I. CALL TO ORDER / FLAG SALUTE / ROLL CALL

<table>
<thead>
<tr>
<th>Council</th>
<th>Staff</th>
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</thead>
<tbody>
<tr>
<td>Council Member Tiara Brown</td>
<td>City Manager Regan Candelario</td>
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<td>Council Member Linda Gardner</td>
<td>City Attorney Dave Tranberg</td>
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<td>Council Member Douglas Strehl</td>
<td>City Clerk/HR Manager Linda McGill</td>
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<td>Mayor Pro Tem Tami Trent</td>
<td>Finance Director Marie Essig</td>
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<td>Mayor Sue Long</td>
<td>City Engineer/Public Works Director Merritt Perry</td>
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<td>Police Chief Bill Dobberstein</td>
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<td>Deputy Director of Community Development Liz Shorey</td>
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<td>General Services Superintendent Mike Johnson</td>
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<td>Deputy Director of Public Works Kevin Carter</td>
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<td>Conference Center Manager Joanna Miranda</td>
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</tbody>
</table>

II. PRESENTATION
- Recognition of Janice Simmons, Lieutenant Governor of Kiwanis

III. NEW EMPLOYEE
- Anthony Carnemolla, Engineering Technician III – Introduced by Public Works Director Perry
- Savannah Ferguson, Sales & Marketing Coordinator – Introduced By Conference Center Manager Miranda
- Kaylyn Dibble, Police Dispatcher – Introduced by Police Chief Dobberstein

IV. ORAL COMMENTS FROM THE PUBLIC
Members of the Public may be heard on any item of interest not on the Public Meeting Agenda. Speakers addressing the Council will be limited to 3 minutes per speaker. Comments concerning the Consent Calendar may be heard at this time. Be advised that, by law, the City Council can only deliberate or take action on items that are included on the agenda.

V. CONSENT CALENDAR
These matters are routine in nature and are usually approved by a single vote. Any member of the Council may pull a particular item for further discussion.

1. City Council Minutes – August 3, 2015, (regular meeting), August 6, 2015 (special meeting)
VI. BUSINESS
A. Public Hearing to Authorize the Public Works Department to Abate Weeds on Residential Property, and Hear any Objections Pertaining to this Action.
B. Amend Fortuna Municipal Code to Implement Municipal Separate Storm Sewer System (MS4) Requirements for Post-Construction Activities and adopt the Humboldt Low Impact Development (LID) Stormwater Manual; Ordinance 2015-717
C. Consenting to the inclusion of properties within the City of Fortuna in the California Statewide Communities Development Authority (CSCDA) Open PACE Programs by adoption of Resolution 2015-24
D. Approval of An MOU Between The City of Fortuna and the County of Humboldt For Measure Z Funding
E. Award of Professional Services Contract for the 2015 Safe Routes to School Project (CIP# 9984) to GHD
F. Adoption of a Revised Council Policies and Procedures Manual; Resolution 2015-xx

VII. CITY MANAGER REPORT, PENDING LEGISLATION AND CALENDAR OF EVENTS

VIII. FUTURE AGENDA ITEMS
At this time, members of the Council may consider or request items to be placed on a future agenda through a consensus of the majority.

IX. CITY COUNCIL REPORTS AND COMMENTS

- Council Member Tiara Brown Parks & Recreation Commission, Redwood Coast Energy Authority
- Council Member Linda Gardner Historical Commission
- Council Member Doug Strehl Humboldt County Association of Governments
- Mayor Pro Tem Tami Trent Humboldt Transit Authority, Fortuna Business Improvement District, League of California Cities Employer Relations Policy Committee, Indian Gaming Committee
- Mayor Sue Long Redwood Region Economic Development Commission, Fortuna Oversight Board, Local Agency Formation Commission, League of California Cities Legislative Committee

X. ADJOURN
Pursuant to Government Code Section 54957.5, any non-confidential documents or writings that the City distributes, less than 72 hours before a regular meeting, to all or a majority of the legislative body's members must be made available to members of the public at the same time as the distribution. Documents and information related to the agenda topics are available for review at City Hall, 621 11th Street, between the hours of 8:00 AM to 5:00 PM. Members of the public are invited to come to the meeting and comment. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 725-7600. Notification prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Linda McGill, CMC
City Clerk
In Recognition of

Janice Simmons

WHEREAS, Kiwanis is an International service club whose stated purpose is “Serving the Children of the World” and is found in more than 80 nations and geographic areas, raising over 100 million dollars annually; and

WHEREAS, Loleta resident Janice Simmons is the current, as well the Lieutenant Governor Elect for Division 20, which includes Humboldt and Del Norte Counties, of the Cal/Neva/Ha (California, Nevada, and Hawaii) District of Kiwanis International; and

WHEREAS, Kiwanis International impacts local communities, individual divisions and districts, and also the world, by providing invaluable programs such as “Back Pack” lunches, “Early Beginnings”, “Eliminate Project”, the “Pediatric Trauma Program”, and the “Kiwanis Family House”, which provides housing to families of patients that are at Davis Medical Center, often under adverse circumstances; and

WHEREAS, As a member of the Fortuna Kiwanis for close to 13 years, Mrs. Simmons supports District 20 by disseminating information about Division, District, and International programs, projects, and issues at all 9 Kiwanis Clubs in Division 20; and

WHEREAS, During her term as Lieutenant Governor, local clubs will look to Mrs. Simmons for leadership, support, and motivation as they carry out service projects and participate in Kiwanis programs here on the north coast and throughout the world;

NOW THEREFORE, I Sue Long, Mayor of the City of Fortuna on behalf of the entire City Council hereby recognize Janice Simmons for her service to the community and congratulate her on her service through Kiwanis International.

SIGNED this 17th day of August, 2015, at the City of Fortuna, in the State of California, and in witness thereof, the seal of Fortuna.

Sue Long,
Mayor, City of Fortuna
I. CALL TO ORDER:
Mayor Long called the Public Session to order at 6:00 PM

FLAG SALUTE:
Mayor Long led the salute to the flag.

ROLL CALL:

<table>
<thead>
<tr>
<th>Council</th>
<th>Staff</th>
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<tbody>
<tr>
<td>Council Member Tiara Brown</td>
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<td>Finance Director Marie Essig</td>
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<td>Mayor Sue Long</td>
<td>City Engineer/Public Works Director Merritt Perry</td>
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<td></td>
<td>Lieutenant Matt Eberhardt</td>
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<td></td>
<td>General Services Superintendent Mike Johnson</td>
</tr>
</tbody>
</table>

II. ORAL COMMENTS FROM THE PUBLIC
Sylvia Jutila spoke about a volunteer effort that was coordinated with an Adventist Youth Camp and also mentioned a blood drive that will be taking place at the LDS church on August 11th. There being no further comment Mayor Long closed this public comment section.

III. CONSENT CALENDAR
3. Consideration of closing the 12th Street off ramp for Highway 101 for the Apple Harvest Festival; Resolution 2015-25
4. Authorize a Contract Change Order to add “Construction Phase Geotechnical Construction Observation Services” to GHD’s existing contract for Professional Services for the Waste Water Treatment Plant Flood Protection Mitigation Project (CIP #0167) (MO-2015-130)

CITY COUNCIL ACTION: Approve Consent Calendar Items
Council Member Brown moved, seconded by Council Member Gardner. Voice Vote.

AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None
Motion Carried 5-0

IV. BUSINESS

A. DECLARING THE EXISTENCE OF A NUISANCE AND TO REQUIRE THE ABATEMENT OF WEEDS ON PRIVATE PROPERTY BY ADOPTION OF RESOLUTION 2015-26

STAFF RECOMMENDATION:
Declare the existence of a Nuisance and require the Abatement of Weeds on private property, by adoption of Resolution 2015-26

STAFF REPORT:
The City Council received a written and oral report from General Services Manager Johnson
PUBLIC HEARING:
Wally Wright asked whether the complaints were from property owners or City personnel and what liability does the City have during the time frame of the process. Mike Johnson said that complaints came from all kinds of different sources including the fire department, city personnel and property owners. City Attorney Tranberg explained that the City utilizes a reasonable amount of time for the abatement and the City is in good shape. There being no further comment Mayor Long closed this public comment section.

CITY COUNCIL ACTION:
Council Member Gardner moved, seconded by Council Member Brown to adopt Resolution 2015-26, A Resolution Of The City Council Of The City of Fortuna Declaring The Existence of A Nuisance, and read by title only; Roll call vote

AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None
Motion Carried 5-0 by Resolution 2015-26

V. CITY MANAGER REPORT, PENDING LEGISLATION AND CALENDAR OF EVENTS

VI. FUTURE AGENDA ITEMS
Mayor asked to add a date to the schedule for a special closed session for the City Manager evaluation. She asked the council to pick some days and they would talk about it at the special meeting on Thursday.

VII. COUNCIL REPORTS AND COMMENTS:
Individual Council Members provided oral reports and comments.

VIII. ORAL COMMENTS FROM THE PUBLIC
There being no comment Mayor Long closed this public comment section.

IX. ADJOURN TO CLOSED SESSION
Council Member Gardner moved, seconded by Council Member Brown to adjourn to closed session at 6:28pm.

1. EMPLOYEE DISCIPLINE in accordance with Section 54957 of the Government Code
2. CONFERENCE WITH LABOR NEGOTIATORS, City Negotiators: City Council, Unrepresented Employee: City Manager; in accordance with Section 54957.6 of the Government Code

X. REPORT OUT AND ADJOURN
Closed Session Item 1: No reportable action
Closed Session Item 2: No reportable action

Mayor Pro Tem Trent moved, seconded by Council Member Brown to adjourn at 7:56 PM. Voice Vote. Motion Carried 5-0

Respectfully submitted by
Linda McGill, CMC
City Clerk
I. CALL TO ORDER:
Mayor Long called the Public Session to order at 8:30 a.m.

FLAG SALUTE:
Mayor Long led the salute to the flag

ROLL CALL:

<table>
<thead>
<tr>
<th>Council Present</th>
<th>Staff Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor Long</td>
<td>City Manager Regan Candelario</td>
</tr>
<tr>
<td>Mayor Pro Tem Trent</td>
<td>City Clerk Linda McGill</td>
</tr>
<tr>
<td>Council Member Brown</td>
<td>Director of Finance/Marie Essig</td>
</tr>
<tr>
<td>Council Member Gardner</td>
<td>Executive Assistant Siana Emmons</td>
</tr>
<tr>
<td>Council Member Strehl</td>
<td>Police Chief Bill Dobberstein</td>
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<td></td>
<td>Lieutenant Matt Eberhardt</td>
</tr>
<tr>
<td></td>
<td>General Services Superintendent Mike Johnson</td>
</tr>
</tbody>
</table>

II. ORAL COMMENTS FROM THE PUBLIC
No public comment was heard.

III. DISCUSSION ITEMS

A. INFORMATIONAL PRESENTATION BY THE REDWOOD COAST ENERGY AUTHORITY (RCEA) ON COMMUNITY CHOICE AGGREGATION
Staff received a presentation from the RCEA representative Dana Boudreau.

CITY COUNCIL ACTION:
No action taken. Informational Item

B. INFORMATIONAL PRESENTATION BY THE REDWOOD COAST ENERGY AUTHORITY (RCEA) ON THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) OPEN PACE PROGRAMS
Staff received a presentation from the RCEA representative Dana Boudreau.

CITY COUNCIL ACTION:
No action taken. Council directed staff to bring this item to the next regular meeting.

C. REVIEW AND DISCUSS AN UPDATE TO THE FORTUNA CITY COUNCIL POLICIES AND PROCEDURES MANUAL

CITY COUNCIL ACTION:
No action taken. Council directed staff to bring the revised manual to the next regular meeting for adoption.

D. REVIEW AND DISCUSS THE CURRENT CITY OF FORTUNA MUNICIPAL CODE NON-SMOKING REGULATIONS AND PROVIDE DIRECTION TO STAFF.

CITY COUNCIL ACTION:
No action taken. Council directed staff to work on creating an updated ordinance for the City.

Council Member Brown asked that the Homeless Issue in Fortuna be put on a future workshop agenda.
Council Member Strehl requested that the next Workshop include a tour of City projects.

Council Member Gardner moved, seconded by Council Member Brown to adjourn at 110:29AM. Voice Vote. Motion Carried 5-0
DATE: August 17, 2015

TO: Honorable Mayor and Council Members

FROM: Linda McGill, City Clerk/Human Resources Manager

THRU: Regan M. Candelario, City Manager


STAFF RECOMMENDATION:
Receive report as an informational item.

EXECUTIVE SUMMARY:
The Administration Department monthly report encompasses the following divisions:

CITY ATTORNEY
The City attorney billing for the month of July 2015 was for a total of 60.50 hours. Project support for these months include various potential litigation issues, Agenda and staff report review, personnel issues, Contract review, ongoing City project discussions, claim review, and various email, telephone calls and staff reports. The budget status for the City Attorney for Fiscal Year 15/16 is 75% remaining.

CITY CLERK DIVISION
The City Clerk’s Office prepares the Council meeting agenda, publishes, posts, and mails legal notices, completes arrangements to ensure an effective meeting, administers conflict of interest filing requirements pursuant to State law, and administers contracts and agreements. Additionally, the Office maintains the City’s municipal code and the City seal, conducts bid openings for City projects, provides Notary services for City-related business matters, and is the central repository of the official records of the City and makes such information available pursuant to the Public Records Act. The Office also maintains and indexes the original minutes, Ordinances, Resolutions, deeds, easements, liens, bonds, contracts, and other vital records.

City Council Meetings

<table>
<thead>
<tr>
<th>Council Meeting Date</th>
<th>Agenda Items Processed</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 6, 2015</td>
<td>11</td>
</tr>
<tr>
<td>July 9, 2015 Special</td>
<td>2</td>
</tr>
<tr>
<td>July 20, 2015</td>
<td>16</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>29</strong></td>
</tr>
</tbody>
</table>

City Clerk’s Office Key Duties

<table>
<thead>
<tr>
<th>City Clerk’s Office Key Duties</th>
<th>June</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Records Act Requests</td>
<td>2</td>
</tr>
<tr>
<td>General Information Requests</td>
<td>25 – 30 per day, average</td>
</tr>
<tr>
<td>Ordinances</td>
<td>0</td>
</tr>
<tr>
<td>Resolutions</td>
<td>5</td>
</tr>
<tr>
<td>Minute Orders Passed</td>
<td>29</td>
</tr>
<tr>
<td>Minutes Prepared</td>
<td>3</td>
</tr>
<tr>
<td>Notary Services Provided</td>
<td>1</td>
</tr>
<tr>
<td>Claims for Damages Filed</td>
<td>0</td>
</tr>
</tbody>
</table>
RISK MANAGEMENT / HUMAN RESOURCES DIVISION

Risk Management
There are 6 open liability claims as of July 31, 2015. No new claims were opened in July and none were closed.

Citywide employee safety training is ongoing with monthly trainings sent to City Hall and Police employees and weekly trainings held for Public Works staff.

Human Resources
There were no new recruitments opened in July. The Community Services Officer-Dispatcher recruitment is in the 2nd interview phase and the Engineering Technician III position has been filled. A new full time Senior Bus Driver has been hired and Street Maintenance Worker position is still pending.

There were 17 open Workers compensation claims as of July 31, 2015. Two claims were opened and none were closed in July.

Staff continues to work on updating the administrative policy manual and individual personnel policies, job descriptions, personnel processes and an update of the personnel rules and regulations as time permits.

INFORMATION TECHNOLOGY DIVISION

City of Fortuna Facebook Page Statistics
The City Facebook page now has 758 likes.

City Website Statistics (www.friendlyfortuna.com)
There were 9,660 unique visitors to the City website in June with 57,976 page views. Employment Opportunities, Police Department, and Online Bill payments had the most visitors for the month.

<table>
<thead>
<tr>
<th>Website Email Notification Subscriptions</th>
<th>June</th>
<th>July</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Agenda</td>
<td>150</td>
<td>150</td>
</tr>
<tr>
<td>Employment Opportunities</td>
<td>329</td>
<td>328</td>
</tr>
<tr>
<td>Planning Commission Agenda</td>
<td>111</td>
<td>111</td>
</tr>
<tr>
<td>Public Notices</td>
<td>61</td>
<td>62</td>
</tr>
<tr>
<td>Historical Commission Agenda</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Parks &amp; Recreation Commission Agenda</td>
<td>36</td>
<td>37</td>
</tr>
<tr>
<td>City of Fortuna News Flash Subscribers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City News</td>
<td>157</td>
<td>157</td>
</tr>
<tr>
<td>Public Notices</td>
<td>106</td>
<td>107</td>
</tr>
<tr>
<td>Police Dept News</td>
<td>139</td>
<td>140</td>
</tr>
<tr>
<td>Community Development News</td>
<td>90</td>
<td>90</td>
</tr>
<tr>
<td>Parks &amp; Recreation News</td>
<td>116</td>
<td>116</td>
</tr>
<tr>
<td>River Lodge News</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Online Utility Bill Payments Made</td>
<td>171</td>
<td>178</td>
</tr>
<tr>
<td>Electronic Utility Bill Subscribers</td>
<td>115</td>
<td>116</td>
</tr>
</tbody>
</table>
**Computer/Network**

Work performed by Nylex in July 2015 includes but is not limited to the following:

- Completed onsite routine maintenance every Thursday in June
- Troubleshoot various software and hardware issues in PD
- Worked on VPN for Public Works
- Replace Finance Computer
- Troubleshoot email issues in Admin
- Worked on remote connection to SCADA
- Scan and Clean PD computer due to virus
- Install and set up new computer in Finance
- Continued work on network separation project in PD
- Set up new user accounts
- Continued working on new PD Dispatch system
- Troubleshoot Virtual Merchant system at Park
- Troubleshoot wifi problem at the Park
- Troubleshoot connectivity issue at River Lodge

Nylex is working with staff to develop a replacement schedule and complete inventory of computers citywide. Nylex spent a total of 32 hours for the month of July. The average time Nylex spends working for the City of Fortuna is 30 to 40 hours a month.

**RECOMMENDED COUNCIL ACTION:**

Receive monthly Administration Department Report. Consent Agenda Vote.
The Community Development Department Report for July will be included in next month’s Department Report.
DATE: August 17, 2015

TO: Honorable Mayor and Council Members

FROM: Judy Harrison, Economic Development Coordinator

THRU: Regan M. Candelario, City Manager


STAFF RECOMMENDATION:

Receive report as an informational item.

EXECUTIVE SUMMARY:

Community Center Project -
Co-Chair of Community Center Committee
Working with Committee to plan for a successful Center. Recently completed;
*Request for Proposals Community Center Development
   Received three Proposals for proposed Community Center Development project.
   Currently Committee is Rating and Ranking Proposals.
*Request for Qualifications – Annexation received proposals
   Rating and Ranking for Annexation Proposals
   MOU between City of Fortuna and McLean Foundation for Annexation reimbursement costs.

Researching possible funders.

Downtown Improvement Project List –
Per Regan’s request in conjunction with Rotary Club wanting to complete an improvement project. This Projects List was created with the assistance of all Department Heads. Currently working on assigning what will be required to complete projects. ie: engineering, time involved, and projected costs. This list could be used to encourage city improvement projects be taken on by service clubs.

Business Assistance –
Working with City Manager to continue the current business retention program. Creating a questionnaire and spreadsheet to track responses and progress. Goal will be to contact 30 Fortuna businesses this year.

As requested or needed and in conjunction with FBID and the Chamber, work with local businesses who want assistance.

Recently in partnership with McLean Foundation, FBID, the Chamber and the City of Fortuna, a set of Business Marketing classes were offered in Fortuna. Additional classes are planned.

Health Center -
Created a comprehensive Marketing and Fundraising Packet for the McLean Board which included inclusive list of funders focusing on Healthcare, a list of potential legacy donors, and an educational and marketing brochure.
Set up Tours of Eureka Health & Wellness Center Site. Both were very successful and gave a sense of empowering those in attendance of becoming the advocates for the project. Utilizing Precision Intermedia, held a promotional kick-off to create a video to assist in the fundraising efforts.

Created an educational Brochure using Precision Intermedia.

**Riverfront Park -**
Eel River Access Point starting with research by two HSU interns, extending to viability to move this project forward, options for funding are being explored for acquisition. Working with Regan and Merritt to formulate next steps.

**Intern Team for the Eel River Access Point Project**
Supervised over 14 weeks two HSU Interns; Ana Cortez and Michael Casey. It was a pleasure to work with these two HSU Seniors and encourage their growth in an area they had little experience. They created a document which can be used to expand on and look for funding to complete the proposed project. Unfortunately due to a death in the family, their presentation to Council had to be delayed, but we have hopes of presenting their project to the Council as soon as possible.

**Grants -**
Researching funding options for several projects.

Due to the constraints with the CDBG program, am thinking outside the box to create other options of utilizing the program funding. Continuing work with City of Fortuna and State of California CDBG process in an attempt to vet viability of CDBG funding. The State requires 51% of new jobs hired to be low/moderate income, Open Door Inc. did their best estimate and did not feel they could meet that number. The positive thing is Open Door pay scale is considered living wage salaries, which will be a huge benefit to Fortuna. The expected number of new hires will be 60 positions with over 30 being non-medical professional jobs.

**Spruce Up Fortuna 2015 –** Leadership 4 – Coordinated with Leadership 4 Team first annual event to help cleanup Fortuna before the event season. Tentative plan to present to the Council late July an overview and Thank You to businesses and residents who assisted in the Spruce Up Fortuna 2015 efforts.

**RECOMMENDED COUNCIL ACTION:**
Receive Monthly Economic Development Department Report; Approve the City’s Reports; By Consent Agenda Vote.

Attachments:
none
DATE: August 17, 2015

TO: Honorable Mayor and Council Members

FROM: Marie Essig, Finance Director

THRU: Regan M. Candelario, City Manager


STAFF RECOMMENDATION:

Receive report as an informational item.

EXECUTIVE SUMMARY:

Currently, the Finance Department is focusing on the following priorities/projects:

Fiscal Year-End Close. The Finance Department is in the process of the 2014/15 fiscal year-end reconciliation process. The annual year-end close process is not completed until the end of August each year as expenditures for the fiscal year-ending June 30, 2014, will continue to be processed through July as the City utilizes the accrual method of recording revenues and expenditures.

Annual Audit. Terry Krieg, the City’s auditor conducted his field audit during the week of August 3rd – August 8, 2015. He will be returning to complete his second field audit in November. The initial review of the City’s financials went very well. The auditor was able to confirm that all bank statements are balanced timely and accurately, that transactions are processed timely, and that the invoices pulled for review had appropriate approval and signatures, etc. The finance department has a list of items to research and follow-up on, which is the standard process after the initial site visit. Work will continue on compiling data for the audit review including mailing numerous confirmation letters to outside agencies, banking institutions, and assorted vendors as required.

2013 CAFR. The 2013 CAFR has been finalized. The auditor provides published copies which we expect to receive within the next week.

2014 CAFR. This financial report is pending the confirmation of transit funds for fiscal year 2013/14. The last item surfaced during the 2014/15 fiscal year-end reconciliation process (not identified in 2013/14 fiscal year) and we expect to resolve this in the next two weeks.
**Annual Reports.** The finance team has completed and submitted the following annual reports required by the State of California for the fiscal year ending June 30, 2015:

<table>
<thead>
<tr>
<th>Report</th>
<th>Agency</th>
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</thead>
<tbody>
<tr>
<td>a. Cities Annual Compensation Report</td>
<td>California State Controller’s Office</td>
</tr>
<tr>
<td>b. CDBG Annual Program Income</td>
<td>CA Dept of Housing and Community Dev</td>
</tr>
<tr>
<td>c. CDBG Annual Activity Report</td>
<td>CA Dept of Housing and Community Dev</td>
</tr>
<tr>
<td>d. HOME Grant Annual Activity Report</td>
<td>CA Dept of Housing and Community Dev</td>
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</tbody>
</table>

The backlog of annual state reporting that had fallen behind for three years is now current, and the above reports were filed timely. There are multiple remaining State Controller’s reports due before October 19, 2015, and will be filed before that date as they are completed.

The one remaining delinquency is the annual Marks-Roos Bond reports that had not been submitted for a five-year-period. HdL Companies was contracted to complete these reports on behalf of the City of Fortuna in April 2015, when the delinquency was discovered, and HdL is nearing completion of these reports.

The finance department key indicators are attached for review.

**RECOMMENDED COUNCIL ACTION:**
### Finance Department Activity Log

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</thead>
<tbody>
<tr>
<td>Payroll Checks Issued:</td>
<td>225</td>
<td>220</td>
<td>214</td>
<td>213</td>
<td>213</td>
<td>358</td>
</tr>
<tr>
<td>Accounts Payable Checks</td>
<td>211</td>
<td>203</td>
<td>259</td>
<td>204</td>
<td>196</td>
<td>237</td>
</tr>
<tr>
<td>Issued:</td>
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<tr>
<td>Number of Invoices Processed:</td>
<td>490</td>
<td>558</td>
<td>617</td>
<td>531</td>
<td>439</td>
<td>545</td>
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<tr>
<td>CDBG Loan Payments/Payoff</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td># of Telephone Calls Answered (City Hall)</td>
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<td>1366</td>
<td>1310</td>
<td>1108</td>
<td>1279</td>
<td>1274</td>
</tr>
<tr>
<td><strong>Avg Daily</strong></td>
<td><strong>66</strong></td>
<td><strong>68</strong></td>
<td><strong>60</strong></td>
<td><strong>55</strong></td>
<td><strong>58</strong></td>
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### Front Office/City Hall Front Counter Activity

| Utility        | 1154  | 1157  | 1137  | 949   | 1457    | 1533     |
| Bldg           | 61    | 82    | 71    | 80    | 121     | 83       |
| Plan           | 29    | 25    | 10    | 11    | 35      | 23       |
| Other          | 124   | 102   | 106   | 150   | 274     | 222      |
| **Total:**     | **1368** | **1366** | **1324** | **1190** | **1887** | **1861** |
| **Avg Daily**  | **72** | **68** | **60** | **60** | **86**   | **85**   |

### Utilities

| Monthly Bills        | 4421   | 4438   | 4450   | 4448   | 4433    | 4435     |
| Reminder Notices     | 244    | 233    | 232    | 252    | 278     | 223      |
| Shut Off Notices Mailed | 214   | 199    | 209    | 229    | 233     | 195      |
| Shut Offs            | 19     | 34     | 29     | 26     | 42      | 44       |
| Ebills - Bills sent via email | 131  | 117    | 115    | 115    | 115     | 116      |
| Utility Bills paid online | 136  | 158    | 168    | 171    | 171     | 178      |
| % Utility Bills Paid at City Hall | 26%  | 26%    | 26%    | 21%    | 33%     | 35%      |
| Public Works Calls Dispatched: | 159  | 155    | 119    | 137    | 166     | 172      |

### Utility Billing Master Aging July 2015

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<td>1.03%</td>
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STAFF REPORT

City Council Consent Calendar Agenda Item

DATE: August 17, 2015

TO: Honorable Mayor and Council Members

FROM: Kevin Carter, Deputy Director of Public Works

THRU: Regan M. Candelario, City Manager


STAFF RECOMMENDATION:

Receive report as an informational item.

EXECUTIVE SUMMARY:

Parks

(Prepared by Pierre Cousineau, Parks Maintenance Lead Worker)

Park staff hauled 22 yards of green waste to the yard for processing this month. Part of the waste was from an ash tree that had to be removed to prevent further branches falling during wind storms. The recycle bins in the parks generated $207.81 for this month as staff separated and delivered cans and bottles to E.R.D. for the C.R.V.

The main focal points that Staff worked on during the month of July were the events held in both parks. The July 4th celebration at Newburg (on July 3rd) required staff to move materials, set up, and break down the event. The Fortuna Rodeo and Auto Expo were held in Rohner Park and required a lot of attention and support from Park Staff as both of these events were well attended.

In addition to the special events, Park Staff also had regular maintenance to conduct including mowing the playing fields and Fortuna Boulevard, prepping the softball fields before games and general cleanup and maintenance including graffiti removal.

Depot Museum

(Prepared by Alex Service, Curator)

Harte, Valencia, Weaverville and Westminster. We also welcomed out-of-state visitors from Alaska, Arizona, Colorado, Florida, Idaho, Kentucky, Massachusetts, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Texas and Washington, as well as overseas visitors from Australia, Poland and Switzerland.

**Senior Bus**

*(Prepared by Kathy Rexford, Parks and Recreation)*

Passengers on the Fortuna Senior Transit Bus totaled 693 trips during the month of July. There were 4 new riders that signed up during the month. The lift was used for non-wheelchair riders 39 times and 32 times for wheelchair trips. The Senior Bus had its second Eureka shopping trip on July 9th and the riders are excited for the month of August shopping trip. We have promoted our part time driver Mike Wells to be our full time driver and filled the part time position with Allen Lesser who already had a class B license.

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**Sports and Classes**

*(Prepared by Kathy Rexford, Parks and Recreation)*

Adult softball season will be coming to an end on August 14th. The season went very smooth and we are now getting ready for Coed softball season that will start on August 19th. There was a fundraising softball tournament on July 25th & 26th to raise money for field improvements and safety bases for coed softball. The tournament raised $706.00 and a big thank you to Traci Ober for her hard work.

**Continuous Facility Rentals**

*(Prepared by Kathy Rexford, Parks and Recreation)*

Results Fit Camp continues to hold exercise classes in the Pavilion on Tuesday & Thursdays at 5:30am, 9:00am and 6:00pm, each class lasts one hour. Pickle-ball continues to have games in the Pavilion on Monday & Wednesday from 9:30am – 12:30pm. This is open to the public and the cost is $2.00 per day. Weight Watchers is holding meetings in the Rec Hall every Thursday from 11:45am – 12:45pm.

**Public Skating ~ Recreation Program**

*(Prepared by Toni Wilson, Recreation Supervisor)*

The Fortuna Skating rink remained closed for the month of July due to the number of special events scheduled. The rink will reopen in August for Public Skate and Private Parties.
There are still three weeks remaining in our summer programs. Our Summer Fun program is offered to children that have graduated 1st grade through fourteen years of age and Kiddie Kamp is our program for 4 year olds through graduating 1st graders. Both camps run all 11 weeks of the summer vacation. Registrations are now being accepted, packets can be picked up at the Park Office at 5 Park Street or go to our web site at friendlyfortuna.com. Bring your kids in to join the fun at Rohner Park. We enjoy many activities such as roller skating, hiking, bike days, water days, arts and crafts and much more. We also are a designated distribution site for the Food for Peoples free lunch program. The free lunch program provides a free, healthy lunch for anyone eighteen or under. For more information about these programs please feel free to call the Park Office at 725-7620.

Community Service

(Prepared by Toni Wilson, Recreation Supervisor)

The Parks & Recreation Department currently has twenty-two people signed up to perform Community Service. Community Service workers completed 118.75 hours in the month of July. Three worker’s completed their hours and their cases have been closed. The Community Service Work Program is a big part of our success. The workers help with trash pickup and maintenance projects in Rohner and Newburg Parks as well as the Treatment Plant and the River Lodge. Since the program started in 1997, there have been 46,830.25 service hours completed in the City.

RECOMMENDED COUNCIL ACTION:

Receive Monthly Parks & Recreation Department Report. Consent Agenda Vote.
STAFF REPORT

City Council Consent Calendar Agenda Item

DATE: August 17, 2015

TO: Honorable Mayor and Council Members

FROM: William Dobberstein, Chief of Police

THRU: Regan M. Candelario, City Manager


STAFF RECOMMENDATION:
Receive report as an informational item.

EXECUTIVE SUMMARY:

The FPD is continuing to diligently enforce the City Camping Municipal Codes to deter illegal campsites on public and private land and we are continuing to work businesses to deter panhandling and loitering. Officers have been very active in conducting foot patrols in areas where campsites are prevalent, conducting enforcement operations and issuing citations and making arrests for illegal conduct.

Officer Lindsey Frank participated in the “Pie Eating Contest” held on July 3rd as part of the Independence Day Fireworks festivities at Newburg Park.

The Independence Day Weekend Anti DUI crackdown reported a significant number of DUI arrests from local routine traffic enforcement and special Avoid the 8 DUI deployments in Humboldt County. From 12:01 AM Friday July 3, 2015 through Midnight Saturday 4, 2015 officers representing 8 county law enforcement agencies arrested five individuals for driving under the influence of alcohol or drugs. Last year, seven individuals were arrested during same the 48 hours.

The Fortuna Rodeo and Auto Expo events required a lot of staff time and planning but went off without any major issues. Many thanks go to our staff for their hard work and to the Public Works Department for ensuring we had all of the necessary equipment for traffic control and road closures. The FPD made around 15 arrests in Rohner Park during the Rodeo weekend. I would also like to thank the Eureka Police Department, Arcata Police Department, Ferndale Police Department, Cal-Fire and the College of the Redwoods Police Academy for assisting FPD during the major events.

The FPD held its semiannual department meeting at Riverlodge on July 16th.

Chief Dobberstein, Lt. Eberhardt, and Public Works Director Perry, continue to work with the lead architects from LMA architects to provide input for design of the new Police facility to be constructed at 280 12th St. LMA has provided a summary of all discussions and is working on a preliminary design for the police facility.

The neighborhood situation on Guido Ave. continues to stay status quo since the March arrest of a resident who was at the center of the controversy. The case has proceeded through the court system and the FPD has received no further problems or complaints from Guido neighborhood residents.
At the June Humboldt County Board of Supervisors meeting Councilperson Tami Trent, Mayor Sue Long and Chief Dobberstein spoke to the board in a request for Measure Z allocations for a Drug Task Force Agent position. Through the valiant efforts of city staff and City Council, the board awarded the position with Measure Z funding. The FPD has sent an internal memo for interest in the position and a selection has been made to appoint an officer to the DTF. The Officer will begin his new assignment in August 2015.

The Fortuna Police Department completed training for all personnel on the new Computer-Aided Dispatch / Records Management System; RIMS. Our “go live” date was July 24th. Our staff is quickly becoming more acquainted with the system and the new system is truly 21st century technology that will enhance the service we will be able to provide to the citizens of Fortuna.

On July 27th, myself with other FPD staff met with Hispanic advocacy group, True North. The meeting lasted for about two hours and many topics were discussed that effect the Hispanic population in Fortuna. I found the meeting to be very helpful in establishing relationships and the FPD plans more community outreach efforts to the Hispanic community, led by FPD Community volunteer, Enoch Ibarra.

The Fortuna Police Department Facebook page now has 2,415 followers.

**RECOMMENDED COUNCIL ACTION:**
DATE: August 17, 2015

TO: Honorable Mayor and Council Members

FROM: Merritt Perry, Public Works Director

THRU: Regan M. Candelario, City Manager


STAFF RECOMMENDATION:

Receive report as an informational item.

EXECUTIVE SUMMARY:

Public Works Director/City Engineer

Rohner Creek Flood Control Project Progress
Currently GHD (consulting Engineers) are working to complete the final design of the Rohner Creek Flood Control Project.

Staff and GHD are also continuing to hold meetings with property owners within the project footprint to request permission to construct the project, as well as a long term maintenance easement for the creek channel. We continue to have a good response from the property owners with which we have met. GHD is currently working on a bid package for plant propagation and will begin working on a bid package for vegetation removal after the plant propagation bid package is complete.

FEMA Draft Flood Insurance Rate Map Release
Staff coordinated and held a workshop with Representatives from Federal Emergency Management Agency (FEMA) and the Department of Water Resources (DWR) to explain the release of new flood insurance rate maps (FIRMs) on July 30th from 5-7 PM at the River Lodge.

The new FIRMs are consistent with the hydraulic mapping completed by the City for the Rohner Creek Flood Control project and more accurately portray the limits of flooding within the City. Some homeowners previously mapped in the 100-year flood plain will be removed and others mapped out of the flood plain will be mapped in. The workshop was held as a courtesy to those affected by the mapping changes so that FEMA experts could explain the implications of the changes first hand and implications to insurance coverage. City staff also presented a schedule and overview of the flood control project and the anticipated reductions to flooding that will result.

The meeting was fairly well attended with about 20 members of the public and Councilmember Gardner and Mayor Pro-tem Trent. Information, maps and pamphlets provided at the meeting are available on the City’s website under the Rohner Creek Project.
Rohnerville Road Improvement Project
Design of the Rohnerville Road Improvement Project (between School Street and Redwood Way) is essentially complete. We have requested authorization to proceed with construction, which once approved by Caltrans will allow us to advertise the project for bid. Being that it is late in the construction season, and the official rainy season starts on September 15th, staff will likely put the project in suspension until next spring, as the project will not be awarded in time to avoid costly erosion control measures and sampling. It is possible that we may identify some portions of the project that can be done this year with minimal ground disturbance, should the contractor awarded the project desire to begin sooner. We anticipate making some changes to the project to please some of the affected residents either prior to bidding or after award during construction in the block between School Street and Jordan Street and at the intersection of Kenwood Road.

Wastewater Treatment Plant Flood Protection Project
Mercer Fraser is expected to begin work on the Wastewater Treatment Plant Flood Control Project within the next two weeks. Site prep and removal of materials stock piles and city equipment from the construction site are nearly complete.

HCAOG Technical Advisory Committee
Kevin Carter represented the City at the Humboldt County Association of Governments Technical Advisory Committee (TAC) meeting on July 2nd. The following noteworthy items were discussed at the meeting:

- The City’s request to claim Local Transportation Funds was approved by the committee.
- Local Transportation Revenue Options were discussed and Eileen Goodwin of Apex Strategies discussed local transportation revenue options including revenue options, future workshop formats, identification of stakeholders and next steps.

Jameson Creek Culvert
Staff directed GHD to complete a report with a preliminary analysis of alternatives for repairing the Jameson Creek Culvert under their existing on-call contract with the City that includes repair and replacement options for the culvert. A copy of the draft report is available for review upon request. Basically the repair options possible would limit the hydraulic capacity of the culvert to a point that it would no longer convey the 100-year storm event, and will not provide for fish passage. The more expensive option of culvert replacement will not limit the hydraulic capacity and will provide fish passage but is much more expensive. Staff are working on the completion of a Damage Assessment Form (DAF) that identifies the short term work and costs to stabilize the culvert as well as the cost of permanent restoration. Part of this form will be justifying the additional costs for replacement of the culvert, rather than a repair only. The state did finally declare a disaster for the February storms, therefore we anticipate that the short term and long term repairs will be primarily funded by Federal Highways under the Emergency Relief Program with a City match of around 10-12%.

We will be directing GHD to hire a geotechnical engineer under the on-call contract to finalize short term stabilization strategies that will be implemented before the start of the rainy season.

Development Review
The Engineering Division continued to assist other departments with engineering support for various projects including inspections of new development projects, review of building permit plans, review of conditional use permits and participation in pre-application meetings to explain requirements to developers in advance of an actual application. Public Works staff have been working with consultants
for both the Strongs Creek Valley Annexation and the Fortuna Health and Wellness Centers to identify capacity and potential impacts to City operated utilities.

**Utilities Division**

**Water Distribution System**

In the month of July, the water distribution crew fixed five water leaks. The leaks were as follows: Nob Hill had a break in the ¾” blue plastic service line, Drake Hill Road was in the 8” A.C. main, Thelma Street was in the ¾” blue plastic service line, Rohnerville Road was in the 1” black plastic service line, and Kirby Street was in a ¾” blue plastic service line. Due to the leaks on Thelma Street and Kirby Street, crews replaced the old service lines with new pipe from the water mains to the meters. Additionally, Crews replaced an old hydrant at the corner on 9th Street and I Street.

Crews also ran a new water service to the Chamber of Commerce in order to abandon the old line that has had several leaks in the past. Additionally, the distribution crew replaced a leaking angle stop on Boone Street and performed routine landscaping maintenance at all pump stations and reservoirs throughout the city. The Distribution Crew also replaced several 2” water services on Jenny Lane that were degrading blue plastic lines.

The crew started reading meters on Monday the 20th, and finished on Tuesday the 21st. Crews also started assembling fittings in preparation of installing a new meter and backflow for the hospital site. Distribution crews also assisted the Parks Department with locating a water line in Rohner Park. Various water meters that were not reading properly with our radio read system were repaired or replaced. Crews also painted several hydrants. In the crew’s spare time, all the brass and copper fittings that were removed from the distribution system have been separated and recycled.

The distribution crew received 2 after hour call outs in the month of July for distribution related emergencies.

**Wastewater Collection System**

In the month of July, the Collections Department responded to one sewer plug on 10th Street. The Collections Crew also utilized our sewer camera to video the broken line on 10th Street, as well as sewer mains on Nob Hill and Home Avenue to look for any breaks in the City’s sewer system.

The grease traps at the Rohner Park cook shack and the River Lodge were both cleaned as part of our ongoing maintenance list. Crews cleaned the sewer line in Rohner Park several times to ensure our system continued flowing properly during all the special events during the month.

Collection crews received 2 after hour callouts for sewer collections related emergencies in the month of July.

**Utility Lead Worker Resignation**

Frank Dore, who has worked for the City for over a decade resigned as our lead worker to pursue other career opportunities. His last day will officially be 8/14/15. We thanked Frank for his service and wished him well on his new pursuit. We are currently advertising for a new lead worker and will be considering both external and internal hires. The position closes on August 24th. Doug Culbert our utilities superintendent and the utility crew members are splitting up the tasks previously completed by Mr. Dore and the department is well covered.
Wastewater and Wastewater Treatment

The monthly report has not yet been submitted to the Regional and State Water Boards. There were two conditional violations during the month for low chlorine residual in the contact basin. This was the result of only using one contact basin during construction which limited the amount of contact time. Now that the basin is online, the residuals have returned to normal.

Flows through the facility were 25.3 MG with a high flow of .947 MG on July 14th. Average flows through the facility were .818 MGD.

Water Treatment

41.1 MG were pumped from the wells to the distribution system. Production was up 3% from June and down 24% from the same time period last year and 27% lower than in 2013. 2013 is the benchmark we are graded on to reach the reduction target.

Five drought restriction violations were reported in July and staff followed up with education calls or visits to the customers. Most of our incoming calls for reporting violators are coming from community members who are concerned with our conservation. The state has also set up an online reporting tool that people can log into and report water usage violations anonymously. Once the report is documented an email is sent to the City representative in charge of enforcement.

All coliform tests came back negative. The monthly water report was submitted to the Drinking Water Division as well as the Urban Water Management Plan (UWMAP) production report.

General Services and Streets

Public Works crews spent a busy July working on the many special events happening throughout the month. Crews provided traffic control for the Fortuna Fireworks Festival on July 3rd and assisted with cleanup the morning of July 4th. Crews then provided traffic control, trash disposal and recycling for the Rodeo week activities and Parade. After cleaning up from the Rodeo, crews prepared for the AutoXpo including the major traffic control needed for the Friday night Cruise and Saturday Car Show on Main Street. Once again Parks and Public Works crews, working together and efficiently, saw to it that these marquee events were safe and successful and left the many visitors with a positive image of Fortuna. Between events, crews continued roadside mowing and set up a radar feedback sign on Home Avenue.

Other work included graffiti abatement, streetlight and traffic signal maintenance, sign maintenance, curb painting, the citywide street sweeping program and responding to calls for service as needed.

RECOMMENDED COUNCIL ACTION:
STAFF REPORT
City Council Consent Calendar Agenda Item

DATE: August 17, 2015
TO: Honorable Mayor and Council Members
FROM: Joanna Miranda, Conference Center Manager
THRU: Regan M. Candelario, City Manager

STAFF RECOMMENDATION:
Receive report as an informational item.

EXECUTIVE SUMMARY:
The River Lodge and Monday Club held a total of 18 events in July. Our weekends consisted of a wedding, birthday parties, a baby shower, a bridal shower and the Annual AutoXpo Sock Hop. We also hosted and catered the Golden Gate Street Machines Car Club from the Bay Area for a “before AutoXpo” dinner.

River Lodge and park staff had a very successful volunteer day lead by the Seventh Day Adventist Church Camp. Over 50 volunteers came to the Lodge and spruced up the grounds by pulling weeds, trimming shrubs and picking up garbage. Also, staff is researching more detail and options regarding the much needed replacement of the existing and original carpets throughout the Conference Center.

Savannah Ferguson has accepted the position as the River Lodge Sales and Marketing Coordinator and has an extensive background in sales. Savannah already has a couple of new events in the works.

Sales in the Gallery were $490 for the month of July.

RECOMMENDED COUNCIL ACTION:

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DATE: August 17, 2015

TO: Honorable Mayor and City Council Members

FROM: Regan M. Candelario, City Manager

SUBJECT: Report of Disbursements

STAFF RECOMMENDATION:

Receive staff report of disbursements that were processed for the City of Fortuna and the Successor Agency (Fortuna Redevelopment Agency) if applicable, as an informational item only.

REPORT OF DISBURSEMENTS:

Disbursements were processed on August 5, 2015 in the following amount(s):

- City of Fortuna $ 486,726.13

RECOMMENDED COUNCIL ACTION:

Informational Item. Receive report by Consent Agenda Vote

Attachments:

- Disbursements Detail Reports for August 5, 2015
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Cash Account Total: 486726.13 .

Total Disbursements: 486726.13
DATE: August 17, 2015

TO: Honorable Mayor and Council Members

FROM: Mike Johnson, General Services Superintendent

THRU: Regan M Candelario, City Manager

SUBJECT: Public Hearing to Authorize the Public Works Department to Abate Weeds on Residential Property and Hear any Objections Pertaining to this Action.

STAFF RECOMMENDATION:

Authorize abatement of weeds on residential property

EXECUTIVE SUMMARY:

Resolution 2015-26, adopted by the City Council on August 3, 2015, identified two properties that required abatement of potential fire hazards such as tall grass and weeds.

Fortuna Municipal Code Section (FMC) 8.20.010 - 8.20.050, requires that a Notice must be sent to each property owner identified in the Resolution, notifying them of this action and their duty to comply, and giving them the right to bring any objections to the next Council meeting where they will be heard and given due consideration.

The Property Owners identified below have not complied with the Weed Abatement Order:

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<td>APN 203-051-052, 054, 061 067,068, 069</td>
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*Please see attached maps

The property owners were sent an official "Notice to Destroy Weeds and Remove Fire Hazards" on August 7, 2015. This notice allows the property owners to be heard at this Public Hearing. At the time of this writing, the properties identified above have not been cleared.

The property owners have 5 days to abate the weeds after this Public Hearing unless the Council wishes to extend the time. If the property owners do not comply within the 5 day period, the City public works department, pursuant to FMC 8.20.30, will abate the property and the cost will be assessed to the property through a formal lien process (FMC 8.20.041 – 8.20.051).
FINANCIAL IMPACT:

Costs are recoverable from the property owner(s).

RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review Council questions with staff
2. Open Public Hearing
3. Close Public Hearing
4. Motion to authorize the Public Works Director to abate weeds on the following properties:
   APN's 203-051-046, 203-051-052, 054, 061, 067, 068, 069; voice vote

Attachments:
   • Maps indicating non-compliant properties
   • Notice to Property Owners
NOTICE TO DESTROY WEEDS AND REMOVE FIRE HAZARDS

Notice is hereby given that on the ___ day of ___ August __, 2015 __, the City Council passed a resolution declaring that noxious or dangerous weeds were growing upon or in front of the property on this street, and that rubbish, refuse and dirt were upon or in front of property on this street, in the City of Fortuna, and more particularly described in the resolution, and that they constitute a public nuisance which must be abated by the removal of the weeds, rubbish, refuse and dirt. Otherwise, they will be removed and the nuisance abated by the City and the cost of removal assessed upon the land from or in front of which the weeds, rubbish, refuse and dirt are removed and will constitute a lien upon said land until paid. Reference is hereby made to the resolution for further particulars. A copy of said resolution is on file in the office of the City Clerk.

All property owners having any objections to the proposed removal of the weeds, rubbish, refuse and dirt are hereby notified to attend a meeting of the City Council of the City of Fortuna, to be held on ___ August __, 2015 __, at ___ 6 ___ p.m., when their objections will be heard and given due consideration. Except as otherwise provided for at the above-referenced city council meeting, the city will commence abating the above-described public nuisance five (5) days after said city council meeting on those premises that have not abated the public nuisance.

Dated this ___ day of August, 2015.

[Signature]

Public Works Director, City of Fortuna

(Ord. 89-534 § 2)
STAFF REPORT
City Council Calendar Business Agenda Item

DATE: August 17, 2015
TO: Honorable Mayor and Council Members
FROM: Merritt Perry – Public Works Director/City Engineer
       Mike Johnson – General Services Superintendent
THRU: Regan M. Candelario, City Manager

SUBJECT: Amend Fortuna Municipal Code to Implement Municipal Separate Storm Sewer System (MS4) Requirements for Post-Construction Activities and adopt the Humboldt Low Impact Development (LID) Stormwater Manual; Ordinance 2015-717

STAFF RECOMMENDATION:

It is recommended that the Council introduce and hold the first reading of Ordinance No. 2015-717, and adopt the LID Stormwater Manual.

INTRODUCTION:

In February 2013, the State Water Resources Control Board adopted Water Quality Order No. 2013-0001-DWQ and National Pollutant Discharge Elimination System General Permit No. CAS000004, which applies to stormwater discharges from small municipal separate storm sewer systems (MS4s) in accordance with the federal Clean Water Act. The purpose of this permit (“MS4 General Permit” or “Order”) is to control the discharge of pollutants to storm sewer systems which ultimately drain to natural waterways. The MS4 General Permit requires a variety of program elements which are phased in over the five-year term of the permit, with compliance dates ranging from June 30, 2014, to June 30, 2018.

DISCUSSION:

Staff reviewed the City’s existing stormwater ordinance to determine where the City meets the conditions of the MS4 General Permit and where changes are needed. Condition E.6.a(i) requires the City, by June 30,2015, to “review and revise relevant ordinances or other regulatory mechanisms, or adopt any new ordinances or other regulatory mechanisms, to obtain adequate legal authority, to the extent allowable under state or local law, to control pollutant discharges into and from, as applicable, its MS4, and to meet the requirements of this Order.”

Staff found existing code is already in compliance with the specific legal authorities listed in Condition E.6.a(ii). Examples include the authority to:
• Prohibit non-stormwater discharges through the MS4;
• Prohibit illicit connections to the MS4;
• Prohibit the discharge of spills and dumping or disposal of non-stormwater materials;
• Regulate discharges from construction sites;
• Require specified properties and facilities to implement Best Management Practices to minimize the discharge of pollutants to the MS4;
• Pursue abatement provisions and levy citations and fines for unauthorized discharges, spills, or pollutant releases.

Condition E.12 of the MS4 General Permit requires the City, by June 30, 2015, to require that development projects comply with post-construction stormwater requirements based on “low impact development” standards. These standards are intended to maintain a site’s pre-development runoff characteristics by using design techniques that capture, treat, and infiltrate stormwater on site. The proposed ordinance to revise the municipal code to create the legal authorities required by the MS4 General Permit is included in Attachment A.

The proposed ordinance creates the legal authority to implement these requirements. The MS4 General Permit specifies two size classes for post-construction requirements. Projects that create and/or replace 2,500 to 5,000 square feet of impervious surface (“small projects”) will need to implement one or more designated site design measures to reduce project site runoff. Examples of site design measures include stream setbacks and buffers, disconnection of rooftop drainage from impervious areas, tree planting and preservation, vegetated swales, green roofs, rain barrels, and porous pavement. Projects that create and/or replace 5,000 square feet or more of impervious surface (“regulated projects”) will be required to implement site design measures based on detailed procedures and demonstrate compliance with runoff reduction thresholds. Some projects may be required to construct bioretention facilities. In addition, projects in the larger size category will need to comply with source control measures to minimize the contact between pollutants and stormwater runoff.

The City of Fortuna is collaborating with the County of Humboldt and the Cities of Eureka, Arcata, and Trinidad to develop a manual which will provide a standardized approach for complying with the post-construction requirements, rather than multiple approaches that differ by jurisdiction. Procedures, standards, and specifications for implementing the post-construction requirements of the MS4 General Permit will be contained in the Humboldt Stormwater Low Impact Development Manual. The interim manual is based on the manual developed by LACO Associates for Mendocino County, which had an accelerated timeframe and was required to implement a post-construction stormwater program by January 1, 2015. The affected agencies are in the process of preparing a final manual which will include revisions to increase clarity, expand flexibility, and provide streamlining where possible while ensuring consistency with the MS4 General Permit.

The interim manual was completed on June 30, 2015 and circulated for stakeholder review. Revisions to the interim manual will be made in fall 2015 and the revised final manual should be completed by December 2015. The final manual will replace the interim manual. The text for interim manual is included in Attachment B.
FISCAL IMPACT:

Public Works, Community Development and the Building Department already administer the City’s stormwater regulations. Staff will need to evaluate implementation costs during the initial stages to determine whether changes to the fee schedule are necessary in future fiscal year budgets.

RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review Council questions with staff
2. Open Public Comment
3. Close Public Comment voice vote
4. Motion to introduce and hold the first reading of Ordinance 2015-717 and read by title only; Roll call vote;
5. Motion to adopt the Humboldt Low Impact Development Stormwater Manual; Voice vote.

ATTACHMENTS:

2. Current Section 13.80.130C of the FMC to be replaced
ORDINANCE NO 2015-717

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORTUNA AMENDING CHAPTER 13.80 BY REPLACING SECTION “C” OF 130.080.130 OF THE FORTUNA MUNICIPAL CODE TO IMPLEMENT MUNICIPAL SEPARATE STORM SEWER SYSTEM REQUIREMENTS.

THE CITY COUNCIL OF THE CITY OF FORTUNA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: DECLARATION OF INTENT

The purpose of this ordinance is to amend Chapter 13.80, Section “C” of 13.80.130 of the Fortuna Municipal Code relating to Best Management Practices for new Developments and Redevelopments.

SECTION 2: AMENDMENT

Section 13.80.130 “C” of the Fortuna Municipal Code is replaced to read as follows:

Any construction contractor performing work in the city shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering the storm drains.

All construction plans and applications for building permits shall consider the potential for erosion and sedimentation at the construction site and shall include appropriate erosion and sedimentation controls. Appropriate controls shall be determined in accordance with the guidance provided in the CALTRANS handbook, CASQA BMP Manual or similar technical manual and may include site planning considerations, construction staging and timing, and installation of temporary detention ponds or other treatment facilities.

Prior to and/or during construction, the director of public works may establish controls on the volume and rate of stormwater runoff from new developments and redevelopments as may be appropriate to minimize peak flows or total runoff volume. These controls may include limits on impervious or area provisions for detention and retention of runoff on-site.

All development projects shall comply with the post-construction requirements of the MS4 General Permit, Section E.12, Post Construction Storm Water Management Program, which may include measures for site design, source control, runoff reduction, stormwater treatment, or baseline hydro modification management as applicable based on project type and size. Information related to these measures can be found in the Humboldt Low Impact Development Stormwater Manual. The City shall incorporate MS4 General Permit post-construction requirements, as applicable, in any land use entitlement and construction or building-related permit to be issued relative to such development. The responsible party and developer shall comply with the terms, provisions, and conditions of such land use entitlements and permits.

“MS4” or “Municipal Separate Storm Sewer” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) owned or operated by the City that discharges into waters of the United States; (ii) designed or used for collecting or conveying storm water; (iii)
which is not a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined in the United States Code of Federal Regulations at 40 CFR 122.2.

“MS4 General Permit” means the State Water Resource Control Board NPDES General Permit No. CAS000004 – Waste Discharge Requirements for Stormwater Discharges from Small MS4s, issued by Water Quality Order No. 2013-0001-DWQ on February 5, 2013, a copy of which is on file with the City Clerk.

The director of public works may require, as a condition of project approval, permanent structural controls designed for the removal of sediment and other pollutants. The selection and design of such controls shall be in accordance with criteria established or recommended by state and federal agencies.

**SECTION 3: CONFLICTS**

All city policies, ordinances, and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4: EFFECTIVE DATE**

This ordinance shall become effective thirty (30) days after its adoption.

**INTRODUCED AND FIRST READING PERFORMED** on the 17th day of August 2015, by the following vote:

**AYES:**
**NOES:**
**ABSENT:**
**ABSTAIN:**

Sue Long, Mayor

**ATTEST:**

Linda McGill CMC, City Clerk
SECOND READING PERFORMED AND ADOPTED on the ____ day of ____________
2015, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: ________________________

Sue Long, Mayor

ATTEST:
________________________________
Linda McGill CMC, City Clerk

Approved As To Form:
________________________________
David Tranberg, City Attorney

CERTIFICATE
I, Linda McGill, City Clerk of the City of Fortuna, do hereby certify that Ordinance 2015-717
was INTRODUCED at a regular meeting of the Fortuna City Council held the 17th day of
August 2015, and was thereafter PASSED, ADOPTED AND ORDERED TO PRINT at a regular
meeting of the Fortuna City Council held the _____ day of _____________ 2015. I further
certify that Ordinance 2015-717 was duly posted and published pursuant to law and the Charter
of the City of Fortuna and is a true and correct copy.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City
of Fortuna, California, and this day of 2015.

________________________________
Linda McGill, CMC
City Clerk, City of Fortuna
C. Best Management Practices for New Developments and Redevelopments. Any construction contractor performing work in the city shall implement appropriate BMPs to prevent the discharge of construction wastes or contaminants from construction materials, tools and equipment from entering the storm drains.

All construction plans and applications for building permits shall consider the potential for erosion and sedimentation at the construction site, and shall include appropriate erosion and sedimentation controls. Appropriate controls shall be determined in accordance with the guidance provided in the CALTRANS handbook and may include site planning considerations, construction staging and timing, and installation of temporary detention ponds or other treatment facilities.

Prior to and/or during construction, the director of public works may establish controls on the volume and rate of stormwater runoff from new developments and redevelopment as may be appropriate to minimize peak flows or total runoff volume. These controls may include limits on impervious area or provisions for detention and retention of runoff on-site.

The director of public works may require, as a condition of project approval, permanent structural controls designed for the removal of sediment and other pollutants. The selection and design of such controls shall be in accordance with criteria established or recommended by state and federal agencies.
Humboldt Low Impact Development
Stormwater Manual

Design Guidance for
Stormwater Treatment and
Control Projects in
Phase II MS4 Permit Areas:
County of Humboldt
City of Arcata
City of Eureka
City of Fortuna
City of Trinidad

INTERIM MANUAL (June 30, 2015)
(This Interim Manual is based closely on the manual developed by LACO Associates for Mendocino County. A Final Manual is expected by December 2015.)
PART 1: PROJECT APPLICABILITY

- Table 1 - Applicable Standards Based on Project Type
- Stormwater Information Sheet
- MS4 Boundary Maps

PART 2: SMALL PROJECTS

PART 3: REGULATED PROJECTS

PREFACE

Portions of unincorporated Humboldt County (McKinleyville, the greater Eureka area, and Shelter Cove) and the Cities of Eureka, Arcata, Fortuna, and Trinidad are subject to the State Water Quality Control Board’s general permit for municipal separate storm sewer systems (MS4 General Permit). Condition E.12 of the MS4 General Permit requires local agencies, by June 30, 2015, to require that development projects comply with post-construction stormwater requirements based on “low impact development” (LID) standards. These standards are intended to maintain a site’s pre-development runoff characteristics by using design techniques that capture, treat, and infiltrate stormwater on site.

Humboldt County and the affected cities are collaborating to develop a common manual to present technical information, procedures, and guidance for complying with the State’s LID design standards. Having a common manual will benefit the public by providing a standardized approach for complying with the LID design standards, rather than multiple approaches that differ by jurisdiction.

This document is an interim manual for use starting on July 1, 2015, the effective date for having an LID program in place as required by the MS4 General Permit. The interim manual is based closely on the manual developed by LACO Associates for Mendocino County, which had an accelerated timeframe for implementing post-construction requirements by January 1, 2015. Humboldt County and the affected cities are developing a final manual which will include revisions to increase clarity, expand flexibility, and provide streamlining where possible while ensuring consistency with the MS4 General Permit. A draft final manual will be developed and circulated for stakeholder review. Revisions will be made in Fall 2015 and the revised final manual should be completed by December 2015. The final manual will replace the interim manual.
PART 1

Project Applicability
Applicability

The following table provides an overview of the various project types and required submittals for projects within the boundaries of the County of Humboldt and the Cities of Arcata, Eureka, Fortuna, and Trinidad subject to the MS4 General Permit. MS4 General Permit Boundary Maps are attached and can also be obtained from the County or City Department with project location jurisdiction. The requirements for stormwater management are determined by the type and scale of the project.

<table>
<thead>
<tr>
<th>Type of Project</th>
<th>Required Submittals:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Exempt Projects</strong></td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>Exempt Projects include:</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>• Projects that create or replace less than (&lt;) 2,500 square feet (SF) of impervious surface;</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>• Interior remodels and routine maintenance or repair such as exterior wall surface replacement;</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>• Reroofing of an existing building;</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>• Asphalt or paving overlays and resurfacing of existing surfaces. “Replacement, Development, or Redevelopment” is defined as work that replace existing surfaces down to subgrade and are not exempt; and</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>• Linear Underground Projects (LUPs) unless the LUP has a discreet location that has greater than or equal to (&gt; 5,000 SF of newly constructed impervious surface</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td><strong>Small Projects</strong></td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>Small Projects include:</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>• Single-Family Homes that create or replace greater than or equal to (≥) 2,500 SF of impervious surface; and</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>• Projects that create or replace greater than or equal to (≥) 2,500 SF and less than (&lt;) 5,000 SF of impervious surface</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td><strong>Regulated Projects</strong></td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>Regulated Projects include:</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>• Projects other than Single-Family Homes that create or replace greater than or equal to (≥) 5,000 SF of impervious surface.</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td><strong>Regulated Redevelopment, Roads, and Linear Underground Projects</strong></td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>Regulated Redevelopment, Roads, and Linear Underground Projects include:</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td>• See MS4 Permit, Section E.12.c (pg. 50) for additional description and details of applicable Redevelopment, Road and Linear Underground projects requirements.</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td><strong>Additional Requirements:</strong> By June 30, 2016, Projects that create and/or replace greater than or equal to (≥) 1-acre of impervious surface are required to implement hydromodification management in addition to the Regulated Project Requirements. The hydromodification requirement is: post-project runoff shall not exceed estimated pre-project flow rate for the 2-year, 24-hour storm. A project that does not increase impervious surface area over the pre-project condition is not a hydromodification management project (MS4 permit Sec. E.12.f). Projects with greater than or equal to (≥) 1-acre of Land Surface Disturbance may be subject to the State Construction General Permit (CGP) Post-Construction Standards or may comply with the Humboldt LID Stormwater Manual, Regulated Project Post-Construction Standards in lieu of CGP Post-Construction Standards, if project location falls within the MS4 General Permit areas.</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td><strong>Definition of Impervious Surface:</strong> A surface covering or pavement of a developed parcel of land that prevents the land’s natural ability to absorb and infiltrate rainfall/storm water. Impervious surfaces include, but are not limited to: roof tops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. Landscaped soil and pervious pavement, including pavers with pervious openings and seams, undertlain with pervious soil or pervious storage material, such as a gravel layer sufficient to hold the specified volume of rainfall runoff, are not impervious surfaces.</td>
<td>• Stormwater Information Sheet</td>
</tr>
<tr>
<td><strong>Definition of Land Surface Disturbing Activities:</strong> Any construction or demolition activity, including, but not limited to: clearing of vegetation, grading, grubbing, and disturbance to the ground such as stripping of top soils, soil compaction, excavation, and stockpiling or any other activity that results in a land disturbance that changes the physical condition of land forms, soils, vegetation, and hydrology.</td>
<td>• Stormwater Information Sheet</td>
</tr>
</tbody>
</table>
# STORMWATER INFORMATION SHEET

**Instructions**

Humboldt County Code, Division 3, Title III, Chapter 7, Section 337-13(b) states that development projects shall comply with the post-construction requirements of the MS4 General Permit, which may include measures for site design, source control, runoff reduction, stormwater treatment, or baseline hydromodification management as applicable based on project type and size. Further, Section 337-13(b) states that the County’s procedures, standards and specifications for implementing the post-construction requirements of the MS4 General Permit are contained in the Humboldt Low Impact Development Stormwater Manual. The cities of Eureka, Arcata, Fortuna, and Trinidad also participated in the in the preparation of the Humboldt Low Impact Development Stormwater Manual and have enacted ordinances mandating compliance with the standards and specifications set forth within the Humboldt Low Impact Development Stormwater Manual.

The following checklist is to be completed by you (the applicant) to determine which plans and specifications for stormwater runoff control are required as part of a Building or Development Permit application.

## I. Construction Project Information (Completed by Applicant)

<table>
<thead>
<tr>
<th>Site Location Address</th>
<th>Assessor Parcel Number (APN)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Anticipated Construction Start Date:**

**Estimate Construction Completion Date:**

Circle and/or list all applicable permits directly associated with construction or grading activity, and not limited to the following:

- State Construction General Permit (CGP)
- State 401 Water Quality Certification
- U.S. Army Corps 404 Permit
- CA Fish and Wildlife 1600
- Other (list):

A.) Is the construction site part of larger common plan of development or sale?

- Yes
- No
- Unknown

B.) Name of larger common plan/project (if applicable):

## II. Checklist (Completed by Applicant)

A.) Total area of Land Surface Disturbance: ______ sq. ft. or ______ acres

If project disturbs 1 acre of land surface then provide the State Construction General Permit WDID No.:

B.) Total area of new or replaced impervious surface: ______ sq. ft.

Check Project Type as determined from LID Manual Part 1, Table 1 - Applicable Standards Based on Project Type

<table>
<thead>
<tr>
<th>Project Type</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Exempt</td>
<td>Sign and Certify this form.</td>
</tr>
<tr>
<td>☐ Small Project</td>
<td>Sign and Certify this form. Follow instructions in Part 2 of LID Manual.</td>
</tr>
<tr>
<td>☐ Regulated Project</td>
<td>Sign and Certify this form. Follow instructions in Part 3 of LID Manual.</td>
</tr>
<tr>
<td>☐ Regulated Project with ≥ 1 acre of created or replaced impervious surface</td>
<td>Sign and Certify this form. Follow instructions in Part 3 of LID Manual. After July 1, 2016, contact County or City Department with project jurisdiction for additional requirements.</td>
</tr>
<tr>
<td>☐ Regulated Redevelopment, Roads, or Linear Underground Project</td>
<td>Sign and Certify this form. Requirements vary; contact County or City Department with project jurisdiction.</td>
</tr>
</tbody>
</table>

Stormwater runoff from the project site discharges to (check all that apply):

<table>
<thead>
<tr>
<th>Storm Drain System (including road side ditches and other conveyances)</th>
<th>Directly to waters of the State or U.S. (e.g. river, lake, creek, stream, ocean, bay).</th>
</tr>
</thead>
</table>

Indicate distance from project site to nearest watercourse: ______ ft.

## III. Construction Site Stormwater Pollution Prevention Plan Submittal Requirements (Provided by Applicant)

A. If your project is covered under the State Water Resources Control Board Construction General Permit (CGP), attach a copy of the submitted Stormwater Pollution Prevention Plan (SWPPP) including the Notice of Intent and WDID Number.

B. If a CGP is not required for your project, submit appropriate construction site BMP plans as required by County or City Department with project jurisdiction.

## IV. Certification (Completed by Applicant)

I, the below signed, confirm that I have accurately described my project to the best of my ability, and that I have not purposely omitted any detail affecting my project’s classification for stormwater regulation.

Printed Name:

Signature:

## V. For Official Use Only

<table>
<thead>
<tr>
<th>Permit No.</th>
<th>Submittal Date</th>
<th>Received By</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
This map is intended for planning purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy. All locations are approximate.
This map is intended for planning purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy. All locations are approximate.
Areas within Trinidad City Limits are subject to Stormwater and LID requirements.
PART 2

Small Projects
Stormwater Control Plan (SCP) for Small Projects/Single-Family Homes

Introduction
In accordance with the California State Water Resources Control Board Phase II NPDES Permit for Small Municipal Separate Storm Sewer Systems (MS4 General Permit), projects on properties within the boundaries of the County of Humboldt and the Cities of Arcata, Eureka, Fortuna and Trinidad subject to the MS4 General Permit that create or replace 2,500 square feet or more* of impervious surface (e.g. roofs or pavement) must incorporate specified Site Design Measures to reduce stormwater runoff.

*Projects that create or replace 5,000 square feet or more of impervious surface require a comprehensive Stormwater Control Plan for Regulated Projects, except for detached single-family homes that are not part of a larger common plan of development.

It is fairly easy to achieve compliance with the stormwater requirements for small projects and single family homes. Compliance for each project must be carefully documented. Please complete the following form and submit it as directed by City or County staff as applicable.

Step-by-Step Instructions
The steps are:
1. Fill out the Project Data (below).
2. Select a minimum of one Site Design Measure.
3. Calculate runoff reduction using the Small Projects Calculator (Attachment 1).
4. Prepare a site plan or sketch. Specify and design the runoff reduction measures you will use to meet the stated minimum requirements
5. Sign and Submit your SCP

Step 1: Project Data

<table>
<thead>
<tr>
<th>Project Name:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Site Address:</td>
</tr>
<tr>
<td>Assessor’s Parcel Number:</td>
</tr>
<tr>
<td>Project Applicant:</td>
</tr>
<tr>
<td>Mailing Address:</td>
</tr>
<tr>
<td>Phone:</td>
</tr>
<tr>
<td>Email:</td>
</tr>
</tbody>
</table>

Name, email and address of project consultant, if any (e.g., engineer, architect, designer):

| Name: |
| Firm: |
| Address: |
| Phone: |
| Email: |

Type of Application/Project:
What type of application is this checklist accompanying?

- [ ] Grading Permit
- [ ] Use Permit
- [ ] Building Permit
- [ ] Design Review
- [ ] Other (please specify)

Project Type and Description:

Total Pre-Project Impervious Surface Area (square feet)

Total New or Replaced Impervious Surface Area (square feet)
[Sum of impervious area that will be constructed as part of the project]

Total Post-Project Impervious Surface Area (square feet)
Step 2: Select a minimum of one Site Design Measure

**Site Design Measures** (Select a minimum of one)

The following design strategies should also be considered for all projects as applicable:

- Minimize compaction of highly permeable soils
- Limit clearing and grading of native vegetation at the site to the minimum area needed to build the project, allow access, and provide fire protection
- Minimize impervious surfaces by concentrating development on the least-sensitive portions of the site, while leaving the remaining land in a natural undisturbed state

- 1. Tree Planting and Preservation
- 2. Rain Barrels or Cisterns
- 3. Impervious Area Disconnection
- 4. Soil Quality Improvement
- 5. Green Roof
- 6. Porous Pavement
- 7. Vegetated Swales
- 8. Stream Setbacks and Buffers

Step 3: Calculate runoff reduction using small projects calculator

Use Small Projects Calculator - Humboldt LID Stormwater Manual (Attachment 1)

Step 4: Delineate impervious areas and locations of runoff reduction measures

Delineate the impervious area. On a site plan or sketch, show the impervious area (e.g. a roof, or portion of a roof, or a paved area) that will drain to your Site Design Measure such as Rain Barrels or Cisterns, Impervious Area Disconnection, Soil Quality Improvement, Porous Pavement, Vegetated Swales, and Stream Setbacks and Buffers. Typically these delineations follow roof ridge lines or grade breaks. Alternatively or in addition, show the type and extent of Site Design Measures such as Porous Pavement, Tree Planting and Preservation, Green Roof, or Soil Quality Improvement. An example sketch is included as Attachment 2.

Confirm your design and submittal meet minimum requirements and specifications indicated on the Site Design Measure Sheets included in Attachment 3. Include a copy of the Site Design Measure Sheet or equivalent with your submittal.

Step 5: Sign and submit your plan

Consult with City of County department staff as applicable about when and how to submit your Stormwater Control Plan.

**Signature and Certification**

I, the below signed, confirm that I have accurately described my project to the best of my ability, and that I have not purposely omitted any detail affecting my project’s classification for storm water regulation. I hereby certify that the site design measures identified herein as being incorporated into my project have been designed in accordance with the approved BMP Fact Sheet or equivalent, which is attached to this checklist, and is included in the final site plans submitted to the appropriate County of City Department.

---

Signature ___________________________ Date ____________

Print Name ____________________________

I am the:

Attachments:

Part 2, Page 2 of 2
<table>
<thead>
<tr>
<th>Project Information</th>
<th>Formulas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Post-Project Impervious Surface Area (square feet)</td>
<td>$\text{A}^\text{square feet}$</td>
</tr>
<tr>
<td>24 hour - 85th Percentile Design Storm</td>
<td>$\text{B}^\text{inch}$</td>
</tr>
<tr>
<td>Impervious Surface Runoff Value (Potential Stormwater Runoff due to impervious surface area and design storm value)</td>
<td>$\text{C}^\text{Gallons per 24 hours}$</td>
</tr>
</tbody>
</table>

$$\text{C} = \text{A} \times \text{B} \times 0.083 \times 7.48$$

- **Site Design Measures (Credits)**

- **Tree Planting and Preservation**
  - New Trees
    - # of trees $\text{D}^\text{square feet}$: $\text{E} = \text{D} \times 100$
    - 200 square feet per deciduous tree $\text{F}^\text{square feet}$: $\text{G} = \text{F} \times 200$

- **Existing Trees (Credit for 50% of existing canopy area)**
  - Canopy diameter (feet)
    - Tree #1 $\text{H}_1$, $\text{J}_1$ $\text{square feet}$: $\text{J}_1 = 3.14 \times (\text{H}_1/2)^2 \times 0.50$
    - Tree #2 $\text{H}_2$, $\text{J}_2$ $\text{square feet}$: $\text{J}_2 = 3.14 \times (\text{H}_2/2)^2 \times 0.50$
    - Tree #3 $\text{H}_3$, $\text{J}_3$ $\text{square feet}$: $\text{J}_3 = 3.14 \times (\text{H}_3/2)^2 \times 0.50$

- **Rain Barrel or Cisterns (55 gallon minimum)**
  - Square foot credit per gallon based on 24-hour, 85th Percentile Design Storm $\text{K} = 2.5$

- **Impervious Area Disconnection**
  - Credit per square foot of pervious receiving area $\text{Q}^\text{square feet}$: $\text{Q} = \text{E} \times \text{K}$

- **Soil Quality Improvement**
  - Credit per square foot of soil quality improvement $\text{R}^\text{square feet}$: $\text{R} = \text{Enter square foot value}$

- **Green Roof**
  - Credit per square foot of green roof installation $\text{S}^\text{square feet}$: $\text{S} = \text{Enter square foot value}$

- **Porous Pavement**
  - Credit per square foot of porous pavement or pavers $\text{T}^\text{square feet}$: $\text{T} = \text{Enter square foot value}$

- **Vegetated Swales**
  - Credit per square foot of vegetated swale $\text{U}^\text{square feet}$: $\text{U} = \text{Enter square foot value}$

- **Stream Setbacks and Buffers**
  - Credit per square foot of stream setback and buffer $\text{V}^\text{square feet}$: $\text{V} = \text{Enter square foot value}$

- **Credits Total**
  - $\text{W}^\text{square feet}$: $\text{W} = \text{E} + \text{G} + \text{J}_1 + \text{J}_2 + \text{J}_3 + \text{M} + \text{P} + \text{Q} + \text{R} + \text{S} + \text{T} + \text{U} + \text{V}$

- **Post-Project Impervious Surface Area minus Site Design Measure Credits**
  - $\text{X}^\text{square feet}$: $\text{X} = \text{A} - \text{W}$

- **NEW Impervious Surface Runoff Value (Potential Stormwater Runoff after implementation of Site Design Measures)**
  - $\text{Y}^\text{Gallons per 24 hours}$: $\text{Y} = \text{X} \times \text{B} \times 0.083 \times 7.48$

- **Percent reduction in Impervious Surface Runoff Value**
  - $\%$: $\text{Z} = ((\text{C} - \text{Y}) \times 100)$

**Conversions Used:**
- 1 inch = 0.083 feet
- 1 cubic foot = 7.48 gallons

# check with agency with project area jurisdiction for requirements
Example Sketch

The example below illustrates a Small Project site plan/sketch and the level of detail required.

Not to Scale
Stream Setbacks and Buffers

Description
A stream setback or buffer is an area along a shoreline, wetland, or stream where development is restricted or prohibited. The primary function of setbacks and buffers is to physically protect and separate a stream, lake or wetland from future disturbance or encroachment. If properly designed, setbacks and buffers can provide stormwater management and act as a right-of-way during floods, sustaining the integrity of stream ecosystems and habitats.

Technique
Stream setbacks and buffers should be considered as part of the initial phases of site design for the project. Provisions should be made to place impervious developments and areas to be impacted or disturbed furthest from the aquatic feature, with a zone of natural, undisturbed vegetation remaining between the stream and the areas impacted by development.

Contact County of City Department with project jurisdiction for stream setback and buffer requirements and design criteria.

Runoff reduction credits can be applied for the area of stream setback and buffer. The runoff reduction credits (square feet) will be equal to the area of stream setback and buffer. A minimum area of 150 square feet or more of stream setback and buffer must apply to use this credit.
Soil Quality Improvement and Maintenance

In areas subject to grading/clearing not covered by impervious surface, create/amend pervious areas with a 12” layer of topsoil. Soil quality improvement options include the following:

Option 1: Leave native vegetation and soil undisturbed and protect from compaction during construction
Identify areas of the site that will not be stripped, logged, graded, or driven on, and fence off those areas to prevent impacts during construction. If neither soils nor vegetation are disturbed, these areas do not require amendment.

Option 2: Amend existing site topsoil or subsoil
Scarify or till subgrade to 8 inch depth (or to depth needed to achieve a total depth of 12 inches of un-compacted soil after calculated amount of amendment is added). Entire surface should be disturbed by scarification. Amend soil to meet desired organic content.

Option 3: Stockpile existing topsoil during grading. Replace topsoil before planting.
Stockpile and cover soil with weed barrier material that sheds moisture yet allows air transmission. Replace stockpiled topsoil prior to planting and ensure that replaced soil plus additional compost as needed will amount to at least 12 inches of depth.

Compost/amendment shall be mature, stable, weed free, and produced by aerobic decomposition of organic matter.

Runoff reduction credits can be applied for the area of soil quality improvement. The runoff reduction credits (square feet) will be equal to the area of soil quality improvement. A minimum area of 150 square feet of soil quality improvement area must apply to use this credit.
Tree Planting and Preservation

Description
Trees intercept rain water on their leaves and branches, allowing water to evaporate or run down the branches and trunk where it readily infiltrates into the soil. Tree roots also increase infiltration of the soil.

Technique
The following tree credits can apply:
- New deciduous trees provide a tributary area reduction credit of 100 ft²
- New evergreen trees provide a tributary area reduction credit of 200 ft²
- Existing trees provide a credit equal to half of the existing tree canopy area. Existing trees must be adequately protected during construction

At a minimum inspection and maintenance shall include the following:
- Annual inspection prior to the rainy season.
- Annual proper watering and application of mulch.
- Routine pruning and weeding as needed.
- Replacement of trees as needed.

Runoff reduction credits can be applied for newly planted or preserved trees. A minimum of two deciduous trees or one evergreen tree must be planted to use this credit, such that a minimum of 200 square feet of runoff reduction credit is achieved for newly planted trees. At time of planting, newly planted trees must have a trunk measuring at least 1-inch in diameter, 6-inches above the soil line and be at least 6-feet tall for deciduous trees and 4-feet tall for evergreen trees. Additionally, to use the runoff reduction credit for existing trees, the canopy area must be equal to, or greater than 300 square feet of existing tree canopy, such that a minimum of 150 square feet (50% credit for existing canopy) of runoff reduction credit is achieved for existing trees.
Rooftop and Impervious Area Disconnection

Description
Disconnection of rooftop and impervious areas from the storm drain system helps reduce runoff and provide pollutant removal as the redirected water travels over and through vegetation and soil instead of being directly piped and discharged into the storm drain. Roof runoff is directed to spread over a pervious areas such as a stream setback and buffers, areas of soil quality improvement, or other appropriate infiltration areas.

The following are examples of ways to implement rooftop disconnection:

Splash Block
Splash blocks reduce the velocity and impact of water exiting the roof downspout and direct water to a pervious area.

Pop-up Drainage Emitter
Pop-up drainage emitters are useful in conveying storm water from roof downspouts into vegetated areas. Roof runoff is piped then released through a capped device that opens with water pressure, allowing the storm water to flow out of the emitter and into the vegetated area.

Technique

On Site Plan Show:
• Delineate the impervious tributary area draining to the pervious area
• Show how the runoff will be directed to the pervious area

Confirm that the following specifications will be met:
• Tributary area (impervious area) does not exceed more than twice the pervious area
• Roof areas collect runoff and route to the suitable pervious area
• Paved areas are sloped to direct runoff to suitable pervious area
• Runoff is dispersed across the pervious area (splash block or pop-up emitter)
• Pervious area has vegetation and soils meeting the requirements of stream setbacks and buffers or areas of soil quality improvement and maintenance

Runoff reduction credits can be applied for the area of rooftop and impervious area disconnection. The runoff reduction credits (square feet) will be equal to the area of rooftop and impervious area disconnection and should not exceed more than twice the pervious area receiving runoff. A minimum area of 150 square feet of impervious surface tributary area must apply to use this credit.
Porous Pavement

Description
This option can be easy to install and maintain, cost effective, and can add aesthetic value to your project. Permeable pavements may include pervious concrete, pervious asphalt, porous pavers, crushed aggregate, open pavers with grass or plantings, open pavers with gravel, or solid pavers.

Show on your site plan:
• Location, extent and types of pervious pavements.

Confirm the following standard specifications are met:
• No erodible areas drain on to permeable pavement.
• Subgrade compaction is minimal.
• Reservoir base course is of open-graded crushed stone. Base depth is adequate to retain rainfall (3 inches is adequate) and support design loads (more depth may be required).
• No subdrain is included or, if a subdrain is included, outlet elevation is a minimum of 3 inches above bottom of base course.
• Subgrade is uniform and slopes are not so steep that subgrade is prone to erosion.
• Rigid edge is provided to retain granular pavements and unit pavers.
• Solid unit pavers, if used, are set in sand or gravel with minimum 3/8 inch gaps between the pavers.
• Joints are filled with an open-graded aggregate free of fines.
• Permeable concrete or porous asphalt, if used, are installed by industry-certified professionals according to the vendor’s recommendations.
• Selection and location of pavements incorporates Americans with Disabilities Act requirements (if applicable), site aesthetics, and uses.

Runoff reduction credits can be applied for area of installed porous pavement. A minimum area of 150 square feet of pervious pavement must be installed to use this credit.

Site Design Measure Sheets
Green Roofs

Description
A green roof is a multi-layered, vegetated rooftop system design for filtering, absorbing, and retaining stormwater. A green roof captures stormwater within the pore space of the growth medium and then releases the water slowly via evaporation, transpiration, and discharge to the roof drains.

Technique
Green roof installation should be considered during building design, as green roofs require special structural reinforcements, irrigation provisions, and leak protection elements. Involve the landscape architect, licensed structural engineer, and mechanical engineer early in the design process with the project architect, since architectural roof style, roof structural requirements, building heating/cooling needs, vegetation selection, and irrigation needs go hand in hand.

Routine inspection of the roof membrane, drainage layer flow paths, and irrigation system is needed. Periodic maintenance and replacement of rooftop vegetation and growth media should be expected during the lifespan of the green roof.

Runoff reduction credits can be applied for area of installed green roof. A minimum area of 150 square feet of green roof must be installed to use this credit.
Vegetated Swales

Description
A vegetated swale is a broad, shallow channel with dense vegetation covering the bottom and side slopes. Vegetation in the channel provides filtration and solids removal and reduces flow velocities as stormwater is conveyed through the system. Depending on soil type, some infiltration may also occur, decreasing runoff volume and providing additional filtration.

Technique
Vegetated swales are suitable for the following conditions:
- Areas with a maximum slope of 5%
- Areas wide enough to provide a bottom width between 2 ft and 10 ft
- Areas wide enough to provide a 3:1 side slope
- Areas long enough to provide at least 100 feet of swale length

Flow depth should be limited to 4 to 6 inches with a maximum velocity of 1 foot per second for water quality treatment. Under higher flow conditions, the maximum velocity should be 3 feet per second to avoid erosion. Swale should discharge to a piped system or can function as a confined channel if sized large enough to do so. If the swale discharges to a slope rather than to a piped system, an energy dissipater should be used at the swale outlet.

Runoff reduction credits can be applied for area of installed vegetated swale. A minimum area of 150 square feet of vegetated swale must be installed to use this credit.
Rain Barrels and Cisterns

Rain Barrels and Cisterns are a system that collects and stores storm water runoff from a roof or other impervious surface. These typically have overflow mechanisms or plugs that drain to a vegetated area or to the storm drain system when the barrel is full.

Use of Rain Barrels and Cisterns must comply with local vector control requirements.

Show the following on your site plan:

- Impervious area tributary to each Rain Barrel / Cistern
- Location of each Rain Barrel/Cistern

Confirm the Following Standard Specifications have been met:

- Rain Barrels are sited at grade on a sound and level surface at or near the ground.
- Gutters tributary to the Rain Barrels/Cistern are screened with a leaf guard or maximum ½-inch to ¼ inch minimum corrosion resistant metallic hardware fabric.
- Water collected will be used for irrigation purposes only.
- Openings are screened with a corrosion-resistant metallic fine mesh (1/16 inch or smaller) to prevent mosquito harborage.
- Large openings are secured to prevent entry by children.
- Rain Barrels and Cistern are cleaned annually.

Runoff reduction credits can be applied for rain barrels or cisterns installed. A minimum rain barrel or cistern capacity of 55 gallons must be installed to use this credit.
PART 3

Regulated Projects
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* Determination of applicable project stormwater management requirements and plan review in accordance with this manual will be handled by the applicable City or County departments with project area jurisdiction. Because this manual was developed with the intent of providing a regionally consistent approach to post-construction stormwater management throughout the Humboldt County North Coast Area, the application process and plan review process will vary depending on project location. Questions regarding this manual and the submittal process should be directed to the applicable City or County departments processing the building, development, or land use permits associated with your project.
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1.0 INTRODUCTION AND APPLICABILITY

“Urban-related stormwater has been identified as the source of impairment for tens of thousands of miles of rivers, streams, and coastal shorelines, as well as hundreds of thousands of acres of lakes, reservoirs and ponds in the United States. These impairments are largely due to the expansion of the built environment, which removes vegetation, alters the natural infiltration capability of the land, generates the discharge of pollutants, and leads to stream erosion.” (EPA 833-R14-003, pg. 1, 2014)

According to the State Water Resource Control Board (SWRCB), “Nonpoint source (NPS) pollution, also known as polluted runoff, is the leading cause of water quality impairments in California and in the nation.” (SWRCB 2000)

In the U.S. approximately 75% of the population resides in urban areas. This is a dramatic shift from the early twentieth century where a majority of the population lived in rural settings. This shift has resulted in a significant increase in impervious or developed surfaces. “The creation of impervious surfaces that accompanies urbanization profoundly affects how water moves both above and below ground during and following storm events, the quality of that stormwater, and the ultimate condition of nearby rivers, lakes, and estuaries.” (National Research Council, pg. 1, 2008)

Stormwater runoff that is not infiltrated directly into the soil and that lands on developed surfaces accumulates pollutants such as automotive fluids, cleaning solvents, toxic or hazardous chemicals, detergents, metals, bacteria, pesticides, oil and grease, food wastes, and other pollutants found on these surfaces. In urban environments, this polluted runoff eventually finds its way to surface water bodies, such as rivers, streams, lakes, bays, or the ocean. Polluted stormwater entering these waters is a significant concern to human health as well as a threat to plants and wildlife that inhabit these environments.

The National Pollutant Discharge Elimination System (NPDES) program under the Clean Water Act (CWA) is the main federal vehicle to regulate the quality of the nation’s waters. The County of Humboldt and the Cities of Arcata, Eureka, Fortuna, and Trinidad have prepared this Low Impact Development Stormwater Manual (LID Manual) to comply with the requirements of the Phase II Small MS4 General Permit, SWRCB Water Quality Order No. 2013-0001-DWQ, National Pollution Discharge Elimination System General Permit No. CAS0000004 (MS4 General Permit). The LID Manual provides guidance for the implementation of stormwater quality control measures in new development and redevelopment projects in MS4 General Permit areas of the County of Humboldt and the Cities of Arcata, Eureka, Fortuna, and Trinidad with the intention of improving water quality and mitigating potential water quality impacts from stormwater and non-stormwater discharges.

1.1 Background on Stormwater Regulations

Local stormwater regulations originate from federal regulations that began in 1987, when the Clean Water Act, originally passed in 1972, was amended by the Water Quality Act to formally include stormwater runoff. Congress subsequently authorized the National Pollution Discharge Elimination System (NPDES) program, authorizing the United States Environmental Protection Agency (EPA) to issue stormwater permits to municipalities regulating stormwater discharges. This authority was then delegated from the EPA to the California State and local Regional Water Quality Control Boards.
In 2003 the State Water Resources Control Board (SWRCB) established standards for local governing agencies
to implement a number of programs to prevent pollution, improve and protect stormwater quality, reduce
stormwater runoff, and enhance the ecological function of local waterways, in areas served by small
Municipal Separate Storm Sewer Systems aka MS4s. The MS4 General Permit, requires local governing
agencies, such as the County of Humboldt and Cities of Arcata, Eureka, Fortuna, and Trinidad, to regulate
stormwater runoff from new developments projects. In February 2013, the SWRCB renewed and revised the
MS4 General Permit. The North Coast Regional Water Quality Control Board (NCRWQCB) is responsible for
enforcing the MS4 General Permit in Humboldt County.

1.2 Purpose of This Manual

The purpose of this manual is to provide technical guidance for project applicants whose project requires
conformance with Section E.12 of the MS4 General Permit. The target audience for this manual includes
developers, designers, contractors, homeowners, and staff of County and City departments engaged in
plan-checking, permitting, and inspections related to land development activities. This manual contains the
necessary forms and worksheets required to be completed by the developer for project approval and long
term maintenance.

This manual includes the following information:

- Basic information on the Phase II Small MS4 General Permit and its objectives
- Assistance with determining whether a project is subject to the Phase II Small MS4 General Permit
  regulations
- Simple ways to reduce the volume of stormwater runoff from a project site using Site Design Measures
- Methods to reduce stormwater contamination from operations on a project site using Source Control
  Measures
- An introduction to Low Impact Development (LID) and resources to assist with site design
  incorporating LID – Stormwater Control Plan
- Explanation of a project applicant’s responsibility for the operations and maintenance of
  bioretention features – O&M

During the project planning process, read this manual to understand the principals and design procedures
before beginning to design your project. Then follow the steps on the appropriate worksheets create a
stormwater management plan for your project.

As this manual is a “living” document, updates may be made as local, regional, state, or federal policies or
their applications change.
1.3 Relationship of Manual to Local Stormwater Ordinance

This manual provides guidance and requirements for post-construction measures on projects within the MS4 General Permit areas of Humboldt County. Humboldt County Code, Division 3, Title III, Chapter 7, Section 337-13(b) states that development projects shall comply with the post-construction requirements of the MS4 General Permit, which may include measures for site design, source control, runoff reduction, stormwater treatment, or baseline hydromodification management as applicable based on project type and size. Further, Section 337-13(b) states that the County’s procedures, standards and specifications for implementing the post-construction requirements of the MS4 General Permit are contained in the Humboldt Low Impact Development Stormwater Manual. Likewise, participating cities (Eureka, Arcata, Fortuna, Trinidad) in the preparation of this manual have enacted ordinances mandating compliance with the standards set forth herein.

1.4 Effective Date

The requirements described herein apply to all development project applications (Building Permits, Coastal Development Permits, Use Permits, Variances, and Minor Subdivision Permits) that are submitted after June 30, 2015, to County of Humboldt or Cities of Arcata, Eureka, Fortuna, or Trinidad PBS departments with project location jurisdiction. Applications that have been submitted and deemed complete before June 30, 2015 will not be subject to E.12 of the MS4 General Permit. Applications that have been submitted prior to June 30, 2015 but have been deemed incomplete will not be required to be resubmitted to comply with the MS4 General Permit unless the application is not completed by December 30, 2015. If the application is not completed by December 30, 2015, resubmission will be mandatory to meet the E.12 MS4 General Permit requirements.

1.5 Geographic Area

The requirements and standards described in this manual apply to development projects on properties within the boundaries of the County of Humboldt and the Cities of Arcata, Eureka, Fortuna and Trinidad subject to the MS4 General Permit. Maps depicting areas that are subject to the MS4 General Permit and the LID requirements in this manual are provided in Part 1. Maps showing properties within the boundaries subject to the MS4 General Permit requirements may also be obtained from County of Humboldt or Cities of Arcata, Eureka, Fortuna, or Trinidad PBS departments with project location jurisdiction.

1.6 What is Low Impact Development (LID)?

Low impact development, or LID, is a stormwater management practice that aims to capture, treat, and infiltrate stormwater runoff in a way that mimics pre-project site hydrology. This is accomplished through the incorporation of small-scale landscape-based features throughout a project site. Small landscape features intercept stormwater runoff and meter its flow to reduce the detrimental effects of increased peak flows. LID captures runoff, promotes natural infiltration, and processes pollutants through natural biological activity in soil rendering some pollutants less toxic.

Examples of LID include planting trees to intercept rainfall before it meets impermeable developed surfaces; rain barrels at the end of roof gutters to catch water and store for irrigation or release into vegetated areas, vegetated buffer strips to filter surface runoff before it flows to storm drain systems or surface waters, and bioretention facilities to promote natural filtration of stormwater runoff through surface vegetation and soil infiltration. Specific LID features will be discussed in more detail in following sections of this manual.
1.7 Project Scale

The requirements for stormwater management are determined by the type and scale of the project. The requirements and specifications for implementation of post-construction storm water measures found in this section of the Humboldt LID Stormwater Manual are for Regulated Projects; Regulated Redevelopment, Roads, and Linear Underground Projects; or Regulated Projects with \( \geq 1 \) acre of created or replaced impervious surface. Use the guidelines in Humboldt LID Stormwater Manual – Part 1 to ensure you have correctly determined the applicable project type and required submittals for your project. Consult the PBS department with project area jurisdiction for questions or assistance with determining project type.

2.0 Steps to Compliance

Depending on the type of project and the area of impervious surface being created or replaced, varying levels of regulation and design requirements will apply. Stormwater facilities should be integrated into the project design at the earliest stage of project development.

At the earliest stage, consider who will be responsible for bioretention facility operation and maintenance. In a residential subdivision these considerations will help facilitate a design that meets compliance and that reduces cost associated with constraints that may occur after a subdivision has already been laid out.

To aide in complying, these key steps should be taken:

1. Pre-application meeting with a PBS department staff with project location jurisdiction is recommended for regulated projects;
2. Follow this manual and use the worksheets to compile site information;
3. Draft a SCP using the worksheets and template in this manual;
4. Draft a Stormwater Facilities Operation and Maintenance Plan (bioretention facilities, if required);
5. Provide detailed project designs;
6. Carry out construction;
7. Transfer Maintenance Responsibility upon transfer of site (bioretention facilities, if required).

2.1 Pre-application Meeting

A pre-application meeting or consultation with the PBS department with project location jurisdiction is recommended during the early planning stages of your project. This can be helpful in fully understanding the stormwater requirements and the necessary information needed for project submittal. Please make arrangements with a PBS department staff as applicable to your project location.

2.2 Follow this Manual

Use this manual to understand the principles and the design procedures prior to planning your project. Use Section 3. Regulated Projects Stormwater Control Plan to assist in site layout.
2.3 Stormwater Control Plan

Preparation of the Stormwater Control Plan (SCP), which is submitted with your project application, will be used for the approval process. Be sure all appropriately sized bioretention facilities (if required) are explained in the SCP and are delineated on the site map, landscape design plans, and architectural designs.

2.4 Operation and Maintenance Plan (bioretention facilities, if required)

During the planning phases an Operation and Maintenance Plan should be drafted for the bioretention facilities for the project, if required. The plan should include: a maintenance schedule, costs associated with maintenance, design life and replacement cost, recordkeeping of performed maintenance, and a legally binding agreement that identifies the responsible party for maintaining the facilities.

2.5 Detailed Project Design

Incorporate site design measures and treatment facilities into project construction documents. The site design and landscape design must show complete integration of bioretention facilities (if required) and other stormwater features into the overall design.

Some typical design elements can include transitions and edges that allow runoff to flow from sidewalks and paved areas to pervious area and self-retaining areas. The submitted construction documents (stamped plans) should include the Regulated Project SCP checklist to assist the plan-checker with the review process (Appendix 1).

2.6 Construct the Project

Construction of bioretention facilities (if required) according to the guidelines in this manual should help avoid future problems. These items need to be considered during the construction phase:

- Construction BMPs
- Avoid soil compaction.
- Follow design elevations.
- Grade parking lots, driveways, streets to promote evenly distributed sheet flow into bioretention facilities.
- Preserve native vegetation to aid in retention and filtration of stormwater.
- Set overflow inlets at the proper elevation so the surface of the bioretention facility floods as intended.
- Follow prescribed inspection schedule to identify and repair any malfunctioning or inadequately designed facilities.
2.7 **Transfer Maintenance Responsibility (bioretention facilities, if required)**

Transfer the maintenance responsibility of bioretention facilities (if required) to the owner or operator of the project who will maintain the project in perpetuity.

### 3.0 Regulated Projects SCP

Stormwater infrastructure and design must be integrated into the planning, design, construction, and operation and maintenance of a project in its earliest stages. All regulated projects will be required to produce a Stormwater Control Plan (SCP). The steps of the SCP include a site assessment, delineation of Drainage Management areas and a calculation quantifying the reduction in stormwater runoff by using Site Design Measures.

Follow the steps below to complete your SCP:

1. Project Information
2. Opportunities and Constraints
3. Conceptual Site Design
4. Calculations and Documentation
5. Source Controls
6. Maintenance

Appendix 1 contains the SCP that should be used for Regulated Projects.

### 3.1 Project Information

Enter the project information into the SCP. The needed information includes:

- Project location
- Contact information
- Project Type and Description
- Existing project site impervious surface area (square feet)
- Total new or replaced impervious surface areas (square feet)
- Total post-project impervious surface area (square feet)
3.2 Opportunities and Constraints

Prepare a narrative within the SCP that describes opportunities and constraints. Opportunities include: low areas, oddly configured or unbuildable areas, setbacks, easements, or buffers (which may be used to accommodate bioretention facilities, if required). Constraints include: soils with low permeability, high groundwater, groundwater pollution or contaminated soils, steep slopes, geotechnical instability, high intensity land use, heavy pedestrian or vehicle traffic, or safety concerns.

3.3 Conceptual Site Design

Optimizing the site layout can be achieved by applying the following design principles:

- Define the development envelope and protected areas, identifying areas that are most suitable for development and areas to be left undisturbed.
- Concentrate development on portions of the site with less permeable soils and preserve areas that can promote infiltration.
- Limit overall impervious coverage of the site from paving and roofs. Design compact, taller structures, narrower and shorter streets and sidewalks, smaller parking lots, and indoor or underground parking (consult with applicable PBS department staff for requirements specific to project location).
- Set back development from creek, wetlands, and riparian habitats, to maximize vegetative buffer widths and meet requirements set-forth by other requirements.
- Preserve significant trees.
- Utilize and conform to site-specific topography when laying out a site design.
- Avoid excessive grading and disturbance of vegetation and soils.
- Replicate the site’s natural drainage patterns.
- Detain and retain runoff throughout the site, direct runoff to lawns or landscaping.
  - Limit the ratio of impervious to pervious area to 3.5:1 if possible,
  - Pervious areas must be relatively flat and the surface should be graded to a slightly concave surface to create a “self-retaining” area;
  - Route runoff to a bioretention facility (if required). The facility should have a surface area of at least 4% of the tributary impervious area.

3.3.1 Tips for Conceptual Drainage Design

- Use an underdrain in bioretention facility (if required) when sited in clay soils. Bioretention facilities require about three to four feet of head from inlet to under drain outlet.
- On flat sites intersperse self-retaining areas with bioretention facilities (if required).
- On sloped sites it may be advantageous to use traditional measures to pipe stormwater from impervious areas to bioretention facilities to prevent erosion of the slopes.
- Use head from the downspouts by connecting leaders all the way to landscaping or bioretention facilities. Utilize drainage bubblers to disperse piped water to pervious and self-retaining areas.
3.3.2 Siting Bioretention Facilities

Bioretention facilities (if required) should be easily accessible for inspection and maintenance. Inlets and outlet structures of the facilities should be placed in areas that permit easy access for inspections and maintenance. The shape of the facility is very flexible, which should make accessibility attainable.

In commercial, mixed-use and multi-family developments facilities can be located in parking medians, parking islands, street set-backs, side and rear setbacks, and other landscaped areas. In highly urbanized areas where pervious space is limited or non-existent bioretention facilities may take the form of flow-through-planters. Additionally, tree-box-type biofilters and in-vault media filters may be approved (on a case by case basis) if they meet the alternatives criteria found below.

In residential subdivisions, a common technique used in placing bioretention facilities is to drain stormwater to the street and then from the street to a larger bioretention facility located on a common property that can double as a recreation area.

3.3.3 Alternatives to Bioretention Facilities (if required)

The Bioretention facility design described in this manual, is relatively easy to maintain, aesthetically pleasing, attenuates peak flow, and is effective at removing pollutants. However, if an alternative to the described bioretention facility is desired than the proposed facility must meet the following criteria, found in section E.12.e (ii)(g) of the MS4 General Permit:

- Equal or greater amount of runoff infiltrated or evapotranspired
- Equal or lower pollutant concentrations discharged from the proposed alternative
- Equal or greater protection against shock loading and non-stormwater spills
- Equal or better accessibility for maintenance and inspection

3.4 Calculations and Documentation

The SCP is the primary document that the plan checker will use to determine if you have met the necessary requirements for the MS4 General Permit. Choosing the site design measures and quantifying the runoff reduction is a major step to compliance with the MS4 General Permit requirements. However, prior to selecting site design measures and quantifying the reduction, a site assessment which will identify Drainage Management Areas (DMAs) must be completed. DMAs are areas, both impervious and pervious, that divide a project site into small drainage units, each unit draining to a common point. Knowing the size of each DMA will allow for easy quantification of runoff reduction using the recommended site design measures and for sizing bioretention facilities as applicable.

A site map must be included with the SCP. This map should show the location and name of pertinent features so that it can be easily cross-referenced in the SCP. In Section 4 Documenting Your Design, a detailed outline is presented for the construction of your SCP.
3.5 Bioretention Design Criteria

The Design standards for bioretention facilities are listed in Section 4 and Appendix 3. These standards will aid in project design and sizing of the facilities. The criteria that apply to your stormwater facility should be discussed in the SCP.

3.6 Source Controls

Regulated projects with pollutant-generating activities and sources are required to implement standard permanent and/or operation source control measures, as applicable, in addition to the basic requirements for a Regulated Project.

Measures to address potential pollutants shall be designed consistent with the recommendations from the California Stormwater Quality Association (CASQA) Stormwater BMP Handbook for New Development and Redevelopment, or equivalent manual. The applicable BMP fact sheets from the CASQA handbook are located in Appendix 6 and should accompany the SCP.

A Stormwater Pollutant Sources/Source Controls Checklist designed to assist project applicants in identifying which pollutant-generating activities and sources are part of their project, and offers guidance on BMP selection, is found in Appendix 6. The applicable BMPs must be included in the final project design plans submitted to the applicable PBS department and must be included in the SCP worksheet with a brief narrative describing how they will be implemented. Include the CASQA BMP sheets for the Source Control BMPs that will be used within the project.

3.7 Maintenance (Bioretention Facilities, if required)

In your SCP, specify the means by which maintenance of your bioretention facilities (if required) will be financed and implemented in perpetuity. The Operation and Maintenance (O & M) Plan must accompany the SCP. The O & M Plan should include the following sections: BMP Maintenance Agreement, documentation of the Responsible individual for the operation and maintenance, and a schedule for maintenance of the facility (see Appendix 5 for O&M Plan Checklist and Certification template).

3.7.1 Maintenance Agreement

A formal, signed maintenance agreement for bioretention facilities shall be executed between the property owner and the County of Humboldt or Cities of Arcata, Eureka, Fortuna, and Trinidad as applicable to project location. The maintenance agreement will be recorded among the deed records at the County Recorder’s Office so that the agreement will be attached to the title of the land and follow future property ownership transfer.

Upon conveyance of the deed during property transfer, the person acquiring the property must agree to maintain the private on-site bioretention facilities for the entire duration for which the property is owned. A copy of the BMP maintenance agreement shall be included in any sales and/or lease agreements involving the property.
3.7.2 On-Going Operation and Maintenance

Bioretention facilities must be routinely inspected and maintained by the property owner in order to avoid operational issues. As the functionality of bioretention facilities can have an effect on the functionality of other facilities in the area, continual operation of the bioretention facilities to the level at which they were designed is necessary.

In the event that appropriate maintenance is not carried out and operation of the bioretention facility is compromised, the property owner shall allow County or City staff or their designees the option to enter the property to inspect the affected bioretention facilities and make suggestions on how to restore the facility back into good working order. All expenditures associated with bioretention facility restoration, in addition to any imposed fines or penalties, shall be the responsibility of the property owner, as described in the Maintenance Agreement.

3.7.3 Maintenance Record Keeping

Bioretention facility inspection and maintenance records must be kept by property owners for a period of at least five years, and shall be made available upon request by the County or City as applicable. These records shall include copies of completed inspection reports and maintenance checklists to document any inspection and maintenance activities that have been conducted within a five year period. Any corrective actions, repairs, or replacements shall also be documented and kept with the inspection and maintenance records for a minimum of five years.

4.0 DOCUMENTING YOUR DESIGN

The following procedures are to assist in designing and documenting the LID measures used on projects.

The procedures involve delineating Drainage Management Areas (DMAs), Identifying DMA types and runoff factors, selecting the layout of bioretention facilities, and calculating the size of bioretention facilities.

4.1 Delineating DMAs

For the purposes of this manual and compliance with the MS4 permit, a drainage management area, or DMA, is the entire area that drains into a specific receiving area or accumulation point. To better understand and mitigate stormwater runoff patterns, the project site must be separated into one or more DMA’s, based on breaks in slope or other physical obstructions or water flow conduits. Each DMA will then be addressed individually for designing BMPs or other LID features, and meeting stormwater capture and treatment requirements.
4.1.1 Types of Drainage Management Areas

DMAs should be designated according to how they relate to the treatment of stormwater runoff. These designations include: Self-treating areas, Self-retaining areas, areas draining to a self-retaining area, and areas draining to a bioretention facility. The type of DMA will dictate how the runoff reduction calculation is made.

4.1.1.1 Self-treating Areas

Landscaped or turf areas that capture and infiltrate stormwater or drain off-site, and do not drain to bioretention facilities are self-treating areas. These are pervious areas such as landscaping that do not generally receive drainage from impervious areas. These areas are typically flat or have a very gentle slope that ensures absorption of stormwater by the vegetation and soil.

4.1.1.2 Self-retaining Areas

Areas that have topography such that stormwater is retained in a concave basin-like depression (capture and retain 0.65-inches of water) before overflowing and draining into a storm drain system. These areas have high infiltration rates which quickly dissipate the water and have vegetation that allows for efficient use of the water. These areas can be enhanced by replacing low-infiltrating native soils with amended soils that have high infiltration ratings.

4.1.1.3 Impervious Areas Draining to a Self-retaining Area

These areas are similar to the above DMA type except that the receive runoff from impervious areas. The self-retaining area size must adhere to a strict 3.5 parts impervious to 1 part pervious ratio or better (3:1, 2.5:1, etc...). The entire area must be designed to retain the first 0.65-inch of stormwater (the 85th percentile 24-hour storm event) from the impervious area and the self-retaining area itself without flowing off-site or into the storm drain system. Prolonged ponding is a potential problem at higher impervious to pervious ratios. It is important to ensure that soils can handle the additional run-on and are sufficiently well drained.

For example, a roof of 350 SF (50,400 square inches) drains to a self-retaining area. This area, using the 3.5:1 ratio, must be at least 100 SF (14,400 square inches), with a retention depth capacity of 3 inches. Three inches is used because 3.5 parts of the runoff will come from the impervious area (50,400 square inches X 0.65-inch = 32,760 cubic inches) and 1 part will come from the self-retaining area itself (14,400 square inches X 0.65-inch = 9,360 cubic inches). In this example, the self-retaining area must be able to hold 42,120 cubic inches of water (approximately 24.4 cubic feet). If the area (self-retaining area) is 100 SF (14,400 square inches) by 3 inches deep or a total of 43,200 cubic inches (25 cubic feet) than the 85th percentile 24-hour storm event, which is a 0.65-inch event is completely captured in the self-retaining area.

Adhering to the 3.5:1 ratio (impervious to pervious) and the 3-inch retention rule ensures compliance with the MS4 permit. The permit states that, “Permitees must implement Site Design Measure […], based on the objective of achieving infiltration, evapotranspiration and/or harvesting/reuse of the 85th percentile 24-hour storm runoff event.”
In the Humboldt Bay Area (at Woodley Island) the 85th percentile 24-hour storm event is equivalent to approximately 0.65-inches. At a 3.5:1 (impervious to pervious ratio) the self-retaining area must be able to retain the first 0.65-inches of stormwater runoff from the impervious areas and the first 0.65-inches that falls on the self-retaining area itself. The self-retaining area should be depressed appropriately 3-inches to achieve this retention requirement.

**Note:** The 3.5:1 ratio based on the 0.65-inch 85th percentile 24-hour storm event for Woodley Island is applicable to Humboldt Bay regional MS4 areas (Trinidad, McKinleyville, Arcata, Eureka, Unincorporated Eureka area, and Fortuna), see maps included in Part 1. Due to greater rainfall amounts in the Shelter Cove MS4 area, a different multiplier will apply. Contact County of Humboldt PBS department staff for projects located in Shelter Cove.

### 4.1.1.4 Areas Draining to a Bioretention Facility

These areas will be used to calculate the required size of a bioretention facility. For each DMA calculate the area, post-project surface type, the reduction in impervious area resulting from the use of trees and corresponding runoff factor, and the area after the runoff factor is applied. Use factors found in the SCP for Regulated Projects, Appendix 1. Utilizing self-retaining areas as a runoff reduction BMP first will help in reducing the need for other site design measures and will reduce the size needed for a bioretention facility if applicable.

### 4.2 Bioretention Facilities

In accordance with section E.12 of the MS4 General Permit, Site Design Measures shall be implemented based on the objective of capturing (retaining) stormwater runoff from the 85th percentile 24-hour storm event, to the extent technically feasible. Any remaining runoff, from impervious DMAs, may then be directed to one or more bioretention facilities. The DMA tributary area to the bioretention facility will then be multiplied by a sizing factor of 0.04; this is performed to calculate the minimum footprint of the bioretention facility.

**A sizing factor of 0.04 (facility can treat up to 25 times the size of the facility footprint) is used, in conjunction with the other specifications for a bioretention facility (soil/compost infiltration rate (5”/hour), reservoir depth, gravel layer depth, etc...), because these specific specifications meet the requirements in the MS4 permit [E.12.e. ii (f)].**

After computing the minimum bioretention facility size, review the site plan to determine if the reserved space for the facility is sufficient. If the area is not sufficient revise plan accordingly.
4.2.1 Bioretention Facility Design

Bioretention facilities can be a variety of shapes. However, each of the layers within the facility must be designed and built flat and level. The following must have consistent elevations throughout:

- Bottom of excavation/ gravel layer (BGL)
- Top of gravel storage layer (TGL)
- Top of soil layer (TSL)
- Rim of facility reservoir

The surface reservoir should be level and circumscribed by a ridged boundary such as a concrete curb, masonry, or landscape timbers.

4.2.1.1 Gravel Layer

The gravel layer must be a “Class 2” open graded substrate, Caltrans specification 68-2.02F(3) is recommended. Drain rock or other granular material may be used. The depth of the gravel layer must be at least 12 inches. It must also be equivalent in area to the surface area of the facility (Appendix 3).

4.2.1.2 Planting Medium

A mixture of sand (60%-70%) and compost (30%-40%) should be used. The mixture must meet the following requirements: have the ability to sustain a minimum infiltration rate of 5-inches per hour throughout the life of the project, sand mixture must meet the specifications of American Society for Testing and Materials (ASTM) C33 and compost may be used. The specific compost and sand combination, which meets the above requirements is found in Appendix 3.

4.2.1.3 Underdrain

When using an underdrain a PVC pipe diameter of 4-inches must be used, SDC 35 or equivalent. A perforated pipe, installed with perforations facing down should be used embedded into the TGL. The connection with the storm drain must not be lower than the TGL. A threaded, capped cleanout connected by a sweep bend should be used. For a more detailed diagram of the requirements see Appendix 3.

4.2.1.4 Plantings and Mulch

Select an appropriate plant palette or similar for the bioretention facility from Appendix 4.

Aged mulch should be used. Bark mulch has a tendency to float and may flow out of the facility during large events. Aged mulch or compost mulch reduces the chance of weed establishment, keeps soils moist, and replenishes nutrients.
Avoid the following:
- Overly dense plantings that prevent the flow of stormwater into the facility
- Plants with roots that inhibit percolation or block inflow
- Invasive weeds
- Plants that may require fertilizers or high water demands

4.2.1.5 Irrigation

Irrigation controls should be configured for the plant palette selected for the specific facility. Drip emitters are a preferred method for delivering water to the vegetation.

4.2.1.6 Tips for Good Design

Make sure all bioretention facilities are shown in all site plans, architectural drawings, and landscape designs. Be certain that these facilities will not interfere with other site design elements and that all elevations are shown and are consistent with the surrounding grading, drainage and paving plans. Sharing a bioretention facility with a cable vault, phone vault, electrical boxes or other utility box should be avoided.

4.3 Pervious Pavements

Criteria for pervious pavements utilize standards which are derived from structural construction requirements. Areas that are highly erodible should not drain on to pervious pavement.

A reservoir base course of open-graded crushed stone must be deep enough to retain rainfall (3” minimum) and support design loads (a greater depth may be required). The subgrade must be uniform and slopes must be gentle enough so that the subgrade is not prone to erosion. Minimal subgrade compaction should be avoided. Sub drains are not recommended, however, if a subdrain is included the outlet elevation must be 3-inches or more above the bottom of the base course.

A rigid edge is required if granular pavements and/or unit pavers are used. Solid pavers should be set in sand or gravel with a minimum 3/8-inch gaps between pavers. Joints should be filled with an open-graded aggregate free of fines. Bedding sands shall conform to the grading requirements of ASTM C 33 (Interlocking Concrete Paving Institute).

Permeable concrete and porous asphalt should be installed by certified professionals and according to vendor recommendations. Other considerations when choosing pavements should be the site aesthetics, uses, and requirements (if applicable) of the Americans with Disabilities Act (ADA).
5.0 REGULATED REDEVELOPMENT, ROAD PROJECTS, AND LINEAR UNDERGROUND/OVERHEAD PROJECTS

See MS4 Permit, Section E.12.c (pg. 50) for additional description and details of applicable Redevelopment, Road Project, and Linear Underground Project requirements. Contact the PBS department with project location jurisdiction to determine project requirements.

6.0 OPERATION AND MAINTENANCE PLAN

An operation and maintenance plan (O & M plan) will be required for bioretention facilities (if required). The primary component of an O & M is the agreement to maintain the bioretention facility, which transfers from owner to owner (stays with the property) in perpetuity. A condition will be recorded with the County Recorder’s office that indicates the presence of a bioretention facility. This recording will also serve as a way for the applicable PBS Department with project location jurisdiction to notify the owner on an annual basis in order to complete a simple self-certification notice. This notice will serve as verification that the facility is operational and fully maintained according to the original approved specifications.

If, upon inspection of a facility by the applicable PBS Department with project location jurisdiction, a facility is found to be nonfunctioning, impaired, or removed the applicable PBS Department with project location jurisdiction has the authority to request that the deficiencies be fixed and to impose fines if function is not restored.

The O & M plan must address each bioretention facility on-site. This includes development of a maintenance schedule and the physical descriptions of each facility including location and construction specifications. The O & M plan should be kept on site and updated when changes occur to the contact person/designated individual.

Key components of the Operation and Maintenance Plan include:

1. Designate the Responsible Individual (RI)
2. Description of all bioretention facilities
3. Schedule maintenance activities
4. Annual self-certification
6.1 **Responsible Individual**

The Responsible Individual (RI) is the person accepting all responsibility for the operation and maintenance of the bioretention facilities until the facilities are transferred to another entity. Contact information for the RI should be provided and updated upon transfer to another individual. A written condition will be recorded with the Assessor’s office. This will be used to track facilities as well as a way for the applicable PBS Department with project location jurisdiction to contact the RI on an annual basis for verification of the continued operation of the facility.

6.2 **Description of all Bioretention Facilities**

A description of all bioretention Facilities should be included in the O & M Plan. The specific description must include: the location of a facilities (a map can be used), the dates that the facility(s) were installed, and a description of each facility.

The facility description should include: depths of sand or soil compaction, pipe materials and bedding, location and layouts of inflow piping and piping to off-site locations, and native soils encountered beneath the facility.

6.3 **Schedule Maintenance Activities**

An annual maintenance schedule is needed to be in compliance with the MS4 permit. However, some facilities will need more routine maintenance in the early stages to ensure that the vegetation within the facility is healthy and that the facility is functioning properly. Annual maintenance should include:

- Cleaning debris (trash/refuse) out of the facility, this is very important at the inlets
- Pruning vegetation and replacing dead vegetation.
- Controlling invasive non-native vegetation (weeds) without the use of synthetic herbicides.
- Adding mulch when needing to control weeds, replenish soil nutrients, and to maintain adequate soil moisture.

6.4 **Plan Compilation**

A sample template can be found in Appendix 5. This template is only a sample, a plan that adequately addresses the key components but does not necessarily follow the template may be approved; however, it is recommended that the template be used.
6.5 Annual Self-Certification

A letter will be sent on an annual basis by the applicable PBS Department with project location jurisdiction to all RI with an O & M Plan for a bioretention facility(s). This letter will be used by the RI to certify that all scheduled maintenance on the facility(s) has been completed for the year and that the operation of the facility has not been compromised. It will also be used by the RI to notify the applicable PBS Department with project location jurisdiction and County Recorder’s office of any transfers of responsibilities (change in ownership) or other changes to RI contact information.
APPENDIX 1

SCP for Regulated Projects
# Regulated Projects SCP Checklist

**Applicant Checklist for items included with Stormwater Control Plan**

## Items that must be on the Project Site Map

- Exiting natural hydrological features (depressions, watercourses, wetlands, riparian areas, undisturbed natural areas, significant natural resource areas)
- Existing and proposed site drainage network and connections to MS4 conveyances off-site
- Proposed design features and surface treatments used to minimize impervious surfaces and reduce runoff
- DMAs are delineated for the entire site and each is labeled with a unique identifier
- Proposed locations and footprints of bioretention facilities (if required)
- Pollutant-generating source areas, including loading docks, food service areas, refuse areas, outdoor processes and storage, vehicle cleaning, repair or maintenance, fuel dispensing, equipment washing, etc.

## Contents of Storm Water Control Plan (SCP)

- Narrative or description of site features and conditions that constrain or provide opportunities for storm water control
- Narrative of Site Design characteristics, building features, and pavement selections that reduce impervious surfaces of the site including the quantified runoff reduction.
- Completed table showing square footage of proposed pervious and impervious areas.
- Completed Worksheet 1
- Completed Worksheets 2 for each DMA as applicable
- Pollutant Source Control BMPs (if required)
- Preliminary designs, including calculations, for bioretention facilities (if required)
- Bioretention Facility Operation and Maintenance Plan (if required)
- Certification by professional civil engineer, architect, or landscape architect
Stormwater Control Plan for Regulated Projects

Instructions
Based on the Stormwater Information Sheet in Humboldt LID Stormwater Manual – Part 1, you have determined that your project is classified as a Regulated Project. Use this form to assist you in designing your project to comply with the MS4 General Permit post-construction requirements for Regulated Projects. This completed and signed Stormwater Control Plan for Regulated Projects including additional supporting documents as required, must be submitted with your project application to the applicable PBS department with project location jurisdiction.

A. Project Information and Description

<table>
<thead>
<tr>
<th>Project Name:</th>
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<tbody>
<tr>
<td>Physical Site Address:</td>
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<tr>
<td>Assessor’s Parcel Number:</td>
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<tr>
<td>Project Applicant:</td>
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<tr>
<td>Mailing Address:</td>
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<tr>
<td>Phone:</td>
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<td>Email:</td>
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</table>

Name, email and address of project consultant, if any (e.g., engineer, architect, designer):

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<thead>
<tr>
<th>Name:</th>
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<tr>
<td>Firm:</td>
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<tr>
<td>Address:</td>
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<tr>
<td>Phone:</td>
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<td>Email:</td>
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</table>

Type of Application/Project:
What type of application is this checklist accompanying?

- [ ] Grading Permit
- [ ] Use Permit
- [ ] Subdivision
- [ ] Building Permit
- [ ] Design Review
- [ ] Other (please specify)

<table>
<thead>
<tr>
<th>Project Type and Description:</th>
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<tbody>
<tr>
<td>Total Pre-Project Impervious Surface Area (square feet)</td>
</tr>
<tr>
<td>Total New or Replaced Impervious Surface Area (square feet)</td>
</tr>
<tr>
<td>(Sum of impervious area that will be constructed as part of the project)</td>
</tr>
<tr>
<td>Total Post-Project Impervious Surface Area (square feet)</td>
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</tbody>
</table>

This Regulated Projects Stormwater Control Plan provides guidelines and methods for assessing site conditions, determining runoff values for site DMAs, implementing Site Design Measures with the goal of reducing stormwater runoff values from impervious surfaces, and determining the size of bioretention facilities (if required).
B. Site Assessment (Opportunities and Constraints)

1. Soil Characteristics

   I. Soil characterization method______________________________

   II. Were infiltration rates assessed for the site?   ☐ Yes   ☐ No

   If Yes, please attach soils testing report

2. Depth to Groundwater

   I. What is the depth (below ground surface) to groundwater (in feet)? _______________________

   II. How was this determined?______________________________

3. Existing Vegetation and Natural Areas

   I. Are there any key natural vegetation areas, sensitive habitats, or mature trees on the site?

      ☐ Yes   ☐ No

   If yes, please draw and label these features on the existing conditions site plan map and attach to this document.

4. Drainage and Hydrograph

   I. Are there any natural drainage or wet area features such as such as: natural ponds, springs, vernal pools, marshes, and wet meadows on the site or directly adjacent to the site?

      ☐ Yes   ☐ No

   If yes, consult with applicable PBS department staff with jurisdiction for project location as additional project area restrictions may apply.

5. Potential Contamination

   I. Is the project site within or near to a registered contaminated site, according to the State Water Resources Control Board Geotracker Website (http://geotracker.waterboards.ca.gov)?

      ☐ Yes   ☐ No

   If yes, please attach the applicable contaminated site report from the Geotracker website, and note the location of the contaminated site on the existing conditions site plan map. Please attach a description how this contamination will affect your project design.
C. Project Layout Optimization

Optimizing the site layout can be done through the following methods:

1. Define the development envelope and protected areas, identifying areas that are most suitable for development and areas to be left undisturbed.
2. Concentrate development on portions of the site with less permeable soils and preserve areas that can promote infiltration.
3. Limit overall impervious coverage of the site from paving and roofs.
4. Set back development from creek, wetlands, and riparian habitats, to maximize vegetative buffer widths.
5. Preserve significant trees.
6. Conform the site layout along natural landforms.
7. Avoid excessive grading and disturbance of vegetation and soils.
8. Replicate the site’s natural drainage patterns.
9. Detain and retain runoff throughout the site.

Based on the features included in the existing conditions site plan, please ensure your project site plan applies project layout optimization measures to the greatest extent practicable, while still meeting the objectives of your project. Please attach a short description on how the project has utilized site optimization methods.

D. Source Controls

Does your project contain potential pollutant-generating activities or sources?

☐ Yes    ☐ No

If Yes, please complete the Source Control Worksheet (Appendix 6) and, list and identify the source or treatment control measure and locations and include as an attachment to the SCP document.
E. Drainage Management Areas

On the project site plan please delineate and label all drainage management areas (refer to Sec. 4 of the manual). Record the DMA names and Areas in the table below.

**Table 1. DMAs**

<table>
<thead>
<tr>
<th>DMA name</th>
<th>Impervious Surface Area (square feet)</th>
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<tbody>
<tr>
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</table>

For each Drainage Management Area identified in Table 1 (above) and on the project site plan, complete the Regulated Projects Runoff Worksheets (attached) to document runoff values, implementation of Site Design Measures, and bioretention facility sizing (if required).

In accordance with section E.12 of the MS4 General Permit, Site Design Measures shall be implemented based on the objective of capturing (retaining) stormwater runoff from the 85th percentile 24-hour storm event, to the extent technically feasible. Any remaining runoff, from impervious DMAs, may then be directed to one or more bioretention facilities.
F. Runoff Reduction Measures

Worksheet 1 provides a method for project applicants to document compliance with runoff reduction requirements through a site design methodology that directs stormwater runoff from impervious surface areas to pervious self-retaining areas for capture and infiltration (as detailed in LID Manual – Part 3, Section 4.0). Using this methodology, all stormwater runoff from the 85th percentile 24-hour storm event for each DMA can be captured and retained on site and compliance with the MS4 General Permit runoff reduction requirements can be met.

Capturing stormwater runoff using the site design methodology where runoff from impervious surface areas is directed to pervious self-retaining areas is a convenient alternative for achieving compliance with the MS4 General Permit runoff reduction requirements, while avoiding the need for bioretention facilities. Worksheet 1 provides a simple calculation for determining if stormwater runoff reduction measures have been met using this site design methodology.

Due to site constraints, not all projects or project DMAs may be able to achieve compliance with runoff reduction requirements by directing impervious surface stormwater runoff to pervious self-retaining areas. The project applicant will need to complete Worksheet 2 for each DMA that cannot meet compliance with runoff reduction measures as determined using Worksheet 1.

Worksheet 2 will be used to apply additional Site Design Measures in addition to any pervious self-retaining areas with the goal of reducing stormwater runoff values from impervious surfaces such that a no net stormwater runoff value for each DMA is achieved.

Site Design Measure include the following:

- 1. Tree Planting and Preservation
- 2. Rain Barrels or Cisterns
- 3. Impervious Area Disconnection
- 4. Soil Quality Improvement
- 5. Green Roof
- 6. Porous Pavement
- 7. Vegetated Swales
- 8. Stream Setbacks and Buffers

Multiple Site Design Measures may be applied to best meet site conditions in order to reduce stormwater runoff values from impervious surface areas.

After application of Site Design Measures, any remaining stormwater runoff from each DMA, must then be directed to one or more bioretention facilities in accordance with LID Manual – Part 3 and the MS4 General Permit.

G. Bioretention Facility

Indicate whether a Bioretention Facility is required for this project.

☐ Yes ☐ No

H. Operation and Maintenance in Perpetuity

Indicate whether an Operation and Maintenance Plan is accompanying this document, required for bioretention facilities.

☐ Yes ☐ No
I. Signature and Certification:

This Stormwater Control Plan is required for all Regulated Projects. This document will be used by the plan checker to confirm that adequate storm water control measures are being implemented on the project.

Indicate whether all supporting materials and worksheets are accompanying this document, Stormwater Control Plan

☐ Yes  ☐ No

I, the below signed, confirm that I have accurately described my project to the best of my ability, and that I have not purposely omitted any detail affecting my project’s classification for storm water regulation. I hereby certify that the site design measures and storm water flow treatment measures identified herein as being incorporated into my project have been designed in accordance with the Site Design Measure sheets or equivalent and are included in the final site plans submitted to the applicable Planning and/or Building Services Department with project location jurisdiction. I also hereby certify that my project meets the storm water runoff reduction criteria identified in the SCP, or as determined through other approved means.

__________________________________________  ____________________________
Signature                                             Date

__________________________________________
Print Name

I am the:

☐ Property Owner  ☐ Contractor  ☐ Applicant
### Worksheet 1:

<table>
<thead>
<tr>
<th>DMA Name</th>
<th>Total Post Project Impervious Surface Area (square feet)</th>
<th>Pervious Self-Retaining Area(^1) (square feet)</th>
<th>Ratio of Impervious Surface Area to Self-Retaining Pervious Surface Area</th>
<th>Does Ratio Achieve 3.5 : 1 ratio or better of Impervious Surface Area to Self-Retaining Pervious Surface Area (Yes or No)(^2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example A</td>
<td>500</td>
<td>150</td>
<td>3.3 : 1</td>
<td>YES</td>
</tr>
<tr>
<td>Example B</td>
<td>500</td>
<td>100</td>
<td>5.0 : 1</td>
<td>NO</td>
</tr>
</tbody>
</table>

1: Self-Retaining Areas where impervious surface runoff is directed to the Pervious Self-Retaining Area in accordance with Humboldt LID Manual - Part 3, Section 4.0

2: If "Yes", Ratio of Impervious Surface Area to Self-Retaining Pervious Surface Area is equal to 3.5:1 or better, then compliance with runoff reduction measures have been met for DMA.

If "No", Ratio of Impervious Surface Area to Self-Retaining Pervious Surface Area does not achieve 3.5:1 or better, then compliance with runoff reduction measures have not been met for DMA (Complete Worksheet 2).
### Worksheet 2: (Use one Worksheet for each DMA as applicable)

<table>
<thead>
<tr>
<th>Project Information</th>
<th>Formulas</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regulated Projects Worksheet 2</strong></td>
<td></td>
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<tr>
<td><strong>Humboldt Low Impact Development Stormwater Manual</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>Project Information</strong></td>
<td></td>
<td></td>
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<tr>
<td>DMA Name:</td>
<td></td>
<td>A square feet</td>
</tr>
<tr>
<td>Total Post-Project Impervious Surface Area (square feet)</td>
<td></td>
<td>B 0.65 inch</td>
</tr>
<tr>
<td><strong>Impervious Surface Runoff Value</strong></td>
<td></td>
<td>C Gallons per 24 hours</td>
</tr>
<tr>
<td>(Potential Stormwater Runoff due to impervious surface area and design storm value)</td>
<td></td>
<td>C = A x B x 0.083 x 7.48</td>
</tr>
<tr>
<td><strong>Pervious Self-Retaining Area (SRA) Credit</strong></td>
<td></td>
<td>SRA Credit = Self-Retaining Area x 3.5</td>
</tr>
<tr>
<td>(if applicable, if none enter 0)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Site Design Measure Credits</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tree Planting and Preservation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Trees</td>
<td></td>
<td>E = D x 100</td>
</tr>
<tr>
<td>100 square feet per deciduous tree</td>
<td></td>
<td></td>
</tr>
<tr>
<td>200 square feet per evergreen tree</td>
<td></td>
<td>G = F x 200</td>
</tr>
<tr>
<td><strong>Existing Trees [Credit for 50% of existing canopy area]</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canopy diameter (feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tree #1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>H1, J1, square feet</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Rain Barrel or Cisterns (55 gallon minimum)</strong></td>
<td></td>
<td>K 2.5</td>
</tr>
<tr>
<td>Square foot credit per gallon based on 24-hour, 85th Percentile Design Storm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rain Barrels</td>
<td></td>
<td>M = L x K</td>
</tr>
<tr>
<td>Cisterns</td>
<td></td>
<td>P = N x K</td>
</tr>
<tr>
<td><strong>Impervious Area Disconnection</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Credit per square foot of pervious receiving area</td>
<td></td>
<td>Q = Enter square foot value</td>
</tr>
<tr>
<td>Soil Quality Improvement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Credit per square foot of soil quality improvement</td>
<td></td>
<td>R = Enter square foot value</td>
</tr>
<tr>
<td>Credit per square foot of green roof installation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Porous Pavement</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Credit per square foot of porous pavement or</td>
<td></td>
<td>T = Enter square foot value</td>
</tr>
<tr>
<td>Vegetated Swales</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Credit per square foot of vegetated swale</td>
<td></td>
<td>U = Enter square foot value</td>
</tr>
<tr>
<td>Stream Setbacks and Buffers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Credit per square foot of stream setback and buffer*</td>
<td></td>
<td>V = Enter square foot value</td>
</tr>
<tr>
<td>Credits Total</td>
<td></td>
<td>W = SRA Credit x E + G + J1 + J2 + J3 + M + P + Q + R + S + T + U + V</td>
</tr>
<tr>
<td>Post-Project Impervious Surface Area minus Site Design Measure Credits</td>
<td></td>
<td>X = A - W</td>
</tr>
<tr>
<td>NEW Impervious Surface Runoff Value</td>
<td></td>
<td>Y Gallons per 24 hours</td>
</tr>
<tr>
<td>(Potential Stormwater Runoff due to impervious surface area and design storm after implementation of Site Design Measures)</td>
<td></td>
<td>Y = X x 8 x 0.083 x 7.48</td>
</tr>
<tr>
<td><strong>Percent reduction in Impervious Surface Runoff Value</strong>*</td>
<td></td>
<td>Z %</td>
</tr>
<tr>
<td>Z = ((C - Y) / C) x %100</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*If value for Z is not greater than or equal to %100 than bioretention is required for treating remaining runoff from impervious area indicated by value X. Design and implement bioretention facility in accordance with Humboldt LID Stormwater Manual - Part 3.

**Conversions Used:**
- 1 inch = 0.083 feet
- 1 cubic foot = 7.48 gallons

# check with agency with project area jurisdiction for requirements
APPENDIX 2

Site Design Measures
Stream Setbacks and Buffers

**Description**
A stream setback or buffer is an area along a shoreline, wetland, or stream where development is restricted or prohibited. The primary function of setbacks and buffers is to physically protect and separate a stream, lake or wetland from future disturbance or encroachment. If properly designed, setbacks and buffers can provide stormwater management and act as a right-of-way during floods, sustaining the integrity of stream ecosystems and habitats.

[Diagram showing a stream with setback and buffer]

**Technique**
Stream setbacks and buffers should be considered as part of the initial phases of site design for the project. Provisions should be made to place impervious developments and areas to be impacted or disturbed furthest from the aquatic feature, with a zone of natural, undisturbed vegetation remaining between the stream and the areas impacted by development.

Contact County of City Department with project jurisdiction for stream setback and buffer requirements and design criteria.

Runoff reduction credits can be applied for the area of stream setback and buffer. The runoff reduction credits (square feet) will be equal to the area of stream setback and buffer. A minimum area of 150 square feet or more of stream setback and buffer must apply to use this credit.
Soil Quality Improvement and Maintenance

In areas subject to grading/clearing not covered by impervious surface, create/amend pervious areas with a 12” layer of topsoil. Soil quality improvement options include the following:

Option 1: Leave native vegetation and soil undisturbed and protect from compaction during construction
Identify areas of the site that will not be stripped, logged, graded, or driven on, and fence off those areas to prevent impacts during construction. If neither soils nor vegetation are disturbed, these areas do not require amendment.

Option 2: Amend existing site topsoil or subsoil
Scarify or till subgrade to 8 inch depth (or to depth needed to achieve a total depth of 12 inches of un-compacted soil after calculated amount of amendment is added). Entire surface should be disturbed by scarification. Amend soil to meet desired organic content.

Option 3: Stockpile existing topsoil during grading. Replace topsoil before planting.
Stockpile and cover soil with weed barrier material that sheds moisture yet allows air transmission. Replace stockpiled topsoil prior to planting and ensure that replaced soil plus additional compost as needed will amount to at least 12 inches of depth.

Compost/amendment shall be mature, stable, weed free, and produced by aerobic decomposition of organic matter.

Runoff reduction credits can be applied for the area of soil quality improvement. The runoff reduction credits (square feet) will be equal to the area of soil quality improvement. A minimum area of 150 square feet of soil quality improvement area must apply to use this credit.
Tree Planting and Preservation

Description
Trees intercept rain water on their leaves and branches, allowing water to evaporate or run down the branches and trunk where it readily infiltrates into the soil. Tree roots also increase infiltration of the soil.

Technique
The following tree credits can apply:

- New deciduous trees provide a tributary area reduction credit of 100 ft²
- New evergreen trees provide a tributary area reduction credit of 200 ft²
- Existing trees provide a credit equal to half of the existing tree canopy area. Existing trees must be adequately protected during construction.

At a minimum inspection and maintenance shall include the following:

- Annual inspection prior to the rainy season.
- Annual proper watering and application of mulch.
- Routine pruning and weeding as needed.
- Replacement of trees as needed.

Runoff reduction credits can be applied for newly planted or preserved trees. A minimum of two deciduous trees or one evergreen tree must be planted to use this credit, such that a minimum of 200 square feet of runoff reduction credit is achieved for newly planted trees. At time of planting, newly planted trees must have a trunk measuring at least 1-inch in diameter, 6-inches above the soil line and be at least 6-feet tall for deciduous trees and 4-feet tall for evergreen trees. Additionally, to use the runoff reduction credit for existing trees, the canopy area must be equal to, or greater than 300 square feet of existing tree canopy, such that a minimum of 150 square feet (50% credit for existing canopy) of runoff reduction credit is achieved for existing trees.
Rooftop and Impervious Area Disconnection

Description
Disconnection of rooftop and impervious areas from the storm drain system helps reduce runoff and provide pollutant removal as the re-directed water travels over and through vegetation and soil instead of being directly piped and discharged into the storm drain. Roof runoff is directed to spread over a pervious areas such as a stream setback and buffers, areas of soil quality improvement, or other appropriate infiltration areas.

The following are examples of ways to implement rooftop disconnection:

Splash Block
Splash blocks reduce the velocity and impact of water exiting the roof downspout and direct water to a pervious area.

Pop-up Drainage Emitter
Pop-up drainage emitters are useful in conveying storm water from roof downspouts into vegetated areas. Roof runoff is piped then released through a capped device that opens with water pressure, allowing the storm water to flow out of the emitter and into the vegetated area.

Technique

On Site Plan Show:
• Delineate the impervious tributary area draining to the pervious area
• Show how the runoff will be directed to the pervious area

Confirm that the following specifications will be met:
• Tributary area (impervious area) does not exceed more than twice the pervious area
• Roof areas collect runoff and route to the suitable pervious area
• Paved areas are sloped to direct runoff to suitable pervious area
• Runoff is dispersed across the pervious area (splash block or pop-up emitter)
• Pervious area has vegetation and soils meeting the requirements of stream setbacks and buffers or areas of soil quality improvement and maintenance

Runoff reduction credits can be applied for the area of rooftop and impervious area disconnection. The runoff reduction credits (square feet) will be equal to the area of rooftop and impervious area disconnection and should not exceed more than twice the pervious area receiving runoff. A minimum area of 150 square feet of impervious surface tributary area must apply to use this credit.
Porous Pavement

Description
This option can be easy to install and maintain, cost effective, and can add aesthetic value to your project. Permeable pavements may include pervious concrete, pervious asphalt, porous pavers, crushed aggregate, open pavers with grass or plantings, open pavers with gravel, or solid pavers.

Show on your site plan:
• Location, extent and types of pervious pavements.

Confirm the following standard specifications are met:
• No erodible areas drain on to permeable pavement.
• Subgrade compaction is minimal.
• Reservoir base course is of open-graded crushed stone. Base depth is adequate to retain rainfall (3 inches is adequate) and support design loads (more depth may be required).
• No subdrain is included or, if a subdrain is included, outlet elevation is a minimum of 3 inches above bottom of base course.
• Subgrade is uniform and slopes are not so steep that subgrade is prone to erosion.
• Rigid edge is provided to retain granular pavements and unit pavers.
• Solid unit pavers, if used, are set in sand or gravel with minimum 3/8 inch gaps between the pavers.
• Joints are filled with an open-graded aggregate free of fines.
• Permeable concrete or porous asphalt, if used, are installed by industry-certified professionals according to the vendor’s recommendations.
• Selection and location of pavements incorporates Americans with Disabilities Act requirements (if applicable), site aesthetics, and uses.

Runoff reduction credits can be applied for area of installed porous pavement. A minimum area of 150 square feet of pervious pavement must be installed to use this credit.

Site Design Measure Sheets
Green Roofs

Description
A green roof is a multi-layered, vegetated rooftop system design for filtering, absorbing, and retaining stormwater. A green roof captures stormwater within the pore space of the growth medium and then releases the water slowly via evaporation, transpiration, and discharge to the roof drains.

Technique
Green roof installation should be considered during building design, as green roofs require special structural reinforcements, irrigation provisions, and leak protection elements. Involve the landscape architect, licensed structural engineer, and mechanical engineer early in the design process with the project architect, since architectural roof style, roof structural requirements, building heating/cooling needs, vegetation selection, and irrigation needs go hand in hand.

Routine inspection of the roof membrane, drainage layer flow paths, and irrigation system is needed. Periodic maintenance and replacement of rooftop vegetation and growth media should be expected during the lifespan of the green roof.

Runoff reduction credits can be applied for area of installed green roof. A minimum area of 150 square feet of green roof must be installed to use this credit.
Vegetated Swales

Description
A vegetated swale is a broad, shallow channel with dense vegetation covering the bottom and side slopes. Vegetation in the channel provides filtration and solids removal and reduces flow velocities as stormwater is conveyed through the system. Depending on soil type, some infiltration may also occur, decreasing runoff volume and providing additional filtration.

Technique
Vegetated swales are suitable for the following conditions:

- Areas with a maximum slope of 5%
- Areas wide enough to provide a bottom width between 2 ft and 10 ft
- Areas wide enough to provide a 3:1 side slope
- Areas long enough to provide at least 100 feet of swale length

Flow depth should be limited to 4 to 6 inches with a maximum velocity of 1 foot per second for water quality treatment. Under higher flow conditions, the maximum velocity should be 3 feet per second to avoid erosion. Swale should discharge to a piped system or can function as a confined channel if sized large enough to do so. If the swale discharges to a slope rather than to a piped system, an energy dissipater should be used at the swale outlet.

Runoff reduction credits can be applied for area of installed vegetated swale. A minimum area of 150 square feet of vegetated swale must be installed to use this credit.
Rain Barrels and Cisterns

Rain Barrels and Cisterns are a system that collects and stores storm water runoff from a roof or other impervious surface. These typically have overflow mechanisms or plugs that drain to a vegetated area or to the storm drain system when the barrel is full.

Show the following on your site plan:

- Impervious area tributary to each Rain Barrel / Cistern
- Location of each Rain Barrel/Cistern

Confirm the Following Standard Specifications have been met:

- Rain Barrels are sited at grade on a sound and level surface at or near the ground.
- Gutters tributary to the Rain Barrels/Cistern are screened with a leaf guard or maximum ½-inch to ¼ inch minimum corrosion resistant metallic hardware fabric.
- Water collected will be used for irrigation purposes only.
- Openings are screened with a corrosion-resistant metallic fine mesh (1/16 inch or smaller) to prevent mosquito harborage.
- Large openings are secured to prevent entry by children.
- Rain Barrels and Cistern are cleaned annually.

Runoff reduction credits can be applied for rain barrels or cisterns installed. A minimum rain barrel or cistern capacity of 55 gallons must be installed to use this credit.
APPENDIX 3

Bioretention Specifications and Checklist
**Bioretention Facility**

*not to scale*

- **Overflow Structure**
  - Concrete drop inlet or manhole with frame, atrium or beehive grate, ¼" openings
  - Walls as needed to establish constant rim elevation around facility
  - Min. 6"

- **Top of soil layer (TSL)**
  - Min. 18"

- **Top of gravel layer (TGL)**
  - Min. 12"

- **Bottom of gravel layer (BGL)**
  - Cutoff wall if needed to protect structures or pavement

- **Native Soil**

**Allowed variations for special site conditions:**

- Facilities located within 10 feet of structures or other potential geotechnical hazards may incorporate an impervious cutoff wall.

- Facilities with documented high concentrations of pollutants in underlying soil or groundwater, facilities where infiltration could contribute to a geotechnical hazard, and facilities located on elevated plazas or other structures may incorporate an impervious liner between the native soil and the BGL and locate the underdrain discharge at the BGL (flow-through planter configuration).

- Facilities located in areas of high groundwater, highly infiltrative soils, or where connection of the underdrain to a surface drain or subsurface storm drain are infeasible may omit the underdrain.

**Notes:**

- No liner, no filter fabric, no landscape cloth.

- Maintain BGL, TGL, and TSL throughout facility area at elevations to be specified in plan.

- Class 7 permeable layer may extend below and underneath drop inlet.

- Elevation or underdrain discharge is at top of gravel layer.

- See Section 4 of Manual for instructions on facility sizing and additional specifications.
Bioretention Facility - Overview

not to scale

Overview structure

6" spacing of underdrain pipes is typically adequate

6" min. avg. depth

soil mix

gravel mix

surface area of soil mix that will flood before facility overflows

Multiple inlets are O.K. Use cobble or splash block to dissipate energy

Note:

Show all elevations of curb, pavement, inlet, top of soil layer (TSL), top of gravel layer (TGL), and bottom of gravel layer (BGL) at all inlets and outlets and at key points along edge of facility.

curb inlets may be utilized if slope is greater than 2%

separate facility from adjacent landscaping with a wall or curb

It is O.K. to slope soil mix against curb to reduce drop-off and/or use plantings to discourage entry
Soil/Compost and Gravel Specifications for Bioretention Facility

Compost shall be a well-decomposed, stable, weed-free organic matter source derived from waste materials including yard debris, wood wastes or other organic materials not including manure or biosolids, and shall meet the standards developed by the US Composting Council (USCC). The product shall be certified through the USCC Seal of Testing Assurance (STA) Program (a compost testing and information disclosure program).

Compost Quality Analysis:

Before delivery of the soil, the supplier shall submit a copy of the lab analysis performed by a laboratory that is enrolled in the USCC’s Compost Analysis Proficiency (CAP) program and using approved Test Methods for the Evaluation of Composting and Compost (TMECC). The lab report shall verify that the compost parameters are within the limits specified below.

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Range</th>
<th>Reported as (units)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organic Matter Content</td>
<td>35-75</td>
<td>%, dry weight basis</td>
</tr>
<tr>
<td>Carbon to Nitrogen Ratio</td>
<td>15:1 to 25:1</td>
<td>ratio</td>
</tr>
<tr>
<td>Maturity (Seed Emergence and Seedling Vigor)</td>
<td>&gt;80</td>
<td>average % of control</td>
</tr>
<tr>
<td>Stability (CO₂ Evolution Rate)</td>
<td>&lt;8</td>
<td>mg CO₂-C/g unit OM/day</td>
</tr>
<tr>
<td>Soluble Salts (Salinity)</td>
<td>&lt;6.0</td>
<td>mmhos/cm</td>
</tr>
<tr>
<td>pH</td>
<td>6.5 - 8.0</td>
<td>May vary with plant species</td>
</tr>
<tr>
<td>Heavy Metals Content</td>
<td>PASS</td>
<td>PASS/FAIL: US EPA Class A standard, 40 CFR § 503.13, tables 1 and 3.</td>
</tr>
</tbody>
</table>

Pathogens

- Fecal coliform: PASS
- Salmonella: PASS

Nutrient Content (provide analysis, including):

- Total Nitrogen (N): ≥0.9 %
- Boron (Total B): <80 ppm
- Calcium (Ca): For information only %
- Sodium (Na): For information only %
- Magnesium (Mg): For information only %
- Sulfur (S): For information only %
Soil/Compost and Gravel Specifications for Bioretention Facility

Gravel Layer


The specific section, Subsurface Drains, Sec. 68, of the manual is used because it offers specific specifications for subsurface drains. In addition to the standardized permeable layer, a membrane layer of pea gravel or other intermediate-sized material is recommended at the top of the gravel layer to prevent fines from the soil/compost layer from moving downward into the gravel layer.

68-2.02F (1) General

Permeable material for use in backfilling trenches under, around, and over underdrains must consist of hard, durable, clean sand, gravel, or crushed stone and must be free from organic material, clay balls, or other deleterious substances.

Permeable material must have a durability index of not less than 40.

68-2.02F (3) Class 2 Permeable Material

The percentage composition by weight of Class 2 permeable material in place must comply with the grading requirements shown in the following table:

Class 2 Permeable Material Grading Requirements

<table>
<thead>
<tr>
<th>Sieve sizes</th>
<th>Percentage passing</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&quot;</td>
<td>100</td>
</tr>
<tr>
<td>3/4&quot;</td>
<td>90–100</td>
</tr>
<tr>
<td>3/8&quot;</td>
<td>40–100</td>
</tr>
<tr>
<td>No. 4</td>
<td>25–40</td>
</tr>
<tr>
<td>No. 8</td>
<td>18–33</td>
</tr>
<tr>
<td>No. 30</td>
<td>5–15</td>
</tr>
<tr>
<td>No. 50</td>
<td>0–7</td>
</tr>
<tr>
<td>No. 200</td>
<td>0–3</td>
</tr>
</tbody>
</table>

Class 2 permeable material must have a sand equivalent value of not less than 75.
**Bioretention Facility Construction Checklist**

**Layout** (to be confirmed prior to beginning excavation permit approval stage)

- [ ] Square footage of the facility meets or exceeds minimum shown in Stormwater Control Plan
- [ ] Site grading and grade breaks are consistent with the boundaries of the tributary Drainage Management Area(s) (DMAs) shown in the Stormwater Control Plan
- [ ] Inlet elevation of the facility is low enough to receive drainage from the entire tributary DMA
- [ ] locations and elevations of overland flow or piping, including roof leaders, from impervious areas to the facility have been laid out and any conflicts resolved
- [ ] Rim elevation of the facility is laid out to be level all the way around, or elevations are consistent with a detailed cross-section showing location and height of interior dams
- [ ] Locations for vaults, utility boxes, and light standards have been identified so that they will not conflict with the facility
- [ ] Facility is protected as needed from construction-phase runoff and sediment

**Excavation** (to be confirmed prior to backfilling or pipe installation)

- [ ] Excavation conducted with materials and techniques to minimize compaction of soils within the facility area
- [ ] Excavation is to accurate area and depth
- [ ] Slopes or side walls protected from sloughing of native soils into the facility
- [ ] Moisture barrier, if specified, has been added to protect adjacent pavement or structures.
- [ ] Native soils at bottom of excavation are ripped or loosened to promote infiltration

**Overflow or Surface Connection to Storm Drainage** (to be confirmed prior to backfilling with any materials)

- [ ] Grating excludes mulch and litter (beehive or atrium-style grates recommended)
- [ ] Overflow is connected to storm drain via appropriately sized
- [ ] No knockouts or side inlets are in overflow riser
- [ ] Overflow is at specified elevation
- [ ] Overflow location selected to minimize surface flow velocity (near, but offset from, inlet recommended)
- [ ] Grating excludes mulch and litter (beehive or atrium-style grates recommended)
- [ ] Overflow is connected to storm drain via appropriately sized
**Bioretention Facility Construction Checklist**

### Underground connection to storm drain/outlet orifice

- Perforated pipe underdrain (PVC SDR 35 or approved equivalent) is installed with holes facing down
- Perforated pipe is connected to storm drain at specified elevation (typ. bottom of soil elevation)
- Cleanouts are in accessible locations and connected via sweep

### Drain Rock/Subdrain (to be confirmed prior to installation of soil mix)

- Rock is installed as specified, 12” min. depth. Class 2 permeable, Caltrans specification 68-2.02F(3) recommended
- Rock is smoothed to a consistent top elevation. Depth and top elevation are as shown in plans
- Slopes or side walls protect from sloughing of native soils into the facility
- No filter fabric is placed between the subdrain and soil mix layers

### Soil Mix

- Soil mix is as specified.
- Mix installed in lifts not exceeding 12”
- Mix is not compacted during installation but may be thoroughly wetted to encourage consolidation
- Mix is smoothed to a consistent top elevation. Depth of mix (18” min.) and top elevation are as shown in plans, accounting for depth of mulch to follow and required reservoir depth

### Irrigation

- Irrigation system is installed so it can be controlled separately from other landscaped areas
- Smart irrigation controllers and drip emitters are recommended and may be required by local code or ordinance.
- Spray heads, if any, are positioned to avoid direct spray into outlet structures
Bioretention Facility Construction Checklist

Planting

- Plants are installed consistent with approved planting plan, consistent with site water allowance
- Any trees and large shrubs are staked securely
- No fertilizer is added; compost tea may be used
- No native soil or clayey material are imported into the facility with plantings
- 1”-2” mulch may be applied following planting; mulch selected to avoid floating
- Final elevation of soil mix maintained following planting
- Curb openings are free of obstructions

Final Engineering Inspection

- Drainage Management Area(s) are free of construction sediment and landscaped areas are stabilized
- Inlets are installed to provide smooth entry of runoff from adjoining pavement, have sufficient reveal (drop from the adjoining pavement to the top of the mulch or soil mix, and are not blocked
- Inflows from roof leaders and pipes are connected and operable
- Temporary flow diversions are removed
- Rock or other energy dissipation at piped or surface inlets is adequate
- Overflow outlets are configured to allow the facility to flood and fill to near rim before overflow
- Plantings are healthy and becoming established
- Irrigation is operable
- Facility drains rapidly; no surface ponding is evident
- Any accumulated construction debris, trash, or sediment is removed from facility
- Permanent signage is installed and is visible to site users and maintenance personnel
APPENDIX 4

North Coast Stormwater Coalition LID Recommended Plant List
Planting Zone Diagram

### Zone A
Species planted in this zone should have the following characteristics:
- Water tolerant;
- Dense root structure and vegetative cover to discourage erosion, slow runoff velocities, and provide maximum pollutant filtration.
- Native grasses and groundcovers are excellent choices for this zone.

### Zone B
Species planted in this zone should have the following characteristics:
- Tolerant of periods without water;
- Dense root structure to provide erosion protection of side slopes.

### Zone C
Species planted in this zone should have the following characteristics:
- Deep roots to provide structural stability to the drainage feature;
- Tolerant of extended periods without water;
- Tolerant of occasional inundation.
## North Coast Stormwater Coalition Low Impact Development Recommended Plant List

Zone A: Area of the LID facility defined as the bottom to the designed high water mark. This area has moist to wet soils and plants located here shall be tolerant of inundation.

Zone B: Area of the LID facility defined as the side slopes from the designed high water line up to the edge of the facility. This area typically has dryer to moist soils, with the moist soils being located further down the side slopes. Plants here should be drought tolerant and help stabilize the slopes.

<table>
<thead>
<tr>
<th>Name</th>
<th>Planting Zone</th>
<th>Facility Type</th>
<th>Characteristics</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Common Name</strong></td>
<td><strong>Scientific Name</strong></td>
<td><strong>Zone</strong></td>
<td><strong>Moisture Zone</strong></td>
<td><strong>Swale</strong></td>
</tr>
<tr>
<td><strong>Vine Maple</strong></td>
<td><em>Acer circinatum</em></td>
<td>A/B</td>
<td>wet, moderate</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>small multi-stemmed tree, red-orange fall color, excellent soil binder</td>
</tr>
<tr>
<td><strong>American Dogwood</strong></td>
<td><em>Cornus sericea</em></td>
<td>A/B</td>
<td>wet, moderate</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>red twigs provide winter interest, white flowers in summer</td>
</tr>
<tr>
<td><strong>California Hazelnut</strong></td>
<td><em>Corylus cornuta</em></td>
<td>A/B</td>
<td>wet, moderate</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>nuts attract wildlife</td>
</tr>
<tr>
<td><strong>Sala</strong></td>
<td><em>Gaultheria shallon</em></td>
<td>B</td>
<td>dry to moist</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>evergreen, produces edible blue berries</td>
</tr>
<tr>
<td><strong>Ocean Spray</strong></td>
<td><em>Holodiscus discolor</em></td>
<td>B</td>
<td>moderate, dry</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>flowers in summer, attractive to wildlife, good soil binder</td>
</tr>
<tr>
<td><strong>Twinberry</strong></td>
<td><em>Lonicera involucrata</em></td>
<td>B</td>
<td>dry</td>
<td>X</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>flowers attract humming birds and butterflies</td>
</tr>
</tbody>
</table>

Shrubs
North Coast Stormwater Coalition Low Impact Development Recommended Plant List

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<thead>
<tr>
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<th>Planting Zone</th>
<th>Facility Type</th>
<th>Characteristics</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Osoberry</strong> <em>Oemleria cerasiformis</em></td>
<td>B</td>
<td>moderate</td>
<td>X X Y N</td>
<td>6' 4'</td>
</tr>
<tr>
<td><strong>Wild Mock-orange</strong> <em>Oemleria cerasiformis</em></td>
<td>B</td>
<td>dry</td>
<td>X X Y N</td>
<td>6' 4'</td>
</tr>
<tr>
<td><strong>Pacific Ninebark</strong> <em>Physocarpus capitatus</em></td>
<td>A/B</td>
<td>wet, moderate</td>
<td>X X X Y N</td>
<td>10' 3'</td>
</tr>
<tr>
<td><strong>Western Azalea</strong> <em>Rhododendron occidentale</em></td>
<td>A/B</td>
<td>wet, moderate</td>
<td>X X X Y N</td>
<td>15' 12'</td>
</tr>
<tr>
<td><strong>Red-flowering Currant</strong> <em>Ribes sanguineum</em></td>
<td>B</td>
<td>wet, moderate, dry</td>
<td>X X Y N</td>
<td>8' 4'</td>
</tr>
<tr>
<td><strong>Wood Rose</strong> <em>Rosa gymnocarpa</em></td>
<td>B</td>
<td>wet, moderate</td>
<td>X X Y N</td>
<td>3' 3'</td>
</tr>
<tr>
<td><strong>Willow species</strong> <em>Salix spp.</em></td>
<td>A/B</td>
<td>wet, moderate</td>
<td>X X Y N</td>
<td>13' 6'</td>
</tr>
<tr>
<td><strong>Red Elderberry</strong> <em>Sambucus racemosa</em></td>
<td>B</td>
<td>moderate</td>
<td>X X Y N</td>
<td>10' 10'</td>
</tr>
</tbody>
</table>

produces greenish white flowers, berries attract birds

fragrant flowers attract birds, bees, and butterflies, prune to shape

unique shredding bark, drought tolerant

showy flower clusters attract wildlife

showy pink flower clusters in spring, attractive to birds

flowers in summer

male and female catkins born on separate plants

flowers attract pollinators
### North Coast Stormwater Coalition Low Impact Development Recommended Plant List

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</tr>
</thead>
<tbody>
<tr>
<td><strong>Common Name</strong></td>
<td><strong>Zone</strong></td>
<td><strong>Moisture Zone</strong></td>
<td><strong>Sun Requirements</strong></td>
<td><strong>Height</strong></td>
</tr>
<tr>
<td>Douglas' Spiraea</td>
<td>A/B</td>
<td>moderate</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><em>Spiraea douglasii</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common Snowberry</td>
<td>B</td>
<td>moderate</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><em>Symphoricarpos albus</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evergreen Huckleberry</td>
<td>B/C</td>
<td>moderate, dry</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><em>Vaccinium ovatum</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Red Huckleberry</td>
<td>B</td>
<td>moist, dry</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td><em>Vaccinium parvifolium</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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North Coast Stormwater Coalition Low Impact Development Recommended Plant List

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<th>Facility Type</th>
<th>Characteristics</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Common Yarrow</td>
<td>C</td>
<td>moderate, dry</td>
<td>N N 36&quot; full to partial sun</td>
<td>summer flowers, tolerates regular to no watering</td>
</tr>
<tr>
<td>Achillea millefolium</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pearly Everlasting</td>
<td>C</td>
<td>dry</td>
<td>Y N 48&quot; full sun</td>
<td>popular dried flower</td>
</tr>
<tr>
<td>Anaphalis margaritacea</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crimson Columbine</td>
<td>B</td>
<td>wet</td>
<td>Y N 30&quot; partial sun</td>
<td>red and yellow flowers attract hummingbirds, heavy bloomer</td>
</tr>
<tr>
<td>Aquilegia formosa</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wild Ginger</td>
<td>B</td>
<td>moist</td>
<td>Y Y 10&quot; shade/ part</td>
<td>bold heart shaped leaves, pleasant fragrance, ornate flowers, evergreen perennial</td>
</tr>
<tr>
<td>Asarum caudatum</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common California Aster</td>
<td>B</td>
<td>dry to moist</td>
<td>Y N 40&quot; full sun to partial shade</td>
<td>attracts native pollinators including bees, moths and butterflies</td>
</tr>
<tr>
<td>Symphyotrichum chilense</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lady Fern</td>
<td>B</td>
<td>moist</td>
<td>X X Y N 36&quot; shade</td>
<td>deciduous, low maintenance</td>
</tr>
<tr>
<td>Athyrium filix-femina</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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<thead>
<tr>
<th>Name</th>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Zone</th>
<th>Moisture Zone</th>
<th>Sun Requirements</th>
<th>Height</th>
<th>Width</th>
<th>Evergreen</th>
<th>NW Native</th>
<th>Characteristics</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deer Fern</td>
<td>Blechnum spicant</td>
<td></td>
<td>B</td>
<td>wet, moderate</td>
<td>X</td>
<td>Y</td>
<td>N</td>
<td>24&quot;</td>
<td>24&quot;</td>
<td>shade to partial sun</td>
<td>attracts deer</td>
</tr>
<tr>
<td>California Brome</td>
<td>Bromus carinatus</td>
<td></td>
<td>A</td>
<td>moderate, dry</td>
<td>X</td>
<td>Y</td>
<td>Y</td>
<td>18&quot;</td>
<td>12&quot;</td>
<td>full to partial sun</td>
<td>native competitor to exotic weeds</td>
</tr>
<tr>
<td>Dense Sedge</td>
<td>Carex densa</td>
<td></td>
<td>A</td>
<td>wet, moderate, dry</td>
<td>X</td>
<td>Y</td>
<td>Y</td>
<td>24&quot;</td>
<td>12&quot;</td>
<td>full sun to shade</td>
<td>good erosion control, trapping sediment and slowing the flow of water</td>
</tr>
<tr>
<td>Short-scaled Sedge</td>
<td>Carex leptopoda</td>
<td></td>
<td>A</td>
<td>wet</td>
<td>X</td>
<td>Y</td>
<td>Y</td>
<td>30&quot;</td>
<td></td>
<td>full</td>
<td>perennial herb</td>
</tr>
<tr>
<td>Tufted Hairgrass</td>
<td>Deschampsia caespitosa</td>
<td></td>
<td>A/B</td>
<td>moderate</td>
<td>X</td>
<td>Y</td>
<td>N</td>
<td>36&quot;</td>
<td>12&quot;</td>
<td>full/part</td>
<td>attractive throughout winter</td>
</tr>
<tr>
<td>Pacific Bleeding Heart</td>
<td>Dicentra formosa</td>
<td></td>
<td>B</td>
<td>moderate, dry</td>
<td>Y</td>
<td>N</td>
<td>2'</td>
<td>2'</td>
<td></td>
<td>shade/part</td>
<td>delicate foliage with attractive spring flowers</td>
</tr>
<tr>
<td>Blue Wildrye</td>
<td>Elymus glaucus</td>
<td></td>
<td>B</td>
<td>moderate</td>
<td>X</td>
<td>X</td>
<td>Y</td>
<td>Y</td>
<td>24&quot;</td>
<td>full sun to light shade</td>
<td>perennial, distinct blue to blue-green colored leaves</td>
</tr>
</tbody>
</table>
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<tr>
<th>Name</th>
<th>Planting Zone</th>
<th>Moisture Zone</th>
<th>Facility Type</th>
<th>Characteristics</th>
<th>Sun Requirements</th>
<th>Additional Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Seaside Daisy</strong></td>
<td>B</td>
<td>moderate</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>full to partial sun, lavender colored flowers that attract pollinators</td>
</tr>
<tr>
<td><em>Erigeron glaucus</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>California Fescue</strong></td>
<td>B/C</td>
<td>moderate</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>drought tolerant, stabilizes soils &amp; prevents erosion,</td>
</tr>
<tr>
<td><em>Festuca californica</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Idaho Fescue</strong></td>
<td>B/C</td>
<td>moderate</td>
<td>Y</td>
<td>N</td>
<td>Y</td>
<td>grows in bunches</td>
</tr>
<tr>
<td><em>Festuca idahoensis</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Red Fescue</strong></td>
<td>B</td>
<td>moderate</td>
<td>X</td>
<td>X</td>
<td>Y</td>
<td>no-mow ground cover</td>
</tr>
<tr>
<td><em>Festuca rubra</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Beach Strawberry</strong></td>
<td>B</td>
<td>moderate, dry</td>
<td>X</td>
<td>X</td>
<td>Y</td>
<td>edible red berries, grows well in sandy soils</td>
</tr>
<tr>
<td><em>Fragaria chiloensis</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Wood Strawberry</strong></td>
<td>B</td>
<td>moderate, dry</td>
<td>X</td>
<td>X</td>
<td>N</td>
<td>edible red berries</td>
</tr>
<tr>
<td><em>Fragaria vesca</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Western Mannagrass</strong></td>
<td>A</td>
<td>wet, moderate</td>
<td>X</td>
<td>Y</td>
<td>Y</td>
<td>does well in detention ponds and swales</td>
</tr>
<tr>
<td><em>Glyceria occidentalis</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Small-flowered Alumroot</strong></td>
<td>B</td>
<td>wet, moderate</td>
<td>Y</td>
<td>N</td>
<td></td>
<td>distinct green to dark purple colored leaves; can grow on steep slopes</td>
</tr>
<tr>
<td><em>Heuchera micrantha</em></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Common Name</strong></td>
<td><strong>Scientific Name</strong></td>
<td><strong>Zone</strong></td>
<td><strong>Moisture Zone</strong></td>
<td><strong>Swale</strong></td>
</tr>
<tr>
<td>Douglas Iris</td>
<td><em>Iris douglasiana</em></td>
<td>B</td>
<td>moist to dry</td>
<td>X</td>
</tr>
<tr>
<td>Common Rush</td>
<td><em>Juncus effusus var. pacificus</em></td>
<td>A</td>
<td>wet, moderate</td>
<td>X</td>
</tr>
<tr>
<td>Dagger-leaf Rush</td>
<td><em>Juncus ensifolius</em></td>
<td>A</td>
<td>wet, moderate</td>
<td>X</td>
</tr>
<tr>
<td>Spreading Rush</td>
<td><em>Juncus patens</em></td>
<td>A</td>
<td>wet, moderate</td>
<td>X</td>
</tr>
<tr>
<td>Large-leaved Lupine</td>
<td><em>Lupinus polyphyllus</em></td>
<td>A/B</td>
<td>moderate</td>
<td>X</td>
</tr>
<tr>
<td>False Lily-of-the-valley</td>
<td><em>Maianthemum dilatatum</em></td>
<td>wet, moderate</td>
<td>Y</td>
<td>16&quot;</td>
</tr>
<tr>
<td>Gray Beartongue</td>
<td><em>Penstemon rattanii var. rattanii</em></td>
<td>B</td>
<td>moderate</td>
<td>Y</td>
</tr>
<tr>
<td>Sword Fern</td>
<td><em>Polystichum munitum</em></td>
<td>A/B</td>
<td>wet, moderate</td>
<td>X</td>
</tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Cinquefoil Potentilla gracilis</td>
<td>B/C</td>
<td>moderate, dry</td>
<td>Y N 40&quot; full/part</td>
<td>flowers attract native bees</td>
</tr>
<tr>
<td>Three-squared Bulrush Schoenoplectus americanus</td>
<td>A</td>
<td>wet</td>
<td>Y N 7&quot; full/part</td>
<td>native perennial</td>
</tr>
<tr>
<td>Small-flowering Bulrush Scirpus microcarpus</td>
<td>A</td>
<td>moderate</td>
<td>X Y Y 24&quot; full/part</td>
<td>good soil binder</td>
</tr>
<tr>
<td>Golden-eyed-grass Sisyrinchium californicum</td>
<td>A/B</td>
<td>moist</td>
<td>X X X N Y 6&quot; 12&quot; full to partial sun</td>
<td>produces bright yellow flowers that attract many beneficial insects</td>
</tr>
<tr>
<td>Coast Goldenrod Solidago spathulata</td>
<td>B</td>
<td>moderate</td>
<td>Y N 20&quot; full to partial sun</td>
<td>bright yellow flowers attract butterflies and other insects</td>
</tr>
<tr>
<td>Fringe Cups Tellima grandiflora</td>
<td>B</td>
<td>moderate</td>
<td>Y N 12&quot; shade</td>
<td>flowers age changing from green to pink</td>
</tr>
<tr>
<td>Youth-on-age Tolmiea diaplenzensis</td>
<td>B</td>
<td>wet, moderate</td>
<td>Y N 15&quot; shade</td>
<td>perennial herb</td>
</tr>
</tbody>
</table>

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APPENDIX 5

O&M Plan Checklist and Certification
O&M Plan Checklist and Certification for Regulated Projects

For Office Use Only
Application No. ____________________________
Received By: ____________________________

A. Designate the Responsible Individual (RI).

The RI is the person that will have direct responsibility for the maintenance of storm water controls, maintain self-inspection records, and sign any correspondence with the PBS departments with project location jurisdiction.

Name of RI: ______________________________________________________

Phone: __________________________________________________________

Project Name: _____________________________________________________

Physical Site Address and/or APN: ____________________________________

☐ Include the site plan delineating the DMAs and the locations of the bioretention or equivalent facilities.

☐ Include the final construction drawings of the storm water facilities:
  ☐ Plans, elevations, and details of bioretention facilities.
  ☐ Construction details and specifications, including: depths of sand and soil, compaction, pipe materials, and bedding.
  ☐ Location and layouts of inflow piping and piping to off-site discharge
  ☐ Native soils (lenses beneath the facilities)

B. Scheduled Maintenance Activities

The following activities will need to occur on an annual basis, frequency may need to be adjusted depending on facility.

☐ Refuse removal, remove trash the collects near the inlets or that is trapped by vegetation. Clean out soil and debris blocking inlets or overflows.

☐ Control weeds, manual methods and soil amendments; non-natural (synthetic) pesticides should not be used.

☐ Add mulch, add mulch to maintain a mulch layer thickness of ~ 3 inches.

☐ Pruning and replanting vegetation, it may be necessary to replace or remove vegetation to ensure the proper functioning of the facility.

☐ Check irrigation, if irrigation exists, check to make sure the system is working as intended.

An annual self-certification letter will be mailed to the RI. This letter will serve as verification that all the storm water facilities on the property are being maintained and remain operational. The letter should be signed and returned within 30 days.
O&M Plan Checklist and Certification for Regulated Projects

C. Updates to the O & M Plan

Contact information for the Responsible Individual should be current. If the RI changes, the PBS departments with project location jurisdiction should be notified with the appropriate revisions.

D. O & M plans for other Facility Types

If your project included a non-standard storm water treatment facility that was approved by the Planning and Building Services Department, such as a tree-box type system, than the O & M should reflect the manufacturer’s recommended maintenance scheduling.

E. Signature and Certification:

“I, the RI/applicant accept responsibility for operation and maintenance of storm water treatment and flow-control facilities until such time as this responsibility is transferred to a subsequent owner.” Furthermore, a condition on the property deed will be recorded with the County Recorder’s office indicating that a storm water facility is present on the property and that the maintenance responsibility will transfer with property ownership in perpetuity.

_________________________________________  _________________________
Signature of the RI  Date

_________________________________________
Print Name

I am the:

☐ Property Owner

☐ Applicant

☐ Contractor
**O and M: Inspection and Maintenance Checklist: Bioretention Facility**

**Example of Inspection Maintenance Document**

Responsible Individual: ____________________________

Facility Name: ____________________________

Date of Inspection: ____________________________

<table>
<thead>
<tr>
<th>Item</th>
<th>Conditions When Maintenance Is Needed</th>
<th>Maintenance Needed? (Y/N)</th>
<th>Comments (Describe maintenance completed; and if any needed maintenance was not conducted, note what is needed and when it will be done)</th>
<th>Results Expected When Maintenance Is Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>General</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trash and Debris</td>
<td>Trash and debris accumulated in basin Visual evidence of dumping</td>
<td></td>
<td></td>
<td>Trash and debris cleared from site.</td>
</tr>
<tr>
<td>Contaminants and Pollution</td>
<td>Any evidence of oil, gasoline, contaminants or other pollutants</td>
<td></td>
<td></td>
<td>No contaminants or pollutants present.</td>
</tr>
<tr>
<td>Vegetation</td>
<td>When the planted vegetation becomes excessively tall. • When nuisance weeds and other vegetation start to take over.</td>
<td></td>
<td>Vegetation mowed per specifications or maintenance plan, or nuisance vegetation removed so that flow is not impeded. Vegetation should never be mowed lower than the design flow depth. Remove clippings from the area and dispose appropriately.</td>
<td></td>
</tr>
</tbody>
</table>

This or a similar document should remain with the facility. Inspection and maintenance records should be available upon request from the PBS departments with project location jurisdiction.
### O and M: Inspection and Maintenance Checklist: Bioretention Facility

<table>
<thead>
<tr>
<th>Item</th>
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<th>Maintenance Needed? (Y/N)</th>
<th>Comments (Describe maintenance completed; and if any needed maintenance was not conducted, note what is needed and when it will be done)</th>
<th>Results Expected When Maintenance Is Performed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree/Brush Growth and Hazard Trees</td>
<td>Growth does not allow maintenance access or interferes with maintenance activity • Dead, diseased, or dying trees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Erosion</td>
<td>Eroded over 2 in. deep where cause of damage is still present or where there is potential for continued erosion.</td>
<td></td>
<td>Cause of erosion is managed appropriately. Areas remulched to fill in void areas.</td>
<td></td>
</tr>
<tr>
<td>Sediment</td>
<td>Accumulated sediment affects inletting or outletting condition of the facility.</td>
<td></td>
<td>Sediment removed and area reseeded if necessary to control erosion.</td>
<td></td>
</tr>
<tr>
<td>Damaged Pipes</td>
<td>Any part of the piping that is crushed or deformed more than 20% or any other failure to the piping.</td>
<td></td>
<td>Pipe repaired or replaced.</td>
<td></td>
</tr>
<tr>
<td>Rodent Holes</td>
<td>If facility acts as a dam or berm, any evidence of rodent holes, or any evidence of water piping through dam or berm via rodent holes.</td>
<td></td>
<td>The design specifications are not compromised by holes. Any rodent control activities are in accordance with applicable laws and do not affect any protected species</td>
<td></td>
</tr>
</tbody>
</table>

This or a similar document should remain with the facility. Inspection and maintenance records should be available upon request from the PBS departments with project location jurisdiction.
APPENDIX 6

Pollutant Sources/Source Controls Checklist
Stormwater Pollutant Sources/Source Controls Checklist

How to use this worksheet (also see instructions on Checklist for Regulated Projects):

1. Review Column 1 and identify which of these potential sources of stormwater pollutants apply to your site. Check each box that applies.

2. Review Column 2 and incorporate all of the corresponding applicable Structural Source Control BMPs in your Stormwater Control Plan drawings.

3. Review Columns 3 and 4 and incorporate all of the corresponding applicable Structural Source Control BMPs and Operational Source Control BMPs in a table in your Stormwater Control Plan. Use this table and an accompanying narrative in the SCP, and explain any special conditions or situations that required omitting BMPs or substituting alternative BMPs.

<table>
<thead>
<tr>
<th>IF THESE SOURCES WILL BE ON THE PROJECT SITE...</th>
<th>THEN YOUR STORMWATER CONTROL PLAN (SCP) SHOULD INCLUDE THESE SOURCE CONTROL BMPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Potential Sources of Runoff Pollutants</td>
<td>2 Structural Source Controls – Show on SCP Drawings</td>
</tr>
<tr>
<td>2 Structural Source Control – List in SCP Table and Narrative</td>
<td>3 Operational Source Control BMPs – Include in SCP Table and Narrative</td>
</tr>
</tbody>
</table>

- **A. On-site storm drain inlets**
  (unauthorized non-stormwater discharges and accidental spills or leaks)

- **Location of inlets**

- **Mark all inlets with the words “No Dumping! Flows to River/Ocean” or similar.**

- **Maintain and periodically repaint or replace inlet markings.**

- **Provide stormwater pollution prevention information to new site owners, lessees, or operators.**

See applicable operational BMPs in Fact Sheet SC-74, “Drainage System Maintenance,” in the CASQA Stormwater Quality Handbooks at www.casqa.org/resources/municipal-bmp-handbook

- **Include the following in lease agreements: “Tenant shall not allow anyone to discharge anything to storm drains or to store or deposit materials so as to create a potential discharge to storm drains.”**
### IF THESE SOURCES WILL BE ON THE PROJECT SITE...

<table>
<thead>
<tr>
<th>Potential Sources of Runoff Pollutants</th>
<th>Structural Source Controls – Show on SCP Drawings</th>
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<th>Operational Source Control BMPs – Include in SCP Table and Narrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ B. Interior floor drains and elevator shaft sump pumps</td>
<td>□ Show drain and pump locations</td>
<td>□ State that interior floor drains and elevator shaft sump pumps will be plumbed to sanitary sewer</td>
<td>□ Inspect and maintain drains to prevent blockages and overflow.</td>
</tr>
<tr>
<td>□ C. Interior parking garages</td>
<td>□ Show drain locations</td>
<td>□ State that parking garage floor drains will be plumbed to the sanitary sewer</td>
<td>□ Inspect and maintain drains to prevent blockages and overflow.</td>
</tr>
<tr>
<td>□ D₁. Need for future indoor &amp; structural pest control</td>
<td></td>
<td>□ Note building design features that discourage entry of pests</td>
<td>□ Provide Integrated Pest Management information to owners, lessees, and operators.</td>
</tr>
<tr>
<td>□ D₂. Landscape/ Outdoor Pesticide Use/Building and Grounds Maintenance</td>
<td>□ Show locations of native trees or areas of shrubs and ground cover to be undisturbed and retained.</td>
<td>State that final landscape plans will accomplish all of the following.</td>
<td>□ Maintain landscaping using minimum or no pesticides.</td>
</tr>
<tr>
<td></td>
<td>□ Show self-retaining landscape areas, if any.</td>
<td>□ Preserve existing native trees, shrubs, and ground cover to the maximum extent possible.</td>
<td>□ See applicable operational BMPs in Fact Sheet SC-41, “Building and Grounds Maintenance,” in the CASQA Stormwater Quality Handbooks at <a href="http://www.casqa.org/resources/municipal-bmp-handbook">www.casqa.org/resources/municipal-bmp-handbook</a></td>
</tr>
<tr>
<td></td>
<td>□ Show bioretention facilities. (See instructions in Section 4 of manual.)</td>
<td>□ Design landscaping to minimize irrigation and runoff, to promote surface infiltration where appropriate, and to minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.</td>
<td>□ Provide IPM information to new owners, lessees and operators.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ Where landscaped areas are used to retain or detain stormwater, specify plants that are tolerant of saturated soil conditions.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ Consider using pest-resistant plants, especially adjacent to hardscape.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ To insure successful establishment, select plants appropriate to site soils, slopes, climate, sun, wind, rain, land use, air movement, ecological consistency, and plant interactions.</td>
<td></td>
</tr>
</tbody>
</table>
### IF THESE SOURCES WILL BE ON THE PROJECT SITE...

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
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<td><strong>Operational Source Control BMPs – Include in SCP Table and Narrative</strong></td>
</tr>
<tr>
<td>□ E. Pools, spas, ponds, decorative fountains, and other water features</td>
<td>□ Show location of water feature and a sanitary sewer cleanout in an accessible area within 10 feet.</td>
<td>□ If the local municipality requires pools to be plumbed to the sanitary sewer, place a note on the plans and state in the narrative that this connection will be made according to local requirements.</td>
<td>□ See applicable operational BMPs in Fact Sheet SC-72, “Fountain and Pool Maintenance,” in the CASQA Stormwater Quality Handbooks at <a href="http://www.casqa.org/resources/municipal-bmp-handbook">www.casqa.org/resources/municipal-bmp-handbook</a></td>
</tr>
<tr>
<td></td>
<td>□ For restaurants, grocery stores, and other food service operations, show location (indoors or in a covered area outdoors) of a floor sink or other area for cleaning floor mats, containers, and equipment. □ On the drawing, show a note that this drain will be connected to a grease interceptor before discharging to the sanitary sewer</td>
<td>□ Describe the location and features of the designated cleaning area.</td>
<td>□ The sanitary sewer operator must be notified and a clean out identified when pools are to be drained to the sanitary sewer.</td>
</tr>
<tr>
<td>□ F. Food Service</td>
<td>□ Describe the items to be cleaned in this facility and how it has been sized to insure that the largest items can be accommodated.</td>
<td>□ State maintenance schedule for grease interceptor</td>
<td></td>
</tr>
<tr>
<td>□ G. Refuse areas</td>
<td>□ Show where site refuse and recycled materials will be handled and stored for pickup. See local municipal requirements for sizes and other details of refuse areas. □ If dumpsters or other receptacles are outdoors, show how the designated area will be covered, graded, and paved to prevent run-on and show locations of berms to prevent runoff from the area. □ Any drains from dumpsters, compactors, and tallow bin areas shall be connected to a grease removal device before discharge to sanitary sewer.</td>
<td>□ State how site refuse will be handled and provide supporting detail to what is shown on plans. □ State that signs will be posted on or near dumpsters with the words “Do not dump hazardous materials here” or similar.</td>
<td>□ State how the following will be implemented: Provide adequate number of receptacles. Inspect receptacles regularly; repair or replace leaky receptacles. Keep receptacles covered. Prohibit/prevent dumping of liquid or hazardous wastes. Post “no hazardous materials” signs. Inspect and pick up litter daily and clean up spills immediately. Keep spill control materials available on-site. See Fact Sheet SC-34, “Waste Handling and Disposal” in the CASQA Stormwater Quality Handbooks at <a href="http://www.casqa.org/resources/municipal-bmp-handbook">www.casqa.org/resources/municipal-bmp-handbook</a></td>
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</thead>
<tbody>
<tr>
<td>□ H. Industrial Process area</td>
<td>□ Show process area.</td>
<td>□ If industrial processes are to be located on site, state: “All process activities to be performed indoors. No processes to drain to exterior or to storm drain system.”</td>
<td>□ See Fact Sheet SC-10, “Non-Stormwater Discharges” in the CASQA Stormwater Quality Handbooks at <a href="http://www.casqa.org/resources/municipal-bmp-handbook">www.casqa.org/resources/municipal-bmp-handbook</a></td>
</tr>
<tr>
<td>□ I. Outdoor storage of equipment or materials (See rows J and K for source control measures for vehicle cleaning, repair, and maintenance.)</td>
<td>□ Show any outdoor storage areas, including how materials will be covered. Show how areas will be graded and bermed to prevent run-on or run-off from area. □ Storage of non-hazardous liquids shall be covered by a roof and/or drain to the sanitary sewer system, and be contained by berms, dikes, liners, or vaults. □ Storage of hazardous materials and wastes must be in compliance with the local hazardous materials ordinance and a Hazardous Materials Management Plan for the site.</td>
<td>□ Include a detailed description of materials to be stored, storage areas, and structural features to prevent pollutants from entering storm drains. □ Where appropriate, reference documentation of compliance with the requirements of programs for:  • Hazardous Waste Generation  • Hazardous Materials Release Response and Inventory  • California Accidental Release (CalARP)  • Aboveground Storage Tank  • Uniform Fire Code Article 80 Section 103(b) &amp; (c) 1991  • Underground Storage Tank</td>
<td>□ See the Fact Sheets SC-31, “Outdoor Container Storage” and SC-33, “Outdoor Storage of Raw Materials ” in the CASQA Stormwater Quality Handbooks at <a href="http://www.casqa.org/resources/municipal-bmp-handbook">www.casqa.org/resources/municipal-bmp-handbook</a></td>
</tr>
</tbody>
</table>
### Potential Sources of Runoff Pollutants

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<tbody>
<tr>
<td>☐ J. Vehicle and Equipment Cleaning</td>
<td>☐ Show on drawings as appropriate:</td>
<td>☐ If a car wash area is not provided, describe measures taken to discourage on-site car washing and explain how these will be enforced.</td>
<td>☐ Describe operational measures to implement the following (if applicable):</td>
</tr>
<tr>
<td></td>
<td>(1) Commercial/industrial facilities having vehicle/ equipment cleaning needs shall either provide a covered, bermed area for washing activities or discourage vehicle/equipment washing by removing hose bibs and installing signs prohibiting such uses.</td>
<td></td>
<td>Wash water from vehicle and equipment washing operations shall not be discharged to the storm drain system.</td>
</tr>
<tr>
<td></td>
<td>(2) Multi-dwelling complexes shall have a paved, bermed, and covered car wash area (unless car washing is prohibited on-site and hoses are provided with an automatic shut-off to discourage such use).</td>
<td></td>
<td>Car dealerships and similar may rinse cars with water only.</td>
</tr>
<tr>
<td></td>
<td>(3) Washing areas for cars, vehicles, and equipment shall be paved, designed to prevent run-on to or runoff from the area, and plumbed to drain to the sanitary sewer.</td>
<td></td>
<td>☐ See Fact Sheet SC-21, “Vehicle and Equipment Cleaning,” in the CASQA Stormwater Quality Handbooks at <a href="http://www.casqa.org/resources/municipal-bmp-handbook">www.casqa.org/resources/municipal-bmp-handbook</a></td>
</tr>
<tr>
<td></td>
<td>(4) Commercial car wash facilities shall be designed such that no runoff from the facility is discharged to the storm drain system. Wastewater from the facility shall discharge to the sanitary sewer, or a wastewater reclamation system shall be installed.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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<td>☐ K. Vehicle and Equipment Repair and Maintenance</td>
<td>☐ Accommodate all vehicle equipment repair and maintenance indoors. Or designate an outdoor work area and design the area to prevent run-on and runoff of stormwater.</td>
<td>☐ State that no vehicle repair or maintenance will be done outdoors, or else describe the required features of the outdoor work area.</td>
<td>☐ In the Stormwater Control Plan, note that all of the following restrictions apply to use the site:</td>
</tr>
<tr>
<td></td>
<td>☐ Show secondary containment for exterior work areas where motor oil, brake fluid, gasoline, diesel fuel, radiator fluid, acid-containing batteries or other hazardous materials or hazardous wastes are used or stored. Drains shall not be installed within the secondary containment areas.</td>
<td>☐ State that there are no floor drains or if there are floor drains, note the agency from which an industrial waste discharge permit will be obtained and that the design meets that agency’s requirements.</td>
<td>☐ No person shall dispose of, nor permit the disposal, directly or indirectly of vehicle fluids, hazardous materials, or rinse water from parts cleaning into storm drains.</td>
</tr>
<tr>
<td></td>
<td>☐ Add a note on the plans that states either (1) there are no floor drains, or (2) floor drains are connected to wastewater pretreatment systems prior to discharge to the sanitary sewer and an industrial waste discharge permit will be obtained.</td>
<td>☐ State that there are no tanks, containers or sinks to be used for parts cleaning or rinsing or, if there are, note the agency from which an industrial waste discharge permit will be obtained and that the design meets that agency’s requirements.</td>
<td>☐ No vehicle fluid removal shall be performed outside a building, nor on asphalt or ground surfaces, whether inside or outside a building, except in such a manner as to ensure that any spilled fluid will be in an area of secondary containment. Leaking vehicle fluids shall be contained or drained from the vehicle immediately.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>☐ No person shall leave unattended parts or other open containers containing vehicle fluid, unless such containers are in use or in an area of secondary containment.</td>
</tr>
</tbody>
</table>

If these sources will be on the project site…...then your stormwater control plan (SCP) should include these source control BMPs

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<tr>
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<td>□ L. Fuel Dispensing Areas</td>
<td>□ Fueling areas shall have impermeable floors (i.e., portland cement concrete or equivalent smooth impervious surface) that are: a) graded at the minimum slope necessary to prevent ponding; and b) separated from the rest of the site by a grade break that prevents run-on of stormwater to the maximum extent practicable.</td>
<td>□ State that no vehicle repair or maintenance will be done outdoors, or else describe the required features of the outdoor work area.</td>
<td>□ The property owner shall dry sweep the fueling area routinely.</td>
</tr>
<tr>
<td></td>
<td>□ Fueling areas shall be covered by a canopy that extends a minimum of ten feet in each direction from each pump. [Alternative: The fueling area must be covered and the cover’s minimum dimensions must be equal to or greater than the area within the grade break or fuel dispensing area.] The canopy [or cover] shall not drain onto the fueling area.</td>
<td>□ State that there are no floor drains or if there are floor drains, note the agency from which an industrial waste discharge permit will be obtained and that the design meets that agency’s requirements.</td>
<td>See Fact Sheet SC-20, “Vehicle and Equipment Fueling” in the CASQA Stormwater Quality Handbooks at <a href="http://www.casqa.org/resources/municipal-bmp-handbook">www.casqa.org/resources/municipal-bmp-handbook</a>.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>□ State that there are no tanks, containers or sinks to be used for parts cleaning or rinsing or, if there are, note the agency from which an industrial waste discharge permit will be obtained and that the design meets that agency’s requirements.</td>
<td></td>
</tr>
</tbody>
</table>
### IF THESE SOURCES WILL BE ON THE PROJECT SITE… THEN YOUR STORMWATER CONTROL PLAN (SCP) SHOULD INCLUDE THESE SOURCE CONTROL BMPs

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<tbody>
<tr>
<td>□ M. Loading Docks</td>
<td>□ Show the loading dock area, including roofing and drainage. Loading docks shall be covered and/or graded to minimize run-on to and runoff from the loading area. Roof downspouts shall be positioned to direct stormwater away from the loading area. Water from loading dock areas shall be drained to the sanitary sewer, or diverted and collected for ultimate discharge to the sanitary sewer.</td>
<td>□ Move loaded and unloaded items indoors as soon as possible.</td>
<td>□ See Fact Sheet SC-30, “Outdoor Loading and Unloading,” in the CASQA Stormwater Quality Handbooks at <a href="http://www.casqa.org/resources/municipal-bmp-handbook">www.casqa.org/resources/municipal-bmp-handbook</a></td>
</tr>
<tr>
<td></td>
<td>□ Loading dock areas draining directly to the sanitary sewer shall be equipped with a spill control valve or equivalent device, which shall be kept closed during periods of operation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>□ Provide a roof overhang over the loading area or install door skirts (cowling) at each bay that enclose the end of the trailer.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>□ N. Fire Sprinkler Test Water</td>
<td>□ Provide a means to drain fire sprinkler test water to the sanitary sewer</td>
<td></td>
<td>□ See the note in Fact Sheet SC-41, “Building and Grounds Maintenance,” in the CASQA Stormwater Quality Handbooks at <a href="http://www.casqa.org/resources/municipal-bmp-handbook">www.casqa.org/resources/municipal-bmp-handbook</a></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------------------------------</td>
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<td>Operational Source Control BMPS – Include in SCP Table and Narrative</td>
</tr>
<tr>
<td>O. Miscellaneous Drain or Wash Water or Other Sources</td>
<td>☐ Show drain lines and drainage sumps</td>
<td>☐ Boiler drain lines shall be directly or indirectly connected to the sanitary sewer system and may not discharge to the storm drain system.</td>
<td>If architectural copper is used, implement the following BMPs for management of rinse water during installation:</td>
</tr>
<tr>
<td>☐ Boiler drain lines</td>
<td>☐ Condensate drain lines may discharge to landscaped areas if the flow is small enough that runoff will not occur. Condensate drain lines may not discharge to the storm drain system.</td>
<td>☐ If possible, purchase copper materials that have been pre-patinated at the factory.</td>
<td>☐ If patination is done on-site, prevent rinse water from entering storm drains by discharging to landscaping or by collecting in a tank and hauling off-site.</td>
</tr>
<tr>
<td>☐ Condensate drain lines</td>
<td>☐ Rooftop equipment with potential to produce pollutants shall be roofed and/or have secondary containment.</td>
<td>☐ Consider coating the copper materials with an impervious coating that prevents further corrosion and runoff.</td>
<td>☐ Consider coating the copper materials with an impervious coating that prevents further corrosion and runoff.</td>
</tr>
<tr>
<td>☐ Rooftop equipment</td>
<td>☐ Any drainage sumps on-site shall feature a sediment sump to reduce the quantity of sediment in pumped water.</td>
<td>Implement the following BMPs during routine maintenance:</td>
<td>Implement the following BMPs during routine maintenance:</td>
</tr>
<tr>
<td>☐ Drainage sumps</td>
<td>☐ Include controls for other sources as specified by local reviewer.</td>
<td>☐ Prevent rinse water from entering storm drains by discharging to landscaping or by collecting in a tank and hauling off-site.</td>
<td>☐ Prevent rinse water from entering storm drains by discharging to landscaping or by collecting in a tank and hauling off-site.</td>
</tr>
<tr>
<td>☐ Roofing, gutters, and trim</td>
<td>☐ Other sources</td>
<td>☐ Collect wash water containing any cleaning agent or degreaser and discharge to the sanitary sewer not to a storm drain.</td>
<td>☐ Collect wash water containing any cleaning agent or degreaser and discharge to the sanitary sewer not to a storm drain.</td>
</tr>
<tr>
<td>☐ Other sources</td>
<td>☐ P. Plazas, sidewalks, and parking lots.</td>
<td>☐ Sweep plazas, sidewalks, and parking lots regularly to prevent accumulation of litter and debris.</td>
<td>☐ Sweep plazas, sidewalks, and parking lots regularly to prevent accumulation of litter and debris.</td>
</tr>
<tr>
<td>☐ P. Plazas, sidewalks, and parking lots.</td>
<td>☐ Show extent of permeable paving materials</td>
<td>☐ Collect debris from pressure washing to prevent entry into the storm drain system.</td>
<td>☐ Collect debris from pressure washing to prevent entry into the storm drain system.</td>
</tr>
</tbody>
</table>
Applicable CASQA BMP Fact Sheets are available as a separate document, check with the County or City Department with project location jurisdiction for availability.

BMP Fact Sheets referenced above are also available for download from the CASQA website at:

https://www.casqa.org/resources/bmp-handbooks/municipal-bmp-handbook
APPENDIX 7

Definitions
Definitions

**Hydromodification** - Modification of hydrologic pathways (precipitation, surface runoff, infiltration, groundwater flow, return flow, surface-water storage, groundwater storage, evaporation and transpiration) that results in negative impacts to watershed health and functions.

**Illicit Discharge** - Any discharge to a municipal separate storm sewer (storm drain) system (MS4) that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes all non-storm water discharges not composed entirely of storm water and discharges that are identified under the Discharge Prohibitions section of this General Permit. The term illicit discharge does not include discharges that are regulated by an NPDES permit (other than the NPDES permit for discharges from the MS4).

**Impervious Surface** - A surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall/storm water. Impervious surfaces include, but are not limited to; roof tops, walkways, patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. Landscaped soil and pervious pavement, including pavers with pervious openings and seams, underlain with pervious soil or pervious storage material, such as a gravel layer sufficient to hold the specified volume of rainfall runoff are not impervious surfaces.

**Linear Underground/Overhead Projects (LUPs)** - Include, but are not limited to, any conveyance, pipe, or pipeline for the transportation of any gaseous, liquid (including water and wastewater for domestic municipal services), liqueous, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g., telephone, telegraph, radio, or television messages); and associated ancillary facilities. Construction activities associated with LUPs include, but are not limited to, (a) those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment, and associated ancillary facilities); and include, but are not limited to, (b) underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/ or pavement repair or replacement, and stockpile/borrow locations.

**Low Impact Development** – A sustainable practice that benefits water supply and contributes to water quality protection. Unlike traditional storm water management, which collects and conveys storm water runoff through storm drains, pipes, or other conveyances to a centralized storm water facility, Low Impact Development (LID) takes a different approach by using site design and storm water management to maintain the site’s pre-development runoff rates and volumes. The goal of LID is to mimic a site’s predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source of rainfall. LID has been a proven approach in other parts of the country and is seen in California as an alternative to conventional storm water management.
**Municipal Separate Storm Sewer System (MS4)** - The regulatory definition of an MS4 (40 CFR 122.26(b)(8)) is "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created to or pursuant to state law) including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States. (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2."

**National Pollutant Discharge Elimination System (NPDES)** - A national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the CWA.

**New Development** - New Development means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision on an area that has not been previously developed.

**Pervious Pavement** - Pavement that stores and infiltrates rainfall at a rate that exceeds conventional pavement.

**Pollutant** - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

**Receiving Water** – Surface water that receives regulated and unregulated discharges from activities on land

**Redevelopment** - Land-disturbing activity that results in the creation, addition, or replacement of exterior impervious surface area on a site on which some past development has occurred. Redevelopment does not include trenching, excavation and resurfacing associated with LUPs; pavement grinding and resurfacing of existing roadways; construction of new sidewalks, pedestrian ramps, or bike lanes on existing roadways; or routine replacement of damaged pavement such as pothole repair or replacement of short, non-contiguous sections of roadway.

**Regulated Project** – Refers to projects subject to the new and redevelopment standards in Section E.11; all projects (excluding single family homes) that create and/or replace 5,000 sq. ft. or more of impervious surface.
**Single-family Home Project** - The building of one single new house or the addition and/or replacement of impervious surface associated with one single existing house, which is not part of a larger plan of development.

**Source Control** - Land use or site planning practices, or structural or nonstructural measures, that aim to prevent runoff pollution by reducing the potential for contact with rainfall runoff at the source of pollution. Source control BMPs minimize the contact between pollutants and urban runoff.

**Storm Drain System** - The basic infrastructure in a municipal separate storm sewer system that collects and conveys storm water runoff to a treatment facility or receiving water body.

**Storm Water** – Storm water is generated when precipitation from rain and snowmelt events flows over land or impervious surfaces and does not percolate into the ground. As storm water flows over the land or impervious surfaces, it accumulates debris, chemicals, sediment or other pollutants that could adversely affect water quality if the storm water is discharged untreated.
APPENDIX 8

References
List of References


State Water Resources Control Board. State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000004 Waste Discharge requirements (WDRs) for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (General Permit)
DATE: August 17, 2015

TO: Honorable Mayor and Council Members

FROM: Regan M Candelario, City Manager

SUBJECT: Consenting to the Inclusion of Properties within the City of Fortuna in the California Statewide Communities Development Authority (CSCDA) Open PACE Programs by adoption of Resolution 2015-24

STAFF RECOMMENDATION(S):

That the City Council:

1. Adopt the attached resolution consenting to the inclusion of properties within the City of Fortuna in the California Statewide Communities Development Authority (CSCDA) Open PACE programs and authorizing the CSCDA to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the City and authorizing related actions.

2. Authorize City staff to work with the Redwood Coast Energy Authority (RCEA) on the implementation of this and future PACE financing programs.

SOURCE OF FUNDING: Not applicable

DISCUSSION:

Property Assessed Clean Energy (PACE) is a financing program structure that was created by Assembly Bill (AB) 811 in 2008, and AB 474 which in 2010 amended California Streets and Highways Code. This legislation authorizes a city or county to designate an area within which willing property owners may enter into voluntary contractual assessments to finance the installation of renewable energy, energy efficiency and water conservation improvements that are permanently affixed to real property. The programs are completely voluntary and property owners repay the funding by agreeing to an assessment levied against their property, which is payable on their property tax bill.

PACE programs provide 100 percent upfront financing to residential and commercial property owners for a wide range of eligible property improvements with flexible repayment terms ranging from five to twenty years. The improvements are financed by the issuance of bonds that are secured by a voluntary assessment on the property. Repayment is made in annual installments through a county property tax bill.

Since PACE assessments are collected through property taxes, they have priority over other property based debts in a foreclosure. The Federal Housing Finance Agency (FHFA) has raised concerns that residential PACE financing may result in additional risk to mortgage lenders because of its first lien structure. Due to these concerns in August of 2010 Fannie Mae and Freddie Mac announced that they would no longer purchase mortgages for homes with first lien priority PACE obligations resulting in many PACE administrators suspending their residential programs. Humboldt County received grant funding in 2010 to start a PACE program in partnership with Del Norte, Lake, Mendocino, Modoc, Sonoma and Trinity counties. The project was put on hold as a result of the original FHFA statement and the grant funds were not utilized. Since that time the county has consistently advocated for state
legislation that would support incentives and policies to promote residential and commercial energy conservation, including PACE financing.

In September of 2013 the Governor signed Senate Bill 96 into law authorizing the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) to establish a PACE loss reserve program to assist in addressing FHFA’s financial concerns and support residential PACE financing programs. The FHFA continues to have concerns about the program and issued a statement in December 2014 restating that Fannie Mae and Freddie Mac’s policies prohibit the purchase of a mortgage where the property has a first lien PACE loan attached to it. To address these concerns program administrators provide full consumer disclosure prior to approving PACE financing. Property owners are informed that utilization of PACE financing may result in their mortgage being accelerated by their mortgage holder. In such instances property owners may need to clear the PACE lien or refinance their existing mortgage. California law allows a PACE assessment to be transferred upon sale or refinance; however, banks can request that the balance is paid off.

Sonoma County has been operating a PACE program for residential and commercial customers since 2009 and has **financed over $60 million in energy upgrade projects**. More recently numerous statewide programs have begun providing services across the state and to date have financed over $500 million in energy and water upgrade projects in over 250 jurisdictions. The initial process for PACE programs was originally fairly labor intensive and costly for counties. **It is now much simpler because jurisdictions do not need to form assessment districts themselves and instead can adopt a resolution allowing a state-wide program to do so.**

CSCDA is the largest joint powers authority in California, founded and sponsored by the League of California Cities and the California State Association of Counties. CSCDA is implementing PACE on behalf of its member cities and counties. CSCDA has pre-qualified and appointed two PACE administrators to manage their Open PACE program. This program offers turn-key PACE solutions that provide residential and commercial property owners a choice among pre-qualified PACE financing providers, creating competition on terms, service and interest rates. The Open PACE program can save communities the time and resources of developing a standalone PACE program. **The City of Fortuna is a member of CSCDA and adoption of the proposed resolution would allow property owners in the city to finance permanently fixed energy and conservation, water efficiency and renewable energy generation upgrades.**

Redwood Coast Energy Authority (RCEA) is a joint powers authority whose members include the County of Humboldt, the seven cities within Humboldt County, and Humboldt Bay Municipal Water District. RCEA’s purpose is to develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of renewable resources available in the region. The PACE program is well aligned with RCEA’s purpose and they have offered to assist with the implementation of PACE programs in the county. It is recommended that staff be authorized to work with RCEA to make PACE financing available as an option in the local community.

There are other state-wide PACE programs currently available. These include: HERO through Western Riverside Council of Governments; Ygrene Works through Golden State Finance Authority; and FigTree OnDemand PACE through California Enterprise Development Authority. Staff has consulted with RCEA and at this time is recommending that the city start with the CSCDA Open PACE program. This program offers two financing administration options through AllianceNRG and Renewable Funding LLC and if other administrators are approved by CSCDA they will automatically become available to city residents. The City of Eureka and the County have already opted into the Open PACE program. The proposed program is completely non-exclusive and at a later date staff will most likely bring additional PACE programs to your Council for approval.
FINANCIAL IMPACT:
The recommended actions have no significant financial impact. There are no charges for inclusion in the CSCDA Open PACE programs and all administrative costs are covered through fees included in the property owner’s voluntary contractual assessment and collected on their property tax bill. Adoption of the proposed resolution will provide city residents access to PACE financing with no monetary impact to the city budget and the use of minimal staff time for implementation. The program will cover all county fees associated with adding assessments to the tax bills. Additionally, the City of Fortuna will benefit from any new additional construction activities that may include local contractors and employees.

OTHER AGENCY INVOLVEMENT:
Humboldt County Treasurer-Tax Collector, Auditor and Assessor.

ALTERNATIVES TO STAFF RECOMMENDATIONS:
The City Council could choose to not to adopt the resolution or request that staff return with a resolution for alternative or additional PACE programs. These options are not recommended because staff and RCEA believe that starting with the CSCDA Open PACE program which has two approved administrators will provide local property owners access to PACE financing and simplify initial implementation.

RECOMMENDED COUNCIL ACTION:
1. Receive staff presentation and review Council questions with staff;
2. Receive comment from the public;
3. Motion to close the public comment;
4. Motion to adopt Resolution No. 2015-24 and read by title only, and authorize staff to work with RCEA on the implementation of this and future PACE financing program; Roll call vote.

ATTACHMENTS:
- Resolution 2015-24 - A Resolution Of The City Council Of the City of Fortuna Consenting To The Inclusion Of Properties Within The Territory Of The City Of Fortuna In The CSCDA Open Pace Programs; Authorizing The California Statewide Communities Development Authority To Accept Applications From Property Owners, Conduct Contractual Assessment Proceedings And Levy Contractual Assessments Within The Territory Of The City Of Fortuna; And Authorizing Related Actions
RESOLUTION NO. 2015-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY OF FORTUNA IN THE CSCDA OPEN PACE PROGRAMS; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF FORTUNA; AND AUTHORIZING RELATED ACTIONS

WHEREAS, the California Statewide Communities Development Authority (the “Authority”) is a joint exercise of powers authority, the members of which include numerous cities and counties in the State of California, including the City of Fortuna (the “City”); and

WHEREAS, the Authority is implementing Property Assessed Clean Energy (PACE) programs, which it has designated CSCDA Open PACE, consisting of CSCDA Open PACE programs each administered by a separate program administrator (collectively with any successors, assigns, replacements or additions, the “Programs”), to allow the financing or refinancing of renewable energy, energy efficiency, water efficiency and seismic strengthening improvements, electric vehicle charging infrastructure and such other improvements, infrastructure or other work as may be authorized by law from time to time (collectively, the “Improvements”) through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code (“Chapter 29”) within counties and cities throughout the State of California that consent to the inclusion of properties within their respective territories in the Programs and the issuance of bonds from time to time; and

WHEREAS, the program administrators currently active in administering Programs are Alliance NRG and Renewable Funding LLC, and the Authority will notify the City in advance of any additions or changes; and

WHEREAS, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner or owners of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

WHEREAS, the City desires to allow the owners of property (“Participating Property Owners”) within its territory to participate in the Programs and to allow the Authority to conduct assessment proceedings under Chapter 29 within its territory and to issue bonds to finance or refinance Improvements; and

WHEREAS, the territory within which assessments may be levied for the Programs shall include all of the territory within the City’s official boundaries; and

WHEREAS, the Authority will conduct all assessment proceedings under Chapter 29 for the Programs and issue any bonds issued in connection with the Programs; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fortuna as follows:

Section 1. This City Council hereby finds and declares that properties in the territory of the City will benefit from the availability of the Programs within the territory of the City and, pursuant thereto, the
conduct of special assessment proceedings by the Authority pursuant to Chapter 29 and the issuance of bonds to finance or refinance Improvements.

Section 2. In connection with the Programs, the City hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 on any property within the territory of the City and the issuance of bonds to finance or refinance Improvements; provided, that

(1) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and

(2) The City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the Programs.

Section 3. The appropriate officials and staff of the City are hereby authorized and directed to make applications for the Programs available to all property owners who wish to finance or refinance Improvements; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense. The following staff persons, together with any other staff persons chosen by the City Manager of the City from time to time, are hereby designated as the contact persons for the Authority in connection with the Programs: City Engineer, General Services Superintendent, Deputy Director of Community Development.

Section 4. The appropriate officials and staff of the City are hereby authorized and directed to execute and deliver such certificates, requisitions, agreements and related documents as are reasonably required by the Authority to implement the Programs.

Section 5. The City Council hereby finds that adoption of this Resolution is not a “project” under the California Environmental Quality Act, because the Resolution does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment, as contemplated by Title 14, California Code of Regulations, Section 15378(b)(4).

Section 6. This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the Secretary of the Authority at: Secretary of the Board, California Statewide Communities Development Authority, 1400 K Street, Sacramento, CA 95814.

PASSED AND ADOPTED this 17th day of August, 2015 by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 

_____________________________
Sue Long, Mayor

ATTEST:

______________________________
Linda McGill, City Clerk
STAFF REPORT
City Council Business Agenda Item

DATE: August 17, 2015

TO: Honorable Mayor and Council Members

FROM: Regan M Candelario, City Manager

SUBJECT: APPROVAL OF AN MOU BETWEEN THE CITY AND THE COUNTY OF HUMBOLDT FOR MEASURE Z FUNDING

STAFF RECOMMENDATION(S):
That the City Council approve the MOU and authorize the City Manager to execute the proposed memorandum of understanding between the City and County for the provision of funding through Measure Z for public safety efforts in Fortuna.

SOURCE OF FUNDING: COUNTY BALLOT MEASURE Z

DISCUSSION:
The County of Humboldt passed a sales tax increase in November of 2014 called Measure Z. Funding provided through passage of Measure Z was made available through a formal process coordinated by the County of Humboldt. The City of Fortuna successfully applied for Measure Z funding in June of 2015 to support participation on the County Drug Task Force in the amount of $125,000 per year.

The County of Humboldt prepared the attached Memorandum of Understanding to guide the process for Measure Z funding between the City and County. Both the City Manager and the City Attorney have reviewed and approved the format of the MOU. The Fortuna Police Department and Finance Department, with Police Chief Bill Dobberstein as the lead Staff member, will be responsible for implementing the requirements of the MOU.

FINANCIAL IMPACT:
If the MOU is approved, the City of Fortuna will be able to fund participation in the County Drug Task Force in the amount of $125,000 per year for up to a four year term. Additionally, in future years there is potential for minimal revenues to the City as part of drug task force asset seizure. If the MOU is not approved, the City of Fortuna public safety efforts will continue at our current level which does not include participation on the County Drug Task Force.

RECOMMENDED COUNCIL ACTION:
1. Receive staff presentation and review Council questions with staff;
2. Receive comment from the public;
3. Motion to close the public comment;
4. Motion to approve the MOU between the City of Fortuna and the County of Humboldt and authorize the City Manager to execute the MOU. Voice Vote.

ATTACHMENTS:
1. Memorandum of Understanding between County of Humboldt and City of Fortuna
MEMORANDUM OF UNDERSTANDING
BETWEEN
COUNTY OF HUMBOLDT
AND
CITY OF FORTUNA

This Memorandum of Understanding (MOU), entered into this ___ day of ________________, 2015, by and between the County of Humboldt, a political subdivision of the State of California, hereinafter referred to as “COUNTY,” and the City of Fortuna, a municipal corporation, hereinafter referred to as “CITY,” is made upon the following considerations:

RECITALS:

WHEREAS, Government Code Section 26227 provides that the Board of Supervisors (“Board”) of any county may appropriate and expend money from the general fund of the county to fund programs deemed by the Board to be necessary to meet the social needs of the population of the county, including but not limited to, the areas of health, law enforcement, and public safety; and

WHEREAS, COUNTY placed a half-cent local sales and use tax measure on the November 2014 ballot to maintain and improve essential services, and the local measure, known as Measure Z, passed; and

WHEREAS, COUNTY has additional funding from Measure Z to maintain and improve essential services, such as 24-hour sheriff’s patrols; 9-1-1 emergency response; crime investigation/prosecution; drug/illegal marijuana growhouse enforcement prevention; services for abused children/mentally ill; rural fire protection, road repairs; and other county services; and

WHEREAS, COUNTY created a nine member Citizens Advisory Committee to review Measure Z funding applications and make recommendations; and

WHEREAS, CITY submitted a Measure Z application (Attachment III) requesting an allocation in the amount of Three Hundred and Ninety Five Thousand dollars ($395,000) for the purpose of hiring police officers to provide safety services; and

WHEREAS, COUNTY wishes to fund CITY Measure Z request in the amount of One Hundred and Twenty Five Thousand dollars ($125,000) through June 30, 2016.

AGREEMENT:

NOW THEREFORE, in consideration of the foregoing and of the mutual promises contained herein, it is hereby understood and agreed by and between the Parties hereto as follows:

1. COUNTY OBLIGATIONS:

   A. COUNTY will provide CITY an amount not to exceed One Hundred and Twenty Five Thousand dollars ($125,000) of Measure Z funding to assign a full-time police officer to the Humboldt County Drug Task Force to assist and participate in drug enforcement operations throughout Humboldt County.
2. **CITY OBLIGATIONS:**

   A. CITY will assign a full-time police officer to the Humboldt County Drug Task Force to assist and participate in drug enforcement operations throughout Humboldt County.

   B. CITY will provide quarterly reports to COUNTY as detailed in Attachment 1.

   C. CITY will provide a final summary report as detailed in Attachment 1.

   D. CITY will submit quarterly itemized invoice through the Budget to the COUNTY as detailed in Attachment II Exhibits A and B.

   E. CITY will continue to participate, through the assignment of a full-time police officer, in the Humboldt County Drug Task Force during the term of this agreement.

   F. CITY shall cooperate with COUNTY efforts to recognize Measure Z funding. Such recognition may take the form of press releases, photos and adhesives to equipment.

3. **TERM:**

   This MOU shall begin on July 1, 2015 shall remain in full force and effect until June 30, 2016, unless sooner terminated as provided herein.

4. **TERMINATION:**

   A. **Breach of Contract.** If, in the opinion of COUNTY, CITY fails to adequately perform the services required hereunder within the time limits specified herein, or otherwise fails to comply with the terms of this MOU, or violates any ordinance, regulation, or other law applicable to its performance herein, COUNTY may terminate this MOU immediately, upon notice.

   B. **Without Cause.** This MOU may be terminated by COUNTY without cause upon thirty (30) days advance written notice. Such notice shall state the effective date of the termination.

   C. **Insufficient Funding.** COUNTY’s obligations under this MOU are contingent upon the availability of a local sales and use tax known as Measure Z. In the event such funding is terminated or reduced, COUNTY shall, at its sole discretion, determine whether this MOU shall be terminated. COUNTY shall provide CITY seven (7) days advance written notice of its intent to terminate this MOU due to insufficient funding.

   D. **Compensation.** In the event of any termination of this MOU, CITY shall be entitled to compensation for uncompensated services rendered hereunder through and including the effective date of such termination. However, this provision shall not limit or reduce any damages owing to COUNTY resulting from a breach of this MOU by CITY.
5. **COMPENSATION:**

The maximum amount payable by COUNTY under this MOU is One Hundred and Twenty Five Thousand dollars ($125,000). CITY agrees to perform all services required by this MOU for an amount not to exceed such maximum dollar amount.

6. **PAYMENT:**

CITY shall submit to COUNTY an itemized invoice quarterly. Invoices shall be in a format approved by, and shall include backup documentation as specified by the Humboldt County Administrative Officer (“CAO”) and the Humboldt County Auditor-Controller. CITY shall submit a final undisputed invoice for payment no more than thirty (30) days following the expiration or termination date of this MOU.

The itemized invoices due to the COUNTY shall be submitted in the form of the Budget attached hereto as Attachment II – Exhibit A for itemized costs for activities that are consistent with the Measure Z application submitted by CITY to the Citizens Advisory Committee as of the invoice date, and incorporated as part of this MOU. An itemized invoice form is attached hereto as Attachment II – Exhibit B and incorporated as part of this MOU. Payment for work performed will be made within thirty (30) days after the receipt of approved invoices.

7. **NOTICES:**

Any and all notices required to be given pursuant to the terms of this MOU shall be in writing and either served personally or sent by certified mail, return receipt requested, to the respective addresses set forth below. Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing.

COUNTY: Humboldt County Administrative Office  
Attn: Phillip Smith-Hanes, CAO  
825 Fifth Street, Room 112  
Eureka, CA 95501-1153

CITY: City of Fortuna  
Attn: Regan M. Candelario, City Manager  
621 11th Street  
Fortuna, CA 95540

8. **RECORD RETENTION AND INSPECTION:**

A. **Maintenance and Preservation of Records.** CITY agrees to timely prepare accurate and complete financial, performance and payroll records, and to maintain and preserve said records for at least five (5) years from the date of final payment under this MOU, except that if any litigation, claim, negotiation, audit or other action is pending, the records shall be retained until completion and resolution of all issues arising therefrom. The books and records shall be original entry books with a general ledger itemizing all debits and credits for the work performed.
B. Inspection of Records. All records referenced by this section shall be made available during normal business hours to inspection, audit and reproduction by any duly authorized agent of the COUNTY. CITY further agrees to allow interviews of any of its employees who might reasonably have information related to such records by any duly authorized agents of the COUNTY. All examinations and audits conducted under this section shall be strictly confined to those matters connected with the performance of this MOU, including, but not limited to, the costs of administering this MOU.

C. Audit Costs. In the event of an audit exception or exceptions, the party responsible for not meeting the program requirements shall be responsible for the deficiency and for the cost of the audit. If the allowable expenditures cannot be determined because CITY’s documentation is nonexistent or inadequate, according to generally accepted accounting practices, the questionable cost shall be disallowed by COUNTY.

9. MONITORING:

CITY agrees that COUNTY has the right to monitor all activities related to this MOU, including the right to review and monitor CITY’s records, programs or procedures, at any time, as well as the overall operation of CITY’s programs in order to ensure compliance with the terms and conditions of this MOU. However, COUNTY is not responsible, and will not be held accountable, for overseeing or evaluating the adequacy of the results of services performed by CITY pursuant to the terms of this MOU.

10. CONFIDENTIAL INFORMATION:

A. Disclosure of Confidential Information. In the performance of this MOU, CITY may receive information that is confidential under local, state or federal law. CITY hereby agrees to protect all confidential information in conformance with any and all applicable local, state and federal laws and regulations, including, but not limited to: California Welfare and Institutions Code Sections 827, 5328 and 10850; California Health & Safety Code Sections 1280.15 and 130203; the California Confidentiality of Medical Information Act (“CMIA”); the federal Health Information Technology for Economic and Clinical Health Act, (“HITECH Act”); the federal Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and any current and future implementing regulations promulgated thereunder, including, without limitation, the Federal Privacy Regulations contained in Title 45 of the Code of Federal Regulations (“C.F.R.”) Parts 160 and 164, the Federal Security Standards contained in 45 C.F.R. Parts 160, 162 and 164 and the Federal Standards for Electronic Transactions contained in 45 C.F.R. Parts 160 and 162, all as may be amended from time to time.

B. Continuing Compliance with Confidentiality Laws. The parties acknowledge that federal and state confidentiality laws are rapidly evolving and that amendment of this MOU may be required to ensure compliance with such developments. Each party agrees to promptly enter into negotiations concerning an amendment to this MOU embodying written assurances consistent with the standards and requirements of HIPAA, the HITECH Act, the CMIA and any other applicable local, state and federal laws or regulations.
11. **NUCLEAR FREE HUMBOLDT COUNTY ORDINANCE COMPLIANCE:**

CITY certifies by its signature below that it is not a Nuclear Weapons Contractor, in that CITY is not knowingly or intentionally engaged in the research, development, production or testing of nuclear warheads, nuclear weapons systems or nuclear weapons components as defined by the Nuclear Free Humboldt County Ordinance. CITY agrees to notify COUNTY immediately if it becomes a Nuclear Weapons Contractor as defined above. COUNTY may immediately terminate this MOU if it determines that the foregoing certification is false or if CITY becomes a Nuclear Weapons Contractor.

12. **NON-DISCRIMINATION COMPLIANCE:**

A. **Professional Services and Employment.** In connection with the execution of this MOU, CITY shall not discriminate in the provision of professional services or against any employee or applicant for employment because of race, religion or religious creed, color, age (over 40 years of age), sex (including gender identity and expression, pregnancy, childbirth and related medical conditions), sexual orientation (including heterosexuality, homosexuality and bisexuality), national origin, ancestry, marital status, medical condition (including cancer and genetic characteristics), mental or physical disability (including HIV status and AIDS), political affiliation, military service, or any other classifications protected by local, state and federal laws and regulations. Nothing herein shall be construed to require employment of unqualified persons.

B. **Compliance with Anti-Discrimination Laws.** CITY further assures that it will abide by the provisions of Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, California Welfare and Institutions Code Section 10000, CDSS MPP Division 21, United States Executive Order 11246, as amended, and any other applicable local, state and federal laws and regulations. Practices in hiring, compensation, benefits and firing are among the employment practices subject to this requirement.

13. **INDEMNIFICATION:**

CITY shall hold harmless, defend and indemnify COUNTY and its agents, officers, officials, employees and volunteers from and against any and all claims, demands, losses, damages, liabilities, expenses and costs of any kind or nature, including, without limitation, attorney fees and other costs of litigation, arising out of, or in connection with, CITY’s performance of, or failure to comply with, any of the obligations contained herein, except such loss or damage which was caused by the sole negligence or willful misconduct of COUNTY.

14. **INSURANCE REQUIREMENTS:**

This MOU shall not be executed by COUNTY, and CITY is not entitled to any rights hereunder, unless certificates of insurance or other sufficient proof that the following provisions have been complied with, are filed with the Clerk of the Humboldt County Board of Supervisors.

A. **General Insurance Requirements.** Without limiting CITY’s indemnification obligations provided for herein, CITY shall, and shall require that all subcontractors hereunder, take out
and maintain, throughout the period of this MOU and any extended term thereof, the following policies of insurance placed with insurers authorized to do business in California and with a current A.M. Bests rating of no less than A: VII or its equivalent against personal injury, death and property damage which may arise from, or in connection with, the activities of CITY, its agents, officers, directors, employees, licensees, invitees, assignees or subcontractors:

1. Comprehensive or Commercial General Liability Insurance at least as broad as Insurance Services Office Commercial General Liability Coverage (occurrence form CG 0001), in an amount of Two Million Dollars ($2,000,000) per occurrence for any one incident, including, but not limited to, personal injury, death and property damage. If a general aggregate limit is used, such limit shall apply separately hereto or shall be twice the required occurrence limit.

2. Automobile/Motor Liability Insurance with a limit of liability of not less than One Million Dollars ($1,000,000) combined single limit coverage. Such insurance shall include coverage of all owned, hired and non-owned vehicles. Said coverage shall be at least as broad as Insurance Service Office Form Code 1 (any auto).

3. Workers’ Compensation Insurance, as required by the Labor Code of the State of California, with statutory limits, and Employers Liability Insurance with a limit of no less than One Million Dollars ($1,000,000) per accident for bodily injury or disease. Said policy shall contain, or be endorsed to contain, a waiver of subrogation against COUNTY, its agents, officers, officials, employees and volunteers.

B. Special Insurance Requirements. Said policies shall, unless otherwise specified herein, be endorsed with the following provisions:

1. The Comprehensive or Commercial General Liability Policy shall provide that COUNTY, its agents, officers, officials, employees and volunteers, are covered as additional insured for liability arising out of the operations performed by or on behalf of CITY. The coverage shall contain no special limitations on the scope of protection afforded to COUNTY, its agents, officers, officials, employees and volunteers. Said policy shall also contain a provision stating that such coverage:

   a. Includes contractual liability.

   b. Does not contain exclusions as to loss or damage to property caused by explosion or resulting from collapse of buildings or structures or damage to property underground, commonly referred to “XCU Hazards.”

   c. Is the primary insurance with regard to COUNTY.

   d. Does not contain a pro-rata, excess only and/or escape clause.

   e. Contains a cross liability, severability of interest or separation of insureds clause.

2. The above-referenced policies shall not be canceled, non-renewed or materially reduced in coverage without thirty (30) days prior written notice being provided to COUNTY in
accordance with the notice provisions set forth herein. It is further understood that CITY shall not terminate such coverage until COUNTY receives adequate proof that equal or better insurance has been secured.

3. The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured, and the coverage afforded shall apply as though separate policies had been issued to each insured, but the inclusion of more than one insured shall not operate to increase the limits of the insurer’s liability.

4. For claims related to this MOU, CITY’s insurance is the primary coverage to COUNTY, and any insurance or self-insurance programs maintained thereby are excess to CITY’s insurance and will not be used to contribute therewith.

5. Any failure to comply with the provisions of this MOU, including breach of warranties, shall not affect coverage provided to COUNTY, its agents, officers, officials, employees and volunteers.

6. CITY shall furnish COUNTY with certificates and original endorsements effecting the required coverage prior to execution of this MOU. The endorsements shall be on forms approved by the Humboldt County Risk Manager or County Counsel. Any deductible or self-insured retention over One Hundred Thousand Dollars ($100,000) shall be disclosed to and approved by COUNTY. If CITY does not keep all required policies in full force and effect, COUNTY may, in addition to other remedies under this MOU, take out the necessary insurance, and CITY agrees to pay the cost thereof. COUNTY is also hereby authorized with the discretion to deduct the cost of said insurance from the monies owed to CITY under this MOU.

7. COUNTY is to be notified immediately if twenty-five percent (25%) or more of any required insurance aggregate limit is encumbered, and CITY shall be required to purchase additional coverage to meet the above aggregate limits.

C. Insurance Notices. Any and all insurance notices required to be given pursuant to the terms of this MOU shall be sent to the addresses set forth below in accordance with the notice provisions described herein.

COUNTY: County of Humboldt
Attn: Risk Management
825 5th Street, Room 131
Eureka, California 95501

CITY: City of Fortuna
Attn: Regan M. Candelario, City Manager
621 11th Street
Fortuna, CA 95540
15. **RELATIONSHIP OF PARTIES:**

It is understood that this is an MOU by and between two independent contractors and is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture, or any other similar association. Both parties further agree that CITY shall not be entitled to any benefits to which COUNTY employees are entitled, including, but not limited to, overtime, retirement benefits, leave benefits or workers’ compensation.

16. **COMPLIANCE WITH LAWS:**

CITY agrees to comply with all applicable local, state and federal laws and regulations, including, but not limited to, the Americans with Disabilities Act. CITY further agrees to comply with all applicable local, state and federal licensure and certification requirements.

17. **SEVERABILITY:**

If any provision of this MOU, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this MOU.

18. **ASSIGNMENT:**

CITY shall not delegate its duties or assign its rights hereunder, either in whole or in part, without COUNTY’s prior written consent. Any assignment by CITY in violation of this provision shall be void, and shall be cause for immediate termination of this MOU. This provision shall not be applicable to service agreements or other arrangements usually or customarily entered into by CITY to obtain supplies, technical support or professional services.

19. **AGREEMENT SHALL BIND SUCCESSORS:**

All provisions of this MOU shall be fully binding upon, and inure to the benefit of, the parties and to each of their heirs, executors, administrators, successors and assigns.

20. **WAIVER OF DEFAULT:**

The waiver by either party of any breach or violation of any requirement of this MOU shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this MOU. In no event shall any payment by COUNTY constitute a waiver of any breach of this MOU or any default which may then exist on the part of CITY. Nor shall such payment impair or prejudice any remedy available to COUNTY with respect to any breach or default. COUNTY shall have the right to demand repayment of, and CITY shall promptly refund, any funds disbursed to CITY, which in the judgment of COUNTY were not expended in accordance with the terms of this MOU.

21. **NON-LIABILITY OF COUNTY OFFICIALS AND EMPLOYEES:**

No official or employee of COUNTY shall be personally liable for any default or liability under this MOU.
22. **AMENDMENT:**

No addition to, or alteration of, the terms of this MOU shall be valid unless made in writing and signed by the parties hereto.

23. **STANDARD OF PRACTICE:**

CITY warrants that CITY has the degree of learning and skill ordinarily possessed by reputable professionals practicing in similar localities in the same profession and under similar circumstances. CITY’s duty is to exercise such care, skill and diligence as professionals engaged in the same profession ordinarily exercise under like circumstances.

24. **TITLE TO INFORMATION AND DOCUMENTS:**

It is understood that any and all documents, information, and reports concerning the subject matter of this MOU prepared and/or submitted by CITY shall become the property of COUNTY. However, CITY may retain copies of such documents and information for its records. In the event of termination of this MOU, for any reason whatsoever, CITY shall promptly turn over all information, writings and documents to COUNTY without exception or reservation.

25. **JURISDICTION AND VENUE:**

This MOU shall be construed in accordance with the laws of the State of California. Any dispute arising hereunder, or relating hereto, shall be litigated in the State of California and venue shall lie in the County of Humboldt unless transferred by court order pursuant to California Code of Civil Procedure Sections 394 or 395.

26. **ADVERTISING AND MEDIA RELEASE:**

All informational material related to this MOU shall receive approval from COUNTY prior to being used as advertising or released to the media (television, radio, newspapers and internet). CITY shall inform COUNTY of all requests for interviews by media related to this MOU before such interviews take place; and COUNTY is entitled to have a representative present at such interviews. All notices required by this provision shall be given to the County Administrative Officer.

27. **SUBCONTRACTS:**

CITY shall obtain prior written approval from COUNTY before subcontracting any of the services to be delivered hereunder. Any and all subcontracts will be subject to all applicable provisions of this MOU. CITY shall remain legally responsible for the performance of all terms and conditions of this MOU, including work performed by third parties under subcontracts, whether approved by COUNTY or not.

28. **INTERPRETATION:**

This MOU, as well as its individual provisions, shall be deemed to have been prepared equally by both of the parties hereto, and shall not be construed or interpreted more favorably for one party on the basis that the other party prepared it.
29. **FORCE MAJEURE:**

Neither party hereto shall be liable or responsible for delays or failures in performance resulting from events beyond the reasonable control of such party and without fault or negligence of such party. Such events shall include, but not be limited to, acts of God, strikes, lockouts, riots, acts of war, epidemics, acts of government, fire, power failures, nuclear accidents, earthquakes, unusually severe weather, acts of terrorism or other disasters, whether or not similar to the foregoing.

30. **ENTIRE AGREEMENT:**

This MOU contains all of the terms and conditions agreed upon by the parties hereto and no other agreements, oral or otherwise, regarding the subject matter of this MOU shall be deemed to exist or to bind either of the parties hereto. In addition, this MOU shall supersede in its entirety any and all prior agreements of the parties.

31. **AUTHORITY TO EXECUTE:**

Each person executing this MOU represents and warrants that he or she is duly authorized and has legal authority to execute and deliver this MOU. Each party represents and warrants to the other that the execution and delivery of this MOU and the performance of such party’s obligations hereunder have been duly authorized.

IN WITNESS WHEREOF, the parties have entered into this MOU as of the date written above.

**CITY OF FORTUNA**

By: _______________________________   Date: _________________________

Name: _____________________________

Title: ______________________________

**COUNTY OF HUMBOLDT**

By: _______________________________   Date: _________________________

Estelle Fennell
Chair Board of Supervisors
ATTACHMENT 1
QUARTERLY AND FINAL SUMMARY REPORT

Due dates:
Quarterly reports are due one month after the end of each quarter. Quarterly reports will be based on COUNTY fiscal year quarters. The below table below shows each fiscal year quarter and the report due dates. CITY must submit a quarterly report for each quarter in which the contract is active. The Final Summary Report is due one month after completion of the contract term.

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Dates Included</th>
<th>Date Report Due to County</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>July 1 through September 30</td>
<td>October 31</td>
</tr>
<tr>
<td>2</td>
<td>October 1 through December 31</td>
<td>January 31</td>
</tr>
<tr>
<td>3</td>
<td>January 1 through March 31</td>
<td>April 30</td>
</tr>
<tr>
<td>4</td>
<td>April 1 through June 30</td>
<td>July 31</td>
</tr>
<tr>
<td>Final Summary Report</td>
<td>Based on contract term</td>
<td>One month after term end</td>
</tr>
</tbody>
</table>

Submission of reports:
All reports should be sent to the County Administrative Office at the following addresses:

cao@co.humboldt.ca.us

Or by mail to: County of Humboldt
County Administrative Office, Room 112
825 Fifth Street
Eureka, CA 95501
COUNTY OF HUMBOLDT – MEASURE Z
Report Form

Organization Name: ____________________________________________ Report Date: ____________

Contact Name: ______________________________________________ Phone: ________________

Please attach a narrative report addressing the items outlined in section I below. Feel free to attach any other relevant materials or reports.

I. QUARTERLY NARRATIVE (please attach a maximum of 1 page, exclusive of attachments)

A. Results/Outcomes

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

☐ 2. What difference did Measure Z funding make in our community and for the population you are serving? Please discuss evidence of effect (e.g., community indicators, outcomes, etc.). If you have evaluation materials that document outcomes and impacts of your work, feel free to attach them in lieu of answering this or other questions.

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

II. FINAL SUMMARY REPORT (please attach a maximum of 2 pages, exclusive of attachments)

A. Lessons Learned

☐ 1. Describe what you learned based on the results/outcomes you reported in Section A above and what, if any, changes you will make based on your results/outcomes.

☐ 2. What overall public safety improvements has your organization seen as a result of receiving Measure Z funding?
DATE: August 17th, 2015

TO: Honorable Mayor and Council Members

FROM: Merritt Perry, City Engineer

THRU: Regan M. Candelario, City Manager

SUBJECT: Award of Professional Services Contract for the 2015 Safe Routes to School Project (CIP# 9984) to GHD

STAFF RECOMMENDATION:

Receive staff presentation and approve the award of Professional Services Contract for Engineering Design, Environmental Documentation and Construction Management to GHD for the City of Fortuna 2015 Safe Routes to School Improvement Project (CIP# 9984).

EXECUTIVE SUMMARY:

This agenda item is intended to provide a recommendation to City Council for the award of a professional services contract to the engineering firm GHD for the engineering design, environmental documentation and construction management for the Fortuna 2015 Safe Routes to School Improvement Project. This project includes sidewalks and other pedestrian improvements around Toddy Thomas Elementary School, a sidewalk segment near Ambrosini Elementary School on Rohner Street and roadway reconfiguration on Ross Hill Road to improve pedestrian and bicycle connectivity.

A request for proposals was issued on June 11th 2015 and three proposals were received on July 10th, 2015. The RFP was sent to six local engineering firms, was advertised in the Humboldt Builders Exchange and posted on the City’s website. The RFP specifically requested the following Tasks:

- Task 1. Project Allocation and Environmental Documentation
- Task 2. Plans Specifications and Estimate (Design)
- Task 3. Construction Engineering Assistance

The selection criteria for the consultants included qualifications only and not cost as required by Caltrans Local Assistance Procedure Manual, although cost proposals were required with the proposal. Only the cost of the most qualified firm was reviewed consistent with the allowed procedures. The cost proposal from GHD/Whitchurch includes a fee of $215,073 and was very close to the independent fee estimate prepared by City Staff prior to review of the proposal.

Although the RFP included construction engineering, staff may only award for Engineering Design and Environmental Documentation and may consider other options for managing the construction of the project later. A draft copy of Engineering Services Agreement is attached. The scope of services, schedule and fee estimate will be slightly different in the final contract. The design of the project is anticipated to be completed within the next six months and construction to proceed late summer 2016.
FINANCIAL IMPACT:

The 2015 Safe Route to School Project is being funded with state funds ($917,000) and the project is budgeted in FY 14/15 CIP (CIP 9984) in the amount of $917,000. $75,000 of the project is planned for a non-infrastructure project at Toddy Thomas Middle School and will not be used for infrastructure. There is no City match required for this project, only staff time to manage the project.

The total proposed fee by GHD for the environmental documentation and engineering design and construction management is $215,073. Taking into account the $75k planned for the non-infrastructure program, approximately $627K will be left for construction. This amount is consistent with the construction estimate in the original grant application of $590,713.

RECOMMENDED COUNCIL ACTION:

1. Receive staff presentation and review Council questions with staff
2. Open Public Comment
3. Close Public Comment
4. Approve award the of design of the Rohnerville Road Improvement Project to GHD and authorize the City Manager to execute a professional services contract for the Project Management, Environmental Documentation and Engineering Design and Construction Engineering in the amount of $215,073. Voice Vote.

Attachments:
- Exhibit A – Draft Engineering Services Agreement
This agreement ("Agreement") is made and effective on ______________, 20__ (the "Effective Date"), between the City of Fortuna, a charter city organized and existing under California law (the "City"), and __________________________, a __________________________ ("Engineer"), for engineering services required by the City for the above-referenced project ("Project") located on Ross Hill Road, Thelma, and Wood Streets in the City.

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Article 1
DEFINITIONS

Definitions. The following definitions apply to this Agreement unless otherwise indicated. Defined terms are capitalized in the Agreement with the exception of the word “day.”

Additional Services means engineering services in addition to the Basic Services, and which are provided pursuant to the City’s written request or prior written authorization.

Basic Services means those engineering services necessary to design and construct the Project, including preparation of environmental documents, as specified in the City’s Request for Proposals ("RFP"), dated August 12, 2014, and Engineer’s Proposal, dated ________, ("Proposal"), both of which are incorporated into and made part of this Agreement, and as further specified in Article 2, below.
**Change Order** means a written document signed by the City and Contractor after execution of the Construction Contract, which changes the scope of Work, the Construction Contract Price, or the Construction Contract Time.

**Construction Contract** means the signed agreement between the City and Contractor, which includes and incorporates the Construction Documents, including, but not limited to the drawings, specifications, and General Conditions for the Project. If the Project will involve more than one Construction Contract, each reference to “Construction Contract” must be read to apply to all Construction Contracts for the Project.

**Construction Contract Price** means the total compensation to be paid to the Contractor for performance of the Work, as set forth in the Construction Contract.

**Construction Contract Time** means the number of calendar days within which the Contractor is required to perform the Work, as set forth in the Construction Contract and as may be amended by Change Order.

**Construction Documents** means all of the documents that are prepared following approval of the Design Development Documents for bidding and construction of the Project, as further detailed in Article 2, below.

**Construction Manager** means the individual(s) or firm, if any, retained by the City to provide construction management services for the Project. If the City has not retained a Construction Manager for this Project, all references to “Construction Manager” are understood to mean the City’s Director of Public Works.

**Contractor** means the individual, partnership, corporation, or joint-venture who has signed the Construction Contract with the City to perform the Work. “Contractor” includes the Contractor’s subcontractors, unless the context indicates otherwise. If the Project will include more than one Contractor, e.g., due to phased Work or a multi-prime delivery system, each reference to “Contractor” must be read to apply to all Contractors on the Project.

**Day** means a calendar day unless otherwise specified.

**Design Development Documents** means detailed documents which are prepared following approval of the Schematic Design Documents, as further detailed in Article 2, below.

**Inspector** means the individual(s) or firm(s) retained by the City to inspect the workmanship, materials, and manner of construction of the Project and its components to ensure compliance with the Construction Contract.
Project means the Rohnerville Road Improvements Project, as more particularly described in the RFP.

Project Manager means the City’s Director of Public Works or designated representative who will have primary responsibility for overseeing design and construction of the Project and who will be the sole point of contact for the City unless otherwise stated.

Schematic Design Documents means preliminary drawings and related documents showing the Project’s basic components, scale and location, as further detailed in Article 2, below.

Work means the Contractor’s construction and services necessary or incidental to constructing the Project in conformance with the requirements of the Construction Documents.

Article 2
ENGINEER’S RESPONSIBILITIES

2.1 General Responsibilities. Engineer must provide the Basic Services necessary to design and construct the Project in accordance with the City’s requirements, as set forth in the Scope of Services and Proposed Project Schedule, attached hereto as Attachment A (“Scope of Services”), and as specified in this Article, and must provide those Additional Services, if any, as requested or authorized in writing by the City.

2.1.1 Project Requirements. Within 10 days following the Effective Date of this Agreement, Engineer must conduct a preliminary evaluation of the information provided in Attachment A and must confirm its understanding of the Project requirements in a preliminary design conference with the Project Manager. At the request of the Project Manager, the Engineer must submit written minutes of the preliminary design conference in order to demonstrate its understanding of the Project requirements.

2.1.2 City Approval. Engineer may not proceed with the development of successive design documents, as detailed below, until it has received written approval from the City. Engineer must promptly review and revise the following to the City’s satisfaction, which will not be unreasonably withheld, without additional compensation:

2.1.2.1 Documents which have not previously been approved by the City and to which the City has objections; and
2.1.2.2 Documents which have been determined to present excessive cost or constructability problems.

2.1.3 **Governmental Approval.** Engineer must assist the City with obtaining required approvals from governmental agencies with jurisdiction over the Project, including, but not limited to, Caltrans and the Federal Highway Administration.

2.2 **Basic Services.** Except as otherwise provided in Attachment A, Engineer's Basic Services include the following:

2.2.1 **Project Schedule.** Within 10 days following the Effective Date of this Agreement, Engineer must prepare and submit for the City's review and approval a preliminary Project Schedule, based on the Proposed Project Schedule included in Attachment A, showing the timing and sequencing of the major design and construction phases required to complete the Project. The preliminary Project Schedule should include times for completion of all major phases of environmental procedures, design and, if applicable, construction, including the environmental documentation described in Attachment A; Schematic Design Documents; Design Development Documents; Construction Documents; prequalification, if applicable; bidding; construction; final close out; or as otherwise specified by the Project Manager. The Project Schedule must be updated for the City’s review and approval upon completion of each major phase included in the Project Schedule.

2.2.2 **Cost Estimate.** Within 21 days following the Effective Date of this Agreement, Engineer must prepare and submit for the City’s review and approval a preliminary estimate of the cost to construct the Project. As the design process progresses, Engineer must submit updates to the preliminary cost estimate for the City’s approval concurrent with its submission of the Schematic Design Documents, Design Development Documents, and Construction Documents, respectively. If at any time, an updated cost estimate exceeds the City’s previously approved cost estimate, Engineer must provide the City with recommendations for constructing the Project within the City’s budget.

2.2.3 **Schematic Design Documents.** Within the time specified in the approved Project Schedule, Engineer must prepare and submit for the City’s review and approval Schematic Design Documents consisting of drawings, outline specifications, and other documents showing the Project’s basic components, scale, and location on the Project site. The Schematic Design Documents must include, to the extent applicable, conceptual plans of the site and structures; preliminary sections and elevations; approximate areas, volumes, and dimensions; and preliminary selections of materials and systems. Two printed sets and one
reproducible set of Schematic Design Documents must be provided to the City, along with an updated cost estimate.

2.2.4 **Design Development Documents.** Based on the approved Schematic Design Documents and within the time specified in the approved Project Schedule, Engineer must prepare for the City’s review and approval the Design Development Documents. The Design Development Documents must further define the Project, including drawings and outline specifications fixing and describing the Project size, character and site relationships, and other appropriate elements describing the structural, engineering, mechanical and electrical systems. The Design Development Documents must include, as applicable, plans, sections and elevations; criteria and sizing of major components; equipment sizes and capacities and approximate layouts, including required spaces and clearances; typical details; materials selections and general quality levels. When submitting the Design Development Documents for the City’s approval, the Engineer must identify in writing all material changes and deviations, if any, that have taken place since approval of the Schematic Design Documents, including, but not limited to, changes to the last updated cost estimate and the approved Project Schedule. Two printed sets and one reproducible set of Design Development Documents must be provided to the City, along with an updated cost estimate.

2.2.5 **Construction Documents.** Based on the approved Design Development Documents and within the time specified in the approved Project Schedule, Engineer must prepare for the City’s review and approval, and required governmental agency approval(s), if applicable, Construction Documents setting forth in detail the quality levels of and the requirements for construction of the Project, and consisting of drawings and specifications that comply with applicable codes, laws, and regulations in effect at the time of their preparation at the location of the Project, and as further specified in the RFP. The Construction Documents must also include all necessary bid and contract documents, including general and supplemental conditions, all of which are subject to approval by the City and its legal counsel. When submitting the Construction Documents for the City’s approval, the Engineer must identify in writing all material changes and deviations, if any, that have taken place since approval of the Design Development Documents including, but not limited to, changes to the last updated cost estimate and the approved Project Schedule. Two printed sets and one reproducible set of Design Development Documents must be provided to the City, along with an updated cost estimate.

2.2.6 **Bidding Phase Services.** If Engineer is retained for construction engineering services pursuant to Section 4.0 of Attachment A, Engineer
must assist the City during the bidding phase, including, if applicable, prequalification of contractors; reproduction and dissemination of approved plans, specifications, and contract documents; advertising for bids; conducting pre-bid meetings or site walks; issuance of addenda; bid review; and review of bid protests.

2.2.6.1 If the lowest responsive bid exceeds the final approved construction cost estimate by fifteen percent (15%) or more, and the City, acting in its sole discretion decides to reject all bids and re-bid the Project, Engineer must, at no additional cost to the City, work with the City to make the modifications to the Construction Documents to reduce the cost of construction so as not to exceed the previously approved construction cost estimate by more than the stated additional percentage.

2.2.7 Construction Phase Services. If Engineer is retained for construction engineering services pursuant to Section 4.0 of Attachment A, the construction phase will commence upon award of the Construction Contract and will conclude upon completion of Project closeout. During the Construction Phase the Engineer must provide the following services to the City:

2.2.7.1 General administration of the Construction Contract including, but not limited to: 1) review and advise the City as to the accuracy and sufficiency of Contractor’s schedule of values; 2) coordinate the Project Schedule with the Contractor’s the City-approved Work schedule; 3) provide prompt and complete responses to Contractor’s requests for information; and 4) coordinate efforts with the City and its Construction Manager, as applicable, to ensure the Project is completed in a timely, cost-effective manner, consistent with the City’s requirements.

2.2.7.2 Ongoing design services as needed, including, but not limited to: 1) interpretations and clarifications of the drawings and specifications; and 2) preparation of design documents for change orders, all as needed for the proper execution and progress of the Work, and consistent with the intent of the approved Construction Documents.

2.2.7.3 Engineer must timely review Contractor’s submittals, including shop drawings, product data and samples, and issue written approvals of and/or recommendations to the City within ten (10) days of receipt of each such submittal, unless additional time is required based on the nature of the submittal, in which case the review must be completed as soon as practicable under the circumstances. Engineer must check the submittals for
conformance with the design and scope of the Project, and for compliance with the approved Construction Documents. Engineer's review must not extend to the Contractor’s means, methods, techniques, sequences, or procedures, unless such have previously been specified by the City or Engineer.

2.2.7.4 Engineer must assist the City and its Construction Manager, if applicable, in evaluating, processing, and determining whether to recommend approval of requests for changes in the Work, and, if applicable, must prepare and submit proposed Change Orders.

2.2.7.5 Engineer must visit the Project site at intervals sufficient to monitor the progress and quality of the Work and to determine whether the Work is proceeding in conformance with the Construction Contract. Following each Project site visit, Engineer must promptly provide the City with a written report of Engineer’s observations and recommendations, if any. If Engineer becomes aware of any defects or deficiencies in the Work, Engineer must provide prompt notice to the City, followed by written confirmation of that notice. If, in Engineer’s opinion, special testing or inspection of the Work is needed, Engineer must recommend appropriate procedures and consultants to the City. Engineer is not responsible for construction means, methods, techniques, and procedures unless such have been specified by Engineer. Engineer is not responsible for Contractor's safety precautions and programs. However, if Engineer has knowledge of safety violations, Engineer must give prompt notice to the City and to its Construction Manager, of such violations.

2.2.7.6 Engineer must assist the City in processing the Contractor’s payment applications in accordance with the provisions of the Construction Contract. Based on on-site observations and review of other relevant information, Engineer must certify to the City the amounts due to the Contractor and whether the Work has progressed to the point indicated in the payment application based on the Contractor’s schedule of values. Engineer’s review must include review of the status of the Contractor’s record drawings. Engineer’s certification for payment will not be considered a representation that Engineer has made exhaustive or continuous on-site inspections to verify the quality or quantity of the Work, or that Engineer has reviewed the Contractor’s means, methods, techniques, sequences or procedures.
2.2.7.7 Engineer must attend meetings with the Project Manager or the Contractor(s) as specified: [specify total number or frequency of regular meetings] __________________________________________.

2.2.7.8 Engineer must prepare and submit reports on the progress or status of the Work to the City as specified: [specify frequency, timing, content, the person(s) to whom the reports should be addressed, and person(s) who should receive copies, etc.]

_____________________________________________________
_____________________________________________________
_____________________________________________________

2.2.7.9 Engineer must conduct inspections reasonably necessary to determine whether Contractor has achieved final completion of the Work in accordance with the Construction Contract, and must prepare a list of items to be completed or corrected (the “punch list”) as well as required final submittals (e.g., warranties, manuals, as-built drawings, etc.) in order to achieve final completion. Once final completion has been achieved in accordance with the Construction Contract, Engineer must issue a certificate of completion and certify final payment to the Contractor.

2.2.8 Close Out and Post-Construction Services. This section 2.2.8 applies if Engineer is retained to provide construction engineering services pursuant to Section 4.0 of Attachment A.

2.2.8.1 Engineer must promptly perform all tasks reasonably necessary for Project close out. If requested, Engineer must provide the City with a color schedule of all finished materials incorporated into the Project.

2.2.8.2 If requested by the City, Engineer must make up to ______ (__) visits to the Project site during the warranty period to advise the City on the need for warranty work.

2.2.8.3 All Project plans, including, but not limited to, record drawings, specifications, and estimates prepared pursuant thereto, must be and remain the property of the City for the purposes of repair, maintenance, renovation, modernization, or other purposes, only as they relate to the Project. The City reserves the right to use the Project plans, record drawings, specifications, or estimates related to the Project for the purposes of additions, alignments, or other development on or near the site. Nothing in this provision is intended to transfer or waive Engineer’s copyrights over these documents, including, but not limited to, all common law, statutory, and other reserved rights, unless transferred or waived in writing by
Engineer. Notwithstanding the foregoing, if the City proposes to reuse the plans the City and Engineer will specify the terms and conditions for the reuse in this Agreement or by an amendment or addendum thereto. If the City reuses the plans prepared by Engineer for this Project and retains another certified Engineer for the preparation of those plans for the reuse, the City will indemnify and hold harmless Engineer and its subconsultants, agents, and employees, from and against any claims, damages, losses, and expenses, including attorney’s fees, arising out of or resulting from, in whole or in part, the reuse.

2.3 **Additional Services.** If not included in Basic Services, above, the following services must be provided by Engineer and will be paid for as Additional Services, subject to prior written authorization by the City:

2.3.1 Investigation of financing or other special studies to determine the financial feasibility of the Project.

2.3.2 Consultations, negotiation, and the like for procurement of Project financing.

2.3.3 Investigation of or measured drawings of existing conditions or improvements or verification of the accuracy of the City-provided drawings or other information on existing conditions.

2.3.4 Surveys, site evaluations, or legal descriptions.

2.3.5 Design services unrelated to the Project.

2.3.6 Soils, subsurface and environmental studies, reports and investigations required by outside agencies with jurisdiction over the Project.

2.3.7 Services, including inventory and interior design services, related to the selection and placement of furnishings, equipment, and the like which are not included in the Construction Contract.

2.3.8 Revisions to the City-approved drawings and documents which are required due to circumstances outside of Engineer’s control.

2.3.9 Design, coordination, management, expediting and other services for the procurement of materials to be obtained or work to be performed by the City, including, but not limited to technology or other specialty systems which are not otherwise required by this Agreement.
2.3.10 Estimates, appraisals, consultations, and related services required for the repair or replacement of an insured loss.

2.3.11 Preparing for or providing expert witness services in connection with any adversarial proceeding to which the Engineer is not a party.

2.3.12 Out of town travel in connection with the Project, other than travel between Engineer's office, the City's offices, and the Project site.

2.3.13 The City-requested services which are not specified in the Construction Documents and which are not customarily provided as part of generally accepted design and construction practice for this type of project and the region in which the Project is located.

2.3.14 Extended services required by non-performance, suspension, termination, or default of the Contractor in the performance of the Work, through no fault of Engineer.

2.3.15 Preparation of special models, renderings or mock-ups.

2.3.16 Other services as agreed to by the Parties as set forth in an exhibit attached to and incorporated into this Agreement.

2.4 Personnel and Subconsultants.

2.4.1 **Engineer's Key Personnel.** The names, titles, and contact information (telephone and email) for Engineer's key personnel assigned to this Project are listed below, and the designated key personnel may not be changed without the prior written approval of the City, which approval will not be unreasonably withheld:

<table>
<thead>
<tr>
<th>Name:</th>
<th>Title:</th>
<th>Contact Information:</th>
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2.4.2 **Engineer's Principal Representative.** Engineer's principal representative assigned to this Project is ____________________, who will have full authority from Engineer to receive and act on instructions from the City.
2.4.3 **Engineer’s Subconsultants.** Engineer may not engage the services of any subconsultant for this Project, including, but not limited to, firms or individuals providing special architectural or engineering services, without obtaining the City’s prior written approval, which approval must not be unreasonably withheld. The City’s approval must not be deemed to create any contractual relationship between the City and any such subconsultant, except that the City must be considered a third party beneficiary of such services for the Project. Engineer must bind its subconsultants in the same manner as Engineer is bound to the City under this Agreement, including, but not limited to, the insurance and indemnity requirements set forth herein.

2.4.4 **Warranty of Qualifications.** Engineer warrants and represents that Engineer, its personnel, and its subconsultants are each duly qualified, licensed, and authorized by law to perform the services required under this Agreement.

2.4.5 **Standard of Care.** The services provided by Engineer pursuant to this Agreement must, at all times, meet or exceed the standard of care applicable to Engineers performing similar work in the area in which the Project is located. Similarly, the services provided by any subconsultant must meet or exceed the standard of care applicable to others practicing in the subconsultant’s field and performing similar work in the area in which the Project is located.

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**Article 3**

**TIME**

3.1 **Time of the Essence.** Time is of the essence in Engineer’s provision of services under this Agreement. Engineer must provide the services required by this Agreement in conformance with the most recent Project Schedule approved by the City. Engineer must maintain adequate staffing and resources necessary for the timely performance of Engineer’s services under this Agreement. Engineer must review and respond to submittals, requests for information, change order requests, and the like, as expeditiously as possible to avoid delays to the Work.

3.2 **Engineer-Caused Delay.** If the Work on the Project or completion of the Project is delayed because of any error or omission of Engineer, Engineer will be liable for all costs accrued by the City because of such delay, which costs may be deducted from progress payments or final payment to Engineer following written notice by the City. In addition, Engineer must, at no cost to the City, promptly take all necessary steps to correct the error or omission to the City’s satisfaction, and must endeavor to avoid or mitigate the delay or costs caused by such error or omission.
3.3 **Unavoidable Delay.** If Engineer is delayed in the performances of its services due to circumstances which are not the result of Engineer’s errors or omissions, and which are outside Engineer’s control, including, but not limited to, acts or omissions by the City, or unforeseeable acts of third parties, then Engineer’s time for performance of services may be extended for a period commensurate with such unavoidable delay, and Engineer may also be compensated for additional costs to Engineer resulting from such delay. As a condition precedent to an extension of time or discretionary compensation pursuant to this paragraph, Engineer must provide the City with prompt written notice as soon as practicable after learning of the delay. Notwithstanding the foregoing, Engineer must endeavor to avoid or minimize the impact of the delay.

**Article 4**

**COMPENSATION AND PAYMENT**

4.1 **Compensation for Basic Services.** For all Basic Services, as set forth above, the City will compensate Engineer based on Engineer’s time to provide the Basic Services for an amount not to exceed $____________________ without prior written authorization by City (“Basic Services Fee”), and for Reimbursable Expenses incurred in connection with such Basic Services in accordance with the reimbursement rates set forth in Engineer’s Rate Schedule, attached hereto as Attachment B, the total of which Reimbursable Expenses must not exceed $____________________, without the City’s prior written consent.

4.2 **Compensation for Additional Services.** For all authorized Additional Services, as set forth above, the City will compensate Engineer on an hourly basis, based on the hourly rates set forth in Engineer’s Rate Schedule in Attachment B, and for Reimbursable Expenses incurred in connection with such Additional Services, subject to any not to exceed limit included in the City’s written authorization for such Additional Services and associated Reimbursable Expenses. Engineer is not entitled to compensation for Additional Services or associated Reimbursable Expenses if such Additional Services are performed or expenditures incurred without the City’s prior written authorization.

4.3 **Payment.** Engineer must submit a monthly application for payment to the City for the City’s approval, detailing Engineer’s Basic Services, Additional Services and Reimbursable Expenses, if any, for the preceding month. The City will pay Engineer all undisputed and approved amounts within thirty (30) days following the City’s receipt of each such payment application.

4.3.1 **Subconsultant Costs.** The cost of subconsultant services necessary for Basic Services must be included in the Basic Services Fee, above. The cost of subconsultant services necessary for authorized
Additional Services will be compensated on an hourly basis not to exceed 110% of Engineer’s actual costs for such services.

4.3.2 Final Payment Conditions. As a condition precedent to final payment, Engineer must attest, under penalty of perjury, that there are no outstanding claims, obligations, or liens in connection with Engineer’s services under this Agreement. Engineer’s acceptance of final payment from the City will constitute a waiver of any and all further claims by Engineer for compensation for services provided under this Agreement.

4.3.3 Withholding. If Engineer or its subconsultants cause damage to the Project, or fail to perform the required services, or are otherwise in default of the terms of this Agreement, the City reserves the right to withhold from any payment due or to become due, an amount sufficient to offset the resulting loss to the City. Payment of any amount withheld pursuant to this provision will be made if and when the grounds for withholding have been removed.

4.3.4 Expense Records. Engineer’s expense records for all services and costs to be compensated on the basis of actual cost must be maintained in accordance with generally accepted accounting principles, and must be available to the City, upon request, at a mutually convenient time.

4.4.4 Errors and Omissions. Engineer is solely responsible for costs, including, but not limited to, increases in the Construction Contract Price, arising from or caused by Engineer’s negligent or reckless errors and omissions, including, but not limited to, the costs of corrections such errors and omissions, any Change Order markup costs, or costs arising from delay caused by the errors and omissions or unreasonable delay in correcting the errors and omissions.

Article 5
INDEMNITY AND INSURANCE

5.1 Indemnity. To the full extent permitted by law, Engineer must indemnify, defend, and hold harmless the City, its governing body, officers, agents, employees, and volunteers from and against any and all liability, loss, damage, claims, expenses and costs (including, without limitation, attorney fees and costs and fees of litigation) (collectively, “Liability”) of every nature which arises out of, pertains to, or relates to the negligence, recklessness, or willful misconduct of Engineer in the performance of this Agreement, except such Liability caused by the active negligence, sole negligence or willful misconduct of the City. This indemnification obligation is not limited in any way by any limitation on the amount or type of damages or compensation payable to or for Engineer or its agents or employees under Workers’ Compensation acts, disability benefits acts,
or other employee benefit acts. This indemnification obligation is not limited by any limitation on the amount or type of damages available under any applicable insurance coverage and will survive the expiration or early termination of this Agreement with respect to Liability arising during the term of the Agreement.

5.2 **Patents and Copyrights.** Engineer must pay any and all royalties and license fees required for any patented or copyrighted materials, methods, or systems selected by Engineer and incorporated into the design documents by Engineer. To the full extent permitted by law, Engineer must indemnify, hold harmless, and defend the City from any and all claims or suits related to the infringement of any patent rights or copyrights arising from Engineer’s selection.

5.3 **Insurance.** Before providing any services under this Agreement, Engineer must provide proof of the insurance coverage required by this section in the form of certificates and endorsements. The required insurance must cover the activities of Engineer and its employees or subconsultants relating to or arising from the performance of services under this Agreement, and must remain in full force and effect at all times during the term of the Agreement. Engineer is solely responsible for any deductible(s) required for covered events. All required insurance must be issued by a company licensed to do business in the State of California, and each such insurer must have an A.M. Best financial strength rating of “A” or better and a financial size rating of “VIII” or better. If Engineer fails to provide or maintain any of the required coverage, the City may, at its sole discretion, purchase such coverage at Engineer’s expense and deduct the cost from payments due to Engineer.

5.3.1 **Required Policies and Limits.** The following insurance policies and limits are required for this Agreement:

5.3.1.1 **Commercial General Liability Insurance ("CGL"):** The CGL policy must be issued on an occurrence basis, written on a comprehensive general liability form, and must include coverage for liability arising from Engineer’s acts or omissions in the performance of services under this Agreement with limits of at least two million dollars ($2,000,000.00) per occurrence. The CGL policy must name the City, its officers, employees, and agents, as additional insureds for all liability arising out of the operations by or on behalf of the named insured, and must protect the City, its officers, employees, and agents against any and all liability for personal injury, death, or property damage or destruction arising directly or indirectly in the performance of the Agreement. The CGL coverage may be provided under a single policy for the full limits required or by a combination of policies with the balance provided by excess or umbrella policies, provided each such policy otherwise complies with the requirements set forth herein.
5.3.1.2 Automobile Insurance: The automobile liability insurance must cover bodily injury and property damage in an amount no less than one million dollars ($1,000,000.00) combined single limit for each occurrence, including owned, hired, and non-owned vehicles.

5.3.1.3 Workers’ Compensation Insurance and Employer’s Liability: The policy must comply with the requirements of the California Workers’ Compensation Insurance and Safety Act, of at least two million dollars ($2,000,000.00). If Engineer is self-insured, Engineer must provide its Certificate of Permission to Self-Insure, duly authorized by the Department of Industrial Relations.

5.3.1.4 Professional Liability: This insurance must insure against Engineer’s negligent errors and omissions in the provision of services under this Agreement, in an amount no less than two million dollars ($2,000,000.00) combined single limit. The Professional Liability insurance must include prior acts coverage sufficient to cover all services provided by Engineer for this Project, and this coverage must continue in effect for four (4) years following final payment to Engineer.

5.3.2 Notification to the City. Each certificate of insurance must state that the coverage afforded by the policy or policies must not be reduced, cancelled or allowed to expire without at least thirty (30) days written notice to the City, unless due to non-payment of premiums, in which case ten (10) days written notice must be made to the City.

5.3.3 Waiver of Subrogation. Each required policy must include an endorsement providing that the carrier agrees to waive any right of subrogation it may have against the City.

5.3.4 CGL Endorsements. The CGL policy must include the following endorsements:

5.3.4.1 The inclusion of more than one insured must not operate to impair the rights of one insured against another, and the coverages afforded must apply as though separate policies have been issued to each insured.

5.3.4.2 The insurance provided is primary and no insurance held or owned by the City must be called upon to contribute to a loss.
Article 6
TERMATION

6.1 **Termination for Fault.** Either party may terminate this Agreement for the other party’s material default or breach upon fifteen (15) days written notice and opportunity to cure. The termination must become effective if the default or breach is not cured within the notice period, or if the party in breach or default has not taken reasonable steps to diligently pursue a cure within the notice period.

6.2 **Termination for Convenience.** The City, acting in its sole discretion, may terminate this Agreement for convenience, upon seven (7) days written notice to Engineer. If the Agreement is terminated pursuant to this paragraph, the City will compensate Engineer for all services satisfactorily performed prior to the effective date and time of the termination, in accordance with this Agreement consistent with the payment provisions in Article 4, above, i.e., Engineer will be compensated for each specified phase which has been completed, and on a proportionate basis for any partially completed phase. In addition, the City will also pay Engineer an early termination fee which will be ten percent (10%) of the partial Basic Services Fee paid to Engineer, if the termination becomes effective prior to completion of the Construction Documents, or five percent (5%) of the partial Basic Services Fee if the termination becomes effective thereafter.

6.3 **Upon Termination.** Within seven (7) days of the effective date of termination, whether for fault or for convenience, Engineer must deliver, without further cost to the City, all documents and work product prepared for the City pursuant to this Agreement. Within thirty (30) days of Engineer’s delivery of all such documents and work product to the City, the effective date of termination, the City will pay Engineer for all undisputed and approved invoices for services provided under this Agreement.

Article 7
DISPUTE RESOLUTION

7.1 **Meeting and Mediation.** In the event that any dispute arises between the parties in relation to this Agreement, the parties agree to meet face to face as soon as possible to engage in a good faith effort to resolve the matter informally. If the dispute is not resolved by informal negotiation, the parties agree to submit the dispute to mediation with a mutually acceptable, experienced third-party neutral. The parties further agree that their participation in mediation is a condition precedent to any party commencing litigation in relation to the dispute.

7.2 **Mediation Procedures.** Following one or more good faith attempts at informal resolution, either party may give written notice to the other party of a request to submit a dispute to mediation, and a mediation session must take
place within sixty (60) days after the date that such notice is given, or sooner if reasonably practicable. The parties must jointly appoint a mutually acceptable mediator. The parties further agree to share equally the costs of the mediation, except costs incurred by each party for representation by legal counsel.

7.3 **Arbitration.** If the parties are unable to resolve the dispute through mediation, they may mutually agreed to arbitration instead of litigation. However, it is expressly agreed, pursuant to California Civil Code Section 1296, that in any arbitration to resolve a dispute relating to this Agreement, the arbitrator’s award must be supported by law and substantial evidence, and must include detailed written findings of law and fact.

**Article 8**
**MISCELLANEOUS PROVISIONS**

8.1 **Independent Contractor.** The parties agree that Engineer must act as an independent contractor under this Agreement and must have control of the work and the manner in which it is performed. Engineer is not an employee of the City and is not entitled to participate in any pension plans, insurance, bonus or similar benefits that the City provides to its employees.

8.2 **Notice.** Any notice, billing, or payment required by this Agreement must be made in writing, and sent to the other party by personal delivery, U.S. Mail, a reliable overnight delivery service, facsimile, or by email as a PDF (or comparable) file. Notice is deemed effective upon delivery unless otherwise specified. Notice for each party must be given as follows:

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<th>City of Fortuna:</th>
<th>Engineer:</th>
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</thead>
<tbody>
<tr>
<td>Engineering</td>
<td>[Name]</td>
</tr>
<tr>
<td>621 11th Street</td>
<td>[Address]</td>
</tr>
<tr>
<td>Fortuna, CA 94550</td>
<td>[City/state/zip]</td>
</tr>
<tr>
<td>Phone: 707-725-1471</td>
<td>Phone:</td>
</tr>
<tr>
<td>Fax: 707-725-7651</td>
<td>Fax:</td>
</tr>
<tr>
<td>Attn: Merritt Perry</td>
<td>Attn:</td>
</tr>
<tr>
<td>Email: <a href="mailto:mperry@ci.fortuna.ca.us">mperry@ci.fortuna.ca.us</a></td>
<td>Email:</td>
</tr>
</tbody>
</table>

And copy to: And copy to:

8.3 **Nondiscrimination.** Engineer must comply with all applicable federal, state and local laws, rules and regulations regarding nondiscrimination in employment because of race, color, ancestry, national origin, religion, sex, marital status, age, medical condition, disability, or other prohibited basis. All nondiscrimination rules or regulations required by law to be included in this Agreement are incorporated by this reference.
8.4 **Assignment and Successors.** Engineer may not assign its rights or obligations under this Agreement, in part or in whole, without the City’s written consent. This Agreement is binding on Engineer’s successors and permitted assigns.

8.5 **Third Party Beneficiaries.** There are no intended third party beneficiaries to this Agreement.

8.6 **Governing Law and Venue.** This Agreement is governed by California law and venue must be in the Superior Court of Humboldt County, and no other place.

8.7 **Attorneys’ Fees.** If any legal action or proceeding is brought between the City and Engineer arising out of, relating to or seeking the interpretation or enforcement of the terms of this Agreement, the prevailing party will be entitled to reasonable attorneys’ fees and costs, including the attorneys’ fees and costs for any arbitration, appeal, or enforcement of judgment.

8.8 **Amendment.** No amendment or modification of this Agreement will be binding unless it is in a writing duly authorized and signed by the parties to this Agreement.

8.9 **Waiver.** No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement must be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy must be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor must any waiver constitute a continuing waiver unless specified in writing by the waiving party.

8.10 **Force Majeure.** If either party is delayed or hindered in or prevented from the performance of any act required hereunder because of strikes, lockouts, inability to procure labor or materials, failure of power, riots, insurrection, war, fire or other casualty, or other reason beyond the reasonable control of the party delayed, excluding financial inability (“Force Majeure Event”), performance of that act shall be excused for the period during which the Force Majeure Event prevents such performance, and the period for that performance shall be extended for an equivalent period. Delays or failures to perform resulting from lack of funds shall not be Force Majeure Events.

8.11 **Integration; Severability.** This Agreement and the attachments incorporated herein, including authorized addenda, amendments or change orders, if any, constitute the final, complete, and exclusive terms of the agreement between the City and Engineer. If any provision of this Agreement, or portion thereof, is determined to be illegal, invalid, or unenforceable, the remaining provisions of the Agreement will remain in full force and effect.
8.12 **Conflicts.** If any provision in the RFP or Proposal conflicts with or is inconsistent with the provisions set forth in the body of this Agreement, the provisions set forth in the body of this Agreement will control over the conflicting or inconsistent provisions in the RFP or Proposal. If any provision in the attached Scope of Services conflicts with or is inconsistent with the provisions set forth in the body of this Agreement, the provisions in the Scope of Services will control over the conflicting or inconsistent provisions in the body of this Agreement.

8.13 **Headings.** The headings in this Agreement are included for convenience only and must neither affect the construction or interpretation of any provision in this Agreement nor affect any of the rights or obligations of the parties to this Agreement.

8.14 **Legal Counsel.** Each party to this Agreement warrants that it has had adequate opportunity to consult with its legal counsel before causing this Agreement to be executed.

8.15 **Authorization.** Each individual executing this Agreement or its counterpart, on behalf of the respective party, warrants that he or she is authorized to do so and that this Agreement constitutes the legally binding obligation of the entity which he or she represents. As to those parties that are corporations, signatures from two officers of the corporation are required pursuant to California Corporation Code section 313.

8.16 **Execution in Counterparts.** This Agreement may be executed in any number of counterparts, each of which must be an original, but all of which together must constitute one instrument.

8.17 **Electronic Transmission.** Executed copies of this Agreement may be transmitted electronically between the parties by facsimile or email, and signatures on such electronically transmitted copies will be deemed original signatures.

The parties agree to this Agreement as witnessed by the signatures below:

THE CITY OF FORTUNA: ENGINEER:

s/______________________________ s/______________________________

Name/Title [print] Name/Title [print]

Date: ________________________ Date: __________________________
TECHNICAL APPROACH AND SCOPE OF WORK

Based on our conversations and meetings with City of Fortuna and Caltrans Local Assistance personnel, as well as experience obtained from completing similar state and federally funded transportation projects constructed locally, GHD has developed the following technical approach and scope of work required to complete the City of Fortuna’s 2015 Safe Routes to School Project. Our role in the project will include:

Task 1 – Project Management, Meetings and Coordination
Task 2 – Environmental Documentation
Task 3 – Engineering Design
Task 4 – Construction Engineering Services (Optional)

Project Management
Leadership and management of the project are essential to its successful completion. This project will require regular communication and close coordination with team members, the City, and other project partners including stakeholders and the general public. This task includes monitoring the project progress on a regular basis, providing updates to the City in the form of emails, memorandums, and presentations, managing project budgets and schedules, assisting the City in coordinating with the various stakeholders, and coordinating and performing quality control reviews.

This task also includes the time required for GHD’s Project Manager, with administrative assistance, to administer the project contract, coordinate team personnel and sub-consultant activities, prepare and maintain the project schedule, and prepare invoicing. If requested, the monthly invoices can be accompanied by a progress memo highlighting budget, schedule, activities completed in the previous month, activities planned for the next month, and any significant issues to be aware of that could affect the project scope, schedule or budget.

Kickoff Meeting
GHD will initiate, organize and attend a project kickoff meeting with the City. The meeting will allow GHD to gather available background information and better understand the City’s goals and desires for this project. We anticipate participants in the meeting to include City staff, Caltrans Local Assistance Engineers, and representatives from Todd Thomas Middle School, Ambrosini Elementary School, and Fortuna Elementary School District (if interested).

The meeting will be crucial for starting the project off on the right track by gaining consensus on key design approaches while at the same time bringing everyone to a similar understanding of the overall project scope, budget, and schedule. The meeting will also help to define any special requirements for the project. Meeting topics will include the project description, information needs, and project schedule. We will prepare meeting minutes and highlight consensus items, action items, and other items to be addressed later in the project.

Regular Coordination Meetings with the City and Schools
Close coordination with not only the City, but also the schools will be critical since many of the improvements will be located on school property or directly adjacent to school property. As part of the ongoing project coordination, GHD will regular interface with the City and school. GHD anticipates participating with the City and schools in regular meetings or conference calls to provide updates on project status, review projects concepts and issues, and receive input and direction. GHD will be available to attend up to two (2) School Board meetings to present the project, if requested.

Public Meeting
GHD will participate in one public workshop meeting with the general public, specific stakeholders, and/or property owners adjacent to the project area identified by the City. This meetings can occur at any point in the timeline identified by the City.

The stakeholder/public meeting will consist of a two-hour workshop in the evening on a weeknight. The workshop space will include large maps, diagrams, schematics, photographs, and other visual aids. As attendees arrive, they will be provided with handouts. The workshop will begin with a simple 15-minute overview presentation, which will be followed by an open question-and-answer session.

We assume that the City will be responsible for identifying and notifying specific stakeholders or the general public about the meetings, and will provide a meeting venue. GHD will assist the City with the preparation of notification flyers to be distributed by the City.

Quality Assurance and Quality Control (QA/QC)
During design, individual components of the design are reviewed by technical specialists in the particular
The primary objective of the design will be to develop a set of plans and specifications suitable for bidding and construction. The design will be based on the conceptual designs presented in the RFP, which were developed by GHD, as these concepts were developed with buy in from the stakeholders and public. Supplemental topographic survey that is focused on the proposed design elements will be completed. It is critical to have a survey so that the lines and grades of new pedestrian facilities can be established based on ADA guidelines while also conveying storm runoff. If not designed properly, improvements can result in poor drainage or grades that do not meet ADA guidelines. The plans need sufficient detail to provide the information for review by Caltrans, the City and the California Division of the State Architect (DSA) for compliance with ADA. For the survey portions of the project, GHD will team with Whitchurch Engineering Inc., who will develop a base map using the topographic survey that will be used to lay out the details of the new improvements.

The GHD Team will continue the design process from the preliminary level to prepare a set of final civil design documents suitable for construction.

**Topographic and Right-of-Way Survey**

GHD will contract directly with Whitchurch Engineering for survey and mapping services for the project. The surveying services consists of the following activities:

A. **Right-of-Way (R/W) Determination.**

The existing R/W shall be determined for the following streets:

- Ross Hill Road, from Kenmar Road to Thelma Street
- Portions of Thelma Street, School Street, Boone Street, Wood Avenue, East Street, Rohnerville Road, Rohnr Street and Highland Drive, as described in the Request for Proposals.

B. **Topographic Mapping.**

- Topographic mapping of portions of Thelma Street, School Street, Boone Street, Wood Avenue, East Street, Highland Drive, Rohnerville Road and Rohner Road as described in the Request for Proposals will be performed.

Coordinates and elevations of all R/W, control and topographic points surveyed shall be based upon the North American Datum (NAD) of 1988, State Plane Coordinates Zone 1 and the North American Vertical Datum (NAVD) of 1988.

1. Research existing records to determine the location of existing R/W monuments in the project area. Known monuments with coordinates based on the North American Datum of 1927 and/or the National Geodetic Vertical Datum of 1929 as shown on that certain map recorded in Book 50 of Surveys at Pages 133-135, Humboldt County Records will have their coordinates and or elevations converted to NAD 83 and NAVD 88 as noted above.

2. A site reconnaissance to locate the existing monuments will be performed to verify their existence and physical condition. Any existing monuments that are found to be disturbed will be so noted. Their use as control monuments may need to be excluded in determining the R/W.

3. Once all applicable R/W monuments have been located, a field survey shall be performed to establish horizontal coordinates on all R/W monuments and intermediate control points that will be utilized for subsequent topographic mapping. This will include performing a level loop over all points to establish their elevations.

4. Once horizontal coordinates and elevations have been determined for all R/W and intermediate control monuments, the existing R/W for all the streets shall be determined.

5. After the R/W's have been determined, an additional field survey to perform topographic mapping at the project locations shall be performed. It is assumed that
The design of the road, buffered bike lanes, sidewalks and curb ramps will conform to the City requirements and applicable standards. GHD’s understanding is that the City is interested in incorporating 11’ to 12’ wide travel lanes, with 6’ bike lanes, and 5-foot wide sidewalks. The regulatory, advisory and directional signs and striping will be designed in accordance with the California MUTCD, NACTO guidelines and other appropriate sources. Other design standards and policy recommendations that will be utilized include the following:

- California Manual on Uniform Traffic Control Devices
- American with Disabilities Act – Trail and Sidewalk Publications
- 2010 California Building Code
- AASHTO Guide for the Development of Bicycle Facilities
- Caltrans Chapter 1000: Planning and Designing Bicycle Facilities

Ross Hill Road and Kenmar Road Intersection
Traffic volumes recorded as a part of a recent traffic impact study performed by GHD indicate that the intersection of South Fortuna Boulevard/Rose Hill Road and Kenmar Road currently serves 300 northbound left-turning vehicles in the AM peak hour, and 124 northbound left-turning vehicles in the PM peak hour. The existing left-turn pocket provides approximately 100 feet of lane, which is intended to be comprised of deceleration lane and storage length. The current configuration of the left-turn pocket, which includes storage length, bay taper, deceleration lane, and approach taper, is approximately 250 feet long. Based on the standards for the design of left-turn pockets provided within the Caltrans Highway Design Manual, with consideration of recently-recorded AM peak hour traffic volumes, the current design of the northbound left turn pocket is most likely not sufficient in terms of capacity or safety. Conceptual traffic models of the intersection that represent existing conditions have reported that maximum queue lengths during the AM peak hour could be expected to be longer than 200 feet. Traffic models that represent the 20-year projected growth conditions have reported that maximum queue lengths would exceed capacity of the lane in both the AM and PM peak hour conditions.

The SRTS project would provide a good opportunity to verify capacity and queuing issues with this movement, and provide further detailed analysis of this intersection, with consideration of the planned Ross Hill Road improvements. If the GHD team confirms that capacity and safety issues are of a concern with this movement, the appropriate recommendations will be brought forth to the City to consider for incorporation into the design improvements. Such improvements could include signal modifications and/or lengthening of the northbound left turn lane.

Enhanced Pedestrian Crosswalks
Our engineers will also focus on the layout of the proposed rectangular rapid flashing beacons on Ross Hill Road at the intersections with Attebery Lane and Thelma Street. The proposed beacons will need to be located to provide the best visibility to traffic approaching the crossings. We will also consider the use of other enhancements that improve visibility during foggy conditions such as in-pavement lighting systems or advance flashing beacons.

Trails
Two trail segments are proposed for the Toddy Thomas Middle School campus. The trails will provide safe connections from the public right-of-way directly to the central part of the campus. GHD’s understanding is that the multi-use trail will consist of an 8-foot wide trail with two 2-foot paved shoulders where spaced allows. GHD will work closely with the City and School to design a trail alignment that works with the Schools current facilities and planned future upgrades.

Plans, Specifications and Estimates (PS&E)
GHD will work with the City and Caltrans to further develop the project in accordance with the scope, Local Assistance guidelines and available funding. The plans, specifications and estimates (PS&E) will be prepared based on the standards of practice in the industry.

The design documents will include road, drainage and non-motorized facilities. The Construction plans, specifications and estimate will make up the design set and will be submitted to the City for review at 60%, 90% and 100% completion stages. The City will have the opportunity to comment on the 60% and 90% design sets, and the 100% will be ready to issue for construction.

Construction Plans
The Construction Plans will be developed on 22” x 34” sheets that allow scaled reduction to 11” x 17” sheets. The project will be designed using English Standard units in AutoCAD at an appropriate scale utilizing AutoCAD.
standards, including project folder structures, layer names, line styles and font resources, color tables, etc. All plans will be stamped and signed by a professional engineer and will be used as part of the construction documents. Construction plans are expected to include:

- Title Sheet
- General Notes, Symbols and Abbreviation Sheet
- Improvement Plans
- Typical Cross Sections
- Construction details
- Signage and Striping Plans
- Drainage Plans
- Construction Area Signs Plan
- Survey Control Plan, and
- other sheets we deem necessary to convey the design intent

**Technical Specifications**

GHD will prepare technical specifications consisting of Special Provisions to amend and supplement the State of California Department of Transportation Standard Specifications (2010). Technical Specifications for this project will include information specific to the project and work items, such as order of work, testing and quality control, asphalt concrete, roadside signs, thermoplastic paving markings, etc. There will be at least one section for each item of work included in the project. To the extent possible, references will be made to the latest edition of the Caltrans Standard Specifications.

**Construction Estimates**

The engineer's opinion of probable construction costs will be prepared using standard engineering estimate procedures for each design submittal. The opinion of cost will include the anticipated cost for the items of work included with the project based on bid results from previous projects or published unit costs available from Caltrans. Actual construction costs will vary and the low bidder may be higher than the Opinion of Probably Construction Cost due to availability of labor, equipment, materials, market conditions, or other factors.

**Bidding Package**

GHD will assist the City in developing the bidding package including: advertisement for bid, bid schedule, bidding requirements, contract forms, special contract requirements, general conditions, state and federal requirements (EEO Certification, Non-Lobbying Certification, prevailing wage, on the job training, etc.), technical specifications, and construction plans.

Given that there is a fixed budget, the project will be structured with a base bid and additive bid alternatives. This will help to ensure that essential project components can be completed and sure there be favorable bids, additional work can be included in the contract up to the allowable budget without the need for rebidding or change orders.

**Right-of-Way and Utility Coordination**

Although no additional right-of-way is anticipated for this project, a condition of the funding is that the City must certify that work is completed in areas within existing right-of-ways. Using the topographic survey developed and information provided by the City, GHD will determine the location of City right-of-way relative to the proposed project improvements. Items such as fences, landscaping, and other personal belongings which are found to be located within the City right-of-way may need to be relocated, or an encroachment permit may need to be issued. In addition, driveway and sidewalk grade conforms will likely extend outside the City's right-of-way. To the extent possible, the project will be configured to avoid the need for temporary or permanent right-of-way to minimize the time and expense necessary to complete the project. Where additional right-of-way is unavoidable, the right-of-way will need to be acquired consistent with the guidelines for right-of-way acquisition in the Local Assistance Procedures Manual. In this situation, GHD will assist the City with landowner coordination by preparing a list of adjacent property owners, addresses and APNs. GHD will also prepare draft Permit's to Enter and Construct which the City can use to obtain permission to enter on private property and construct improvements for the benefit of the property owner. Because the project will be utilizing State Only Funding (no federal participation), a formal Right-of-Way Certification will not be required.

GHD will utilize the topographic survey developed and utility information provided by the City to determine the existing utilities within the project area. Street corners are typically congested with utilities, such as traffic signals, street lights, pullboxes, hydrants, and vaults. These items may get in the way of the curb ramps or other planned improvements. Relocating the utilities could be costly and will need to be minimized during the design. Utility relocation is expensive
and should only be done as the last resort. Therefore GHD will work to minimize the amount of utilities relocations required. If unavoidable utility conflicts are found to exist, GHD will coordinate with the affected utilities to discuss any adjustments or relocations necessary as part of the project. For non-City owned utilities, GHD will assist the City in preparing the relocation documentation to verify ownership, financial responsibility and relocation in accordance with the proposed construction schedule. Once completed, the documents (Notice to Owner, Utility Agreements, maps, etc.) will be provided to the City.

**DSA Access Compliance Review**

GHD will submit the 100% plans and technical specifications to the California Division of the State Architect (DSA) for an Access Compliance review. GHD will prepare and submit form DSA-1 (Application for Approval of Plans and Specifications), form DSA-95 (Intake Project Review Box Request) and will request and electronic review. The City will be responsible for paying the associated review fee which will be based on the projects estimated construction cost. GHD modify the design to incorporate applicable comments received by DSA. The revised plans and specifications will be compiled into the final bidding package.

**PS&E and Construction Request Funding Allocation**

After CEQA is completed for the project, GHD will assist the City in preparing the PS&E allocation request for the California Transportation Commission (CTC). It is our understanding that the PS&E allocation request must be approved by the CTC by December 31, 2015; therefore at the latest, the PS&E allocation request must be submitted to Caltrans by October 12, 2015 (for the December 9/10 CTC meeting). Once the PS&E funds have been allocated by the CTC, reimbursable design engineering work can begin.

When the PS&E package is near completion, GHD will assist the City in preparing the construction allocation request for the CTC. Once the construction funds have been allocated by the CTC, reimbursable construction and construction engineering work can begin. The project must be awarded within 6 months of construction allocation.

The PS&E and Construction allocation submittals will each include the following required forms:
- Exhibit 22-N - Allocation Checklist
- Exhibit 22-O - Allocation Request
- Exhibit 22-C - State Only Finance Letter

**Task 3 Deliverables: 60% PS&E Submittal: Plans, Specifications, and Estimates**

- 90% PS&E Submittal: Plans, Specifications, and Estimates
- 100% PS&E Submittal: Plans, Specifications, and Estimates

**Final Bidding Package**

PS&E and Construction Allocation Request Submittals

GHD will provide one (1) electronic PDF and up to ten (10) hard copies for each of the above documents. In addition, final plans will be provided as AutoCAD Civil 3D files.

Other forms and documents related to task 3, as required by local assistance procedures manual will be provided as one (1) electronic PDF and one (1) hard copy.

**Task 4 - Construction Engineering Services (Optional Task)**

The efficient contract administration of state funded projects requires not only the familiarity with the Local Assistance Procedures Manual and public contract code, but also the experience and knowledge to anticipate the steps needed to foresee and handle the many types of issues that occur during construction. This comes from planning the construction administration process, regularly meeting the contractor to review schedule and issues, observing the work in the field, and thinking ahead of the contractor to foresee future issues. Clear and efficient documentation and written communications provides a record of the project and helps to address issues as they arise.

GHD approaches construction of projects with the requirements for successful completion in mind. This means that projects will be constructed and well documented with easily referenced files. Failure to properly document and confirm contract compliance with any of the many Caltrans requirements can result in a finding of non-compliance.
being issued by Caltrans and the potential loss of funding. Therefore it is critical that documentation is thorough and complete. During construction of the project, GHD will administer, manage and document construction activities to ensure that the project complies with Caltrans requirements.

GHD will provide construction engineering services throughout the construction of the project. Services to be provided would include:

- Bidding Assistance
- Pre-Construction Assistance
- Construction Management
- On-Site Construction Observation
- Project Closeout

**Bidding Assistance**
In the bidding phase, GHD will assist the City in generating interest and obtaining bids for the project. Bidding assistance by GHD will include the following:

- Print and distribute plans and specifications to contractors at cost (no cost to builders exchange or City)
- Answering contractor questions via telephone
- Issuing Addenda during bidding
- Organize and conduct a pre-bid meeting/conference
- Prepare a memorandum summarizing the pre-bid conference and addressing questions from the conference for distribution to bidders
- Organize and conduct a public bid opening
- Prepare a bid summary and review contractor bids
- Work with Selected contractor on obtaining and verifying bonds and insurance
- Work with City with preparing the contract documents for approval
  - Notice of Award
  - Contract/Agreement
  - Notice to Proceed

**Pre-Construction Assistance**
Following the award of the project, but prior to the start of construction, GHD will provide the following pre-construction services:

- Review contractor’s initial construction schedule for adherence to project requirements and ease of monitoring progress.
- Review contractor’s preliminary traffic control plan.
- Review public noticing requirements and schedule with contractor.
- Review cost of lump sum breakdown provided by contractor.
- Prepare and distribute the pre-construction meeting agenda, conduct meeting, compile meeting minutes and a task list, and distribute to the project team.
- Summarize work and expectations of the City at pre-construction meeting including: contract requirements and coordination required for the completion of the work, roles and responsibilities, schedule of work, submittals, work hours, notifications, safety, coordination with utilities, materials testing, labor compliance, equal employment opportunity and disadvantaged business enterprise requirements.
- GHD will prepare Exhibit 22-A (Award Information for ATP Projects) for submittal to the Caltrans District Local Assistance Engineer. Because the project utilizes State Only Funded, Caltrans does not require any other award documentation.

**Construction Management**
GHD’s Resident Engineer will coordinate communication between the Contractor, City, Caltrans, utility companies and other parties throughout the course of the project’s construction. Many of the items below will involve the input and feedback of the City and others.

- Complete Engineer’s Daily Report and Coordinate Materials Testing and Contract Administration requirements through the course of the project;
- Record working days, non-working days, weather related days, and issue weekly statement of working days;
- Review Contractor monthly payment requests, review differences in payment quantities with contractor, and prepare and submit recommendations of payment requests to City;
- Maintain project records and files as needed for general compliance with Caltrans requirements;
- Attend project meetings and prepare agenda, and document meeting minutes;
- Coordinate and manage Submittal and Shop Drawing
reviews and maintain tracking logs;
• At the request of the City, participate in preparation of public information bulletins and updates during construction (website, emails, etc.);
• Review and respond to contractor submittals, based upon the plans and specifications;
• Monitor the Contractor's construction schedule and progress for adherence to project schedule, coordinate with the Contractor on planned activities, notify Contractor, City and Caltrans of any schedule issues identified, review schedule revisions and negotiate time extensions if necessary;
• Coordinate with the Contractor so Contractor can provide City staff with notice for construction activities which may affect or require Tribal resources or coordination.
• Manage Contractor correspondence including Request For Information (RFIs), Potential Change Orders (PCOs) and Contract Change Order (CCOs) – include technical / engineering assistance and review, maintain logs, prepare and transmit responses and coordinate with other parties to develop responses.
• Submit copy of CCO memorandum and PCOs to the City and Caltrans.
• Attend on-site meetings to address construction issues, prepare agenda and meeting minutes.

On-site Construction Observation
GHD will provide the following on-site construction observation services:
• Provide regular part-time on-site construction observation to review Contractor general conformance with the project plans and specifications.
• Prepare daily observation reports including digital photo logs of progress.
• Maintain a set of red line plans depicting changes noted by the construction observer.
• Collect and maintain material tags and testing tags/reports.
• Review traffic control and Contractor daily activities.
• Review Contractor's erosion and sediment control BMPs.
• Perform on-site interviews of trade persons to review job classifications and wages paid.
• Collect and maintain material tags and testing tags/reports.
• Review Certificates of Compliance.
• Reject or Recommend deductions for materials not meeting the project requirements.

Project Closeout
GHD will assist the City with the project closeout including final documentation, notice of completion and record drawings.

Final documentation will include the following items:
• Final project summary letter
• Project photo log
• Submittals
• Inspection and observation reports
• Materials testing and inspection records and final reports
• Labor compliance interview records
• Meeting records
• Exhibit 17-M – Final Project Expenditure Report

Following final acceptance of the project by the City and Caltrans, GHD will prepare a Notice of Completion and other documents for approval by City and submittal to Humboldt County for Recording.

GHD will also prepare and transmit Record Drawings to the City (in electronic pdf format only), incorporating any noted changes, change orders or other changes deemed necessary by the Engineer or City.

Task 4 Deliverables: All deliverables listed in the above task will be provided as electronic PDFs unless otherwise requested by the City.

GENERAL EXCLUSIONS AND ASSUMPTIONS
This scope of services is based on the tasks described above which are anticipated for the project. The City may need additional services during the process of the project due to increased regulatory issues, unusual public interest, and additional issues identified during the project.

This proposal is based on the following assumptions:
• This scope does not include anything not specifically described above.
• The scope does not include any geotechnical investigations or pavement testing or construction staking.
• The projects estimated area of ground disturbance is less than 1 acre therefore a stormwater pollution prevention plan (SWPPP) is not required for the project.
• The City will be responsible for coordinating, evaluating, negotiating, securing and recording any temporary or permanent right-of-way (including easements) or temporary construction easements, if required.
• The scope of services does not include any applications, permits, or related fees (i.e. utility, agency, regulatory, encroachment). The City shall be responsible for preparing and securing any necessary permits and for paying all deposits and fees required for the project.
• The City will complete their review of the plans and prepare any comments they have in a timely manner.
and will deliver one set of rectified comments to GHD following each review.

ABILITY TO MEET THIS PROJECT’S SCHEDULE
Many projects are driven by a strict schedule due to grant requirements, financial obligations, or community need. Regardless of the circumstances, GHD prepares detailed and realistic schedule at the beginning of each project. We employ modern project management tools such as Microsoft Project to develop, update and modify schedules to reflect the natural development of a project moving towards completion. We actively engage our clients throughout the life of a project so they understand the potential schedule implications resulting from changes during the process. To proactively keep the project on schedule, GHD makes it a top priority to respond quickly to requests and to communicate the resolution of issues. The combination of skilled project managers, cutting-edge scheduling software, and experience with Caltrans means GHD will produce a high-quality project more efficiently than other firms.

As previously discussed, our approach is focused on completing the project within the very tight timeline so that the project can be ready to start construction in June 2016. Because of our on-going working relationship with the City and Caltrans and because of our team’s interment knowledge of all of the work that has occurred up until this point, we believe that we are best suited to meet the project’s strict schedule.

We schedule our staff’s anticipated effort on all projects and we have reviewed the schedule of those proposed to work on the project and have verified staff availability to work on this project. Our staff is dedicated to seeing the project through from inception to completion.
# City of Fortuna’s 2015 Safe Routes to School Improvement Project

<table>
<thead>
<tr>
<th>ID</th>
<th>Task Name</th>
<th>Duration</th>
<th>Start</th>
<th>Finish</th>
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<tbody>
<tr>
<td>1</td>
<td>Notice to Proceed Issued by City</td>
<td>0 days</td>
<td>Mon 8/10/15</td>
<td>Mon 8/10/15</td>
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<tr>
<td>2</td>
<td>Project Kick-Off Meeting</td>
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<td>Wed 8/12/15</td>
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<tr>
<td>3</td>
<td>Topographic and R/W Survey</td>
<td>53 days</td>
<td>Thu 8/13/15</td>
<td>Mon 10/26/15</td>
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<td>4</td>
<td>Prepare CECQ CE</td>
<td>6 days</td>
<td>Thu 8/13/15</td>
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<td>5</td>
<td>File CECQ CE with County Recorder</td>
<td>0 days</td>
<td>Fri 8/21/15</td>
<td>Fri 8/21/15</td>
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<tr>
<td>6</td>
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<td>10 days</td>
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<td>Thu 10/22/15</td>
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<td>9</td>
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<td>Tue 11/24/15</td>
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<td>Wed 11/29/15</td>
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**Duration**

- **Aug'15**: 0 days
- **Sep'15**: 0 days
- **Oct'15**: 53 days
- **Nov'15**: 6 days
- **Dec'15**: 0 days
- **Jan'16**: 10 days
- **Feb'16**: 0 days
- **Mar'16**: 21 days
- **Apr'16**: 5 days
- **May'16**: 10 days
- **Jun'16**: 2 days
- **Jul'16**: 20 days
- **Aug'16**: 0 days
- **Sep'16**: 20 days

**Dates:**

- **Mon 8/10/15**: Start of Notice to Proceed
- **Wed 8/12/15**: End of Project Kick-Off Meeting
- **Thu 8/13/15**: Start of Topographic and R/W Survey
- **Mon 10/26/15**: End of Topographic and R/W Survey
- **Thu 8/20/15**: End of Prepare CECQ CE
- **Fri 8/21/15**: End of File CECQ CE with County Recorder
- **Fri 8/21/15**: End of Prepare PS&E Allocation Request
- **Mon 8/24/15**: Start of Submit PS&E Allocation Request to Caltrans
- **Wed 10/21/15**: End of PS&E Funds Allocated by CTC
- **Tue 10/27/15**: Start of Prepare 60% Design
- **Tue 11/24/15**: End of Prepare 60% Design
- **Tue 12/1/15**: Start of Review by City
- **Mon 12/28/15**: End of Review by City
- **Mon 1/4/16**: Start of Prepare 100% Design
- **Fri 1/22/16**: End of Prepare 100% Design
- **Mon 1/25/16**: Start of Submit Construction Allocation Request to Caltrans
- **Thu 3/17/16**: End of Construction Funds Allocated by CTC
- **Thu 4/28/16**: End of Advertise Project for Bid
- **Mon 5/16/16**: Start of Award Project at Council Meeting
- **Mon 6/20/16**: Start of Start Construction
- **Wed 8/31/16**: End of Construction

**Timeline Diagram:**

The following project schedule outlines major milestones.
<table>
<thead>
<tr>
<th>Task</th>
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<tr>
<td>Task 1: Preliminary Engineering and Environmental Documentation</td>
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<td>Task 2: Engineering Design</td>
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<td>Task 3: Construction Engineering Services</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$215,073.00</strong></td>
</tr>
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DATE:       August 17, 2015
TO:         Honorable Mayor and Council Members
FROM:       Regan M. Candelario, City Manager
SUBJECT:    Adoption of a Revised Council Policies and Procedures Manual; Resolution 2015-27

STAFF RECOMMENDATION:

EXECUTIVE SUMMARY:
The Council met at two separate workshops, April 16, 2015 and August 6, 2015, to review and discuss the Council Policies and Procedures manual.

After review at the workshops, Council directed staff to make several minor revisions with emphasis on any references to the Former Redevelopment Agency and the Design Review Board.

FISCAL IMPACT:
There is no fiscal impact associated with this item.

RECOMMENDED COUNCIL ACTION:

1. Receive staff report and review questions with staff;
2. Open Public comment.
3. Close Public comment, voice vote.
4. Motion the Adoption of Resolution 2015-27 and read by title only. Roll call vote.

Attachments:

RESOLUTION NO. 2015-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORTUNA
ADOPTING A REVISED COUNCIL POLICIES AND PROCEDURES MANUAL

WHEREAS, the City Council has developed a certain manual entitled “Council Policies and Procedures” to define and ensure the proper conduct of the City’s business by the City Council in accordance with state law, the City Charter and Ordinances; and

WHEREAS, the Council may periodically revise its Council Policies and Procedures Manual to ensure clarity, consistency with state law, and conformity with the City Charter and Ordinances; and

WHEREAS, Council met at two separate workshops, April 16, 2015 and August 6, 2015, to review and discuss revisions to the Council Policies and Procedures manual.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City Fortuna as follows:

SECTION 1. The Council hereby adopts the Revised Council Policies and Procedures Manual, a copy of which is attached hereto marked Exhibit “A”.

SECTION 2. A copy of the adopted Council Policies and Procedures Manual shall be maintained on file in the Office of the City Clerk, shall be distributed to all Council Members and Department Heads, and the members of the Planning Commission, the Parks and Recreation Commission, and the Historical Commission, and shall be available to the public during business hours and posted on the City’s website.

PASSED AND ADOPTED by the City Council of the City of Fortuna on August 17, 2015, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN:

___________________________________________
Sue Long, Mayor

ATTEST: ___________________________
Linda McGill, City Clerk
The City of Fortuna’s mission is to be worthy of the public trust by providing timely, efficient, well-planned and dependable services to the community.
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HISTORY:
Adopted June 20, 2011 by Resolution 2011-14
Amended August 6, 2012 by Resolution 2012-41 (Appendix 8.2 added)
Amended August 17, 2015 by Resolution 2015-27

___________________________________
Sue Long, Mayor

ATTEST:

__________________________________
Linda McGill CMC, City Clerk
1. LOCAL GOVERNMENT IN FORTUNA

Fortuna was incorporated as a City in 1906, being governed by a City Council. In 1977, the City, by ordinance, established the Council-Manager form of government. Fortuna is a Charter City and the City Council is the governing body. The City Council is vested with all the regulatory and corporate powers of a municipal corporation provided for by state law governing charter cities.

1.2 RULES FOR AMENDING THIS POLICIES & PROCEDURES MANUAL

The City Council shall determine its own policies and procedures and amend them from time to time and/or adopt new ones. Amendment to this manual or adoption of new policies or procedures shall require a majority vote of the council.

1.3 COUNCIL-MANAGER FORM OF GOVERNMENT

Under the Council-Manager form of government, citizens elect their Council Members who make decisions which determine the policies of the City.

The City Council is the governing body of the City responsible for establishing policies and programs. The City Council is responsible to see that local policies and laws address both short and long term needs, and that citizens receive a return on their tax investment in terms of efficient City services.

While the City Council establishes policies and programs, it is the responsibility of the City Manager to apply and administer those policies to the day-to-day operations of the City. The City Manager oversees all City operations and is the liaison between the Council and the City staff.

Teamwork between the Council and the Manager is a key element of the Council-Manager plan. The pooling of skills is essential to resolve the many complex problems that face the City today. The Council-Manager plan seeks to enhance the effectiveness of local policy-making and municipal operations.

1.4 MAYOR AND CITY COUNCIL MEMBERS

The City of Fortuna is governed by a five-member City Council elected to four-year terms on a staggered basis. Council Members are elected in the general election in November of even numbered years. After each general election, the City Council elects a Mayor and Mayor Pro Tempore from its own membership.

The Mayor is the presiding officer of the City Council. As presiding officer, the Mayor calls Council meetings to order, announces the order of business as detailed on the agenda, states motions, calls for a vote and announces the results, facilitates and monitors discussions, maintains order, and enforces the Council's rules and parliamentary procedures. When the Mayor is absent at any meeting, the Mayor Pro Tempore shall serve as Mayor. When the Mayor and Mayor Pro Tempore are absent at any meeting of the Council, the next most senior member of the Council as determined by years of service on the Council or, if equal, by the number of votes received in the municipal election in which they were elected shall serve as Mayor.

The Mayor also, with Council approval, signs all ordinances, resolutions, and other records of proceedings approved by the Council. The Mayor has no veto power. The Mayor Pro Tempore serves in the capacity of the Mayor during any absence or incapacity of the Mayor.

The Mayor and members of the Council are elected to provide leadership in setting goals and in formulating policies. The City Council is the focal point for identifying and interpreting the wishes of the citizens and translating these into specific programs.

Successful goal setting and policy formulation largely depend on a good working relationship amongst the Council and between the Council and the administrative staff. Under the City Manager’s direction, staff can provide assistance in analyzing the City’s needs, suggesting action programs, and calculating the costs of proposals. However, the Council has the final responsibility for establishing local policies and determining services and budget levels appropriate for the City.

The City Council also serves as Board Members for the Fortuna Successor Agency to the Former Redevelopment Agency (Successor Agency), the Fortuna Public Financing Authority (FPFA) and the Fortuna Public Improvement Corporation (FPIC), with all meetings being held concurrently. References
in this document to the “City Council”, also includes the Council’s role on the Successor Agency, FPFA and FPIC.

1.5 THE MUNICIPAL CODE

The Fortuna Municipal Code sets forth the regulatory, penal and administrative laws of general application to the City. Local ordinances adopted by the City Council are codified in the municipal code by the City Clerk. These laws are enforceable by the City, and violation constitutes a misdemeanor or infraction. The municipal code is divided into the following categories:

- General Provisions
- Administration and Personnel
- Revenue and Finance
- Business Taxes, Licenses and Regulations
- Animals
- Health and Safety
- Public Peace, Safety and Morals
- Vehicles and Traffic
- Streets Sidewalks and Public Places
- Utilities
- Cable and Open Video Systems
- Buildings and Construction
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Other directives and policies of the City Council are recorded in Council resolutions or by minute action of the Council.

2. YOUR ROLE AS A CITY COUNCIL MEMBER

2.2 RESPONSIBILITIES

The City Council is the elected legislative and policy-making body of the City government. The Council is responsible to the citizens for:

- Hiring the City Manager and the City Attorney.
- Establishing City-wide goals that address short and long range needs.
- Formulating policies that define a course of action that shape City operations.
- Providing quality services within available resources.
- Acting as a representative between the professional staff and local citizens.

City Council Members are local leaders. The electorate expects the Council to set the tone and direction for municipal operations. Strategic planning and goal setting are the tools that enable a Council to define their vision and determine methods for accomplishing their goals.

2.3 COUNCIL GOALS

Goal setting requires time, energy, and a well-defined process. Every two years, usually in January following a City Council election, the Council meets with the City Manager and the various department managers in a goal setting/priority projects session to review progress on goals previously set, and defines new goals and objectives for the City. While a myriad of responsibilities consume the limited time and energy of elected officials, there are some definite advantages for engaging in the process:

1. **Goal setting gives the Council a basic framework for action.** By setting goals and then deciding those that are most important, the Council is defining what it wants to achieve over a given period of time. Otherwise, the Council may find itself floating from issue to issue, crisis to crisis.

2. **Goal setting helps the Council spend its time more wisely.** When you know what you are trying to accomplish, you can allocate most of your time to important issues.

3. **Goal setting gives everyone a chance to share their individual goals and priorities and then work out the differences.** The Council ends up with a list of goals to which everyone is committed.

4. **Goal setting gives the City Manager clear guidelines to get the job done.** It lets the City Manager know exactly what the Council is trying to accomplish as a group. Without clearly defined goals, the City Manager may get conflicting
signals and end up not meeting anyone's goals.

5. **Goal setting gives the Council and staff some important budget guidelines.** Knowing what programs and issues are the highest priorities will enable staff to have a better idea of how to allocate funds when preparing the budget for Council approval.

6. **Goal setting gives the Council an evaluation tool.** When goals and priorities are set, the Council has valuable data in hand to determine how well the Council and the City Manager did in achieving the agreed upon goals and priorities.

Goal setting will not solve all the immediate problems, nor guarantee that a crisis will not occur; but it will help you get a better idea of what is happening in the City and allow you to define what you want to happen over the long term.

### 2.4 POLICY AND ADMINISTRATION

A dictionary definition of "policy" states that it is "any plan or course of action designed to influence and determine decisions, actions, and other matters." For a City Council, policy is the business of making decisions about the City. Examples of policy decisions include:

- The decision to submit to voters a bond measure for capital improvements.
- The adoption of an ordinance regulating sewer and water operations.
- Approval of land-use policies and implementation procedures.
- Decisions concerning projects which involve federal and state grants as well as local expenditures.

In theory, the distinction between policy and administration has been that policy is the process of determining what is to be done, while administration is the process of determining how to do it. A policy is what the Council defines it to be. However, the day-to-day operation of the various departments is administration. In reality, a fine line exists between policy and administration; any issue that is perceived as important or controversial can become a "policy" matter.

The City Council has the final say in major decisions such as: adoption of the budget; acceptance of a new classification and compensation plan; selling a bond issue; or instituting a new project. While it has a dominant role in policy matters, the City Manager, staff and citizens play a prominent role in the development of policies.

The City Council, City Manager, and staff analyze City needs, identify available resources, and suggest courses of action, but the Council has the final say on matters that affect services.

Because the distinction between policy and administration is frequently blurred, tension can result when the City Council, City Manager, and/or staff feels that their area of responsibility is being infringed upon.

Perhaps the best way to prevent conflicts over whether or not something is policy or administration is for the Council and the administrative staff to discuss and attempt to clarify their respective roles and expectations of one another. The result can be a more effective and harmonious partnership.

### 2.5 SERVICES AND RESOURCES

While the electorate expect high quality local government services at minimum cost, the existing social and economical conditions make this increasingly difficult to achieve. Today's City Council is part of an era that requires a variety of strategies for getting by with less.

In difficult fiscal times, it may be necessary to consider cutbacks, reallocations, trade-offs, program terminations, and re-thinking what services the City should provide. However, the continued charge will be to provide the best level of service with the resources that are available.

### 2.6 COMMUNICATION/PUBLIC INPUT

Elected officials not only represent their constituents and make decisions on their constituents’ behalf, but they also have the opportunity to communicate with the public.
While some people mistrust government, the City Council can take a leadership role in promoting two-way communication with the public. Citizens’ views can be sought in a variety of ways: public meetings; advisory committees; citizen surveys; and volunteer assistance in City government. Similarly, the Council can express its view by speaking to local civic groups, and working with the press and other news media to provide accurate and up-to-date information.

2.7 CONSTITUENT REQUESTS

Members of the Council will frequently receive requests or complaints. In most cases, the City staff can resolve these problems. The main thing is for the Council Member to get the basic information, and then pass this on to the City Manager for appropriate action. The key to answering constituent requests is to be specific in what the Council Member will do, i.e., promise a timely response, or look personally at the problem, while avoiding a commitment to “fix anything.”

3. CODE OF ETHICS

3.2 PREAMBLE

The residents and businesses of Fortuna are entitled to have fair, ethical, and accountable local government. Such a government requires that:

- Public officials comply with both the letter and spirit of the laws and policies affecting operations of the government;
- Public officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the City of Fortuna City Council adopts this Code of Ethics to encourage public confidence in the integrity of local government and its operation.

3.3 PUBLIC INTEREST

Council Members will work for the common good of the people of Fortuna and not for any private or personal interest, and they will endeavor to treat all persons, claims, and transactions in a fair and equitable manner. Council Members shall comply with the laws of the nation, the State of California, and the City in the performance of their public duties.

3.4 CONDUCT

It is the policy of the City of Fortuna that the members of the Fortuna City Council conduct themselves individually and as a council so that all matters related to the City are conducted in an open, fair, responsible and impartial manner, that all City business be conducted in an orderly and efficient manner, that all governmental policies be made in the proper channels of the government structure, that public offices not be used for personal gain and that the public have confidence in the integrity of its government. Therefore, the following Rules of Conduct shall be observed by each City Council Member.

3.4.1 City Manager Form of Government:
The Council affirms Chapter 2.08 of the Fortuna Municipal Code which provides that the City Manager is the administrative head of the City government and that only the City Manager is authorized to give direction to members of the City Staff.

3.4.2 Influence:
Council Members must recognize that it is important for City Staff, Commissions and Committees to be able to make objective recommendations on items related to the City. Council Members must be certain that any opinions expressed to members of Staff, Commissions and Committees are clearly identified as individual personal opinions, unless official Council action has been taken on the subject in question.

3.4.3 City Representation:
Council Members, simply by being Council Members, are at all times viewed as representatives of the City. The conduct of Council Members is a direct reflection on the City and members should conduct themselves accordingly. Except where specifically authorized by

City Council action or for purely ceremonial purposes, no City Council Member should make any statement or appearance or indicate in any way that he or she is representing the city.

3.4.4 Confidential Matters:
At times matters will come before the City Council which should be kept confidential, such as employee discipline, legal matters, salary negotiations and other matters properly handled in closed meetings. Council Members shall keep such information confidential.

3.4.5 Conflict of Interest:
Council Members shall abstain from any action which may cause a conflict of interest as defined by State Law, including accepting employment which is incompatible with the proper discharge of official duties, or using the office of City Council in any manner to induce any person or entity to provide anything of value or benefit to themselves or any other person.

3.4.6 Conduct at Meetings:
It is common, that Council Members may differ on matters and that such differences will be debated. The debate should be limited to the issue and each Council member should refrain from making personal or derogatory remarks.

Council Members shall base their decisions on the merits and substance of the matter submitted for review.

Council Members shall publicly share substantive information that is relevant to a matter under consideration that they may have received ex parte; that is, received from sources outside of the public decision-making process. This insures that all parties, the council, staff, and public, are acting on the same information.

Council Members shall inform themselves on public issues; listen attentively to public discussions before the body; and focus on current business issues.

Council Members shall refrain from campaigning or calling for public action against Council Members during council meetings. Any Council Member who does so is considered out of order and the mayor shall take appropriate action.

Council Members shall refrain from requesting that an item be placed on the agenda after two previous requests have been rejected or denied by consensus or formal vote of the Council.

Any Council Member may move for the Mayor to enforce the parliamentary procedures, and/or the Policies & Procedures Manual of the City Council. A majority vote of the Council shall require the mayor to so act.

3.4.7 Council Committees:
From time to time the City Council forms committees of two Council Members. The role and responsibilities of these Council committees shall be determined in an open and public session at the time they are formed.

3.4.8 Compliance with Intent of Council Conduct Code:
Staff members concerned regarding the propriety of City Council member’s interaction with them should confidentially discuss their concerns with the City Manager who shall report to the Mayor. If the Mayor is the Council member in question, the City Manager will report to the Mayor Pro Tem. The Mayor or Mayor Pro Tem shall then confidentially address the issue with the involved Council member so as to assure compliance with the intent of this code. Issues not resolved in this private conference should be brought to the City Council as an agenda item. Issues arising from Council Members themselves shall be addressed directly through the Mayor or the Mayor Pro Tem if the Mayor is the Council Member in question. The process from this point will be the same as described above.

Council Members shall perform their duties in accordance with the policies, processes and rules of order established by the City Council.

3.5 CONFLICT OF INTEREST

3.5.1 Applicable Law.
There are several laws and legal principles that prohibit public officials from acting in situations in which they might have a conflict of interest. These include Government Code Section 1090 prohibiting contracts in which the official has a financial interest and the doctrine of incompatible offices, which prohibits an official from holding two offices at the same time if doing so might create a clash of loyalties. Even broader in scope, voters in 1974 approved the Political Reform Act.
The statutes (the Political Reform Act of 1974) provide that certain municipal officers must disclose their “economic interests” periodically on forms provided by the Fair Political Practices Commission (FPPC). These municipal officials are members of the City Council (including the Mayor), members of the City Planning Commission, the City Manager, the City Treasurer, and the City Attorney.

Statements of Economic Interests are submitted by these officials to the City Clerk who makes and retains a copy of each statement and forwards the original to the FPPC in Sacramento.

In addition, the City is required to determine which of its other officials, committee members, and employees perform duties that involve potential conflicts of interest. The City has adopted a resolution outlining those positions, called “designated employees.” These employees are required to disclose their economic interests. A copy of the Political Reform Act, as amended, is available for review in the City Clerk's office.

Conflict of interest is a complex issue. Council Members should carefully consider and monitor “gifts” from any person or organization whether the gift is financial support, loans, event tickets, or meals. Many of these gifts may need to be reported and may present a conflict of interest when considering and/or voting on projects or issues related to the person presenting the gift. Questions relating to conflict of interest should be directed to the City Attorney or your personal attorney.

The rules relating to conflicts of interest are set forth in the Political Reform Act (PRA) (Government Code Sections 81000 and following) and case law. They are complex and not necessarily intuitive. The consequences of violating the rules can be severe, including substantial monetary penalties and possible criminal prosecution to individual Council Members.

3.5.2 Sources of Assistance.
The Fair Political Practices Commission (FPPC) is the state agency that administers the PRA, issues regulations, gives conflict advice, and enforces the rules. The FPPC also provides a “hotline” that a Council Member may call for informal advice. The City Attorney is available for consultation, but the City Attorney’s advice on conflicts matters cannot provide a Council Member with any immunity from prosecution. Most conflict of interest questions ultimately turn on whether it is reasonably foreseeable that the decision will have a “material financial effect” on the Council Member’s economic interest. Municipal attorneys generally do not advise public officials as to whether a material financial effect would exist unless the answer is absolutely certain based upon applicable regulations. While the City Attorney may have his or her own opinion as to whether or not a material financial effect will be present, it is ultimately up to the Council Member to determine this issue. Only a formal written opinion from the FPPC provides immunity from prosecution for violations of the conflict of interest rules. The City Attorney is available to assist with preparing a request for a formal opinion.

3.5.3 Identifying Conflicts
It is the responsibility of each Council Member to identify, disclose and declare his or her conflict before action is taken on a matter. If possible, the conflicted Council Member should notify staff prior to the council meeting at which the matter will be heard, to ensure the presence of a quorum. Staff will attempt to assist with identifying obvious conflicts, but the ultimate responsibility is with each Council Member.

3.5.4 General Rules
Council Members shall not use their official positions to influence government decisions in which they have a financial interest, or where they have an organizational responsibility, or personal relationship that would present a conflict of interest under applicable State law. As required by law, Council Members declaring a conflict of interest shall recuse themselves and leave the Council Chambers.

In accordance with the law, members shall file written disclosures of their economic interests and, if they have a conflict of interest regarding a particular decision, refrain from participating in that decision, unless otherwise permitted by law.

Council Members shall not take advantage of services or opportunities for personal gain, by virtue of their public office that are not available to the public in general, nor shall they use public resources not available to the public for private gain or personal purposes. They shall refrain from accepting gifts, favors, or promises of future benefits that might
Council Members shall respect and preserve the confidentiality of information provided to them concerning the confidential matters of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

Council Members shall not appear on behalf of private interests of third parties before the City Council or any board, commission, committee or proceeding of the City.

Council Members shall represent the official policies and positions of the City Council to the best of their ability. When presenting their personal opinions and positions, members shall explicitly state they do not represent the Council or the City.

Council Members shall refrain from using their positions to unduly influence the deliberations or decisions of City commissions, boards or committees.

A public official who has a financial interest in a decision shall, upon identifying a conflict of interest or a potential conflict of interest and immediately prior to the consideration of the matter, do all of the following:

a. Publicly identify the financial interest that gives rise to the conflict of interest or potential conflict of interest in detail sufficient to be understood by the public, except that disclosure of the exact street address of a residence is not required.

b. Recuse himself/herself from discussing and voting on the matter, or otherwise acting in violation of the Political Reform Act.

c. Leave the room until after the discussion, vote, and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters.

d. Notwithstanding paragraph c, a conflicted public official may speak on the issue during the time that the general public speaks on the issue when he or she appears solely to represent himself or herself on a matter related to his or her personal interest. Personal interests are interpreted to include, but are not limited to:

i. An interest in real property that is wholly owned by the official or members of his/her immediate family.

ii. A business entity wholly owned by the official or member of his or her immediate family.

iii. A business entity over which the official exercises sole direction and control, or over which the official and his/her spouse jointly exercises sole direction and control.

4. SALARIES

4.2 SALARY AND REIMBURSEMENT

The Council, in accordance with Government Code Section 36516, sets the salary for the City Council. City Council Members are paid $300/month for City matters (Section 2.04.050 of the City Code).

The City does not participate in Social security; part-time employees are not eligible to participate in PERS and are enrolled in a Federal Insurance Contributions Act (FICA)-alternative retirement program. City Council Members will pay the Medicare portion of Social Security and the City contributes 4% and the Council Member contributes 3.5% towards the FICA-alternative retirement plan. 2

In addition, Council Members may be reimbursed for actual expenses while performing official duties.

4.3 BENEFITS

The following benefits are available to City Council Members: 3

3. Original Council Policy adopted April 17, 1995, amended and adopted into this document June xx, 2011,
4.3.1 Group Health Insurance
The City offers an excellent health, dental and vision care, and life insurance plan for its employees.

City Council Members may purchase health insurance at their own expense while in office and under certain circumstances after they leave office. The following was adopted by Resolution 95-08 on April 17, 1995:

1. City Council Members, while they are in office, who wish to enroll in Redwood Empire Municipal Insurance Fund’s (REMIF) health and welfare plan at their own expense are hereby authorized to purchase health, dental, vision, and life insurance benefits in accordance with Section 53201 through 53205 of the California Government Code.

2. City Council Members, after they leave office, who wish to enroll in REMIF’s health and welfare plan at their own expense, are hereby authorized to purchase health, dental, vision, and life insurance benefits in accordance with Sections 53201 through 53205 of the California Government Code.

4.3.2 Training, Meetings, Conferences
The City allocates funds for training, meetings, and conferences in which the Council Members may wish to participate. Among these are the quarterly meetings of the Redwood Empire Division of the League of California Cities, the League of California Cities Annual Conference, the annual Mayors and Council Members Executive Forum, and other local meetings. Council Members are encouraged to participate in these meetings and conferences. All travel and training expenses are subject to the policies and procedures set forth in the City Administrative Policy Manual.

5. CONDUCT OF CITY COUNCIL MEETINGS

5.1 PARLIAMENTARY PROCEDURE
Parliamentary procedure is a set of rules that regulate and standardize how the City Council conducts its business.

It is the policy of the Fortuna City Council that, unless otherwise required by State law or other regulation, all City Council meetings shall be conducted under Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century (Appendix A-1).

However, no ordinance, resolution, or other action of the City Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the City Council to observe or follow such rules.

Certain procedures relating to motions, agenda item discussion, debate, and courtesies contained in Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century are incorporated into this document, except to the extent they are modified by this document.

These rules in affect shall be in accordance with state law and as set forth below.

The following summarizes the most frequently used actions:

a) Council Members and Staff shall
   1. Work earnestly to preserve appropriate order and decorum during all meetings.
   2. Discourage side conversations, disruptions, interruptions or delaying efforts.
   3. Ensure that all discussion relate to the subject matter at hand and be relevant and pertinent to allow for the expeditious disposition and resolution of the business before the Council.
   4. Agree to disagree but be respectful of one another.
   5. Not engage in any abusive or vulgar language and shall avoid any personal attacks on any other member of the City Council, staff, or the public; nor shall they publicly impugn the integrity, honesty or motives of such individuals.
   6. Inform the Presiding Officer when departing from a meeting.

b) While the Council is in session, all persons shall preserve order and decorum. Any person making personal, impertinent, or slanderous remarks or demonstrating rude, boisterous, or profane behavior will be called to order by the Presiding Officer. If such conduct continues, the Presiding Officer may call a recess, request removal of such person(s) from the Council Chamber, adjourn the meeting, or take such other appropriate action as
permitted by the Ralph M. Brown Act (Brown Act). c) Only the City Council, Staff, Advisory Body Chairs or designated representatives and those authorized by the Presiding Officer shall be permitted to sit at the Council or staff tables. d) Enforcement of Order
1. Any Council Member may request the Presiding Officer to enforce the rules of protocol. Upon motion and majority vote, the Presiding Office shall be required to do so.
2. Upon instructions from the Presiding Officer, it shall be the duty of any police officer present to eject from the Council Chambers any person in the audience who uses boisterous or profane language or any person who interrupts and refuses to keep quiet or take a seat when ordered to do so by the presiding officer or otherwise disrupts the proceedings of the Council.

5.2 RULES FOR PERSONS PRESENTING TESTIMONY TO THE COUNCIL
1. The person must be clearly recognized by the Mayor and is to approach the podium and microphone before speaking.
2. He/she is encouraged to clearly state his/her name for the record.
3. All comments shall be addressed to the City Council. All questions shall be placed through the Mayor.
4. Speakers addressing the City Council will be limited to three minutes per speaker, or such a time as the presiding officer prescribes.
5. All exhibits and documents used by speakers shall be given to the City Clerk for distribution to the Council and staff.
6. We disagree, but will be respectful of one another. All comments will be directed to the issue at hand, and addressed to the City Council. Personal attacks are unacceptable.
7. All questions or rebuttal will be through the Mayor.
8. If there are numerous people in the audience who wish to participate on an issue, and it is known that all represent the same position, a spokesperson should be selected to speak for the entire group. The spokesperson will therefore have the opportunity of speaking for a reasonable length of time and of presenting a complete case.
9. To avoid unnecessary cumulative evidence, the Mayor may limit the number of witnesses or the time of testimony on a particular issue.
10. Irrelevant and off-the-subject comments will be ruled out of order.

5.3 TYPES OF COUNCIL MEETINGS
All meetings, regular, special, or closed sessions must be conducted within the geographical boundaries of the governing body’s jurisdiction, unless specifically exempted.

5.3.1 Regular Meetings
The Fortuna City Council holds regular meetings on the first and third Monday of each month at 6:00 p.m. The Brown Act requires that public notice be given at least 72 hours before the meeting indicating the time and place of the meeting. An agenda of each meeting is posted in three public places.

Regular meetings may be adjourned to a specified time and place. A regular meeting cannot be adjourned past the next regular meeting date.

Regular City Council meetings are televised by Access Humboldt and aired live on public access cable television. A schedule for rebroadcast airings can be found on www.accesshumboldt.org. A link to City Council video is provided on the City’s website, www.friendlyfortuna.com.

5.3.2 Special Meetings
The City Council can call special meetings to review and discuss specific topics. Special meetings also

6. City Hall, the Chamber of Commerce, and River Lodge
include workshops and study sessions which give the Council the opportunity to review items that require more in depth study than time allows on the regular evening meeting agenda, and to receive informational reports on items that require no formal action.

Members of the City Council and local news media must receive notices of special meetings at least 24 hours prior to the time of the meeting. The notice must specify the time and place of the special meeting and the business to be transacted or discussed.

Regular ordinances may not be adopted at special meetings; only urgency ordinances may be adopted at such meetings. Items not listed on the agenda shall not be considered at the special meeting.

5.3.3 Adjourned Meetings
The City Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a specified time and place.

A notice of adjournment shall be posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment and include the specified time and place the adjourned meeting will be held.

Noticing of adjourned meetings shall follow the requirements set forth in section 5.3.2 of this document.

5.3.4 Closed Session
Closed sessions may be held to discuss certain matters specified by law, including:

- Personnel matters to consider the appointment, employment, performance, or dismissal of a public employee;
- Matters of national and public safety;
- Labor negotiations;
- License applications by persons with criminal records;
- Real estate negotiations;
- Pending litigation;

Closed sessions are attended by the City Council, City Manager, City Attorney (as required), appropriate management staff, and occasionally by a special consultant or attorney depending upon the matter under discussion. Closed sessions are not open to the public. Matters discussed during closed session are confidential and may not be discussed with anyone outside of the closed session or during a public meeting. Violations of the closed session confidentiality requirement could put the City in a perilous position with respect to litigation and represent a violation of the law for the person violating the confidentiality requirement.

If any final decisions are made in the closed session meeting, the agency must reconvene in open session where it may be required to report the specific votes and actions taken by the agency.

5.3.5 Emergency Meetings
When an emergency, including but not limited to an earthquake, flooding, or fire occurs, an emergency meeting may be called by the City Council with a one-hour notice to its members and local news media.

The City Council may not meet in closed session during an emergency meeting. Except for the 24-hour notice requirement, the special meeting requirements set forth in section 5.3.2 of this document shall apply in emergency meetings.

5.3.6 Budget Workshops:
Every year, the City Council holds budget workshops to review funding allocations for the goals and objectives outlined by the City Council.

Requirements set forth in section 5.3.2 shall apply to Budget Workshops.

5.4 MINUTES AND RECORD KEEPING
The minutes serve as a source of information for the Council and for the public. Meeting minutes are required to include the following information:

- Members present;
- Motions, proposals, resolutions, orders, ordinances, and other items of business and their disposition;

7, California Govt. Code §54950, et seq.
• Results of all votes and, in the case of a roll call vote, the vote of each member by name.

The minutes of the City Council meetings shall be kept by the City Clerk and shall be recorded in a file kept for that purpose with a record of each particular type of business transacted by the Council set off in paragraphs with subheadings.

The minutes may include a record of the names of persons addressing the Council during public comment, and a brief statement of the subject to which their remarks related.

Minutes of the City Council are “Action Based” minutes, and do not include a verbatim transcript, only motions and votes are shown on the record. Such minutes shall be submitted to the Council for approval and/or correction in draft form at a subsequent meeting.

It is the policy of the City Council that only members of the Council and the City Clerk have the authority to make revisions to the minutes subject to a majority vote of the City Council.

Council Members having only typographical corrections to the minutes are encouraged to provide such corrections to the City Clerk directly and need not wait to submit such corrections at a meeting. As a time saving measure, even full correction items may be written ahead and passed to the City Clerk before the meeting. All changes/corrections to the minutes require Council approval.

The City Clerk is responsible for recording, preparing, and filing Council minutes. Minutes of Council meetings are available for review in the City Clerk's office and on-line at www.friendlyfortuna.com.

5.5 AGENDA

The City Manager is responsible for preparation of the City Council agenda; however, the City Clerk’s department is responsible for the actual gathering and copying of the agenda packet.

The agenda is a listing and synopsis of each business item the Council will consider during its meeting. The City Clerk makes the agenda available at every regular meeting.

The agenda and relevant background materials are available at City Hall on Friday before the scheduled Monday Council meeting or on-line at www.friendlyfortuna.com.

5.5.1 Placing Items on the Agenda

In order to facilitate the orderly conduct of the business of the citizens of Fortuna, the City Manager, with input from Department Heads and the City Attorney, shall set the agenda, reviewing same with the Mayor. Each member of the Council shall be provided with a copy of the City Council agenda in accordance with the provisions as outlined in the Brown Act. In order for this to occur the City Clerk shall provide deadlines for the submittal of staff reports to be used in the preparation of the City Council agenda.

Council Members may, at a regularly scheduled meeting, request items to be placed on future agendas during the Future Agenda Items portion of the Council meeting by Council consensus. The Council Member referring the item may provide a brief description of the subject to be printed for the agenda packet, sufficient to inform the City Council and public of the nature of the item.

The City Council, after considering the referral, may either refer the matter to staff to schedule as a future City Council agenda item or they may, by concurrence of the majority, advise to not place on a future agenda.

5.5.2 Order of Agenda Items

The agenda format for the Fortuna City Council regular meetings (first and third Mondays) may be prepared to include, but not limited to the following categories and/or sub-categories, not necessarily in the order herein reflected:

Call to Order/Flag Salute
Roll Call
Public Comment
Presentations, Recognitions, Proclamations
Report of Disbursements
Consent Calendar
Regular Business Items/Public Hearings
City Manager’s Report
Future Agenda Items
Council Reports and Communications
Oral Comments (for closed session, as needed)
Closed Session (as needed)
Adjournment
5.6 AGENDA ITEMS

5.6.1 Call to Order
The Mayor will call the meeting to order at 6:00 p.m. and ask that audience members turn off pagers and/or cell phones while in the Council Chambers.

5.6.2 Public Comment
Members of the public are entitled to speak on matters of municipal concern not on the agenda, during consideration of that portion of the meeting agenda entitled “Oral Comments from the Public” when that item is called by the Mayor. Each person is entitled to speak on any non-agendized item only once at any meeting. Speakers addressing the City Council will be limited to three minutes per speaker, or such a time as the presiding officer prescribes. Brief questions by Council Members for clarifications may be posed and answered, and Council Members may make requests that items be placed on future agendas as described in 5.5.1 of this document, but in accordance with State Law, no substantive discussion may take place unless and until the matter properly appears on the agenda.

Once public comment has been closed it is inappropriate for the public to speak except to answer an inquiry of a Council Member addressed through the Mayor.

5.6.3 Presentations, Recognitions, Proclamations
Presentations, recognitions and proclamations shall be scheduled as necessary in recognition of persons or groups, for the promotion of an event or service or general information items to the Council. Requests for Presentations must be submitted to the City Clerk in advance of the agenda deadline. The City Manager shall request approval from the Mayor as to the appropriateness and scheduling of such presentations. Upon approval by the Mayor, the City Clerk will then coordinate the presentation with the requesting party in order to schedule the item on any given agenda. The requesting party determines whether or not he/she will be present for acceptance of such presentation and if not present, the item will be placed under the Consent Calendar of the agenda.

5.6.4 Report of Disbursements
This is an oral report of disbursements for the City and Successor Agency processed through the date of the meeting at which they are reported. No action is required for this item. This topic is on the agenda to satisfy the annual audit requirement demonstrating that the City council is made aware that the financial obligations of the city are being paid on a regular and routine basis.

5.6.5 Consent Calendar
Those items on the Agenda which are considered to be of a routine and non-controversial nature by the City Manager shall be listed on the Consent Calendar. These items so listed shall be approved, adopted, and accepted by one motion of the Council.

Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration.

At the request of any Council Member a Consent Calendar Item shall be considered separately in the order of the agenda following approval of the remaining “Consent Calendar”.

5.6.6 Regular Business Items/Public Hearings
Regular Business items are those reports brought forth for Council consideration and/or approval that are not public hearings.

Public Hearings can be legislative or quasi judicial and may be required on certain items as prescribed by the municipal code or by state or federal law. Legislative decisions generally involve fundamental policy questions of jurisdiction-wide concern; legislative decisions also can involve changes in existing law to govern future situations. Public hearings usually require adoption of an ordinance, resolution or other action by the Council.

Public Comment will be sought on each regular business item and public hearings.

Once a public hearing/public comment has been closed it is inappropriate for the public to speak except to answer an inquiry of a Council Member addressed through the Mayor. However, a public hearing may be re-opened by a majority approval by the Council to hear new information.

5.6.7 City Manager’s Report
The City Manager’s Report portion of the meeting agenda provides an opportunity for the City Manager to report on items of interest, status reports on significant projects, updates on events or meetings
they participated in, and provide acknowledgement to citizens or individuals.

The City Manager’s Report can be presented in Staff Report format or may be done verbally.

5.6.8 **Future Agenda Items**
Future Agenda Items is a brief list of items to be considered by Council at upcoming Council meetings and serves as an opportunity for Council Members to request items to be placed on a future agenda as described in section 5.5.1 of this document.

5.6.9 **Council Reports and Communications**
The purpose of this time is to allow Council Members the opportunity to provide a brief update or share information regarding a particular matter.

Examples of appropriate communications would be information of general interest received from outside agencies, comments or inquiries received from individuals and reports on meetings attended and other items of community interest. This time is not intended for action items.

Council Members shall govern themselves as to the length of their comments. The Mayor has the responsibility to assist Council Members in keeping their comments brief.

State law8 provides that Council can take action only on such matters that have been properly noticed in advance of the meeting, unless special circumstances are found to exist. Formal action or approval on non-agendized items is not allowed.

5.6.10 **Public Comment (before Closed Session)**
Members of the Public may be heard on any item under the Closed Session. Speakers addressing Council will be limited to three minutes per speaker, or such a time as the presiding officer prescribes. Be advised that, by law, neither the City Council nor the Board is able to discuss, deliberate or take action on issues presented during Closed Session Oral Comments.

5.6.11 **Closed Sessions (as needed)**
The Brown Act requires all council action to be discussed and taken in open session, except for specified and limited exceptions such as personnel matters, real property negotiations, and pending or threatened litigation.

**ALL MATTERS DISCUSSED IN CLOSED SESSION ARE CONFIDENTIAL.**

Closed Sessions are held at the end of the regular Council meeting and, if needed, can be continued to the next regular meeting.

A. City Council Members shall consider all written materials and verbal information provided to them on matters that are confidential under State law in complete confidence to insure that the City's position is not compromised. No disclosure or mention of information in these materials shall be made to anyone other than Council Members, the City Attorney or City Manager.

B. If the City Council in closed session has provided direction to the City Manager or City Attorney on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, a proposed or pending claim or litigation, and/or employee negotiations, all contact with the other party and/or attorney shall be limited to, and made by, the designated City staff representative handling the negotiations, claim or litigation. No Council Member shall have any contact or discussion with the other party or its representative involved with the negotiation, claim or litigation during this time, nor shall any Council Member communicate or disclose any discussion conducted or information received in closed sessions. All public statements, information and press releases shall be handled exclusively by the designated spokesperson.

5.6.12 **Adjournment**
Adjournment of a meeting is customarily by motion of the City Council or can be accomplished by unanimous consent and the Mayor simply declares the meeting adjourned. A motion to adjourn to another time can be done similarly, but is debatable only as to the time to which the meeting is to be adjourned.

5.7 **TYPES OF COUNCIL ACTIONS**

5.7.1 **Consent Calendar**
Those items on the Agenda which are considered to be of a routine and non-controversial nature by the City Manager shall be listed on the Consent Calendar.

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These items so listed shall be approved, adopted, and accepted by one motion of the Council.

At the request of any Council Member a Consent Calendar Item shall be considered separately in the order of the agenda following approval of the remaining “Consent Calendar”.

Typical Motion: “I move that Consent Calendar items x - xx (with the exception of items which have been removed) be approved as received.”

The Mayor confirms the motion and the second before calling for the vote.

A second to any motion must be received before a motion may be voted on.

5.7.2 Ordinances
Ordinances are the laws of the municipality. City Councils are given the power to pass ordinances by Government Code Section 37100 as long as those ordinances are not in conflict with the laws and Constitution of the State of California or the United States.

Regular ordinances may only be adopted at a regular City Council meeting or an adjourned regular City Council meeting.9 Approval of an ordinance requires a first reading or introduction and a second reading and adoption, with at least five days between readings (except an urgency ordinance). The passage of an ordinance requires the affirmative votes of at least three Council Members.

A notice of intent to adopt with an ordinance summary is posted in three public places10 at least five days prior to adoption and a Notice of Adoption with an ordinance summary is posted within 15 days of adoption.11 An ordinance becomes effective 30 days after adoption. The 30 day time frame is known as a referendum period. A referendum period is required by state law and is a time frame in which any citizen can file a petition challenging the legality of a recently adopted ordinance. An ordinance is an action that can be repealed or amended only by a subsequent ordinance.

First Reading

Typical motion: "I move to introduce and hold the first reading of Ordinance xxxx-xxx, and read by title only.

The Mayor confirms the motion and the second, and the City Clerk reads the ordinance title before calling for the vote.

Second Reading

Typical Motion: "I move to hold the second reading and adopt Ordinance xxxx-xxx, and read by title only”

The Mayor confirms the motion and the second, and the City Clerk reads the ordinance title before calling for the vote.

A second to any motion must be received before a motion may be voted on.

An ordinance requires a roll call vote.

5.7.3 Urgency Ordinances
In matters deemed by the City Council to warrant immediate action to preserve peace, public safety or health, an emergency ordinance may be passed immediately upon introduction at either a regular or special meeting, and can be effective immediately.

5.7.4 Resolutions
A resolution expresses the policy of the Council on directing certain types of procedural or administrative actions. It requires only one reading and may be changed by subsequent resolution.

A resolution is also required to award contracts and authorize expenditure of funds.

Typical Motion: “I move to adopt Resolution xxxx-xx and read by title only.

The Mayor confirms the motion and the second, and the City Clerk reads the resolution title before calling for the vote.

A second to any motion must be received before a motion may be voted on.

9. California Govt. Code 36934
10. City Hall, the Chamber of Commerce, and River Lodge
11. California Govt. Code Section 36933
A resolution may be adopted by consent calendar vote, a roll call vote or a voice vote.

5.7.5 Proclamations
A proclamation is a public declaration of the Council’s endorsement of something such as a special event or happening. Such a public announcement usually is made at the request of the organization sponsoring the event or happening and not for functions of a personal nature including but not limited to, a birthday or anniversary.

5.7.6 Minute Orders
These ordinarily indicate majority approval for a procedural action. Minute orders are usually used for disposition of business items on the agenda. Minute Orders apply to items in which action was taken by the council other than a resolution or ordinance.

5.7.7 Public Hearings
A public hearing is the open consideration of an issue within a regular meeting of the City Council, for which special public notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present information, offer support or objection for the subject under consideration. Public hearings are required for such items including but not limited to, zoning changes, annexations, and fees or rates.

A public hearing may be continued or re-continued\(^\text{12}\) to a subsequent meeting following the same procedures set forth in section 5.3.3 of this document.

6. CITY ORGANIZATION

6.1 CITY MANAGER
The City Manager, appointed by the City Council, is responsible for the overall administration of the City in response to the policies and programs established by the City Council. The City Manager is responsible for forecasting the program and service needs of the City and its related financial, personnel, and capital improvement requirements.

Among the programs conducted through the City Manager are the overall direction of all City departments, development and implementation of the City’s annual budget, and providing overall planning for future City operations.

6.2 CITY ATTORNEY
The City Attorney, appointed by the City Council, is responsible for providing necessary legal services and guidance to the City Council, the City Manager, department managers, and City boards, commissions and committees to ensure that City functions are performed on a sound legal basis.

6.3 CITY EMPLOYEES
City employees comprise the majority of City government. They perform the day-to-day functions necessary to provide municipal services. Department managers administer specific functions of City government and are responsible to the City Manager.

7. ADVISORY COMMISSIONS AND BOARDS\(^\text{13}\)

7.1 OVERVIEW
The city council is authorized to establish boards, commissions and committees. These boards, committees and commissions shall be organized and governed by Section 2.20 of the municipal code, unless otherwise stated in the ordinance establishing said board, committee or commission. (Ord. 2006-663 § 2).

7.1.1 Qualifications
Membership on such bodies shall be representative of the entire community insofar as possible, and members on such boards, commissions and committees shall be willing to serve as a civic responsibility and without compensation. No member of any board or commission shall hold any paid office or employment in the city government, unless, by resolution, such membership is specifically authorized or required. Appointments of qualified non-city residents shall require a four-fifths vote of the council for confirmation. In order to be eligible for appointment to any board or commission, a person shall be a qualified registered elector of the city of Fortuna, or be the owner of a business located within the city limits. However, in no event shall less than a majority of any board or commission be made up of qualified registered electors of the city. (Ord. 2006-

\(^{12}\) California Govt. Code Section 54955.1

\(^{13}\) Fortuna Municipal Code Section 2.20
7.1.2 Temporary committees
The mayor and the city manager, with the approval of the council, may appoint from time to time such temporary committees as are deemed advisable to render counsel and advice to the council and the city manager on any designated matters or subjects within the jurisdiction of the council and the city manager. Membership on such committees shall not be limited by the requirements of this chapter. (Ord. 2006-663 § 2).

7.1.3 Appropriations
The council shall include in the annual budget such appropriations of funds as in its opinion shall be sufficient for the efficient and proper functioning of such boards, commissions and committees. (Ord. 2006-663 § 2).

7.1.4 Appointments – Terms
A. The members of each such board or commission shall be appointed by the mayor with the approval of the council. The members thereof shall serve for a designated term and until their respective successors are appointed and qualified.

B. The terms of the commissioners shall be staggered in order to provide continued continuity to the board. No more than one-half plus one of the board members’ terms may expire in a given year. (Ord. 2006-663 § 2).

7.1.5 Vacancies
A. If a member of a board, commission, or committee fails to file a financial disclosure form, if required by the city’s conflict of interest code, in the manner and at the time required by law, or violates FMC 2.20.100, Conflict of interest, that office shall become vacant and so declared by the council.

B. Any vacancies in any board, commission, or committee, from whatever cause arising, shall be filled by appointment by the mayor with the approval of the council. When a vacancy occurs, any appointment to fill such vacancy shall be for the unexpired term.

C. If a member of a board, commission, or committee absents himself from 25 percent of the scheduled meetings, or three consecutive regular meetings of such board, commission, or committee, unless by permission of such board or commission expressed in its official minutes, or ceases to be a qualified elector of the city, his office shall become vacant and shall be so declared by the council.

D. Any member of a board, commission, or committee may be removed with or without cause by the mayor with approval of the city council.

E. Applications for all scheduled and unscheduled appointments shall be solicited as determined by the city manager. (Ord. 2006-663 § 2).

7.1.6 Officers
A. At the first regular meeting in January of every year, each of such boards, commissions and committees shall organize by electing a chairperson and vice-chairperson from its membership to serve at the pleasure of such board or commission. In the absence or disability of the chairperson and vice-chairperson, each such board or commission may designate a temporary chairperson.

B. The city manager shall designate a staff member(s) who shall provide for the recording of minutes for each such board or commission, keep a record of its proceedings and transactions, provide staff assistance, and act as principal staff advisor. (Ord. 2006-663 § 2).

7.1.7 Meetings – Rules and regulations – Quorum
A. Meetings. Each such board or commission shall hold regularly scheduled meetings at a time to be designated by the board or commission and such special meetings as such board or commission may require. Insofar as possible, all meetings of such boards, commissions and committees shall be held either in the council chambers or in the conference room of the City Hall. All meetings shall be open to the public, and shall comply with the public meeting provisions of the Brown Act.

B. Rules, Regulations, and Records. Each board or commission may prescribe its own rules and regulations for the transaction of its business, which rules and regulations shall be subject to the approval of the city council, and shall be kept on file in the office of the city clerk where they shall be available for public inspection. Each board or commission shall keep a written record of its meetings, resolutions, transactions, findings, and determinations, copies of which shall be kept on file.
in the office of the city clerk.

C. Quorum. A majority of the members of every such board or commission shall constitute a quorum for the transaction of business, and the affirmative or negative vote of a majority of the entire membership shall be necessary for the final transaction of any business. (Ord. 2006-663 § 2).

7.1.8 Compensation. Unless otherwise provided for, the members of boards, commissions, and committees shall serve without compensation for their services as such but may receive reimbursement for necessary traveling and other expenses incurred on official duty when such expenditures have been authorized by the council. (Ord. 2006-663 § 2).

7.1.9 Conflict of interest. No member of a board, commission, or committee shall be or become directly or indirectly financially interested in or with the performance of any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury or treasury of the Successor Agency if such contract, work, business, or sale falls within the advisory duties delegated to the board, commission, or committee upon which such member is serving; and provided further, that no member shall be deemed to be financially interested, within the meaning of the foregoing provisions, if such interest is not a prohibited interest under, and disclosure is made in accordance with, the provisions of California Government Code, or under the provisions of the Political Reform Act of 1974. (Ord. 2006-663 § 2).

7.2 HISTORICAL COMMISSION

7.2.1 Established – Purpose There is created a historical commission, which shall consist of five members.

The historical commission is established specifically for the preservation of the Northwestern Pacific Depot building which is a structure of significant historic and architectural worth, and for the administration of the museum to be housed in said building which will provide reminders of past eras, events, and persons important to the city. The museum will be a receptacle for future generations as an example of physical amenities used by past generations. (Ord. 2006-663 § 2; Ord. 97-611 § 2; Ord. 355 § 1, 1975).

7.2.2 Membership terms The historical commission shall consist of five members. The term of office for historical commission members shall be three years. (Ord. 2006-663 § 2; Ord. 2005-654 § 2; Ord. 98-616 § 2; Ord. 97-611 § 2; Ord. 90-558; Ord. 355 § 2, 1975).

7.2.3 Council representative The mayor may designate one member of the city council to attend the meetings of the historical commission and provide the council with periodic reports concerning the commission’s activities. While attending commission meetings, the designated council member shall observe such rules of conduct as may be adopted and amended by the council from time to time. (Ord. 2006-663 § 2; Ord. 98-616 § 2; Ord. 97-611 § 2; Ord. 355 § 3, 1975).

7.2.4 Museum operation
A. The commission shall determine the types of material artifacts to be displayed in the museum.

B. The commission shall recommend hours the museum will remain open.

C. The commission is authorized to accept material to be displayed either as gifts or loans and shall determine how such material will be marked and identified. (Ord. 2006-663 § 2; Ord. 97-611 § 2; Ord. 355 § 4, 1975).

7.3 PARKS AND RECREATION COMMISSION

7.3.1 Established – Purpose There is created a parks and recreation commission which shall consist of five members.

The commission is created to serve in an advisory capacity to the city council, city manager and the city staff in all matters pertaining to public parks and recreation. (Ord. 2008-676 § 2; Ord. 2006-663 § 2; Ord. 97-611 § 2; Ord. 82-460 § 1).

7.3.2 Membership Terms The parks and recreation commission shall consist of five members. The term of office for parks and recreation commissioners shall be three years. (Ord. 2008-676 § 2; Ord. 2006-663 § 2; Ord. 97-611 § 2).

7.3.3 Council Representative The mayor may designate one member of the city
council to attend the meetings of the parks and recreation commission and provide the council with periodic reports concerning the commission’s activities. While attending commission meetings, the designated council member shall observe such rules of conduct as may be adopted and amended by the council from time to time. (Ord. 2006-663 § 2; Ord. 97-611 § 2; Ord. 82-460 § 1).

7.4 PLANNING COMMISSION

7.4.1 Established – Purpose
There is created a planning commission to be known as the Fortuna planning commission, which shall consist of seven members, and one alternate member.

A. The commission shall exercise all the powers and duties provided for a city planning commission under the laws of the state and such additional duties as may be assigned by the city council and by provision as set forth in the city subdivision and zoning ordinances.

B. The provisions of this section shall not be construed as affecting or limiting, or as a prerequisite to, the powers of the city council or the electors of the city to legislate, or in any way conflict with, the powers and duties of the city council and the other boards or departments of the city. (Ord. 2006-663 § 2; Ord. 2000-622 § 2; Ord. 97-611 § 2; Ord. 77-369; Ord. 348 § 2(A), 1974).

C. The Planning Commission shall act on design review applications and follow the procedures as set forth in FMC 17.07.100 (Ordinance 2014-707). The purpose of design review is to review the design, layout, and other features of proposed development in keeping with the intent and purposes set forth in the Fortuna General Plan.

7.4.2 Membership Terms
The planning commission shall consist of seven members, and one alternate. The term of office for planning commissioners shall be four years and for the alternate shall be two years. (Ord. 2006-663 § 2; Ord. 2000-622 § 2; Ord. 97-611 § 2; Ord. 348 § 2(B), 1974).

7.4.3 Compensation
Each planning commissioner shall receive $30.00 for each meeting they attend to cover their out-of-pocket expenses. (Ord. 2006-663 § 2; Ord. 2000-622 § 2).

7.4.4 Alternate Member
A. In addition to the seven regular members, the mayor, with the approval of the city council, shall appoint one resident alternate commissioner for a term of two years, who shall have all of the powers and duties of a regular commissioner except his or her right to vote shall be allowed and have legal effect only when seated as an acting commissioner in the absence of one of the regular commissioners.

B. When a permanent vacancy is created on the commission, the alternate shall fill that vacancy as a regular member for the remainder of that commissioner’s term of office. A new alternate member shall be appointed by the mayor.

C. The alternate shall, like regular members, attend the regular and special meetings of the commission. The alternate shall review staff reports and documents and otherwise prepare for such meetings. At such meetings the alternate shall be identified for the record.

D. The alternate shall publicly announce any items on the agenda that he/she is disqualified from participating in because of a conflict of interest. If, as a result of absences or conflicts of interest by the regular members at a regular or special meeting, the alternate shall move to the seat of a regular member and shall participate as a regular member.

E. The qualifications, appointment, removal and other requirements applicable to the alternate shall be the same as those for regular members of the commission. The alternate shall also be subject to the requirements of and shall abide by the Ralph M. Brown Act, the Political Reform Act and other law applicable to the regular members of the commission. (Ord. 2006-663 § 2; Ord. 2003-641 § 1).

14. For statutory provisions regarding the planning commission, see Government Code § 65100 et seq.
8.  **APPENDIX**

8.1  "**ROSENBERG'S RULES OF ORDER**
(SIMPLE RULES OF PARLIAMENTARY
PROCEDURE FOR THE 21ST CENTURY)
BY DAVE ROSENBERG

**Introduction**

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules - "Robert's Rules of Order" - which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time, and for another purpose. If one is chairing or running a Parliament, then "Robert's Rules of Order" is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of, say, a 5-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

**Hence, the birth of "Rosenberg's Rules of Order."**

What follows is my version of the rules of parliamentary procedure, based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:
(1) Rules should establish order. The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
(2) Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
(3) Rules should be user friendly. That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
(4) Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision-making by the body.

In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, and fully participate in the process.

**The Role of the Chair**

While all members of the body should know and understand the rules of parliamentary procedure, it is the Chair of the body who is charged with applying the rules in the conduct of the meeting. The Chair should be well versed in those rules. The Chair, for all intents and purposes, makes the final ruling on the rules every time the Chair states an action. In fact, all decisions by the Chair are final unless overruled by the body itself.

Since the Chair runs the conduct of the meeting, it is usual courtesy for the Chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the Chair should not participate in the debate or discussion. To the contrary, the Chair as a member of the body has the full right to participate in the debate, discussion and decision-making of the body. What the Chair should do, however, is strive to be the last to speak at the discussion and debate stage, and the Chair should not make or second a motion unless the Chair is convinced that no other member of the body will do so at that point in time.

**The Basic Format for an Agenda Item Discussion**

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the
meeting. And each agenda item can be handled by the Chair in the following basic format:

First, the Chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The Chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the Chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the Chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the Chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers. At the conclusion of the public comments, the Chair should announce that public input has concluded (or the public hearing as the case may be is closed).

Fifth, the Chair should invite a motion. The Chair should announce the name of the member of the body who makes the motion.

Sixth, the Chair should determine if any member of the body wishes to second the motion. The Chair should announce the name of the member of the body who seconds the motion. (It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the Chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the Chair.)

Seventh, if the motion is made and seconded, the Chair should make sure everyone understands the motion. This is done in one of three ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the Chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the Chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the Chair takes a vote. Simply asking for the "ayes", and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain". Unless the rules of the body provide otherwise (or unless a super-majority is required as delineated later in these rules) then a simple majority determines whether the motion passes or is defeated.

Tenth, the Chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the Chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days notice for all future meetings of this body."

**Motions in General**

Motions are the vehicles for decision-making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the Chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words: "I move . . . . " So, a typical motion might be: "I move that we give 10-day's notice in the future for all our meetings."

The Chair usually initiates the motion by either (1) Inviting the members of the body to make a motion. "A motion at this time would be in order." (2) Suggesting a motion to the members of the body. "A
motion would be in order that we give 10-day's notice in the future for all our meetings." (3) Making the motion. As noted, the Chair has every right as a member of the body to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a 5-member committee to plan and put on our annual fundraiser."

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion which is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So that if a member makes what that member calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed first on the last motion that is made. So, for example, assume the first motion is a basic "motion to have a 5-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a 5-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the Chair would deal with the third (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) failed then the Chair would proceed to consideration of the second (now, the last) motion on the floor, the motion to amend.

Second, if the substitute motion failed, the Chair would now deal with the second (now, the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee by 5 members or 10 members). If the motion to amend passed the Chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed the Chair would now move to consider the main motion (the first motion) in its original format, not amended.
Third, the Chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (5-member committee), or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the Chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a 2/3 vote of the body. Note: that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a 2/3 vote of the body. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a 2/3 vote.

Majority and Super-Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a 7-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which, effectively, cuts off the ability of a minority of the body to take an action or discuss and item. These extraordinary motions require a 2/3 majority (a super-majority) to pass:

Motion to limit debate. Whether a member says "I move the previous question" or "I move the question" or "I call the question" or "I move to limit debate", it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a 2/3 vote to pass.

Motion to close nominations. When choosing officers of the body (like the Chair) nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a 2/3 vote to pass.
Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled, or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a 2/3 vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a 2/3 vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate, perhaps disagreement and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to a re-opener if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and by a 2/3 majority, can allow a motion to reconsider to be made at another time.) Second, a motion to reconsider can only be made by certain members of the body. Accordingly, a motion to reconsider can only be made by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the body may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again. That would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time. Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before proceeding to speak.

The Chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The Chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "point of privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "point of order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.
Appeal. If the Chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers that the agenda has not been followed, the Chair simply reminds the body to return to the agenda item properly before them. If the Chair fails to do so, the Chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the Chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

About the Author

Dave Rosenberg is a Yolo Superior Court Judge. Formerly, he served over 20 years in local government, including 12 years on the Davis City Council (with two terms as Mayor) and 7 years on the Yolo County Board of Supervisors (with two terms as Chairman of the Board). He has been Chairman or presiding officer of numerous boards, commissions and organizations, spanning over three decades including the California State Lottery Commission, the California State Victim Compensation and Government Claims Board (formerly known as the Board of Control), the Yolo County Economic Development Commission, the Yolo County Criminal Justice Cabinet, the Davis Odd Fellows Lodge, and others. He currently serves as Presiding Judge of the Yolo Superior Court. Rosenberg has taught workshops on "Rosenberg's Rules of Order" for over a decade, to county supervisors, mayors, city council members and others. His "Rosenberg's Rules of Order" have been adopted by numerous cities and other jurisdictions and organizations throughout California.
8.2 COMMITMENT TO OPEN & TRANSPARENT GOVERNMENT

Adopted August 6, 2012

PURPOSE
The purpose of this policy is to reaffirm the City’s commitment to open government and transparency, by continuing to comply with all the provisions in the Ralph M. Brown Act (the Brown Act).

BACKGROUND
On June 27, 2012 AB 1464 was signed into law and contains a schedule of state mandates that were suspended during the 2012-2013 budget year, including the Brown Act. The same day, Senate Bill 1006, amended Section 17581 of the Government Code by adding the following language: “All state-mandated local programs suspended in the Budget Act for the 2012–13 fiscal year shall also be suspended in the 2013–14 and 2014–15.” The suspension will therefore last 3 years. It is believed that the suspension of the State mandates for a three year period is a result of the State’s dire fiscal condition.

The portions of the Brown Act that were suspended include:

- The preparation and posting at least 72 hours before a regular meeting of an agenda that contains a brief general description of each item of business to be transacted or discussed at the meeting.

- Inclusion on the agenda of a brief general description of all items to be discussed in closed session.

- Disclosure of each item to be discussed in closed session in an open meeting, prior to any closed session.

- Report in open session prior to adjournment on the actions and votes taken in closed session regarding certain subject matters.

- Provide copies to the public of certain closed session documents.

On July 18, 2012, the League of California Cities Board of Directors adopted a Resolution urging all cities to adopt a policy statement pledging continued compliance with the Brown Act.

POLICY

SECTION 1. The City Council of the City of Fortuna, its appointed Committees, City Boards and Commissions, and other City government entities that are currently required to comply with the Brown Act are directed to continue to so, regardless of the suspension of related mandates by the State of California.

SECTION 2. The City Council of the City of Fortuna reaffirms its commitment to maintain compliance with the Brown Act to ensure the actions of City government are open and transparent and to continually and faithfully comply with all of the requirements of the Brown Act during this three year suspension and into the future.

SECTION 3. The City of Fortuna’s voluntary compliance with the suspended provisions of the Brown Act shall not be construed to grant any rights or remedies related to any claim of non-compliance with suspended provisions of the Brown Act.

The foregoing City Council Policy was approved through the adoption of Resolution 2012-41 on August 6, 2012

__________________________
Douglas Strehl,
Mayor, City of Fortuna

ATTEST:

__________________________
Linda Jensen, CMC
City Clerk, City of Fortuna
STAFF REPORT
City Manager's Report

DATE: August 17, 2015
TO: Honorable Mayor and City Councilmembers
FROM: Regan M. Candelario, City Manager

1. **Upcoming Council Meeting Dates**

| Tuesday, September 8, 2015 | Council Meeting at 6:00 p.m.  
| Council Chambers at City Hall |
| Thursday, September 10, 2015 | Council Workshop at 8:30 a.m.  
| Location, TBD |
| Monday, September 21, 2015 | Council Meeting at 6:00 p.m.  
| Council Chambers at City Hall |

2. **Verbal Report**

1. City Staff is analyzing the potential for a new public private partnership intended to address the increasing State requirements to reduce waste via compost. A new compost process that would include food wastes may also reduce overall operations costs at the Waste Water Treatment Plant. Based on the outcome of the project analysis, Staff will bring the project to the City Council.

2. Economic Development Coordinator Judy Harrison is scheduling a presentation regarding the City of Fortuna business assistance efforts for the Headwaters Board.

3. The City Manager will be attending the Fly Humboldt briefing to get an update on the progress of the effort to bring a new airline to Humboldt County.

4. City Staff coordinated another Oversight Board meeting on August 12 to approve an amended Long Range Property Management Plan. It seems that the form provided by the Department of Finance (DOF) was not sufficient, so the DOF Staff asked for a few changes to the plan that have been made by Staff. Another Oversight Board meeting is set for August 26 at which...
time Staff anticipates the approval of the next term for the ROPS (Recognized Obligation Payment Schedule) that is due by October 5.