City of Trinidad

Posted: Friday, November 05, 2010

NOTICE AND CALL OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL

The Trinidad City Council will hold its first regular monthly meeting on

WEDNESDAY, NOVEMBER 10, 2010 at 7:00 PM

in the Town Hall at 409 Trinity Street

CLOSED SESSION WILL BEGIN AT 6:00PM IN THE CIVIC CLUB ROOM

I. CALL TO ORDER/ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. CLOSED SESSION

A Closed Session will be held prior to the Regular Meeting for the following purpose:
Personnel Issue: Section 54957(b), City Manager

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES

- October 13, 2010 cc

VI. COUNCIL MEMBER REPORTS, INCLUDING COMMITTEE ASSIGNMENTS

VII. ORAL STAFF REPORTS

- City Manager
- Specific Department Reports

VIII. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

IX. CONSENT AGENDA

1. Staff Activities Report through October, 2010
2. Financial Status Reports for September, 2010
3. Proclamation 2010-07 Supporting the "Great American Smokeout"
4. Proclamation 2010-08 Supporting National Family Caregivers Month"
5. Announcement of Planning Commission Expiring Terms
6. Rancheria/City MOA Amendment

X. DISCUSSION/ACTION AGENDA ITEMS

1. Approval of "Guidelines" for the OWTS Ordinance Implementation
2. Report on Clean Beaches (Septic Systems Improvement) Grant
3. Annual or Bi-Annual Selection of the Mayor and Vice Mayor
4. Town Hall Maintenance Fee Discussion
5. HWMA Membership Update Report

XI. COUNCIL, STAFF, or PUBLIC REQUESTS FOR FUTURE AGENDA ITEMS

XII. ADJOURNMENT

APPROVAL OF MINUTES FOR:

OCTOBER 13, 2010 CC:

Supporting Documentation follows with: 5 PAGES

City of Trinidad

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, OCTOBER 13, 2010

I. CALL TO ORDER/ROLL CALL

- Mayor Binnie called the meeting to order at 7:00PM. Council members in attendance: Morgan, Ratzlaff, Binnie, Bhardwaj, Fulkerson.
- City Staff in attendance: City Manager Steve Albright, City Clerk Gabriel Adams, Police Deputy Scott Hicks.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION – No closed session scheduled.

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Motion (Fulkerson/Ratzlaff) to approve the agenda with the following changes:

Bhardwaj: Move Consent #7 to Discussion agenda.
Morgan: Move Consent #3 & 4 to Discussion agenda.
Binnie: Move Consent #6 to Discussion agenda. **Passed unanimously.**

VI. APPROVAL OF MINUTES

August 25, 2010 cc2
Motion (Bhardwaj/Ratzlaff) to approve all the minutes as amended. **Passed unanimously.**
September 08, 2010 cc
Motion (Bhardwaj/Ratzlaff) to approve all the minutes as written. **Passed unanimously.**

VII. COMMISSIONERS REPORTS

Binnie:

- **HWMA**: The Board accepted Trinidad's membership in September.
- **HCAOG**: Renew maintenance agreement to service Call Boxes along the freeway.

Bhardwaj: Summarized the September Planning Commission meeting action.

Morgan: Noted a recent article published in the LA Times taking a stand against homophobia.

Fulkerson: Brief reports on HTA and Coastal Gateway. Also announced Trinidad Rancheria's design fair in November.

VIII. STAFF REPORTS

City Manager - Albright: Summarized staff activities report and highlighted various other accomplishments.

Water Treatment Plant Director – Buckman:
Announced that all water customers were recently mailed a notice regarding a quarterly water quality violation. He explained the Safe Water Drinking Act, disinfection byproducts, and types of contaminates in water. Carbon is dissolved as tannic acids. The City removes over fifty percent of tannins in the summer. However, last spring there were above-limit samples. Those samples caused our running average to be higher than standard and therefore the City remains in violation. If the City continues to be proactive and work to find a solution, the State Department of Health will not punish the City for the violation.

Humboldt County Sheriff Deputy / Trinidad Police – Scott Hicks
It's a pleasure working in Trinidad. Focus is on transient population, vacation home security checks, and special event safety.

IX. ITEMS FROM THE FLOOR

(Three (3) minute limit per Speaker unless Council approves request for extended time.)

Jim Cuthbertson – Trinidad

DRAFT

Reported issues with recent development activity on the Wagner Street Trail entrance and encouraged the City to resolve them.

John Spyropoulous – Trinidad
Thanked Saunders for park donation. Too dark under the freeway and the intersection is difficult to navigate by foot at night.

X. CONSENT AGENDA

1. Staff Activities Report through September, 2010
2. Financial Status Reports for July and August, 2010
3. Resolution 2010-14 Supporting the Unified Marine Protected Area Array
   Motion (Fulkerson/Bhardwaj) to approve. **Passed unanimously**.
4. Resolution 2010-15 Opposing State Ballot Proposition 23
   Motion (Fulkerson/Bhardwaj) to approve. **Passed 4-0. *Morgan - Abstained***.
5. MOA with Trinidad Rancheria
6. Report on Water System Violations
7. Waiver of Town Hall Rental Fees for the School District
   Council concluded after public discussion that staff should develop a maintenance fee and perform quarterly maintenance detail on the Town Hall. *Motion (Fulkerson/Ratzlaff) waive the $200 rental fee for Trinidad School's use of the Trinidad Town Hall for the Spring Fundraiser.* **Passed unanimously**.

XI. AGENDA ITEMS

1. Public Hearing for Ordinance 2010-04 for a Transient Occupancy Tax Rate Increase
   City Manager Albright explained that In June, the Vacation Dwelling Units Advisory Committee recommended increasing the Transient Occupancy Tax (TOT) from 8% to 10%. A public hearing was set for August 11, 2010, but a busy staff and council calendar delayed that hearing. In September, the public hearing was reset for October 13, 2010.

   The TOT was established by Ordinance in Trinidad in 1992. Proposed Ordinance 2010-04 would change the RATE of the TOT charged to visitors staying in Trinidad lodging establishments for less than 30 days. This is the only change proposed to the existing ordinance, which is Section 3.20.030 – Imposed Rate. The change would read "....a tax in the amount of **10%** of the rent charged by the operator."

   This increase is projected to increase revenue from Transient Occupancy Tax by approximately $15,000 annually by increasing the cost to Trinidad visitors by $2.00 for every $100.00 of room rate charged.

   There was no public comment.

   Motion (Fulkerson/Bhardwaj) to conduct the Public Hearing, and then approve proposed Ordinance 2010-04 amending the Trinidad Municipal Code. **Passed unanimously**.

2. Update Report on the ASBS Grants
   City Manager Albright explained that the City was approved to receive two grants in 2009 from state Proposition 84 funds. One of the projects, the Trinidad Stormwater Drainage Improvement Project, is intended to greatly reduce runoff and pollutants from the City entering Trinidad Bay.

   The State Water Resources Board staff has had a number of questions to the City about this project. These concerns need to be addressed to their satisfaction before a grant agreement can be concluded. A meeting was held in Trinidad on September 30 between members of the State Water Resources Board staff and Trinidad representatives, including Mayor Binnie, Councilwoman Bhardwaj, Rebecca Price-Hall, Chi Wei Lin, and City Engineer Steve Allen.

   City Engineer Steve Allen updated the Council on the project and explained changes that may need to be made to satisfy State staff.

DRAFT

Public comment included:
Richard Johnson – Trinidad Area
Grant documents and letters should be uploaded onto the website for public review.

Report only. No decision was made.

3. Update on Trinidad Library
City Manager Albright explained that the Trinidad Library is getting closer to reaching its fund-raising level necessary to initiate construction. As this important project nears its kickoff, two issues will need to be addressed by the Trinidad City Council prior to the eventual opening of the Library.

First, the Council will need to enter into business arrangements (leases or memorandums of agreement) with both the North Coast Land Trust and Humboldt County. Since the land and the building will be owned by the Land Trust, there will need to be some formal agreement between the Land Trust and City that conveys the use of the building to the City of Trinidad. The second agreement would be some document between Humboldt County (Library Department) and the City that defines the terms and conditions for the Trinidad Library to become a part of the County Library system.

Second, and issue of liability has arisen with regard to the designed foundation of the building. The City is being asked to assume the potential liability of structural failure during the life of the agreement, and this issue has arisen because the building is being constructed on fill material. Since the City maintains general liability on its structures (owned and leased), this does not appear to be a significant risk to the City. The only cautions provided by the City's liability insurance carrier were that a) the City not be responsible until construction has been completed and a Certificate of Occupancy has been issued, and b) a formal agreement (lease or MOA) be in place before any liability is assumed by the City.

The purpose for the agenda item at this point is to both clarify the current situation with regard to these two issues and to re-confirm the City Council's intent to do its part to eventually open and maintain the new Trinidad Library. The Council will have to act formally in the future to approve any drafted documents either between the City and the Land Trust or the City and the County.

Public comment included:
Glenn Saunders – Trinidad Resident
Supports the library and thought Albright's explanation was excellent. **Tom Odom** agreed.

Patti Fleschner – Trinidad Area Resident
Library fundraising committee member. Thanked the community for its support and reported there is still more fundraising to do.

Susan Elliott – HNCLT Member
New HNCLT member. Supports the project and wants to see it move forward.

Motion (Fulkerson/Ratzlaff) to act to reaffirm the City's ongoing support for the establishment of a new Trinidad Library, and indicate to the Board of the Land Trust that it intends to enter into a long-term lease after the building is constructed. **Passed unanimously.**

4. Discussion of Invasive Species
City Manager Albright explained that at the last City Council meeting, Marie Kelleher-Roy from the Humboldt County Native Plant Society requested the opportunity to give a short presentation to the Council. She cited a recent instance where pampas grass is growing adjacent to the Van Wycke Trail.

Ms. Kelleher-Roy presented a draft letter that she intended to be sent to all Trinidad residents. The letter described pampas grass and the problems it causes to native vegetation. She requested to use the city's mailing list.

There was no public comment.

DRAFT

Council comments included:
Fulkerson: We should take care of this now. It's becoming a fire hazard.

By consensus, the Council directed the City Manager to review the draft invasive species information letter before authorization is given to use the city's mailing list.

5. Report and Actions for Improving the Van Wycke Trail
City Manager Albright explained that the Council requested that this item be on for discussion at the last Council meeting.

At that meeting, the City Council took two actions related to the Van Wycke Trail. First, staff was authorized to proceed with a survey of the immediate area, assuming that no survey had been done in previous years. While there were plans to survey the immediate property boundaries in 2004, this was never done. Kelly O'Hern Land Surveyors was retained and have completed the survey. It will be presented to the Council at the meeting. Second, the Council approved a budget amendment that reallocated Prop1B to streets maintenance, and this trail is on a City street right-of-way. As a result, funds have been identified to design and construct improvements to the failing trail.

Staff proposed to proceed with this project during the winter months. The first step will be obtain, if necessary, an easement for public trail access on adjacent private property, if the current trail has transgressed onto that property. The next step will be to design an appropriate solution within the City right-of-way or on the new trail easement. The third step will be to construct the improvements.

City Manager Albright suggested pursuing a 15' easement over adjacent properties to allow legal access to the trail, and to ensure that the easement did not prohibit property owners from future development.

Councilmember Fulkerson excused herself from the discussion and sat in the audience.

Public comment included:
Glenn Saunders – Trinidad
Explained the history of the trail beginning 75 years ago when it was a public road.

Tom Odom – Trinidad
Stated that he subdivided the adjacent properties into 4 lots in the 1970's.

Janine Volkmar – Trinidad Area Resident
Expressed an interest in seeing an innovative design for the trail repair that would not put any stress on the bluff below.

Richard Johnson – Trinidad Area Resident
Suggested pursuing discovery of geologic information on the site prior to trail design.

Jim Cuthbertson – Trinidad
The status of the storm drain culvert buried beneath the trail should be investigated.

Motion (Bhardwaj/Fulkerson) to authorize the City Manager to a) work toward the creation of a trail easement on adjacent private property, if necessary, and 2) negotiate a not- to-exceed work product with the City Engineer to plan and design improvements to the Trail. **Passed unanimously**.

6. LACO Report on the Tsurai Study Area Property Damage
City Manager Albright explained that earlier this year, the Council adopted an ordinance that has created the Onsite Wastewater Treatment System (OWTS) program for Trinidad. To begin implementing this program, a key remaining action by the City Council will be the adoption of "Program Guidelines" that establish the steps and processes necessary.

DRAFT

Three months ago, the Council amended the OWTS Ordinance to transfer the responsibility for adopting the Guidelines from the Planning Commission to the City Council. This was at the request of the Planning Commission. However, the Commission had previously worked with the City Planner in preparing and reviewing the contents of the proposed Guidelines.

The Guidelines are complete but have not been reviewed by the Council or the public. Since this is an important project, it is recommended that they be reviewed at this meeting, evaluated by the Council and the public over the next 30 days, and considered for adoption at the next City Council meeting.

There was no comments from the public or Council.

Review and report only. Council was asked to review the document and forward questions, comments, and edits to City Manager for amendments. Guidelines will be brought back to the Council for final approval at a future meeting.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- **Meeting ended at 10:25pm.**

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Stan Binnie
Mayor

DRAFT

CONSENT AGENDA ITEM #1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

1. Staff Activities Report through October, 2010

CONSENT AGENDA ITEM IX.1
Date: November 10, 2010

Item: **STAFF ACTIVITIES REPORT THROUGH OCTOBER, 2010**

Background: The City Council is provided with a Staff Activities Report at the first meeting of every month. The report covers staff actions and updates on projects through the previous month.

Changes from the previous report will be shown in **BOLD** so that the Council members can follow both the history of an activity and see the progress that has been made since the last Report. Update items will be removed periodically as they become "old news."

The report concentrates on projects and is directly related to the Special Grants and Projects Budgets in the adopted City Budget.

There is also a monthly update on the rental activity at Town Hall for the previous month.

Staff Recommendation:

Receive and file the Staff Activities Report, or take whatever other action is deemed appropriate by the Council.

Attachments: Staff Activities Report through October, 2010.

CITY OF TRINIDAD
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Stan Binnie, Mayor
Steve Albright, City Manager

STAFF ACTIVITIES REPORT

Through October, 2010

A Staff Activities Report is provided to the City Council at the first Council meeting of every month. Additions to the previous report will be indicated in **bold type face**. Old information will be left on this report for several months and then removed or updated. This report is prepared by Steve Albright, City Manager, with input from staff members and contracted consultants.

The Staff Activities Report focuses on specific projects, the status of requests to the staff from the Council, and other ongoing items where progress can be reported. It is now being organized under the six primary City functions: City Administration; Police Department; Fire Department; Public Works Department; City Water Department; and the City Cemetery.

City Administration:

1. FY2011 Budget. The FY2011 Budget was approved by the City Council on June 9, 2010. A budget amendment was approved by the City Council in September.

2. FY2009-10 Annual Audit. **The site visit from the auditor for the FY2010 annual financial audit is planned for the last week of November, 2010. Some year-end data has already been sent to the auditor, and CMM is preparing the ending financial statements through June 2010. The Council authorized retaining Marcello and Associates for another year.**

3. Town Hall Rental. **This report will cover the month October, 2010. For the month, the Hall was rented 5 times for a total revenue of $425. The Council has also asked that staff review the policy regarding deposits due to the number of times that there has been some damage.**

4. Improvements to the City's filing/record-keeping system. All litigation records have been catalogued and have been moved back to the storage unit. No other progress toward improving records has been made.

5. Town Hall Improvements. Estimates will be sought for painting, re-flooring, some carpentry work, and furniture replacement for the Clerk's Office in Town Hall. Work that was planned for the last week of June and the first week of July did not occur because staff was trying to coordinate it with the planned new

energy-efficient heating system, but that grant has still not been approved. **Finally, staff has been advised that the Energy Block Grant agreement should be received during November for the City's proposed project of replacing the Town Hall heating system.**

6. Tsurai Management Plan Area. A contract to provide erosion control and re-planting on the damaged site was signed on September 16, 2010. The contract is with the Watershed Management division of the Yurok Tribe. The Tribe will also hire as a subcontractor Samara Restoration to provide the plants and Joe Lindgren as the project cultural monitor. **The project was completed in the third week of October. Photos are available for review. An invoice for the work is anticipated from the Tribe.**

7. General Plan. The Open Space, Conservation, and Recreation Elements were presented and discussed at the Council's meeting on April 28, 2010. The staff and Planning Commission is now working on the Transportation Element.

8. Code Enforcement. As time, other priorities, and resources allow, staff is continuing to address code enforcement complaints. This will be an ongoing effort.

9. On-Site Waste Water Treatment (OWTS) Ordinance. The City Council adopted the Ordinance on December 10, 2008. In November, Planning Commission requested that a change in the OWTS Ordinance be made to make either the City Manager (administratively) or the City Council responsible for approving the implementation guidelines. An amendment to the Ordinance was prepared to shift this responsibility to the Council, and it was approved in March 2010. **The Guidelines are to be considered for adoption by the City Council at its November, 2010 meeting.**

10. Accessory Dwelling Unit (ADU) Code. The ADU Ordinance is on the City's website as a downloadable document for public review and comment. The Ordinance was adopted by the City Council in August, 2010 and went into effect in September.

11. Vacation Units Regulations. The Citizens Advisory Committee on Vacation Dwelling Units was formed and held a total of eight meetings between January and May. The Committee completed its work and presented its findings and recommendations to the City Council in June. Staff has been directed to return to the Council with a first reading of a draft ordinance to regulate aspects of VDUs in Trinidad by the end of 2010.

12. Trails. **Old Wagon Road Trail:** A complaint about the installation of posts and a trench dug across the trail on the Old Wagon Road Trail has been filed with the City. A Police Report claiming harassment of a citizen was also filed. **Because this has been an ongoing difficulty, the staff enlisted the assistance of the**

Coastal Commission and the Coastal Conservancy to address the problem with the landowner. No response has been received yet. Van Wycke Trail: Due to heavy early season rains, additional deterioration was observed on the Van Wycke Trail. As a result, the Trail has been temporarily closed until some remedy can be made.

Status of Grants and Funding Programs

- Project Name: Gateway Project
  Source of Funds: CA State Transportation Improvement (STIP)
  Amount of Funding: $145,000
  Local Match/Source: Prop 1B funds
  Status: Environmental Complete, Design Complete, Construction in 2010
  The Construction Authorization request has been submitted to Cal Trans. The Encroachment Permit was received in April. Staff completed and has obtained construction easements with adjacent property owners and utility relocations with PG&E and AT&T. CalTrans right-of-way staff is has still not signed off on the project, which means that construction will now be delayed until next spring.

  and

  Project Name: Main and Trinity Safety Improvements
  Source of Funds: Federal High Risk Rural Road Funds (HR3)
  Amount of Funding: $360,000
  Status: See above. The two funds have been combined into one construction project.

- Project Name: New Library/Museum Road
  Source of Funds: CA State Proposition 1B
  Funding Amount: $100,000
  Status: The project has been completed.

- Project Name: Library Museum Project Access Improvements
  Source of Funding: American Recovery and Reinvestment Act (ARRA)
  Amount of Funding: $186,000
  Status: The construction work on the project has been completed.
  Staff met with CalTrans and Federal Highway officials on August 25 for an audit of the project records. A substantial amount of improvements to the record keeping for this project has been requested and will be worked on by staff. Reimbursement of the project costs has not been received because staff is still working with CalTrans to satisfy records and reporting requirements.

- Project Name: Saunders Park Development

Source of Funding: State Park Bond
Amount of Funding: Approximately $120,000 remaining.
Status: Funding received in 2006. Design by Freeman Architects complete, the advertisement for public bid occurred in August 2010. The City Manager completed a contract with Gray Construction after negotiating reductions in the project to bring it within budget. Un-obligated remaining funds from the total grant have been approved to be transferred to this project. Work on the project began onsite on October 5, 2010. **Work began on the project in the second week of October. Funds are ebing requested in advance from the State Parks Department.**

- Project Name: Azalea and Pacific Streets Reconstruction
  Source of Funds: CA State Transportation Improvement (STIP)
  Amount of Funding:
  Status: Due to lack of construction funds at the State level, construction funding now programmed for 2013-14. Funding for final design undetermined and may delay the project indefinitely. No additional expenditures recommended at this time. Prop 1B funds allocated to this project were reassigned to other eligible activities within the City.

- Project Name: Energy Efficiency and Conservation Block Grant (EECBG)
  Source of Funding: American Recovery and Reinvestment Act
  Amount of Funding: $25,000
  Status: County officials have requested additional information, which was provided. Even though the grant application was submitted in January, 2010, and the award announcement was anticipated by the end of March, 2010, the grant has been delayed with no explanation. **Staff has been advised that a Grant Agreement Document will be forwarded in November.**

- Project Name: Safe Drinking Water Revolving Fund (SDWSRF)
  Source of Funds: State Department of Public Health, Revolving Loan Fund
  Amount of Funding: Undetermined
  Status: Application was submitted by February 4, 2010. Notice of Exemption from CEQA filed with the County Clerk in March, 2010. State is apparently ready to award a partial grant/loan for the project, with details to be determined. Project proposal currently under review.

- Project Name: Clean Beaches Program
  Source of Funding: State Proposition 50
  Amount of Funding: $400,000
  Status: This project was delayed by the state budget crisis for 16 months. It was reactivated in February 2010, but the end date for grant expenditure is now 11/30/10. A grant amendment was signed in April 2010. Nearly $300,000 of the funds are for the replacement of failing and unsafe septic systems in the watershed area (inside and outside the City limits), and the

City and Streamline Planning now appear to be able to do major repairs or complete replacements for 24 of the worst systems in the area. 23 extensive repairs or replacement systems have been approved and have been constructed totaling over $275,000. Funds reimbursement for those completed through June, 2010, ($120,000) have been received, **and the fund reimbursement for the next quarter has been submitted. A detailed program report will be provided to the Council in November.**

- Project Name: Turbidity Meter
  Source of Funding: CA State Proposition 50
  Amount of Funding $60,000
  Status: Letter of Commitment from State in 2008; contract incomplete due to funding freeze. Start date undetermined.

- Project Name: Drainage Improvements (ASBS Project)
  Source of Funding: CA State Proposition 84
  Amount of Funding: $2,500,000
  Status: State announced in late April that bond funds have been raised and this project may proceed. The City Council approved a Resolution to allow the City Manager to negotiate the terms of the Agreement. Staff is responding to a request from the State to address "scope of services" issues that arose during the State's review and approval process. A letter was completed and sent to the Board on August 30, 2010. If this addresses the State issues adequately, and when a State Budget is approved, an agreement will be brought to the Council for approval. An extensive meeting was held on September 30 with City officials and State staff, and the results were reported to the City Council. **Staff assembled additional information as requested and has submitted it to the State Board.**

- Project Name: Trinidad Pier Reconstruction (ASBS Project)
  Source of Funding: CA State Proposition 84
  Amount of Funding: $2,500,000
  Status: State announced in late April that bond funds have been raised and this project may proceed. The City Council approved a Resolution to allow the City Manager to negotiate the terms of the Agreement. The State sent the City a letter with many concerns in it in June. A response was jointly prepared by City and Rancheria staff and sent to the State on June 30. Their response time and the next steps needed to prepare and agreement to proceed are undetermined. **Staff worked with the Rancheria to prepare an MOA for the implementation of this grant when it is finally approved, and that MOA was approved by the Council in October. The State Board requested some modifications to that MOA, and the Council will be asked to approve those modifications.**

Police Department

1. Staffing. **Deputy Scott Hicks is the Sheriff's Office deputy for Trinidad, and Sandra Cuthbertson remains as a part-time Office Manager for at least the remainder of the fiscal year. She assists with other city functions as needed because her salary is now paid by the General Fund. Deputy Hicks will be at the City Council meetings at least quarterly to give a report on law enforcement activities. A County Sheriff vehicle will be assigned to Trinidad and marked as "Trinidad Police."**

2. Law Enforcement Functions. **The contract with the Sheriff's Office became effective on June 30, 2010. It is due to renew automatically for six months on January 1, 2011, as a condition of the contract unless either party chooses to terminate the agreement.**

3. Equipment Issues. **Telephone, fax, and computer functions of the Police Department and the City Manager's office are being integrated. This will provide a better functioning system and allow a considerable monthly cost savings.**

Fire Department

1. Equipment. Nothing to report.

2. Wildfire Agreement. Per the recommendation of CalFire, the Council approved NOT having a wildfire service agreement. Instead, the Mutual Aide Agreement was updated. That was completed by action of the Council in September.

Public Works Department

1. Grounds Maintenance. City crews maintain grounds and the Cemetery on an ongoing basis in the summer months. The Library/Museum project is also now being maintained by the City. The City's new full-time employee, Ryan Desmet, started effective September 21, 2010. With the addition, we will be establishing a schedule for grounds and trails maintenance.

2. Streets Maintenance. The staff is getting estimates to do repairs to Main Street underneath the Highway 101 overpass. Staff is also working with Winzler & Kelly to survey and evaluate possible remedies to the sliding Van Wycke Trail. A report will be provided to the Council as an ongoing agenda item.

3. Street Trees Maintenance. No new information to report.

4. Appropriations Request. A 2011 appropriations request was submitted to Congressman Thompson's staff for funding of the second phase of the Stormwater Drainage Improvement Project required to meet discharge standards at the ASBS. The first phase is due to be funded by Prop 84 when the State is able to release project funds.

City Water Department

1. Rates. A public hearing for an annual adjustment to the City water rates resulted in a 2.2% rate increase. The City may receive state funding assistance to perform a water rates analysis to meet State Prop 218 requirements if any rate increases are demanded to support major capital infrastructure improvement loans.

2. Maintenance. Staff is constructing a new storage shed facility at the water treatment plant on Westhaven Drive.

3. Water Quality: New equipment is being purchased that will improve water quality testing procedures at the Treatment Plant. A notification of a water quality violation was sent to all customers, and Bryan Buckman will be at the Council meeting to explain that violation and what is being done to address it.

4. Appropriations Request. A 2011 appropriations request was submitted to Congressman Thompson's staff for funding of the improvements required at the water treatment facility.

City Cemetery

1. Annual Maintenance. The Public Works staff maintains the Cemetery Grounds on an ongoing basis. There are no other activities to report.

CONSENT AGENDA ITEM #2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

2. Financial Status Reports for September, 2010

CONSENT AGENDA ITEM IX.2
Date: November 10, 2010

Item: **FINANCIAL STATUS REPORT**

Background: This "Monthly Financial Status Report" is provided to the Council at the first meeting of every month and is produced by Cunningham, Malone & Morton. It provides the Council and the public with a monthly financial status which is intended to be timely and user-friendly.

The status report is done for each department and includes: 1) expenditures from the previous month; 2) expenditures for the year-to-date; 3) the annual budget for a given budget category; and 4) the percent of the budget that has been expended to date.

This Financial Status Report provides the status on seven pages:

General Fund Revenue;
1. General Fund-Administration;
2. General Fund-Public Works;
3. General Fund-Police;
4. General Fund-Fire;

Enterprise Account-Water Department; and
Enterprise Account-Cemetery.

The four General Fund Accounts also include bottom-line statements for specific grant or special project budgets. For example, the Village Keepers Fund and the Clean Beaches Grant are included with the General Fund-Administration. Full details of those special project or grant budgets will be available for review but will not be published monthly with the meeting packet.

Staff Recommendation:

Discussion and public input, and Council action to receive and file the Financial Status Report

Attachments: Financial Status Report through September, 2010.

City of Trinidad

Statement of Revenues and Expenditures

From 9/1/2010 Through 9/30/2010

	Current Month	Year to Date	Total Budget - Original	% of Budget
Revenue				
PROPERTY TAX - SECURED	0.00	0.00	110,000.00	(100.00)%
MOTOR VEHICLES	143.98	143.98	0.00	0.00%
SALES & USE TAX	20,660.67	27,060.67	220,000.00	(87.70)%
TRANSIENT LODGING TAX	0.00	0.00	72,000.00	(100.00)%
VEHICLE LICENSE COLLECTION	0.00	16.09	0.00	0.00%
MOTOR VEHICLE FINES	0.00	0.00	1,000.00	(100.00)%
COPY MACHINE FEE	8.00	13.00	100.00	(87.00)%
INTEREST INCOME	2,607.59	7,446.01	35,000.00	(78.73)%
OTHER MISCELLANEOUS INCOME	0.00	438.07	0.00	0.00%
PLANNER- APPLICATION PROCESSIN	0.00	400.00	10,000.00	(96.00)%
ENGINEER-APPLICATION PROCESSIN	0.00	0.00	500.00	(100.00)%
BLDG.INSP-APPLICATION PROCESSI	620.00	4,212.58	5,000.00	(15.75)%
ANIMAL LICENSE FEES	12.00	24.00	200.00	(88.00)%
ZONING & SUBDIVISION FEES	0.00	10.00	0.00	0.00%
BUSINESS LICENSE TAX	560.00	4,150.00	12,000.00	(65.42)%
ENCROACHMENT PERMIT FEES	0.00	50.00	400.00	(87.50)%
FRANCHISE FEES	0.00	0.00	6,000.00	(100.00)%
RENT - VERIZON	1,617.45	4,852.35	18,000.00	(73.04)%
RENT - HARBOR LEASE	0.00	0.00	5,000.00	(100.00)%
RENT - SUDDENLINK	0.00	996.68	0.00	0.00%
RENT - TOWN HALL	800.00	2,665.00	10,000.00	(73.35)%
RENT - MISC	0.00	0.00	500.00	(100.00)%
INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	52,000.00	(100.00)%
Total Revenue	27,029.69	52,478.43	557,700.00	(90.59)%

City of Trinidad
Statement of Revenues and Expenditures
201 - GFA
From 9/1/2010 Through 9/30/2010

	Current Month	Year to Date	Total Budget - Original	% of Budget
Expense				
HONORARIUMS	250.00	500.00	3,000.00	83.33%
EMPLOYEE GROSS WAGE	4,005.86	11,653.58	46,245.00	74.80%
FRINGE BENEFITS	769.24	2,307.72	0.00	0.00%
EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	26,247.00	100.00%
DEFERRED RETIREMENT	648.42	1,945.26	0.00	0.00%
MEDICAL INSURANCE AND EXPENSE	1,420.15	3,385.25	0.00	0.00%
WORKMEN'S COMP INSURANCE	0.00	1,181.75	0.00	0.00%
EMPLOYEE MILEAGE REIMBURSEMENT	55.00	238.00	1,200.00	80.17%
PAYROLL TAX	403.15	1,181.60	4,721.00	74.97%
FIDELITY BOND	0.00	700.00	700.00	0.00%
INSURANCE - LIABILITY	0.00	5,443.00	5,443.00	0.00%
PROPERTY & CASUALTY	0.00	4,397.00	5,350.00	17.81%
ATTORNEY-MEETINGS	0.00	6,487.50	24,000.00	72.97%
ATTORNEY-ADMINISTRATIVE TASKS	612.50	612.50	0.00	0.00%
ATTORNEY-LITIGATION	0.00	0.00	5,000.00	100.00%
CITY ENGINEER-ADMIN. TASKS	422.50	1,462.00	6,000.00	75.63%
CITY ENG-APPLICATION PROCESS	0.00	0.00	2,000.00	100.00%
CITY PLANNER-MEETINGS	393.00	1,020.00	2,000.00	49.00%
CITY PLANNER-ADMIN. TASKS	513.75	2,382.40	6,000.00	60.29%
CITY PLANNER-APPL. PROCESS	408.00	2,613.00	8,000.00	67.34%
CITY PLANNER - SPECIAL PROJECT	768.00	2,751.00	12,000.00	77.08%
BLDG INSPECTOR-ADMIN TASKS	40.49	40.49	0.00	0.00%
BLDG INSPECTOR-PERMIT PROCESS	210.00	210.00	0.00	0.00%
BLDG INSPECTOR-ENFORCEMENT	0.00	593.00	5,000.00	88.14%
ACCOUNTANT-ADMIN TASKS	815.85	7,419.49	10,000.00	25.81%
AUDITOR-FINANCIAL REPORTS	0.00	0.00	10,000.00	100.00%
CHAMBER OF COMMERCE	0.00	0.00	30,000.00	100.00%
FINANCIAL ADVISOR/TECH SUPPORT	137.00	252.44	1,000.00	74.76%
LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	4,000.00	100.00%
RENT	0.00	0.00	7,800.00	100.00%
UTILITIES	113.46	367.73	4,000.00	90.81%
DUES & MEMBERSHIP	0.00	0.00	2,000.00	100.00%
MUNICIPAL/UPDATE EXPENSE	0.00	483.06	21,000.00	97.70%
OFFICE SUPPLIES & EXPENSE	672.57	1,039.72	4,500.00	76.90%
BANK CHARGES	0.00	72.80	0.00	0.00%
CONTRACTED SERVICES	0.00	4,200.08	0.00	0.00%
MISCELLANEOUS EXPENSE	0.00	0.00	1,000.00	100.00%
TELEPHONE	119.07	413.81	3,000.00	86.21%
CABLE & INTERNET SERVICE	203.47	525.37	1,500.00	64.98%
TRAVEL	0.00	0.00	1,500.00	100.00%
BUILDING REPAIRS & MAINTENANCE	0.00	890.69	1,000.00	10.93%
MATERIALS, SUPPLIES & EQUIPMEN	176.36	428.10	5,000.00	91.44%
Total Expense	13,157.84	67,198.34	270,206.00	75.13%

City of Trinidad

Statement of Revenues and Expenditures

301 - Police

From 9/1/2010 Through 9/30/2010

	Current Month	Year to Date	Total Budget - Original	% of Budget
Expense				
EMPLOYEE GROSS WAGE	1,786.98	5,068.41	23,231.00	78.18%
EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	980.00	100.00%
DEFERRED RETIREMENT	27.70	83.10	0.00	0.00%
MEDICAL INSURANCE AND EXPENSE	47.10	86.60	0.00	0.00%
WORKMEN'S COMP INSURANCE	0.00	614.51	0.00	0.00%
PAYROLL TAX	141.76	402.90	2,371.00	83.01%
ACCOUNTANT-ADMIN TASKS	699.30	1,507.27	0.00	0.00%
RENT	1,300.00	2,600.00	7,800.00	66.67%
UTILITIES	0.00	379.18	1,200.00	68.40%
OFFICE SUPPLIES & EXPENSE	0.00	0.00	2,400.00	100.00%
CONTRACTED SERVICES	0.00	0.00	80,000.00	100.00%
ANIMAL CONTROL	113.00	339.00	1,350.00	74.89%
INVESTIGATION	0.00	70.00	0.00	0.00%
TELEPHONE	74.61	222.34	1,800.00	87.65%
CABLE & INTERNET SERVICE	0.00	174.76	0.00	0.00%
OTHER REPAIR & MAINTENENCE	0.00	0.00	500.00	100.00%
CAPITAL OUTLAY	0.00	0.00	3,000.00	100.00%
Total Expense	4,190.45	11,548.07	124,632.00	90.73%

City of Trinidad

Statement of Revenues and Expenditures

401 - Fire

From 9/1/2010 Through 9/30/2010

	Current Month	Year to Date	Total Budget - Original	% of Budget
Expense				
HONORARIUMS	150.00	300.00	1,800.00	83.33%
FINANCIAL ADVISOR/TECH SUPPORT	90.00	90.00	0.00	0.00%
UTILITIES	33.62	104.44	600.00	82.59%
BACKGROUNDS / EDUCATION	0.00	0.00	1,000.00	100.00%
CONTRACTED SERVICES	0.00	123.00	5,700.00	97.84%
TELEPHONE	15.80	20.89	100.00	79.11%
RADIO & DISPATCH	0.00	0.00	1,000.00	100.00%
VEHICLE FUEL & OIL	0.00	0.00	750.00	100.00%
VEHICLE REPAIRS	0.00	0.00	3,000.00	100.00%
BUILDING REPAIRS & MAINTENANCE	0.00	0.00	500.00	100.00%
OTHER REPAIR & MAINTENENCE	0.00	0.00	1,500.00	100.00%
MATERIALS, SUPPLIES & EQUIPMEN	0.00	4,085.90	7,500.00	45.52%
CAPITAL OUTLAY	0.00	0.00	10,000.00	100.00%
Capital Reserves	0.00	0.00	20,000.00	100.00%
Total Expense	289.42	4,724.23	53,450.00	91.16%

City of Trinidad

Statement of Revenues and Expenditures

501 - PW (Public Works)

From 9/1/2010 Through 9/30/2010

	Current Month	Year to Date	Total Budget - Original	% of Budget
Expense				
EMPLOYEE GROSS WAGE	1,974.15	6,381.27	25,072.00	74.55%
EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	11,345.00	100.00%
DEFERRED RETIREMENT	204.18	648.60	0.00	0.00%
MEDICAL INSURANCE AND EXPENSE	687.67	2,008.31	0.00	0.00%
WORKMEN'S COMP INSURANCE	0.00	614.51	0.00	0.00%
PAYROLL TAX	169.58	546.60	2,560.00	78.65%
ACCOUNTANT-ADMIN TASKS	0.00	942.64	0.00	0.00%
CONTRACTED SERVICES	0.00	0.00	1,000.00	100.00%
STREET MAINT/REPAIR/SANITATION	0.00	78.38	24,000.00	99.67%
Street Safety Improvements	0.00	0.00	12,000.00	100.00%
STREET LIGHTING	308.32	925.73	4,000.00	76.86%
Street Lighting - Improvements	0.00	0.00	15,000.00	100.00%
TRAIL MAINTENANCE	0.00	548.78	3,000.00	81.71%
VEHICLE FUEL & OIL	123.46	497.10	3,000.00	83.43%
VEHICLE REPAIRS	0.00	12.46	0.00	0.00%
OTHER REPAIR & MAINTENENCE	0.00	43.29	0.00	0.00%
MATERIALS, SUPPLIES & EQUIPMEN	0.00	461.64	2,500.00	81.53%
EQUIPMENT REPAIRS & MAINTENANC	217.39	217.39	0.00	0.00%
WATER LINE REPAIR	0.00	32.42	0.00	0.00%
Total Expense	3,684.75	13,959.12	103,477.00	86.51%

City of Trinidad
Statement of Revenues and Expenditures
601 - Water
From 9/1/2010 Through 9/30/2010

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue				
INTEREST INCOME	0.00	0.00	30,000.00	(100.00)%
WATER SALES	21,609.41	59,762.23	210,000.00	(71.54)%
NEW WATER HOOK UPS	0.00	0.00	9,000.00	(100.00)%
WATER A/R PENALTIES	470.05	2,343.15	4,000.00	(41.42)%
Total Revenue	22,079.46	62,105.38	253,000.00	(75.45)%
Expense				
EMPLOYEE GROSS WAGE	5,617.02	17,510.26	72,050.00	75.70%
FRINGE BENEFITS	0.00	0.00	0.00	0.00%
EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	36,422.00	100.00%
DEFERRED RETIREMENT	655.20	2,025.74	0.00	0.00%
MEDICAL INSURANCE AND EXPENSE	2,240.50	6,612.10	0.00	0.00%
WORKMEN'S COMP INSURANCE	0.00	1,843.53	0.00	0.00%
PAYROLL TAX	485.74	1,512.28	7,352.00	79.43%
INSURANCE - LIABILITY	0.00	4,000.00	4,000.00	0.00%
PROPERTY & CASUALTY	0.00	2,250.00	3,231.00	30.36%
ATTORNEY-ADMINISTRATIVE TASKS	0.00	0.00	3,000.00	100.00%
CITY ENGINEER-ADMIN. TASKS	0.00	0.00	41,000.00	100.00%
ACCOUNTANT-ADMIN TASKS	815.85	2,205.14	8,000.00	72.44%
AUDITOR-ADMINISTRATIVE TASKS	0.00	0.00	8,000.00	100.00%
UTILITIES	1,335.16	4,261.27	14,000.00	69.56%
DUES & MEMBERSHIP	100.00	231.00	1,000.00	76.90%
OFFICE SUPPLIES & EXPENSE	132.00	412.00	2,000.00	79.40%
INTEREST EXPENSE	837.66	837.66	1,050.00	20.22%
MISCELLANEOUS EXPENSE	58.00	58.00	0.00	0.00%
TELEPHONE & COMMUNICATIONS	49.00	49.00	1,500.00	96.73%
TELEPHONE	60.77	324.78	0.00	0.00%
CABLE & INTERNET SERVICE	0.00	98.00	0.00	0.00%
VEHICLE FUEL & OIL	44.75	353.74	3,000.00	88.21%
VEHICLE REPAIRS	0.00	36.79	1,500.00	97.55%
BUILDING REPAIRS & MAINTENANCE	27.23	921.24	1,000.00	7.88%
SECURITY SYSTEM	0.00	69.00	1,000.00	93.10%
MATERIALS, SUPPLIES & EQUIPMEN	1,757.83	2,237.63	5,000.00	55.25%
EQUIPMENT REPAIRS & MAINTENANC	268.94	268.94	0.00	0.00%
WATER LAB FEES	0.00	329.51	4,000.00	91.76%
WATER PLANT CHEMICALS	376.28	1,321.41	14,000.00	90.56%
WATER LINE HOOK-UPS	0.00	0.00	4,000.00	100.00%
WATER LINE REPAIR	0.00	8,615.50	18,000.00	52.14%
WATER PLANT REPAIR	0.00	428.69	10,000.00	95.71%
Total Expense	14,861.93	58,813.21	264,105.00	77.73%
Net Income	7,217.53	3,292.17	(11,105.00)	(129.65)%

City of Trinidad
Statement of Revenues and Expenditures
701 - Cemetery
From 9/1/2010 Through 9/30/2010

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue				
INTEREST INCOME	0.00	0.00	5,000.00	(100.00)%
CEMETERY PLOT SALES	50.00	1,860.00	8,000.00	(76.75)%
Total Revenue	50.00	1,860.00	13,000.00	(85.69)%
Expense				
EMPLOYEE GROSS WAGE	541.20	1,763.37	6,841.00	74.22%
EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	2,946.00	100.00%
DEFERRED RETIREMENT	53.30	171.93	0.00	0.00%
MEDICAL INSURANCE AND EXPENSE	183.18	549.54	0.00	0.00%
WORKMEN'S COMP INSURANCE	0.00	189.08	0.00	0.00%
PAYROLL TAX	45.47	147.99	885.00	83.28%
INSURANCE - LIABILITY	0.00	500.00	500.00	0.00%
CONTRACTED SERVICES	0.00	0.00	500.00	100.00%
OTHER REPAIR & MAINTENENCE	0.00	0.00	500.00	100.00%
Total Expense	823.15	3,321.91	12,172.00	72.71%
Net Income	(773.15)	(1,461.91)	828.00	(276.56)%

CONSENT AGENDA ITEM #3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

3. Proclamation 2010-07 Supporting the "Great American Smokeout"

CONSENT AGENDA ITEM IX.3
Date: November 10, 2010

Item: **PROCLAMATION 2010-07 SUPPORTING THE "GREAT AMERICAN SMOKEOUT"**

Background: The Humboldt/Del Norte Unit of the American Cancer Society requested this item be placed on the agenda. It is an annual request.

Lou Moerner will accept the proclamation on behalf the American Cancer Society.

Staff Recommendation: Approve Proclamation 2010-07

Attachments: Proclamation 2010-07

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Stan Binnie, Mayor
Gabriel Adams, City Clerk

PROCLAMATION 2010-07

IN RECOGNITION AND SUPPORT OF THE GREAT AMERICAN SMOKEOUT, NOVEMBER 18, 2010

Whereas, the American Cancer Society encourages all tobacco users to join the Great American Smokeout and quit for at least one day; and

Whereas, in Humboldt County 8 out of 10 smokers want to quit tobacco, and there are free resources available to assist them; and

Whereas, many people have quit tobacco successfully with the support of local classes, telephone quitlines, medications and nicotine replacement products; and

Whereas, studies have shown that smoke-free policies reduce heart attacks by as much as 30%; and

Whereas, efforts to reduce smoking and exposure to secondhand smoke in California have saved Californians' more than $86 billion in health care costs; and

Whereas, eighty-percent of smokers in Humboldt County started before they were 18 years old; and

Whereas, studies show that smoke-free policies help smokers quit, and that fewer youth start smoking in communities with smoke-free policies; and

Whereas, 18-24 year-olds have the highest smoking rates and are targeted by the tobacco industry with messages that smoking is not as risky for young people;

NOW, THEREFORE, BE IT PROCLAIMED that the City Council of the City of Trinidad hereby recognizes and supports the American Cancer Society's GREAT AMERICAN SMOKEOUT, on November 18, 2010, in the City of Trinidad and encourages all citizens who smoke, or use chew/dip tobacco, to demonstrate to themselves and their children that they can quit using tobacco by joining the American Cancer Society's Great American Smokeout.

PASSED, APPROVED, AND ADOPTED by the Trinidad City Council on Wednesday, November 10, 2010.

Attest:

Gabriel Adams
City Clerk

Stan Binnie
Mayor

DRAFT

CONSENT AGENDA ITEM #4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

4. Proclamation 2010-08 Supporting National Family Caregivers Month"

CONSENT AGENDA ITEM IX.4
Date: November 10, 2010

Item: **PROCLAMATION 2010-08 SUPPORTING "NATIONAL FAMILY CAREGIVERS MONTH"**

Background: The City was recently contacted by Irene Angela Clemente, a representative of the Caregiver Community Action Network of the National Family Caregiver Association in Signal Hill California. She requested that the attached Proclamation be adopted by the City of Trinidad

It is unlikely that anyone will be in the audience to accept the Proclamation.

Staff Recommendation: Approve Proclamation 2010-08

Attachments: Proclamation 2010-08.

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Stan Binnie, Mayor
Gabriel Adams, City Clerk

PROCLAMATION 2010-08

IN SUPPORT OF NATIONAL FAMILY CAREGIVERS MONTH

WHEREAS, Thanksgiving is the season where we cause to reflect on the many blessings bestowed on us as a city/state and as individuals. We are especially grateful for the profound love that is expressed through the support, care and compassion that is provided by family caregivers to our loved ones; the chronically ill, terminally ill, elderly and frail, young, or those living with a disability. Caregivers reflect family and community life at its best, and should be counted as one of our most important natural resources; and

WHEREAS, the need for family caregivers is growing. The blessings of medicine and technology have helped us live longer; as a result, persons with disabilities are enjoying longer lives and people over 85 are the fastest growing segment of our population. Family caregivers can be found in every city and town in America. It is very likely that we all know at least one family caregiver; and

WHEREAS, these everyday heroes among us deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Trinidad does hereby recognize November, 2010, as National Family Caregivers Month.

PASSED, APPROVED, AND ADOPTED by the Trinidad City Council on Wednesday, November 10, 2010.

Attest:

DRAFT

Gabriel Adams
Trinidad City Clerk

Stan Binnie
Mayor

CONSENT AGENDA ITEM #5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

5. Announcement of Planning Commission Expiring Terms

CONSENT AGENDA ITEM IX.5
Date: November 10, 2010

Item: **ANNOUNCEMENT OF PLANNING COMMISSION EXPIRING TERMS**

Background: Three Planning Commssioner's terms are expiring on December 31, 2010. Those commissioners are:

Richard Johnson, Chris Hinderyckx, and Gayle Rothell

Richard Johnson submitted a letter of interest to be considered for another 4 year term beginning January 01, 2011. Chris and Gayle do not wish to continue and are resigning effective December 31, 2010.

A vacancy notice should be posted as soon as possible to solicit candidates to fill the open positions. All letters of interest will be forwarded to the Council as soon as they are received, and by ordinance the Mayor is required to bring recommendations to the Council for consideration.

The deadline set for submitting a letter of interest is December 3, 2010, at 4:00 pm.

The recommendations should be brought to the Council for consideration at the January, 2011 meeting.

Staff Recommendation: Set a deadline of December 3, 2010 for filing to become a member of the Planning Commission.

Attachments: Ordinance 2007-03 authorizing one of the members of the Planning Commission to live outside the City limits.

TRINIDAD CITY HALL
P.O. Box 390
409 Trinity Street
Trinidad, CA 95570
(707) 677-0223

Chi-Wei Lin, Mayor
Gabriel Adams, City Clerk

ORDINANCE NO. 2007-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD AMENDING SECTION 2.20.090 OF THE TRINIDAD MUNICIPAL CODE, RELATING TO THE QUALIFICATIONS OF PLANNING COMMISSION MEMBERS

The City Council of the City of Trinidad does hereby ordain as follows:

Section 1: Section 2.20.090 of the Trinidad Municipal Code is hereby amended to read as follows:

2.20.090: Qualifications of Planning Commission Members

Except as provided hereinafter, no person may serve on the Trinidad Planning Commission unless, at the time of appointment to office, and at all times thereafter during the term of the appointment, that person is a resident of the City Limits of the City of Trinidad.

However, the City Council may appoint not more than one (1) member who need not be a resident of the City of Trinidad, but reside within the Greater Trinidad Area as conceptually defined as an area in Humboldt County north of Little River and south of Big Lagoon as described by the map (attachment A).

Section 2: This ordinance shall become effective thirty (30) days after its passage.

PASSED, APPROVED, AND ADOPTED on this 14th day of February, 2007, by the following vote:

Ayes:	Miller, Binnie, Lin, Bhardwaj
Noes:	Heyenga
Absent:	None
Abstain:	None

Attest:

Gabriel Adams
Trinidad City Clerk

Chi-Wei Lin
Mayor

First Reading: Wednesday, February 14, 2007

Second Reading: Wednesday, March 14, 2007

CONSENT AGENDA ITEM #6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

6. Rancheria/City MOA Amendment

CONSENT AGENDA ITEM IX.6
Date: November 10, 2010

Item: AME**NDMENT TO THE MOA BETWEEN THE TRINIDAD RANCHERIA AND THE CITY OF TRINIDAD**

Background: In October, the City Council approved a Memorandum of Agreement with the Trinidad Rancheria. This MOA establishes the business relationship between the City and the Rancheria when the ASBS grant (Prop84) is received by the City in support of the reconstruction of the Trinidad Pier. The anticipated grant will be $2,500,000

After the MOA was approved by the City and the Rancheria, the State Water Resources Board requested a change. The change is a new Section 12 of the MOA. It simply establishes that the Rancheria grants a limited waiver of sovereign immunity with respect to this project.

Staff Recommendation: Approve the change to the MOA,, and authorize the Mayor to re-sign the amended agreement on behalf of the City Council.

Attachments: MOA with proposed amendment (Section 12).

MEMORANDUM OF AGREEMENT

between

THE CHER-AE HEIGHTS INDIAN COMMUNITY OF THE TRINIDAD RANCHERIA

and

THE CITY OF TRINIDAD

This Memorandum of Agreement identifies and sets forth the joint and individual responsibility of the Cher-Ae Heights Indian Community of the Trinidad Rancheria, hereinafter referred to as the "Rancheria" and the City of Trinidad, hereinafter referred to as the "City" in the administration of the State Water Resources Control Board (SWRCB), Proposition 84 Areas of Special Biological Significance ("ASBS") Grant Program; hereinafter referred to as the "Grantor" for the Trinidad Pier Reconstruction Project, hereinafter referred to as the "Project."

The Rancheria desires to construct a new pier that eliminates the High Threat Discharges, addresses pollutant concerns for a 303(d) Listed Waterbody, and protects beneficial uses in the ASBS. The new pier will capture runoff, which currently drains into the ASBS, and channel it to a land-based, filter-protected infiltration gallery. The project also includes complete post-project O&M, involving completion of the Rancheria's draft Waterfront Operations Plan with Best Management Practices for the entire Harbor, public education and improvement of the Rancheria's mooring field lease agreements to protect water quality. The project will immediately improve water quality in the ASBS.

The City desires to assist the Rancheria with the project and implement long-term public out-reach, support and participation in the protection of the ASBS.

WHEREAS, the Rancheria and the City have previously entered into an MOA in the interest of pursuing storm water improvements to preserve and enhance water quality at the beaches and ocean waters adjoining their facilities and jurisdictions; and

WHEREAS, the City has applied for funding through the Grantor, Proposition 84 Areas of Special Biological Significance Grant Program; and

WHEREAS, the City's proposed Project supports the Grantors mission and funding priorities for Areas of Special Biological Significance; and

WHEREAS, the Grantor's Proposition 84 Areas of Special Biological Significance Grant Program has approved the City's proposed Project and is willing to fund the Project on the terms and conditions set forth herein.

It is hereby agreed between the Rancheria and the City that each party will perform the following:

1. The City shall utilize the grant funds for the Project only on reimbursable costs as defined in Proposition 84 Areas of Special Biological Significance Grant Program Guidelines. The specific activities/tasks to be carried out, including activities, objectives and deliverables, are set in Exhibit A, attached hereto and incorporated herein, and Exhibit B, City's grant proposal attached hereto and incorporated herein;

2. The City will have the primary responsibility for Grant and Labor Compliance ; review all grant documents for project compliance, review all contracts and subcontracts for project compliance, review insurance and bond requirements for project compliance, and attend Pre-Bid Meeting for Construction to disseminate compliance requirements;

3. The City shall conduct the necessary inspections of the project facilities provided under the contract with the contractor, Rancheria representative and authorized agencies. Final acceptance and payment for the work shall not occur until the contractor has corrected all deficiencies identified at the inspection and until the work is in full compliance with the plans, specifications and other contract requirements under this grant.

4. The City will be the Program Administrator. As the Program Administrator for this project the City will have all fiscal management, progress reporting, and requests for reimbursement responsibility. In general the City will be responsible for meeting the assurances demanded by the Grantor, completing periodic reporting as required and doing the fiscal management for the grant;

5. The Rancheria will be the Project Manager. As the Project Manager the Rancheria will be responsible for the management of the Pier Reconstruction Project and will provide all information as needed to the City to assure timely reporting and reimbursement submittals. In general the Rancheria will be responsible for the day-to-day activities of the Project;

6. The Rancheria will be responsible for the repayment of any and all grant funds that have been disbursed, with interest, should the Project lapse, be delayed, or for any reason be unable to be completed;

7. The Rancheria shall be responsible in accordance with acceptable standards and business practices, for the settlement of all contractual and administrative issues arising out of procurement. These issues include, but are not limited to, source evaluation, protests, disputes and claims;

8. The Rancheria shall demonstrate that it has sufficient cash on hand to implement this Project, with the understanding that there will be no advance payments, and

invoices may only be submitted for work that has been completed and invoiced by subcontractors during the invoice period.

9. The Rancheria will provide any necessary cash flow to the City while the parties await reimbursement for the Project from the Grantor.

10. At no time during the project will the Rancheria represent the City nor will the City represent the Rancheria.

11. The Trinidad Rancheria accepts and agrees to comply with all terms, provisions, conditions, and commitments of this MOA, including all incorporated documents, and to fulfill all assurances, declarations, representations, and commitments made by the Trinidad Rancheria to the City in its application, accompanying documents, and communications filed in support of the City's request for financial assistance.

12. For purposes of this MOA, the Trinidad Rancheria hereby expressly, unequivocally and irrevocably provides a limited waiver of sovereign immunity from suit to allow the City, the Grantor, and/or the State of California to exercise and enforce its rights under the terms of the Grant Agreement to be executed between the City and the Grantor, and the Trinidad Rancheria consents to suit by the State for any and all such controversies and claims in any court otherwise having jurisdiction over the subject matter, and extends to obtaining remedies, including specific performance, awards for any special damages, and other special penalties, with respect to any claims arising hereunder. The Grantor and City acknowledge that the provisions of this section constitute a partial waiver of the Trinidad Rancheria's immunity from suit. This limited waiver shall extend to the Grantor, the State of California, and any successors and assigns to the Grant Agreement. This limited waiver shall remain in effect for the term of the executed Grant Agreement or the useful life of the Project, whichever is longer.

X _____

Garth Sundberg, Chairman Date
Trinidad Rancheria

X _____

Stan Binnie Date
Mayor, City of Trinidad

AGENDA ITEM #1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 22 PAGES

1. Approval of "Guidelines" for the OWTS Ordinance Implementation

DISCUSSION/ACTION AGENDA ITEM X.1
Date: November 10, 2010

Item: **APPROVAL OF GUIDELINES FOR THE OWTS ORDINANCE IMPLEMENTATION**

Background: The proposed Guidelines were presented to the City Council at its October 2010 meeting.

Earlier this year, the Council adopted an ordinance that has created the Onsite Wastewater Treatment System (OWTS) program for Trinidad. To begin implementing this program, a key remaining action by the City Council will be the adoption of "Program Guidelines" that establish the steps and processes necessary.

Three months ago, the Council amended the OWTS Ordinance to transfer the responsibility for adopting the Guidelines from the Planning Commission to the City Council. This was at the request of the Planning Commission. However, the Commission had previously worked with the City Planner in preparing and reviewing the contents of the proposed Guidelines.

The only edits to the proposed Guidelines made since the October Council Meeting have been typo corrections.

Staff Recommendation: Approve the proposed Guidelines, or make changes as deemed appropriate by the members of the City Council.

Attachments: Proposed OWTS Guidelines.

Note: The Guidelines are lengthy and have been provided to Council Members for review. The Guidelines are on the City's Website (www.trinidad.com) or are available for review at City Hall.

ONSITE WASTEWATER TREATMENT SYSTEMS PROGRAM

GUIDELINES

CHAPTER A – DEFINITIONS

CHAPTER B – GUIDELINES

PRESENTED TO THE TRINIDAD CITY COUNCIL

NOVEMBER 10, 2010

CHAPTER A

DEFINITIONS

Alternative system: See definition of OWTS.

Authorized Representative: A person authorized in writing by a property owner to act for him or her, in their stead.

Bedroom. Any space in the conditioned (heated) area of a dwelling unit which is 70 square feet and greater in size shall be counted as a bedroom unless it is one of the following:

- Hall
- Bathroom
- Kitchen
- Living Room (maximum of one per dwelling unit)
- Dining Room (opening off of the kitchen or living room, maximum of one per dwelling unit)
- Family Room (opening off of the kitchen or living room, maximum of one per dwelling unit)
- Breakfast Nook (opening off kitchen, maximum of one per dwelling unit)
- Pantry (maximum of one per dwelling unit)
- Laundry Room
- Closet/Dressing Room opening off of a bedroom.

Sewing rooms, dens, offices, studios, lofts, game rooms, and any other exterior room 70 square feet and greater in size shall be counted as bedrooms regardless of whether they are entered through a door, unless the room is otherwise exempted. The OWTS Administrator or Health Officer may grant exceptions if, in his/her discretion, a room cannot, by its design, function as a bedroom.

Conventional System: See definition of OWTS.

Development: The placement or erection of any solid material or structure on land, in or under water; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Environmentally Sensitive Habitat Areas: Designated areas where only limited development is allowed for the purposes of resource protection or due to septic constraints. This includes, but is not limited to, riparian areas, steep slopes and clayey soils.

Failed System: Any sewage disposal system that does not adequately treat and dispose of sewage that consequently creates a public or private nuisance or threat to public health and/or environmental quality, as evidenced by, but not limited to, one or more of the following conditions;

(1) Failure to accept sanitary sewage into the *OWTS*.
(2) Discharge from an individual *OWTS* of wastewater either directly or indirectly to a subsurface drain, surface drain, wetland, or surface water body.
(3) Effluent rising to the surface of the ground over or near any part of an *OWTS* or seeping down-gradient from the absorption area at any change in grade, bank or road cut.
(4) Discharge of improperly treated effluent to ground or surface waters resulting in contamination of ground and/or surface waters due to contaminants or nutrients.
(5) Inadequate treatment and disposal of wastewater due to deterioration, damage, or improper design of any *OWTS*. (For example inadequate separation distance from the bottom of the leaching system to groundwater or impervious layer, damage from a vehicle driven over a leachfield, etc.)
(6) Pumping records that indicate very frequent septic tank pumping. A system shall be considered in need of repair or alteration if the system has been pumped or in need of pumping two or more times in a calendar year and if not pumped the *OWTS* would result in effects described above.

Health Officer: The City's Health Officer or designated representative. This shall be defined as staff from the Humboldt County Division of Environmental Health unless or until such time that the City Council designates its own Health Officer. References to Health Department shall also mean Health Officer.

Initial Inspection: The initial performance inspection performed on an OWTS and site to gather baseline information. The tank is often pumped as part of this inspection to better evaluate the existing condition of the system, but does not have to be. Initial Inspections involve the location of system components and more detailed data gathering that is not usually necessary for subsequent routine performance inspections.

Inspection Report Form: A City approved form used by the Qualified Service Provider during an OWTS inspection. The report form shall include a rating as to the functionality and adequacy of the existing OWTS based on the onsite inspection.

Limited Operating Permit: An operating permit that is more restrictive than normal operating permits in terms of required maintenance or inspection schedule due to the limited functional capacity of an OWTS.

Minor Maintenance. Replacement of effluent filter, septic tank baffles, sanitary tees, ells, risers, tops, or sewer lines or other minimal repair work not requiring a construction / repair permit as determined by the Health Officer.

Modification: Partial or total replacement of, and / or changes or additions to a septic system that is functioning properly. Replacement septic tank, installation of greywater sump are examples of modifications. Modifications are usually considered upgrades to the system to improve performance.

New construction: shall mean the construction of a new building, or the construction of an addition to, the alteration of, or the remodeling of an existing building which results in an increase in habitable space or other heated or otherwise conditioned space within the building. Further, the construction of any new structure within a setback from a component of a wastewater disposal system required at the time the system was installed shall be deemed to be "new construction." "Conditioned Space" shall mean living space in a residence or detached building that is insulated and/or is provided with the ability to be heated or cooled. Unheated garages and workshops are examples of non-conditioned space.

Nonstandard system: See definition of OWTS.

Onsite Wastewater Treatment System (OWTS): means a septic tank and drainfield or other approved means of sanitary disposal of sewage other than through a sewer system. This may include any of the following types of systems:

a. Conventional System: An individual sewage disposal system which utilizes a septic tank (with or without a lift pump) and leaching trenches or pits.
b. Standard System: A conventional system which is constructed in accordance with the specifications for a "code system".
c. Nonstandard System: A system which is not in conformance with all the standards for a "code system," as described in the Trinidad Sewage Disposal Regulations. Nonstandard systems include, non-code systems, alternative systems, nonconforming systems, and haulaway systems.
d. Nonconforming Sewage Disposal System: A conventional sewage disposal system design that was legally established, but which does not now conform to the Trinidad Sewage Disposal Regulations specifications for a "code system". This includes, but is not limited to, pit systems, or with the reserve area partially or fully covered with impermeable surfaces, or standard systems legally connected to multiple dwelling units or systems with single chambered tanks. Minor nonconformance means code deviations that do not affect the functioning of the system such as less than 100% reserve area, or a system that does not meet setbacks.
e. Alternative System. An individual sewage disposal system which uses nonconventional technology for enhanced effluent treatment and/or disposal such as Wisconsin Mounds or Recirculating Sand Filters.
f. Haulaway System. An existing individual sewage disposal system, for which the Health Officer has ordered that the outlet of the septic tank, or other sewage holding container, be permanently or seasonally sealed, and the accumulated sewage pumped out and hauled away to an approved disposal site, or a (failed) system that requires pumping two or more times per year.
g. Failed System. See definition of failed system.

Operating Permit: A permit to operate an OWTS in accordance with all applicable regulations issued by the *OWTS* Administrator. Operating permits shall contain conditions and a schedule for periodic maintenance of the OWTS.

Owner: The person, firm, corporation, or partnership holding legal or equitable title or recorded contract or purchase of property, or any person authorized by written instrument to act for the owner. Homeowners associations will be considered the owner of the property for condominiums and townhouses for the purpose of enforcement of this code if the property owner is not responsible for the OWTS.

OWTS: Acronym for 'Onsite Wastewater Treatment System.'

OWTS Administrator shall be responsible for coordinating activities between the City, the Health Officer, the Qualified Service Provider, and the homeowner, for keeping a list of Qualified Service Providers, for receiving homeowner's surveys and inspection reports, for upkeep of the database, for issuing operating permits and for assuring provisions of this ordinance are being met or taking the necessary steps to assure the purposes of this ordinance are being met. Initially this will be the City Planner until such time the City Council designates an alternative to fulfill this role.

OWTS Owner/User Questionnaire: A questionnaire in a form approved by the City designed to assess the level and type of use of an OWTS in order to assign a reasonable maintenance schedule.

Performance Category: The performance based rating given to each system after a performance inspection by a qualified service provider rating its functionality based on their professional opinion. The ratings are: ACCEPTABLE, MARGINAL, DEFICIENT, and FAILURE.

Performance Inspection: An inspection of an OWTS and system site to determine conformance with applicable laws and regulations, how the system is functioning, the need for pumping, to establish future inspection schedules and to assess whether any repairs are necessary.

Performance Rating: A numerical score given to various OWTS and environmental components during a performance inspection. The performance rating is used to put each OWTS into the appropriate Performance Category.

Person: Any individual, public or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as the subject of rights or duties.

Qualified Professional: An individual who possesses a registered environmental health specialist certificate or is licensed as a professional engineer or professional geologist. A qualified professional must be qualified to perform soil and / or site evaluations and / or be capable of designing an appropriate OWTS for the site conditions.

Qualified Service Provider: is a qualified professional or an individual with knowledge and competency in OWTS operation, maintenance, and monitoring through experience and / or education and a third party inspection and maintenance certification from a recognized institution (e.g. NSF, COWA, NAWT, CEHA, CWEA, NOWRA or approved equivalent).

Repair: Any kind of alteration or replacement of a poorly functioning or failing OWTS.

Reserve Area: An area of land approved for the installation of a conforming leachfield and dedicated for future replacement of the onsite sewage system if it should fail.

Septic Constraint Area: Those existing lots of record in areas designated as having constraints for OWTS, and as shown on maps of septic constraint areas on file with the Health Officer or OWTS Administrator. Constraints include areas with noted high groundwater conditions, areas with poor soil conditions or noted OWTS problems, and lands identified as environmentally sensitive habitat areas.

Septic system: A type of OWTS.

Sewage: Waste substance, liquid or solid, which is associated with human habitation or which contains, or may be contaminated with human or animal excretion or excrement, offal or feculent matter, or matters or substances that may be injurious or dangerous to health.

Sewage Disposal Permit: A permit from the Health Office for the repair or modification of an OWTS.

Standard System: See definition of OWTS.

Trinidad OWTS Program: The entire Program includes the Trinidad OWTS Ordinance, Appendices (including the Guidelines), the Trinidad Sewage Disposal Regulations and the Trinidad OWTS Water Quality Monitoring Program.

Trinidad Sewage Disposal Regulations consists of the Humboldt County Division of Environmental Health Departments "Sewage Disposal Regulations", as updated from time to time, unless or until such time that the City Council adopts their own Sewage Disposal Regulations.

CHAPTER B

TRINIDAD OWTS ORDINANCE GUIDELINES

ARTICLE 1 – GENERAL PROVISIONS

Section 1:01 – Purpose

Trinidad is a unique town, surrounded by significant coastal resources important to the town, the surrounding community and the State. Trinidad Bay is a State designated Area of Special Biological Significance and a CA Critical Coastal Area. Trinidad is blessed with a healthy sport and commercial fishing fleet and is surrounded by State Parks, public beaches, Tribal lands and working forest lands. Trinidad has a rich and diverse historic fabric, with the Tsurai Village site as one of the most well documented, culturally significant areas in the State. Although small, the City has very dense development and small lots for a rural community on septic systems, and a large influx of visitors throughout the year. This is compounded by the fact that more than half the Onsite Wastewater Treatment Systems (OWTS) in town are old or of unknown status. This puts the environment in and around Trinidad at substantial risk of pollution from failed and inadequate OWTS. The City has an obligation to protect its citizens and the environment, now and in the future, to the maximum extent practicable and set a higher standard for OWTS than may be necessary in other places. Therefore, this program was developed to meet that goal. The specific objectives of this program are to ensure the proper maintenance and operation of OWTS within the City, as well as to require appropriate upgrades of substandard systems.

The purpose of these Guidelines is to supplement the OWTS Ordinance to aid in the interpretation and implementation of the Trinidad OWTS Program. The following sections numbers refer to those in the OWTS Ordinance. Please also see OWTS Ordinance §1:01.

Section 1:02 – Jurisdiction

These Guidelines shall apply to all territory subject to the Trinidad OWTS Ordinance. Please also see OWTS Ordinance §1:02.

Section 1:03 – Authority

These Guidelines are authorized by the Trinidad OWTS Ordinance and adopted by Resolution of the City Council. These Guidelines (per §1:12 of the OWTS Ordinance) may be amended by staff after Planning Commission approval. Please also see OWTS Ordinance §1:03.

Section 1:04 – Liability

It is up to each property owner to maintain, operate, manage, repair or modify their OWTS to keep it in good working order and comply with applicable laws and regulations. The City's OWTS Management Program is intended to assist, but not replace a property owner's responsibility to their OWTS. Please also see OWTS Ordinance §1:04.

Section 1:05 – Construction / Interpretation

The Ordinance provides the legal framework for the OWTS Program, and these Guidelines are intended to supplement the Trinidad OWTS Ordinance and provide more detail for specific policies and procedures. If a conflict arises between these Guidelines and the OTWS Ordinance, then the Ordinance shall take precedence. These Guidelines contain a corresponding section for each of the Ordinance sections, even when there is no additional guidance provided. Please review the corresponding ordinance section before making a full interpretation of each Guideline section. Please also see OWTS Ordinance §1:05.

Section 1:06 – Adequate Sewage Disposal Required

No additional guidance at this time. Please see OWTS Ordinance §1:06.

Section 1:07 – Permits Required

No additional guidance at this time. Please see OWTS Ordinance §1:07.

Section 1:08 – Permit Fees / Program Financing

The City Council shall establish a fee schedule to be assessed each owner of an OWTS / holder of an operating permit. Said fee shall be based on the total number of OWTS in the OWTS Management Program and the administrative and technical costs associated with providing the services described in the OWTS Ordinance. Fees will be paid when permit applications are received for issuance, transfer or renewal. Any funds collected or raised for purposes of implementing the OWTS Management Program shall be for the exclusive use of said program implementation and operation and shall be maintained in an account separate from the City's general fund. Fees may be updated by the City Council from time to time. Please also see OWTS Ordinance §1:08.

(Draft) Fee / Deposit Schedule:

- Project referral to Health Officer: $20
- Construction / Repair Permits: DEH Rates
- Standard Operating Permit: $100
- Nonstandard Operating Permit: $150
- Renewal of Operating Permit: $50
- Adminstrative fees:
    - Permit Transfer: $25

Section 1:09 – Health Officer

Initially the Health Officer will be the Humboldt County Division of Environmental Health until such time as the City Council designates an alternative to fill this role. (see Mun. Code §8.04.010, p. 90) The duties of the Health Officer are to protect public health and safety consistent with authorities and responsibilities under Title VI, Division 1 and 2 of the Humboldt County Code.

Specific duties shall include, but not necessarily be limited to:

1. Reviewing applications and issuing repair and construction permits;
2. Conducting conformance / final inspections in conjunction with a construction / repair permit;
3. Developing / updating the Trinidad / Humboldt County Sewage Disposal Regulation in conformance with State Law and the North Coast Basin Plan;
4. Allowing for exceptions to specific provision where allowed in the OWTS Ordinance and where appropriate to ensure that public and environmental health and safety are fully protected;
5. Reviewing referrals for development projects to ensure the OWTS in conformance with City regulations;
6. Determining when upgrades, repairs or replacements are required in conjunction with the OWTS Administrator;
7. Allowing the use of, and determining criteria for the use of Nonstandard systems;
8. Providing advice and guidance to the OWTS Administrator in the implementation of the Trinidad OWTS Program; and
9. Taking enforcement actions necessary to protect public health and safety and the environment.

Please also see OWTS Ordinance §1:09.

Section 1:10 – Program Administration / OWTS Administrator

Initially the OWTS Administrator will be the City Planner until such time the City Council designates an alternative to fulfill this role. The duties of the OWTS Administrator are to administer, implement and enforce as necessary the Trinidad OWTS Ordinance and these Guidelines. Specific duties shall include, but not necessarily be limited to:

1. Receiving applications for and issueing operating permits and transfers;
2. Keeping the Trinidad OWTS Program up-to-date by suggesting amendents and revisions to the OWTS Ordinance and these Guidelines as necessary for action by the Planning Commission;
3. Reviewing inspection forms and schedules for compliance with the Trinidad OWTS Program;
4. In conjunction with the Qualified Service Provider and Health Officer, determine when actions, such as pumping, repair or upgrades, are required to protect human health and the environment, consistent with the OWTS Ordinance;
5. Oversee the water quality monitoring program according to the OWTS Ordinance;
6. Educating the community about the importance of OWTS maintenance and the requirements of the Trinidad OWTS Program; and
7. Enforcing the provisions of the Trinidad OWTS Ordinance and these Guidelines.

Please also see OWTS Ordinance §1:10.

Section 1:11 – Sewage Disposal Regulations

Any regulations issued by the Health Officer shall:

1. Be consistent with the intent and purpose of this ordinance;
2. Be consistent with the North Coast Basin Plan, or otherwise approved by the North Coast Regional Water Quality Control Board.

3. Recognize the most current technical information relevant to the provisions of this Chapter;
4. Provide for exceptions where a strict application of this chapter or regulations issued by the Health Officer would inflict a substantial personal hardship upon the occupants of the building or place in question and where appropriate to preserve public safety and water quality;
5. Be designed to minimize or eliminate public nuisances or the potential thereof;
6. Recognize that any single sewage disposal system is in reality a subunit of a larger disposal system comprised of numerous subunits.

Regulations issued under this section shall be available to the public for viewing or download on the City's website and / or will also be available for viewing in City Hall; copies will be provided for a per-page copy charge. Please also see OWTS Ordinance §1:11.

Section 1:12 – OWTS Guidelines

No additional guidance at this time. Please see OWTS Ordinance §1:12.

ARTICLE 2 – SPECIFIC PROVISIONS

Section 2:01 – Leachfield Protection During Construction

The leachfield area shall be staked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the builder. If the existing system area is impacted by construction activities, an immediate Stop-Work Order will be placed on the project. The owner or builder will be required to file a mitigation report for approval by the OWTS Administrator and Health Officer prior to permitting additional work to occur. A Copy of the report is to go to the building official and into the project file.

This provision shall be made a condition of approval for all relevant construction projects. Please also see OWTS Ordinance §2:01.

Section 2:02 – Reserve Area Required

For an application for a discretionary permit in which the footprint or intensity of use of any building is proposed to be expanded (e.g. adding a bedroom), the Health Officer shall evaluate the expansion for impacts on the existing septic system. If a portion of the potential reserve area will be covered by the building expansion, a permit for a reserve area shall be required to ensure that there is still enough room remaining on the lot to accommodate one.

Exceptions in extreme circumstances where a reserve area can not be located may be granted by the Health Officer at his or her discretion. For example, exceptions to percentage and setbacks may be granted in such cases as if the lot is too small to accommodate a 100% reserve area. The City may alter the terms of, or deny, a discretionary permit based on limitations in locating a reserve area. Please also see OWTS Ordinance §2:02.

Section 2:03 – Effluent Filters/Risers

No additional guidance at this time. Please see OWTS Ordinance §2.03.

Section 2:04 – Roof Drainage away from OWTS

Roof drainage should be directed away from OWTS componants, particularly the leachfield area. Downspouts should be directed to parved driveways or infiltration areas away from leachfields on or adjacent to the property. Please also see OWTS Ordinance §2:04.

Section 2:05 – Landscaping

No additional guidance at this time. Please see OWTS Ordinance §2:05.

Section 2:06 – Deed Restrictions

The City has a pre-approved form that should be used. Please also see OWTS Ordinance §2:06.

Section 2:07 – Subdivisions

OWTS design approval (e.g. Sewage Disposal Permit) from the Health Officer is required before perfecting any subdivision or lot line adjustment that creates a new building site and for any existing development on an existing or remainder parcel. Please also see OWTS Ordinance §2:07.

ARTICLE 3 – CONSTRUCTION/REPAIR PERMITS

Section 3:01 – General

No additional guidance at this time. Please see OWTS Ordinance §3.01.

Section 3:02 – Application Process

A. Application for construction / repair permits shall be through City Hall. The City Clerk shall forward the application materials to the OWTS Administrator who shall review it for compliance with the City's OWTS Program. The OWTS Administrator shall forward the application materials to the Health Officer if they are in compliance with the Program.
B. The following information shall be provided to the City as part of an application to construct, repair or upgrade any OWTS. The Health Officer may waive any of these requirements or ask for additional information as he / she deems appropriate.
   1. Name, address and contact information of the applicant and the owner of the property on which the building or place to be served by the OWTS is located and their agents, if any;
   2. Location of the property and the assessor's parcel number
   3. A scale map of the lot showing appropriate landmarks such as large trees, creeks or shorelines, existing and proposed structures, steep / unstable slopes, roads, surveyor's land marks, lot dimensions, drainage direction, existing and proposed easements or road or utility purposes, existing, proposed and abandoned OWTS;

4. Gross lot area, net lot area and average cross slope of the lot
5. All intended uses of the property
6. The number of dwelling units and rooms usable as sleeping quarters. If a nonresidential use is proposed, an estimate of the quantity of sewage flow and the method of estimating the flow shall be provided;
7. The level of the groundwater table during and at the end of the rainy season;
8. Plans and specifications for the proposed OWTS, showing to scale, the location of the proposed system to all structures, wells and water courses, property lines, reserve areas and other information the Health Officer deems necessary;
9. Soil characteristics
10. Other information which the Health Officer may deem to be necessary to the making of an informed decision and professional decision on the application.
11. Either Planning Commission approval of the proposed development, or a statement from the City Planner that the proposed development is consistent with, and approvable under, the City's Local Coastal Program.

C. Planning Commission or Building Inspector approval of the proposed development, as required, shall be received prior to construction of any portion of the OWTS.
D. The Health Officer may require that analysis of the soil characteristics or of the percolative capacity of the soil be performed or that additional relevant data be gathered and analyzed.
E. The Health Officer may specify the time of year during which water table determinations are to be made.
F. Any tests, data gathering or analysis which the Health Officer may require as part of the application process shall be performed at the expense of the applicant.
G. Any tests, data gathering or analysis which the Health Officer may require as part of the application process may be required to be performed under the supervision of the Health Officer or be performed by individuals certified by the Health Officer or the City of Trinidad to carry out such testing, data gathering or analysis.
H. Any tests, data gathering or analysis which the Health Officer may require as part of the application process shall be performed in accordance with the Trinidad Sewage Disposal Regulations.

Please also see OWTS Ordinance §3:02.

Section 3:03 – Licensing Requirements

See the definition of qualified professional for the detailed licensing requirements. The City should establish and maintain a current list of known qualified professionals requesting to be on the list and meeting the minimum qualifications. This list shall be made available at City Hall. Please also see OWTS Ordinance §3:03.

Section 3:04 – Design and Construction Standards

No additional guidance at this time. Please see OWTS Ordinance §3.04.

Section 3:05 – Conformance and Final Inspections

The number of inspections required shall be determined by the Health Officer and shall be based on the complexity of the design and site conditions. A survey of the parcel may be required to

verify that the construction work is located in accordance with approved plans. Please also see OWTS Ordinance §3:05.

ARTICLE 4 – PERFORMANCE INSPECTIONS

Section 4:01 – Initial Inspections for Existing Systems

The purpose of this inspection is to assess the condition of the OWTS and provide the City with the technical and background information needed to determine the maintenance and renewal requirements for each system within the City limits, and/or the need for system upgrade or replacement. Maintenance requirements shall be set forth by the OWTS Administrator and will be based upon the inspection results according to the Guidelines and / or upon the recommendation of the Qualified Service Provider. Please also see OWTS Ordinance §4:01.

Section 4:02 - Initial Inspection Schedule

The OWTS Administrator may specifically notify property owners of the requirements of this ordinance to encourage early inspections in areas such as environmentally sensitive habitat areas, areas with old and/or unpermitted OWTS, areas with a history of failure, high seasonal use or frequent pumping. Voluntary inspections completed, using City approved forms, between July 2005 and the time this ordinance is adopted shall count towards meeting the initial inspection requirement once the inspection form and household survey have been submitted to the City. Please also see OWTS Ordinance §4:02.

Section 4:03 – Initial Inspection Forms and Database Development

The completed forms shall contain sufficient information upon which to base the maintenance schedule and any upgrade requirements for the OWTS. They shall also include information as to when each OWTS has been inspected and pumped and indicate when it should be inspected or pumped again. Please also see OWTS Ordinance §4:03.

Section 4:04 – Performance Inspections

The purpose of a periodic performance inspection as provided herein shall be to determine how well the OWTS is functioning in terms of treating effluent and protecting public health and the environment. A performance inspection must establish if the average daily wastewater volume generated at a particular site exceeds the design capacity of the OWTS. To determine if an OWTS is acceptable for a particular application, the following information must be obtained: (1) Septic Tank Volume; (2) Leachfield Length; (3) Leachfield Depth; (4) Average Daily Water Use; (5) Percent Silt and Clay present in the 5 ft. horizon beneath the bottom of the leachfield trenches; and (6) Seasonal High Groundwater Level.

Additional factors that may be evaluated include, but are not limited to, the design capacity of the system, the nature and quantity of flow of wastewater entering the system, the condition and effectiveness of the system components and the quality and quantity of the wastewater discharge. Written results of performance inspections shall be provided to the property owner and provided

to the City as part of an Operating Permit application or renewal; records shall be kept on file with the City. Please also see OWTS Ordinance §4:04.

Section 4:05 – OWTS & Water Quality Monitoring Program

The monitoring program shall include sampling of ocean, surface water, groundwater (monitoring wells) and coastal seeps around town and shall be funded, at least in part, by the operating permit fees. Please also see OWTS Ordinance §4:05.

Section 4:06 – Performance Standards

Performance Ratings

The size (dimension) for an adequate OWTS can be approximated using soil condition information obtained and water use records. The "ideal" system size calculated for a particular site should be compared to the actual OWTS in use. This comparison will help assess the soils capacity to treat wastewater. Factors listed in Section 4:04 of these Guidelines must be evaluated in conjunction with determining the "ideal" system capacity to categorically rate OWTS performance and establish a corresponding maintenance / monitoring schedule.

Performance Rating shall be determined by assigning a numerical score to each of the various OWTS factors evaluated and totaling the score. The more critical factors shall be "weighted" to obtain an accurate assessment of the overall system performance. For example, Critical Factors may have a numerical score associated with conditions: GOOD = 10; SATISFACTORY = 6; POOR = 2. Factors not deemed critical may have a lesser value assigned such as: GOOD = 5; SATISFACTORY = 3; POOR = 1. An example is provided below.

OWTS PERFORMANCE RATING

CRITICAL FACTORS	**GOOD**	**SATSF**	**POOR**	NOTES
	10	**6**	**2**	
SEPTIC TANK SIZE		6		1000gal tank-undersized for 3 bdrm
SEPTIC TANK CONDITION		6		root intrusion at inlet-seal deteriorating
LEACHFIELD DEPTH			2	exceeds 6 ft.
LEACHFIELD ABSORPTION AREA		6		
LEACHFIELD INCOMPATIBLE USES		6		small concrete slab at corner of leachfield area
OTHER FACTORS	**5**	**3**	**1**	
SEPTIC TANK RISER	5			

DIST BOX ACCESSIBLE	3	beneath 10 inches of ground
SURFACE DRAINAGE OK	1	landscaping concentrates rain onto leachfield area

Performance Categories

Performance inspections shall categorize each OWTS according to its performance rating based on the OWTS Inspection Report and the Qualified Inspector's professional experience. Performance categories shall be as follows: GOOD; SATISFACTORY; POOR; and FAILURE. In general, 'Good' means the system is functioning as designed or better. 'Satisfactory' means that although the system is functioning under current conditions, there may be issues that need to be addressed to ensure the system does not cause pollution in the future. 'Poor' means that the system is functioning below its design and generally requires additional actions to ensure that the system continues to adequately treat wastewater to protect human health and the environment. Failed systems are not functioning and require immediate actions to alleviate the problems cause the failure. Guidelines as to what these terms mean for inspection schedules and required modifications are provided below. Also see further guidance in Articles 6 and 7.

- For systems operating at a level of GOOD, the standard calculation (§6.02) for the inspection schedule shall be used. Generally modifications are not required except for certain nonconforming systems at the time of development or property transfer.
- For systems functioning at a SATISFACTORY level, an abbreviated inspection schedule shall be required, and OWTS use and water use shall also be monitored as with a Satisfactory system. Upgrades and / or repairs shall be required at the time of property transfer or building alteration to bring it to a minimum of Satisfactory functionality.
- A POOR system shall be inspected and pumped on a more frequent basis than would normally be required, along with monitoring OWTS use and water use. Poorly functioning systems may be required to implement immediate repairs or upgrades in order to prevent failure. Repairs and / or upgrades to bring the system to a minimum of satisfactory functioning shall be required at the time of property transfer or building alteration.
- FAILURE systems shall require immediate action or abatement in accordance with Article 8 of the Trinidad OWTS Ordinance.

Please also see OWTS Ordinance §4:06.

Section 4:07 – Accessibility for Inspections

Existing septic tanks that are located under structures, including decks, parking areas and driveways, shall be allowed to remain as long as they are reasonably accessible. Leachfields are not allowed under impervious surfaces, and existing fields that are situated as such must show that both the field and structure were legally established and that such situation does not interfere with the functional capacity of the system. Please also see OWTS Ordinance §4:07.

ARTICLE 5 – OPERATING PERMITS

Section 5:01 – General

No additional guidance at this time. Please see OWTS Ordinance §5.01.

Section 5:02 – Application Process

The OWTS Owner / User Questionnaire and Inspection Report Form completed as part of the initial and / or performance inspections for existing systems shall constitute an application for an OWTS Operating Permit. For new systems, the OWTS Owner / User Questionnaire, along with the final construction inspection shall constitute an application for an Operating Permit, which shall be issued prior to the use and operation of the system. Please also see OWTS Ordinance §5:02. If a residence is not occupied by the owner, the tenant(s) should fill out the OWTS Owner / User Questionnaire even though the owner applies for the Operating Permit.

Section 5:03 – Permit Transfer

As part of the application, the new owner will be required to fill out an OWTS Owner / User Questionnaire. The OWTS Administrator and / or Health Officer shall review the Questionnaire for any differences from the previous owner, and may alter the maintenance schedule / requirements based on these differences. The new operating permit, along with information about caring for and maintaining an OWTS and Trinidad's OWTS Program shall be sent to the new owner.

Unless otherwise required by the OWTS Administrator or Health Officer, a performance inspection is not required in order to transfer an operating permit. The transferred operating permit shall have the same expiration date as the original, but the maintenance requirements may be changed based on the stated planned use of the property. The new property owner or commercial occupant may choose to apply for a new operating permit with a new performance inspection at their discretion.

A temporary operating permit, with special conditions or limitations on use, for a specified, limited amount of time, shall be issued in cases where upgrades or repairs are required at the time of property transfer according to the OWTS Ordinance (§7:06) until such time as any required work is completed. Please also see OWTS Ordinance §5:02.

Section 5:04 – Permit Conditions

The level of management / maintenance required by conditions of the Operating Permit will be established by the OWTS Administrator in conjunction with the Qualified Service Provider and Health Officer based on the type of system, the level of performance and potential risk to the public health and safety and the environment by the system. Such risks shall be evaluated based on the performance Inspection Report and OWTS Owner / User Questionnaire consistent with these Guidelines. Owners of systems with a less than SATISFACTORY Performance Rating may be required to enter into an agreement with the City regulating the use of the OWTS, such as restricting water use, laundry patterns or the use of a garbage disposal. As an alternative, an owner may elect to modify their system so that it performs better, thereby eliminating the need for extra conditions. Please also see OWTS Ordinance §5:04.

Section 5:05 – Permit Renewal

No additional guidance at this time. Please see OWTS Ordinance §5.05.

ARTICLE 6 – MAINTENANCE

Section 6:01 – Maintenance Requirements

No additional guidance at this time. Please see OWTS Ordinance §6.01.

Section 6:02 – Maintenance Schedule

Although every system is individual, and will be assessed as such for maintenance requirements, the following general guidance for maintenance schedules is provided:

Three years should be the average schedule for most standard systems with the following credits and debits (in months). All systems should start with 36 months, then add and subtract all the applicable credits and debits according to the table below. See below for an example.

Item	Credit	Item	Debit
Front loading washer	5	Water Conditioner	10
4 or fewer loads per week	5	Garbage Disposal	10
Conservative water use	5	Washing Machine	5
No one home for 10+ hours per day	5	Home Occupation	5-10
Low flow toilets	5	4+ overnight guests several times / year	5
Low-flow shower heads	5	Regularly 3+ loads of laundry in a day	10
Oversized tank or Leachfield	5	Undersized Tank / Leachfield	5-10
One person or less per bedroom	5-10	More than 2 people per bedroom	5-10
Use less then 100 gpd per bedroom	5	Water use in excess of 150 gpd per bedroom	10
Performance Rating of Excellent or Good	5-10	Performance Rating of Marginal or Poor	5-10
Pretreatment System	5-10	Nonstandard System	0-10
		Nonconforming System	10
		Alternative System	0-10

Example: A system (36 months) with an GOOD Performance Rating (+/- 0 months) with a garbage disposal (-10 months) and washing machine (-10 months) and a tank that is undersized for the size of the house (-5 months), but which has low-flow shower heads (+5 months), low-flow toilets (+5 months) and only one person per bedroom living in the residence (+5 months) would have a maintenance schedule requiring pumping every 26 months. Please also see OWTS Ordinance §6:02.

Section 6:03 – Changes in Inspection or Maintenance Schedule

No additional guidance at this time. Please see OWTS Ordinance §6.03.

ARTICLE 7 – NONSTANDARD SYSTEMS / SPECIAL CIRCUMSTANCES / UPGRADES REPAIRS REQUIRED

Section 7:01 – Transfer of Property

Upgrades shall be required at the discretion of the Health Officer in accordance with the following guidance. Generally, nonconforming systems shall be upgraded to meet current criteria at the time of property transfer. Systems operating at a less than SATISFACTORY Performance Rating will have to be repaired / upgraded to bring it up to a minimum of a GOOD Performance Rating. Systems functioning at a SATISFACTORY rating will be individually assessed. The following disclosure form must be used for property transactions in the City of Trinidad. Please also see OWTS Ordinance §7:01.

LOCAL OPTION

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF *TRINIDAD*, COUNTY OF *HUMBOLDT*, STATE OF CALIFORNIA, DESCRIBED AS _____. THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE-DESCRIBED PROPERTY IN COMPLIANCE WITH ORDINANCE NO. _____ OF THE *TRINIDAD* CITY ~~OR COUNTY~~ CODE AS OF _____, 20___. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I

SELLER'S INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE CITY ~~OR COUNTY~~ OF *TRINIDAD* AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

1. This property is subject to the requirements of the City's Onsite Wastewater Treatment System (OWTS) Management Program, including the OWTS Ordinance, Program Guidelines and Sewage Disposal Regulations. This program may require upgrades or alterations of an existing OWTS (or septic system) at the time of property transfer in some circumstances.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller _____ Date _____

Seller _____ Date _____

Section 7:02 – Building Alterations

Upgrades shall be required at the discretion of the Health Officer in accordance with the following guidance. The Health Officer may grant exception or require stricter standards in order to protect public health and safety.

1. Nonconforming systems and any system with a Performance Rating of POOR
   a. No building permits shall be issued for properties utilizing the listed systems except for maintenance and repair of existing structures unless the nonconformance is minor as defined in §7.03. In addition, the system shall be inspected to ensure that it is not failing. If it is, then corrective measures shall be required.
   b. If such maintenance or repairs total a value of more than 10% of the assessed property value then modifications should be required to improve system capacity and function.
   c. If maintenance and repairs total 25% or more of the total value of the property, then an upgrade to current standards should be required.
2. Alternative and Standard Systems with a Performance Rating of SATISFACTORY
   a. For additions / alterations that will increase the building footprint, but will not increase the flow, there should be a 100% Reserve Area already in existence, or one should be required in accordance with current standards. Systems with a performance rating of SATISFACTORY shall be inspected to ensure that they are still functioning at that level or better.
   b. For additions / alterations that add another bedroom, increase the intensity of the use, or otherwise increase the flows to the existing system, or which total 25% or more of the total property value, then upgrades to meet current standards and / or to accommodate the increased flows should be required.
3. Alternative and Standard Systems with a Performance Rating better than SATISFACTORY
   a. For upgrades that do not increase the footprint of the building, add a bedroom, increase flows or increase the intensity of the use, no upgrades should be required.
   b. For additions / alterations that will increase the building footprint, but will not increase the flow, there should be a 100% Reserve Area already in existence, or one should be required in accordance with current standards.
   c. For additions / alterations that add another bedroom, increase the intensity of the use, or otherwise increase the flows to the existing system, then upgrades to accommodate the increased flows should be required according to current standards.

Please also see OWTS Ordinance §7:02.

Section 7:03 – Nonstandard OWTS

Nonstandard systems are those that require additional attention compared to a standard, gravity-fed OWTS. Advanced treatment units / systems are not meant to be discouraged, but do require notice of special maintenance requirements. Certain nonstandard systems require more attention than others, particularly certain nonconforming systems such as pit systems. Such system will require more inspections and maintenance, and modifications upgrades should be more easily triggered. Systems with only minor nonconformance that does not affect the functionality of the system, such as lack of 100% reserve area, or not meeting setbacks should generally be regulated as standard systems. Please also see OWTS Ordinance §7:03.

Section 7:04 – Notice of Nonstandard System

Required information to be included on the Notice of Nonstandard System

1. Description of the system characteristics such as size and location and limitations which cause the system to be a nonstandard system, such as: inadequate disposal area, inadequate separation to seasonal groundwater, lack of expansion area, use of an alternative technology, special maintenance requirements, requirement of sewage haulaway, or other condition not in compliance with requirements for a standard system as specified in the Trinidad OWTS Program.
2. Statement of the operating requirements to ensure proper performance of the Nonstandard System, such as: use of water conservation measures, monitoring of effluent levels, pumping of a grease trap, shutting off of the disposal device when groundwater rises to a specified level, pump and alarm maintenance, maintenance of a contract for tank pumping, etc.
3. Specification of any restriction on system use or property use, such as limitations on amount of wastewater generated or water consumed, restrictions on building additions, etc.
4. Notification that a maintenance contract with a qualified service provider for the system inspections and maintenance shall be required, as necessitated by the increased likelihood that a Nonstandard System might fail.
5. Statement that the Notice of Nonstandard System may be modified or expunged if the system is upgraded.

Please also see OWTS Ordinance §7:04.

Section 7:05 – Accessory Dwelling Units

In tracking water use to monitor systems connected to nonconforming accessory dwelling units, OWTS size and design is based on several assumptions. These include that households average two persons per bedroom and each person uses an average of 75 gallons of water per day. Therefore, water use will be limited based on these assumptions for which the system was designed. Water use will not be allowed to exceed an average of 150 gallons per day per bedroom over a month long period. Allowances for seasonal landscaping irrigation will be included in the calculation. If water used exceeds the allowed average, the owner may be required to enter into an agreement with the City regulating the use of the OWTS, such as restricting water use, laundry patterns or the use of a garbage disposal. Water use may be monitored on a daily basis (water usage should be restricted to a maximum of 150% of the design capacity in any one day (225 gallons per bedroom in a 24 hour period)) or monitoring wells may be installed to ensure proper performance of the system. Please also see OWTS Ordinance §7:05.

Section 7:06 – Upgrades / Repairs Required

1. Inadequate system components:
   a. Tank: Undersized tanks and tanks with single compartments will require shorter maintenance / inspection schedules as outlined in §6.02. Undersized tanks may be required to be replaced if the system is functioning at a less than SATISFACTORY

performance rating, and / or if the property is being transferred (§7.01) or if building alterations are proposed (§7.02)

b. Leachfield:
   i. Size: Systems with undersized leachfields will require shorter maintenance / inspection schedules as outlined in §6.02. Undersized leachfields may be required to be replaced if the system is functioning at a less than SATISFACTORY performance rating, and / or if the property is being transferred (§7.01) or if building alterations are proposed (§7.02)
   ii. Placement / setbacks: Generally, alterations to leachfields that do not conform to current location requirements will not require alteration unless a building alteration (§7.02) is proposed that would affect the existing leachfield or reserve area.

c. Other components: Based on individual site assessment and may include access (risers), effluent filters and / or tank baffles.

2. Different land use from which the system was designed:
   a. Illegal Land Use: If the land use was converted illegally, then Nuisance Abatement proceedings should commence. As part of any application to permit the existing illegal land use, a septic system upgrade to current standards for that use should be required.
   b. Nonconforming Land Use: Systems serving nonconforming land uses for which they were not designed shall be regulated as nonconforming systems.
3. Less than Satisfactory rating after an inspection:
   a. SATISFACTORY: No immediate upgrades should be required, but a shortened maintenance / inspection schedule should be instituted. Upgrades should be required in the case of property transfer or building alterations according to §7.01 and §7.02.
   b. POOR: A shortened maintenance / inspection schedule should be instituted and any upgrades deemed necessary by the Health Officer and / or OWTS Administrator to sure that the system does not fail shall be required.
   c. FAILURE: Immediate action shall be take according to §8.05 to reduce flows to the system. In addition, a repair permit shall be submitted to the Health Officer within 5 days.
4. Property Transfer – see §7:01:
5. Building Alterations – see §7:02:
6. Multiple violations of Operating Permit Conditions
   a. Standard Systems: No additional guidance at this time at this time.
   b. Nonstandard Systems: No additional guidance at this time at this time.

Please also see OWTS Ordinance §7:06.

ARTICLE 8 – ENFORCEMENT

Section 8:01 –Public Nuisance Declared

No additional guidance at this time. Please see OWTS Ordinance §8.01.

Section 8:02 – Investigative Powers

No additional guidance at this time. Please see OWTS Ordinance §8.02.

Section 8:03 – Violations

No additional guidance at this time. Please see OWTS Ordinance §8.03.

Section 8:04 – Notice of Violation

No additional guidance at this time. Please see OWTS Ordinance §8.04.

Section 8:05 – System Failure

No additional guidance at this time. Please see OWTS Ordinance §8.05.

Section 8:06 – Order to Reduce or Discontinue Use

No additional guidance at this time. Please see OWTS Ordinance §8.06.

Section 8:07 – Immediate Need to Pump

No additional guidance at this time. Please see OWTS Ordinance §8.07.

Section 8:08 – Failure to Pump

No additional guidance at this time. Please see OWTS Ordinance §8.08.

Section 8:09 – Stop Work Orders

No additional guidance at this time. Please see OWTS Ordinance §8.09.

Section 8:10 – Construction/ Repair Permit Revocation/Suspension

No additional guidance at this time. Please see OWTS Ordinance §8.10.

Section 8:11 – Operating Permit Revocation

No additional guidance at this time. Please see OWTS Ordinance §8.11.

Section 8:12 – Appeal Process

No additional guidance at this time. Please see OWTS Ordinance §8.12.

Section 8:13 – Severability

No additional guidance at this time. Please see OWTS Ordinance §8.13.

AGENDA ITEM #2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

2. Report on Clean Beaches (Septic Systems Improvement) Grant

DISCUSSION/ACTION AGENDA ITEM X.2
Date: November 10, 2010

Item: **REPORT ON THE PROPOSITION 50 "CLEAN BEACHES" PROGRAM**

Background: This agenda item was requested by the City Council at the October meeting. Staff will provide an update report on this program, which will be ending on December 31, 2010.

Trever Parker will be at the meeting to assist with the report and to answer questions

Staff Recommendation: Receive and file the staff report, or take whatever action is deemed appropriate by the members of the City Council.

Attachments: None.

AGENDA ITEM #3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

3. Annual or Bi-Annual Selection of the Mayor and Vice Mayor

DISCUSSION/ACTION AGENDA ITEM X.3
Date: November 10, 2010

Item: **ANNUAL OR BI-ANNUAL SELECTION OF THE MAYOR AND VICE-MAYOR**

Background: In recent years, the City Council has been selecting its Mayor and Vice Mayor from the five City Council members every two years following a November election. This practice was put in place by Ordinance by the City Council in 1997.

The Ordinance also allows for the removal of a Mayor or Vice Mayor if the majority of the Council chooses to do so.

Some cities, and also Humboldt County, have selected a process whereby the position of Mayor or Board Chairman automatically rotates amongst its members on an annual basis. This spreads the responsibility and also gives each member the opportunity to hold the position.

If the Council desires to change the current process, then it would require a change to the current Ordinance.

Staff Recommendation: Give direction to the staff as to whether or not the Council wants to change the current system of selecting its Mayor and Vice Mayor.

Attachments: Ordinance 97-1 adopted by the Trinidad City Council in June, 1997.

ORDINANCE NO. 97-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD ADOPTING CHAPTER 2.06 OF THE TRINIDAD MUNICIPAL CODE RELATING TO SELECTION OF MAYOR

The City Council of the City of Trinidad does ordain as follows:

Section 1

A new Chapter 2.06 and a new Section 2.06.010 are hereby added to the Municipal Code to read as follows:

Chapter 2.06
MAYOR

Section 2.06.010 Office of Mayor

As soon as practicable after each general election at which one or more persons are elected to the City Council, the Council members shall vote and select one of their own to serve as Mayor, and one to serve as Mayor Pro Tem.

The persons so elected shall serve until the next regularly scheduled Council election, or until removed by a majority vote of the Council.

Section 2

This ordinance shall take effect thirty (30) days after its passage.

Passed, approved, and adopted this 11h day of June, 1997, by the following vote:

AYES: Dobree, Globus, Saunders, Sisneros
NOES: none
ABSTAIN: none
ABSENT: Hogan

APPROVED:

ROBERT GLOBUS, MAYOR

ATTEST:

Dana Deason

DANA DEASON, CITY CLERK

AGENDA ITEM #4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

4. Town Hall Maintenance Fee Discussion

DISCUSSION/ACTION AGENDA ITEM X.4
Date: November 10, 2010

Item: **TOWN HALL MAINTENANCE FEES DISCUSSION**

Background: This agenda item was requested by the City Council at the October meeting.

It was placed on the agenda because the Council members were concerned that there is no plan to make ongoing maintenance/improvements to the rented facility. Also, there is no firm or consistently applied policy on the requirement for a deposit when Town Hall is rented either for a private or a public event.

As an option, the Council could choose to either set aside a portion of the existing fee to be transferred to a "Town Hall Improvements" account. The Council could also choose to increase the existing fee by some nominal amount ($25) for the purpose of creating and building this account.

Staff Recommendation: Discuss the issue, and give direction to the staff.

Attachments: Current rental agreement.

TRINIDAD TOWN HALL
409 Trinity Street, Trinidad, CA 95570 Mailing Address: P.O. Box 390, Trinidad, CA 95570
Website: www.trinidad.ca.gov Email: cityclerk@trinidad.ca.gov
Phone: 707-677-0223 / Fax 707-677-3759

TRINIDAD TOWN HALL RENTAL APPLICATION

Instructions: A completed rental agreement and security deposit received by the Trinidad City Clerk will confirm your reservation. If the Clerk has not received your rental agreement and security deposit by 30 days prior to your event, you may lose your reserved date and fees paid and it may become available & scheduled with another renter. Proof or purchase of liability insurance is required prior to your event.

TODAY'S DATE: _____ **DATE OF EVENT**: _____

TYPE OF EVENT: _____

ESTIMATED TOTAL ATTENDANCE: _____ **EVENT TIME**: _____

HOURS REQUESTED (including set-up time): _____

AGE RANGE OF THOSE ATTENDING: _____

CONTACT PERSON: _____ **PHONE**: _____

ADDRESS: _____

EMAIL: _____

ALTERNATE CONTACT PERSON: _____ **PHONE**: _____

FOOD SERVED: yes / no **ALCOHOL SERVED**: yes / no **ADMISSION CHARGED**: yes / no

FOOD SOLD: yes / no **ALCOHOL BY DONATION**: yes / no **ADMISSION CHARGE**: _____

I acknowledge that, acting as the Renter or Agent of the Renter, I have read, understand and agree to adhere to the terms of this Rental Application .

Signature: _____ **Date**: _____

			FEES WAIVED*
Rental Fee Paid:	_____	Date: _____	_____
Insurance Paid:	_____	Date: _____	_____
Deposit Paid:	_____	Date: _____	_____
Garbage Paid:	_____	Date: _____	_____
Cleaning Paid:	_____	Date: _____	_____

City Official: _____ **Date:** _____

TOWN HALL RENTAL RATE WORKSHEET

Special Event:	All day, High Risk, High Impact Uses such as: Weddings & Receptions, Birthday Parties, Concerts, Exhibits, Amplified Concerts, Parties, Fund Raisers, Crab feeds, Memorials etc. with more than 50 people attending, lasting more than 4 hours; WITH OR WITHOUT ALCOHOL.	**$200.00**
Local Event:	Small, low impact, minimal set-up events such as: Kids birthday parties, Mellow acoustic concerts, brief gatherings, choirs, rehearsals, recitals, theater performances, tea parties, etc. with less than 50 people attending, lasting less than 4 hours; NO ALCOHOL.	**$15.00/hr**
Community Groups & Governments: Free	Depending on the type of event proposed and subsequent risks and impacts associated with each event, community groups and Federal, State or Local Governments may be entitled to the use of the Town Hall free-of-charge at the discretion of the City Clerk. Such community groups include, but are not limited to: Chamber of Commerce, Trinidad Civic Club, Lions Club, Garden Club, Museum Society, Library Committee, etc.	
Classes/Workshops:	Brief, 1-2 hour weekly session such as Dance, Yoga, Tai-Chi, Health & Fitness related activities, Art courses, civic club meetings. Lasting 2 hours or less.	**Free**
Insurance:	Special Events Coverage calculated based on event and attendance. Organizations with insurance must provide valid certificate.	$_____
Security Deposit:	Refundable	**$200.00**

TOTAL COST: _____

COMPLETED BY: _____

DATE: _____

TRINIDAD TOWN HALL

409 Trinity Street, Trinidad, CA 95570 Mailing Address: P.O. Box 390, Trinidad, CA 95570
Website: www.trinidad.ca.gov Email: cityclerk@trinidad.ca.gov
Phone: 707-677-0223 / Fax 707-677-3759

TRINIDAD TOWN HALL RENTAL AGREEMENT

Welcome to Trinidad Town Hall. We recognize that an active community center which is located in the middle of a residential neighborhood may have certain associated impacts, not the least of which could include additional traffic, litter, noise and parking. Town Hall is surrounded by a school and private homes. Your cooperation is required for us to continue to maintain a good relationship with our neighbors, and to help you to have a successful event.

RENTAL TERMS:

1. Renter and /or Contracting Individual, whose signature below verifies receipt and understands and agrees to comply with all the terms and conditions of the rental package, which consists of all rental agreement terms and the rules and regulations governing the use of facility including the decorating and cleaning of Town Hall.

2. **Fees & Insurance:** See attached Fee Schedule.

3. **Canceling an event: Notify the City Clerk immediately at the number above if your event is canceled.** ***If event is canceled before the scheduled date, a portion of the rental and security fees may be retained.***

4. **General Use Policies**: This is a recently renovated building requiring care and consideration:
   a. **Town Hall/Stage Floors**: To avoid damage to floor and furniture, do not drop, force, roll or drag furniture across stage or floor area.
   b. **Decorations and Clean-up**: Follow the guidelines attached.
   c. **Animals:** No animals are allowed in the building.
   d. **Litter:** Monitors provided by the Renter will insure that all litter generated by the event (paper, glass, cigarette butts, etc.) is removed from around the Town Hall building, adjacent driveway and parking areas, including the Trinidad School parking lot.
   e. **Parking**: Park along Main and Trinity Streets or in the Trinidad School parking lot when school is not in session.
   f. **Handicapped Parking:** No parking is allowed in designated handicapped parking spaces unless the required placard is properly displayed.
   g. **Trinidad School Parking**: (across from Town Hall) Parking is allowed in school parking lot when school is **NOT** in session. Trinidad School Hours are Monday through Friday from 9:00 A.M. – 5:00 P.M.
   h. Fire Department Parking: No Parking is allowed in fire lanes or designated Fire Department spaces.
   i. **Curfew:**. All events, with the exception of the annual New Year's Eve celebration, must end at 12:00 midnight.
   j. **Amplified Music: Music must end at 11:30pm. If the volume of your event is such that it impacts neighbors, it is too loud and the Trinidad Police may be called.**
   k. **Litter and Damages Impacting Neighboring Properties:** The Renter is responsible for all impacts to the neighbors and their property resulting from the misconduct of any person or persons attending the event. Any additional costs for litter clean-up or damage to neighboring property will be taken out of the Renter's security deposit and may be used to compensate impacted neighbors. A claim may be filed with the Renter's insurance carrier to cover their loss. Substantial property damage to private property as a result of this event will be brought to the attention of the Renter first for compensation, and a claim will be filed with the insurance company, if appropriate.

5. **Emergencies: Call 911.**

6. **Smoking & Drugs:** Trinidad Town Hall is a Tobacco-Free and Smoke-Free environment.
   a. NO SMOKING or burning of any substances (smudging, herbs, etc.) is allowed anywhere inside the Town Hall, or within 10 feet of any of the entrance doors.
   b. The use of any prohibited substance on City of Trinidad property will forfeit the security deposit and also void the Renter's insurance policy.

7. **Alcoholic Beverages:**
   a. YOU ARE RESPONSIBLE FOR ANY ALCOHOL SERVED OR CONSUMED AND TO OVERSEE THAT ATTENDEES ACT RESPONSIBLY.
   b. Insurance coverage for the consumption of alcoholic beverages for public events must be listed on the Certificate of Insurance.
   c. Alcoholic Beverage Control (ABC): A permit is required when alcoholic beverages are sold. It is issued by this state office and a confirmation letter from Trinidad to ABC will be issued.

8. **Other Prohibited Activities include:**
   a. Illegal activities as defined by City or County ordinance(s) and State or Federal law(s).
   b. There is to be no alteration of Hall furniture, bulletin boards, office furnishings, or landscaping without the expressed written permission of the City Clerk.
   c. No outdoor signage is allowed without prior arrangement with the City Clerk.

9. **Fire and Safety:**
   a. No barbeques, candles, propane lamps or fires of any kind are allowed without the expressed written permission of the City Clerk.
   b. All hot charcoals must be thoroughly doused with water before they are disposed of.
   c. Fire emergency exits must remain unblocked at all times.

10. **Insurance:**
   a. User will procure and maintain in force a policy of comprehensive public liability insurance, including other property damage and personal injury, with a combined single limit of no less than $1,000,000. The Town Hall will be named as additionally insured with respect to such coverage, and shall be provided with a Certificate of Insurance. A Certificate of Insurance must be received by the City of Trinidad prior to receiving the keys to the facility if insurance is not purchased through the City Clerk's office.
   b. Each of the provisions and terms of this agreement shall bind and insure to the benefit of the heirs, successors, representatives and assigns of each of the parties. If legal action be brought to enforce any term of this agreement, or because of any breech of any term of this agreement by any party hereto, the party that prevails in such action or litigation shall be entitled to recover a reasonable attorney's fee in addition to all other damages and costs.
   c. If alcohol is to be served at a public event, it must be specifically covered on the Certificate of Insurance.
   d. For an additional fee, the Clerk's office can provide a Certificate of Insurance to the renter through a contract with Alliant Insurance.

11. **The City of Trinidad reserves the right to refuse the rental of its facility to anyone**. The City further reserves the right to close down or cancel any event with just cause that it deems to be contrary to the general interests of the community or the City of Trinidad.

12. **Responsibilities:**
   a. **Hold Harmless Agreement:** The undersigned contracting individual and or organization agrees to hold the City of Trinidad, its agents, servants, employees and members, free and harmless from any and all claims, demands, damages, costs, expenses, loss of services, action and causes of action and or liabilities for damages to property, or for injuries to any person in any way arising out of, related to, or connected with the users rental of the equipment and or premises.
   b. The Renter is held responsible for the negative impacts or illegal activities during the use of the Town Hall upon the neighborhood. If the Renter fails to comply with the terms of this policy, law enforcement authorities may be called to respond to safety, drug and alcohol, traffic and parking concerns, etc. If you have any other questions you may contact the City Clerk.
   c. Violation of any of the Town Hall policies may be cause for forfeiture of all or part of the security deposit. The City Clerk will deduct from the security deposit such amount as is deemed reasonably necessary a) to clean and return the premises to a neat, clean and orderly condition, and b) repair or replace property that is broken, defaced or stolen.
   d. The undersigned, acting as representative of the organization or individual entering into this agreement; certifies that the above information is correct, agrees to pay the required fees in full prior to the event, and assumes full personal and financial responsibility for any damages sustained to the building, grounds, furniture or equipment not covered by the Security Deposit due to misuse, vandalism or misconduct of any person or persons on the premises at the time of the event.

ACTING AS REPRESENTATIVE, I HAVE READ THIS AGREEMENT (and other components of complete rental package), UNDERSTAND AND AGREE TO THE USE POLICIES AND AM RESPONSIBLE FOR THE RENTAL OF TRINIDAD TOWN HALL.

Renter:_____ Date:_____
Contracting Individual/Organization Representative

ACCEPTED AND RECEIVED BY:

City of Trinidad:_____ Date:_____
City Official

TRINIDAD TOWN HALL CLEAN-UP CHECKLIST

Town Hall and Stage

- Sweep floor.
- Mop up any food or drink spills.
- Return chairs and tables to original location.
- Return remaining furniture to original location.
- Empty and dispose of all trash.
- Empty and dispose of all recyclables.
- Pick up any litter generated by the event.
- Remove all decorations, banners, posters,crepe paper, etc.
- Turn out lights.
- Turn off heat.
- Close all windows.
- Lock all doors.
- Lock trash dumpster when finished.

TRINIDAD TOWN HALL LIST OF DO'S and DON'TS

1. DO treat Town Hall with respect.
2. DO use hooks provided at corners of windows and doors to hang decoration.
3. DO use recycling bins for aluminum cans, glass bottles & plastic bottles.
4. DO use outside receptacles for cigarettes/butts.
5. DO treat all provided furniture, equipment, etc, so as to preserve its appearance and useful life.
6. DO clean up Town Hall at the end of your event – LEAVE TOWN HALL AS YOU FOUND IT.
7. DO NOT use tape, nails, or staples on stage, doors, walls, windows or ceiling to hang decorations (USE hooks provided at top corners of windows and doors).
8. DO NOT hang decorations or other items from glass light fixtures.
9. DO NOT throw recyclables into trash bins. Use recycling bins provided.
10. DO NOT throw hot barbeque charcoals into dumpster.
11. DO NOT play, move or unplug Steinway piano without prior permission from the Civic Club.
12. DO NOT use Redwood serving bar outdoors. It is for indoor use only.
13. DO NOT throw cigarettes/butts on the ground. Use outside receptacles.

Note: *Because Trinidad Public Works employees regularly clean Town Hall, they are familiar with the condition of the facility before it is rented out. If you believe certain damage to Town Hall existed prior to your rental, please contact the City Clerk at 707-677-0223 to address your concerns.*

AGENDA ITEM #5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

5. HWMA Membership Update Report

DISCUSSION/ACTION AGENDA ITEM X.5
Date: November 10, 2010

Item: **REPORT ON THE STATUS OF JOINING THE HUMBOLDT WASTE MANAGEMENT AUTHORITY (HWMA)**

Background: The Humboldt Waste Management Authority has recently accepted the City of Trinidad's request for membership to the board. That request needs to be ratified by the existing members as an amendment to the Joint Powers Authority agreement.

However, before the City can officially join it must satisfy a couple of basic requirements:

1. A solid waste franchise agreement must be reached between the City and its current waste hauler, Humboldt Sanitation; and

2. That agreement must specify that all tonnage hauled out of Trinidad must go through HWMA's transfer station on Hawthorne Street in Eureka.

HWMA Staff recently sent the City Clerk samples of existing agreements that other cities have with their haulers. Before an agreement is drafted the City will meet with Humboldt Sanitation to discuss the issues that may arise.

The goal is to bring a proposed franchise agreement to the City Council for consideration in January, 2011.

Staff Recommendation: Receive and file the staff report, or take whatever action is deemed appropriate by the members of the City Council.

Attachments: Letter from HWMA Executive Director Jim Test to Mayor Binnie; and
Staff Report to the HWMA Board regarding Trinidad's interest in joining the HWMA.

hwma

September 21, 2010

To: Stan Binnie, Mayor
City of Trinidad
P.O. Box 390
Trinidad, California 95570

Re: HWMA Membership Request

Mayor Binnie:

On September 9, 2010, the Board of Directors of the Humboldt Waste Management Authority reviewed the City's request for membership and expressed unanimous support for having Trinidad as a partner. As you know, all Authority members are required to exercise flow control, directing solid waste through the Authority system. Trinidad's membership in the Authority is therefore conditioned on Trinidad entering into an acceptable agreement with a solid waste hauler to provide for this solid waste flow control. Once that mechanism is established and approved by the Authority Board, the current members will each need to approve Trinidad's joining of the Authority.

I have enclosed for your review materials submitted to the Board at its September 9, 2010 meeting that include my staff report explaining the JPA agreement requirements for new membership, and a proposed resolution by which the process would be completed.

Authority Counsel, Nancy Diamond, and I are prepared to meet with you and your staff to review your existing solid waste regulations and help the City prepare and negotiate any changes or agreements that may be necessary to meet the solid waste flow control measures required for membership in the Authority. Please feel free to call me at 268-8464 to arrange for an initial meeting.

Sincerely,

Jim Test
Executive Director

Enclosures

Humboldt Waste Management Authority
1059 West Hawthorne Street, Eureka, California 95501 • 707-268-8680 • FAX 707-268-8927
Arcata • Blue Lake • Eureka • Ferndale • Rio Dell • Humboldt County

HUMBOLDT WASTE MANAGEMENT AUTHORITY
Staff Report

DATE: June 10, 2010

FROM: Jim Test, Executive Director

SUBJECT: Item 7
Authorize Staff to Work with the City of Trinidad in Joining the JPA.

RECOMMENDED ACTION:
Authorize Staff to Work with the City of Trinidad in Joining the JPA.

DISCUSSION:
In 2008 the City of Trinidad adopted a Resolution requesting to join HWMA. At that time City staff was concerned about HWMA's financial situation and neither organization pursued the issue. The City Council reaffirmed its desire to join HWMA in January of 2010 and submitted a letter of interest to our Board meeting of February 11. Given that the addition of a member agency requires the approval of the existing members; our original plan was to seek approval along with changes to the JPA agreement that may result from the Regional Agency study currently under review.

The Regional Agency study is moving slower than we had planned, and we are continuing an effort to ensure that member agency staffs have developed an understanding of the role of the Regional Agency before we bring it back to the Board. Since we are moving slower than planned, staff would recommend that the Authority start the process of adding Trinidad now.

The JPA agreement stipulates in Section 2.2, Additions, that an agency wishing to join covenant to direct all solid waste to the transfer facility, and that all existing members of the Authority approve the addition. Staff would recommend the following process:

- Review and approve the form of the attached Resolution, and authorize Authority staff and Counsel to work with the City to develop an acceptable agreement or covenant for Authority review.
- Approve such agreement or covenant and authorize Authority staff to distribute the Resolution to each Member Agency for approval.
- Certify that all existing Members have approved the Resolution and designate an effective date.

We expect that the process will take two to three months and the effective date will be November or January.

ATTACHMENT:
Draft Resolution 2011-00