1,608.54	(49.49)
10315007 Medical/Dental/Vision insurance	425.52	3,751.98	5,137.73	(1,385.75)
10315009 Workers comp. insurance	0.00	735.31	975.39	(240.08)
10315010 Deferred retirement	0.00	838.55	1,500.60	(662.05)
10315011 Bldg/property insurance	0.00	477.00	460.00	17.00
10315014 Vehicle expense	1,189.51	10,161.79	12,200.00	(2,038.21)
10315020 Building and ground maint.	204.44	2,787.12	500.00	2,287.12
10315021 Street maintenance	210.54	2,315.15	4,000.00	(1,684.85)
10315024 Special department supply	0.00	739.38	1,000.00	(260.62)
10315026.1 Uniform allowance	0.00	0.00	300.00	(300.00)
10315034 Telephone/internet	81.02	740.95	930.00	(189.05)
10315055 Contractual services	0.00	556.18	550.00	6.18
10315061 Liability Insurance	0.00	1,095.73	1,046.66	49.07
10315088 Equipment repair other	0.00	264.63	500.00	(235.37)
Total Expenditures - Streets and Roads	\$ 3,878.91	\$ 44,117.55	\$ 49,466.36	\$ (5,348.81)
Expenditures - Planning				
10415052 Professional services	\$ 0.00	\$ 27,104.74	\$ 24,000.00	\$ 3,104.74
10415053 Reimbursable Fees	562.50	4,859.75	10,000.00	(5,140.25)
10415055 Contractual services	0.00	15,191.00	14,500.00	691.00
10415059 Special Planning Projects	0.00	9,752.50	162,000.00	(152,247.50)
10415620 LRSP PROJECTS	0.00	332.50	23,500.00	(23,167.50)
10415630 CLIMATE ACTION PLAN	0.00	1,516.25	6,500.00	(4,983.75)
Total Expenditures - Planning	\$ 562.50	\$ 58,756.74	\$ 240,500.00	\$ (181,743.26)
Expenditures - City engineer				
10425052 Professional services	\$ 0.00	\$ 5,434.45	\$ 9,000.00	\$ (3,565.55)
Total Expenditures - City engineer	\$ 0.00	\$ 5,434.45	\$ 9,000.00	\$ (3,565.55)
Expenditures - Building Regulation				
10435024 Special department supply	\$ 0.00	\$ 0.00	\$ 1,500.00	\$ (1,500.00)
10435052 Professional services	0.00	29,382.50	36,000.00	(6,617.50)
Total Expenditures - Building Regulation	\$ 0.00	\$ 29,382.50	\$ 37,500.00	\$ (8,117.50)

**City of Ferndale
Income Statement
Fund 10 - General Fund**

	1 Month Ended March 31, 2022 Actual	9 Months Ended March 31, 2022 Actual	FY 2021/2022 Budget	Over/(Under) Budget
Expenditures - Library				
10615002 Salary - permanent	\$ 287.00	\$ 2,340.21	\$ 5,000.00	\$ (2,659.79)
10615006 Payroll taxes	39.73	324.12	692.50	(368.38)
10615009 Workers comp. insurance	0.00	211.64	260.00	(48.36)
10615012 Office expense	50.00	342.77	0.00	342.77
10615020 Building and ground maint.	0.00	0.00	600.00	(600.00)
10615024 Special department supply	0.00	1,920.30	1,500.00	420.30
10615031 Gas	606.74	2,973.01	4,200.00	(1,226.99)
10615032 Utilities	165.20	1,314.91	1,440.00	(125.09)
10615033 Water	43.96	396.15	480.00	(83.85)
10615034 Telephone/internet	144.97	1,325.75	1,680.00	(354.25)
10615061 Liability Insurance	0.00	315.37	279.00	36.37
10615063 Building and Property Insurance	0.00	1,273.00	1,400.00	(127.00)
10615078 Copy machine expense	0.00	0.00	50.00	(50.00)
Total Expenditures - Library	<u>\$ 1,337.60</u>	<u>\$ 12,737.23</u>	<u>\$ 17,581.50</u>	<u>\$ (4,844.27)</u>
Expenditures - Parks				
10625002 Salary - permanent	\$ 556.04	\$ 5,336.77	\$ 6,431.19	\$ (1,094.42)
10625006 Payroll taxes	62.07	611.20	732.91	(121.71)
10625007 Medical/Dental/Vision insurance	63.75	562.10	769.82	(207.72)
10625009 Workers comp. insurance	0.00	263.10	334.42	(71.32)
10625010 Deferred retirement	0.00	127.52	231.62	(104.10)
10625020 Building and ground maint.	53.89	4,010.18	4,500.00	(489.82)
10625024 Special department supply	9.26	159.23	400.00	(240.77)
10625032 Utilities	131.75	762.40	600.00	162.40
10625033 Water	235.34	1,962.22	2,200.00	(237.78)
10625061 Liability Insurance	0.00	392.06	358.87	33.19
10625065 Russ Park expenditures	0.00	985.41	3,000.00	(2,014.59)
Total Expenditures - Parks	<u>\$ 1,112.10</u>	<u>\$ 15,172.19</u>	<u>\$ 19,558.83</u>	<u>\$ (4,386.64)</u>
Expenditures -Community Center				
10635002 Salary - permanent	\$ 0.00	\$ 0.71	\$ 0.00	\$ 0.71
10635020 Building and ground maint.	0.00	73.56	1,500.00	(1,426.44)
10635063 Building and Property Insurance	0.00	2,559.00	3,000.00	(441.00)
Total Expenditures -Community center	<u>\$ 0.00</u>	<u>\$ 2,633.27</u>	<u>\$ 4,500.00</u>	<u>\$ (1,866.73)</u>
TOTAL EXPENDITURES	<u>\$ 61,653.78</u>	<u>\$ 837,794.05</u>	<u>\$ 1,162,539.37</u>	<u>\$ (324,745.32)</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>\$ (56,304.04)</u>	<u>\$ (287,605.98)</u>	<u>\$ (4,147.56)</u>	<u>\$ (283,458.42)</u>

City of Ferndale
STATEMENT OF REVENUES AND EXPENDITURES
FUND 22 - GAS TAX

	1 Month Ended March 31, 2022 Actual	9 Months Ended March 31, 2022 Actual	FY2021/2022 Budget	Over/(Under) Budget
Revenues				
22314210.1 Gas tax (2105)	\$ 0.00	\$ 5,198.01	\$ 7,823.00	\$ (2,624.99)
22314210.2 Gas tax (2106)	0.00	6,878.14	10,029.00	(3,150.86)
22314210.3 Gas tax (2107)	0.00	5,757.61	9,950.00	(4,192.39)
22314210.4 Gas tax (2107.5)	0.00	1,000.00	1,000.00	0.00
22314210.5 Gas Tax (2103)	0.00	7,675.26	10,650.00	(2,974.74)
Total Revenue	<u>0.00</u>	<u>26,509.02</u>	<u>39,452.00</u>	<u>(12,942.98)</u>
EXPENDITURES				
22315002 Salary - permanent	2,061.56	15,644.62	19,856.36	(4,211.74)
22315005 Salary - overtime	0.00	9.04	0.00	9.04
22315006 Payroll taxes	176.04	1,361.99	1,746.20	(384.21)
22315007 Medical/Dental/Vision insurance	446.94	3,959.07	5,433.02	(1,473.95)
22315009 Workers comp. insurance	0.00	826.55	1,071.91	(245.36)
22315010 Deferred retirement	0.00	887.93	1,588.50	(700.57)
22315057 Street signs	0.00	0.00	500.00	(500.00)
22315058 Street lighting	1,169.63	9,977.23	13,200.00	(3,222.77)
22315061 Liability Insurance	0.00	1,231.68	1,150.24	81.44
TOTAL EXPENDITURES	<u>3,854.17</u>	<u>33,898.11</u>	<u>44,546.23</u>	<u>(10,648.12)</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>\$ (3,854.17)</u>	<u>\$ (7,389.09)</u>	<u>\$ (5,094.23)</u>	<u>\$ (2,294.86)</u>

City of Ferndale
STATEMENT OF REVENUES AND EXPENDITURES
FUND 23 - RSTP

	1 Month Ended March 31, 2022 <u>Actual</u>	9 Months Ended March 31, 2022 <u>Actual</u>	FY2021/2022 <u>Budget</u>	Over/(Under) <u>Budget</u>
Revenues				
23314211 RSTP Revenue	\$ 0.00	\$ 0.00	\$ 10,000.00	\$ (10,000.00)
Total Revenue	<u>0.00</u>	<u>0.00</u>	<u>10,000.00</u>	<u>(10,000.00)</u>
EXPENDITURES				
23315002 Salary - permanent	441.29	4,471.50	5,913.41	(1,441.91)
23315006 Payroll taxes	33.81	375.06	495.78	(120.72)
23315007 Medical/Dental/Vision insurance	117.32	1,034.46	1,452.95	(418.49)
23315009 Workers comp. insurance	0.00	232.85	307.50	(74.65)
23315010 Deferred retirement	0.00	263.02	473.07	(210.05)
23315061 Liability Insurance	<u>0.00</u>	<u>347.00</u>	<u>329.97</u>	<u>17.03</u>
TOTAL EXPENDITURES	<u>592.42</u>	<u>6,723.89</u>	<u>8,972.68</u>	<u>(2,248.79)</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>\$ (592.42)</u>	<u>\$ (6,723.89)</u>	<u>\$ 1,027.32</u>	<u>\$ (7,751.21)</u>

City of Ferndale
STATEMENT OF REVENUES AND EXPENDITURES
FUND 24 - TRANSPORTATION DEVELOPMENT ACT

	1 Month Ended March 31, 2022 <u>Actual</u>	9 Months Ended March 31, 2022 <u>Actual</u>	FY2021/2022 <u>Budget</u>	Over/(Under) <u>Budget</u>
Revenues				
24314231 Transportation devel. act	\$ 0.00	\$ 0.00	\$ 44,740.17	\$ (44,740.17)
Total Revenue	<u>0.00</u>	<u>0.00</u>	<u>44,740.17</u>	<u>(44,740.17)</u>
EXPENDITURES				
24315002 Salary - permanent	1,254.02	15,903.11	21,453.71	(5,550.60)
24315005 Salary - overtime	0.00	12.98	0.00	12.98
24315006 Payroll taxes	96.10	1,368.84	1,761.23	(392.39)
24315007 Medical/Dental/Vision insurance	426.83	3,765.92	5,261.33	(1,495.41)
24315009 Workers comp. insurance	0.00	837.07	1,076.21	(239.14)
24315010 Deferred retirement	0.00	957.30	1,716.30	(759.00)
24315014 Vehicle expense	66.91	66.91	250.00	(183.09)
24315016 Fuel	507.07	9,246.92	6,600.00	2,646.92
24315020 Building and ground maint.	0.00	72.66	1,000.00	(927.34)
24315021 Street maintenance	0.00	0.00	750.00	(750.00)
24315024 Special department supply	0.00	454.08	600.00	(145.92)
24315032 Utilities	291.53	2,248.31	3,200.00	(951.69)
24315033 Water	77.28	627.88	720.00	(92.12)
24315034 Telephone/internet	81.01	740.99	940.00	(199.01)
24315061 Liability Insurance	0.00	1,247.37	1,154.86	92.51
24315088 Equipment repair other	0.00	0.00	600.00	(600.00)
TOTAL EXPENDITURES	<u>2,800.75</u>	<u>37,550.34</u>	<u>47,083.64</u>	<u>(9,533.30)</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>\$ (2,800.75)</u>	<u>\$ (37,550.34)</u>	<u>\$ (2,343.47)</u>	<u>\$ (35,206.87)</u>

City of Ferndale
STATEMENT OF REVENUES AND EXPENDITURES
FUND 26 - DRAINAGE FUND

	1 Month Ended March 31, 2022 Actual	9 Months Ended March 31, 2022 Actual	FY2021/2022 Budget	Over/(Under) Budget
Revenues				
26314230 Drainage fund	\$ 0.00	\$ 10,268.16	\$ 4,500.00	\$ 5,768.16
26314240 Drainage district fees	0.00	0.00	20,157.10	(20,157.10)
Total Revenue	<u>0.00</u>	<u>10,268.16</u>	<u>24,657.10</u>	<u>(14,388.94)</u>
EXPENDITURES				
26315002 Salary - permanent	688.05	6,962.11	8,645.45	(1,683.34)
26315005 Salary - overtime	0.00	7.93	0.00	7.93
26315006 Payroll taxes	52.68	596.28	735.16	(138.88)
26315007 Medical/Dental/Vision insurance	181.25	1,803.24	2,224.45	(421.21)
26315009 Workers comp. insurance	0.00	707.69	449.57	258.12
26315010 Deferred retirement	0.00	387.06	691.64	(304.58)
26315019 Creek maintenance	0.00	86.25	1,500.00	(1,413.75)
26315023 Drain project	0.00	0.00	200.00	(200.00)
26315024 Special department supply	0.00	321.07	750.00	(428.93)
26315052 Professional services	0.00	2,010.00	0.00	2,010.00
26315061 Liability Insurance	0.00	1,054.57	482.42	572.15
26315194 Interest expense	1,129.58	10,166.22	13,555.00	(3,388.78)
TOTAL EXPENDITURES	<u>2,051.56</u>	<u>24,102.42</u>	<u>29,233.69</u>	<u>(5,131.27)</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>\$ (2,051.56)</u>	<u>\$ (13,834.26)</u>	<u>\$ (4,576.59)</u>	<u>\$ (9,257.67)</u>

City of Ferndale
STATEMENT OF REVENUES AND EXPENDITURES
FUND 25 - INTEGRATED WASTE MANAGEMENT

	1 Month Ended March 31, 2022 <u>Actual</u>	9 Months Ended March 31, 2022 <u>Actual</u>	FY2021/2022 <u>Budget</u>	Over/(Under) <u>Budget</u>
Revenues				
25314288 Tipping fee (int. waste mgt.)	\$ 0.00	\$ 0.00	\$ 4,200.00	\$ (4,200.00)
25314600 Recycling grant	<u>0.00</u>	<u>0.00</u>	<u>5,000.00</u>	<u>(5,000.00)</u>
Total Revenue	<u>0.00</u>	<u>0.00</u>	<u>9,200.00</u>	<u>(9,200.00)</u>
EXPENDITURES				
25315002 Salary - permanent	392.10	3,913.14	5,097.24	(1,184.10)
25315006 Payroll taxes	29.90	310.54	411.64	(101.10)
25315007 Medical/Dental/Vision insurance	105.94	934.06	1,280.23	(346.17)
25315009 Workers comp. insurance	0.00	199.49	265.06	(65.57)
25315010 Deferred retirement	0.00	218.31	407.78	(189.47)
25315061 Liability Insurance	0.00	297.28	284.43	12.85
25315600 Recycling grant expenditures	<u>0.00</u>	<u>56.00</u>	<u>236.00</u>	<u>(180.00)</u>
TOTAL EXPENDITURES	<u>527.94</u>	<u>5,928.82</u>	<u>7,982.38</u>	<u>(2,053.56)</u>
REVENUES OVER (UNDER) EXPENDITURES	<u>\$ (527.94)</u>	<u>\$ (5,928.82)</u>	<u>\$ 1,217.62</u>	<u>\$ (7,146.44)</u>

City of Ferndale
INCOME STATEMENT
FUND 30 - SEWER FUND

	1 Month Ended March 31, 2022 Actual	9 Months Ended March 31, 2022 Actual	FY2021/2022 Budget	Over/(Under) Budget
Revenues				
30514274 Sewer service charge	\$ 0.00	\$ (700.99)	\$ 800,000.00	\$ (800,700.99)
30514275 Sewer connection fees	0.00	16,826.73	15,000.00	1,826.73
30514303 Septic discharge	8,418.00	87,253.50	101,000.00	(13,746.50)
30514330 COVID-19 Relief Funds	0.00	19,894.29	0.00	19,894.29
Total Revenue	<u>8,418.00</u>	<u>123,273.53</u>	<u>916,000.00</u>	<u>(792,726.47)</u>
EXPENSES				
30515002 Salary - permanent	19,972.93	201,111.83	269,729.08	(68,617.25)
30515005 Salary - overtime	441.96	3,472.41	3,647.28	(174.87)
30515006 Payroll taxes	1,696.73	17,650.34	23,317.65	(5,667.31)
30515007 Medical/Dental/Vision insurance	4,089.68	35,835.62	50,033.54	(14,197.92)
30515009 Workers comp. insurance	0.00	9,412.81	14,215.57	(4,802.76)
30515010 Deferred retirement	0.00	10,408.44	19,471.87	(9,063.43)
30515012 Office expense	0.00	506.87	1,200.00	(693.13)
30515014 Vehicle expense	84.00	606.19	500.00	106.19
30515016 Fuel	173.85	2,983.55	2,400.00	583.55
30515024 Special department supply	54.56	747.87	1,000.00	(252.13)
30515030 Trash service	297.06	5,403.95	5,800.00	(396.05)
30515032 Utilities	5,793.49	58,528.84	74,400.00	(15,871.16)
30515033 Water	80.68	1,886.94	2,200.00	(313.06)
30515034 Telephone/internet	522.13	4,721.90	6,000.00	(1,278.10)
30515044 Meetings and dues	0.00	643.00	650.00	(7.00)
30515048 Training	0.00	0.00	300.00	(300.00)
30515050 IT Support	20.00	304.76	2,000.00	(1,695.24)
30515055 Contractual services	2,646.95	5,311.95	8,100.00	(2,788.05)
30515061 Liability Insurance	0.00	14,026.42	15,254.41	(1,227.99)
30515063 Building and Property Insurance	0.00	1,852.00	1,800.00	52.00
30515092 Permits	0.00	10,855.00	13,500.00	(2,645.00)
30515099 Miscellaneous	0.00	2,565.00	0.00	2,565.00
30515121 Sewer plant maintenance	85.17	19,199.79	50,000.00	(30,800.21)
30515122 Sewer line maintenance	0.00	861.61	35,000.00	(34,138.39)
30515130 Ultra Violet Lights	0.00	0.00	25,000.00	(25,000.00)
30515157 Testing and monitoring	505.00	11,935.84	12,000.00	(64.16)
30515160 Postage & Shipping	0.00	0.00	600.00	(600.00)
30515170 State Water Planning Grant Expenses	0.00	1,080.00	0.00	1,080.00
30515190 USDA loan	0.00	193,493.74	194,000.00	(506.26)
TOTAL EXPENSES	<u>36,464.19</u>	<u>615,406.67</u>	<u>832,119.40</u>	<u>(216,712.73)</u>
NET INCOME (LOSS)	<u>\$ (28,046.19)</u>	<u>\$ (492,133.14)</u>	<u>\$ 83,880.60</u>	<u>\$ (576,013.74)</u>

City of Ferndale
Cash Balances

As of March 31, 2022

Cash Balances

Current Assets		
General Fund	\$	469,776.40
Restricted Cash		15,150.00
Gas Tax		(6,539.39)
RSTF		12,141.10
TDA		180,542.35
IWM		51,611.62
Drainage		(18,722.24)
Sewer		<u>419,865.80</u>
Total	\$	<u><u>1,123,825.64</u></u>
Checking	\$	467,100.79
LAIF		656,574.85
Petty cash		<u>150.00</u>
Total	\$	<u><u>1,123,825.64</u></u>

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:	April 20, 2022	Agenda Item Number	12.a
Agenda Item Title	1 st Reading and Introduction of Ordinance 2022-02 Organics Reduction and Recycling		
Presented By:	City Manager/Evan Edgar		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input checked="" type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Waive the reading of text in its entirety, read by title only, and introduce for first reading Ordinance No.2022-02, “Organics Reduction and Recycling”.

BACKGROUND:

As required by SB 1383 Regulations, local jurisdictions throughout the State, including the City, must adopt an ordinance or other similarly enforceable mechanism to mandate that organic waste generators (those who create organic waste, including residents and businesses), haulers, and others comply with SB 1383 Regulations (California Code of Regulations, Title 14, Division 7, Chapter 12) to divert organic waste and edible food from landfills. This ordinance was developed to update the City’s current solid waste and recycling requirements to incorporate the requirements of the SB 1383 Regulations.

FISCAL IMPACT:

The City plans to work with the franchised hauler and other entities to implement education and outreach campaigns to inform the public about the importance of proper organic waste management and proper recycling practices. The City will also need to issue another Proposition 218 Notice related to rate increases that will result from new SB 1383 services and requirements. Incremental Costs incurred by the franchised hauler will be reflected in their upcoming proposed updated rate to be determined. Staff is continuing to evaluate the requirements and costs of other aspects of SB 1383 and expects to return to Council when the Franchise Agreement is finalized to discuss the cost of these and other SB 1383 requirements.

To be implemented effectively, the City must dedicate at least one staff member to lead implementation of SB 1383 requirements, including the extensive recordkeeping requirements. The City believes that the cost of or consulting services will be approximately \$20,000. This funding could be covered by CalRecycle local SB 1383 assistance funds or drawn from funds that the City receives as a result of the Franchise Agreement.

ORDINANCE 2022-02

**ORGANICS REDUCTION
AND RECYCLING ORDINANCE**
(For the City of Ferndale)

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ORDINANCE 2021-01: ORGANICS REDUCTION AND RECYCLING ORDINANCE

The City hereby ordains as follows:

SECTION 1. PURPOSE AND FINDINGS

- (a) The purpose of this Ordinance is to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators. This Ordinance repeals seeks to provide a single framework to achieve its purposes and comply with various state laws as set forth below.
- (b) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (approved by the Governor of the State of California on September 29, 1989, which among other things, added Division 30 (Section 40000, et seq.) to the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- (c) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and multi-family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling service and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- (d) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and multi-family property owners that generate a specified threshold amount of Solid Waste, recycling, and Organic Waste per week to arrange for recycling service for those materials, requires counties and cities to implement a recycling program to divert Organic Waste from businesses subject to the law, and to implement a Mandatory Commercial Organics Recycling program.
- (e) State organics recycling law, Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016 (approved by the Governor of the State of

California on September 19, 2016, which added Sections 39730.5, 39730.6, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time), took effect on January 1, 2017 and sets Statewide Organic Waste disposal reduction targets of 50 percent by 2020 and 75 percent by 2025, based on the 2014 organics waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code, and requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The SB 1383 Regulations place requirements on multiple entities, including counties, cities, residential households, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of statewide Organic Waste disposal reduction targets with compliance required beginning January 1, 2022.

- (f) In furtherance of the food recovery objectives of the laws noted above and to reduce legal risks associated with food recovery, the State food donation law, Assembly Bill 1219 of 2017, the California Good Samaritan Food Donation Act of 2017 (approved by the Governor of the State of California on October 9, 2017, which amended Section 1714.25 of the Civil Code, amended Section 58502 of, and repealed Section 58506 of, the Food and Agricultural Code, and amended Sections 114432, 114433, and 114434 of, and added Section 114435 to, the Health and Safety Code, as amended, supplemented, superseded and replaced from time to time), provides additional protections for entities that donate and distribute food for human consumption.
- (g) By January 1, 2022, the SB 1383 Regulations require jurisdictions to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators and processors of edible food, together with enforcement mechanisms and administrative civil penalties for violations of local regulations.
- (h) It is in the public interest for participants in the Humboldt County solid waste and recycling systems—including cities, the County, sanitary districts, haulers, processors, facility operators, businesses, institutions, the public, and the HWMA—to work together to advance the goals in the state legislation noted above.

SECTION 2. TITLE OF ORDINANCE

This Ordinance is titled “Organics Reduction and Recycling Ordinance”.

SECTION 3. DEFINITIONS

The following definitions govern the use of terms in this Ordinance:

- (a) “Humboldt County” means all of the geographical areas located within the unincorporated areas of Humboldt County, as well as those incorporated areas of Humboldt County that have opted-in to an Organics Reduction and Recycling Ordinance.
- (b) “Back-Haul” means generating and transporting Organic Waste to a destination owned and operated by a generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- (c) “C&D” means construction and demolition debris.
- (d) “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the state agency designated with responsibility for developing, implementing, and enforcing the SB 1383 Regulations.
- (e) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- (f) “Certification of Recycling Service Form” means documentation certifying that a Commercial Business does not subscribe to collection services for Compost Containers and/or Recycling Containers because the Commercial Business has arranged for collection of its Source Separated Compost Container Organic Waste and/or Source Separated Recyclable Materials by self-hauling, Back-Haul,

- contracting with a third-party hauler, or shares service with another Commercial Business.
- (g) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, institution or association (whether incorporated or unincorporated or for-profit or nonprofit), strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6).
 - (h) “Commercial Edible Food Generator” includes a Tier One, or a Tier Two Commercial Edible Food Generator as defined herein or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
 - (i) “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
 - (j) “Compliance Review” means a review of records by the Enforcement Agency to evaluate compliance with this Ordinance.
 - (k) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this Ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility.
 - (l) “Compost Container” has the same meaning as “Green Container” in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Compost Container Organic Waste.
 - (m) “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 and D6868 standards for compostability and are certified by the Biodegradable Products Institute (BPI) or similar third-party approved by the WMA and are approved by the Member Agency for placement in the Compost Container.
 - (n) “Container Contamination” or “Contaminated Container” means a container, regardless of type, which contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
 - (o) “Designee” means an entity that the HWMA or a Member Agency contracts with or otherwise arranges to carry out or assist with any of the HWMA’s or Member Agency’s responsibilities for compliance with the SB 1383 Regulations or

administration or enforcement of this Ordinance. A Designee may be a government entity, a private entity, or a combination of those entities.

- (p) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code, as codified in the Health and Safety Code Section 113700, et seq.
- (q) “Enforcement Action” means an action of the relevant Enforcement Agency to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (r) “Enforcement Agency” means an entity with the authority to enforce part, or all of this Ordinance as specified herein. Employees and agents of an Enforcement Agency may carry out inspections and enforcement activities pursuant to this Ordinance. Nothing in this Ordinance authorizing an entity to enforce its terms shall require that entity to undertake such enforcement except as agreed to by that entity.
- (s) “Excluded Waste” means hazardous substances, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from a Member Agency and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the reasonable opinion of the Member Agency or a Regulated Hauler operating in that Member Agency’s jurisdiction would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the Member Agency or a Regulated Hauler to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the Member Agency’s collection programs and the generator or customer has properly placed the materials for collection pursuant to instructions provided by the Member Agency or the Regulated Hauler providing service to the generator.

- (t) “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- (u) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- (v) “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- (w) “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7). If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Ordinance.

- (x) “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (y) “Food Scraps” means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (z) “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).

- (aa) “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, napkins, and pizza boxes, and is approved by the applicable the Member Agency for placement in the Compost Container.
- (bb) “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics in combination or separately.
- (cc) “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (dd) “Hauler Route” means the designated itinerary or sequence of stops for each segment of a Member Agency’s collection service area, or as otherwise defined in 14 CCR Section 18982(a) (31.5).
- (ee) “Health Facility” has the same meaning as in Section 1250 of the Health and Safety Code.
- (ff) “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (gg) “Hotel” has the same meaning as in Section 17210 of the Business and Professions Code.
- (hh) “Inspection” means an Enforcement Agency’s electronic or on-site review of records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this Ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (ii) “Landfill Container” has the same meaning as “Gray Container” in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Landfill Container Waste.
- (jj) “Landfill Container Waste” means Solid Waste that is collected in a Landfill Container that is part of a three-container or three-plus container collection service that prohibits the placement of Organic Waste in the Landfill Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section

17402(a) (6.5). (Three container collection service refers to service collecting materials in Landfill Containers, Organics Containers, and Recycling Containers.)

- (kk) “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this Ordinance. For the purposes of this definition of Large Event, “local agency” means all public agencies except those that are not subject to the regulatory authority of the Member Agency.
- (ll) “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this Ordinance.
- (mm) “Member Agency” means a party to the JPA. Current member agencies are the Unincorporated County of Humboldt, the Cities of Arcata, Eureka, Rio Dell, Ferndale, Blue Lake, Trinidad and Fortuna. A reference to a Member Agency means the Member Agency within whose boundaries the regulated Organic Waste Generator, Self-Hauler, Regulated Hauler, Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity resides or operates. These jurisdictions are considered member agencies under this ordinance upon adoption, or “opting-in” to this ordinance.

- (nn) “Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a) (11.5).
- (oo) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing this Ordinance. Consistent with the SB 1383 Regulations, residential premises that consist of fewer than five units are not “Multi-Family” and instead are “Single-Family” for the purposes of implementing this Ordinance. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered other types of Commercial Businesses.
- (pp) “Non-Compostable Paper” includes, but is not limited to, paper that is coated, lined or treated with a non-compostable material, or otherwise unacceptable to the compostable materials handling facility processing the material.
- (qq) “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable materials including but not limited to recyclable food and beverage glass containers, metal (aluminum and steel) food and beverage cans, HDPE (high density polyethylene) bottles and PET (polyethylene terephthalate) bottles, and other materials specified in 14 CCR Section 18982(a)(43).
- (rr) “Notice of Violation” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- (ss) “Organic Waste” means Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (tt) “Organic Waste Generator” means a Person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- (uu) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (vv) “Person” includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever, or as otherwise defined in Public Resources Code Section 40170.

- (ww) "Printing and Writing Paper" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (xx) "Prohibited Container Contaminants" includes all of the following: (i) materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the Member Agency's Recycling Container; (ii) materials placed in the Compost Container that are not identified as acceptable Source Separated Compost Container Organic Waste for the Member Agency's Compost Container; (iii) materials placed in the Landfill Container that are acceptable Source Separated Recyclable Materials and/or acceptable Source Separated Compost Container Organic Waste that can be placed in the Member Agency's Compost Container and/or Recycling Container; and, (iv) Excluded Waste placed in any container.
- (yy) "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- (zz) "Recycling Container" has the same meaning as "Blue Container" in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials and Source Separated Recycling Container Organic Waste.
- (aaa) "Regulated Hauler" means a Person that collects Solid Waste (other than Solid Waste generated by a permitted building project) originating in Humboldt County from Compost Containers, Recycling Containers, and/or Landfill Containers, and does so under a contract, franchise agreement, or permit with the HWMA or a Member Agency. A Member Agency that collects Solid Waste within its boundaries is not a Regulated Hauler with respect to that collection.
- (bbb) "Remote Monitoring" means the use of mechanical or electronic devices to identify the types of materials in Recycling Containers, Compost Containers, and/or Landfill Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.
- (ccc) "Restaurant" means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (ddd) "Route Review" means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical or electronic Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).

- (eee) "SB 1383" means Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016.
- (fff) "SB 1383 Regulations" means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (ggg) "Self-Hauler" means a Person, who hauls Solid Waste, Organic Waste or recyclable material they have generated to another Person for disposition as allowed by the Member Agency and otherwise in accordance with all applicable laws. Self-Hauler also includes a Person who Back-Hauls such materials, and as otherwise defined in 14 CCR Section 18982(a)(66).
- (hhh) "Single-Family" means, for purposes of this Ordinance, of, from, or pertaining to any residential premises with fewer than five units.
- (iii) "Solid Waste" has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and non-putrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
- (1) Hazardous waste, as defined in the Public Resources Code Section 40141.
 - (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
 - (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.
- (jjj) "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this Ordinance,

Source Separated shall include separation of materials by the generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Landfill Container Waste or other Solid Waste for the purposes of collection and processing.

(kkk) "Source Separated Compost Container Organic Waste" means Source Separated Organic Waste that can be placed in a Compost Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Recycling Container Organic Waste, carpets, Non-Compostable Paper, and textiles.

(lll) "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Recycling Container Organic Waste.

(mmm) "Source Separated Recycling Container Organic Waste" means Source Separated Organic Wastes that can be placed in a Recycling Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables, as defined herein or as otherwise defined in Sections 18982(a)(43) and 18982(a)(46). Source Separated Recycling Container Organic Waste shall include materials as determined by the Member Agency and includes unsoiled Paper Products and Printing and Writing Paper.

(nnn) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

(ooo) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Ordinance.

(ppp) "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition as to entities subject to the regulatory authority of a Member Agency, the definition in 14 CCR Section 18982(a)(74) shall apply to this Ordinance.

- (qqq) “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).
- (rrr) “HWMA” means the Humboldt County Waste Management Authority.

SECTION 4. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 7 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3 or such later deadline established by State law or regulations.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024, or such later deadline established by State law or regulations.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
 - (1) Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Enter into a contract or other written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection for Food Recovery of Edible Food that would otherwise be disposed; or (ii) acceptance of Edible Food that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.
 - (4) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.
 - (5) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (6) Allow the Enforcement Agency to review records upon request, including by providing electronic copies or allowing access to the premises, pursuant to 14 CCR Section 18991.4.
 - (7) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or Food Recovery Organization

- that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
- (B) A copy of all contracts and written agreements established under 14 CCR Section 18991.3(b) and/or this Ordinance.
 - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - (D) If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Services pursuant to Section 7(c)(2), a record that describes (i) its direct donation of Edible Food to end recipients (including employees) and/or (ii) its food waste prevention practices that result in it generating no surplus Edible Food that it can donate.
- (8) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the Enforcement Agency that includes the information in Section 7(c)(7). Entities shall provide the requested information within 60 days of the request.
- (d) Nothing in this Ordinance shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 commencing with Section 49580 to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time); or (2) otherwise applicable food safety and handling laws and regulations.
 - (e) Nothing in this Ordinance prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).
 - (f) The Enforcement Agency for the provisions of this section is the City of Ferndale, and

if authorized by Ferndale, the HWMA, and any other Designee of the Member Agency.

SECTION 5. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES

- (a) Nothing in this Ordinance prohibits a Food Recovery Service or Food Recovery Organization from refusing to accept edible food from a Commercial Edible Food Generator, in accordance with 14 CCR Section 18990.2(d).
- (b) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (c) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.

- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in Ferndale and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City of Ferndale the total pounds of Edible Food recovered from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) according to the following schedule: (i) no later than August 15, 2022, submit an initial report covering the period of January 1, 2022 to June 30, 2022; and (ii) no later than March 31, 2023, and no later than every March 31 thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.
- (e) In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in Ferndale shall provide, upon request, information and consultation to the City of Ferndale regarding existing, or proposed new or expanded, Food Recovery capacity in a form that can be provided to or that can be accessed by the City of Ferndale, and Commercial Edible Food Generators in Humboldt County. A Food Recovery Service or Food Recovery Organization contacted by the Enforcement Agency shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the Enforcement Agency.
- (f) The Enforcement Agency for the provisions of this section is Ferndale and, if authorized by the City of Ferndale, the HWMA and any other Designee of the Member Agency.

SECTION 6. REQUIREMENTS FOR REGULATED HAULERS AND FACILITY OPERATORS

- (a) Requirements for Regulated Haulers.
- (1) A Regulated Hauler providing Single-Family, Commercial, or industrial Organic Waste collection service to generators within Ferndale shall meet the following requirements and standards in connection with collection of Organic Waste:
- (A) Through written notice to the City of Ferndale annually on or before March 31, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Compost Container Organic Waste if applicable.
- (B) Transport Source Separated Recyclable Materials to a facility that recycles those materials and transport Source Separated Compost Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.

- (C) Obtain approval from the City of Ferndale to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1 and any HWMA and City of Ferndale rules.
- (2) Within the boundaries of Ferndale in which it has customers, a Regulated Hauler collecting Organic Waste shall:
- (A) Up to four times per year, provide reports to the City of Ferndale on Commercial Business account information and service levels in a form to be specified by the Ferndale.
 - (B) Assist in the dissemination of SB 1383 educational materials to Single-Family and Commercial Business accounts.
 - (C) At least annually and during new staff on-boarding, train Regulated Hauler's customer service representatives and account managers/recycling coordinators serving Organic Waste Generators in Ferndale on any generator requirements.
 - (D) Provide quarterly reports to the Ferndale identifying Single-Family and Commercial accounts that are subscribed to Landfill Container collection service, Recycling Container service, and/or Compost Container collection service. If a Regulated Hauler providing Landfill Container collection service does not offer Recycling Container Collection Service and/or Compost Container collection service to its Landfill Container collection service customers, the requirements of subsection (D) and (E) shall not apply with respect to those customers and the type(s) of service that is not offered.
 - (E) Inform generators when Container Contamination is observed by the Regulated Hauler.
 - (F) If requested by the Enforcement Agency, assist generators with verification of physical space constraints when generator submits an application for a physical space waiver.
 - (G) Provide Commercial Business accounts with interactive assistance such as employee trainings, in a virtual or in-person format, when Recycling Container collection service or Composting Container collection service is added, or upon request.

- (3) The Enforcement Agency for this section is the City of Ferndale.
- (b) Requirements for Facility Operators and Community Composting Operations
 - (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly owned treatment works shall, upon request from the City of Ferndale, provide within 60 days information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes.
 - (2) Community Composting operators shall, upon request from the City of Ferndale, provide within 60 days information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation.
 - (3) The Enforcement Agency for the provisions of this section is the City of Ferndale.

SECTION 7. COMPLIANCE WITH CALGREEN RECYCLING REQUIREMENTS

- (a) Persons applying for a permit from the Jurisdiction for new construction and building additions and alternations shall comply with the requirements of this section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen. If the requirements of CALGreen are more stringent then the requirements of this section, the CALGreen requirements shall apply.

Project applicants shall refer to Jurisdiction's building and/or planning code for complete CALGreen requirements.

- (b) For projects covered by CALGreen, the applicants must, as a condition of the Jurisdiction's permit approval, comply with the following:
 - (1) Where five (5) or more Multi-Family dwelling units are constructed on a building site, provide readily accessible areas that serve occupants of all buildings on the site and are identified for the storage and collection of Blue Container and Green Container materials, consistent with the three container collection program offered by the Jurisdiction, or comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.

- (2) New Commercial construction or additions resulting in more than 30% of the floor area shall provide readily accessible areas identified for the storage and collection of Blue Container and Green Container materials, consistent with the three container program offered by the Jurisdiction, or shall comply with provision of adequate space for recycling for Multi-Family and Commercial premises pursuant to Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of the California Green Building Standards Code, 24 CCR, Part 11 as amended provided amended requirements are more stringent than the CALGreen requirements for adequate recycling space effective January 1, 2020.
- (3) Comply with CALGreen requirements and applicable law related to management of C&D, including diversion of Organic Waste in C&D from disposal. Comply with Jurisdiction's C&D ordinance, and all written and published Jurisdiction policies and/or administrative guidelines regarding the collection, recycling, diversion, tracking, and/or reporting of C&D.

SECTION 8. MODEL WATER EFFICIENT LANDSCAPING ORDINANCE REQUIREMENTS

- (a) Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the Jurisdiction, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with a landscape area greater than 500 square feet, or rehabilitating an existing landscape with a total landscape area greater than 2,500 square feet, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo, including sections related to use of Compost and mulch.
- (b) The following Compost and mulch use requirements that are part of the MWELo are now also included as requirements of this ordinance. Other requirements of the MWELo are in effect and can be found in 23 CCR, Division 2, Chapter 2.7
- (c) Property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in Section 8(a) above shall:
 - (1) Comply with Sections 492.6 (a)(3)(B)(C), (D) and (G) of the MWELo, which requires the submittal of a landscape design plan with a soil preparation, mulch, and amendments section to include the following:
 - (A) For landscape installations, Compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six (6) inches into the soil. Soils with greater than six percent (6%) organic matter in the top six (6) inches of soil are exempt from adding Compost and tilling.
 - (B) For landscape installations, a minimum three- (3-) inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for

beneficial insects and other wildlife up to five percent (5%) of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

- (C) Organic mulch materials made from recycled or post-consumer materials shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.
- (2) The MWELo compliance items listed in this Section are not an inclusive list of MWELo requirements; therefore, property owners or their building or landscape designers that meet the threshold for MWELo compliance outlined in Section 14(a) shall consult the full MWELo for all requirements.
- (d) If, after the adoption of this ordinance, the California Department of Water Resources, or its successor agency, amends 23 CCR, Division 2, Chapter 2.7, Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELo September 15, 2015 requirements in a manner that requires Jurisdictions to incorporate the requirements of an updated MWELo in a local ordinance, and the amended requirements include provisions more stringent than those required in this Section, the revised requirements of 23 CCR, Division 2, Chapter 2.7 shall be enforced.

SECTION 9. INSPECTIONS AND INVESTIGATIONS

The Enforcement Agency is authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with the provisions of this Ordinance for which it has enforcement authority by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, Regulated Haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This section does not allow entry in a private residential dwelling unit for Inspection.

- (a) A Person subject to the requirements of this Ordinance shall provide or arrange for access during all Inspections (with the exception of a private residential dwelling unit) and shall cooperate with the Enforcement Agency during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Ordinance. Failure to provide or arrange for: (i) access to the premises; or (ii) access to records for any Inspection or investigation is a violation of this Ordinance and may result in penalties.
- (b) Any records obtained by the Enforcement Agency during Inspections and other

reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act as set forth in Government Code Section 6250 et seq.

- (c) The Enforcement Agency is authorized to conduct any Inspections or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.
- (d) The Enforcement Agency shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this Ordinance.
- (e) The Enforcement Agency is the Member Agency and any Designee authorized by the Member Agency to enforce one or more sections of this Ordinance.

SECTION 10. ENFORCEMENT

Violation of any provision of this Ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the Enforcement Agency. Enforcement Actions under this Ordinance are issuance of an administrative citation and assessment of a fine. The Enforcement Agency's procedures on imposition of administrative citations and fines as contained shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued to enforce this Ordinance and any rule or regulation adopted pursuant to this Ordinance, except as otherwise indicated in this Ordinance.

- (a) Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The Enforcement Agency may pursue civil actions in the California courts to seek recovery of unpaid administrative citations, and fines. The Enforcement Agency may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of Enforcement Agency staff and resources.
- (b) Process for Enforcement
 - (1) All provisions of this Ordinance may be enforced beginning on January 1, 2024:
 - (2) The Enforcement Agency will monitor compliance with this Ordinance through Compliance Reviews, investigation of complaints, and an inspection program.
 - (3) The Enforcement Agency may issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
 - (4) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, the Enforcement Agency shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the Enforcement Agency's standard procedures.

(c) Penalty Amounts for Violations

The penalty levels are as follows:

- (1) For a first violation, the amount of the penalty shall be \$50 to \$100 per violation, or such higher amount as may be established by the Enforcement Agency.
- (2) For a second violation, the amount of the penalty shall be \$100 to \$200 per violation, or such higher amount as may be established by the Enforcement Agency.
- (3) For a third or subsequent violation, the amount of the penalty shall be \$250 to \$500 per violation, or such higher amount as may be established by the Enforcement Agency.

(d) Compliance Deadline Extension Considerations

The Enforcement Agency may extend the compliance deadlines set forth in a Notice of Violation if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of nature such as earthquakes, wildfires, flooding, and other emergencies or natural disasters.
- (2) Delays not within the control of respondent or their agents in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the Member Agency is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(e) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed in the administrative citation and consistent with the Enforcement Agency's appeal procedures.

(f) Education Period for Non-Compliance

With respect to provisions of this Ordinance subject to enforcement starting January 1, 2024, the Enforcement Agency will, prior to that date, conduct Inspections, Compliance Reviews, and other enforcement investigative actions depending upon the type of regulated entity, to determine compliance, and if the Enforcement Agency determines that Organic Waste Generator, Self-Hauler, Regulated Hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food

Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this Ordinance and a notice that compliance is required and that violations may be subject to administrative citations, penalties, or other remedies starting on January 1, 2024.

(g) Civil Penalties for Non-Compliance

If the Enforcement Agency determines that an Organic Waste Generator, Self-Hauler, Regulated Hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this Ordinance, it may document the noncompliance or violation, issue a Notice of Violation, and/or take Enforcement Action pursuant to this section, as needed and consistent with the enforcement commencement dates set forth above.

(h) The Enforcement Agency for the provisions of this section is the Member Agency and any Designee authorized by the Member Agency to enforce one or more sections of this Ordinance.

SECTION 11. SEVERABILITY

If any provision of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such invalidity shall not affect the remaining provisions or application of the remaining provisions of this Ordinance, which can be given effect without the invalid provisions or application.

SECTION 12. EFFECTIVE DATE AND REPEAL OF ORDINANCE 2022-02

This Ordinance shall be posted at City Office after its adoption and shall take effect commencing on January 1, 2022.

Following introduction on _____ 2022, passed and adopted _____ 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Don Hindley, Mayor

ATTEST:

Kristene Hall, City Clerk

Meeting Date:	April 20, 2022		Agenda Item Number	12.b	
Agenda Item Title	Introduction and First Reading of Ordinance 2022-01 Approving the Military Equipment Use Policy				
Presented By:	Ron Sligh, Chief of Police				
Type of Item:	X	Action		Discussion	Information
Action Required:		No Action		Voice Vote	X Roll Call Vote

STAFF RECOMMENDATION:

Staff recommends that the Council hold a public hearing and conduct a first reading of Ordinance No. 2022-01 Approving the Military Equipment Use Policy

EXECUTIVE SUMMARY:

On September 30, 2021, Governor Newsom signed into law Assembly Bill 481 (“AB 481”), which among other things, adds Chapter 12.8 to Division 7 of Title 1 to the California Government Code providing certain requirements for the funding, acquisition, and use of military equipment, as that term is defined in AB 481, by the Ferndale Police Department.

Principally, AB 481 requires the City to adopt a written policy governing the use and acquisition of military equipment (defined below). The policy must address each of the following items:

- (1) A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the military equipment.
- (2) The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of military equipment.
- (3) The fiscal impact of each type of military equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
- (4) The legal and procedural rules that govern each authorized use.
- (5) The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the military equipment use policy.
- (6) The mechanisms to ensure compliance with the military equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.

- ~~(7) The procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.~~

AB 481 outlines a multi-step process for the Council to formally adopt a military equipment use policy. The principle steps (and anticipated completion dates) are as follows:

- (1) Submit a proposed Military Equipment Use Policy to the City Council – March 16, 2022 Regular Meeting.
 - a. COMPLETED on March 16, 2022, via Resolution 2022-03.
- (2) Following submission of Policy to the City Council, the proposed Policy must be made publicly available on the City’s website for a 30-day period – March 17, 2022 to April 20, 2022.
 - a. COMPLETED
- (3) Introduction and first reading of Ordinance Approving Policy at a public hearing/regular meeting – April 20, 2022.
 - a. In progress
- (4) Second reading and adoption of Ordinance approving Policy at continued public hearing/regular – May 18, 2022.

The purpose of this Agenda Item is to complete step “3”, above. Notice of this public hearing was published in the manner required by law.

DISCUSSION:

Assembly Bill 481 requires local law enforcement agencies to obtain approval of their respective governing body (here, the City Council), by adoption of a military equipment use policy, as specified, by ordinance at a regular meeting held pursuant to the Ralph M. Brown Act, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. “Military equipment” is defined to mean:

- (1) Unmanned, remotely piloted, powered aerial or ground vehicles.
- (2) Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
- (3) High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.

- (4) Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
- (5) Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- (6) Weaponized aircraft, vessels, or vehicles of any kind.
- (7) Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
- (8) Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
- (9) Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
- (10) Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
- (11) Any firearm or firearm accessory that is designed to launch explosive projectiles.
- (12) “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.
- (13) Taser Shockwave, microwave weapons, water cannons, and the Long Range Acoustic Device (LRAD).
- (14) The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
- (15) Any other equipment as determined by a governing body or a state agency to require additional oversight.

For the Ferndale Police Department to continue the use of any military equipment that was acquired prior to January 1, 2022, the City Council must begin the approval process (explained above) no later than May 1, 2022. Thereafter, the required policy must be adopted and in place prior to engaging in the following activities:

- (1) Requesting military equipment made available pursuant to Section 2576a of Title 10 of the United States Code.

- ~~(2) Seeking funds for military equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.~~
- (3) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
 - (4) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the territorial jurisdiction of the governing body.
 - (5) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
 - (6) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, military equipment.
 - (7) Acquiring military equipment through any means not provided by AB 481.

The military equipment use policy must be a publicly released, written document governing the use of military equipment by the Police Department that addresses, at a minimum the items described in the Executive Summary, above. The proposed Policy addresses each of the requirements.

The City Council must make certain determinations before it approves a military equipment use policy per Government Code 7071(d)(1). Those findings are as follows: (i) the military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety; (ii) the proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties; (iii) if purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety; (iv) prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Staff recommends that Council find that each of the above determinations are met with respect to the military equipment use policy.

Following adoption of the initial Policy, the Council will annually review a report submitted by the Police Chief that contains:

- (1) A summary of how the military equipment was used and the purpose of its use.
- (2) A summary of any complaints or concerns received concerning the military equipment.
- (3) The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.

- ~~(4) The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.~~
- (5) The quantity possessed for each type of military equipment.
- (6) If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

Additionally, Ferndale Police Department must also, within 30 days of submitting and publicly releasing an annual military equipment report, hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual military equipment report and the Police Department's funding, acquisition, or use of military equipment.

FINANCIAL IMPACT:

No fiscal impact.

RECOMMENDED COUNCIL ACTION:

1. Open the Public Hearing
2. Receive staff presentation and review Council questions with staff
3. Open Public Comment
4. Close Public Comment
5. Motion to introduce and conduct first reading, by title only, of Ordinance 2022-01

ATTACHMENTS:

- *Ordinance No. 2022-01 An Ordinance of The City Council Of The City Of Ferndale, California Implementing Assembly Bill 481, Approving A Military Equipment Use Policy And Determining The Ordinance To Be Exempt From CEQA*

ORDINANCE NO. 2022-01**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FERNDALE, CALIFORNIA IMPLEMENTING ASSEMBLY BILL 481, APPROVING A MILITARY EQUIPMENT USE POLICY AND DETERMINING THE ORDINANCE TO BE EXEMPT FROM CEQA**

WHEREAS, the City of Ferndale, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, in 2021, the California Legislature approved, and the Governor signed into law Assembly Bill 481 (“AB 481”), which among other things, adds Chapter 12.8 to Division 7 of Title 1 to the California Government Code providing certain requirements for the funding, acquisition, and use of military equipment, as defined, by local law enforcement agencies; and

WHEREAS, AB 481 requires that the City Council adopt, by ordinance, a military equipment policy that complies with the requirements of AB 481 and to make said policy publicly available; and

WHEREAS, the City Council intends, by this Ordinance, to implement the requirements of AB 481; and

WHEREAS, the City Council has considered the staff report, supporting documents, public testimony, and all appropriate information that has been submitted with this Ordinance; and

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred, including that the military equipment policy was submitted to the City Council by the Chief of Police and was made publicly available on the City’s internet website at least 30 days prior to the public meeting at which this Ordinance was introduced.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. The City Council finds, pursuant to the California Environment Quality Act (CEQA), Guidelines section 15378, that this Ordinance is not a Project as defined by CEQA. Furthermore, the Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) as it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

Therefore, adoption of this Ordinance is statutorily exempt from CEQA because it implements these new laws enacted by SB 9. The City Council hereby directs staff to prepare, execute, and file with the Humboldt County Clerk a notice of exemption within five working days of the adoption of this Ordinance.

SECTION 3. Implementing Ordinance. The provisions set forth in *Exhibit “A”*, attached hereto and incorporated herein by reference, are hereby adopted as the Military Equipment Ordinance of the City of Ferndale.

SECTION 4. Approval and Adoption of Military Use Policy.

1. **Approval and Adoption.** The Military Equipment Use Policy set forth in *Exhibit “B”* to this Ordinance is hereby approved and adopted as the Military Equipment Use Policy of the City of Ferndale.

2. **Determinations.** In accordance with section 7071(d) of the Government Code, the City Council makes the following determinations concerning the Military Equipment Use Policy:

1. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. Prior Military Equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

3. **Procedural Requirements Met.** The City Council finds that all pre-requisites to approving the Military Equipment Use Policy have been met, including:

- i. The Military Equipment Use Policy was submitted to the City Council as a proposed policy on March 16, 2022, by way of Resolution No. 2022-03;
- ii. The Military Equipment Use Policy was made publicly available on the City's website for a consecutive thirty (30) day period prior to introduction of this Ordinance at a public hearing;
- iii. Notice of the public hearing at which this Ordinance was

introduced was published in the manner required by law at least ten (10) days before the public hearing;

- iv. This Ordinance was introduced and adopted at regular meetings of the City Council, each held in accordance with the Ralph M. Brown Act.

SECTION 5. Effective Date. This Ordinance shall become effective on the 31st day after its adoption by the City Council. The Clerk shall cause this Ordinance to be published in the manner required by Government Code section 36933.

SECTION 6. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

INTRODUCED and FIRST READING CONDUCTED at a regular meeting of the City Council of the City of Ferndale, California, on this 20th day of April, 2022 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Don Hindley, Mayor

ATTEST:

Kristene Hall, City Clerk

SECOND READING CONDUCTED, PASSED, and ADOPTED at a regular meeting of the City Council of the City of Ferndale, California, on this ____ day of _____, 2022 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Don Hindley, Mayor

ATTEST:

Kristene Hall, City Clerk

Exhibit "A"

ARTICLE 1: SHORT TITLE; PURPOSE

§1.01: This Ordinance shall be known as the Military Equipment Use Ordinance.

§1.02: This Ordinance is intended to implement the requirements of Assembly Bill 481, which adds Chapter 12.8 to Division 7 of Title 1 to the California Government Code providing certain requirements for the funding, acquisition, and use of military equipment.

ARTICLE 2: DEFINITIONS

§2.01: "City" means any department, agency, bureau, and/or subordinate division of the City of Ferndale.

§2.02: "City Council" means the City Council of the City of Ferndale.

§2.03: "Exigent Circumstances" means a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur.

§2.04: "Military Equipment" shall have the same meaning as set forth in Government Code section 7070(c), as follows:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters,

- or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of .50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
 9. Ammunition of .50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.
 10. Specialized firearms and ammunition of less than .50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than .50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
 11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
 12. “Flashbang” grenades and explosive breaching tools, “tear gas,” and “pepper balls,” excluding standard, service-issued handheld pepper spray.
 13. Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
 14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, “bean bag,” rubber bullet, and specialty impact munition (SIM) weapons.
 15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
 16. Notwithstanding paragraphs (1) through (15), “military equipment” does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

§2.05: “*Military Equipment Use Policy*” means a publicly released, written document that includes, at a minimum, all of the following:

1. A description of each type of Military Equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
2. The purposes and authorized uses for which the law enforcement agency or the state agency proposes to use each type of Military Equipment.
3. The fiscal impact of each type of Military Equipment, including the initial costs of obtaining the equipment and estimated annual costs of maintaining the equipment.
4. The legal and procedural rules that govern each authorized use.
5. The training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer, agent, or employee of the law enforcement agency or the state agency is allowed to use each specific type of Military Equipment

to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.

6. The mechanisms to ensure compliance with the Military Equipment use policy, including which independent persons or entities have oversight authority, and, if applicable, what legally enforceable sanctions are put in place for violations of the policy.
7. For a law enforcement agency, the procedures by which members of the public may register complaints or concerns or submit questions about the use of each specific type of Military Equipment, and how the law enforcement agency will ensure that each complaint, concern, or question receives a response in a timely manner.

§2.06: "*Police Department*" means any division, section, bureau, employee, volunteer and/or contractor of the Ferndale Police Department.

§2.07: "*State agency*" means the law enforcement division of every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

§2.08: "*Type*" means each item that shares the same manufacturer model number.

ARTICLE 3: MILITARY EQUIPMENT USE POLICY REQUIREMENT

§3.01: The Police Department shall obtain approval of the City Council, by an ordinance adopting a Military Equipment Use Policy (MEUP) at a regular meeting of the City Council held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable, prior to engaging in any of the following:

1. Requesting Military Equipment made available pursuant to Section 2576a of Title 10 of the United States Code.
2. Seeking funds for Military Equipment, including, but not limited to, applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
3. Acquiring Military Equipment either permanently or temporarily, including by borrowing or leasing.
4. Collaborating with another law enforcement agency in the deployment or other use of Military Equipment within the territorial jurisdiction of the City of Ferndale.

5. Using any new or existing Military Equipment for a purpose, in a manner, or by a person not previously approved by the City Council pursuant to this Ordinance.
6. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of, Military Equipment.
7. Acquiring Military Equipment through any means not provided by this Article.

§3.02: No later than May 1, 2022, if seeking to continue the use of any Military Equipment that was acquired prior to January 1, 2022, the Police Department shall commence a City Council approval process in accordance with this section. If the City Council does not approve the continuing use of Military Equipment, including by adoption pursuant to a Military Equipment Use Policy submitted pursuant to this Ordinance, within 180 days of submission of the proposed Military Equipment Use Policy to City Council, the Police Department shall cease its use of the Military Equipment until it receives the approval of City Council in accordance with this Ordinance.

§3.03: In seeking the approval of City Council, the Police Department shall submit a proposed Military Equipment Use Policy to City Council and make those documents available on the Police Department's internet website at least 30 days prior to any public hearing concerning the Military Equipment at issue.

§3.04: The City Council shall only approve a Military Equipment Use Policy pursuant to this section if it determines all of the following:

1. The Military Equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. The proposed Military Equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
3. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
4. Prior Military Equipment use complied with the Military Equipment Use Policy that was in effect at the time, or if prior uses did not comply with the accompanying Military Equipment Use Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

§3.05: In order to facilitate public participation, any proposed or final Military Equipment Use Policy shall be made publicly available on the internet website of the Police Department for as long as the Military Equipment is available for use.

§3.06: The City Council shall review any ordinance that it has adopted pursuant to this Section approving the funding, acquisition, or use of Military Equipment at least annually and vote on whether to renew the ordinance at a regular meeting held pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2) or the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), as applicable.

ARTICLE 4: USE IN EXIGENT CIRCUMSTANCES

§4.01: Notwithstanding the provisions of this Section, the Police Department may acquire, borrow and/or use Military Equipment in Exigent Circumstances without following the requirements of this Ordinance.

§4.02: If the Police Department acquires, borrows, and/or uses Military Equipment in Exigent Circumstances, in accordance with this section, it must take all of the following actions:

1. Provide written notice of that acquisition or use to the City Council within 30 days following the commencement of such Exigent Circumstance, unless such information is confidential or privileged under local, state or federal law.
2. If it is anticipated that the use will continue beyond the Exigent Circumstance, submit a proposed amended Military Equipment Use Policy to the City Council within 90 days following the borrowing, acquisition and/or use, and receive approval, as applicable, from the City Council.
3. Include the Military Equipment in the Police Department's next annual Military Equipment Report.

ARTICLE 5: REPORTS ON THE USE OF MILITARY EQUIPMENT

§5.01: The Police Department shall submit to City Council an annual Military Equipment Report for each type of Military Equipment approved by the City Council within one year of approval, and annually thereafter for as long as the Military Equipment is available for use.

§5.02: The Police Department shall also make each annual Military Equipment Report required by this section publicly available on its internet website for as long as the Military Equipment is available for use.

§5.03: The annual Military Equipment Report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of Military Equipment:

1. A summary of how the Military Equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the Military Equipment.
3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
4. The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the Military Equipment in the calendar year following submission of the annual Military Equipment Report.
5. The quantity possessed for each type of Military Equipment.
6. If the law enforcement agency intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.

§5.04: Within 30 days of submitting and publicly releasing an annual Military Equipment Report pursuant to this section, the Police Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the general public may discuss and ask questions regarding the annual Military Equipment report and the law enforcement agency's funding, acquisition, or use of Military Equipment.

§5.05: The City Council shall determine, based on the annual Military Equipment Report submitted pursuant to this section, whether each type of Military Equipment identified in that report has complied with the standards for approval set forth in this Ordinance and the Military Equipment Use Policy. If the City Council determines that a type of Military Equipment identified in that annual Military Equipment Report has not complied with the standards for approval, the City Council shall either disapprove a renewal of the authorization for that type of Military Equipment or require modifications to the Military Equipment Use Policy in a manner that will resolve the lack of compliance.

Exhibit B

Policy 706 – Military Equipment Use Policy

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The City Council of the City of Ferndale.

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

706.2 POLICY

It is the policy of the Ferndale Police Department that members of this Department comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this Department to act as the military equipment coordinator. The Chief of Police may appoint himself/herself to serve in this role. The responsibilities of the military equipment coordinator include but are not limited to:

- a. Acting as liaison to the governing body for matters related to the requirements of this policy.
- b. Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- c. Conducting an inventory of all military equipment at least annually.
- d. Collaborating with any allied agency that may use military equipment within the jurisdiction of the Ferndale Police Department (Government Code § 7071).
- e. Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the Department's funding, acquisition, and use of equipment.
- f. Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the Department website (Government Code § 7072).
- g. Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

See attachment: 706.4 Military Equipment Inventory.

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the

approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the Department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- a. Requesting military equipment made available pursuant to 10 USC § 2576a.
- b. Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- c. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- d. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this Department.
- e. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- f. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- g. Acquiring military equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the Department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in Department inventory.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Attachment: 706.4 Military Equipment Inventory

Category 1: Unmanned, remotely piloted, powered aerial or ground vehicles.

NONE.

Category 2: Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.

NONE.

Category 3: High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.

(a) Description, quantity, capabilities, and purchase cost.

One (1) 1993 AM General (#140630), High mobility multipurpose wheeled vehicles (HMMWV) with large cargo “ambulance” cargo box. The vehicle is equipped with police emergency lighting and a siren. It is painted in its original camouflage paint from the military. The vehicle has Ferndale Police Department Badge decals on both front doors.

(b) Purpose.

Rescue, traffic control and off-road/highwater-flooding.

(c) Authorized Use.

The vehicle is to be used by officers and staff who have been properly trained in the safe handling of the vehicle. The driver of the vehicle shall have a valid California driver license. All other applicable FEPP policies remain in effect.

(d) Expected Lifespan.

Undetermined

(e) Fiscal Impact.

Annual maintenance cost of approximately \$500.

Category 4: Tracked armored vehicles that provide ballistic protection to their occupants.

NONE.

Category 5: Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.

NONE.

Category 6: Weaponized aircraft, vessels, or vehicles of any kind.

NONE.

Category 7: Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.

NONE.

Category 8: Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.

NONE.

Category 9: Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.

NONE.

Category 10: Any firearm or firearm accessory that is designed to launch explosive projectiles.

NONE.

Category 11: Noise-flash diversionary devices and explosive breaching tools.

NONE.

Category 12: Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.

NONE.

Category 13: TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).

NONE.

Category 15: Kinetic energy weapons and munitions.

NONE.

Category 16: Any other equipment as determined by a governing body or a state agency to require additional oversight.

NONE.

Section 13

BUSINESS

Meeting Date:	April 20, 2022		Agenda Item Number	13.a	
Agenda Item Title	Per Capita Grant Funding Study Session Project Recommendations				
Presented By:	City Planner				
Type of Item:	<input checked="" type="checkbox"/>	Action	<input checked="" type="checkbox"/>	Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/>	No Action	<input type="checkbox"/>	Voice Vote	<input checked="" type="checkbox"/> Roll Call Vote

PROJECT DESCRIPTION: Proposition 68 Per Capita Grant Funding for the City of Ferndale

STAFF RECOMMENDATION: Receive report, accept public comment, and direct staff on which park projects to pursue utilizing Per Capita funding.

BACKGROUND:

The Per Capita Grant Program originates from Proposition 68, approved on June 5, 2018. Funds are available for local park rehabilitation, creation, and improvement grants to local governments on a per capita basis. Grant recipients are encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors (PRC §80061(a)).

The City of Ferndale was awarded \$177,952 as part of the General Per Capita Program. This funding is non-competitive and does not require any matching funds due to the City’s designation as disadvantaged (based on the State Parks per capita match calculator).

Eligible Projects

- Projects must be capital outlay for recreational purposes, either acquisition or development.
- Pre-construction costs may not exceed 25% of the project amount (this includes permitting, designs, staff time, and the like).
- The primary purpose of any building constructed or improved must be public recreation.
- Construction outside the boundaries of the recreation facility is not permitted.

The City submitted two preliminary applications, one for each existing park (Fireman’s Park and Russ Park) by the Dec. 31, 2021 deadline. The applications included a variety of projects that had been discussed at City Council meetings prior to submittal. However, there is not enough funding to cover the cost of all projects that have been brought forward. The City committed to holding two public meetings to gather more information on which projects the community would like to see developed at each park. Information from these meetings was presented to the City Council at the March 16, 2022 meeting. After a robust discussion, the Council committed to holding a study session to further refine project ideas.

DISCUSSION:

The City Council held a study session on April 5, 2022, to review potential projects, previously obtained public input, and additional cost data in order to finalize project selection for the Per Capita grant program. Based on the discussion held, the following projects were recommended pending final cost estimates:

- Firemen's Park BBQ area with covering
- Firemen's Park interpretative sign with QR code linking to additional information
- Russ Park gravel parking area on Bluff Street
- Russ Park trail maintenance vehicle
- Russ Park vault restroom on Bluff Street
- Russ Park signage and trail markers

Attachment A provides the estimated cost and associated components of the projects listed above along with photo examples.

RECOMMENDED ACTION:

Approve the project list and direct staff to work with State Parks to finalize contract agreement for Per Capita grant program.

ATTACHMENTS:

A – Per Capita Project List with Cost Estimates

To City Manager and Ferndale City Council

4/7/22

Subject: Per Capita Funding

The Council Zoom Study Session planning meeting results for expenditures are:

RUSS PARK IMPROVEMENTS		
Item	Cost	Notes
Vault Toilet	\$50,000. (Although it may cost up to \$60K)	Jim Stretch noted vendors may provide vault toilets for as low as 50 K.
Parking Lot Gravel Improvements	\$4000.	Pea Gravel and Grading
Trail Tractor	\$7000.	24 inch wide 800 lb. Rubber Track Tractor
Signage	\$20,000.	\$4000 for fifteen 4X4 post Directional Signs \$15,000. for Interpretive Information Sign, \$1000 Park Entrance Sign
Project Coordinator	\$5,000.	Project Management and Grant Compliance
CEQA	\$6,000.	
10% Contingency	\$9,200.	
TOTAL	\$101,200.00	

FIREMAN'S PARK IMPROVEMENTS		
Item	Cost	Notes
Barbeque Area	\$40,000.	\$10,000. For One 30"X40" inch custom made group barbeque. \$2,000 for two stand-alone Barbeques \$16,000, for one 12' by 16' Barbeques area Roof cover. \$4,000 for 40' by 60' barbecue surface area Decomposed Granite or Pea Gravel Barbeque \$3,000. For one 12" by 16" Bronze Plaque honoring Firemen (Location TBD)
Signage	\$19,000.	Includes local park and area attractions interpretive sign with smart phone bar code for additional media information.
Project Coordinator	\$4,000.	Project Management and Grant Compliance
CEQA	\$5,000.	
10% Contingency	\$6,900.	
TOTAL	\$75,900.00	

Per Capita Grand Total Estimate \$177,100

Trail Vehicle



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- ◆ 3 speed forward & 2 reverse
- ◆ Only 24" wide
- ◆ 600 pound payload
- ◆ Manual tipping deck with 3-way sliding side panels
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12 X 16 Barbeque Cover



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8 by 8' vault Toilet \$50 K Plus



Russ Park Gravel Area



Fireman Interpretive Sign

Meeting Date:	April 20, 2022		Agenda Item Number	13.b		
Agenda Item Title:	Resolution 2022-04 Appointing William Evans to the Ferndale Library Board					
Presented by:	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 type="checkbox"/>	Voice Vote	<input checked="" type="checkbox"/>	Roll Call Vote

RECOMMENDATION

Approve Resolution No. 2022-04 Appointing William Evans as a Member to Ferndale Library Board for a four-year term.

DISCUSSION:

Due to a recent resignation and an expiration of term, the Library Board has one vacancy. William Evans has expressed interest to serve on the Library Board of Trustees. His Letter of interest is supported by the other Board of Trustees.

Ferndale’s Ordinance 90 (July 1, 1904), states that the board shall consist of five members who shall be appointed by the City Council. Therefore, the Library Board of Trustees needs one additional member due to the vacancy.

The City Clerk advertised the vacancy in the local paper as well as posted notices on the City of Ferndale website, and two public boards. There was only one applicant.

FINANCIAL IMPACT:

None

ATTACHMENTS:

1. William Evans Letter of Interest

RESOLUTION NO. 2022-04

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE APPOINTING
WILLIAM EVANS TO THE FERNDALE LIBRARY BOARD OF DIRECTORS**

WHEREAS, William Evans have expressed an interest in and willingness to serve on the Ferndale Library Board of Directors; and

WHEREAS, William Evans has the support of other members of the Ferndale Library Board; and

WHEREAS, William Evans has agreed to serve on the Ferndale Library Board for four years.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Ferndale hereby appoint William Evans to serve on the Ferndale Library Board of Directors for a term of four years ending in January 2026.

PASSED AND ADOPTED by the City Council of the City of Ferndale on April 20, 2022 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Don Hindley, Mayor

Attest:

Kristene Hall, City Clerk

William Evans



Ferndale Library
807 Main St.
Ferndale, CA 95536

Dear Library Board & Staff,

It has come to my attention that your board is in need of additional members. As a neighbor to the library, and member of a family of 10 who have all benefited from the Ferndale Library for the nearly 15 years I have lived in this town, I am interested in being considered to serve on your board.

Please feel free to contact me with any questions you may have.

Thank you for your consideration,

A handwritten signature in blue ink, appearing to read "William R. Evans", written in a cursive style.

William R. Evans

Meeting Date:	April 20, 2022	Agenda Item Number	13. c
Agenda Item Title	COVID-19 Update, Reconfirm Existence of Local Emergency, Reconfirm Resolution 2021-21 Findings and Continue Virtual Meetings OR Adopt Resolution 2022-05 Declaring the Need to Discontinue Meeting Remotely and Return to In-Person Meetings		
Presented By:	City Manager		
Type of Item:	X	Action	Discussion Information
Action Required:		No Action	Voice Vote X Roll Call Vote

RECOMMENDATION:

It is recommended that the Council reconfirm the Existence of a Local Emergency related to the Coronavirus (COVID-19) pandemic and reconfirm the findings in Resolution 2021-21 to continue with the ability to conduct city meetings via Zoom (virtual meetings) for an additional 30 days.

The Council has the option to adopt Resolution 2022-05 Declaring the Need to Discontinue Conducting City Council, Commission, and Committee Meetings Remotely and Return to In-Person/Hybrid meetings.

DISCUSSION:

The Humboldt County Health Officer's and the California Governor's Emergency Declaration are still in place. Mask mandates have all been lifted, although it is recommended that unvaccinated individuals mask in indoor spaces. The latest data from the CDC reported the COVID-19 community levels for Humboldt County as "Low" risk which means that people should only wear masks based on personal preference and their own level of risk.

Since last reported at the March 16 Council Meeting, there has been 124 new cases and 5 deaths reported between March 16, 2022 and April 13, 2022. To date, 88,918 (65%) of the population in Humboldt County is fully vaccinated.

Vaccine access still remains strong in Humboldt County. Everyone over the age of 5 is eligible to receive the COVID-19 vaccination. Also, everyone over the age of 12 is eligible for a booster shot. To find out where to receive a vaccination or booster, go to myturn.ca.gov.

RECONFIRMATION OF LOCAL EMERGENCY:

On March 30, 2020, the City Council adopted a resolution confirming the existence of a local emergency caused by the Coronavirus (COVID-19). The City of Ferndale Emergency Plan adopted by Resolution 04-30 and modified by Resolution 2020-21 requires the City Council to review and affirm the continuation of the Emergency proclamation every 30 days after the initial declaration.

Reconfirming the Proclamation of a Local Emergency allows the city to continue to seek resources and funding associated with the COVID-19 pandemic. It will also allow the city to easily continue the use of virtual meetings.

OPTION 1: RECONFIRM FINDINGS IN RESOLUTION 2021-21 AND CONTINUE VIRTUAL MEETINGS (STAFF RECOMMENDATION)

On September 19th, Governor Newsom signed AB 361, amending the Brown Act effective October 1, 2021 until January 1, 2024. AB 361 allows a public entity to conduct a meeting without complying with the teleconferencing requirements of the Brown Act under specific circumstances. At the October 20, 2021 Council Meeting, the council approved and adopted Resolution 2021-21 which contained the following findings:

1. That the Council has reconsidered the circumstances of the previously declared and existing state of emergency arising from the COVID-19 pandemic;
2. That the state of emergency continues to directly impact the ability of the members of the Council to meet safely in person, and further those local officials continue to impose or recommend measures to promote social distancing;
3. That the Council may continue to conduct public meetings in accordance with Government Code section 54953(e);
4. That the Council will reconsider the above findings within 30-days of this Resolution.

These finding need to be reconfirmed every 30 days in order to continue the use of virtual meetings. The council may discuss the use of hybrid meetings once they are comfortable with going to in person meetings. Staff has been trying some cost-efficient alternatives to allow for hybrid meeting access for the public.

OPTION 2: RESOLUTION 2022-05 – DECLARING THE NEED TO DISCONTINUE THE USE OF REMOTE MEETINGS AND RETURN TO IN-PERSON/HYBRID MEETINGS.

The Council has the option of rescinding Resolution 2021-21 and adopting Resolution 2022-05 which would allow the Council, Commission, and Committees to return to in-Person/Hybrid meeting options.

Staff has been working on a hybrid setup that will allow public to continue to use the Zoom option. A 180-degree webcam will be set up on the dais that will allow public to view the council. The zoom video feed will be projected onto the projector screen. This is a ‘work in progress’ and staff is hopeful that it will have the ability to allow it to run smoothly. With feedback issues that happen when multiple parties use zoom in close proximity, the City Clerk will be the only person to be able to use Zoom in the council chambers.

If the Council chooses to adopt Resolution 2022-05, the following findings will need to be approved:

1. The City Council has reconsidered the State of Emergency; and
2. The State of Local Emergency does not continue to directly impact the ability of the City Council and it Commissions and Committees, as well as staff and members of the public from meeting in person; and

3. The State and County of Humboldt no longer have social distancing guidelines but urges all unvaccinated individuals in public spaces to maintain social distancing, and the City can maintain those social distancing requirements; and
4. City Council, Commissions, and Committees will resume as in person/hybrid (when available) meetings while ensuring the health and safety of the public, staff, councilmembers, commissioners, and committee members in their respective meeting location.

If adopted, the use of In-Person/Hybrid Meetings will resume immediately.

Council can choose to review these findings in 30 days and reconfirm the use of in-person meetings. Staff will be sure to include an option to return to Zoom meetings at the May meeting if meeting in/person becomes unsafe to the public, Councilmembers, or Staff. A special meeting can be held as well if the need arises.

BUDGET/FISCAL IMPACT:

While there will be costs associated with City's emergency response to COVID-19, continuation of the proclamation of a Local Emergency by the City Council has no direct cost impact. However, it may enable potential external sources for reimbursement to costs associated with the City's emergency response.

ATTACHMENTS:

1. Emergency Proclamation
2. Resolution 2021-21
3. Resolution 2022-05



PROCLAMATION
OF THE
CITY OF FERNDALE CONFIRMING THE EXISTENCE OF A
LOCAL EMERGENCY

MARCH 23, 2020

(BY THE CITY MANAGER, DIRECTOR OF EMERGENCY SERVICES)

WHEREAS, Ordinance 267 of the City of Ferndale empowers the City Manager as Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when circumstances described therein exist; and

WHEREAS, the City of Ferndale Emergency Operations Plan adopted by Resolution 04-30, states that if conditions of extreme peril to the safety of persons and property within the territorial limits of the City of Ferndale exists, a local emergency can be declared; and

WHEREAS, International, State, and Local health and government authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARSCoV-2” and the disease it causes has been named “coronavirus disease 2019” abbreviated COVID-19, (“COVID-19”), first detected in December 2019; and

WHEREAS, the State of California has worked in close collaboration with the national Centers for Disease Control and Prevention (CDC), the United States Health and Human Services Agency, and local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS, the CDC considers the COVID-19 virus to be a very serious public health threat with outcomes ranging from mild sickness to severe respiratory illness and death, and that certain populations face elevated risk with widespread transmission of COVID-19 translating into large numbers of people needing medical care at the same time thereby creating a public calamity in which other infrastructures may also be affected; and

WHEREAS, on January 31, 2020, the U.S. Department of Health and Human Services declared a Public Health Emergency to aid the nation's local healthcare communities in responding to COVID-19; and

WHEREAS, on March 11, 2020 with 114 countries reporting 118,000 individuals as having contracted the COVID-19 virus, the World Health Organization (WHO) officially declared COVID-19 a global pandemic; and

WHEREAS, on March 11, 2020, Humboldt County Health Officer declared a Local Health Emergency in response to the COVID-19 outbreak in California and beyond; and

WHEREAS, on March 12, 2020, California Governor Newsom issued Executive Order N-25-20 requiring all residents to heed any orders and guidance of state and local health officials, including the imposition of social distancing measures to control the spread of COVID-19; and

WHEREAS, on March 19, 2020, Humboldt County Health Officer issued an order directing all individuals living in Humboldt County to shelter in their residences except to provide or receive certain essential services or engage in essential activities, to cease all non-essential travel, and further ordering all non-essential businesses to cease operations at physical locations; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all forty-million California residents to stay at home indefinitely except for workers in the 16 critical infrastructure sectors identified by the Department of Homeland Security Cybersecurity and Infrastructure Security Agency (CISA) who are required to maintain continuity of operations for these vital systems and facilities; and

WHEREAS, if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources; and

WHEREAS, controlling or slowing epidemic and disease outbreaks through implementation of the State and County COVID-19 response orders and through following CDC Guidelines will help to limit the spread of infection within our communities, and most importantly within local healthcare delivery systems; and

WHEREAS, State agencies and political sub-divisions have statutory authority to take numerous actions to protect the public health, safety and welfare, including: providing extraordinary services through mutual aid consistent with agreements (Govt. Code §§ 8631, 8632), the costs of which shall constitute a legal charge against the State when approved by the Governor (Govt. Code §8633); and promulgating orders and regulations necessary to provide for the protection of life and property, including the imposition of curfews within designated boundaries where necessary to preserve the public order and safety (Govt. Code §8634); and

WHEREAS, the purpose of a Local Emergency Proclamation is to provide extraordinary police powers, immunity from emergency actions, to authorize issuance of orders and regulations, and activate pre-established emergency provisions; and

WHEREAS, a Local Emergency Proclamation can be a prerequisite for requesting State or Federal assistance; and

WHEREAS, the City Manager as Director of Emergency Services of the City of Ferndale does hereby find:

That conditions of Local Emergency and extreme peril to the safety of persons and property have arisen within the City of Ferndale, caused by the COVID-19 pandemic and associated response and that the City Council of the City of Ferndale is not in session and cannot immediately be called into session; and

The Proclamation of a Local Emergency will allow the City of Ferndale to access extraordinary police powers and resources as may be necessary to best protect the public health, safety and welfare during the COVID-19 pandemic.

NOW, THEREFORE, I HEREBY PROCLAIM that effective immediately and until further notice, a Local Emergency now exists throughout Ferndale as a result of the circumstances described above; and

IT IS FURTHER PROCLAIMED AND ORDERED that all City Officers and employees shall take all steps requested by the City Manager to prevent the spread of COVID-19, to prevent or alleviate harmful impacts from the disease, and to qualify for Federal Emergency Management Agency and other state and federal relief as may be available to reimburse the City for the expenses it incurs in addressing this emergency; and

BE IT FURTHER PROCLAIMED AND ORDERED that during the existence of said Local Emergency the powers, functions, and duties of the emergency organization of this City as outlined in the Emergency Operations Plan shall be in place.

BE IT FURTHER ORDERED that this proclamation of a Local Emergency shall take effect immediately and shall be subject to ratification by the City Council within seven days of the date written below.

Dated: 3/23/2020

By: _____


Jay Parrish
City Manager/ Director of Emergency Services
City of Ferndale

RESOLUTION NO. 2021-21**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF FERNDALE MAKING FINDINGS PURSUANT TO GOVERNMENT CODE SECTION 54953, AS AMENDED BY ASSEMBLY BILL 361, AND AUTHORIZING THE CONTINUED USE OF VIRTUAL MEETINGS**

WHEREAS, as a result of the COVID-19 pandemic, the Governor issued Executive Order Nos. N-08-21, N-25-20 and N-29-20, which suspended certain provisions of the Ralph M. Brown Act to allow legislative bodies to conduct public meetings without strict compliance with the teleconferencing provisions of the Brown Act;

WHEREAS, Assembly Bill 361, which was signed into law on September 17, 2021, amended Government Code section 54953, to provide relief from the teleconferencing provisions of the Brown Act under certain circumstances provided the legislative body makes certain findings;

WHEREAS, as a result of the COVID-19 pandemic, the Governor proclaimed a state of emergency on March 4, 2020, in accordance with the section 8625 of the California Emergency Services Act, and the state of emergency remains in effect;

WHEREAS, as a result of the COVID-19 pandemic, the Humboldt County Health Officer has imposed and has recommended measures to promote social distancing as more particularly set forth in his August 6, 2021, Order, among other prior orders and guidance;

NOW, THEREFORE, the City Council does hereby find and resolve as follows:

1. That the Council has reconsidered the circumstances of the previously declared and existing state of emergency arising from the COVID-19 pandemic;
2. That the state of emergency continues to directly impact the ability of the members of the Council to meet safely in person, and further those local officials continue to impose or recommend measures to promote social distancing;
3. That the Council may continue to conduct public meetings in accordance with Government Code section 54953(e);
4. That the Council will reconsider the above findings within 30-days of this Resolution.

PASSED AND ADOPTED on this 20th day of October, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Don Hindley, Mayor

Kristene Hall, City Clerk

RESOLUTION 2022-05**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE DECLARING THE NEED TO DISCONTINUE CONDUCTING CITY COUNCIL AND COMMISSION MEETINGS REMOTELY DURING DECLARED STATE OF EMERGENCY PURSUANT TO GOVERNMENT CODE SECTION 54953 (AB361) RESCINING RESOLUTION 2021-21**

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

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

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

WHEREAS, on March 30, 2020, the City Council adopted Resolution 2020-06 declaring a Local Emergency due to the COVID-19 pandemic; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, which placed an end date of September 30, 2021 for agencies throughout the state and requiring local agencies to observe the usual Brown Act requirements as they existed prior to the issuance of the Executive Order; and

WHEREAS, after issuing Executive Order N-08-21, the Delta Variant emerged causing a spike in COVID-19 cases throughout the state; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361, which allows cities to continue to meet remotely during proclaimed states of emergency under modified Brown Act requirements that are similar but not identical to the previous Brown Act Orders under N-29-20, and

WHEREAS, on October 20, 2021, the City Council adopted Resolution 2021-21 declaring the need for virtual City Council, Commission, and Committee Meetings during declared State of Emergency pursuant to Government Code 54953 (AB 361); and

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

WHEREAS, the City Council, to date, has reconfirmed the findings on Resolution 2021-21 extending the use of virtual meetings; and

WHEREAS, the City Council has reviewed the findings and determined that it can now safely return to in person/hybrid meetings for the City Council, Commission, and Committees.

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

- a) The City Council has reconsidered the State of Emergency; and
- b) The State of Local Emergency does not continue to directly impact the ability of the City Council and its Commissions and Committees, as well as staff and members of the public from meeting in person; and
- c) The State and County of Humboldt no longer have social distancing guidelines but urges all unvaccinated individuals in public spaces to maintain social distancing, and the City can maintain those social distancing requirements; and
- d) City Council, Commissions, and Committees will resume as in person/hybrid (when available) meetings while ensuring the health and safety of the public, staff, councilmembers, commissioners, and committee members in their respective meeting location.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE on the 20th day of April, 2022 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Don Hindley, Mayor

Attest:

Kristene Hall, City Clerk

Section 14

CORRESPONDENCE

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

HUMBOLDT COUNTY PLANNING COMMISSION NOTICE OF PUBLIC HEARING AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

On **Thursday, May 05, 2022**, at **6:00 p.m.**, or as soon thereafter as the matter can be heard, the Humboldt County Planning Commission will hold a public hearing in the Board of Supervisors' Chamber, Humboldt County Courthouse, 825 Fifth Street, Eureka, California, and virtually via Zoom to consider the matter listed below.

HOW TO LISTEN OR WATCH THE PLANNING COMMISSION MEETING:

Listen or Watch the live stream of the Planning Commission Meeting in three ways:

1. <https://zoom.us/j/87544807065> Password: 200525
2. Call in via telephone at 346 248-7799, enter meeting id 875 4480 7065 Password: 200525
3. A live stream of the meeting can be found by using the following link: <https://humboldt.legistar.com> or by watching Access Humboldt on cable channel 10

PUBLIC COMMENT INSTRUCTIONS DURING THE MEETING:

Participate in the public comment period of the meeting in the following three ways:

1. **In Person:** Any person may appear and present testimony in regard to this matter at the hearing located in the Board of Supervisors' Chamber, Humboldt County Courthouse, 825 Fifth Street, Eureka, California. The Planning Commission needs 15 COPIES of any materials submitted at the meeting.
2. **Via Computer as an attendee:** To raise your hand click the Raise Hand icon on the bottom of the Zoom window. When you click the Raise Hand icon, a hand icon will appear next to your name that will notify the host your hand is raised. You will also see the hand icon turn green. When you want to lower your hand, you can click the hand icon again and your hand will be lowered. When you are called upon to speak the Zoom platform will ask you for permission to unmute your mic. **If you encounter any issues, please use the call-in option below.**
3. **Via phone call using cellphone or landline:** When the Planning Commission meeting begins, call in to the conference line. When the Planning Commissioner starts to discuss the item you wish to comment on, **Press *9 to raise your hand**. When you are called upon to speak, you will be prompted to unmute your mic, press ***6 to unmute**.

PUBLIC COMMENT PRIOR TO THE MEETING:

Public comments may be submitted via email to Planningclerk@co.humboldt.ca.us. Please provide the project title, record or case number and date of the hearing. The deadline for submitting written comments is **12:00 p.m. Wednesday, May 4, 2022**. After the deadline, written comments may be submitted to the commission in person during the meeting. Verbal comments may be made in person, or on zoom. Comments received after the agenda is posted on **Friday, April 29, 2022**, can be found at the "Attachments" section of the "Meeting Details" link next to the posted Agenda at: <https://humboldt.legistar.com>, and will be included with the administrative record. If you do not have access to email, contact the planning clerk at 707-268-3702. Please note that each Zoom meeting has a

unique meeting ID and password. Any item on this agenda that is continued to a future date will use the meeting ID and password applicable to the date the agenda item is to be heard again.

Humboldt County Fair Association, Ferndale area, Case Number PLN-2022-17561 (filed 12/29/2021); Assessor Parcel Numbers (APNs) 030-071-001, 030-011-003, 030-021-003, 030-112-017, 030-112-020, 030-081-006, and 100-181-003. Humboldt County Fair Association (HCFA) is seeking to modify a Conditional Use Permit which authorizes five (5) concerts and two (2) motorcycle racing events to be held each year at the Humboldt County Fairgrounds. The approved permit places limitations on event-related noise levels, including a 63-decibel limit on composite noise measured by averaging noise readings collected during a 24-hour period surrounding each event, as well as a 90-decibel instantaneous noise limit applied to all motorcycles participating in racing events. In their modification request, HCFA is seeking authorization to raise the 90-decibel motorcycle noise limit to 99 decibels to be consistent with common national testing standards for competition established by the American Motorcyclist Association (AMA). Analysis of the proposal's effect on composite noise levels has been performed by Whitchurch Engineering and has determined that composite noise will remain at or below the 63-decibel limit, even with the requested increase. To help reduce event-related noise, HCFA is now proposing: 1. creation of two (2) sound barriers during racing events, fashioned by temporarily placing tractor trailers or strawbales (or some combination thereof) adjacent to motorcycle acceleration zones; and 2. acoustic treatment of the internal wall of the grandstands using special materials designed to decrease reverberation. Under the approved permit, each "event" occurs within the course of a single day, and concerts cannot last longer than 2 consecutive days. An additional day of racing can be allowed if all the racing on that day is by electrical motorcycles, but in no case can the total amount of motorcycle racing exceed 4 days per year. Other types of motorsports events are prohibited, including (but not limited to): Tractor Pulls, 4x4 Trucks, Go Carts, and Monster Trucks.

As Lead Agency, the Humboldt County Planning and Building Department has prepared and circulated for public review a draft Supplemental Mitigated Negative Declaration for the project. **This notification is to advise you that the Humboldt County Planning and Building Department will receive public comments on the proposed Supplemental Mitigated Negative Declaration from April 1, 2022, to May 1, 2022.** Comments may be submitted to the Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501 by **May 1, 2022**. The draft Supplemental Mitigated Negative Declaration and Initial Study are available for review at the same location as well as through the State Clearinghouse online via <https://ceqanet.opr.ca.gov/>

Project Location: The project site is located in the Ferndale area, on the east side of 5th street between Van Ness and Arlington Ave., on the property known as 1250 5th Street. The majority of the Fairgrounds is located within Ferndale city limits and outside of the Coastal Zone, including the dirt racetrack, grandstands, and primary parking areas used during events. Specific questions regarding this project can be directed to the assigned planner Steven Lazar at (707)268-3741 or via email at slazar@co.humboldt.ca.us

Consistent with the above instructions for public comment, any person may appear and present testimony regarding this matter during the hearing. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at or prior to the public hearing. The Planning Commission's decision will become effective if an appeal is not filed within the appropriate filing period. An appeal may be filed by any aggrieved person who has testified

in person or in writing on the project and must be submitted in writing with the required fees to the Planning Division of the Humboldt County Planning and Building Department at 3015 H Street, Eureka, California 95501, before the end of the appeal period. If appealed, the decision will not become effective until the appeal is resolved.

The staff report for this project will be posted on <https://humboldt.legistar.com> on the Friday before the Planning Commission meeting. General questions regarding the Planning Commission, the permit process, submission of materials and other information not specific to this project may be obtained from the Planning Division of the Humboldt County Planning and Building Department, 3015 H Street, Eureka, California 95501, or email planningclerk@co.humboldt.ca.us. Telephone (707) 268-3702.

The County of Humboldt is committed to providing equal access to all county programs, services, and activities through the provision of accommodations for individuals with disabilities as required under the Americans with Disabilities Act (ADA). With 72 hours prior notice, a request for reasonable accommodation or modification can be made. Please contact the Planning Commission clerk at 707-445-7541 or by email planningclerk@co.humboldt.ca.us or the ADA Coordinator at 844-365-0352 or by email at ada@co.humboldt.ca.us.

Humboldt County Planning Commission
April 5, 2022



LOAN PROGRESS/FINAL REPORT

CEC-144 (Revised 07/17)

CALIFORNIA ENERGY COMMISSION

This form is my:

- Invoice Report:** Submit 1 original and 1 copy with your invoice(s), receipts, and proof of payment.
- Quarterly Progress Report:** 1 original and 1 copy due by the following dates until project completion. (check a period)
 - April 5th (for January 1st to March 30th)
 - July 5th (for April 1st to June 30th)
 - October 5th (for July 1st to September 30th)
 - January 5th (for October 1st to December 31st)
- Final Report:** Submit 2 copies due within 60 days of project completion.

1. Organization Name and Address:

City of Ferndale
834 Main Street
Ferndale, CA, 95536

2. Term:

Loan Number: 002-20-ECI From: 05 / 12 / 2021 To: 11 / 12 / 2022

3. Status:

- On schedule** (provide project status on back of this page)
- Behind schedule** (provide justification for schedule delay on the back of this page)
- May need to change project scope** (explain on the back of this page.)
- Complete** (please answer the two questions below)

Date of Completion: _____

Final Total Project Cost: \$ _____

4. When the Project is Completed Please Notify The Grants and Loans Office by Email to the Loan Officer: The Date and Final Project Cost.

5. Complete Information for each Energy Conservation Measure (ECM) in your Budget Detail:

Institution Name and ECM	Approved Total Project Budget	Total Project Cost to Date	Percent Completed	Estimated or Actual Date of Completing
City of Ferndale LED Lighting Retrofit at WWTP	\$10,700	\$0	0%	04/30/2022
City of Ferndale Solar PV at WWTP	\$174,000	\$0	0%	04/30/2022
City of Ferndale Solar PV at Police Station	\$18,500	\$0	100%	03/21/2022
	\$	\$	%	/ /
TOTALS	\$ 203,200.00	\$0		

Jay Parrish
Print or Type Name

(707) 786-4224
Telephone Number

citymanager@ci.ferndale.ca.us
e-mail Address

Project Director's Signature

4/6/2022
Date

Send this form and any attachments to:

**California Energy Commission
Grants and Loans Office
1516 Ninth Street, MS-1
Sacramento, CA 95814-5512**



LOAN PROGRESS/FINAL REPORT

CEC-144 (Revised 07/17)

CALIFORNIA ENERGY COMMISSION

FOR ECMs Describe the current status of your project and identify the date that project milestones are completed. If applicable, describe any planned project deviations from your approved ECMs and explain why these changes are necessary. *(Any deviations must be pre-approved by the Commission Project Manager.)*

The City of Ferndale entered into a Design/Build contract with Rise Energy on October 4, 2021. The contract encompasses all three energy conservation measures funded by this ECAA loan.

Rise Energy has completed the installation of the 5.67 kW (DC) solar array at the police station. This phase of the project completed and passed final inspection on 3/21/2022. The system received permission to operate from PG&E on 4/5/2022.

Rise Energy began installation of the 63.7 kW (DC) solar array at the City of Ferndale’s Wastewater Treatment Plant (WWTP) on 4/4/2022. RCEA performed a site inspection on 4/6/2022. The racking system has been installed and the solar modules will be installed by the end of this week. The contractor is in process of finalizing the interconnection agreement.

The lighting project will begin installation later this month, on or around the 4/25/2022. Rise Energy is awaiting delivery of the LED lamps and ballasts

There have not been any invoices issued to the city for this contract to date. Rise Energy has indicated that they will complete all construction activities by 4/30/2022 and plan to issue one, lump-sum invoice for all three measures.

ONLY FOR PROJECTS BEHIND SCHEDULE

Information provided here is essential to assess the extent of the encountered difficulties

The Commission approved completion date is: _____

The requested new completion date is: _____

What caused the delay?

What corrective action(s) will be taken to ensure that the project will be completed by the new completion date?

Authorized Signature

Title

Date



CALIFORNIA DEPARTMENT OF WATER RESOURCES

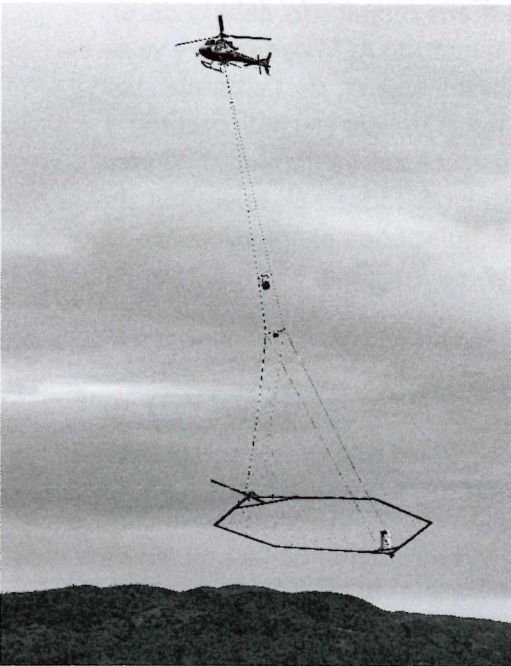
SUSTAINABLE GROUNDWATER MANAGEMENT OFFICE

901 P Street, Room 313-B | Sacramento, CA 95814 | P.O. Box 942836 | Sacramento, CA 94236-0001

Helicopter to make low-level flights over the Eel River Valley groundwater basin

You are receiving this letter because airborne geophysical surveys are scheduled to be conducted in your area. The surveys will be conducted in a groundwater basin within portions of Humboldt county over several days starting in May 2022.

This survey is a part of the California Department of Water Resources' (DWR) project to conduct airborne electromagnetic (AEM) geophysical surveys throughout the state. The surveys are being conducted to improve the understanding of groundwater resources and support the local and state goal of improved groundwater management and the implementation of the Sustainable Groundwater Management Act (SGMA). The surveys are funded through voter-approved Proposition 68 and there is no additional cost to locals. DWR's video provides more information about AEM surveys: <https://www.youtube.com/watch?v=HMSZdzz0rUE>.



AEM data are collected from a large hoop towed beneath a helicopter (shown, left). The method is safe, and surveys have already successfully been conducted in several locations throughout California. Surveys will only be conducted during daylight hours and the helicopter will not fly over business, homes, other inhabitable structures, or confined animal feeding operations. The helicopter operator follows all established Federal Aviation Administration rules and regulations, and their highest priority is public safety.

For more information about the surveys, visit DWR's AEM project website, www.water.ca.gov/programs/SGMA/AEM. For questions, please email AEM@water.ca.gov.

DWR encourages the public to get involved in their groundwater management activities through their local groundwater sustainability agency: <https://sgma.water.ca.gov/portal/gsa/all>.

Note: the survey start date and the flight period provided in this notification may be extended or delayed by several weeks due to weather, wildfires, or equipment issues. Please check the AEM Survey Schedule webpage for up-to-date information on flight days: <https://gis.water.ca.gov/app/AEM-schedule>.



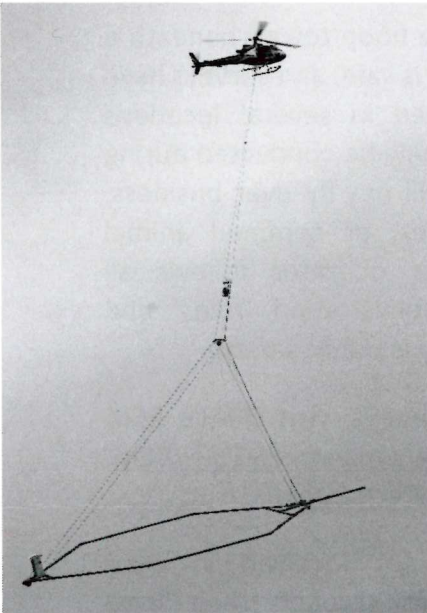
CALIFORNIA DEPARTMENT OF WATER RESOURCES
**SUSTAINABLE GROUNDWATER
 MANAGEMENT OFFICE**

901 P Street, Room 313-B | Sacramento, CA 95814 | P.O. Box 942836 | Sacramento, CA 94236-0001

Vuelos de helicóptero de baja altitud sobre la cuenca de agua subterránea del Valle del Eel River

Usted está recibiendo esta carta porque los estudios geofísicos aerotransportados están programados para realizarse en su área. Los estudios se realizarán en una cuenca de agua subterránea dentro de partes del condado Humboldt durante varios días a partir de mayo de 2022.

El estudio es parte del proyecto del Departamento de Recursos Hídricos de California (DWR) para realizar estudios geofísico electromagnético aerotransportado (AEM) en todo el estado. El estudio se está llevando a cabo para mejorar el conocimiento de los recursos de aguas subterráneas, apoyar el objetivo local y estatal de mejorar la gestión de las aguas subterráneas y la implementación de la Ley de Gestión Sostenible de las Aguas Subterráneas (SGMA). Los estudios se financian a través de la Proposición 68 aprobada por los votantes y no hay ningún costo adicional para los locales. El breve video de DWR a continuación proporciona más información sobre los estudios AEM: <https://www.youtube.com/watch?v=HMSZdzz0rUE>.



Los AEM datos se recopilan de un gran aro remolcado debajo de un helicóptero (mostrado, a la izquierda). El método AEM es seguro y ya se han realizado estudios con éxito en varios lugares de California. Los estudios solo se realizarán durante las horas del día y el helicóptero no sobrevolará negocios, hogares u otras estructuras habitables ni lugares donde los animales confinados son alimentados. El operador de helicópteros sigue todas las reglas y regulaciones establecidas de la Administración Federal de Aviación y su máxima prioridad es la seguridad pública.

Para obtener más información sobre el estudio, visite el sitio web del proyecto AEM de DWR, www.water.ca.gov/programs/SGMA/AEM. Si tiene preguntas, envíenos un correo electrónico a AEM@water.ca.gov

Le animamos a que se involucre en sus actividades locales de gestión de aguas subterráneas a través de su agencia de sostenibilidad de aguas subterráneas: <https://sgma.water.ca.gov/portal/gsa/all>.

Nota: La fecha de inicio del estudio y el período de vuelo son proporcionados en esta notificación pueden extenderse o retrasarse varias semanas debido al clima, incendios forestales o problemas con el equipo. Consulte la página web Calendario del estudio para obtener información actualizada sobre los días de vuelo: <https://gis.water.ca.gov/app/AEM-schedule>.

Caleb Moody

395 Coppini Lane
Ferndale, CA 95536
707 362-6237
cl.moody@hotmail.com



March 31, 2022

Council members, City of Ferndale

PO Box 1095
Ferndale, CA 95536

To whom it may concern,

I am aware of the discussions pertaining to the recently available park improvement funding. I have been unable to participate in previous input meetings, but would still like to add my voice to the conversation, specifically as it concerns Russ Park.

I am a lifelong area resident, and have been visiting Russ Park for all of that time. For the last ten or eleven years, I have been hiking in the park daily. I can say without a hint of sensationalism that Russ Park is one of my favorite places in the world. I thank the city for maintaining such a fantastic place and keeping it available for residents like me to enjoy.

I urge the council members to decide against further development of any kind within the park boundaries. I realize that this request may deviate from the more common themes in a discussion of funds expenditures, but there are a few reasons I take this position. They are as follows:

Russ Park exists as a primitive system of hiking trails and bird sanctuary. Any development would diminish both of these previously important aspects of the park. I urge the council to eschew progress for the sake of progress, or spending for the sake of funds utilization, as either would inevitably decrease the value of the park experience for the many patrons who appreciate it for what it is. Russ Park has existed in its current form for my entire life, and for those decades, has been a valued resource for its offerings as a place to remove oneself from development. Most frequent users of the park would likely agree that we go there for the steep, rough, brushy trails. We enjoy the heavy forestation and undergrowth, along with the plant and animal life that thrive in its wildness. Aside from the current program of occasional trail maintenance, Russ Park can't be bettered by our human efforts. We need spaces such as this to remain human.

I urge the council to oppose the construction of permanent bathroom facilities at Russ Park. Similarly, I urge the council to remove the portable toilet present there now. I understand the desire of the council to advertise the park as a tourist destination, but I think it should be valued more as the great resource it is for your local residents. Invariably, it is those from other areas

who lack the sense of place and ownership to care for a natural resource in a sustainable way. An increase in tourist traffic will inevitably lead to a degradation of the natural environment in the park, because those creating the traffic will be there to see it once before moving on to the next photo opp. Litter will increase, as will off-trail traffic and habitat destruction.

Furthermore, regarding the portable toilet, I have noticed a marked increase in litter and drug trafficking behavior since its installation. As city council members, you are likely already aware of the multiple instances of large scale trash dumping that have taken place in the parking lot since the installation of the toilet. I have been witness to many occurrences of drug dealing in the lot in the months since the toilet was put in place. I have seen the Ferndale Police evicting people attempting to camp in the lot or park. I have even come across a homeless man sleeping in the park. I have picked up and disposed of hypodermic syringes and needles in the same time frame. These occurrences are all directly attributable to the presence of the portable toilet. The construction of permanent facilities would only exacerbate this troubling and growing trend.

Locals utilizing the great natural resources of the park do not need toilet facilities. Most tourists don't either, as they begin their trek from close by in town. There is a wave of undesirable people looking to Ferndale as a new haven in which to perpetuate their unsavory and unsafe behaviors in relative privacy. Bathrooms at a primitive nature preserve will be utilized by these types more than by me or any other actual patron of the park. I urge you not to give them the luxuries they need to degrade our city.

Finally, I do have a positive alternative to offer in place of the things I have spoken against here. Utilize the park money to complete the sidewalk that leaves town on Ocean and travels a short distance up Strawberry Hill. Continue it at least to Russ Park, if not all the way over the hill to Grizzly Bluff. This would be a huge boon to both locals and tourists who wish to walk from town to the park, and would also greatly increase the safety of the hundreds of pedestrians who use the Strawberry Hill route as part of a greater loop.

Thank you for considering my input. Again, I believe we have a wonderful thing in Russ Park, and I encourage you to leave it as is, because any "improvement" would likely serve to frustrate us all down the road.

Sincerely,



Caleb Moody

ATTACHMENT A

RUSS PARK GRANTS Maps, Signs & Posts

1. Fabricate (15) metal intersection trail maps.	\$1,360
2. Fabricate (3) new sign post/pedestals w/paint, metal work for 2 others.	332
3. (4) 80lb. ready-mix concrete for map sign/posts.	24
4. Digitize new map and produce (4) new kiosk maps.	650
5. Construction of a new Eugene St. kiosk at new entrance.	750
6. Design and produce signs at (4) entrances depicting hikers, and no motor vehicles, bikes, horses, fire, guns or camping permitted. (12"x18").	400
7. Large Russ Park & Prop 68 Bond sign for Bluff St. parking lot (4'x12' RW), routed lettering	3,000
8. Metal legs in concrete (installed) for large parking lot sign with 1x4 wooden box construction around posts	1,000
9. Directional signs (2) along Bluff St. (each direction) for Russ Park entrance and parking	150
10. Directional signs along Eugene St. to new park entrance	225
11. Directional sign for Valley View trail intersection at Bluff St. trail entrance.	75
12. Directional sign at cemetery parking lot for Pacific View Trail.	50
13. "End of Trail" sign at Eagle Point Spur.	50
14. 8' metal sign posts & mounting hardware for (6) roadside directional signs.	275
15. 6' metal sign posts and mounting hardware for trial signs (8)	275
16. 5' metal interpretive sign posts (4) to look like limbs (Fortuna Iron)	400
17. Dog waste dispenser stations at each entrance (4) with signs, posts & receptacles	920
18. Sign at intersection of Maple Leaf Loop and Eugene St. trails indicating that there is no exit onto Eugene St. extension (private property).	50
19. interpretive signs (4) at Ferndale View Point, Francis Creek Overview & Eagle Point Spur & Zipporah's Pond	600

Subtotal	\$10,586

NOTES

- ✓ Trail maps cannot be produced until land acquisition is settled. Then a decision about the alignment of the new trail from the Eugene St. entrance up the hill to the intersection of the Pacific View Trail can be determined and the old Eugene St. trail is either closed, a cul-de-sac, abandonment or limited to maintenance personnel only.
- ✓ Metal signs with white lettering over brown background with white border line.
- ✓ sign posts all metal
- ✓ Directional signs along Bluff St (3) and Eugene St (3) should be reflective material
- ✓ All sign locations, nomenclature, color and materials to be approved by City.

SIGN DETAIL, ALL TYPES

Bluff Street

1. Directional sign north approaching “Russ Park Entrance/Parking” with arrow pointing left--reflective
2. Directional sign south approaching “Russ Park Entrance/Parking” with arrow pointing right—reflective
3. Directional sign in the area Bluff St and Main St “Russ Park Main Entrance/Parking” with arrow pointing down the road-reflective
4. Sign at Bluff St. Trail entrance “Bluff St. Trail to Russ Park” with arrow pointing south-reflective
5. Hiker sign & (6) stacked ~~do not~~ pictures on Main Trail
6. Hiker sign & (6) stacked ~~do not~~ pictures on Bluff St. Trail
7. Hiker sign & (6) stacked ~~do not~~ pictures on Village Trail at cemetery
8. Dog dispenser & waste station on Main Trail
9. Dog dispenser & waste station on Bluff St. Trail
10. Dog dispenser & waste station on Village Trail at cemetery
11. Directional sign at entrance of Village Trail “Village Trail to Russ Park” with arrow pointing to trail
12. Installation of metal post/pedestal at entrance of Village Trail at cemetery
13. Replacement of large Russ Park sign in parking lot with 4’x8’ redwood, raised maybe 3’ higher with metal legs

Eugene Street

14. Directional sign at intersection of Francis Street & Eugene St. pointing south “Russ Park West Entrance ¼ Mile” with arrow pointing south on Eugene St.-reflective
15. Directional sign on west side of cemetery “Russ Park” with arrow pointing south on Eugene St.-reflective
16. Directional sign at parking lot entrance off of Eugene St. “Russ Park Entrance-Closed at Sundown” with arrow pointing to entrance. -reflective
17. Kiosk at entrance with trail map and public information
18. Metal map post/ pedestal at beginning of trail
19. Dog dispenser & waste station on trail
20. Hiker sign & (6) stacked ~~do not~~ pictures on trail

Maple Leaf Loop Trail

21. Sign at intersection of Maple Leaf Loop and Eugene St. Trail indicating “Trail Closed-No Exit” at beginning of Eugene St. trail.

Eagle Point Spur

22. Sign past bench at Eagle Point Spur indicating “End of Trail”.
23. Interpretative sign (16”x24”) looking southwest toward Bunker Hill and beyond

Ferndale View Trail

24. Interpretative sign (16”x24”) overlooking Ferndale, the Eel River Valley and the confluence of the Eel River/Pacific Ocean.
25. Interpretative sign (14”x20”) at Zipporah’s Pond

Pacific View Trail

26. Interpretative sign (16:x24”) on ridge overlooking the Francis Creek Watershed
27. Installation of metal map post/pedestal

SIGN SUMMARY

6--metal signs-reflective-along streets
8--metal signs for trail system/parking lots
4-- interpretative signs (16"x24" more or less)
1--large parking lot entrance & Bond sign
19 signs total*

- * Visual Concepts, Arcata, estimates that 18 signs above, not including the redwood sign, could be produced for not more than \$2,000. Redwood sign for Bluff St. parking lot is estimated at \$4,000, including metal legs in concrete. Up-dated trail maps (15) on posts estimated at \$1,360.

Section 15
COMMENTS FROM THE COUNCIL

Section 16
REPORTS

City Manager's Report
Commissions and Committee Reports
Minutes from JPAs and Reports

<u>City Staff Report</u> for April, 2022 City Council Meeting

CITY CLERK ACTIVITY**Meetings**

- Meetings with City Manager regarding work activities and council agenda.
- Attended:
 - City Council Regular Meeting 03/16/2022
 - Design Review Meeting 3/17/2022 (postponed, no quorum)
 - Design Review Meeting 3/24/2022
- Wrote agenda items and compiled packets for:
 - Regular City Council Meeting 03/16/2022
 - Design Review Meeting 3/17/2022 (postponed, no quorum)
 - Design Review Meeting 3/24/2022
 - Began agenda compilation for City Council Meeting 04/20/2022
- Transcribed, drafted meeting minutes and uploaded meeting videos for all above listed meetings.
- Posted all meeting agendas and public notices on the City Hall and Post Office bulletin boards, and on the City Website.
- Uploaded meeting packets to City Website.
- Correspondence with City Planner and Engineer regarding projects
- Had monthly performance review with City Manager

Projects

- Assisted the public via telephone and email, answering questions and information requests.
- On-going communications with contract Engineers and City Planner about agenda items before the City Council, Planning Commission, and Drainage Meetings.
- Processed Business License Renewals and Dog License Renewals.
- Calculated and collected fees for building permits and sent applications to Arnie to be checked
- Numerous call Building Inspector to review plans and finals on projects
- Sent and received emails daily.
- Pick up and distribute City correspondence.
- Organized and filed paperwork.
- Filed approved Minutes
- Inventoried and ordered office supplies
- Processed checks, created revenue spreadsheet and deposit checks into the bank.
- Responded to Public Records Act requests.
- Maintained minute, resolution, ordinance and agenda binders.
- Contacted Mayor re: upcoming agenda
- Read weekly ERMA bulletins
- Sent Building Permit reports to Assessor's office and Construction Industry Research Board.

FINANCE OFFICER ACTIVITY**Tasks:**

- Answered phones and assisted citizens at City Hall
- Processed Payroll/Payroll Tax Payments

- Processed Accounts Payable
- Processed Accounts Receivable
- Reconciled Monthly Debits and Credits in accounting software
- Delivered and received all mail correspondence
- Reviewed ERMA and HR bulletins
- Studied more on COVID Funds Usage options
- Provided necessary documents to Kris for City Council Meeting
- Provided necessary documents to Stacey for month end
- Provided administrative support, attended, and took minutes for the Drainage Committee Meeting 3/3/31
- Assisted the City Manager in the application of various grants including 2 Cal Recycle Grants
- Provided necessary back up documentation and reporting to Paul Gregson of Lost Coast Engineering for the California Street Sewer Replacement Grant
- Completed the State Controller's Cities – Government Compensation Report for 2021
- Completed the 2022 Census of Government, Survey of Public Employment & Payroll
- Created and will continually update a Grant List and Study sheet
- Created a working list of employees hire dates, pay rates, etc to aid in Performance Reviews
- Updated notes in Finance Clerk Duties Manual on all new tasks and duties learned
- Attended training on 3/31/22 "Managing Digital HR Records" via webinar

CITY PLANNER ACTIVITY:

General Planning Services

Task 1 Response to Public Request for Info

- Conducted a pre-application meeting for Lincoln Ave/ Ludwig project
- Reviewed allowable uses in R-2, Agricultural, and Commercial zones.

Task 2 CEQA Compliance

- No Actions

Task 3 Community Planning – Reporting, Transportation Planning, Other Planning Activities

- Coordinated City planning activities including updating tracking sheets for planner activities, funding mechanisms, and applications.
- Correspondence including emails and phone calls with City Manager, Clerk, and Engineer.

Task 4 Meetings & Hearings, and Materials:

- Planning Commission – None.
- City Council – Prepared monthly City Planner staff report and attended March 16th Council mtg.
- City Manager & City Clerk – meetings, calls, emails, research.
- Drainage Committee – Attended March 3rd meeting
- HCAOG Technical Advisory Committee (TAC) – none.
- Humboldt County Climate Action Plan – Reviewed updated draft of CAP spreadsheet and corresponding program descriptions.
- SB 1383 – Organic waste recycling. Attended March 3rd meeting with all jurisdictions to review work done and next steps.

Task 5 GIS Mapping – No actions.

Task 6 Grant Writing/Funding Coordination – Prepared materials for public meetings. Coordinated with City Manager and grant writer on submitted applications.

General Plan Review

- Prepared and submitted General Plan and Housing Element Annual Progress Reports by the April 1 deadline to the CA Office of Planning and Research and CA Dept. of Housing and Community Development.

SB 2 Grant Projects

- Land Use Element Update – Conducted internal review of draft document.
- Drainage Master Plan – Reviewed draft document prepared by City Engineer and continued drafting introduction and financing sections.

Per Capita Park Projects

- Conducted virtual public meeting and in-person open house at City Hall
- Compiled information gathered at public meetings and through online survey
- Prepared for and presented at the March 16th City Council meeting
- Coordinated with City Manager and grant writer on next steps and to prepare for April 5 CC Study Session

CITY ENGINEER ACTIVITY

General City Engineering Services:

- Phone calls / emails with the City Manager and staff regarding various City items.
 - Meet with staff regarding potential development on the former Christie Parcel.
- Drainage Master Plan Update
 - Continue to work on West Side Drainage Model.
 - Work on DMPU 2022 report. Present Draft Report to Drainage Committee.
- Attend Drainage Committee meeting

Reimbursable Project Services:

- Nunes Grading Permit – Grant Street
 - No Update
- Adams Minor Subdivision – Fifth Street
 - No Update
 - Project ready for construction
- Frink LLA2005 – A St.
 - Receive updated legal descriptions from Applicant.
 - Update Notices of Lot Line Adjustment
 - Notices ready for owner's signatures

WASTEWATER OPERATIONS

- Monthly samples prepared and sent to North Coast Labs
- Operators perform lab tests daily to measure efficiency of plant
- Coombs Hopkins representative meeting about UV system and bar screen
- Monthly eSMR (electronic State Monthly Report) prepared and submitted
- Phone meeting with new state compliance officer Justin McSmith
- Monthly no spill verification report completed on CIWQS website
- Lateral inspections 145 Berding, 405 A St.

- Front gate chain oiled each Monday
- Portland Engineering troubleshooting for VFD on INF pump 2
- Inspect manholes throughout town weekly
- Meet with Paul Gregson to walk California St. project
- Weekly maintenance performed on UV banks
- Backup at business on main street determined on property owners end
- Repair old jetter to use while waiting for new pump for big jetter
- Dewater for total of 8 hours. Sludge dried at old site
- Begin irrigation on 3/21
- Maintenance on filters, clean nozzles
- Camera lateral on Van Ness Ave, camera line at Fireman's Park
- Clear brush growing over fence around retention pond
- Weed eat around plant and old site
- Remove duckweed from contact basin
- Operators cleaned walls and catwalk
- Removal of duck weed from clarifiers on weekly basis
- Billed RotoRooter, Taylor Enterprises, Steve's Septic and Wyckoff a total of \$8,238.50 for the month of February. 42 total dumps for total of 73,400 gallons.
- Total flow through the plant in March was 7.4 MGD. Of that, .1.2 MGD was pumped to retention pond. Average discharge to Salt River/Francis Creek was .233 MGD. Average irrigation to Sousa ranch was .108 MGD.

PUBLIC WORKS

- 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.
- Picked up trash on the City's portion of the Wildcat Road.
- Picked up multiple piles of debris around town.
- Power went out in town and got the generator going at City Hall.
- Replaced battery in street sweeper.
- Replaced light bulb for the flag light at City Hall.
- Removed deceased deer at Shaw house.
- Emptied trash can at Russ Park.
- Serviced mower deck on riding lawn mower.
- Removed dirt pile behind Police Department.
- Removed broken boulder next to foot bridge.
- Trimmed back tree's next to City parking lot.
- Trouble shoot furnace problems at Library.
- Filled pot holes on west side of town.
- Continue with weekly safety meetings with Public Works Supervisor.
- Replaced hose bib at Fireman's Park.
- Removed deceased deer along the Wildcat Road way.
- Swept Main St.
- Updated CERS information for Humboldt Environmental Health.
- Met with PW Supervisor about having tree service remove bridged trees over Francis Creek at City parking lot.
- Got three bids from three tree service companies.
- Purchased saw chains to service chainsaws.

POLICE DEPARTMENT

Staff continues to monitor the City’s and County’s response to COVID-19.

Officer Cervantes attended a one-day Glock Armorer’s course at Eureka PD.

Sgt Lindgren and Officer McNeill attended a two-day Defusing Critical Incidents training hosted and paid for by Arcata PD.

Chief Sligh attended the Ferndale Fire Department’s annual dinner. The fire department presented the police department with a plaque of appreciation for the police department’s support on recent medical aid calls and willingness to work collaboratively to develop a CERT Program.

Monthly CERT Meeting: The team received instruction on the use of Family Radio Service (FRS) and General Mobile Radio Service (GMRS) in times of emergencies. John Maxwell demonstrated both types of radios and several members agreed to and conduct tests around the city to see the range of the radios.

Police Statistics – March 2022

SERIOUS CRIMES	Number	Cleared
Homicide	0	
Rape (Attempted)	0	
Robbery	0	
Larceny	1	
Assault	1	
Burglary	1	
Vehicle Theft	1	
TOTAL	4	
SECONDARY CRIMES	11	
Calls for Service	276	
Reports Written	24	
Traffic Citations	9	
Other Citations	0	
Parking Citations	0	
Warnings	28	
ARRESTS	8	
AGENCY ASSISTS	11	
TRAFFIC COLLISIONS	3	



HUMBOLDT COUNTY ASSOCIATION OF GOVERNMENTS
Regional Transportation Planning Agency
Humboldt County Local Transportation Authority
Service Authority for Freeway Emergencies

611 I Street, Suite B
 Eureka, CA 95501
 (707) 444-8208
 www.hcaog.net

BOARD OF DIRECTORS
MEETING RECORD

Regular Meeting
 February 17, 2022, 4:00 p.m.
 Conducted via Zoom Video Communications
 (in accordance with Executive Order N-29-20)

Present:

Councilmember Mike Johnson (Chair)	City of Fortuna
Mayor Susan Seaman (Vice Chair)	City of Eureka
Supervisor Mike Wilson	County of Humboldt
Mayor Adelene Jones	City of Blue Lake
Mayor Stacy Atkins-Salazar	City of Arcata
Councilmember Jack West	City of Trinidad
Councilmember Gordon Johnson	City of Rio Dell
Councilmember Stephen Avis	City of Ferndale

Policy Advisory Committee Member:

Tatiana Ahlstrand	Caltrans District 1
Councilmember Natalie Arroyo	Humboldt Transit Authority

Staff:

Beth Burks	Executive Director
Debbie Egger	Fiscal Administrative Officer
Oona Smith	Senior Regional Planner
Stevie Luther	Associate Regional Planner

Absent:

1. Call to Order/Roll Call

Chair Mike Johnson called the meeting to order at 4:00 p.m., Regional Transportation Planner Stevie Luther called roll for attendance.

2. Adjournment of the HCAOG Board; Convening of the Policy Advisory Committee (PAC)

The PAC convened to include representation from Caltrans (with the Humboldt Transit Authority representative absent) for items specific to transportation.

3. Presentations

a. Caltrans Report on the Eureka-Arcata 101 Corridor Project

Caltrans Project Manager Jeff Pimentel provided an update on the Eureka-Arcata 101 Corridor. Jeff will return to the March Board meeting with a cost estimate update. Supervisor Wilson requested that the Manila Community Services District be kept updated on the project and any updates taking place.

4. Public Participation on Non-Agenda Items

Latanya Jacob

5. Consent Calendar

Motion was made (Seaman/Jones) to approve the following consent item.

b. Approval of Meeting Record January 20, 2022

Motion carried unanimously.

6. Items Removed from the Consent Calendar

Councilmember Gordon Johnson requested discussion on the following Consent Item.

5a. Assembly Bill 361 Findings to Allow Remote Meetings for the HCAOG Board and Advisory Committees

Executive Director Beth Burks informed the Board that staff will be working with the City of Eureka and bring this item back for discussion in March.

Motion was made (Avis/Seaman) to approve Assembly Bill 361 findings to allow remote meetings for the HCAOG Board and Advisory Bodies.

Motion carried unanimously.

7. PAC Action Items**a. Road Charge Program Technical Advisory Committee**

Susan Ornelas provided information on the California Road Charge Program's Technical Advisory Committee (TAC). The TAC, created to study mileage-based user fees for electric vehicles is looking for a nomination to fill the vacant (rural) seat on the committee.

Public Comment:

Latanya Jacob

Motion was made (Wilson/Arroyo) to recommend that the HCAOG Board appoint Mayor Atkins-Salazar to the California Road Charge Technical Advisory Committee.

Motion carried unanimously

b. FY 2022-23 Transportation Development Act Local Transportation Fund (LTF)**Public Comment:**

Latanya Jacob

Motion was made (Jones/Seaman) to recommend that the HCAOG Board adopt Resolution 22-06 approving the FY 2022-23 LTF Apportionment.

Motion carried unanimously.

c. FY 2022-23 Overall Work Program (OWP) & Budget

Executive Director Burks presented the item noting the new work elements having been added and how they will align with focus areas of the newly adopted Regional Transportation Plan.

Public Comment:

Latanya Jacob

Motion was made (Seaman/Avis) to recommend that the HCAOG Board approve the draft FY 2022-23 OWP & Budget and forward to Caltrans for review and comments.

Motion carried unanimously.

8. Reconvening of the HCAOG Board

Motion was made (G.Johnson/Wilson) to reconvene as the HCAOG Board and approve PAC recommendations.

Motion carried unanimously.

9. HCAOG Staff and PAC Member Reports

This agenda item is reserved for matters that member of the PAC and staff may wish to present.

a. HCAOG Executive Director's Report

Executive Director Burks informed the Board that she, along with Chair Johnson, Tom Mattson and Greg Pratt, participated in a round table discussion with Congressman Jared Huffman regarding information on the Bipartisan Infrastructure Law (BIL) and will continue to bring information before the Board regarding BIL implementation as it relates to resources for our region.

b. Caltrans Report- none

c. PAC Member Reports- none

10. Adjournment

The meeting adjourned at 5:12 p.m.

Respectfully submitted,
Debbie Egger
Fiscal Administrative Officer



Redwood Coast Energy Authority

633 3rd Street, Eureka, CA 95501

Phone: (707) 269-1700 Toll-Free (800) 931-7232 Fax: (707) 269-1777

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BOARD OF DIRECTORS MEETING DRAFT MINUTES

February 24, 2022 - Thursday, 3:30 p.m.

Notice of this meeting was posted on February 19, 2022. Chair Stephen Avis called a regular meeting of the Board of Directors of the Redwood Coast Energy Authority to order on the above date at 3:32 p.m., stating that the teleconference meeting was being conducted pursuant to the AB 361 Brown Act open public meeting law revisions signed into law on September 16, 2021, and Governor Newsom's State of Emergency Proclamation of March 4, 2020. Chair Avis stated that the posted agenda contained public teleconference meeting participation instructions.

PRESENT: Chair Stephen Avis, Alternate Director Leslie Castellano, Vice Chair Chris Curran, David Grover, Mike Losey, Sarah Schaefer (arrived 3:39 p.m.), Frank Wilson, Mike Wilson (arrived 3:33 p.m.), Sheri Woo. ABSENT: Scott Bauer. STAFF AND OTHERS PRESENT: Power Resources Director Richard Engel, Community Advisory Committee Chair Larry Goldberg, CAC Member Catherine Gurin, CAC Vice Chair Dennis Leonardi, CAC Member Kit Mann, Executive Director Matthew Marshall; Community Strategies Manager Nancy Stephenson; Clerk of the Board Lori Taketa.

Before calling the meeting to order, Chair Avis spoke in recognition of the disaster unfolding in the city of Kyiv and the suffering caused by the Russian invasion.

REPORTS FROM MEMBER ENTITIES

Director Losey reported that the Tesla battery storage project is fully online at the Fortuna water treatment facility, having passed all interconnection tests with PG&E.

Director Grover reported that Trinidad appointed Jack Tuttle as a new Councilmember. Councilmember Tuttle may be a future RCEA Alternate Director.

ORAL COMMUNICATIONS

There were no comments from the public on non-agenda items.

CONSENT CALENDAR

- 3.1 Approve Minutes of January 27, 2022, Board Meeting.
- 3.2 Approve Disbursements Report.
- 3.3 Accept Financial Reports.
- 3.4 Adopt Resolution 2022-2 Ratifying Governor Newsom's March 4, 2021, State of Emergency Proclamation and Authorizing Remote Teleconference Meetings of RCEA's Legislative Bodies for the Period February 24, 2022, through March 26, 2022, Pursuant to Brown Act Revisions.
- 3.5 Adopt Resolution 2022-3 Approving Updates to the Energy Risk Management Policy.

3.6 Approve Information Technology Technician Job Description and Revised Organizational Chart.

Director Losey requested that item 3.1, the minutes of the January 27, 2022, Board meeting be removed from the consent calendar. No member of the public requested an item be removed from the consent calendar.

M/S: Grover, M. Wilson: Approve the consent calendar except for item 3.1 – Minutes of January 27, 2022, Board meeting.

The motion passed with a unanimous roll call vote. Ayes: Avis, Castellano, Curran, Grover, Losey, Schaefer, F. Wilson, M. Wilson, Woo. Noes: None. Absent: None. Abstain: None.

Director Losey asked that the attendee list in the minutes be corrected to reflect his absence.

M/S: Losey, Grover: Approve consent calendar item 3.1 – Minutes of January 27, 2022, Board meeting with corrected attendee list.

The motion passed with a unanimous roll call vote. Ayes: Avis, Castellano, Curran, Grover, Losey, Schaefer, F. Wilson, M. Wilson, Woo. Noes: None. Absent: None. Abstain: None.

Chair Avis stated there was no Community Choice Energy business on this meeting agenda.

OLD BUSINESS

5.1 Community Advisory Committee Member Appointments

Executive Director Marshall reported that an ad hoc Board subcommittee reviewed applications and nominated four people to fill the at-large Community Advisory Committee seats. Director Woo thanked the applicants and described the committee's decision-making process and criteria. The nomination subcommittee requested more effort to recruit applicants from different parts of the community and requested enlisting the Racial Equity Subcommittee to help find applicants to fill the next vacancies. The diversity of the current applicant pool's community involvements, energy and transportation experience and length of time spent in Humboldt was praised. Director Mike Wilson expressed appreciation for County nominee Jerome Qirazi's experience and institutional knowledge.

There were no responses from the public to Chair Avis' invitation for comment. Chair Avis closed the public comment period.

M/S: Grover, Losey: Reappoint Elizabeth Burks, Roger Hess, Ethan Lawton, and Dennis Leonardi to the Fortuna, Rio Dell, Humboldt Bay Municipal Water District and Ferndale seats, respectively; appoint Jerome Qirazi to the vacant County seat; and appoint/reappoint Colin Fiske, Larry Goldberg, Emily Morris, and Jeff Tirogoff to the at-large Community Advisory Committee seats; for Two-Year Terms Ending on April 9, 2024.

The motion passed with a unanimous roll call vote. Ayes: Avis, Castellano, Curran, Grover, Losey, Schaefer, F. Wilson, M. Wilson, Woo. Noes: None. Absent: None. Abstain: None.

5.2 RePower Humboldt Strategic Plan Status Update (Information only)

Executive Director Marshall gave the biannual report on progress in the strategic plan's four categories.

In Regional Planning and Coordination, the CORE Hub launched in September after two years of development. This project will seek ways to move climate and resilience issues forward and bring funding for these projects into the region. RCEA, its offshore wind partners and the CORE Hub provided comments on the offshore wind BOEM lease process' draft environmental impact assessment. RCEA continues to work with staff from the cities and County on the regional climate action plan development.

In Low-Carbon Transportation, the Arcata Community Center electric vehicle charging stations began operations and development of the airport EV charging stations is underway. Staff is working on a California Energy Commission grant application for additional charging stations. Eligible electric vehicle and charging station applicants are receiving rebates and there is interest in a second round of electric bike rebates. Funding for these transportation rebates comes from RCEA's Community Choice Energy program revenues. Staff is starting work on a medium- and heavy-duty EV planning grant application.

In Integrated Demand-Side Management, also known as Customer Energy Solutions, RCEA received a \$161,000 grant to expand the building electrification heat pump program which is funded through CPUC grants and RCEA's Community Choice Energy program revenues. Staff are in the final stages of submitting a CPUC Rural REN funding proposal and are launching a customer rebate catalog listing an increased number of customer rebate and incentive programs.

In Energy Generation and Utility Services, the airport microgrid is now the largest operating Humboldt County solar array, delivering power to the grid and participating in the California energy market. The last phases of testing and commissioning for islanding are underway and a ribbon cutting event is being planned for June. Michael Furniss completed his contract to investigate small, local hydropower development and alternative uses of forest biomass. RCEA enrolled in the California Arrearages Payment Program. RCEA customers who fell behind in payments will receive about \$1.5 million in bill credits. The first California Community Power joint procurement agreement for long-duration storage is on this agenda for Board approval. Construction on the 5 MW Tierra Buena battery storage project, a joint procurement with Valley Clean Energy which satisfies some of RCEA's new energy capacity construction requirements, is 90% complete. Battery performance degradation, recycling and consideration of these issues in the Tesla contract were discussed.

Chair Avis invited public comment. There were no comments from the public. Chair Avis closed the public comment period.

5.3. California Community Power Long-Duration Storage Agreement with LS Power (Tumbleweed)

Power Resources Director Engel reported on the state procurement mandates to ensure grid reliability, this mandate's requirement of construction of new long-duration energy storage which can discharge electricity at full capacity over eight hours or longer, and the joint powers authority (JPA) formed by community choice aggregators to jointly procure mandated new energy resources. The Tumbleweed long-duration storage project has received attention for being one of the first long-duration storage contracts to near execution in California by a JPA of Community Choice Aggregators rather than an investor-owned utility. The novelty of the collective procurement arrangement necessitated complex agreement structures and new contingency arrangements which were reviewed in more detail by a Board ad hoc subcommittee. The work to develop these agreements to satisfy both procuring entities and developers will benefit future large-scale energy resource development projects such as offshore wind.

M/S: Losey, Grover: Delegate authority to the Executive Director to execute on behalf of Redwood Coast Energy Authority as a member of California Community Power the following agreements and any necessary ancillary documents for the Tumbleweed Energy Storage for Long Duration Storage with a delivery term of 15 years starting at the Commercial Operation Date on or about June 1, 2026, for an RCEA share not to exceed 3.82 MW:

- a. Project Participation Share Agreement (PPSA) by and among Redwood Coast Energy Authority, California Community Power and participating community choice aggregators (CCAs).**
- b. Energy Storage Service Agreement (ESSA) - Buyer Liability Pass Through Agreement (BLPTA) by and among Redwood Coast Energy Authority, California Community Power and Tumbleweed Energy Storage, LLC.**
- c. Operations Agreement (COA) by and among Redwood Coast Energy Authority, California Community Power and participating CCAs for Tumbleweed (agreement to be developed).**

The motion passed with a unanimous roll call vote. Ayes: Avis, Castellano, Curran, Grover, Losey, Schaefer, F. Wilson, M. Wilson, Woo. Noes: None. Absent: None. Abstain: None.

NEW BUSINESS

6.1. Community Advisory Committee Annual Report to the RCEA Board

Executive Director Marshall described the process to institute an annual Community Advisory Committee report to the Board to encourage a more interactive process between the CAC and Board.

CAC Chair Goldberg reviewed the committee's past year accomplishments in the areas of assessing alternate biomass uses, drafting agency comments on the North McKay Ranch Project in relation to RePower Humboldt strategic plan goals, bond and alternate financing energy resilience project identification, and community outreach. Chair Goldberg reviewed the CAC's 2022 work goals, on which the Board was previously asked to comment and provide feedback.

CAC members in attendance described the committee's good internal working relationship despite differences of opinion and the CAC's function as a liaison to the community about RCEA projects, programs and issues. The need for the CAC to explain the region's energy challenges and opportunities to the community was discussed, as was the committee's coordination with staff and knowledge of agency efforts. The directors thanked the CAC members in attendance for their work, for their input, for being a venue for in-depth conversation about energy issues, and for bringing value to the agency. Director Schaefer introduced herself as the new Board liaison to the CAC.

Chair Avis invited public comment. There were no comments from the public. Chair Avis closed the public comment period.

STAFF REPORTS

7.1. Report from Executive Director Matthew Marshall

Executive Director Marshall reported that the Harbor district did not receive the federal infrastructure grant for which RCEA contributed funds to develop a proposal. The developed proposal material will be used to pursue other harbor redevelopment funding. A summary of RCEA's work in February is available on the Board of Directors webpage. The CPUC has delayed making a solar net energy metering tariff decision. Staff is watching for a revised proposal.

Chair Avis commented that rural counties have a poor record of winning grants and that working with a good grant writer is a worthwhile investment to win infrastructure grants.

There were no responses from the public to Chair Avis' invitation for comment. Chair Avis closed the public comment period.

FUTURE AGENDA ITEMS

There were no requests for future agenda items from the directors or the public.

The meeting was adjourned at 4:40 p.m.

Lori Taketa
Clerk of the Board

Section 17

ADJOURN