City of Trinidad

Posted: Friday, October 08, 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, OCTOBER 13, 2010 at 7:00 PM

in the Town Hall at 409 Trinity Street

I. CALL TO ORDER/ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. CLOSED SESSION

No Closed Session is planned for this meeting.

IV. APPROVAL OF AGENDA

V. APPROVAL OF MINUTES

- August 25, 2010 cc2
- September 8, 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 September, 2010
2. Financial Status Reports for July and August, 2010
3. Resolution 2010-14 Supporting the Unified Marine Protected Area Array
4. Resolution 2010-15 Opposing State Ballot Proposition 23
5. MOA with Trinidad Rancheria
6. Report on Water System Violations
7. Waiver of Town Hall Rental Fees for the School District

X. DISCUSSION/ACTION AGENDA ITEMS

1. Public Hearing for Ordinance 2010-04 for a Transient Occupancy Tax Rate Increase
2. Update Report on the ASBS Grants
3. Update on Trinidad Library
4. Discussion of Invasive Species
5. Report and Actions for Improving the Van Wycke Trail
6. Approval of "Guidelines" for the OWTS Ordinance Implementation

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

XII. ADJOURNMENT

APPROVAL OF MINUTES FOR:

AUGUST 25, 2010 CC2:
SEPTEMBER 08, 2010 CC

Supporting Documentation follows with: 6 PAGES

MINUTES OF THE SECOND REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, AUGUST 25, 2010

I. CALL TO ORDER/ROLL CALL

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

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 as written. **Passed 4-0.**

VI. APPROVAL OF MINUTES

August 25, 2010 cc2

Motion (Fulkerson/Ratzlaff) to approve all the minutes as written. **Passed 4-0.**

VII. COMMISSIONERS REPORTS

Bhardwaj: Invited to Friends of the Library meeting. The public library at Trinidad School has closed due to an increase in enrollment this year. They're trying to get the bookmobile to serve as the temporary Trinidad Library. Bhardwaj also reported on the Planning Commission meeting.

Fulkerson: Briefly reported on HTA, RREDC, and Gateway meetings.

VIII. STAFF REPORTS

City Manager - Albright: Summarized updates on the following projects: Gateway, Clean Beaches Grant Program, ASBS, ARRA, Tsurai Study Area Transfer Team, and September budget amendment.

IX. ITEMS FROM THE FLOOR

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

Jim Cuthbertson – Trinidad
Comments regarding non-conforming uses and structures.

Steve Ruth – Trinidad
Introduced new tenant.

Bryce Kenny – HNCLT
The Land Trust will be sending a letter, along with a draft lease agreement to the City regarding risk/liability sharing for future Library.

X. CONSENT AGENDA - *None*

XI. AGENDA ITEMS

1. Award of Bid for Saunders Park Construction

City Manager Albright explained that the City received grant funding from the State of California's Department of Parks and Recreation under two programs: Proposition 40 Per Capita Grants ($220,000); and the Roberti-Z'berg-Harris Nonurban Needs Basis (a $70,000 competitive grant. Between these two sources, $113,000 was allocated and approved for the Saunders Park project, and another 33,737 has not yet been allocated.

Last year, the City contracted with Freeman Architects to complete the design of the park, and the same firm will also be performing construction management.

The project was announced for public bidding on August 15 and again on August 22nd. A pre-bid conference was held on August 18, 2010. Only one bid was received, and that bid met all the requirements of the bid package. However, that bid was $252,000 per the specifications in the bid package. The low responsive bidder is W. John Gray Construction from Hydesville.

Freeman Architects, along with the bidder, is confident that the project could be built for approximately $135,000 by removing a number of the specified items from the design. These would include the gazebo, pergolas, removing the benches and picnic tables, removing all the curbing around every planter, reducing or removing the irrigation system, and reducing the amount of redwood around the bocce court. This would then require re-programming the un-programmed balance of the grant funds to this project.

The following audience members commented on the project: **Steve Ruth Jim Cuthbertson**

Motion (Fulkerson/Ratzlaff) to:

1) *Award the construction project for the Saunders Park Construction Project to W. John Gray Construction.*
2) *Authorize the City Manager and the Architect to negotiate specifications from the Park to achieve a construction budget of approximately $135,000.*
3) *Authorize the City Manager to request approval from the State Parks Department for the unobligated funds to be applied to the Saunders Park project*
4) *Authorize the City Manager to execute the contract on behalf of the City*
5) *Write a thank you letter to the State Parks Department for the Grant.*

Passed 4-0.

2. Report on ADA Compliance in Trinidad

City Manager Albright explained that at the December 2009 meeting of the Board of Directors of PARSAC (the City's liability and casualty insurance provider), one of the topics covered was the need of municipalities to assess their compliance with the Americans with Disabilities Act (ADA). The ADA, now 20 years old, establishes requirements for meeting handicapped accessibility in public spaces.

PARSAC provided a survey form that is intended its municipal members to assess their level of compliance with the ADA. While it is clearly understood that no City will ever be perfect in this regard, there is the need to address or have a plan for addressing the most glaring violations. This should be done for the dual purpose of making your City more accessible to handicapped persons and to limit potential liability to the City.

Resident Jim Cuthbertson was requested to volunteer to assist in this assessment. He has looked City-wide in Trinidad for potential problem areas as relates to City properties and facilities. This is not a survey of access issues to privately owned properties. Some of the suggestions in his report included:

- Install streetlight at Main & Scenic & move hydrant back into planter area.
- Relocate stop signs, firehydrants, and streetlights that are in the middle of the sidewalks.
- Build walkways for the 101 underpass and resurface walkways.
- Install ramp at Janis Court and trim vegetation overhanging onto sidewalks.
- Install a handicapped alert doorbell at City Hall.
- Move disabled parking spaces for convenience.
- Repair chuckholes and trim all trails.

Public comment included:

Steve Ruth – Trinidad

Foot traffic should be directed to 101 North underpass.

Motion (Fulkerson/Bhardwaj) to direct the City Manager to develop a status report on ADA compliance issues in Trinidad and report back to the Council at a future meeting with budget recommendations and a priority list.
Passed 4-0.

3. Discussion of Vacation Dwelling Units Regulatory Ordinance

City Manager Albright explained that in December 2009, the City Council appointed members to a citizens' advisory committee to study and make recommendations regarding vacation dwelling units in the City of Trinidad.

The Committee completed its work over the next five months and presented its findings with some recommendations to the City Council at the June 2010 meeting. At that time, the Council thanked the Committee for its hard work and generally stated that it would take up the recommendations at a later date.

Included with the findings and recommendations from the Committee was a consensus recommendation that the Council enact an ordinance that would regulate (place rules upon) all existing and future vacation dwelling units. For clarification, a Vacation Dwelling Unit is defined as a housing unit which is rented for a period of less than 30 or more consecutive days.

Council comments included:

Fulkerson: Concerned with giving special permission to one house with regards to maximum capacity. Albright noted the changes and the Council agreed.

No motion was made. Discussion item only.

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- **Meeting ended at 8:45pm.**

Submitted by:

Gabriel Adams
City Clerk

Approved by:

Kathy Bhardwaj
Mayor Pro-Tem

DRAFT

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL WEDNESDAY, SEPTEMBER 08, 2010

I. CALL TO ORDER/ROLL CALL

Mayor Binnie called the meeting called to order at 7:00pm. Council members in attendance: Ratzlaff, Bhardwaj, Fulkerson, Binnie. Morgan absent (arrived at 7:35). City Staff in attendance: City Manager Steve Albright, assistant clerk Becky Price-Hall.

II. PLEDGE OF ALLEGIANCE

III. CLOSED SESSION

Nothing to report out of closed session.

IV. APPROVAL OF AGENDA

No changes to agenda. Approved as submitted.

V. APPROVAL OF MINUTES

- The August 25, 2010 Minutes have not yet been prepared. Minutes will be reviewed next meeting.

VI. COUNCIL MEMBER REPORTS, INCLUDING COMMITTEE ASSIGNMENTS

- **Ratzlaff:** Reported on Redwood Coast Energy Authority (RCEA) meeting.
- **Binnie:** Reported on Humboldt County Association of Governments (HCAOG) Meeting
- **Bhardwaj:** Nothing to report.
- **Fulkerson:** Nothing to report.
- **Binnie:** City of Trinidad received a Certificate of Appreciation for being a partner in the Census 2010. Census results will be available in January.

VII. ORAL STAFF REPORTS

City Manager Steve Albright added the following to his written report:

1. There will be a meeting Thursday with the architect re Saunders Park. The contract will be signed if acceptable. The Gazebo cannot be eliminated because it's in the original grant with State Parks.
2. **Cutting Incident at Tsurai**: Samara Restoration will begin with planting plans and planting this week or next and hope to be finished by the end of September.
3. Status of earlier grant: Performance audit of Museum was initiated last month. The city must make sure all paperwork is in order.
4. New software package –reports not completed.

VIII. ITEMS FROM THE FLOOR

Marie Kelleher-Roy – Trinidad Resident
Submitted a letter for the council. Kelleher-Roy would like Trinidad to become a Pampas Grass Free City, and use this as a way to educate residents. One pampas grass can be eliminated inexpensively, and native plants be established. Once it has become established it is difficult to eliminate.

Sungnome Madrone – Trinidad Resident
The speaker is so correct about getting natives re-established. Thanked all Council Members, Steve Albright and Gabe Adams – Thank you for helping his family to repair his septic system. Some of the repairs the city is assisting with are outside the city limits, and the cooperative partnerships are an exemplary thing. Diane Rosser, who could not make it sends her thanks as well.

Kimberly Tays – Came to talk about vegetation removal on Trinidad Head. Upset by vegetation removal on head and about the pruning and topping. Please consider policies about vegetation removal and trail maintenance.

IX. CONSENT AGENDA

1. Staff Activities Report through August, 2010
2. Financial Status Reports for July, 2010
3. Proclamation 2010-06 Recognizing the North Coast Stand Down

Mayor Binnie asked North Coast Stand-Down Public Affairs Director to come to the podium. Mayor Binnie then read the proclamation. Dawn commented that the Stand-Down can always use help from professionals and volunteers, with donations.

4. Resolution 2010-12 Authorizing the Submittal of a Watershed Management Grant
5. Set Public Hearing for October 13, 2010 to Consider Ordinance 2010-04 for a Transient Occupancy Tax Rate Increase

Motion (Fulkerson/Bhardwaj) to approve the consent agenda as written. **Passed unanimously**

X. DISCUSSION/ACTION AGENDA ITEMS

1. Appointment of Gail Becker to Fill Open Planning Commission Position

Mayor Binnie introduced Gail Becker. Becker said she is a native of Humboldt County, and has been a resident of Trinidad for the last several years. She is willing to listen, learn, study, be an active participant, and work hard to maintain the unique character of this city.

Motion (Bhardwaj/Ratzlaff) to appoint Gail Becker as a Trinidad Planning Commissioner for a term extending from September, 2010 through December, 2012. **Passed unanimously**

2. Resolution 2010-13 Amending the FY2010-11 Annual Budget

City Manager Albright discussed the proposed changes to the FY 2011 budget as described in the staff report. If approved, these changes will be effective immediately.

Albright also noted the following:

- We'll have to address animal control services
- Code enforcement activities
- Whale sculpture – The City is getting pressure to purchase sculpture but doesn't have funds right now;
- Transient Occupancy Tax (TOT) – reset public hearing for October on raising the TOT.

Council Questions/Concerns

Fulkerson: Why should the part time maintenance worker be increased to full-time? Albright replied, stating three reasons: 1) additional ground work at the museum; 2) maintenance at the Memorial Lighthouse; 3) Bryan wants this employee to get level 1 water treatment certification. These are three employees that are not leaning on their shovels, they're all workers. There are lots of compliments about them.

Morgan: The employee is excited about this opportunity. Morgan supports this idea.

Bhardwaj: Always sees them working.

There was no public comment.

Motion (Fulkerson/Bhardwaj) to approve Resolution 2010-13 amending the FY2010 Trinidad City Budget. **Passed unanimously**

3. Discussion of Improvements to the Van Wycke Trail

Fulkerson recused herself because the trail is on her property.

City Manager Albright passed out photos of the trail. There is a need to assess and see where the trail is. It would cost $2400 to do a full property survey. There may need to be legal work done to get an easement, but the trail does need to be shored up to keep it alive. Finance wise – since this is a public right-of-way, there are Prop 1B funds available for a consultant study. After the study, the money should be budgeted for engineering and construction. The bad news is that STIP funds will not be available this year for the paving of Azalea Pacific streets. The good news is that this frees up funding for other projects.

Council comments included:

Binnie – if the easement leaves city property, is the Prop 1B funding still available? How many properties are adjacent to the trail?

Public comment included:

Jim Cuthbertson – Trinidad
This trail is well used, including bicycles going at a good rate of speed. It must be fixed.

Fulkerson - Trinidad Resident
Wants to thank Jim for bringing up this issue. Fairly sure that a survey was done with documents done for an easement with Julie. Willing to proceed with the project as long as it doesn't prevent her from building on her parcel. If drain pipe breaks, the water could go straight down the bluff. There should be no more rocks and weight added to the failing bluff.

Sungnome Madrone – Trinidad Resident
I designed and built the previous repair. From the trail upslope, it hasn't moved much. The area below the trail is moving down. Sometimes the ground moves away from the property lines. Work on the trail won't change the underlying problems – the ocean is cutting away at the toe of the bluff. Things will be moving and slumping especially with rainfall and septic discharges. It will cost $11,000 total for treatments that will last for 18 years. Council's in the past have chosen to spend less than $500 per year. If you go beyond something simple with this project, there will be a lot of work necessary on the utilities running down there. You need a light, local, cost effective way of dealing with this.

Kimberly Tays – Trinidad Resident
Requested that the alder branches along the trail not be cut.

Motion (Bhardwaj/Ratzlaff) to look through the files and, if a survey of the Van Wycke area does not exist, to authorize the staff to proceed with a survey of the area with O'Hern Surveying for an amount not to exceed $2400. **Passed 4-0**.

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

- **Albright**: Public Hearing re: TOT Increase
- **Morgan**: A No Camping Ordinance
- **Albright**: Implementation guidelines for OWTS. Hagan draft language for VDU regulations.

XII. ADJOURNMENT

Meeting ended at 8:30.

DRAFT

CONSENT AGENDA ITEM #1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 9 PAGES

1. Staff Activities Report through September, 2010

CONSENT AGENDA ITEM IX.1
Date: October 13, 2010

Item: **STAFF ACTIVITIES REPORT THROUGH SEPTEMBER, 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 italics*** 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 September, 2010.

CITY OF TRINIDAD
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Stan Binnie, Mayor
Steve Albright, City Manager

STAFF ACTIVITIES REPORT

Through September, 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 letters.** 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 FY2010 annual financial audit is already being planned. 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, and Ralph Marcello plans to be in Trinidad to do the field work during the week of November 29, 2010.

3. Town Hall Rental. **This report will cover the months of August and September, 2010. In August, Town Hall was rented for five paying events for a total of $620.00. In September, Town Hall was rented for five paying events for a total of $1,025.**

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.

6. Creating a 5-year Capital Improvement Plan for the City of Trinidad. No action has been taken.

7. 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 due to be begun and completed in September, but it has been delayed. The project is planned within the Council budget authorization of $15,000. The project was approved for a Coastal Development Permit by the Trinidad Planning Commission its meeting on September 15, 2010.**

8. 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.**

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

10. 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 by the City Council at its October, 2010 meeting.**

11. 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.**

12. 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.**

13. <u>Trails</u>. **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 will be enlisting the assistance of the Coastal Commission and the Coastal Conservancy to address the problem with the landowner.**

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.**

- 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. **Date of determination still unknown. The continual delays in this project should be an embarrassment to all of the public agencies involved.**

- 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.**

- 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 will be reported to the City Council.**

- 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 has worked with the Rancheria to prepare an MOA for the implementation of this grant when it is finally approved, and that MOA will be presented to the Council in October.**

- Project Name: Trinidad Safe Streets
  Source of Funding: CalTrans Planning Funds
  Amount of Funding: $80,000
  Status: Grant application completed by staff and Local Government Commission.

Council approved Resolution to submit application in March, 2010, and application filed with District 1 Caltrans by April, 1, 2010. The City was informed in August that this was a very competitive grant process and that Trinidad's application was not selected for funding.

Police Department

1. Staffing. Sandra Cuthbertson remains as a part-time Office Manager for at least the remainder of the calendar year. She assists with other city functions as needed because her salary is now paid by the General Fund.

2. Law Enforcement Functions. The contract with the Sheriff's Office became effective on June 30, 2010. Deputy Scott Hicks was the only volunteer applicant from within the Department and has been assigned to Trinidad. His standard hours are 9:00am til 7:00pm. The City also gets 20 hours of rotating coverage at other times. Deputy Hicks is on duty and has full access to the City's police department offices, as agreed. The remaining contract hours (20 hours/week) are from patrol units that frequently come through Trinidad from the McKinleyville substation. **Deputy Hicks will be at the City Council meetings at least quarterly to give a report on law enforcement activities.**

3. Equipment Issues. **Police files and evidence in storage still needs to be discussed to determine if any or all can be transferred to the Sheriff's office. Some office equipment and supplies were transferred for use by the Trinidad Public Works Department.. Staff is working with the Sheriff's Office to have a permanent car assigned that is identified as "Trinidad Police."**

Fire Department

1. Equipment. The Fire Chief ordered and completed the purchase of additional new safety equipment.

2. Wildfire Agreement. Per the recommendation of CalFire, the Council approved NOT having a wildfire service agreement. Instead, the Mutual Aide Agreement was updated.

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 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: 6 PAGES

2. Financial Status Reports for July and August, 2010

CONSENT AGENDA ITEM IX.2
Date: October 13, 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 July and August, 2010.

City of Trinidad

Statement of Revenues and Expenditures

From 8/1/2010 Through 8/31/2010

	Current Month	Year to Date	Total Budget - Original	% of Budget
Revenue				
PROPERTY TAX - SECURED	0.00	0.00	110,000.00	(100.00)%
SALES & USE TAX	6,400.00	6,400.00	220,000.00	(97.09)%
TRANSIENT LODGING TAX	0.00	0.00	72,000.00	(100.00)%
VEHICLE LICENSE COLLECTION	16.09	16.09	0.00	0.00%
MOTOR VEHICLE FINES	0.00	0.00	1,000.00	(100.00)%
COPY MACHINE FEE	0.00	5.00	100.00	(95.00)%
INTEREST INCOME	3,544.83	4,838.42	35,000.00	(86.18)%
OTHER MISCELLANEOUS INCOME	207.63	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	1,100.89	3,592.58	5,000.00	(28.15)%
ANIMAL LICENSE FEES	12.00	12.00	200.00	(94.00)%
ZONING & SUBDIVISION FEES	0.00	10.00	0.00	0.00%
BUSINESS LICENSE TAX	1,102.50	3,590.00	12,000.00	(70.08)%
ENCROACHMENT PERMIT FEES	50.00	50.00	400.00	(87.50)%
FRANCHISE FEES	0.00	0.00	6,000.00	(100.00)%
RENT - VERIZON	1,617.45	3,234.90	18,000.00	(82.03)%
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	1,120.00	1,865.00	10,000.00	(81.35)%
RENT - MISC	0.00	0.00	500.00	(100.00)%
INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	52,000.00	(100.00)%
Total Revenue	15,171.39	25,448.74	557,700.00	(95.44)%

City of Trinidad
Statement of Revenues and Expenditures
201 - GFA
From 8/1/2010 Through 8/31/2010

	Current Month	Year to Date	Total Budget - Original	% of Budget
Expense				
HONORARIUMS	250.00	250.00	3,000.00	91.67%
EMPLOYEE GROSS WAGE	3,905.11	7,647.72	46,245.00	83.46%
FRINGE BENEFITS	769.24	1,538.48	0.00	0.00%
EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	26,247.00	100.00%
DEFERRED RETIREMENT	648.42	1,296.84	0.00	0.00%
MEDICAL INSURANCE AND EXPENSE	666.55	1,965.10	0.00	0.00%
WORKMEN'S COMP INSURANCE	0.00	1,181.75	0.00	0.00%
EMPLOYEE MILEAGE REIMBURSEMENT	103.00	183.00	1,200.00	84.75%
PAYROLL TAX	395.44	778.45	4,721.00	83.51%
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	3,175.00	6,487.50	24,000.00	72.97%
ATTORNEY-LITIGATION	0.00	0.00	5,000.00	100.00%
CITY ENGINEER-ADMIN. TASKS	1,039.50	1,039.50	6,000.00	82.67%
CITY ENG-APPLICATION PROCESS	0.00	0.00	2,000.00	100.00%
CITY PLANNER-MEETINGS	162.00	627.00	2,000.00	68.65%
CITY PLANNER-ADMIN. TASKS	914.25	1,868.65	6,000.00	68.86%
CITY PLANNER-APPL. PROCESS	705.00	2,205.00	8,000.00	72.44%
CITY PLANNER - SPECIAL PROJECT	498.00	1,983.00	12,000.00	83.47%
BLDG INSPECTOR-ENFORCEMENT	115.00	593.00	5,000.00	88.14%
ACCOUNTANT-ADMIN TASKS	4,942.64	6,603.64	10,000.00	33.96%
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	0.00	115.44	1,000.00	88.46%
LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	4,000.00	100.00%
RENT	0.00	0.00	7,800.00	100.00%
UTILITIES	102.69	254.27	4,000.00	93.64%
DUES & MEMBERSHIP	0.00	0.00	2,000.00	100.00%
MUNICIPAL/UPDATE EXPENSE	258.58	483.06	21,000.00	97.70%
OFFICE SUPPLIES & EXPENSE	133.11	367.15	4,500.00	91.84%
BANK CHARGES	0.00	72.80	0.00	0.00%
CONTRACTED SERVICES	2,457.58	4,200.08	0.00	0.00%
MISCELLANEOUS EXPENSE	0.00	0.00	1,000.00	100.00%
TELEPHONE	147.52	294.74	3,000.00	90.18%
CABLE & INTERNET SERVICE	321.90	321.90	1,500.00	78.54%
TRAVEL	0.00	0.00	1,500.00	100.00%
BUILDING REPAIRS & MAINTENANCE	890.69	890.69	1,000.00	10.93%
MATERIALS, SUPPLIES & EQUIPMEN	51.33	251.74	5,000.00	94.97%
Total Expense	22,652.55	54,040.50	270,206.00	80.00%

City of Trinidad

Statement of Revenues and Expenditures

301 - Police

From 8/1/2010 Through 8/31/2010

	Current Month	Year to Date	Total Budget - Original	% of Budget
Expense				
EMPLOYEE GROSS WAGE	1,773.05	3,281.43	23,231.00	85.87%
EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	980.00	100.00%
DEFERRED RETIREMENT	27.70	55.40	0.00	0.00%
MEDICAL INSURANCE AND EXPENSE	0.00	39.50	0.00	0.00%
WORKMEN'S COMP INSURANCE	0.00	614.51	0.00	0.00%
PAYROLL TAX	140.69	261.14	2,371.00	88.99%
ACCOUNTANT-ADMIN TASKS	807.97	807.97	0.00	0.00%
RENT	1,300.00	1,300.00	7,800.00	83.33%
UTILITIES	185.57	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	226.00	1,350.00	83.26%
INVESTIGATION	70.00	70.00	0.00	0.00%
TELEPHONE	72.45	147.73	1,800.00	91.79%
CABLE & INTERNET SERVICE	87.38	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	4,577.81	7,357.62	124,632.00	94.10%

City of Trinidad

Statement of Revenues and Expenditures

401 - Fire

From 8/1/2010 Through 8/31/2010

	Current Month	Year to Date	Total Budget - Original	% of Budget
Expense				
HONORARIUMS	150.00	150.00	1,800.00	91.67%
UTILITIES	34.41	70.82	600.00	88.20%
BACKGROUNDS / EDUCATION	0.00	0.00	1,000.00	100.00%
CONTRACTED SERVICES	123.00	123.00	5,700.00	97.84%
TELEPHONE	0.00	5.09	100.00	94.91%
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	307.41	4,434.81	53,450.00	91.70%

City of Trinidad
Statement of Revenues and Expenditures
501 - PW (Public Works)
From 8/1/2010 Through 8/31/2010

	Current Month	Year to Date	Total Budget - Original	% of Budget
Expense				
EMPLOYEE GROSS WAGE	2,011.57	4,407.12	25,072.00	82.42%
EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	11,345.00	100.00%
DEFERRED RETIREMENT	198.94	444.42	0.00	0.00%
MEDICAL INSURANCE AND EXPENSE	640.57	1,320.64	0.00	0.00%
WORKMEN'S COMP INSURANCE	0.00	614.51	0.00	0.00%
PAYROLL TAX	172.04	377.02	2,560.00	85.27%
ACCOUNTANT-ADMIN TASKS	942.64	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	308.12	617.41	4,000.00	84.56%
Street Lighting - Improvements	0.00	0.00	15,000.00	100.00%
TRAIL MAINTENANCE	53.45	548.78	3,000.00	81.71%
VEHICLE FUEL & OIL	145.01	373.64	3,000.00	87.55%
VEHICLE REPAIRS	12.46	12.46	0.00	0.00%
OTHER REPAIR & MAINTENENCE	43.29	43.29	0.00	0.00%
MATERIALS, SUPPLIES & EQUIPMEN	121.81	461.64	2,500.00	81.53%
WATER LINE REPAIR	0.00	32.42	0.00	0.00%
Total Expense	4,649.90	10,274.37	103,477.00	90.07%

City of Trinidad
Statement of Revenues and Expenditures
601 - Water
From 8/1/2010 Through 8/31/2010

	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	18,562.47	38,152.82	210,000.00	(81.83)%
NEW WATER HOOK UPS	0.00	0.00	9,000.00	(100.00)%
WATER A/R PENALTIES	845.70	1,873.10	4,000.00	(53.17)%
Total Revenue	19,408.17	40,025.92	253,000.00	(84.18)%
Expense				
EMPLOYEE GROSS WAGE	5,625.35	11,893.24	72,050.00	83.49%
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	646.48	1,370.54	0.00	0.00%
MEDICAL INSURANCE AND EXPENSE	2,146.30	4,371.60	0.00	0.00%
WORKMEN'S COMP INSURANCE	0.00	1,843.53	0.00	0.00%
PAYROLL TAX	485.72	1,026.54	7,352.00	86.04%
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	1,389.29	1,389.29	8,000.00	82.63%
AUDITOR-ADMINISTRATIVE TASKS	0.00	0.00	8,000.00	100.00%
UTILITIES	1,430.66	2,926.11	14,000.00	79.10%
DUES & MEMBERSHIP	0.00	131.00	1,000.00	86.90%
OFFICE SUPPLIES & EXPENSE	280.00	280.00	2,000.00	86.00%
INTEREST EXPENSE	0.00	0.00	1,050.00	100.00%
MISCELLANEOUS EXPENSE	0.00	0.00	0.00	0.00%
TELEPHONE & COMMUNICATIONS	0.00	0.00	1,500.00	100.00%
TELEPHONE	39.41	264.01	0.00	0.00%
CABLE & INTERNET SERVICE	49.00	98.00	0.00	0.00%
VEHICLE FUEL & OIL	126.63	308.99	3,000.00	89.70%
VEHICLE REPAIRS	36.79	36.79	1,500.00	97.55%
BUILDING REPAIRS & MAINTENANCE	589.27	894.01	1,000.00	10.60%
SECURITY SYSTEM	69.00	69.00	1,000.00	93.10%
MATERIALS, SUPPLIES & EQUIPMEN	462.48	479.80	5,000.00	90.40%
EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	0.00	0.00%
WATER LAB FEES	0.00	329.51	4,000.00	91.76%
WATER PLANT CHEMICALS	393.11	945.13	14,000.00	93.25%
WATER LINE HOOK-UPS	0.00	0.00	4,000.00	100.00%
WATER LINE REPAIR	408.28	8,615.50	18,000.00	52.14%
WATER PLANT REPAIR	428.69	428.69	10,000.00	95.71%
Total Expense	14,606.46	43,951.28	264,105.00	83.36%
Net Income	4,801.71	(3,925.36)	(11,105.00)	(64.65)%

City of Trinidad

Statement of Revenues and Expenditures

701 - Cemetery

From 8/1/2010 Through 8/31/2010

	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	100.00	1,810.00	8,000.00	(77.38)%
Total Revenue	100.00	1,810.00	13,000.00	(86.08)%
Expense				
EMPLOYEE GROSS WAGE	546.93	1,222.17	6,841.00	82.13%
EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	2,946.00	100.00%
DEFERRED RETIREMENT	51.56	118.63	0.00	0.00%
MEDICAL INSURANCE AND EXPENSE	183.18	366.36	0.00	0.00%
WORKMEN'S COMP INSURANCE	0.00	189.08	0.00	0.00%
PAYROLL TAX	45.77	102.52	885.00	88.42%
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	827.44	2,498.76	12,172.00	79.47%
Net Income	(727.44)	(688.76)	828.00	(183.18)%

CONSENT AGENDA ITEM #3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

3. Resolution 2010-14 Supporting the Unified Marine Protected Area Array

CONSENT AGENDA ITEM IX.3
Date: October 13, 2010

Item: **RESOLUTION 2010-14 SUPPORTING THE PROPOSED UNIFIED MARINE PROTECTION ARRAYS (MPA)**

Background: About a year ago, the Trinidad City Council discussed the Marine Life Protection Act, and the Council signed a letter with several concerns. Recently the Regional Stakeholder Group developed a Marine Protected Area array that offers support to the area's fishing industry in a way that also should be highly protective toward environmental concerns.

The Humboldt Bay Harbor District has proposed a resolution supporting the array through the local governments. Several have already acted on the proposal.

Staff Recommendation: Approve proposed Resolution 2010-14.

Attachments: Proposed Resolution 2010-14.

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

Stan Binnie, Mayor
Gabriel Adams, City Clerk

RESOLUTION 2010-14

A RESOLUTION ENDORSING THE UNIFIED MARINE PROTECTED AREA ARRAY

WHEREAS, the California Marine Life Protection Act (MLPA) calls for the reexamination and redesign of California's Marine Protected Area (MPA) system to increase its coherence and effectiveness at protecting the state's marine life, habitat, and ecosystems; and

WHEREAS, it is consistent with the MLPA and good public policy to redesign California's MPA system in a manner that gives meaningful consideration to the sustainability of ecological, economic, cultural, and social systems; and

WHEREAS, North Coast fisheries are currently sustainable or rebuilding under existing regulations[1]; and

WHEREAS, recent scientific research has demonstrated that the California Current Ecosystem is one of the most conservatively managed ecosystems in the world[2]; and

WHEREAS, Mendocino County, Humboldt County and Del Norte County are classified as vulnerable to changes in fisheries management measures[3] due to factors such as high economic dependence on fishing, high community isolation, limited industry diversification, high unemployment, and high poverty rates; and

WHEREAS, the MLPA Initiative Regional Stakeholder Group unified during Round Three of the MLPA Initiative process to develop a consensus based MPA array (Unified MPA Array) that meets the goals of the MLPA while minimizing impacts to social, cultural, and economic systems; and

WHEREAS, we recognize that, due to significantly distinct ecological, social, cultural and economic conditions in the North Coast, the Unified MPA Array does not precisely meet all the guidelines established by the MLPA Initiative Science Advisory Team, yet represents an MPA network consistent with the spirit of those guidelines and the goals and elements identified in the MLPA legislation; and

WHEREAS, the long term success of MPAs will require acceptance by local communities; and although many community members do not believe any new MPAs are warranted, the Unified MPA Array represents a compromise acceptable to North Coast residents, including recreational fishermen, commercial fishermen and conservation advocates; and

WHEREAS, California Tribes and Tribal Communities are traditional and active stewards of marine ecosystems, and their continued gathering and use of marine resources is an ongoing and essential part of their culture and survival.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Trinidad, that we strongly urge the Marine Life Protection Act Initiative Blue Ribbon Task Force and the California Fish and Game Commission to support and adopt the Unified MPA Array developed by the Regional Stakeholder Group during Round 3 of the North Coast MLPA Initiative process.

BE IT FURTHER RESOLVED THAT if the Blue Ribbon Task Force makes the decision to redesign the Unified MPA Array contrary to the recommendation of the Humboldt Bay Harbor, Recreation and Conservation District, then the redesign must be conducted in collaboration with North Coast Regional Stakeholders and communities. Regional Stakeholders have worked for months to design a single cohesive array that

[1] National Marine Fisheries Service. 2009. Our living oceans: report on the status of U.S. living marine resources, 6th edition. U.S. Dep. Commerce, NOAA Technical Memo. NMFS-F/SPO-80.
[2] Worm et al. 2009. Rebuilding Global Fisheries. Science 325: 578-585.
[3] Pacific Fishery Management Council and National Marine Fisheries Service. 2006. Proposed acceptable biological catch and optimum yield specifications and management measures for the 2007-2008 Pacific coast groundfish fishery, and Amendment 16-4: rebuilding plans for seven depleted Pacific coast groundfish species; final environmental impact statement including regulatory impact review and initial regulatory flexibility analysis. Pacific Fishery Management Council, Portland, Oregon, 2006.

incorporates the unique ecological, social, cultural and economic conditions of the North Coast within the framework of the statewide MLPA Initiative guidelines and MLPA legislation. Because the alteration of any single element of the Unified MPA Array has the potential to undermine its cohesiveness, collaboration with Regional Stakeholders and local communities regarding any change to the Unified MPA Array is essential to retaining both its integrity and the support of local communities, factors that are vital to the long term success of the MPA system.

BE IT FURTHER RESOLVED THAT any approved MPA array design will need to allow traditional, non-commercial, gathering, subsistence, harvesting, ceremonial and stewardship activities by California Tribes and Tribal Communities.

PASSED AND ADOPTED by the Trinidad City Council at its regular meeting held on the 13th day of October, 2010, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Attest:

Gabriel Adams	**Stan Binnie**
Trinidad City Clerk	Mayor

DRAFT

CONSENT AGENDA ITEM #4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

4. Resolution 2010-15 Opposing State Ballot Proposition 23

CONSENT AGENDA ITEM IX.4
Date: October 13, 2010

Item: **RESOLUTION 2010-15 OPPOSING STATE BALLOT PROPOSITION 23**

Background: Proposition 23 is a proposal to suspend some air quality regulations during a bad economy, as defined by unemployment rates. The concern is that the suspensions may never be lifted if certain thresholds are not met, and that this could be bad for the environment.

If the Council chooses to pass this Resolution opposing Proposition 23, then that will be forwarded to the organization formed to oppose the Proposition, and the City's name may be used in its opposition advertising.

This and all of the California State Propositions can be viewed at the following website:
http://www.californiapropositions.org/node/318

Staff Recommendation: Approve proposed Resolution 2010-15.

Attachments: Proposed Resolution 2010-15.

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

Stan Binnie, Mayor
Gabriel Adams, City Clerk

RESOLUTION 2010-15

RESOLUTION 2010-15 IN OPPOSITION TO STATE PROPOSITION 23

WHEREAS, out-of-state oil companies are spending millions to push Proposition 23, a ballot proposition that will kill California clean energy and air pollution control standards.

WHEREAS, the oil companies claim Prop. 23 will only "suspend" AB 32's air pollution and health regulations until California's economy gets better, but the truth is their proposition will kill California's clean air standards by prohibiting them from being enforced unless the state's unemployment rate drops to a fixed level that has rarely ever been achieved.

WHEREAS, air pollution is a major threat to public health in California, with skyrocketing rates of asthma and lung disease, especially among children and Prop. 23 will let polluters off the hook – increasing air pollution and public health risks.

WHEREAS, Prop. 23 would also destroy California's newly emerging clean energy businesses that have flourished because of California clean energy and clean air laws.

WHEREAS, since 2005, California green jobs have grown 10 times faster than the statewide average. California's clean technology sector received $2.1 billion in investment capital in 2009 - more than five times the investment in our nearest competitor – and is generating tens of thousands of jobs.

WHEREAS, Prop. 23 would halt the dynamic growth we've seen in clean energy businesses, resulting in the loss of tens of thousands of jobs and billions of dollars in economic growth.

WHEREAS, by killing competition from clean energy producers, this proposition would keep us addicted to dirty oil which will result in rising prices for consumers and a continued drag on our economy.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Trinidad formally opposes Proposition 23.

BE IT FURTHER RESOLVED that we hereby authorize the listing of the City Council of the City of Trinidad as an opponent of Proposition 23 and instruct staff to fax a copy of this resolution to campaign offices at (916) 442-3510.

PASSED AND ADOPTED by the Trinidad City Council at its regular meeting held on the 13th day of October, 2010 by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Attest:

_____
Gabriel Adams
Trinidad City Clerk

_____
Stan Binnie
Mayor

DRAFT

CONSENT AGENDA ITEM #5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

5. MOA with Trinidad Rancheria

CONSENT AGENDA ITEM IX.5
Date: October 13, 2010

Item: **MOA WITH TRINIDAD RANCHERIA FOR IMPLEMENTATION OF THE ASBS PIER RECONSTRUCTION GRANT**

Background: In early 2009, the City was notified that it was selected to receive two Proposition 84 grants to address pollution entering the Trinidad Bay Area of Special Biological Significance (ASBS). One of those grants was to assist in the overall financing for the reconstruction of the Trinidad Pier, a project of the Trinidad Rancheria.

Earlier this year the City was alerted to finally prepare for the implementation of these grants. Staff has worked with the Rancheria to address many questions of the State Water Resources Board.

One of the requirements prior to signing a grant agreement with the State is the establishment of a Memorandum of Agreement between the Rancheria and the City. This MOA will establish the business relationship and the responsibilities of each party in accepting the grant, implementing it, reporting to the State, and managing the fiscal responsibilities of the grant program.

The MOA basically maintains all fiscal and reporting responsibilities for the City, and it transfers basic project implementation to the Rancheria. The Rancheria also assumes the responsibility of cash-flow for this expensive project and guarantees the City that it will be responsible for any reimbursement for project funds to the State if the project cannot be completed.

Staff Recommendation: Approve the MOA, and authorize the Mayor to execute it on behalf of the City.

Attachments: Draft Memorandum of Agreement between the City of Trinidad and the Trinidad Rancheria for the implementation of the Proposition 84 Grant for reconstruction of the Trinidad Pier.

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.

Approval Recommended:

X _____

Garth Sundberg, Chairman Date
Trinidad Rancheria

X _____

Stan Binnie Date
Mayor, City of Trinidad

CONSENT AGENDA ITEM #6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

6. Report on Water System Violations

CONSENT AGENDA ITEM IX.6
Date: October 13, 2010

Item: **STAFF REPORT ON WATER SYSTEM VIOLATIONS**

Background: The City water Department again distributed to all water customers a violation notice. This is a continuation of the same problem that was experienced in the first quarter of the year and reported to the customers in late May, 2010.

Bryan Buckman will be at the Council meeting if any of the Council members or citizens attending the meeting would like a further description of this problem and what has and is being done to address it.

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

Attachments: Violation Notice that was sent to all water customers;
Staff Report from Bryan Buckman dated October 7, 2010 explaining the violation; and
Chart showing water samples and status with regard to standards.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER
Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

The City of Trinidad Drinking Water
Has Levels of Haloacetic Acids Which are Above the Standards

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

The average level of Haloacetic acids (HAAs), byproducts of the chlorination of your drinking water, exceeded the maximum contaminant level (MCL) allowed. The MCL for HAAs is 60 parts per billion. The Running Annual Average (RAA) of the four quarterly samples ending in the second quarter 2010 was 81.0 parts per billion (ppb), and the RAA ending in the third quarter 2010 was 79 ppb. Haloacetic Acids form when chlorine interacts with total organic carbon in the water.

What should I do?

- **You do not need to boil your water or take other actions.**
- This is not an emergency. If it had been, you would have been notified immediately.
- *Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult with your doctor.

What happened? What is being done?

Due to the high level of organic material in our source water our options to correct this problem are limited. We are currently looking into corrective actions or upgrades to our facilities to mitigate the problem of disinfection byproducts in our drinking water.

For more information, please contact BRYAN BUCKMAN at 707-677-3852

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- SCHOOLS: Must notify school employees, students, and parents
- RENTAL / Business PROPERTY OWNERS OR MANAGERS Must notify tenants & employees

This notice is being sent to you by the City of Trinidad. Date distributed: 10-1-10

10-7-10

To: Council and Staff

From: Bryan Buckman

In accordance with the Safe Drinking Water Act, Title 22, CCR, Section 64463.4 notice was sent to water customers and posted on the City website on October 1-2010 to notify them that The City of Trinidad was in violation of the Safe Drinking Water Act. The City is required to notify customers of a violation within 30 days upon receipt of a State Department of Public Health letter of violation, which was fulfilled.

The following required language was used: "The average level of Haloacetic acids (HAAs), byproducts of the chlorination of your drinking water, exceeded the maximum contaminant level (MCL) allowed. MCL for HAAs is 60 parts per billion. The Running Annual Average (RAA) of the four quarterly samples ending in the second quarter 2010 was 81.0 parts per billion (ppb), and the RAA ending in the third quarter 2010 was 79 ppb. Haloacetic Acids form when chlorine interacts with total organic carbon in the water."

The following language was also included as required to address health concerns: *"Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection byproducts. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer."*

Simply put, not much is known about potential health impacts as monitoring for these particular disinfection byproducts(DBPs) just began fairly recently and the impact may require several years of exposure.

DBPs form in our system when chlorine used as a disinfectant reacts with organic carbon in our water. Disinfection is required as well as a certain level of residual disinfectant in our distribution system. Chlorine is added at our treatment plant following filtration as it enters our distribution system after removal of filterable organic carbon.

Total organic carbon (TOC) is comprised of dissolved organic carbon (DOC) and filterable organic carbon. DOC is dissolved in the water making it un-filterable.

In 2006 The City ceased adding pre-treatment chlorine to the raw water containing higher levels of filterable organic carbon prior to filtration in an effort to mitigate formation of DBPs.

Based on sampling performed in June of this year the treatment technique employed by The City is highly effective at removing filterable carbon prior to disinfection. DOC accounts for about half of our TOC. The City presently employs no treatment technique to remove DOC.

As has been discussed in the past, multiple chlorine injection points in our distribution system could potentially mitigate DBP formation by reducing the amount of total chlorine needed and eliminating relatively high doses at the singular injection point at the treatment plant needed to maintain a residual of disinfectant.

This coming rainy season Water Dept. staff will actively be pursuing various treatment methods and modifications to mitigate DBP formation as DBP precursors are at the highest levels in the rainy season.

State of California
Drinking Water Program

Department of Health Services

Quarterly HAA5 Report for Disinfection Byproducts Compliance (in µg/L or ppb)

System Name: CITY OF TRINIDAD System No.: 1210018 Year: 2008 Quarter: 1

Year:	2006				2007				2008				2009				2010			
Quarter:	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.
Sample Date (month/date):	01/06	04/17	07/03	10/06	01/23	05/08	08/07	11/02	02/19	05/19	08/04	11/03	02/02	05/18	08/17	12/14	02/16	05/10	08/03	
Site 1		70.0				29.0	42.0	29.0	62.0	40.0	40.0	51.0	44.0	58.0	42.0	64.0	140.0	78.0	34.0	
Site 2	112.0		47.0	38.0	47.0															
Site 3																				
Site 4																				
Site 5																				
Site 6																				
Site 7																				
Site 8																				
Site 9																				
Site 10																				
Site 11																				
Site 12																				
Quarterly Average	112.0	70.0	47.0	38.0	47.0	29.0	42.0	29.0	62.0	40.0	40.0	51.0	44.0	58.0	42.0	64.0	140.0	78.0	34.0	
Running Annual Average				66.8	50.5	40.3	39.0	36.8	40.5	43.3	42.8	48.3	43.8	48.3	48.8	52.0	76.0	81.0	79.0	
Meets Standard?* (check box)	Yes ☐ No ☐	Yes ☐ No ☐	Yes ☐ No ☐	Yes ☐ No ☑	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☑ No ☐	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☐ No ☑	Yes ☑ No ☐
Number of Samples Taken	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	

Identify the sample locations in the table below.

Site	Sample Location
1	Distribution sample site #1 - Azalea Way
2	Distribution sample site #2 - Storage Tanks STG 2 DBPR NOV. 2008
3	Distribution sample site #3 - Treatment Plant
4	
5	
6	
7	
8	
9	
10	
11	
12	

Comments:

Signature

Date

*If, during the first year of monitoring, any individual quarter's average will cause the running annual average of that system to exceed the standard, then the system is out of compliance at the end of that quarter.

CONSENT AGENDA ITEM #7

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

7. Waiver of Town Hall Rental Fees for the School District

CONSENT AGENDA ITEM IX.7
Date: October 13, 2010

Item: **WAIVER OF TOWN HALL RENTAL FEES FOR THE SCHOOL DISTRICT**

Background: The Council and staff have received a request form Jan West, President of the Trinidad School Education Foundation, to waive the normal Town Hall rental fees for the annual fundraising event. The organizers of the event are willing to work around other rental commitments as they set up for the auction, dinner and dance.

The only condition suggested as an approval of this request is that the School Education Foundation be responsible for clean up of the Town Hall, civic room (if used) and kitchen (if used) after the event's conclusion.

Staff Recommendation: Approve the request from the Education Foundation with the above described condition.

Attachments: Letter of request from Jan West dated October 1, 2010.

TRINIDAD SCHOOL EDUCATION FOUNDATION

serving the students of our community school...

October 1, 2010

COPY

RECEIVED

Mr. Steve Albright, City Manager
Members of the City Council
City of Trinidad
Trinidad, CA 95570

Dear Mr. Albright and Council Members:

As the school year begins, members of the Trinidad School Education Foundation have begun meeting to plan our signature event of the year—the fifth year of our gala auction, dinner, and dance. Since the financial outcome of this event has a significant impact on the budget at Trinidad School, we are anxious to maximize the amount earned through our diligent, time-consuming efforts.

We would like to ask you to reconsider your decision to charge the school for the use of the Town Hall for this event. We realize that we need extra time in the schedule to put up the extravagant decorations for our event, but we are willing to work around other groups who may have lessons or meetings, when possible.

We feel that we are all one part of the same community, all concerned that our children receive the best education possible. The money we earn provides music, art, physical theater, technology, ocean study funds, and other enrichment programs that give Trinidad School and our community a reputation for excellence.

We share our school playground as a city park, our school as a community meeting place, and our school parking lot for community functions in partnership with the City of Trinidad. We know that your budget has been impacted by the recent economic downturn, but ask you to please waive the fee for this event this year and in the future.

This gesture would be much appreciated. Thank you for your consideration of our request. Please notify me at 677-3655 of your decision.

Sincerely,

Jan West

Jan West
President, Trinidad School Education Foundation

P.O. Box 3030 Trinidad, CA 95570 ♦ (707) 677-3631

AGENDA ITEM #1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

1. Public Hearing for Ordinance 2010-04 for a Transient Occupancy Tax Rate Increase

DISCUSSION/ACTION AGENDA ITEM X.1
Date: October 13, 2010

Item: **PUBLIC HEARING TO CONSIDER ORDINANCE 2010-04 FOR A TRANSIENT OCCUPANCY TAX RATE INCREASE**

Background: 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.

Public comments on this proposed ordinance and change to the municipal code, including written objections, can be given to the City Clerk prior to the set hearing date or provided to the City Council at the public hearing.

Staff Recommendation: Conduct the Public Hearing, and then approve proposed Ordinance 2010-04 amending the Trinidad Municipal Code.

Attachments: None.

AGENDA ITEM #2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 10 PAGES

2. Update Report on the ASBS Grants

DISCUSSION/ACTION AGENDA ITEM X.2
Date: October 13, 2010

Item: **UPDATE REPORT ON THE ASBS GRANTS PROGRAM**

Background: 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.

Steve Allen has been asked to be present to bring the Council up-to-date on the project and to explain changes that may need to be made to satisfy State staff.

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

Attachments: Letter sent to the Water Resources Board on August 30, 2010 to address State concerns on the project.

City of Trinidad

August 30, 2010

Sent via Email

Patricia Leary, Senior Engineer
State Water Resources Control Board, Division of Financial Assistance
1001 I Street
Sacramento, CA 98814

RE: Response to SWRCB comments on the City of Trinidad Proposition 84 Areas of Special Biological Significant (ASBS) Grant for the Trinidad Head ASBS Stormwater Management Project

Dear Ms. Leary:

The letter provides a response to the August 9, 2010 letter sent to the City by the State Water Resources Control Board Division of Financial Assistance (SWRCB) requesting additional supporting project information. In addition, this letter addresses the review comments from the Area of Special Biological Significance (ASBS) Task Force.

The information presented in this letter will show:

- The proposed implementation project to infiltrate stormwater is feasible based on preliminary investigations.
- The proposed project will further define the geology and groundwater characteristics of the underlying area and thereby identify the best locations for infiltration Low Impact Development Best Management Practices (LID/BMPs) and the infiltration design capacity that is appropriate for each LID/BMP location.
- The proposed implementation project to be funded by the ASBS grant will result in reduced stormwater runoff to the ASBS, address the City's high threat discharge, improve water quality, and protect the beneficial uses of the ASBS, even with the proposed necessary division of the project into upper and lower watershed areas.
- The preliminary CEQA analysis shows there are no major environmental obstacles to implementing the project, including cultural resources. Most importantly, the preliminary CEQA analysis does not indicate the need for an EIR on this project.

This letter begins with a summary of how the stormwater project was developed and the project coordination. This is followed by a section on the project feasibility. Next information on the project scope of work is presented. A discussion of the project schedule and CEQA document follows. These sections provide the context and background of all the work that has led to this implementation project and finally direct responses are provided to the ASBS Task force comments.

Project Coordination

The Trinidad Head ASBS Stormwater Management Improvement Project was developed as part of the Trinidad-Westhaven Integrated Coastal Watershed Management Plan (ICWMP) to address water quality issues in the ASBS. The ICWMP was funded by a State Water Resources Control Board (SWRCB), Proposition 50, Chapter 8, Integrated Regional Water Management Planning Grant. The plan was adopted by the City of Trinidad on June 11, 2008. There was significant stakeholder involvement during the development of the ICWMP. A list of all the stakeholders involved with the development of the ICWMP is included as Attachment 1, and is taken directly from Chapter 13 of the ICWMP. Both California State Parks and California Department of Fish and Game as well as private citizens participated in the community outreach meetings.

In addition, the ASBS area is included as part of the Trinidad Head Pilot Critical Coastal Area (CCA) Program, one of only five areas selected for this program across the state. The state agency advisors for the Trinidad Pilot CCA include the California Coastal Commission, North Coast Regional Water Quality Control Board, State Water Resources Control Board--NPS Program, State Water Resources Control Board--Ocean Unit, California Department of Health Services, California State Parks, California Department of Fish and Game, Caltrans, California Department of Forestry & Fire Protection, and California Coastal Conservancy.

The Trinidad CCA state advisors are members of the Trinidad ICWMP team, and participated in numerous ICWMP stakeholder team meetings. The CCA state advisors provided technical assistance for the project, helped to focus the attention of responsible agencies, and coordinated with other relevant water quality protection programs to help guide development of the Trinidad ICWMP and the proposed stormwater improvement project. The CCA state agency representatives, including State Parks and CDFG, will be called upon for their expertise and guidance.

As part of this project, the stakeholder and public outreach will continue. California State Parks, and California Department of Fish and Game, as well as other stakeholders and private citizens will continue to be invited and will participate in the community outreach meetings as the project evolves.

Project Feasibility

Beyond the City's desire to protect the Kelp Beds at Trinidad Head ASBS, improve water quality, and reduce bacterial contamination at area beaches, the City of Trinidad is required to stop discharging polluted stormwater to the ASBS as defined by the constituents and thresholds outlined in the California Ocean Plan. In October 2004, the City received a letter from the State Water Resources Control Board (SWRCB) informing the City we are required to cease discharging polluted stormwater to the Trinidad Head ASBS, under the California Ocean Plan (COP) Section IIIE.1. The letter also informed the City they may request an exemption to the prohibition of discharges to the ASBS, under COP Section III.I.1. The City submitted an exemption request and was informed in writing on April 30, 2007, that the exemption request was approved. This exception has allowed the City to continue discharging stormwater, while developing ways to comply with the COP requirements. This exception is time limited and there is no

guarantee that it will be extended. This project would allow the City move forward with permanent solutions that comply with the COP requirements.

While the City is operating under the exemption, the best long term solution to address the potential discharge of pollutants to the ASBS is still to eliminate discharge of stormwater from directly reaching the ASBS. As discussed above, the City of Trinidad's Proposed Stormwater Management Project was developed as a collaborative effort under the Trinidad-Westhaven ICWMP. In particular, the project resulted from the Stormwater Action Plan, which identified objectives and actions to achieve the goals in the ICWMP. Relevant Excerpts from the Stormwater Action Plan describing the project conceived by the Trinidad ICWMP team are included for reference in Attachment 2. The Stormwater Management Project was collaboratively developed and is consistent with the community's interest in modern stormwater management and "green" technologies. There are limited options available to the City to address the stormwater management as discussed below.

The City of Trinidad sits on a slope and in approximately 80% of the City area stormwater eventually drains directly to either Trinidad Bay to the South or the Pacific Ocean to the North within or immediately adjacent to the ASBS designated area. Given the topographic constraints and location of the City, options to reduce or eliminate stormwater discharges from the City to the ASBS are very limited. Due to the amount of rainfall and proximity to the ocean, options for treating stormwater to improve water quality is also limited. The basic methodology to reduce stormwater discharges to the ASBS is to redirect the discharges back into the water cycle before they discharge into Trinidad Bay. There are only a few ways to redirect the discharges back into the water cycle: evaporation/ transpiration, infiltration, or discharge to surface water.

Pure evaporation is not an effective measure on the North Coast where rainfall rates exceed evaporation rates, although some minor amount of natural evaporation of rainwater will take place from the ground and any retention areas. Transpiration is part of the proposed solution through plant uptake in some of the Low Impact Development (LID) Best Management Practices (BMP) proposed for the project, including bioswales, rain gardens, and grassy swales. A large scale transpiration project such as reuse thorough irrigation is not feasible. There are no agricultural lands nearby where an irrigation project could be implemented and the area surrounding Trinidad is forested with steep slopes, which is also not conducive to an irrigation project to handle the quantity of stormwater generated. The final method to redirect stormwater back into the water cycle is through infiltration. This is the primary means the City of Trinidad has available to reduce or eliminate stormwater discharges to the ASBS, and thus, the proposed stormwater management project is to implement numerous LID BMPs to infiltrate stormwater. Discharging directly to surface water streams will not eliminate the pollutants or potential impacts to the ASBS as local surface water drains back to the ocean to the north or south of Trinidad Head and into or directly adjacent to the ASBS. This project does utilize surface water streams by redirecting small quantities of stormwater to them as feasible based on gravity flow and only after receiving treatment by various LID BMPs such as grassy swales.

The proposed stormwater management project was developed using both available data and literature as well as through field studies and stormwater monitoring. The local geology was considered in the development of the project and it is known that it is feasible to infiltrate stormwater in the area. A bibliography developed for a sub-component of the ICWMP, the "Assessment Model for Sediment Input from Geologic Processes on the Near Shore Waters at Trinidad, CA," is included as Attachment 3 to exemplify the types of information that were used in the development of the larger Stormwater Management Project. While it is known that infiltration is feasible based on the local soils and geology, it is not known how much stormwater is appropriate to safely infiltrate and at what locations, which is the reason the project scope of work includes a pre-design infiltration analysis. This is a unique and critical need for this project since the City is located on top of coastal bluffs, in a highly active seismic environment, with everyone utilizing infiltration through on-site septic systems. While stormwater infiltration is a common and accepted methodology, it may not be appropriate at all locations in the City, such as near the bluffs. Understanding the underlying geology, soils, and groundwater gradients will provide the information necessary to apply proper engineering standard of care to locate and design appropriate infiltration areas. It is not a question of whether or not infiltration works in this area, it is just a question of where it would be most appropriate.

Based on the information presented above, the City's best option to come into compliance with the requirements of the COP is through this infiltration project. A project of this type is feasible in Trinidad, follows the recommendations developed in the ICWMP Stormwater Action Plan, utilizes gravity and low technology solutions, and can safely eliminate the direct outfall to the ASBS. Additional feasibility Information is presented under CEQA considerations.

Project Phases/ Scope of Work

The SWRCB questioned the City's Scope of work as currently proposed, in regards to the current scope not assuring full implementation. A similar comment was made by the ASBS Task Force regarding the phasing of the project. Previous discussions and a site visit conveyed the logic to this approach in the past. It is a very legitimate question and the unique technical aspects of this project lend itself to a multi phased approach.

The Stormwater Management Project is very important to the City of Trinidad and neighboring areas. However, as a small rural disadvantaged community, they cannot afford to take on the costs of implementing a project of the size needed to address the COP requirements. The City has originally submitted the Stormwater Improvement project as two separate projects under the ASBS grant program which would have allowed for project implementation in both the upper and lower stormwater management areas. However, between the concept proposal stage and full proposal stage under the SWRCB ASBS Grant program, the State requested the City combine the two separate projects into one project, which reduced the total allowable grant funds from $5 million with two projects to $2.5 million under one project. It is unrealistic to expect the City can complete both components of the project for half the funding. It is possible and logical to break the project into two projects, or two phases. Thus, the City developed the project so that would result in immediate benefits to the ASBS when implemented and set the stage for completion of the full project.

While the City often refers to the Stormwater Management Project in terms of Phase I and Phase 2, they are really independent projects that just need to be implemented in a logical order. As stormwater obviously flows from the upper portions of the watershed to the lower portions it is logical to implement stormwater reduction projects in the upper portion of the watershed first, followed by the remaining downgradient portions second. Thus, when the City was asked to re-submit only one project to the ASBS Grant program it was the upper watershed area that was the focus. However, the subsurface into which stormwater will be infiltrated cannot as easily be separated into upper and lower watershed areas as the subsurface acts as one unit. It is possible to only study the upper watershed area, but it is not cost effective for anyone to break this predesign study into two pieces. Therefore the project as submitted proposes to evaluate the adjacent areas for the pre-design infiltration analysis. The adjacent lower watershed could be eliminated from study if it is a condition of the grant requirements, but not because this approach would be a practical solution.

It is the City's intent to complete both the upper and lower watershed area stormwater management improvement projects. These two projects will eventually work together to effectively eliminate the City's direct discharge to the ASBS. A comment was received after the concept proposal was submitted indicating the State wanted planning and design of the proposed infiltration chambers at the downstream end of the watershed included in the project. In addition, it is important to assure that Upper Watershed improvements are compatible with eventual lower watershed improvement. The scope of work as it currently stands includes design for the lower watershed area to approximately the 50% level of design, based in part on the project needs and at the request of the State. The City is willing to discuss with the state modifying the scope of work to include 10 to 30% conceptual design for the lower watershed area, or eliminating the adjacent lower watershed from study. The adjacent lower watershed could be eliminated from study if it is a condition of the grant requirements, but not because this approach would be a practical solution.

Full implementation of the proposed Upper Watershed Stormwater Management Project will further the priorities of the SWRCB ASBS Grant program: to address high threat discharges, provide water quality improvements, protect beneficial uses of the ASBS, and help meet the water quality objectives defined in the COP.

CEQA/ Schedule

The City has conducted a preliminary environmental review of the proposed project, and an initial study checklist with project comments is included as Attachment 4. It is the City's strong believe that a mitigated negative declaration is the appropriate CEQA document for the project. Typical environmental concerns that may cause the City to conduct a full blown environmental Impact Report are not anticipated to affect the City's project, as discussed below.

Often jurisdictions choose to pursue an EIR to address strong opposition to a project by the Public. As discussed at the beginning of this letter, the project was developed though an intensive public process, and the proposed project carries the support of the community to address water quality in the ASBS.

Another typical concern that may trigger an EIR is hydrology and groundwater. The project scope of work includes a geotechnical analysis and pre-infiltration analysis as a first step, which will ensure the project will be designed to avoid adverse impacts to these resources. The project concept was developed in coordination with both state and federal agencies that may have permitting authority over the project, and therefore, it is not anticipated that these same agencies, such as the Coastal Commission and CA Dept of Fish and Game would have objections to the project, if appropriate mitigations are included.

The last CEQA section that can often trigger and EIR or delays in a project is cultural resources. The cultural resources in the area are well documented by the numerous Indian tribes in the region. The City has conducted several other construction projects in the general vicinity of the proposed stormwater project, and has not encountered any issues with cultural resources for those projects. Thus, it is reasonable to assume that cultural resources can be easily avoided by the project.

The proposed project schedule includes 4 months for completion of CEQA documents. There is flexibility in the schedule that allows for an additional year to get final CEQA clearance, which would occur concurrently with project design. Thus, even if CEQA took a few additional months to complete, it would not delay construction of the project.

The next section presents additional details requested by the ASBS Task Force, which supplements the information presented above.

Task Force Questions

The ASBS Task force has questions on several areas of the grant application. These comments are addressed below in the order they were presented in the proposal review details.

> *The Project Team seems qualified to successfully complete the project; however, there is no coordination or recognition of collaboration with State Parks, or private property owners. The proposed LID/bioswale project abuts State Parks property, and the proposed LID appears to be on private property. The Proposal doesn't describe coordination with the Department of Fish & Game.*

This comment is addressed above under project coordination.

> *The Proposed schedule seems reasonable and within the timeframe for completion, except for CEQA. CEQA for this project is not completed and may delay project implementation if an EIR is required.*

A draft initial checklist indicating there are no major environmental obstacles to completing CEQA and getting environmental clearance for the project is included as Attachment 4. Additional discussion is provided above under 'CEQA/Schedule'.

> *Proposal's SOW shows detail for each task item. The budget did not provide enough information on costs. The SOW and Budget did not seem to match, and it was unclear what would be implemented with the funds.*

The Proposed Project Scope of Work was provided as Attachment 3 to the Project Application while the budget was provided in Attachment 4. The Budget was developed using the five cost categories presented in the Proposition 84 ASBS Grant Program Guidelines (April 1, 2008). The Scope of Work was developed using these same cost categories. Each scope of work task is linked directly to a budget line item using the letter code (a-e) from the budget cost categories and an individual number. In this way each scope of work task can be directly linked to a budget line item. Further, Attachment 4 from the grant proposal included six supporting budget tables that provided additional detail for each budget line item, using the same letter/ number code discussed above.

The final budget table in Attachment 4, Table 4c, lists the construction costs, and indicates the general components to be implemented. As discussed under project feasibility, the final components cannot be described and designed until the necessary geotechnical and pre-infiltration analysis have been completed. The City is committed to implementing LID/ BMPS similar to those presented in Attachment 8 of the full grant proposal.

> *The Proposal does a reasonably good job of providing technical details, and the proposed control measures are appropriate, proven and reliable. However, only a qualitative (rather than quantitative) estimate of the receiving water quality benefits is provided. An awkward aspect of the proposal is that it provides for design of the controls for the lower area, but leaves unanswered the question of whether funding would become available for construction of the lower area controls, or whether the funds spent for design might be wasted. Street-level photos would have been helpful, including photos of the property where the BMP will be located on the vacant parcel, creekside photos, and photos of existing infrastructure and DI, culverts, that this project will replace.*

At this point in time, with the completion of the geotechnical analysis and pre-infiltration analysis, the City cannot quantify the receiving water quality benefits of the project. As mentioned by the reviewer, the methods the City proposes are "appropriate, proven and reliable", and thus will achieve improved water quality in the ASBS. The project benefits can be quantifiably defined during the early stages of design.

As discussed above under Project Phases/ Scope of Work , the Upper Watershed Stormwater Management Project provides stand alone benefits to the ASBS without the implementation of lower watershed improvements. The studies and pre-design effort that are included in the scope of work are necessary to assure that reducing stormwater in the upper watershed areas does not create problems in other areas of the City such as potentially increasing bluff erosion. The City is willing to discuss with the State reducing the amount of design on the lower watershed portion to only that which is absolutely necessary to assure the upper and lower projects will work together in the future. The state provided funds for this project will not be wasted.

The ASBS Task force requests additional photos of the vacant parcel where the BMP is proposed, creekside photos, and photos of existing infrastructure that this project will replace. Attachment 5

shows photos of the vacant parcel where the largest BMP for the upper watershed is proposed. In regards to infrastructure the project will replace, Attachment 6 includes photos of some of the existing drainage inlets (DIs) within the City of Trinidad watershed. The project will not necessarily replace all of these DIs, as most are fully functionally. The project will re-direct the flow from some of the DIs, add new DIs with different Best Management Practices integrated in, and the project will add new stand alone LID/BMPs to reduce the volume of stormwater flow to DIs. It is not clear what the Task Force was looking for in regards to creekside photos, thus there are no attachments for this item.

This Proposal has a good Attachment 7 which includes pre and post-monitoring and quantifying overall watershed goals. Specific indicators have been identified; however, many of these constituents may not be useful. This proposal would be stronger if more focus was put on human bacteria indicators. The applicant may want to consider new monitoring techniques.

The proposed pre and post monitoring is intended to provide a complete picture of Water Quality of the ASBS. Parameters are included to evaluate human bacteria indicators. The City feels the monitoring program submitted benefits both the current stormwater management project and facilitates a better understanding of water quality in the ASBS.

This Proposal will need further development and the applicant will need to provide the following to the Task Force for approval prior to entering into a Grant Agreement: (1) include a phased approach, with Geotechnical analysis as a first step, (2) quantify the benefits to Mill Creek as a result of the project, (3) provide street-level photos of the property where the BMP will be located, (4) ensure efforts are coordinated with DFG, State Parks and private property owners adjacent to the proposed LID/bioswale project, and (5) address whether an EIR is required and can be completed within the timeframe of the grant.

(1) The project Schedule included in Attachment 5 of the full proposal does include a phase approach with the geotechnical analysis as one of the first steps to be initiated.
(2) The project is not intended to result in measurable benefits to Mill Creek. The project does propose to infiltrate stormwater into the Mill Creek Watershed .
(3) These are provided as discussed above.
(4) The project will continue to be coordinated with local and state agencies as well as private land owners as discussed under Project Coordination.
(5) An EIR is not required and the appropriate CEQA document a Mitigated Negative Declaration can be completed within the allotted time.

Summary

The City has provided information in this letter, which addresses the comments received from the SWRCB in your August 8, 2010 letter to the City as well as addressing the ASBS Task Force comments on the full application. We believe all comments have been addressed. There are several places the City has indicated we are willing to adjust the project scope to accommodate the needs of the SWRCB/ ASBS Grant Program better. Before implementing any changes to the scope of work or outreach plan, we would like to discuss the project and potential changes with the SWRCB and our City Engineer.

Please contact me at (707) 677-3876 or citymanager@trinidad.ca.gov to discuss next steps in moving the grant agreement forward.

Sincerely,

Stephen Albright, City Manager
City of Trinidad

Attachments: Attachment 1 – ICWMP Stakeholder List
Attachment 2 – Stormwater Action Plan Excerpts
Attachment 3 – Bibliography from "Assessment Model for Sediment Input from Geological Processes on the Nearshore Waters at Trinidad, CA"
Attachment 4 – CEQA Draft Initial Checklist
Attachment 5 – Photos of Proposed Upper Infiltration Area
Attachment 6 – Photos of Existing Drainage Inlets

cc: Rebecca Crow, PE, Winzler & Kelly 633 Third Street, Eureka, CA 95501

AGENDA ITEM #3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

3. Update on Trinidad Library

DISCUSSION/ACTION AGENDA ITEM X.3
Date: October 13, 2010

Item: **UPDATE ON THE STATUS OF THE TRINIDAD LIBRARY**

Background: 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.

Staff Recommendation: 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.

Attachments: Letter from Land Trust attorney Thomas Becker dated September 9, 2010

LAW OFFICES OF
THOMAS BECKER
721 SEVENTH STREET, SUITE A
EUREKA, CALIFORNIA 95501
TELEPHONE (707) 441-9171
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FYI

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BY
COPY

September 9, 2010

City of Trinidad
c/o Mr. Stephen Albright
City Manager
409 Trinity Street
Trinidad, CA 95570

Re: Trinidad Library

Honorable Mayor and Council Persons:

I am writing this letter on behalf of the Humboldt North Coast Land Trust ("Trust") and its Library Committee.

Since Mr. and Mrs. Saunders graciously conveyed their land to the Trust more than six years ago, dozens of people have contributed their time, money, and pledges toward the Saunders' goal of a Trinidad library. The Trust is on the verge of reaching that goal. But because of the commitments necessary to go forward and the representations that will have to be made to the many persons who have generously pledged, it is now essential that the Trust verify the City's commitment to enter into a long-term lease of the library site. It is the Trust's intent to enter into such a lease in a form similar to the 99 year triple net lease executed by the Trust with the Trinidad Museum Society. I believe a copy of that lease is in the possession of the City.

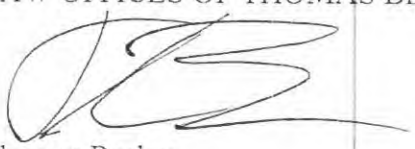
The next step forward is the engineering of the foundation for the library. The engineering firm of LACO Associates has agreed to provide an updated soils report necessary to complete that foundation design at no expense to the Trust or to the City. LACO Associates is requesting that the Trust enter into an engineering services agreement, a copy of which is attached. This agreement will necessarily be added to the provisions of the Trust's 99 year lease with the City, particularly the provisions for disclaimer and indemnity that LACO has in its enclosed contract. The Trust's agreement to hold title to the property has always been conditioned upon not being required to accept any potential liability from that role.

The foundation to be designed by LACO is a robust "mat" foundation, including grade beams. Roland Johnson, a long standing volunteer of the Library Committee, tells me this foundation is stronger than would be typical of other one-story wood frame structures. However, because the project no longer includes a City police station, pilings are not going to be included in LACO's design, as LACO's prior soils report had considered. I believe the City has that May 2002 report in its possession.

Before the library proceeds further, the Trust requests the City enter into a Letter of Intent confirming that the City intends to execute the above-described 99 year lease prior to the commencement of construction. Please have this matter considered as soon as your scheduling permits. The Trust, the Library Committee, its members and the many pledgers thank you for your kind consideration.

Very truly yours,

LAW OFFICES OF THOMAS BECKER



Thomas Becker

TB/mad
Enc. LACO Engineering and Services Agreement

AGENDA ITEM #4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

4. Discussion of Invasive Species

DISCUSSION/ACTION AGENDA ITEM X.4
Date: October 13, 2010

Item: **PRESENTATION AND DISCUSSION ON INVASIVE PLANT SPECIES**

Background: At the last City Council meeting, Marie Kelleher Roy from the Humboldt County Native Plants 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 will be at the meeting to discuss the impacts of invasive species and the work of her organization.

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

Attachments: None.

AGENDA ITEM #5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 1 PAGES

5. Report and Actions for Improving the Van Wycke Trail

DISCUSSION/ACTION AGENDA ITEM X.5
Date: October 13, 2010

Item: **DISCUSSION OF IMPROVEMENTS TO THE VAN WYCKE TRAIL**

Background: 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.

Staff Recommendation: 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

Attachments: None.

AGENDA ITEM #6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 19 PAGES

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

DISCUSSION/ACTION AGENDA ITEM X.6
Date: October 13, 2010

Item: **PRESENTATION AND REVIEW OF THE "GUDIELINES" FOR THE ONSITE WASTEWATER TREATMENT SYSTEM ORDINANCE IMPLEMENTATION**

Background: 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 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.

Staff Recommendation: Review suggest and amendments as necessary to the proposed Program Guidelines for the OWTS program

Attachments: Proposed OWTS "Program Guidelines."

Onsite Wastewater Treatment Systems Program

GUIDELINES

Draft for City Council Consideration

October, 2010

APPENDIX 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.

Appendix 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 us 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 wave 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 actually 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. <u>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.</u>

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. FAIUREL: 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.