



Posted: Friday, April 06, 2012

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

The Trinidad City Council will hold its regular monthly meeting on
WEDNESDAY, APRIL 11, 2012 at 7:00 PM
in the Town Hall at 409 Trinity Street

CLOSED SESSION BEGINS AT 6:30 PM

- I. **CALL TO ORDER/ROLL CALL**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ADJOURN TO CLOSED SESSION**
 1. Government Code section 54956.95: Liability Claims for Damages, etc. against the City of Trinidad
- IV. **APPROVAL OF AGENDA**
- V. **APPROVAL OF MINUTES** - March 14, 2012 cc
- VI. **COUNCIL MEMBER REPORTS, INCLUDING COMMITTEE ASSIGNMENTS**
- VII. **ORAL STAFF REPORTS** - Specific Department Reports, Planning Commission
- 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 for March 2012
 2. Financial Status Reports for February 2012
 3. Authorize the City Manager to sign an amended contract for services with GHD for the Water System Turbidity Monitoring Project.
 4. Authorize the City Manager to sign Prop 50 Funding Notices of Intent to Apply for Funding for Water System Improvements.
 5. Repeal of Accessory Dwelling Unit Ordinance (ADU 2010-04, and Vacation Dwelling Unit Ordinance (VDU 2011-02, and Adoption of Amended ADU Ordinance 2012-01 and VDU Ordinance 2012-02.
 6. Authorize the City Manager to sign the Agreement Protecting the Public Interest in Certain Improvements Funded by the California State Coastal Conservancy contingent upon Rancheria execution of Harbor Lease Agreement.
- X. **DISCUSSION/ACTION AGENDA ITEMS**
 1. Discussion/Decision regarding Artistic Enhancement proposed for Highway 101 Overpass in Trinidad.
 2. Discussion/Decision regarding deadlines for consideration of Sales Tax Extension
 3. Discussion/Decision regarding formation of the Humboldt County Tourism Business Improvement District.
 4. Conduct Unmet Transit Needs Hearing.
 5. Discussion/Decision regarding consideration of updating the Joint Powers Agreement to Reflect Data from 2010 Census.
- X. **COUNCIL, STAFF, or PUBLIC REQUESTS FOR FUTURE AGENDA ITEMS**
- XII. **ADJOURNMENT**

APPROVAL OF MINUTES FOR:

MARCH 14, 2012CC:

Supporting Documentation follows with: 5 PAGES

MINUTES OF THE REGULAR MEETING OF THE TRINIDAD CITY COUNCIL
WEDNESDAY, MARCH 14, 2012

I. CALL TO ORDER/ROLL CALL

- Mayor Pro-Tem Fulkerson called the meeting to order at 7:00PM. Council members in attendance: Morgan, Davies, Fulkerson. *Miller & Bhardwaj were absent.*
- City Staff in attendance: City Clerk Gabriel Adams, City Manager Karen Suiker.

II. PLEDGE OF ALLEGIANCE

III. ADJOURNMENT TO CLOSED SESSION - No closed session scheduled

IV. RECONVENE TO OPEN SESSION

V. APPROVAL OF AGENDA

Motion (Davies/Morgan) to approve the agenda as written. Passed 3-0.

VI. APPROVAL OF MINUTES – February 08, 2012 cc

Motion (Morgan/Davies) to approve the minutes as written. Passed 3-0.

VII. COMMISSIONERS REPORTS

Fulkerson: **RREDC:** Announced that Gregg Foster is leaving RREDC for a position in the private sector.

Davies: Gateway Advisory Committee reviewing sheer wall concrete pattern design.

Morgan: **HCAOG** – Tribal membership discussion continues.

VIII. STAFF REPORTS

Karen Suiker – City Manager:

- Summarized staff report included in the Council meeting packet.

IX. ITEMS FROM THE FLOOR

Sungnome Madrone – Trinidad Area Resident

Encouraged the City to keep up on the Green Diamond Sediment Reduction grant. Offered to volunteer services if needed.

Shirley Laos – Trinidad Rancheria

X. CONSENT AGENDA

1. Staff Activities Report for February 2012
2. Acceptance of maintenance responsibility for flowering trees along city streets from Garden Club.
3. Proclamation 2012-02; Celebrating Girl Scouts 100 year anniversary.
4. Submit 2012 grant applications to the Humboldt County Indian Gaming Benefit Committee
5. Submit PARSAC grant program application to develop ADA compliance program
6. City of Trinidad Pavement Management Program Report
7. Authorize the City Manager to sign a revised Green Diamond California Timberlands Master Land Use Permit for the Luffenholtz Creek Sediment Reduction Project.
8. Resolution 2012-02: Requesting an increase in ARRA grant funds for Town Hall furnace replacement project.

- *Motion (Morgan/Davies) to approve the consent agenda as written. Passed 3-0.*

XI. AGENDA ITEMS

1. 2010-2011 Audit Report – *teleconference with Auditor begins promptly at 7:30pm*

City Manager Suiker explained that the firm of Marcello and Company CPA's, has performed the fiscal and management audit for the City of Trinidad for the past eight years. The principal in the firm, Ralph Marcello, has personally performed these audits and is keenly aware of the City's practices and finances.

The prior year audit required over fifty (50) adjusting journal entries to correct or adjust various account balances in order to properly complete the audit. This audit required only nine (9) such adjustments, and is an indication of improvement in the bookkeeper's ability to provide accurate and complete financial schedules, and improved coordination between city staff and its bookkeeping services provided by the firm of Cunningham, Malone & Morton, CPA's.

Mr. Ralph Marcello, CPA, will be available via telephone connection during the Council's discussion of this item. This is to save the travel costs that would be associated with an on-site visit.

Mr. Marcello is again willing to perform the audit for FY2011-12 at the same cost as the prior year (\$18,000 financial audit, \$900 reimbursable expenses, \$2,000 preparation of financial statements), and staff recommends continuation of this satisfactory arrangement. Due to Mr. Marcello's knowledge of the city's financial practices and methods, he requires minimal support from the city's limited staff to conduct his audit.

There was no comment from the Council or public.

Motion:

 1. *(Morgan/Davies) to accept the FY2011 Annual Financial Audit. Passed 3-0.*
 2. *(Davies/Morgan) to authorize the City Manager to execute an Audit Engagement Letter to perform the FY2011-12 audit at the same costs as the prior year. Passed 3-0.*

2. Update/Discussion regarding Treasurer's Report & mid-year Financial Report. *(continued from Feb.)*

City Manager Suiker explained that the Financial status reports are included in Council packets for public review and inspection each month, and the budget is continuously monitored. The purpose of this report is to provide for the opportunity for a brief presentation on the status of the budget as compared to actual revenues and expenditures midway through the fiscal year, as of December 31, 2011.

The General Fund consists of four budget units: administration, law enforcement, fire services and public works. Overall the General fund is on target and actually expected to end the year in a better position than budgeted due to one time funding from (1) sale of surplus police equipment and (2) transfer of separately held asset seizure forfeiture funds to offset General Fund law-enforcement related expenses and (3) receipt of one time PG&E franchise fees due to boundary reassessment. A number of budget adjustments are recommended to recognize this revenue and provide funding for expenditures not anticipated during preparation of the budget. Excess revenues over expenditures will increase the fund balance forward for future budget year considerations.

 - Expenditures for building inspection exceeded budget estimates due to contracting plan checking services for the pier project, but this is entirely offset by permit revenues (\$20,000).
 - Moss Subdivision appeal not anticipated (\$2,322)
 - Police vehicle maintenance expenditures were necessary to ready units for surplus (\$883, but more than offset by surplus sale revenue)
 - Planning charges may exceed budget estimates due to unanticipated involvement in head vegetation issues and the Moss Subdivision appeal.
 - Engineering expenses were budgeted in administration (201) but more appropriately applied to Public Works (501)
 - Fire utilities budget line item did not take into account purchase of and filling the propane tank to support the fire station emergency generator (\$1,838)
 - Fire budget for vehicle repairs did not anticipate \$3,400 in repairs to fire-fighting equipment.

- Public Works budget did not anticipate over \$2,300 in necessary transmission overall and front end work on one of its units.
- Budget for general materials and supplies is inadequate to provide for materials necessary (striping, signing, tools, traffic control devices) to support operations.

The Integrated Waste Management, Water and Cemetery Funds are on target and no budget adjustments are recommended at this time.

The following supplemental budgets are requested to be updated:

General Fund Revenue:

201-54050 Building Inspection	\$ 20,000
201-56150 Franchise Fees	12,944
301-53090 Miscellaneous (asset seizure funds)	21,875
Total Revenue Increase	\$ 54,819

General Fund Expenditure:

201-71420 Building Inspection/contract svcs	\$ 20,000
201-75200 Municipal Expense	2,822
201-71340 City Planner	5,000
201-71210 Engineering (Adm)	- 5,000
501-71210 Engineering (PW)	5,000
301-78150 Police Vehicle Repairs	883
301-92100 Gains on Sale of Assets	- 8,815
401-75180 Fire Utilities	1,838
401-78150 Fire Vehicle Repair	3,400
501-78150 PW Vehicle Repair	2,300
501-78190 PW Materials & Supplies	3,000
Total Expenditure Increase	\$ 29,928

There were no public or Council comments.

Motion (Morgan/Davies) to receive the Treasury Cash and Investments Report as of November 31, 2011, and receive the mid-year budget update and approve changes as recommended to re-align the budget to actual figures. **Passed 3-0.**

3. Discussion/Decision to reconsider Event Host requirement for Town Hall events. (continued from Feb.)

City Manager Suiker explained that at the November 10 regular meeting, the Council decided on a number of amendments/upgrades to the Town Hall Rental Agreement policies and procedures. Fees were adjusted, a fee component to establish a maintenance reserve fund was incorporated, rental rates for Saunders Park reservations were determined, and city staff was directed to implement the service of Event Host for parties with attendance over 100 or where alcohol was to be served.

Rental Agreement procedures and rate adjustments have been implemented and initiated. However, after much review, consideration and discussion, and preparation of a draft detailed job description, city staff requests that the Council reconsider the decision to hire an Event Host for a variety of reasons, including:

- The position will likely require multiple employees to provide adequate coverage throughout the busiest months. Hiring, coordinating, training and supervising multiple employees (contract or payroll) is time consuming and riddled with potential for last minute problems. In addition, should regular city staff need to substitute due to unavailability of event host, an overtime situation would occur which would require appropriate overtime compensation.

- Tenants who pay for an event host will likely expect more from services from the City. No matter how clear the explanation is to the tenant what the Event Host is there to do, larger events can be hectic and tenants will rely on or insist that the Host be readily available for chores that are not their responsibility. Conflict may arise from the expectations, and drag the Host's supervisors into unnecessary disagreements with the tenant following the event.
- The City's Rental Agreement and Policies are comprehensive. They are designed to protect the City from tenant caused accidents, and cover expenses related to damages (major or minor) to the facility. If implemented properly, event safety and security is built in to the process.
- Until City staff is equipped with the time to manage and coordinate pool of Event Host employees to consistently attend every event, it is best to either postpone the decision to recruit Hosts or rescind the decision all together.

Staff is certainly open to discussion on this issue, but at this time suggests that the current Policies and Procedures adequately suit the City's needs

There were no comments from the Council or public.

Motion (Morgan/Davies) to reconsider hiring an Event Host for tenant users of the Town Hall with attendance over 100, and proceed with implementation of the November 2011 updated Rental Agreement and Policies. Passed 3-0.

4. Discussion regarding consideration of Sales Tax Rate Extension.

City Manager Suiker explained that in April, 2004, the City of Trinidad voters approved a ballot measure to impose a 1% transactions and use tax (sales tax) for a period of four years, which took effect on January 1, 2005 and ended on December 31, 2008. In 2008, the voters agreed to again institute an additional tax of .75% effective on April 1, 2009. Collection of this additional tax will end on March 31, 2013. This additional tax generates about \$100,000 per year (which represents about 21% of the total General Fund) and supplements the General Fund that supports police and fire protection, street and public facility services, park and trail maintenance and services provided by the town office.

In order to continue either the .75% tax add on or a different tax add on, a measure will need to be included on the November 2012 ballot at the latest. There would be no preparatory costs assessed by the Board of Equalization in the event the current tax add-on is continued. If the tax add-on lapsed and was subsequently approved again, the Board of Equalization would assess a preparatory start up cost. The preparatory start up in 2008 due to a break in application of the tax add-on was approximately \$15,700. If the add-on tax was continued but changed to a reduced (or increased) rate, there may be an associated set up cost assessed by the Board of Equalization.

Budget preparation for fiscal year 2012-13 will soon be underway. Adopted General Fund budgets for the current 2011-12 fiscal year are as follows:

GENERAL FUND REVENUES: \$ 465,920

GENERAL FUND EXPENDITURES:

General Administration (City Manager, City Clerk, Accountant, Auditor, Planner, Attorney, liability Insurance, town hall expenses, etc.)	\$ 275,023
Police (Contracted services, office support)	\$117,185
Fire (equipment and materials)	\$17,210 (excludes capital reserve)
Public Works (staffing, street lighting, materials, etc.)	\$ 87,405 (excludes Prop 1B)

Total Expenditures \$ 496,823

Council comment included:

Morgan: It was a gentlemen's agreement between residents and the Council that it would only be used for Public Safety and that it would expire.

Fulkerson: I barely notice it.

No decision was made. Information only.

5. Discussion/Decision regarding Tribal Membership on HCAOG Board.

City Manager Suiker explained that on February 7th, the HCAOG Board subcommittee formed at the January 26th board meeting met to discuss expanding membership of the HCAOG Board to include tribal entities. The subcommittee presented a timeline, and developed 8 questions for discussion and consideration. They requested that each Board member discuss the questions with their individual city and county representatives and provide answers to the questions by April 5th.

Council comments included:

Fulkerson: My concern is that if HCAOG opens membership up to expand beyond the county and cities, then all other entities will expect to be considered as well. My intuition says yes, but I worry about the slippery slope this might cause.

Morgan: Requested clarification on Tribal transportation revenue streams as compared with HCAOG revenue sources.

Public comment included:

Shirley Laos – Trinidad Rancheria VP

Explained how Tribal representation on HCAOG began, tribal overlap, Tribal reps appointed to TAC, previous HCAOG board objections, and noted that Trinidad representatives voted yes in the past.

By consensus, the Council asked that the following questions be added to list and forwarded to HCAOG for consideration.

1. Clarify overlapping revenue streams from Tribal transportation revenue sources and HCAOG sources.
2. How will a representative be selected?
3. How many seats are in question?

XII. COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

XIII. ADJOURNMENT

- Meeting ended at 8:55 pm.

Submitted by:

Approved by:

Gabriel Adams
City Clerk

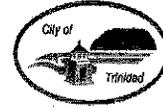
Julie Fulkerson
Mayor Pro-Tem



CONSENT AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

1. Staff Activities Report for March 2012



STAFF ACTIVITIES REPORT

Through March 2012

A Staff Activities Report is provided to the City Council on a monthly basis, with additions to the previous report indicated in **bold type face**. Old information will be left on this report for a period of time and then removed or updated.

City Administration:

1. **Code Analysis.** The City has now received the first draft analysis of its existing municipal codes as per its 2010 contract with Code Publishing Company out of Seattle. There are some 47 questions and comments that the city needs to respond to within a 90 day period in order for Code Publishing to finalize the analysis. So far, dozens of issues and inconsistencies have been pointed out that need to be addressed, and doing so will be a multi-year project as time and funding permits. Attention will first be given to addressing and updating and clarifying the city's various fees, which will be targeted following preparation and adoption of the annual budget. Planning and legal services will need to be utilized to address many of the issues.
2. **Town Hall Rental.** Based on earlier Council action, town hall fees have now been adjusted, including the incorporation of a maintenance reserve fund, **and funds are now beginning to accumulate with the first deposit in March 2012.** In addition, rental rates for Saunders Park were established.
3. **On-Site Waste Water Treatment (OWTS) Ordinance.** A public education proposal from Streamline Planning to implement this ordinance was approved by the Council at its August 2011 meeting. Streamline is working on putting together public education materials to be mailed out to property owners. This is a prelude to requiring implementation of the Ordinance.
4. **Library.** The Planning Commission reviewed and approved the design and coastal development permit at their meeting of December 8. **The library's contractor has responded to the issues addressed by the City's plan checking firm and that response is currently under review by that firm.**
5. **Water Rates.** The water rate increases as approved at the public hearing on February 8 following the process as required under California's Proposition 218 have been incorporated into the current billing cycle.

6. **Business License Renewals.** Business license applications for 2011-12 were mailed the beginning of July, and a second notice was mailed 9/20/2011. Staff sent a third and final notice in January, 2012, and there were 21 businesses that did not respond or call with an explanation. **Staff is making phone contact with those businesses to determine whether they are still active and/or intend to conduct business within the city limits.**

7. **Town Hall Sound System.** We continue to test microphones to arrive at an acceptable model for both sound and recording clarity. **Once we have a favorable result, we will ask that a replacement system be included in the 2012-13 budget.**

8. **Financial Review/Budgets.** A mid year financial report was presented at the March Council meeting. **Budget preparation for the 2012-13 fiscal year is now underway.**

9. **Sales Tax Add On.** The current .75% sales tax add on is scheduled to expire on March 31, 2013, and in order to continue the add on, a measure needs to be included on the November 2012 ballot at the latest. **As a separate agenda item, Council will consider giving direction to staff on this item.**

10. **Indian Gaming Fund Grants.** Two grant applications were approved by Council in March and have been submitted for funding consideration: (1) \$2,800 for purchase of visibility cones for protection of public and workers when performing road maintenance activities and (2) \$10,000 for grinding and replacing a section of failed asphalt roadway on Scenic Drive near Langford Road.

11. **Cultural Monitor Procedure/Protocol** The city occasionally needs to seek services of a cultural monitor when engaging in ground disturbing activities, and city staff is working to develop the proper/procedure for doing so.

12. **Cemetery Instruction Handout** Staff has developed a handout to be provided to plot purchasers to give detailed instructions on procedures and processes necessary to properly carry out the burial function.

13. **Cell Tower Lease Update.** The 20 year ground lease for the cell facility on Trinidad Head will expire April 16, 2017, although there is a five year option followed by a year to year continuation option. Verizon is aware of potential controversy with any renewal beyond the initial 20 year period and is reviewing options, but until a site plan is made public with a planning application and resulting public hearing, site specifics are kept as proprietary information. Verizon has indicated they will do what they need to do to continue service in this area. T-mobile is also exploring coverage options for this area.

14. **Harbor Lease.** The lease agreement for the submerged lands between the City and the Rancheria expired in January 2011, and staff is awaiting response from the Rancheria on suggested revisions to be able to bring forward a recommended new

or extended lease. The Rancheria has indicated their intent to renew, but has not yet been able to consider the proposed revisions because of their need to focus attention to the pier reconstruction project.

PLANNING ISSUES

1. **General Plan.** The City's Planner has put together a project schedule leading to Completion of the General Plan Update (see attached). Discussion on the optional components of this process is planned for the May Council meeting.

2. **Accessory Dwelling Unit (ADU)/Vacation Dwelling Unit (VDU) LCP Amendment.** As a separate agenda item this meeting, the Council will consider adoption of ordinances which is a necessary prelude to adoption of Resolutions to submit the application packet on the ADU and VDU regulations to the Coastal Commission. This includes analyzing the ordinances in terms of the City's general plan and Coastal Act policies and requires an environmental analysis.

3. **Moss Subdivision.** At a special meeting held November 10, 2011, the Council directed staff to appeal the decision by the Humboldt County Planning Commission to approve the Moss Subdivision on Fox Farm Road in Westhaven. A timely appeal was subsequently filed together with payment of the appeal fee of \$2,322.65. The County Board of Supervisors approved an \$18,500 contract amendment for their EIR consultant to address the appeal issues at their meeting of March 20, 2012. The consultant can now begin work on addressing the appeal, followed by county staff drafting a report to the Board of Supervisors, and then scheduling a Board hearing. The county's internal Board hearing process takes a minimum of 38 calendar days.

Status of Grant Funded Programs

1. Project Name: Gateway Project

Source of Funds: Combination of Transportation Enhancement Funds, Federal High Risk Rural Roads Funds and local Proposition 1B funds

Status: The streetlight replacement component of this project is currently underway. The construction component is currently in the bid phase, with bids scheduled to be opened on April 17, and construction to commence on or about May 29. We are under an ambitious schedule to complete and be invoiced for that portion of the project paid with Proposition 1B funding, in order to meet the expenditure deadline of June 30, 2012.

2. Project Name: Town Hall Heating System

Source of Funds: Energy Efficiency Block Grant (\$25,000)

Status: All work on the installation of the furnaces and insulation has now been completed, and we are awaiting reimbursement from the county for the \$24,000 originally awarded. Due to extra work required to make one of the two furnace units functional, an unanticipated expenditure of \$1,598 over the grant allocation was required. At this time, no funds have been identified to reimburse the city for this additional expense as all the other jurisdictions have fully expended their allocations.

3. Project Name: Turbidity Monitoring (SCADA upgrade)

Source of Funding: CA State Proposition (\$113,628)

Status: GHD is acting as the project manager. The project is ready to go, and is just waiting for a final third party labor compliance officer to be hired. An amendment to GHD's contract is being presented in this month's council packet to reduce their total fee to assure the project stays within the grant budget. This was made possible by hiring a sub-consultant to do some of the system programming and by reducing the amount of post-project modifications that will be provided.

4. Project Name: Water Plant Improvement Project

Source of Funding: Safe Drinking Water Revolving Fund (\$193,100)

Status: GHD continues to work on the final improvement project approach. The City has an opportunity to apply for Proposition 50 funds through the California Department of Public Health, which would completely grant fund the construction of the improvement project, and a separate agenda item is being presented at this meeting to authorize the City Manager to sign Notices of Intent to apply for these funds. The funds are being distributed on a first ready to construct, first awarded basis.

5. Project Name: Luffenholtz Creek Sediment Reduction

Source of Funding: California Department of Public Health (up to \$1.875 million)

Status: The California Department of Public Health anticipates issuing a letter of commitment of funds within the next month for watershed improvements to reduce turbidity into the City's drinking water source, Luffenholtz Creek. We have recently learned that design, specifications and CEQA must be complete before the final funding agreement with the City will be issued. This means a substantial cash outlay will be necessary before being able to apply for reimbursement. The City has requested the cooperating project partners, GHD, RCAA and Green Diamond coordinate to complete these items prior to payment of City funds to facilitate the funding agreement and to avoid cash flow issues due to reimbursement delays.

6. Project Name: Trinidad Pier Reconstruction (ASBS Project)

Source of Funding: CA State Proposition 84 (\$2,500,000)

Background: This is a Trinidad Rancheria project, in partnership with the City of Trinidad. The City has a grant from State Water Resources Control Board that will fund \$2.5 million of the estimated total cost of \$10 million for reconstruction of the Pier.

Status: **The project is still on schedule for completion in May 2012. The City issued the last of the building permits in early April. Most of the concrete work has been completed, including the pier surface slab. The approach slab, curbs and railings will be completed soon.**

7. Project Name: Storm Water Management Improvement

Source of Funding: CA State Proposition 84 (\$2,500,000)

Status: **Geotechnical borings and monitoring wells are complete, and the wells will soon be surveyed. Preliminary work on the groundwater model of the town will start soon and coordination between this project and other city street and stormwater projects continues.**

8. Project Name: Trinidad to Humboldt Bay Coastal Watershed Program

Source of Funding: Department of Conservation Watershed Coordinator Grant (\$293,910)

Status: **The Trinidad to Humboldt Bay Watershed Program activities include: Working with the Trinidad Bay Watershed Council to organize the Trinidad Bay Watershed Night scheduled for the evening of Friday, May 18 at Trinidad Town Hall, distributing "Humboldt's Dog-Friendly Areas" brochures to McKinleyville and Trinidad locations, working with the North Coast Stormwater Coalition to set up a water quality session at the Humboldt Bay Symposium, and disseminating information to local agencies and organizations about the recently available aerial imagery for the California coast.**

The cover story of the March/April 2012 issue of *Coastal Services*, a publication of the National Oceanic and Atmospheric Administration, featured an article on Ecosystem-Based Management: Putting Theory into Practice in California, and included quotes from the city's watershed coordinator, Rebecca Price-Hall, who was interviewed for the article.

9. Project Name: Azalea & Pacific

Source of Funding: Proposition 1B (\$55,000)

Status: **The conceptual design is nearing completion, which includes construction of the roadway, new curbs and gutters and new drainage facilities. Once the design is completed, it will be shared with the four property owners served by this project so they are informed as to project specifics.**

Public Works Department

1. Van Wycke Trail. Warning signs have been ordered to be posted at both ends of the trail to advise users of unstable bluffs, and that use of the trail is at one's own risk. Staff continues to evaluate the water line and storm drain under the trail to consider alternative solutions in the event of line failure due to continued bluff erosion.

2. Trinidad Head Maintenance. At their meeting on February 21, 2012, the Planning Commission found the Trinidad Head Vegetation Guidelines consistent with the City's certified LCP and approved the project as submitted. This was the culmination of a project encompassing several months to define maintenance activities on specific road and trail segments in order to address a complaint regarding maintenance activities that had been carried out on the Head. Any work not consistent with the Guidelines will require a separate review process.

3. Town Hall Maintenance. Staff has made substantial progress on working through a list of maintenance/repair items, and can report successful completion of the following:

- Roof leak repaired
- Completed inspection for leaks around roof jacks
- Cleaned gutters
- Completed stage repairs, replacing molding and staining to match existing structure
- Sanded and repainted southern facing window sills
- Scrubbed windows and inner sills
- Cleaned light fixtures
- Completed quarterly inspection of septic system

Although additional town hall improvement projects were anticipated (and budgeted) this fiscal year, the funds now need to be diverted to cover the unanticipated cost overrun on the furnace replacement project.

4. Lead and Copper Testing. Public Works has recently completed sampling for lead and copper as is required every three years, and the numbers are down significantly from the previous test results, due to modifications in the treatment system process. The results produced a reduction of copper by 33% and a reduction of lead by 75% as compared to 2008 results.

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Trinidad General Plan Update																											
Project Schedule																											
Reporting Period	2012												2013												2014		
Work Item	Done	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
LAND USE ELEMENT																											
Planning Commission Approval	█																										
City Council Review																											
CONSERVATION / OPEN SPACE ELEMENT																											
Planning Commission Approval	█																										
City Council Review																											
Revise Figures 9a & 9b																											
CIRCULATION ELEMENT																											
Final Edits / Figure		█																									
Planning Commission Approval			█																								
City Council Review				█	█																						
NOISE & PUBLIC SAFETY ELEMENT																											
Editing		█	█																								
Noise Readings			█																								
Planning Commission Review				█																							
Planning Commission Approval					█																						
City Council Review						█	█																				
HOUSING ELEMENT																											
Editing				█	█																						
Planning Commission Review					█	█																					
Planning Commission Approval						█	█																				
City Council Review							█																				
COMMUNITY DESIGN ELEMENT (optional)																											
Draft						█	█																				
Hearings								█	█																		
Edit									█	█																	
Planning Commission Approval										█	█																
City Council Review											█	█															
HISTORIC / CULTURAL ELEMENT (optional)																											
Draft									█	█																	
Hearings										█	█																
Edit											█	█															
Planning Commission Approval												█	█														
City Council Review													█	█													
FORMAL TRIBAL CONSULTATION																											
CEQA (or equivalent)																											
Environmental Impact assessment																											
Policy analysis																											
PUBLIC HEARINGS FULL DOCUMENT																											
Hearings																											
Edits																											
ZONING ORDINANCE UPDATE																											
Consistency Analysis																											
History Review																											
Edits																											
Hearings																											
COASTAL COMMISSION APPROVAL																											
Prepare application																											
Respond to comments																											
Wait..																											



CONSENT AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 8 PAGES

2. Financial Status Reports for February 2012

City of Trinidad
Statement of Revenues and Expenditures
From 2/1/2012 Through 2/29/2012

		Current Month	Year to Date	Total Budget - Original	% of Budget
Revenue					
41010	PROPERTY TAX - SECURED	39,716.88	39,716.88	115,000.00	(65.46)%
41020	PROPERTY TAX - UNSECURED	3,021.82	3,021.82	0.00	0.00%
41040	PROPERTY TAX-PRIOR UNSECURED	57.69	57.69	0.00	0.00%
41050	PROPERTY TAX - CURRENT SUPPL	209.34	209.34	0.00	0.00%
41060	PROPERTY TAX-PRIOR SUPPL	111.49	111.49	0.00	0.00%
41071	MOTOR VEHICLES	651.76	651.76	0.00	0.00%
41072	PROP TX - BOOKING FEES	154.98	154.98	0.00	0.00%
41110	PROPERTY TAX EXEMPTION	640.21	640.21	0.00	0.00%
41130	PUBLIC SAFETY 1/2 CENT	794.11	794.11	0.00	0.00%
41140	PROPERTY TAX - DOCUMENTARY RE	1,017.50	1,017.50	0.00	0.00%
41190	PROPERTY TAX ADMINISTRATION FE	(1,800.50)	(1,800.50)	0.00	0.00%
41200	LAFCO Charge	(585.09)	(585.09)	0.00	0.00%
41210	IN-LIEU SALES & USE TAX	11,809.20	11,809.20	0.00	0.00%
41220	IN LIEU VLF	13,257.50	13,257.50	0.00	0.00%
42000	SALES & USE TAX	5,800.00	83,146.13	180,000.00	(53.81)%
43000	TRANSIENT LODGING TAX	13,460.96	62,336.32	80,000.00	(22.08)%
47310	VEHICLE LICENSE COLLECTION	0.00	182.06	0.00	0.00%
47350	MOTOR VEHICLE LICENSE FEE GAP	0.00	704.32	0.00	0.00%
47600	BLUE BAG SALES	16.00	16.00	0.00	0.00%
49080	MOTOR VEHICLE FINES	0.00	0.00	3,500.00	100.00)%
53010	COPY MACHINE FEE	1.00	27.50	100.00	(72.50)%
53020	INTEREST INCOME	259.98	13,195.50	15,000.00	(12.03)%
53060	DONATIONS	0.00	50.00	0.00	0.00%
53090	OTHER MISCELLANEOUS INCOME	26,053.63	55,771.04	2,500.00	1,130.84%
54020	PLANNER- APPLICATION PROCESSIN	0.00	5,770.27	8,500.00	(32.11)%
54040	ENGINEER-APPLICATION PROCESSIN	0.00	0.00	500.00	100.00)%
54050	BLDG. INSP-APPLICATION PROCESSI	2,845.21	31,413.18	10,000.00	214.13%
54100	ANIMAL LICENSE FEES	0.00	80.00	100.00	(20.00)%
54130	FARMERS MARKET BUSINESS LICENS	0.00	30.00	0.00	0.00%
54150	BUSINESS LICENSE TAX	190.00	8,426.00	7,500.00	12.35%
54300	ENCROACHMENT PERMIT FEES	0.00	100.00	400.00	(75.00)%
56150	FRANCHISE FEES	0.00	12,944.98	0.00	0.00%
56400	RENT - VERIZON	1,733.79	13,551.66	19,620.00	(30.93)%
56500	RENT - HARBOR LEASE	0.00	5,000.00	5,000.00	0.00%
56600	RENT - OTHER TENNIS COURT	0.00	50.00	0.00	0.00%
56650	RENT - SUDDENLINK	0.00	2,935.41	4,200.00	(30.11)%
56700	RENT - TOWN HALL	600.00	8,720.00	8,500.00	2.59%
56800	RENT - MISC	0.00	0.00	500.00	100.00)%
59999	INTERDEPARTMENTAL TRANSFER INC	0.00	0.00	5,000.00	100.00)%
Total Revenue		<u>120,017.46</u>	<u>373,507.26</u>	<u>465,920.00</u>	<u>(19.83)%</u>

City of Trinidad
Statement of Revenues and Expenditures
 201 - GFAdmin
 From 2/1/2012 Through 2/29/2012

	Current Month	Year to Date	Total Budget - Original	% of Budget	
Expense					
60900	HONORARIUMS	250.00	2,000.00	3,000.00	33.33%
61000	EMPLOYEE GROSS WAGE	5,505.49	49,633.33	72,615.00	31.65%
61250	OVERTIME	0.00	0.00	1,500.00	100.00%
61470	FRINGE BENEFITS	46.16	386.59	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	8,746.00	100.00%
65100	DEFERRED RETIREMENT	209.45	1,774.28	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	467.97	3,170.07	6,384.00	50.34%
65300	WORKMEN'S COMP INSURANCE	0.00	4,485.68	0.00	0.00%
65500	EMPLOYEE MILEAGE REIMBURSEMENT	55.00	532.00	1,200.00	55.67%
65600	PAYROLL TAX	439.86	3,955.32	0.00	0.00%
68090	CRIME BOND	0.00	700.00	0.00	0.00%
68100	FIDELITY BOND	0.00	0.00	770.00	100.00%
68200	INSURANCE - LIABILITY	0.00	5,210.70	10,908.00	52.23%
68300	PROPERTY & CASUALTY	0.00	3,747.60	4,387.00	14.57%
71100	ATTORNEY-MEETINGS	165.00	646.50	15,000.00	95.69%
71110	ATTORNEY-ADMINISTRATIVE TASKS	876.84	4,170.67	8,000.00	47.87%
71130	ATTORNEY-LITIGATION	2,458.50	8,080.50	10,000.00	19.20%
71210	CITY ENGINEER-ADMIN. TASKS	327.50	769.75	7,000.00	89.00%
71220	CITY ENG-APPLICATION PROCESS	0.00	0.00	2,000.00	100.00%
71300	CITY PLANNER-MEETINGS	189.00	2,334.00	4,200.00	44.43%
71310	CITY PLANNER-ADMIN. TASKS	529.00	9,909.43	7,000.00	(41.56)%
71320	CITY PLANNER-APPL. PROCESS	120.00	7,884.00	7,000.00	(12.63)%
71330	CITY PLANNER-ENFORCEMENT	0.00	201.50	0.00	0.00%
71340	CITY PLANNER - SPECIAL PROJECT	3,219.00	6,315.00	20,000.00	68.42%
71400	BLDG.INSPECTOR-MEETINGS	0.00	3,897.82	0.00	0.00%
71410	BLDG INSPECTOR-ADMIN TASKS	0.00	4.69	0.00	0.00%
71420	BLDG INSPECTOR-PERMIT PROCESS	0.00	14,507.52	5,000.00	(190.15)%
71430	BLDG INSPECTOR-ENFORCEMENT	0.00	90.00	0.00	0.00%
71510	ACCOUNTANT-ADMIN TASKS	695.66	9,597.13	20,000.00	52.01%
71620	AUDITOR-FINANCIAL REPORTS	0.00	7,191.00	11,913.00	39.64%
72000	CHAMBER OF COMMERCE	0.00	4,000.00	4,500.00	11.11%
72100	BAD DEBTS	0.00	109.98	0.00	0.00%
75110	FINANCIAL ADVISOR/TECH SUPPORT	148.00	536.00	1,200.00	55.33%
75160	LIBRARY RENT & LOCAL CONTRIB.	0.00	0.00	1,500.00	100.00%
75170	RENT	650.00	5,200.00	7,800.00	33.33%
75180	UTILITIES	166.88	2,448.67	4,000.00	38.78%
75190	DUES & MEMBERSHIP	0.00	357.08	1,000.00	64.29%
75200	MUNICIPAL/UPDATE EXPENSE	0.00	2,336.63	7,500.00	68.84%
75220	OFFICE SUPPLIES & EXPENSE	572.21	3,749.98	4,500.00	16.67%
75240	BANK CHARGES	5.20	106.00	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	600.00	0.00	0.00%
75990	MISCELLANEOUS EXPENSE	0.00	0.00	1,900.00	100.00%
76110	TELEPHONE	166.11	1,265.59	2,500.00	49.38%
76130	CABLE & INTERNET SERVICE	160.95	1,287.60	2,000.00	35.62%
76150	TRAVEL	0.00	0.00	1,500.00	100.00%
78160	BUILDING REPAIRS & MAINTENANCE	75.00	2,032.45	3,500.00	41.93%
78190	MATERIALS, SUPPLIES & EQUIPMEN	336.23	1,622.78	5,000.00	67.54%
	Total Expense	<u>17,835.01</u>	<u>176,847.84</u>	<u>275,023.00</u>	<u>35.70%</u>

City of Trinidad
Statement of Revenues and Expenditures
301 - Police
From 2/1/2012 Through 2/29/2012

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
61000	EMPLOYEE GROSS WAGE	1,525.40	12,374.63	19,585.00	36.82%
61470	FRINGE BENEFITS	0.00	1.15	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	2,359.00	100.00%
65300	WORKMEN'S COMP INSURANCE	0.00	603.62	0.00	0.00%
65600	PAYROLL TAX	116.87	948.18	0.00	0.00%
71620	AUDITOR-FINANCIAL REPORTS	0.00	846.00	0.00	0.00%
75170	RENT	650.00	5,200.00	7,800.00	33.33%
75180	UTILITIES	192.97	1,560.75	1,200.00	(30.06)%
75190	DUES & MEMBERSHIP	0.00	122.00	0.00	0.00%
75220	OFFICE SUPPLIES & EXPENSE	0.00	72.60	300.00	75.80%
75300	CONTRACTED SERVICES	0.00	0.00	82,745.00	100.00%
75350	ANIMAL CONTROL	113.00	904.00	1,396.00	35.24%
75990	MISCELLANEOUS EXPENSE	0.00	44.76	0.00	0.00%
76110	TELEPHONE	77.81	637.92	1,800.00	64.56%
78150	VEHICLE REPAIRS	0.00	882.45	0.00	0.00%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	39.00	0.00	0.00%
78210	Advertising Outreach & Project	0.00	61.50	0.00	0.00%
Total Expense		<u>2,676.05</u>	<u>24,298.56</u>	<u>117,185.00</u>	<u>79.26%</u>

City of Trinidad
Statement of Revenues and Expenditures
401 - Fire
From 2/1/2012 Through 2/29/2012

		<u>Current Month</u>	<u>Year to Date</u>	<u>Total Budget - Original</u>	<u>% of Budget</u>
Expense					
60900	HONORARIUMS	150.00	1,200.00	1,800.00	33.33%
75180	UTILITIES	77.24	2,219.90	800.00	(177.49)%
75190	DUES & MEMBERSHIP	0.00	10.00	10.00	0.00%
75260	BACKGROUNDS / EDUCATION	0.00	0.00	1,000.00	100.00%
75300	CONTRACTED SERVICES	0.00	0.00	175.00	100.00%
75990	MISCELLANEOUS EXPENSE	0.00	150.00	0.00	0.00%
76110	TELEPHONE	3.23	37.33	175.00	78.67%
76140	RADIO & DISPATCH	0.00	1,602.26	0.00	0.00%
78140	VEHICLE FUEL & OIL	0.00	68.22	750.00	90.90%
78150	VEHICLE REPAIRS	0.00	3,715.74	3,000.00	(23.86)%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	1,207.02	500.00	(141.40)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	6,902.77	7,500.00	7.96%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	0.00	1,500.00	100.00%
90000	Capital Reserves	0.00	0.00	50,000.00	100.00%
96200	TRANSFER OUT	0.00	50,000.00	0.00	0.00%
Total Expense		<u>230.47</u>	<u>67,113.24</u>	<u>67,210.00</u>	<u>0.14%</u>

City of Trinidad
Statement of Revenues and Expenditures
501 - PW (Public Works)
From 2/1/2012 Through 2/29/2012

		Current Month	Year to Date	Total Budget - Original	% of Budget
Expense					
61000	EMPLOYEE GROSS WAGE	3,076.24	25,939.36	39,180.00	33.79%
61250	OVERTIME	0.00	188.20	3,000.00	93.73%
61470	FRINGE BENEFITS	0.00	2.31	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	4,720.00	100.00%
65100	DEFERRED RETIREMENT	245.75	2,338.17	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	1,462.56	11,735.84	21,113.00	44.41%
65300	WORKMEN'S COMP INSURANCE	0.00	1,846.76	0.00	0.00%
65600	PAYROLL TAX	250.90	2,097.16	0.00	0.00%
68200	INSURANCE - LIABILITY	0.00	473.70	992.00	52.25%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	4,077.75	0.00	0.00%
71250	CITY ENGINEER - PROJECT FEES	0.00	4,596.25	2,500.00	(83.85)%
71510	ACCOUNTANT-ADMIN TASKS	0.00	0.00	1,100.00	100.00%
75180	UTILITIES	0.00	35.52	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	1,500.00	100.00%
75370	UNIFORMS/PERSONAL EQUIP.	0.00	81.77	0.00	0.00%
78100	STREET MAINT/REPAIR/SANITATION	(14,460.62)	42,806.46	114,700.00	62.68%
78120	STREET LIGHTING	303.60	2,568.24	4,800.00	46.49%
78125	Street Lighting - Improvements	0.00	0.00	40,000.00	100.00%
78130	TRAIL MAINTENANCE	0.00	96.28	1,000.00	90.37%
78140	VEHICLE FUEL & OIL	715.07	2,866.10	3,000.00	4.46%
78150	VEHICLE REPAIRS	(1,114.12)	2,212.87	2,000.00	(10.64)%
78160	BUILDING REPAIRS & MAINTENANCE	0.00	265.07	0.00	0.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	340.77	3,951.87	2,500.00	(58.07)%
78200	EQUIPMENT REPAIRS & MAINTENANC	227.73	227.73	0.00	0.00%
Total Expense		(8,952.12)	108,407.41	242,105.00	55.22%

City of Trinidad
Statement of Revenues and Expenditures
204 - IWM
From 2/1/2012 Through 2/29/2012

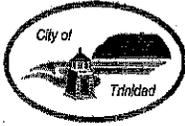
		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
46000	GRANT INCOME	0.00	5,000.00	5,000.00	0.00%
47600	BLUE BAG SALES	160.00	2,127.00	3,500.00	(39.23)%
47650	RECYCLING REVENUE	1,886.00	22,040.95	32,000.00	(31.12)%
	Total Revenue	<u>2,046.00</u>	<u>29,167.95</u>	<u>40,500.00</u>	<u>(27.98)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	1,032.82	8,704.11	13,265.00	34.38%
61250	OVERTIME	0.00	57.51	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFIT	0.00	0.00	1,598.00	100.00%
65100	DEFERRED RETIREMENT	107.90	997.02	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	417.95	3,343.05	6,461.00	48.26%
65300	WORKMEN'S COMP INSURANCE	0.00	591.62	0.00	0.00%
65600	PAYROLL TAX	86.36	724.70	0.00	0.00%
75120	WASTE RECYCLING PICKUP/DISPOSA	1,360.00	11,200.00	16,000.00	30.00%
75130	GARBAGE	0.00	556.99	0.00	0.00%
75140	BLUE BAG PURCHASES	0.00	1,590.00	3,500.00	54.57%
78100	STREET MAINT/REPAIR/SANITATION	1,346.80	4,018.69	7,000.00	42.59%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	325.16	1,000.00	67.48%
78210	Advertising Outreach & Project	0.00	88.80	0.00	0.00%
85000	CAPITAL OUTLAY	0.00	4,719.45	4,800.00	1.68%
	Total Expense	<u>4,351.83</u>	<u>36,917.10</u>	<u>53,624.00</u>	<u>31.16%</u>
	Net Income	<u>(2,305.83)</u>	<u>(7,749.15)</u>	<u>(13,124.00)</u>	<u>(40.95)%</u>

City of Trinidad
Statement of Revenues and Expenditures
601 - Water
From 2/1/2012 Through 2/29/2012

	Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue				
53020	INTEREST INCOME	0.00	0.00	20,000.00 (100.00)%
53090	OTHER MISCELLANEOUS INCOME	0.00	560.00	1,000.00 (44.00)%
57100	WATER SALES	17,122.31	146,229.79	221,000.00 (33.83)%
57300	NEW WATER HOOK UPS	0.00	0.00	9,000.00 (100.00)%
57500	WATER A/R PENALTIES	(316.58)	8,085.03	6,000.00 34.75%
	Total Revenue	<u>16,805.73</u>	<u>154,874.82</u>	<u>257,000.00 (39.74)%</u>
Expense				
61000	EMPLOYEE GROSS WAGE	6,534.60	54,904.89	83,354.00 34.13%
61250	OVERTIME	0.00	271.86	5,000.00 94.56%
61470	FRINGE BENEFITS	0.00	2.31	0.00 0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	10,040.00 100.00%
65100	DEFERRED RETIREMENT	649.08	5,871.72	0.00 0.00%
65200	MEDICAL INSURANCE AND EXPENSE	2,854.59	22,834.53	43,590.00 47.62%
65300	WORKMEN'S COMP INSURANCE	0.00	3,877.88	0.00 0.00%
65600	PAYROLL TAX	546.34	4,567.03	0.00 0.00%
68200	INSURANCE - LIABILITY	0.00	3,789.60	7,933.00 52.23%
68300	PROPERTY & CASUALTY	0.00	2,498.40	2,925.00 14.58%
71110	ATTORNEY-ADMINISTRATIVE TASKS	0.00	201.50	4,500.00 95.52%
71210	CITY ENGINEER-ADMIN. TASKS	0.00	0.00	43,620.00 100.00%
71230	ENGINEER-SPECIAL PROJECTS	0.00	14,785.50	14,848.00 0.42%
71510	ACCOUNTANT-ADMIN TASKS	374.59	5,167.67	9,000.00 42.58%
71620	AUDITOR-FINANCIAL REPORTS	0.00	6,063.00	9,000.00 32.63%
72100	BAD DEBTS	0.00	80.72	0.00 0.00%
75180	UTILITIES	0.00	7,571.66	14,000.00 45.92%
75190	DUES & MEMBERSHIP	0.00	466.68	900.00 48.15%
75220	OFFICE SUPPLIES & EXPENSE	156.53	1,620.42	2,000.00 18.98%
75230	INTEREST EXPENSE	0.00	824.16	1,935.00 57.41%
75240	BANK CHARGES	0.00	20.00	0.00 0.00%
75280	TRAINING / EDUCATION	0.00	315.00	0.00 0.00%
75990	MISCELLANEOUS EXPENSE	18.00	52.08	250.00 79.17%
76110	TELEPHONE	83.47	552.10	1,500.00 63.19%
76130	CABLE & INTERNET SERVICE	49.00	392.00	588.00 33.33%
76160	LICENSES & FEES	0.00	2,245.01	2,200.00 (2.05)%
78140	VEHICLE FUEL & OIL	284.63	1,261.87	3,000.00 57.94%
78150	VEHICLE REPAIRS	1,229.12	1,348.81	1,500.00 10.08%
78160	BUILDING REPAIRS & MAINTENANCE	784.57	1,110.10	2,000.00 44.49%
78170	SECURITY SYSTEM	745.80	1,743.60	276.00 (531.74)%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	4,262.70	5,000.00 14.75%
78200	EQUIPMENT REPAIRS & MAINTENANC	0.00	512.27	500.00 (2.45)%
79100	WATER LAB FEES	120.00	1,630.00	5,500.00 70.36%
79120	WATER PLANT CHEMICALS	383.42	5,626.56	16,000.00 64.83%
79130	WATER LINE HOOK-UPS	0.00	0.00	4,000.00 100.00%
79150	WATER LINE REPAIR	216.23	936.23	20,000.00 95.32%
79160	WATER PLANT REPAIR	1,400.59	2,399.40	10,000.00 76.01%
	Total Expense	<u>16,430.56</u>	<u>159,807.26</u>	<u>324,959.00 50.82%</u>
	Net Income	<u>375.17</u>	<u>(4,932.44)</u>	<u>(67,959.00) (92.74)%</u>

City of Trinidad
Statement of Revenues and Expenditures
701 - Cemetery
From 2/1/2012 Through 2/29/2012

		Current Period Actual	Current Year Actual	Total Budget - Original	% of Budget
Revenue					
53020	INTEREST INCOME	0.00	0.00	3,000.00	(100.00)%
58100	CEMETERY PLOT SALES	150.00	3,750.00	9,000.00	(58.33)%
58150	Cemetery Plot Refunds	0.00	(2,820.00)	0.00	0.00%
	Total Revenue	<u>150.00</u>	<u>930.00</u>	<u>12,000.00</u>	<u>(92.25)%</u>
Expense					
61000	EMPLOYEE GROSS WAGE	683.74	5,746.93	8,727.00	34.15%
61250	OVERTIME	0.00	57.51	0.00	0.00%
65000	EMPLOYEE TAXES, INSUR & BENEFI	0.00	0.00	1,051.00	100.00%
65100	DEFERRED RETIREMENT	65.99	642.15	0.00	0.00%
65200	MEDICAL INSURANCE AND EXPENSE	352.70	2,821.05	5,184.00	45.58%
65300	WORKMEN'S COMP INSURANCE	0.00	430.44	0.00	0.00%
65600	PAYROLL TAX	56.43	471.14	0.00	0.00%
75300	CONTRACTED SERVICES	0.00	0.00	500.00	100.00%
78180	OTHER REPAIR & MAINTENENCE	0.00	0.00	500.00	100.00%
78190	MATERIALS, SUPPLIES & EQUIPMEN	0.00	88.80	500.00	82.24%
	Total Expense	<u>1,158.86</u>	<u>10,258.02</u>	<u>16,462.00</u>	<u>37.69%</u>
	Net Income	<u>(1,008.86)</u>	<u>(9,328.02)</u>	<u>(4,462.00)</u>	<u>109.05%</u>



CONSENT AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

3. Authorize the City Manager to sign an amended contract for services with GHD for the Water System Turbidity Monitoring Project.

CONSENT AGENDA ITEM

Date: April 11, 2012

Item: Authorize the city manager to sign an amended contract for services with GHD for the Water System Turbidity Monitoring Project.

Background: The City has an agreement in place with GHD for the Water System Turbidity Monitoring Project. Equipment costs for this project came in higher than budgeted, so GHD has prepared an amendment to their contract for this project, which reduces the total fee to assure the project stays within the grant budget. GHD was able to reduce their fee by hiring a sub-consultant to do some of the system programming and by reducing the amount of post-project system modifications that will be provided.

Staff Recommendation: Authorize City Manager to sign the GHD Amendment to Agreement between GHD and City.

Attachments: **Amendment to GHD Agreement between Client and Consultant**



**Amendment to
Agreement between Client and Consultant**

Amendment No. 1 to Scope of Services Agreement approved on February 9, 2011 between GHD Inc. (Consultant) and City of Trinidad (Client).

Project: Technical Assistance for Department of Public Health Turbidity Meter / Monitoring Upgrade Grant – Monitoring Improvement Project.

Client hereby requests and authorizes Consultant to perform additional and/or revised services as set forth in this Amendment.

Scope of services as set forth below or in specified attachment(s).

Budget adjustments to reduce scope to match grant funding amounts for the tasks below. On-site Support Services are reduced to no more than two (2) site visits and corresponding adjustments to system. No additional user modifications beyond initial system development are included in the scope.

Task Description	GHD's Original Budget	GHD's New Budget (revised)
Task 1 Monitoring System Design Finalization	\$ 17,052	\$ 18,394
Task 2 Bid Phase Assistance	\$ 2,332	\$ 4,969
Task 3 PLC Integration	\$ 25,144	\$ 23,205
Task 4 Onsite Support	\$ 10,746	\$ 1,500
Task 5 User Requested Modifications	\$ 3,094	\$ 0
Total Budget	\$ 58,368	\$ 48,068

Terms of compensation as set forth below or in specified attachment(s).

A total of \$10,300 shall be reduced from the original budgeted amount of \$58,368. The new total budget shall not exceed \$48,068 and will continue to be billed on a time and materials basis using the fee schedule in effect at the time the services are performed.

All provisions specified in the original Master Services Agreement dated 5/20/08 and the Scope of Services Agreement approved on 2/9/11 are in effect. No other agreements, guarantees, or warranties are in effect.



GHD Project No. 0106311001

IN WITNESS WHEREOF, the parties hereby execute this amendment upon the terms and conditions stated above.

Client City of Trinidad
By _____
Print Name Karen Suiker
Title City Manager
Date _____

Consultant GHD Inc.
By _____
Print Name Steven Allen
Title Eureka Regional Office Manager
Date _____

Original Agreement	<u>\$58,368</u>
Amendment No. 1	<u>-\$10,300</u> (reduced)
TOTAL	<u>\$48,068</u>



CONSENT AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

4. Authorize the City Manager to sign Prop 50 Funding Notices of Intent to Apply for Funding for Water System Improvements.

CONSENT AGENDA ITEM

Date: April 11, 2012

- Item: Authorize the City Manager to sign Proposition 50 Funding Notices of Intent to apply for funding for the City of Trinidad Water System Reliability Storage and Disinfection Project (P50-1210018-178) and the Filtration Project (P50-1210018-178).
- Background: The City received invitations from the State of California Department of Public Health to apply for funding from Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002. This invitation is for the City of Trinidad Water System Improvements to increase water storage capacity, improve the disinfection capacity, install additional filters and expand the water plant facility to accommodate the new equipment. These improvements will help the water system to meet state and federal requirements, and to increase water supply reliability. The city is under no obligation to apply, however this will “keep our place in line” for the last round of Prop. 50 funding. The full applications must be submitted by June 8, 2012.
- Staff Recommendation: Authorize City Manager to sign and file the *Proposition 50 Funding Notices of Intent* with the State of California Department of Public Health for the projects to improve the City of Trinidad Water System.
- Attachments: **Proposition 50 Funding Notice of Intent P50-1210018-178**
Proposition 50 Funding Notice of Intent P50-1210018-179



State of California—Health and Human Services Agency
California Department of Public Health



**PROPOSITION 50 FUNDING
 NOTICE OF INTENT**

RON CHAPMAN, MD, MPH
 Director & State Health Officer

EDMUND G. BROWN JR.
 Governor

Applicant: City of Trinidad

Proposition 50 Number: P50-1210018-179

Project Title: City of Trinidad Filtration Project

Please select one of the following options, then sign and date this form below. Return the form by April 13, 2012, to the address shown at the bottom of the page.

- The applicant does NOT intend to apply for funding for this project for this grant program. Remove this project from the priority list.
- The applicant requests to be BYPASSED for funding at this time. Please keep this project on the priority list.
- Applicant has received the invitation to submit a funding application for the above referenced project number and INTENDS to submit a full application for Proposition 50 funding to the California Department of Public Health (CDPH). Applicant understands that application materials must be submitted in a timely fashion or the project will be bypassed for funding. Specifically, the applicant agrees to abide by the following timelines:
 - Submit full application (including technical report, financial information and environmental documentation) to CDPH no later than June 8, 2012.
 - Sign and return acknowledgement of the terms of the Letter of Commitment (LOC) within 30 calendar days of the receipt of the LOC.
 - Submit final plans and specifications, final environmental documents, and final financial information within 90 calendar days of signing the LOC.
 - Sign and return funding agreement documents to CDPH within 30 calendar days of the receipt of the funding agreement package.
 - Initiate project construction within 120 calendar days of execution of funding agreement by CDPH.
 - Complete project construction within three years of execution of funding agreement by CDPH.
 - If any materials submitted for the application or to satisfy terms of the LOC are deemed incomplete, the applicant will submit additional information as specified by CDPH or DWR within 30 calendar days of notification by CDPH.

Applicant estimates 100% plans and specifications for this project will be completed no later than August 1, 2012. (date)

Applicant estimates the environmental documentation for this project will be completed no later than August 1, 2012. (date)

Applicant can provide audited financial statements that show water system is not operating at a deficit: Yes / No (circle one)

Failure to comply with deadlines will result in bypass of the project for funding. CDPH will terminate the application review process and will cancel any funding commitment. The funding will be made available to another project on the priority list.

Applicant Representative's Signature

Date

Print or Type Name

Title

Email/Phone

Email: DWPFUNDS@cdph.ca.gov



State of California—Health and Human Services Agency
California Department of Public Health



PROPOSITION 50 FUNDING
NOTICE OF INTENT

RON CHAPMAN, MD, MPH
Director & State Health Officer

EDMUND G. BROWN JR.
Governor

Applicant: City of Trinidad

Proposition 50 Number: P50-1210018-178
Project

Project Title: City of Trinidad Reliability Storage and Disinfection

Please select one of the following options, then sign and date this form below. Return the form by April 13, 2012, to the address shown at the bottom of the page.

- The applicant does NOT intend to apply for funding for this project for this grant program. Remove this project from the priority list.
- The applicant requests to be BYPASSED for funding at this time. Please keep this project on the priority list.
- Applicant has received the invitation to submit a funding application for the above referenced project number and INTENDS to submit a full application for Proposition 50 funding to the California Department of Public Health (CDPH). Applicant understands that application materials must be submitted in a timely fashion or the project will be bypassed for funding. Specifically, the applicant agrees to abide by the following timelines:
 - Submit full application (including technical report, financial information and environmental documentation) to CDPH no later than June 8, 2012.
 - Sign and return acknowledgement of the terms of the Letter of Commitment (LOC) within 30 calendar days of the receipt of the LOC.
 - Submit final plans and specifications, final environmental documents, and final financial information within 90 calendar days of signing the LOC.
 - Sign and return funding agreement documents to CDPH within 30 calendar days of the receipt of the funding agreement package.
 - Initiate project construction within 120 calendar days of execution of funding agreement by CDPH.
 - Complete project construction within three years of execution of funding agreement by CDPH.
 - If any materials submitted for the application or to satisfy terms of the LOC are deemed incomplete, the applicant will submit additional information as specified by CDPH or DWR within 30 calendar days of notification by CDPH.

Applicant estimates 100% plans and specifications for this project will be completed no later than August 1, 2012 (date)

Applicant estimates the environmental documentation for this project will be completed no later than August 1, 2012 (date)

Applicant can provide audited financial statements that show water system is not operating at a deficit: Yes / No (circle one)

Failure to comply with deadlines will result in bypass of the project for funding. CDPH will terminate the application review process and will cancel any funding commitment. The funding will be made available to another project on the priority list.

Applicant Representative's Signature _____

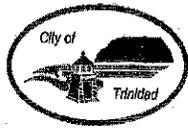
Date _____

Print or Type Name _____

Title _____

Email/Phone _____

Email: DWPFUNDS@cdph.ca.gov



CONSENT AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 13 PAGES

5. Repeal of Accessory Dwelling Unit Ordinance (ADU 2010-04, and Vacation Dwelling Unit Ordinance (VDU 2011-02, and Adoption of Amended ADU Ordinance 2012-01 and VDU Ordinance 2012-02.

CONSENT AGENDA ITEM

Date: April 11, 2012

Item: **Repeal** of Accessory Dwelling Unit Ordinance (ADU) 2010-04, and Vacation Dwelling Unit Ordinance (VDU) 2011-02, and **Adoption** of ADU Ordinance 2012-01 and VDU Ordinance 2012-02.

Background: This agenda item requires Council attention due to housekeeping errors that must be resolved, and strict policy and procedural requirements set forth by the Coastal Commission in order to proceed with a request to certify the ADU and VDU Ordinances.

These ordinances must be certified by the Coastal Commission before the City can start implementing them. The City Planner has prepared the application to submit these ordinances to the Coastal Commission, but there are still a couple of loose ends:

- First was the timing of notifications, and some additional notices had to be sent / posted before these ordinances could be submitted to the Coastal Commission.
- Second was that the Coastal Commission has not certified the City's 1990 codification of its ordinances. Therefore the Coastal Commission does not recognize the numbering system used in adopting these ordinances (Chapters 17.53 and 17.54 of the zoning ordinance). It is proposed to just add the appropriate section numbers to match the original zoning ordinance (Article 5.3 (VDUs) and Article 5.6 (ADUs) along with the existing numbering system in submitting them to the Coastal Commission.

IMPORTANT TO NOTE: No changes are proposed to the text or content of the ordinances themselves from what was already approved and adopted by the City Council.

Staff is requesting that to be kept consistent with Coastal Commission policies and procedures, and to maintain the most clean and efficient internal recordkeeping system for tracing the origin of these ordinances, that the City formally repeal the 2010 and 2011 versions of the ADU and VDU ordinances and start over with the new, 2012 versions.

Approval of the recommendation as written will equip staff with the direction it needs to proceed and resolve this issue.

Ordinances require first and second readings. Approval of the 2012 ADU and VDU Ordinances on April 11, 2012 will serve as the first reading. Council will be asked to approve the second reading and (2) resolutions at the regular meeting in May. The resolutions are required by the Coastal Commission and act as permission to allow them to review and approve the ordinances, which represent amendments to the original Local Coastal Plan certified originally by the Commission in 1979.

Staff Recommendation:

Repeal ADU Ordinance 2010-04 and VDU Ordinance 2011-02, and Adopt new ADU Ordinance 2012-01 and VDU Ordinance 2012-02.

Attachments:

(2) 2012 Draft Ordinances

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

STAN BINNIE, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE NO. 2012-01

AN ORDINANCE OF THE CITY OF TRINIDAD THAT REPEALS IN ITS ENTIRETY THE PREVIOUS VERSION OF THIS ORDINANCE, 2010-04, AND ADDS CHAPTER 17.54 TO TITLE 17 OF THE TRINIDAD MUNICIPAL CODE (ADDING ARTICLE 5.6 TO THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE).

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

ORDINANCE 2012-02, SECTION 1:

There is hereby added to the Trinidad Municipal Code a new Chapter, Chapter 17.54, ~~and hereby added to the Coastal Commission certified Zoning Ordinance a new Article 5.3~~, "City of Trinidad Accessory Dwelling Unit Ordinance," which shall read as follows:

CHAPTER 17.54 (ARTICLE 5.6)

REGULATIONS FOR ACCESSORY DWELLING UNITS

FINDINGS

1. Government Code §65852 encourages accessory dwelling units (ADUs) and limits jurisdictions' ability to restrict them.
2. Government Code §65852.2.a.1.A allows jurisdictions to limit ADUs to certain areas based on limitations such as water and sewer service or traffic.
3. Government Code §65852.2.a.3 requires applications for ADUs to be considered ministerially without discretionary review or a public hearing if they meet adopted, standard, objective criteria or development standards
4. These State housing regulations do not supersede the CA Coastal Act except that public hearings are not required in issuing a Coastal Development Permit for an ADU.
5. Trinidad has a Local Coastal Plan certified by the CA Coastal Commission in 1980.
6. Trinidad is a very small City, with only around 300 residents and encompassing an area of approx. 0.5 sq. mi with only approx. 200 parcels, most of which are already developed.
7. The ocean waters surrounding Trinidad are a State designated Area of Special Biological Significance. The CA Ocean Plan prohibits all discharges into these areas unless an Exception is granted by the State Water Resources Control Board.
8. The entire City is served by onsite wastewater treatment systems (OWTS) on average urban lot sizes of 8,000 sq. ft.
9. There is enough evidence of, and concern over, OWTS pollution that the City has / will adopted an OWTS Management Program to ensure all systems are inspected, maintained and functioning properly.
10. There are many existing ADUs, both illegal and legal nonconforming
11. Trinidad desires to promote ADUs as affordable housing, while protecting the environment and community values.
12. Trinidad General Plan and Zoning Ordinance place a strong emphasis on private coastal view protection.
13. The Coastal Act and Trinidad LCP protect public views.

Sections:

17.54.010 (5.6.01)	Purpose and Intent
17.54.020 (5.6.02)	Definitions
17.54.030 (5.6.03)	Location
17.54.040 (5.6.04)	Permits Required
17.54.050 (5.6.05)	Permitting Procedures
17.54.060 (5.6.06)	Existing ADUs
17.54.070 (5.6.07)	Development Standards
17.54.080 (5.6.08)	Deed Restrictions

Section 17.54.010 (5.6.01) – PURPOSE AND INTENT

The City recognizes the importance of a suitable living environment for all residents. The State Legislature has declared that accessory dwelling units (ADUs) are a valuable form of housing in California. It is the intent of the City to permit ADUs, in conformance with state law, subject to standards that will ensure the units contribute to a safe living environment for all residents while protecting the water quality in and around Trinidad. The purpose is to provide flexibility in housing options, an opportunity for the development of small rental units, to provide relatively affordable housing for low- and moderate-income individuals and families, to provide economic support for resident property owners and to provide rental units for the elderly or disabled while still maintaining the small town, residential character of the City.

Section 17.54.020 (5.6.02) – DEFINITIONS

- A. "Accessory dwelling unit" or ADU means any residential dwelling unit which provides complete independent living facilities on the same building site as a legal single-family residence, including permanent provisions for living, sleeping, cooking, eating, and sanitation, as defined in Government Code Section 65852.2(i)(4).
- B. "Primary unit" means the primary, existing legal single-family residential dwelling unit which provides complete independent living facilities for one or more persons.

Section 17.54.030 (5.6.03) – LOCATION

One ADU may be located on any residentially zoned site which either contains a primary unit or which is undeveloped, but there is a concurrent application for a primary unit. ADUs are not required to meet the density requirements of the General Plan or zoning ordinance. A detached ADU is not considered an accessory building or accessory use.

Section 17.54.040 (5.6.04) – PERMITS REQUIRED

- A. Establishment of an ADU requires a permit from the City
- B. Any application for an ADU that meets all standards in §17.54.070 ~~(5.6.07)~~ of this chapter shall be approved ministerially without discretionary review or public hearing.
- C. A use permit shall be required in accordance with this Chapter and Chapter 17.72 ~~(Article 7)~~ of the Trinidad Zoning Ordinance for establishment of an ADU which does not meet all the development standards contained or referenced in this chapter.

Section 17.54.050 (5.6.05) – PERMITTING PROCEDURES

- A. Step One – Submittal. Applications for ADUs shall be submitted to the City Clerk's Office on a City of Trinidad ADU Application. The City shall provide information on submittal requirements along with the Application.
- B. Step Two – Noticing. Notification for any pending ADU permit shall be provided to neighboring properties and interested persons in accordance with §17.72.130 ~~(7.17)~~. Notice shall be provided at least seven days prior to any determination by the City Planner on a ministerial permit or Planning Commission on a use permit. If anyone submits evidence that shows that the project will not meet the

development standards of §17.54.070 ~~(5.6.07)~~ herein to the satisfaction of the City Planner, then a use permit shall be required to be granted by the Planning Commission.

- C. **Step Three – Issuance.** A ministerial permit shall only be issued for an ADU if the application conforms to all the specific standards contained in Section 17.54.070 ~~(5.6.07)~~ and only after making the three findings below. For ADUs that do not meet the standards contained in §17.54.070 ~~(5.6.07)~~, in addition to the findings required for granting a use permit in §17.72.040 ~~(7.09)~~ of the Trinidad Zoning Ordinance, the following findings shall also be required from the Planning Commission. The decision of the City Planner and / or Planning Commission may be appealed in accordance with §17.72.100 ~~(7.14)~~ of the Trinidad Zoning Ordinance.
1. The ADU is compatible with the design of the main unit and the surrounding neighborhood in terms of landscaping, scale, height, length, width, bulk, lot coverage, and exterior treatment, and will not cause excessive noise, traffic, or other disturbances to the existing neighborhood or result in significantly adverse impacts on public services and resources.
 2. The ADU will not tend to change the character of or cause a concentration of such units sufficient to change the characteristic of the residential neighborhood in which it is located.
 3. The ADU is consistent with the Trinidad Zoning Ordinance and policies of the General Plan, including that it will not cause significant blockage of coastal views from public viewing points and has been designed to minimize view blockage from adjacent residences.

Section 17.54.060 (5.6.06) – EXISTING ADU's

A. Nonconforming ADU's

1. Legal, nonconforming ADU's, those established prior to the certification of the City's Zoning Ordinance in 1980, shall maintain their nonconforming status and shall be subject to all the nonconforming regulations in Chapter 17.64 ~~(sections 6.20-6.25)~~ of the Trinidad Zoning Ordinance, unless a permit application for an ADU is approved by the City Planner or Planning Commission for that unit. If such permit is granted, then the ADU shall no longer be considered nonconforming and shall be subject to all the regulations of this Chapter.
2. Units that can not meet all the development standards of §17.54.070 ~~(5.6.07)~~ may be granted an exception if, in the opinion of the Planning Commission, findings 1 and 2 of §17.54.050 ~~(5.06.5-C)~~ can be made and all feasible measures to meet the development standards have been made. A use permit is required to be approved by the Planning Commission.
3. Legal, nonconforming ADU's are required to maintain their Onsite Wastewater Treatment System at a level of Satisfactory or better according to the City's OWTS Management Program. If the OWTS receives a performance rating of less than Satisfactory, then restrictions on water use and occupancy should be enacted through a formal agreement with the property owners. Monitoring wells shall be installed to ensure that effluent is being adequately treated to prevent water pollution.

B. Illegal ADU's

1. Owners of illegal ADU's, those that were constructed or converted after 1980 without Planning Commission approval, have a three year grace period in which to apply for an ADU permit from the City. In addition to meeting the development standards of §17.54.070 ~~(5.6.07)~~ or receiving approval of a use permit, they must also conform to the following requirements:
 - (a) Units must be inspected by the City Building Official for and upgraded to compliance with health and safety requirements, which may include building permits and fees.
 - (b) Registered ADU's are required to maintain their Onsite Wastewater Treatment System at a level of Satisfactory or better according to the City's OWTS Management Program. If the OWTS receives a performance rating of less than Satisfactory, then restrictions on water use and occupancy should be enacted through a formal agreement with the property owners.

Monitoring wells shall be installed to ensure that effluent is being adequately treated to prevent water pollution.

- (c) Units that can not meet all the development standards of §17.54.070 (5.6.07) may be granted an exception if, in the opinion of the Planning Commission, findings 1 and 2 of §17.54.050 (5.6.05.C) can be made and all feasible measures to meet the development standards have been made.
2. If an illegal ADU is not registered within the timeframe set forth above, then when discovered, whether by an OWTS inspection or other means, the City may immediately begin Nuisance Abatement against the property.

Section 17.54.070 (5.6.07) – DEVELOPMENT STANDARDS

An ADU permit will be issued only if it complies with all the following development standards:

- (a) **Existing Development:** A single-family dwelling must exist on the site or shall be constructed on the site in conjunction with the construction of the ADU.
- (b) **Number per Building Site:** A maximum of one ADU shall be permitted on any one parcel or lot. ADU's may not be permitted on residential lots already having two or more dwelling units thereon.
- (c) **Unit Size:** The second unit must be either attached to the primary unit and located within the living area of the primary unit, or detached from the primary unit and located on the same lot as the primary unit. The floor area of an attached second unit shall not exceed 30% of the existing living area of the primary unit or 800 square feet, whichever is less, except that a minimum size of 150 sq. ft. shall be allowed. The total area of floor space of a detached second unit shall not exceed 1000 square feet.
- (d) **Setbacks:** The setback requirements of the zoning district in which the ADU is located shall apply; however, ADUs may be permitted in legally constructed structures located within required rear and side setbacks. A detached ADU shall be at least ten feet from any building. Rear yard setbacks for ADUs on alleys shall be measured from the centerline of the alley.
- (e) **Height:** An attached ADU shall not be greater in height than the primary unit. A detached ADU shall be no greater than 15 feet in height.
- (f) **Lot Coverage and Floor Area:** An ADU shall be included in the lot coverage and floor area requirements applicable to the site. Floor area is measured to the outside surface of exterior walls the walls of the living space. Total floor area of both units shall not exceed 2,600 sq ft. or 30% floor-to-area ratio and 25% lot coverage.
- (g) **Off-street Parking:** The ADU shall provide one off-street parking space per unit. The parking space may be covered or uncovered, must be of standard size. Required parking may be located within required setbacks, and can be tandem.
- (h) **Permanent Foundation:** A permanent foundation shall be required for all ADUs.
- (i) **Architectural Compatibility:**
- (1) The ADU shall incorporate the same or similar architectural features and building materials as the main dwelling unit or dwellings located on adjacent properties and shall be consistent with the city of Trinidad Design Review and View Protection findings.
 - (2) Any exterior alteration or addition to a dwelling on the Historic Resources Inventory shall be consistent with the Secretary of the Interior's *Standards and Guidelines*.
- (j) **Privacy:** The entrance to the accessory unit shall face the interior of the lot unless the accessory unit is directly accessible from an alley or a public street, or if it utilizes the same entrance as the primary unit. Windows which face an adjoining residential property shall be designed to protect

the privacy of neighbors; alternatively, fencing or landscaping shall be required to provide screening.

- (j) **Utilities.** All utilities for detached units shall be installed underground. All ADUs shall have separate utility meters from the primary residence.
- (k) **Onsite Wastewater Treatment System (OWTS):** Prior to issuance of a building permit, the applicant shall submit certification by the Health Department, that the existing OWTS is of adequate size and condition to support projected sewage flow for the primary unit and ADU. If the capacity or condition of the existing OWTS is found to be inadequate to serve the existing and proposed units on the property, OWTS shall be replaced or upgraded to meet current standards, at the expense of the applicant.
- (l) **Accessibility.** All newly constructed first-floor ADUs shall be adaptable for use by persons with ADA-defined disabilities as follows:
 - (1) The bathroom shall provide minimum clearances as specified for accessible units per California state accessibility requirements, and grab bar blocking shall be installed in the walls.
 - (2) Entry doors shall have a minimum width of three feet.
 - (3) Interior doors shall have a minimum width of 2 feet 10 inches
 - (4) Thresholds shall meet California state accessibility requirements
 - (5) The kitchen shall meet the minimum clearances specified in the California state accessibility requirements
- (m) **Occupancy.**
 - (1) The principal place of residence of the property owner shall be either the ADU or the primary unit.

Section 17.54.080 (5.6.08) – DEED RESTRICTIONS

Before obtaining an ADU building permit, the property owner shall file with the county recorder a declaration or an agreement of restrictions, which has been approved by the city attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

- (a) The ADU shall not be sold separately from the primary unit.
- (b) Any conditions required by the City's OWTS Ordinance.
- (c) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

ORDINANCE 2012-02, SECTION 2:

This Ordinance shall take effect ~~upon certification by the Coastal Commission~~

PASSED AND ADOPTED by the Planning Commission of the City of Trinidad, State of California in March 2008.

PASSED AND ADOPTED by the City Council of the City of Trinidad, State of California, on **Wednesday, April 11, 2012**, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

First Reading: Wednesday, April 11, 2012

Second Reading: Wednesday, May 9, 2012

Attest:

Gabriel Adams
Trinidad City Clerk

Kathy Bhardwaj
Mayor

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

KATHY BHARDWAJ, MAYOR
GABRIEL ADAMS, CITY CLERK



ORDINANCE 2012-02

AN ORDINANCE OF THE CITY OF TRINIDAD
THAT REPEALS IN ITS ENTIRETY THE PREVIOUS VERSION OF THIS ORDINANCE, 2011-02, AND
ADDS CHAPTER 17.53 TO TITLE 17 OF THE TRINIDAD MUNICIPAL CODE (ADDING ARTICLE 5.3
TO THE COASTAL COMMISSION CERTIFIED ZONING ORDINANCE)
AND AMENDING SECTIONS 3.20.030 AND 5.04.220 OF THE TRINIDAD MUNICIPAL CODE

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

ORDINANCE 2012-01, SECTION 1:

There is hereby added to the Trinidad Municipal Code a new Chapter, Chapter 17.53, ~~(and hereby added to the Coastal Commission certified Zoning Ordinance a new Article 5.3)~~, "City of Trinidad Vacation Dwelling Unit Ordinance," which shall read as follows:

Chapter 17.53 (Article 5.3)

REGULATIONS FOR VACATION DWELLING UNITS

Sections:

17.53.010 (5.3.01)	Short Title
17.53.020 (5.3.02)	Definitions
17.53.030 (5.3.03)	Purpose
17.53.040 (5.3.04)	Requirements
17.53.050 (5.3.05)	Appearance and Visibility
17.53.060 (5.3.06)	Effect on Existing Vacation Dwelling Units
17.53.070 (5.3.07)	Location
17.53.080 (5.3.08)	Noise
17.53.090 (5.3.09)	Non-Permitted Uses
17.53.100 (5.3.10)	Number of Occupants
17.53.110 (5.3.11)	Visitors
17.53.120 (5.3.12)	Tenancy
17.53.130 (5.3.13)	Traffic
17.53.140 (5.3.14)	Tourist Occupancy Tax
17.53.150 (5.3.15)	Audit
17.53.160 (5.3.16)	Dispute Resolution
17.53.170 (5.3.17)	Violations—Penalty
17.53.180 (5.3.18)	Violations—Revocation
17.53.190 (5.3.19)	Ordinance Review

17.54.010 (5.3.01) Short Title.

This chapter ~~(article)~~ shall be known and may be cited as "City of Trinidad Vacation Dwelling Unit Ordinance."

17.54.020 (5.3.02) Definitions.

Good Neighbor Brochure.

"Good Neighbor Brochure" means a document prepared by the City and approved by the City Manager that summarizes general rules of conduct, consideration, respect, and potential remedial actions. In particular provisions for parking and minimizing noise and quiet hours shall be included.

Event.

"Event" means any use of a structure or land for a limited period of time. "Event" includes but is not limited to art shows, religious revivals, tent camps, concerts, fundraisers, and weddings or receptions. "Event" does not include small parties and social gatherings of 20 people or less consistent with normal residential use.

Occupant.

"Occupant" within this Chapter is synonymous with the definition of "Tourist" in Trinidad Municipal Code section 3.20.020G. As used in this Chapter, "occupant" does not include children aged 5 or under.

Transient Use.

"Transient use" means any contractual use of a structure or portion thereof for residential, dwelling or sleeping purposes, for any period of time which is less than 30 consecutive days.

Vacation Dwelling Unit.

"Vacation Dwelling Unit" (VDU) means any structure, accessory structure, or portion of such structures, which is contracted for transient use.

As used in this chapter, the definition of "Vacation Dwelling Unit" falls within the definition of "Lodging House" found in Trinidad Municipal Code section 3.20.020A but does not include "inn" or "motel" within Section 3.20.020A.

Visitor.

"Visitor" means someone staying temporarily at a VDU, but that is not an "occupant" and not staying at the VDU overnight.

17.54.030 (5.3.03) Purpose.

The purpose of this Chapter is to ensure that Vacation Dwelling Units are compatible with surrounding residential and other uses and will not act to harm or alter the neighborhoods within which they are located.

17.54.040 (5.3.04) Requirements.

A. Business License Application.

Each VDU must procure a Business License. Existing VDUs must obtain a Business License within 3 months of the adoption of this ordinance. The business license shall identify the existence of a VDU at a particular address and declares the number of bedrooms in the VDU.

A site plan and floor plan must be submitted along with the Business License application so the City can verify the number of bedrooms and parking spaces. The site plan and floor plan do not have to be professionally prepared, but must be to scale and include enough information to verify compliance. A sample rental agreement that addresses the requirements of this Chapter shall also be provided.

Each application for a Business License shall be accompanied with proof of a general liability insurance in the amount of one million dollars combined single limit and an executed agreement to indemnify, defend and save the city harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the registration of a VDU.

A Business License Fee of \$100.00 will be charged for the first year of each VDU's operation. Annual renewals for subsequent years shall be at the same cost as a renewal for any other Business License in the City.

The City will notify all property owners within 100 feet of the VDU property of the VDU's Business License within 7 days of its issuance or re-issuance. This notice may be combined with the required 24-hour emergency contact phone number notice required in subsection B below.

B. Contact Information.

1. Local Contact Person.

Each VDU must designate a local contact person on the Business License form. That person may be either the owner or the property manager, and that person must live within 25 miles of Trinidad so that he/she can respond personally to an emergency.

2. 24-Hour Emergency Contact Phone Number.

A 24-hour emergency contact phone number is required for each VDU. The 24-hour emergency contact phone number shall be prominently placed for the occupants' use inside the VDU. Any change to the emergency contact number shall be promptly provided to the Trinidad City Clerk and posted within the VDU.

The emergency contact phone number will be forwarded by the City Clerk to the Trinidad Police Department, the County Sheriff's Office, the Trinidad Volunteer Fire Department, and to each neighbor within 100 feet of the VDU within 7 days after the issuance or reissuance of a business license for the VDU.

If there is an emergency or complaint, and the emergency contact person does not respond within a reasonable period of time, concerned persons will be encouraged to report the emergency through the 911 emergency calling system or the Police or Sheriff's Department. It is unlawful to make a false report or complaint regarding activities associated with a VDU.

C. Parking.

A VDU must provide at least one on-site parking space per bedroom in the VDU. The parking space/s shall be entirely on the VDU property. VDU occupants may not use public right-of-way (street) spaces to meet their parking needs. Parking spaces will not be located on the septic system unless it is designed and rated for traffic in accordance with the OWTS Regulations.

D. Septic System.

Each VDU's owner or property manager must provide proof that the septic system for the structure in which the VDU is located is functioning properly and in conformance with the City's OWTS Management Program. Information on the appropriate use of a septic system, in a form approved by the City, shall be posted in each bathroom in the VDU and the kitchen.

E. Signs.

A single sign no greater than 3 square feet in size shall be attached to the VDU structure or placed immediately adjacent to the front of the VDU structure. The purpose of the sign is to notify the public that the structure is or contains a VDU. The sign must provide a 24-hour emergency telephone contact number for complaints, and a business telephone number for persons seeking information on the VDU.

F. Trash.

Trash and refuse shall not be left stored within public view, except in proper containers for the purposes of collection. There shall be no accumulation or storage of trash and / or debris on the site or within the unit.

G. Emergency Preparedness.

Information regarding local hazards, such as earthquakes and ocean related hazards, in a form approved by the City, shall be posted within the vacation rental in an easily seen location, such as the entry or kitchen area. In particular, information regarding regular testing of the tsunami siren and real emergencies shall be included.

H. Good Neighbor Brochure.

Prior to occupancy pursuant to each separate occasion of rental of a VDU, the owner or the owner's agent shall provide a copy of the Good Neighbor Brochure to the occupants and / or shall post the Good Neighbor Brochure in a clearly visible location within the VDU.

17.54.050 (5.3.05) Appearance and Visibility.

The outside appearance of the VDU structure shall not change the residential character of the structure by the use of colors, materials, lighting, or signage (except as required by this Chapter). The VDU shall not create any noise, glare, flashing lights, vibrations, or odors which are not commonly experienced in residential areas.

17.54.060 (5.3.06) Effect on Existing Vacation Dwelling Units.

Each individual holding a valid Trinidad Business License for a VDU existing at the time the VDU Ordinance is adopted shall be subject to the requirements of this Chapter of the Municipal Code upon its adoption. The owner of an existing VDU which does not meet the requirements of this Chapter will not be issued a Business License and may not use the VDU structure for VDU purposes.

17.54.070 (5.3.07) Location.

VDU's are permitted in any zone district in the City that allows for single or multiple family dwelling units. A VDU may be allowed in a legally established Accessory Dwelling Unit. Each separate VDU must obtain its own, individual Business License.

17.54.080 (5.3.08) Noise.

Occupants of VDU properties and visitors shall not generate noise in excess of what might be expected in a residential neighborhood. Any noise occurring after 10:00 pm and before 8:00 am should be contained within the VDU and shall not be able to be heard by or offend any adjacent neighbors.

17.54.090 (5.3.09) Non-Permitted Uses.

There shall be no permitted use of the VDU structure other than occupancy for dwelling or sleeping purposes, as defined in Section 3.20.020A of the Trinidad Municipal Code. Use for events which are not hosted by the VDU's property owner are not permitted.

17.54.100 (5.3.10) Number of Occupants.

The maximum number of occupants allowed in a VDU shall not exceed two persons per bedroom plus an additional two persons (e.g., a two-bedroom VDU may have six occupants). Except that in the Suburban Residential Zone, if the VDU has a total floor area that exceeds 800 square feet per bedroom, then for each additional 500 square feet of floor area above this total, one additional occupant may be allowed, up to a maximum of two additional occupants.

17.54.110 (5.3.11) Visitors.

The number of visitors to a VDU shall be limited to not more than 20 persons per parcel at any time. If there is more than one VDU on a property, the 20 person maximum applies to the property, not each VDU. Visitors are not allowed on the premises between 1:00 a.m. and 4:00 a.m.

17.54.120 (5.3.12) Tenancy.

The rental of a VDU shall not be for less than two successive nights.

17.54.130 (5.3.13) Traffic.

Vehicles used and traffic generated by the VDU shall not exceed the type of vehicles or traffic volume normally generated by a residence occupied by a full-time resident in a residential neighborhood.

17.54.140 (5.3.14) Tourist Occupancy Tax.

The rental or other contractual use of a VDU is subject to a Tourist Occupancy Tax ("TOT") and any other mandated taxes. Each VDU owner and/or manager shall meet all of the requirements of Trinidad Municipal Code Chapter 3.20, "Tourist Occupancy Tax," which addresses the registration of TOT collectors, and the collection, recordkeeping, reporting and remittances of applicable TOT.

17.54.150 (5.3.15) Audit

Each owner and agent or representative of any owner shall provide access to each VDU and any records related to the use and occupancy of the VDU to the City Manager at any time during normal business hours, for the purpose of inspection or audit to determine that the objectives and conditions of this Chapter are being fulfilled.

17.54.160 (5.3.16) Dispute Resolution.

By accepting a VDU Business License, VDU owners agree to engage in dispute resolution and act in good faith to resolve disputes with neighbors arising from the use of a dwelling as a VDU.

17.54.170 (5.3.17) Violations--Penalty.

Violations of this Chapter are punishable as either infractions or misdemeanors, pursuant to the provisions of Section 1.08 of the Trinidad Municipal Code. Each separate day in which a violation exists shall be considered a separate violation.

17.54.180 (5.3.18) Violations--Revocation

If the VDU owner or property manager is deemed to be negligent in responding to an emergency situation more than two times in a 12-month period, or if more than two documented, significant violations occur in any 12-month period, the VDU's Business License may be revoked. Documented, significant violations include, but are not limited to, copies of citations, written warnings, or other documentation filed by law enforcement.

17.54.190 (5.3.19) Ordinance Review

This ordinance shall be reviewed by the Planning Commission a year after its adoption, and periodically thereafter, to ensure that it is meeting the needs of the community.

ORDINANCE 2011-XX, SECTION 2:

Section 3.20.030 of the Trinidad Municipal Code, entitled "Imposed--Rate" is amended to read as follows:

"For the privilege of occupancy in any lodging, each tourist is subject to, and shall pay, a Tourist Occupancy Tax ("TOT"). The TOT constitutes a debt owed by the tourist to the City. The tourist shall pay the TOT to the lodging house operator based on the rent charged by the operator at the time the rent is paid. If the rent is paid in installments, a proportionate share of the TOT shall be paid with each installment. The unpaid TOT shall be due upon the tourist's ceasing to occupy space in the lodging house. If for any reason the TOT due is not paid to the lodging house operator, the Tax Administrator may require that such TOT shall be paid directly to the Tax Administrator.

The TOT is hereby set in the amount of 10 percent (10%) of the rent charged by the operator.

The amount of the TOT may be set by resolution of the City Council from time to time."

ORDINANCE 2012-01, SECTION 3:

Subsection B of Section 5.04.220 of the Trinidad Municipal Code, entitled "License--Appeal" is amended to read as follows:

"B. Any person aggrieved by any decision of city staff with respect to the issuance or reissuance or refusal to issue a license, or the amount of a license tax may appeal to the council by filing a notice of appeal with the city clerk within thirty (30) days of such decision. The council shall fix a time and place of hearing such appeal and the city clerk shall give notice in writing to the license applicant and the appellant, if different from the applicant, of the time and place of hearing by serving it personally or by mail, postage prepaid, addressed to such person at the address appearing on his last license or application and / county assessor records. The findings of the council shall be served upon the applicant in the manner prescribed above for service of notices of hearing.

ORDINANCE 2012-01, SECTION 4:

This Ordinance shall take effect ~~thirty days after its passage upon certification by the Coastal Commission.~~

Passed, approved, and adopted this 11th day of April, 2012 by the following roll call vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

Attest:

Approved:

Gabriel Adams
City Clerk

Kathy Bhardwaj
Mayor

First Reading: **Wednesday, April 11, 2012**

Second Reading: **Wednesday, May 9, 2012**



CONSENT AGENDA ITEM 6

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

6. Authorize the City Manager to sign the Agreement Protecting the Public Interest in Certain Improvements Funded by the California State Coastal Conservancy contingent upon Rancheria execution of Harbor Lease Agreement.

CONSENT AGENDA ITEM

Date: April 11, 2012

Item: Agreement Protecting the Public Interest in Certain Improvements Funded by the California State Coastal Conservancy

Background: The Trinidad Rancheria owns and is reconstructing the public Trinidad Pier. The Rancheria was awarded funding from the California Coastal Conservancy (Conservancy) for the Pier Reconstruction Project. As a condition of this grant, the Rancheria has agreed to execute an agreement to protect the public interest in the improvements constructed with Conservancy funds. The City owns and leases to the Rancheria the Harbor tidelands below the Pier. The Trinidad Rancheria and the Conservancy have requested the city enter into this 20 year agreement to ensure the public interest in the pier and harbor area be protected. The lease agreement between the city and the Rancheria expired on January 19, 2011. The City attorney has a concern that signing the Public Interest Agreement without a Harbor Lease in force could be seen as an implicit right regardless of whether there is a lease or the annual \$5000 rent has been paid. He recommends that the Public Interest Agreement be signed by the city manager following execution by the Rancheria of a renegotiated lease agreement with a 20 year term.

Staff Recommendation: Authorize City Manager to sign the Public Interest Agreement between the Coastal Conservancy, the Rancheria and the City, contingent upon Rancheria execution of the Harbor Lease.

Attachments: AGREEMENT PROTECTING THE PUBLIC INTEREST IN CERTAIN IMPROVEMENTS FUNDED BY THE CALIFORNIA STATE COASTAL CONSERVANCY

**AGREEMENT PROTECTING THE PUBLIC INTEREST
IN CERTAIN IMPROVEMENTS FUNDED BY
THE CALIFORNIA STATE COASTAL CONSERVANCY**

This agreement is entered into by the California State Coastal Conservancy ("Conservancy"), the Cher-Ae Heights Community of the Trinidad Rancheria ("Grantee") and the City of Trinidad ("Landowner").

PERTINENT FACTS

- A. The Grantee seeks to undertake the reconstruction of the Trinidad public fishing pier owned by the Trinidad Rancheria and on land described in Paragraph C in Humboldt County (hereinafter the "Project") with grant funding received from the Conservancy. The purpose of this project is to provide public access to the coastal and marine areas around the Project.
- B. On December 2, 2010, the Conservancy authorized a grant to the Grantee, subsequently awarded under Grant Agreement No. 10-059 to construct the Project. As a condition of receiving Conservancy funds, the Grantee has agreed to execute an agreement to protect the public interest in the improvements constructed with Conservancy funds.
- C. The Landowner is the grantee of certain tide, submerged and harbor lands pursuant to legislative grant, Chapter 936 of AB 2857, approved by the Governor on September 20, 1986, and filed with the Secretary of State on September 22, 1986 located in coastal zone in Humboldt County, California, identified as specifically on Humboldt County Assessor's maps as Assessor's Parcel Number 042-071-14. (Hereafter referred to as the "Property").
- D. The grant referred to above was conditioned on the Grantee and the Conservancy executing an agreement to protect the public interest in all improvements or developments constructed with Conservancy funds and assure public access.

THE LANDOWNER AND THE CONSERVANCY AGREE AS FOLLOWS, in order to carry out the purposes of Project, and in light of the Pertinent Facts, above:

- 1. **DURATION**. The term of this agreement shall be for twenty years from the date of completion of construction, or December 31, 2032, whichever occurs first.
- 2. **PUBLIC ACCESS**. Following construction, any improvements or development located on the property and financed in whole or in part by the Conservancy shall be made accessible by the Landowner and the Grantee to the public and shall be available for public use throughout the duration of this agreement in accordance with applicable laws and regulations and the safe

PUBLIC INTEREST AGREEMENT
Trinidad Pier Reconstruction, County of Humboldt

operation of the improvements and developments. The improvements and development include, without limitation, the Trinidad Pier and associated marine access and recreation improvements. The parties agree that this paragraph does not create, transfer, or grant any property interest.

3. **EMERGENCY RESTRICTIONS.** The Landowner and/or the Grantee may restrict or deny public access to the property if an emergency exists which threatens public health and safety or the natural resources of the property. In that event, all reasonable measures shall be taken to remedy the emergency conditions and restore the public's right of access.
4. **MAINTENANCE AND OPERATION.** The Grantee assumes all responsibility for constructing the Pier and associated improvements. During the term of this agreement, the Grantee shall maintain and operate the property and access improvements and shall use the property and access improvements in a manner consistent with the purposes of the Conservancy's grant including, but not limited to keeping the property open for public use.
5. **IMPLEMENTATION.** The Grantee shall implement the Project improvements on the property in accordance with Grant Agreement No. 10-059.
6. **SIGNS.** The Grantee shall provide, and the Landowner shall permit the erection of, a sign or signs visible from the nearest public roadway identifying the project and acknowledging Conservancy assistance. The number, design, placement and wording of the signs shall be subject to the approval of the Executive Officer of the Conservancy.
7. **ACCESS BY THE GRANTEE.** The Grantee shall have access to the property to accomplish the purposes of this agreement, either through a lease agreement or as members of the public.
8. **ACCESS BY THE CONSERVANCY.** The Grantee and the Landowner shall permit the Conservancy, its agents or employees, to visit the project site at reasonable intervals to verify that the Grantee is providing nondiscriminatory public access in accordance with Paragraph 2 of this agreement.
9. **LIABILITY.** Subject to the limitations set forth in Paragraph 10 of this agreement, the Grantee shall be responsible for, indemnify and save harmless the Conservancy, its officers, agents, and employees from any and all liabilities, claims, demands, damages or costs resulting from, growing out of, or in any way connected with or incident to the property and improvements on it, except for active negligence or willful misconduct of the Conservancy, its officers, agents or employees. The duty to indemnify and save harmless includes the duty to defend as set forth in Civil Code Section 2778. The Grantee waives any and all rights to any type of express or implied indemnity or right of contribution from the Conservancy, its officers, agents or employees, for any liability resulting from, growing out of, or in any way connected with or incident to the property and improvements on it, except for active negligence willful misconduct of the Conservancy, its officers, agents or employees.

PUBLIC INTEREST AGREEMENT
Trinidad Pier Reconstruction, County of Humboldt

10. **LIMITED WAIVER OF SOVEREIGN IMMUNITY.** Notwithstanding any other provision in this agreement to the contrary, nothing in this agreement shall be deemed to be a general waiver of the Trinidad Rancheria's sovereign immunity from suit, which immunity is expressly asserted.
- A. Provided, however, that the Trinidad Rancheria hereby expressly consents to be sued by the Conservancy to interpret and enforce this agreement and to enforce the grantee's duty pursuant this agreement to indemnify and hold harmless and defend the State as set forth in Paragraph 9 of this agreement; and provided further that this limited waiver of sovereign immunity (i) shall not, itself, create any rights or secured interest(s) in any of the property, assets, or income of the Trinidad Rancheria; (ii) shall not extend to suit for punitive damages; and (iii) shall only extend to actions filed by the Conservancy seeking recovery of damages arising from the Trinidad Rancheria's breach of its obligations under this agreement up to and not exceeding the amount disbursed by the Conservancy pursuant to this agreement, and to actions to enforce such a judgment in law or equity, provided that the Trinidad Rancheria does not consent to the levy of any judgment, lien, or attachment upon any property in which the Trinidad Rancheria has granted a secured interest. This limited waiver of immunity shall not create any rights in entities not a party to this agreement and shall only remain in effect during the term of this agreement.
- B. *Provided further*, that the Trinidad Rancheria hereby and expressly consents to actions filed by the Landowner for the exclusive and sole purpose of enforcing the obligation of the Trinidad Rancheria set forth in Paragraph 14 of this agreement.
11. **SEVERABILITY.** If any of the provisions of this agreement are found by a court of law to be of no force or effect, the validity of all other provisions shall be unaffected.
12. **NOTICES.** Notices issued pursuant to this agreement shall be sent to the following addresses (or to a subsequent address of which notice has been provided in writing):

PUBLIC INTEREST AGREEMENT
Trinidad Pier Reconstruction, County of Humboldt

State Coastal Conservancy
1330 Broadway, Suite 1300
Oakland, CA 94612
Tel: (510) 286-1015

Chairperson, Cher-Ae Heights Community of
the Trinidad Rancheria
P.O. Box 630
Trinidad, CA 95570
Tel: (707) 677-0211

City of Trinidad
c/o City Manager
P.O. Box 390
Trinidad, CA 95570
Tel: (707) 677-0223

13. **LOCUS OF CONTRACT.** This agreement is entered into in the County of Alameda, California.

14. **INSURANCE.** The Trinidad Rancheria shall obtain at its own expense and keep in full force and effect during the term of this agreement commercial general liability insurance with a total policy limit of no less than five million dollars (\$5,000,000.00) for bodily injury and property damage arising out of the ownership, use, occupancy, condition or maintenance of the pier. The insurance policy or policies maintained pursuant to this section shall, by endorsement, name the Landowner as an additional insured as to the pier and shall not permit the insurance carrier to raise the Tribe's sovereign immunity as a defense to any claims by third parties in the Humboldt County Superior Court or the U.S. District Court for the Northern District of California, but only to the extent that such a claim (i) arises out of the ownership, use, occupancy, condition or maintenance of the pier, (ii) is covered by said liability insurance, and (iii) the claim does not exceed the limits of said policy and is solely payable from said policy. The Trinidad Rancheria shall provide the Landowner with satisfactory evidence of such insurance and shall keep such certificate current. The policy provided pursuant to this section shall be written with an insurance company(ies) licensed and admitted to do business in California and shall be rated no lower than "A" in the most recent edition of A.M. Best's. The Parties expressly agree that the Trinidad Rancheria need not maintain a separate general liability policy to satisfy the specific insurance requirements stated in this section, provided that the insurance obtained and maintained by the Trinidad Rancheria to meet its general liability insurance obligations in other agreements shall satisfy the specific requirements stated in this section.

15. **EFFECT OF CONTRACT.** Nothing in this agreement is intended to, nor shall be construed to, affect, alter, or impair the rights and privileges of the parties arising under separate agreements.

PUBLIC INTEREST AGREEMENT
Trinidad Pier Reconstruction, County of Humboldt

STATE COASTAL CONSERVANCY

SAMUEL SCHUCHAT
Executive Officer

Date

THE CHER-AE HEIGHTS COMMUNITY OF THE TRINIDAD RANCHERIA

GARTH SUNBERG, SR.
Chairman

Date

CITY OF TRINIDAD

KATHY BHARDWAJ
Mayor

Date



DISCUSSION AGENDA ITEM 1

SUPPORTING DOCUMENTATION FOLLOWS WITH: 2 PAGES

1. Discussion/Decision regarding Artistic Enhancement proposed for Highway 101 Overpass in Trinidad.

DISCUSSION/ACTION AGENDA ITEM

Date: April 11, 2012

Item: Artistic Enhancement, Highway 101 Overpass at Trinidad

Background: The City of Trinidad has been asked by CalTrans to provide input and suggestions on the design for an artistic rendering on the concrete walls to be installed as part of the overpass seismic retrofit project tentatively planned for construction next year. The Gateway Committee was established several years ago to plan for the City's Gateway Improvement Project, and it was thought this committee would also be appropriate to provide input on this proposed artistic rendering. The attached renderings have incorporated a number of changes as a result of those meetings, all of which have been open to the public and posted accordingly.

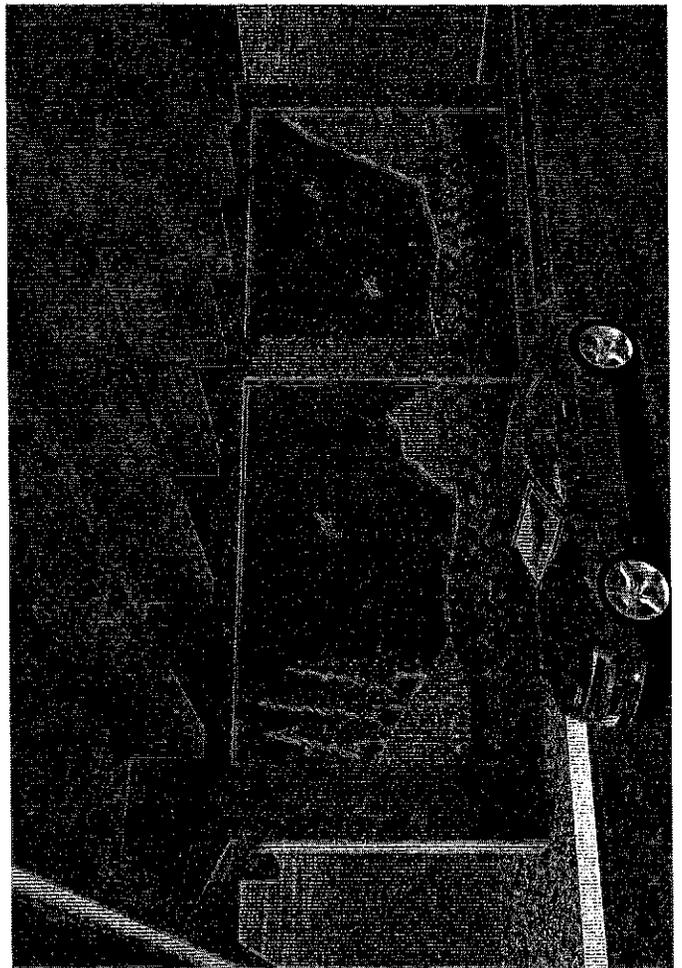
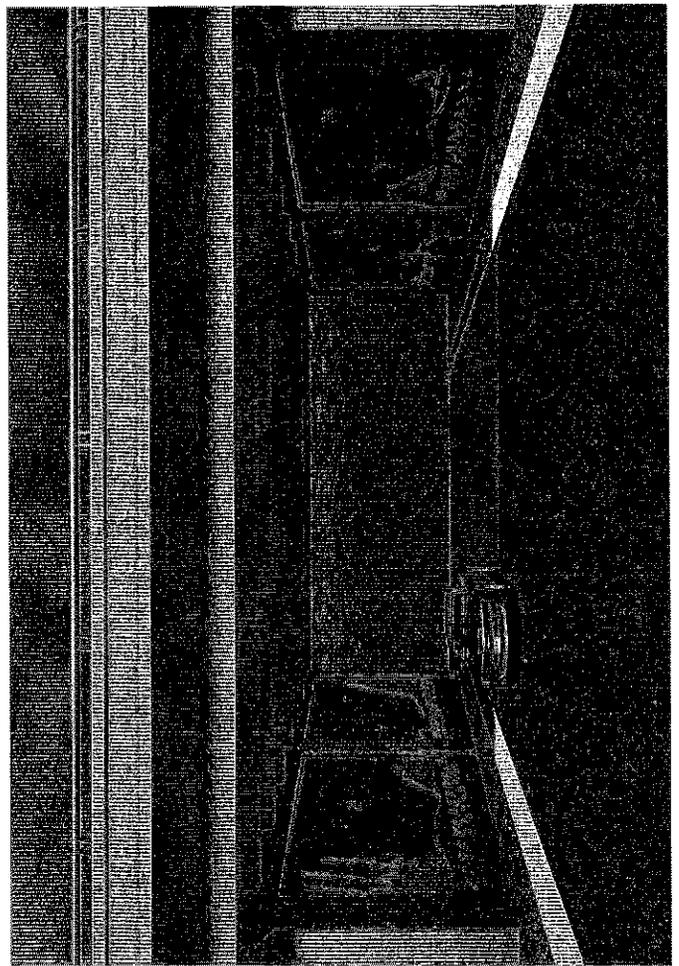
The Council is now requested to consider and comment on the proposed project design in order for CalTrans to proceed accordingly.

Proposed Action:

Discuss proposed artistic enhancement and give direction as appropriate.

Attachments:

Artistic Renderings





DISCUSSION AGENDA ITEM 2

SUPPORTING DOCUMENTATION FOLLOWS WITH: 3 PAGES

2. Discussion/Decision regarding deadlines for consideration of Sales Tax Extension

DISCUSSION AGENDA ITEM

Date: April 11, 2012

Item: Deadlines for consideration of Sales Tax Extension

Background Info: At the March 14 meeting, staff reminded Council that a decision to continue the $\frac{3}{4}\%$ sales tax increase would be required to either sunset the current tax or continue it without penalty. The current tax increase is scheduled to expire in April 2013.

It is also a Council member election year. There are deadlines shared with the Sales Tax election decision, but others that are independent from the Sales Tax election schedule. Our priority now is simply to not miss the most critical ones. There are multiple agencies involved in the process, and strict deadlines that must be adhered to in order to successfully re-implement or sunset the tax.

FIRST DEADLINE: June 13, 2012 Council meeting:

1. Decision to proceed or sunset the Sales Tax Increase must be made.

SECOND DEADLINE: July 11, 2012 Council meeting:

1. If a decision is reached to continue the sales tax increase, the wording must be drafted and approved in a resolution. Staff will draft the resolution based upon the decision reached at the June meeting and include it for adoption at the July 11 Council meeting.
2. A second resolution will be required at this meeting to approve requesting that the City and County consolidate their elections. Clerk will have the resolution prepared for discussion/approval at this meeting regardless of the Sales Tax election decision.

The next steps following the July 11 Council meeting deadline will be advised after each benchmark decision is reached. The Clerk's office will provide monthly updates and announcements to the Council regarding publishing deadlines and required notifications for both elements of the election.

Staff Recommendation: Consider direction to staff to prepare documentation for a ballot measure for the November election regarding the add on sales tax

Attachments: March 14 CC Meeting Staff Report.

DISCUSSION/ACTION AGENDA

Date: March 14, 2012

Item:

Consideration of Sales Tax Extension

Background:

In April, 2004, the City of Trinidad voters approved a ballot measure to impose a 1% transactions and use tax (sales tax) for a period of four years, which took effect on January 1, 2005 and ended on December 31, 2008. In 2008, the voters agreed to again institute an additional tax of .75% effective on April 1, 2009. Collection of this additional tax will end on March 31, 2013. This additional tax generates about \$100,000 per year (which represents about 21% of the total General Fund) and supplements the General Fund that supports police and fire protection, street and public facility services, park and trail maintenance and services provided by the town office.

In order to continue either the .75% tax add on or a different tax add on, a measure will need to be included on the November 2012 ballot at the latest. There would be no preparatory costs assessed by the Board of Equalization in the event the current tax add-on is continued. If the tax add-on lapsed and was subsequently approved again, the Board of Equalization would assess a preparatory start up cost. The preparatory start up in 2008 due to a break in application of the tax add-on was approximately \$15,700. If the add-on tax was continued but changed to a reduced (or increased) rate, there may be an associated set up cost assessed by the Board of Equalization.

Budget preparation for fiscal year 2012-13 will soon be underway. Adopted General Fund budgets for the current 2011-12 fiscal year are as follows:

GENERAL FUND REVENUES:	\$ 465,920
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GENERAL FUND EXPENDITURES:

General Administration (City Manager, City Clerk, Accountant, Auditor, Planner, Attorney, liability Insurance, town hall expenses, etc.)	\$ 275,023
Police (Contracted services, office support)	\$117,185
Fire (equipment and materials)	\$ 17,210 (excludes capital reserve)
Public Works (staffing, street lighting, materials, etc.)	\$ 87,405 (excludes Prop 1B)
Total Expenditures	\$ 496,823

Proposed Action:

Consider direction to staff to prepare documentation for a ballot measure for the November election regarding the add on sales tax.



DISCUSSION AGENDA ITEM 3

SUPPORTING DOCUMENTATION FOLLOWS WITH: 40 PAGES

3. Discussion/Decision regarding formation of the Humboldt County Tourism Business Improvement District

DISCUSSION/ACTION AGENDA

Date: April 11, 2012

Item: Humboldt County Tourism Business Improvement District

Background: California State law, under Streets and Highways Code Sections 36620 et seq., provides that local jurisdictions may establish business improvement districts for the purpose of levying assessments to support activities that enhance the affected businesses. One such type of business improvement district is a tourism business improvement district, which levies assessments on lodging businesses, customarily passed along to overnight guests and collected on the guests' bills in a manner similar to the transient occupancy tax, that are used to promote tourism in the area and thereby attract additional guests to the lodging businesses. Tourism business improvement districts are currently in existence in several nearby counties, including Mendocino, Sonoma, Napa and Marin.

This past year the City Council received a presentation from the Humboldt County Convention and Visitors Bureau (CVB) about the process of forming a tourism business improvement district (TBID) in Humboldt, and the CVB has since been working with the local lodging industry to sign petitions in support of creating the TBID. Property or business owners who will pay more than 50 percent of the assessments must sign written petitions requesting the formation of the district in order to proceed. The County's Treasurer-Tax Collector has tallied the written petitions and submitted findings as follows:

<u>Area</u>	<u>TOT of Petitioners</u>	<u>TOT of Area</u>	<u>% Approval</u>
City of Arcata	\$ 513,842	\$ 943,141	54.48%
City of Eureka	\$ 1,112,655	\$ 1,736,551	64.07%
City of Fortuna	\$ 344,307	\$ 472,144	72.92%
City of Ferndale	\$ 46,166	\$ 83,326	55.40%
City of Trinidad	\$ 16,062	\$ 75,485	21.57%
County of Humboldt	\$ 400,701	\$ 1,166,922	34.33%
TOTALS	\$ 2,433,733	\$ 4,477,569	54.36%

According to this tally, the signed petitions have met the threshold necessary to allow consideration of forming a TBID to proceed. Additionally, the City has just recently received a petition signed by Mike Reinman on behalf of a number of Redwood Coast Vacation Rental owners, which, if included, would result in a petitioner TOT of \$35,014, representing a total of 46.38% approval for the City of Trinidad.

On March 13, 2012, the County Board of Supervisors adopted a Resolution declaring their intention to establish the TBID and further adopted a resolution requesting the consent of the cities of Arcata, Eureka, Ferndale, Fortuna and Trinidad to create the TBID. The cities of Blue Lake and Rio Dell are not included because the City of Blue Lake lacks a process for collecting transient occupancy taxes and the City of Rio Dell has expressed a desire to be excluded. Should the Council wish Trinidad to participate in this program, adoption of a Resolution is required. Once the cities have provided their consent, the Board of Supervisors will be required to hold two public meetings on the topic of the TBID, which are set for May 15 and May 22, which dates would allow for the TBID to become operational by July 1, 2012.

Proposed Action: Consider whether to adopt a Resolution of the City Council granting consent to the County of Humboldt to form the Humboldt County Tourism Business Improvement District (HCTBID).

Attachments:

1. Proposed Resolution Granting Consent to form the Humboldt County Tourism Business Improvement District
2. Petition from Redwood Coast Vacation Rentals dated March 6, 2012
3. Humboldt County Tourism Business Improvement District Management District Plan

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

Kathy Bhardwaj, Mayor
Gabriel Adams, City Clerk



RESOLUTION 2012-03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF HUMBOLDT TO FORM THE HUMBOLDT COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT (HCTBID)

WHEREAS, the County of Humboldt is beginning the process to form a Humboldt County Tourism Business Improvement District (HCTBID) pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code sections 36600 et seq., to promote tourism to lodging businesses in Humboldt County; and

WHEREAS, the Board of Supervisors of the County of Humboldt has requested consent to form the HCTBID by including territory within the City of Trinidad with the adoption of Humboldt County Board of Supervisors Resolution.

NOW, THEREFORE BE IT RESOLVED, by the Trinidad City Council, that:

Section 1: The above recitals are correct.

Section 2: The Trinidad City Council consents to the County of Humboldt forming the HCTBID, which District shall include the City of Trinidad.

Section 3: The Trinidad City Council grants to the County of Humboldt jurisdiction for all purposes in the creation, operation, and administration of the proposed HCTBID, including the authority to levy the assessments within the City of Trinidad contemplated by the Management District Plan, provided however that, if the HCTBID is established, the City of Trinidad shall collect and remit the assessments of the HCTBID in accordance with the Management District Plan for all lodgings located in the City of Trinidad.

Section 4: The City Clerk is hereby directed to transmit a certified copy of this Resolution to the Clerk of the Board of Supervisors to the County of Humboldt.

Section 5: This resolution shall be effective 30 days after its adoption.

PASSED AND ADOPTED at a regular meeting of the Trinidad City Council on Wednesday, April 11, 2012, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Attest:

Gabriel Adams
Trinidad City Clerk

Kathy Bhardwaj
Mayor

Trinidad

PETITION TO THE COUNTY OF HUMBOLDT TO FORM THE HUMBOLDT COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT

We petition you to initiate special assessment proceedings to form a Tourism Business Improvement District in accordance with the Property and Business Improvement District Law of 1994, Streets and Highways Code Section 36600 et seq., for the purpose of undertaking and implementing the Tourism BID as described in the attached summary of the Management District Plan attached hereto as Exhibit A.

Lodging Establishment

Business Owner

651 Parker St, ^{Units B, C, D} Trinidad	Mike Reinman
178 Parker Crk, Trinidad	Mike Reinman
407 Ocean Ave, Trinidad	Mike Reinman
396 Wagner, Trinidad	Adrian King
543 and 543A, Ocean Ave, Trinidad	Eugene Hughes
797 Edwards, Trinidad	Erin Rouse
1 Bay St, Trinidad	Trinidad Rancheria
461 and 466 Ocean Ave, Trinidad	Gail Conway
528 Harbor, Trinidad	Ange Lobue

Mike Reinman
Owner Representative/Owner Name (printed)

President, Redwood Coast
Vacation Rentals
Title


Owner/Representative Signature

3-6-12

**TOTAL
T.O.T. PAID**

\$18,951.77

**HUMBOLDT COUNTY TOURISM BUSINESS
IMPROVEMENT DISTRICT**

MANAGEMENT DISTRICT PLAN

*Formed pursuant to the Property and Business Improvement District Act of 1994
(Streets and Highways Code §36600 et seq.)*

Submitted to

The Humboldt County Convention and Visitors Bureau
and
Humboldt County Lodging Businesses

Prepared By



October 19, 2011

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I. INTRODUCTION

Developed by lodging businesses and the Humboldt County Convention and Visitors Bureau (HCCVB), the Humboldt County Tourism Business Improvement District (HCTBID) is a benefit assessment district proposed to help fund marketing and sales promotion efforts for Humboldt County lodging businesses. This approach has been used successfully in other destination areas throughout the state to drive additional room night sales.

- Location:** The proposed HCTBID includes all lodging businesses (hotels, motels, inns, bed and breakfasts, vacation homes, corporate vacation housing, private campgrounds and r.v. parks) located within the boundaries of the County of Humboldt, including the cities of Arcata, Eureka, Ferndale, Fortuna, and Trinidad.
- Services:** Marketing and sales promotions to increase room night sales and market Humboldt County lodging businesses as tourist, meeting, and event destinations.
- Budget:** The total HCTBID annual budget for each year of its five year operation is anticipated to be approximately \$1,000,000.
- Cost:** Annual assessment rates are 2% of gross short term (stays less than 31 days) room rental revenue on lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days. Assessments pursuant to the HCTBID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to February 1, 2012.
- Formation:** TBID formation requires submittal of petitions from lodging businesses representing more than 50% of the total annual assessment followed by a Board of Supervisors hearing and an opportunity for a written protest. The assessed lodging business owners will receive notice of the public hearing by mail. If there is a majority written protest, the TBID will not be formed.
- Duration:** The proposed HCTBID will have a five year life beginning on or about July 1, 2012. Once per year beginning on the anniversary of the formation of the district there is a 30-day period in which owners paying more than 50% of the assessment may protest and terminate the district.

II. WHY A TOURISM BUSINESS IMPROVEMENT DISTRICT FOR HUMBOLDT COUNTY?

There are several reasons why now is the right time to form a TBID in Humboldt County.

Declining Funding for Tourism Promotion

Until recent years, the cities and County of Humboldt supported destination marketing with funding tied to bed tax growth. However, beginning in 2003, budget cuts and "take-aways" began to reduce funding for tourism marketing, despite growth in transient occupancy tax collections. With the financial meltdown and demands for public safety, local governments have been forced to divert transient occupancy tax funding away from destination marketing.

An Opportunity to Remain Competitive

Case studies show that when marketing stops, people stop visiting. Surveys have shown that over forty percent of Humboldt County's visitors are influenced by marketing programs. As a result of marketing programs, area chambers of commerce and the CVB make thousands of direct referrals to lodging businesses each year. Humboldt County is surrounded by competitors who are equally sophisticated and have more funding for marketing. To remain competitive, it is imperative that the lodging community find a new source of funding for tourism marketing.

An Opportunity for Increasing Tax Revenues

As occupancy rates increase, so too will sales and transient occupancy tax revenues. With stable public-private funding for tourism marketing efforts, annual occupancy rates should increase significantly as new marketing and sales promotion programs are implemented. Greater occupancy will also produce an increase in sales tax revenues from tourist spending. This represents a substantial return to the local jurisdictions.

Stable Funding for Tourism Promotion

The HCTBID will provide a stable source of funding for consistent tourism promotion efforts. The HCTBID will provide funding for tourism promotion free of extenuating circumstances that can reduce or eliminate other sources of funding for tourism promotion.

III. WHAT IS A TOURISM BUSINESS IMPROVEMENT DISTRICT?

Tourism Business Improvement Districts (TBIDs) utilize the efficiencies of private sector operation in the market-based promotion of tourism districts. TBIDs allow lodging business owners to organize their efforts to increase tourism. Lodging business owners within the district fund a TBID, and those funds are used to provide services that the businesses desire and that benefit the lodging businesses within the District.

Tourism Business Improvement District services may include:

- Marketing Assessed Businesses
- Tourism Promotion Activities
- Sales Lead Generation

In California, Tourism Business Improvement Districts are formed pursuant to the Property and Business Improvement District Law of 1994. This law allows for the creation of a special benefit assessment district to raise funds within a specific geographic area. *The key difference between TBIDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the district.*

There are many benefits to Tourism Business Improvement Districts:

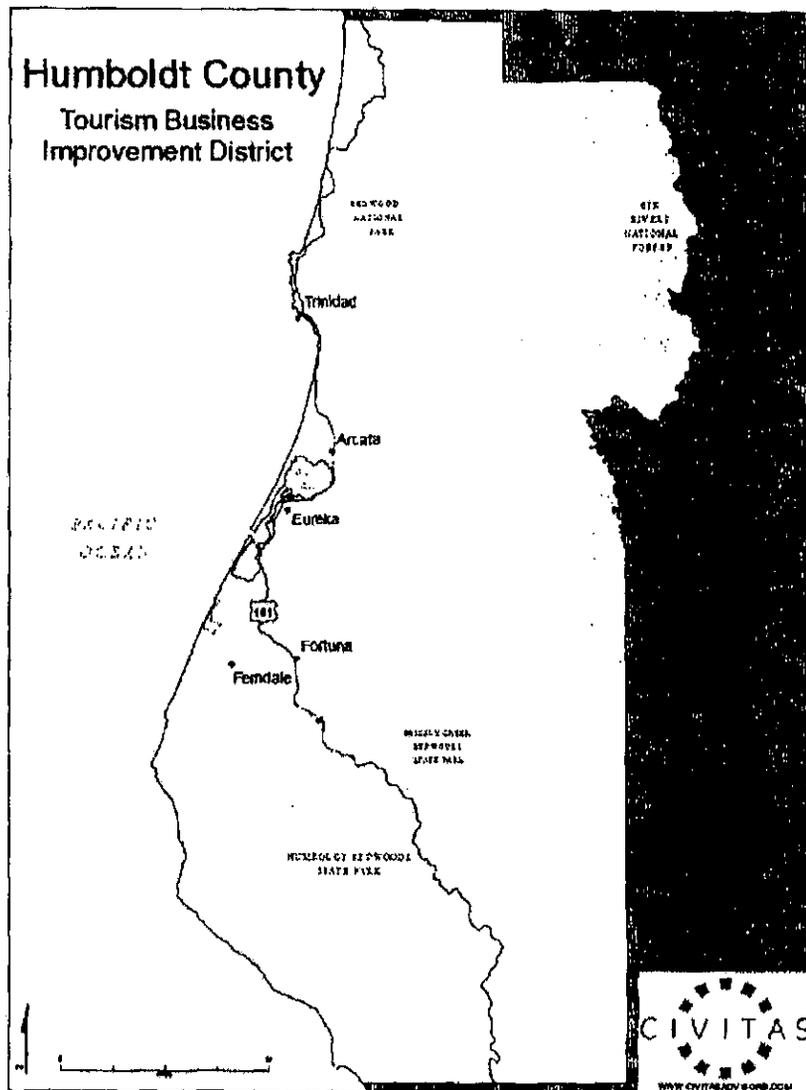
- Funds cannot be diverted to government programs;
- Tourism Business Improvement Districts are customized to fit the needs of each tourism district;
- They allow for a wide range of services, including those listed above;
- Tourism Business Improvement Districts are *designed, created and governed by those who will pay* the assessment; and
- They provide a stable funding source for tourism promotion.

The Property and Business Improvement District Law of 1994 is provided in Appendix 1.

IV. TBID BOUNDARY

The HCTBID will include all lodging businesses (hotels, motels, inns, bed and breakfasts, vacation homes, corporate vacation housing, private campgrounds and r.v. parks), existing and in the future, available for public occupancy within the boundaries of the County of Humboldt, including the cities of Arcata, Eureka, Ferndale, Fortuna, and Trinidad.

A complete listing of lodging businesses within the proposed HCTBID can be found in Appendix 2.



V. SERVICE PLAN AND BUDGET

A. Assessment

The HCTBID annual assessment rate is 2% of gross short term (stays less than 31 days) room rental revenue for lodging businesses. Based on the benefit received, assessments will not be collected on stays of more than thirty (30) consecutive days. Assessments pursuant to the HCTBID shall not include room rental revenue resulting from stays pursuant to contracts executed prior to February 1, 2012.

The term "gross revenue" as used herein includes the following: (1) Any charge for a room, whether the guest uses the room or not; (2) Any charge for additional guests in a room; and (3) Any fee for guaranteeing the availability of a room, whether or not that room is occupied. Gross revenue shall not include any federal, state or local taxes collected, including but not limited to transient occupancy taxes. Any other charges shall be considered gross revenue only in accordance with the local transient occupancy tax.

Bonds shall not be issued.

The amount of assessment, if passed on to each transient, shall be disclosed in advance.

B. Determination of Specific Benefit

State law requires that assessment funds be expended on a specific benefit conferred directly to the payors that is not provided to those not charged, and which does not exceed the reasonable cost to the County and cities of conferring the benefit.

The specific benefit the district will provide to assessed lodging businesses, and will not provide to non-assessed lodging businesses, is room night sales. The programs and services provided with the district funds will be designed specifically to drive room night sales at assessed lodging businesses. Only assessed lodging businesses will be featured in marketing materials, receive sales leads generated from district-funded activities, be featured in advertising campaigns, and benefit from other district-funded services. Non-assessed lodging businesses will not receive these and any other district-funded services.

C. Time and Manner for Collecting Assessments

Assessment Collection

The HCTBID assessment will be implemented beginning on or about July 1, 2012, and continue for five years. The County and each city will be responsible for collecting the

assessment from lodging businesses in their respective jurisdictions on a monthly or quarterly basis. The assessment shall be collected at the same time and in the same manner as transient occupancy taxes. The County and cities shall take all reasonable efforts to collect the assessments from lodging businesses within their respective jurisdictions. Each jurisdiction shall forward the assessments to the Humboldt Lodging Alliance (HLA), the designated owner's association for the district.

Penalties and Interest; Collection of Delinquencies

Each city and the County shall be responsible for collecting delinquent assessments, penalties, and interest from lodging businesses within its jurisdiction. Each jurisdiction shall impose penalties and interest in accordance with its provisions for penalties and interest on delinquent transient occupancy taxes, and shall collect delinquencies in accordance with its methods for collecting delinquent transient occupancy taxes.

D. Annual Service Plan

A service plan budget has been developed to deliver services to assessed businesses for each year of district operation. An annual service plan and budget will be developed by the Humboldt County Convention and Visitors Bureau and approved by the HLA Board. The maximum cost of the activities provided in each year of operation of the district shall be \$3,000,000 or the actual amount of assessment collected, whichever is less.

**HCTBID Annual Budget
2012-2017**

Category	Percent of Budget	Dollar Amount
Community Organizations	25%	\$250,000
Sales and Marketing	67%	\$670,000
Administration	5%	\$50,000
Collection Costs	1%	\$10,000
Contingency/Renewal	2%	\$20,000
Total Annual Budget	100%	\$1,000,000

Community Organizations

Community organizations (ex. chambers of commerce) in each jurisdiction are eligible to apply for up to 25% of the assessment revenues generated in that jurisdiction to fund tourism marketing and visitor services programs. The programs must provide a specific benefit to the hotels paying the assessment that is not provided to those not paying.

For the county the regional organizations will receive up to 25% of the revenues collected in their region according to the county's regional collection statistics. TBID board members will vote on funding of community organizations in the jurisdiction they represent. For example, Arcata's three members vote on projects proposed by Arcata community organizations, Eureka's seven members vote on Eureka community organizations, the County's five members on the county's community organizations, etc.

Community organizations will be invited to develop proposals for marketing the community to overnight visitors using TBID funds, focusing on developing new shoulder-season and off-season business. Approved marketing activities include advertising, promotions, visitor services and especially creating new destination events. All activities using TBID funds must specifically benefit lodging properties. Community Organizations must have systems in place to separately account for use of TBID funds.

Proposals will be developed in collaboration with the TBID board and staff during the first quarter of the fiscal year. During the last quarter (April-June), organizations will report to the TBID board on the results achieved with TBID funding.

With the approval of the TBID board, organizations may "roll over" funding from one year to the next year in order to accomplish larger projects.

If the full 25 percent funding in any jurisdiction is not applied for or granted, the balance of funds will remain with the district and may be allocated as the TBID board sees fit.

Sales and Marketing

A sales and marketing program will promote Humboldt County lodging businesses as tourist and meeting destinations. The sales and marketing program will have a central theme of promoting Humboldt County lodging businesses as desirable places to visit, and may include the following activities:

- Internet marketing efforts to increase awareness and optimize internet presence;
- Print ads in magazines and newspapers targeted at potential visitors;
- Outreach and coordination to generate favorable publicity;
- Cooperation and partnership with other destinations and entities when such activities benefit assessed Humboldt County lodging businesses;
- Television ads targeted at potential visitors;
- Creation of destination events;
- Partnership with county Chambers of Commerce;
- Radio ads targeted at potential visitors;
- Attendance of trade and consumer shows;

- Sales blitzes;
- Familiarization tours;
- Preparation and production of collateral promotional materials such as brochures, flyers and maps;
- Attendance of professional industry conferences and affiliation events;
- Lead generation activities designed to attract tourists and group events to Humboldt County;
- Director of Sales and General Manager meetings to plan and coordinate tourism promotion efforts;
- Education of hospitality staff on service and safety (related to alcohol and food) designed to create a visitor experience that will bring repeat visits; and
- Education of lodging business management and the owners' association on marketing strategies best suited to meet Humboldt County lodging businesses' needs.

Administration and Operations

The administrative and operations portion of the budget shall be utilized for staffing costs, office costs, insurance, accounting and legal expenses, and other general administrative costs.

Collection Costs

The County of Humboldt and each city shall be paid a fee equal to 1% of the amount of assessment collected in their respective jurisdictions to cover their costs of collection and administration.

Contingency/Renewal

A prudent portion of the budget will be set aside in a contingency fund, to be used for unforeseeable costs in carrying out the sales and marketing programs or in the event collections are less than anticipated. If at the expiration of the district there are contingency funds remaining, and business owners wish to renew the district, the remaining contingency funds may be used for renewal costs.

E. Adjustments

Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the County and the HLA board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) per year.

F. District Expiration

If there are funds remaining at the end of the District term and lodging businesses choose to renew, these remaining funds could be transferred to the renewed District. If there are funds remaining at the end of the District and lodging businesses choose not to renew, any remaining funds will be spent consistent with this Plan or returned to assessed businesses in equal proportions to the assessment paid by each business.

VI. BID GOVERNANCE

A. Owners' Association

Designation

The Board of Supervisors, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the owners' association of the HCTBID as defined in Streets and Highways Code §36614.5. The Humboldt Lodging Alliance will serve as the Owners' Association for the HCTBID.

Composition

The HLA Board of Directors shall be composed of nineteen directors representing lodging businesses paying the HCTBID assessment. Each director will have one vote. The Board will be structured to ensure lodging businesses located in each jurisdiction are represented in proportion to the amount of assessment collected in that region. The initial Board shall include the following representatives.

Business Location	Number Directors
Arcata	3
Eureka	7
Ferndale	1
Fortuna	2
Trinidad	1
County	5

B. Brown Act and California Public Records Act Compliance

The owners' association is subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act, designed to promote public accountability. The owners' association of a TBID is considered a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the HLA board and standing committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and producing requirements of the California Public Records Act.

C. Annual Report

The HLA board shall present an annual report at the end of each year of operation to the Board of Supervisors pursuant to Streets and Highways Code §36650 (see Appendix 1). A copy of the annual report shall be provided to the cities of Arcata, Eureka, Ferndale, Fortuna, and Trinidad.

APPENDIX 1 – THE PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994 STREETS AND HIGHWAYS CODE Division 18. Parking

***** THIS DOCUMENT IS CURRENT THROUGH 2009-2010 EXTRAORDINARY SESSIONS 1-5, ***
AND 7, AND URGENCY LEGISLATION THROUGH CH 4 OF THE 2010 REGULAR SESSION**

§ 36600. Citation of part

This part shall be known and may be cited as the "Property and Business Improvement District Law of 1994."

§ 36601. Legislative findings and declarations

The Legislature finds and declares all of the following:

(a) Businesses located and operating within the business districts of this state's communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.

(b) It is in the public interest to promote the economic revitalization and physical maintenance of the business districts of its cities in order to create jobs, attract new businesses, and prevent the erosion of the business districts.

(c) It is of particular local benefit to allow cities to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that benefits from those improvements.

(d) Assessments levied for the purpose of providing improvements and promoting activities that benefit real property or businesses are not taxes for the general benefit of a city, but are assessments for the improvements and activities which confer special benefits upon the real property or businesses for which the improvements and activities are provided.

§ 36602. Purpose of part

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within a business improvement area. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

§ 36603. Preemption of authority or charter city to adopt ordinances levying assessments

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

§ 36603.5. Part prevails over conflicting provisions

Any provision in this part that conflicts with any other provision of law shall prevail over the other provision of law.

§ 36604. Severability

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

§ 36605. [Section repealed 2001.]

§ 36606. "Assessment"

"Assessment" means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and promoting activities which will benefit the properties or businesses located within a property and business improvement district.

§ 36607. "Business"

"Business" means all types of businesses and includes financial institutions and professions.

§ 36608. "City"

"City" means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county.

§ 36609. "City council"

"City council" means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

§ 36610. "Improvement"

"Improvement" means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.

(j) Facilities or equipment, or both, to enhance security of persons and property within the area.

(k) Ramps, sidewalks, plazas, and pedestrian malls.

(l) Rehabilitation or removal of existing structures.

§ 36611. "Property and business improvement district"; "District"

"Property and business improvement district," or "district," means a property and business improvement district established pursuant to this part.

§ 36612. "Property"

"Property" means real property situated within a district.

§ 36613. "Activities"

"Activities" means, but is not limited to, all of the following:

(a) Promotion of public events which benefit businesses or real property in the district.

(b) Furnishing of music in any public place within the district.

(c) Promotion of tourism within the district.

(d) Marketing and economic development, including retail retention and recruitment.

(e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.

(f) Activities which benefit businesses and real property located in the district.

§ 36614. "Management district plan"; "Plan"

"Management district plan" or "plan" means a proposal as defined in Section 36622.

§ 36614.5. "Owners' association"

"Owners' association" means a private nonprofit entity that is under contract with a city to administer or implement activities and improvements specified in the management district plan. An owners' association may be an existing nonprofit entity

or a newly formed nonprofit entity. An owners' association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners' association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), for all documents relating to activities of the district.

§ 36615. "Property owner"; "Owner"

"Property owner" or "owner" means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. The city council has no obligation to obtain other information as to the ownership of land, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this subdivision requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient.

§ 36616. "Tenant"

"Tenant" means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

§ 36617. Alternate method of financing certain improvements and activities; Effect on other provisions

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

§ 36620. Establishment of property and business improvement district

A property and business improvement district may be established as provided in this chapter.

§ 36620.5. Requirement of consent of city council

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

§ 36621. Initiation of proceedings; Petition of property or business owners in proposed district

(a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.

(b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:

- (1) A map showing the boundaries of the district.
- (2) Information specifying where the complete management district plan can be obtained.
- (3) Information specifying that the complete management district plan shall be furnished upon request.

(c) The resolution of intention described in subdivision (a) shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

§ 36622. Contents of management district plan

The management district plan shall contain all of the following:

(a) A map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district.

(b) The name of the proposed district.

(c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected lands and businesses included. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.

(d) The improvements and activities proposed for each year of operation of the district and the maximum cost thereof.

(e) The total annual amount proposed to be expended for improvements, maintenance and operations, and debt service in each year of operation of the district.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against his or her

property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof, including operation and maintenance. The plan may provide that all or any class or category of real property which is exempt by law from real property taxation may nevertheless be included within the boundaries of the district but shall not be subject to assessment on real property.

(l) Any other item or matter required to be incorporated therein by the city council.

§ 36623. Procedure to levy assessment

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with *Section 53753 of the Government Code*.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with *Section 54954.6 of the Government Code*, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of

the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business. A written protest which does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners of businesses in the proposed district which will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

§ 36624. Changes to proposed assessments

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements or activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

§ 36625. Resolution of formation

(a) If the city council, following the public hearing, decides to establish the proposed property and business improvement district, the city council shall adopt a resolution of formation that shall contain all of the following:

(1) A brief description of the proposed activities and improvements, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement about whether bonds will be issued, and a description of the exterior boundaries of the proposed district. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements and activities and the location and extent of the proposed district.

(2) The number, date of adoption, and title of the resolution of intention.

(3) The time and place where the public hearing was held concerning the establishment of the district.

(4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.

(5) A statement that the properties or businesses in the district established by the resolution shall be subject to any amendments to this part.

(6) A statement that the improvements and activities to be provided in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements and activities funded by the assessments proposed to be levied.

(b) The adoption of the resolution of formation and recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

§ 36626. Resolution establishing district

If the city council, following the public hearing, desires to establish the proposed property and business improvement district, and the city council has not made changes pursuant to Section 36624, or has made changes that do not substantially change the proposed assessment, the city council shall adopt a resolution establishing the district. The resolution shall contain all of the information specified in paragraphs (1) to (8), inclusive, of subdivision (b) of Section 36625, but need not contain information about the preliminary resolution if none has been adopted.

§ 36626.5. [Section repealed 1999.]

§ 36626.6. [Section repealed 1999.]

§ 36626.7. [Section repealed 1999.]

§ 36627. Notice and assessment diagram

Following adoption of the resolution establishing the district pursuant to Section 36625 or 36626, the clerk of the city shall record a notice and an assessment diagram

pursuant to Section 3114. If the assessment is levied on businesses, the text of the recorded notice shall be modified to reflect that the assessment will be levied on businesses, or specified categories of businesses, within the area of the district. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

§ 36628. Establishment of separate benefit zones within district; Categories of businesses

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

§ 36628.5. Assessments on businesses or property owners

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements and activities.

§ 36629. Provisions and procedures applicable to benefit zones and business categories

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a parking and business improvement area.

§ 36630. Expiration of district; Creation of new district

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and a new district established pursuant to this part.

§ 36631. Time and manner of collection of assessments; Delinquent payments

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution establishing the management district plan described in Section 36622. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part shall be charged interest and penalties.

§ 36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property

(a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.

(b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.

(c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

§ 36633. Time for contesting validity of assessment

The validity of an assessment levied under this part shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after

the resolution levying the assessment is adopted pursuant to Section 36626. Any appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

§ 36634. Service contracts authorized to establish levels of city services

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

§ 36635. Request to modify management district plan

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

§ 36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention; Modification of improvements and activities by adoption of resolution after public hearing

(a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public meetings and public hearings pursuant to this section shall comply with both of the following:

(1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public meeting.

(2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public meeting, to each business owner or property owner affected by the proposed modification.

(b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

§ 36637. Reflection of modification in notices recorded and maps

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

§ 36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

§ 36641. [Section repealed 2001.]

§ 36642. [Section repealed 2001.]

§ 36643. [Section repealed 2001.]

§ 36650. Report by owners' association; Approval or modification by city council

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.

(2) The improvements and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements and the activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

§ 36651. Designation of owners' association to provide improvements and activities

The management district plan may, but is not required to, state that an owners' association will provide the improvements or activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

§ 36660. Renewal of district; Transfer or refund of remaining revenues; District term limit

(a) Any district previously established whose term has expired, may be renewed by following the procedures for establishment as provided in this chapter.

(b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.

(c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

§ 36670. Circumstances permitting disestablishment of district; Procedure

(a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:

(1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.

(2) During the operation of the district, there shall be a 30-day period each year in which assesses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30

days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners of real property or of businesses in the area who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.

(b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

§ 36671. Refund of remaining revenues upon disestablishment of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district

(a) Upon the disestablishment of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.

(b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

**APPENDIX 2 – LODGING BUSINESSES TO BE ASSESSED
WITHIN THE HCTBID**

COMPANY	MAIL ADD	City	ST	Zip
Best Western Arcata Inn Charming Cottage	4827 Valley West Blvd	Arcata Arcata	CA	95521
Comfort Inn, Arcata	4701 Valley West Blvd	Arcata	CA	95521
Days Inn Arcata	4975 Valley West Blvd	Arcata	CA	95521
Fairwinds Motel	1674 G St.	Arcata	CA	95521
Forest View Stay		Arcata		
Hampton Inn & Suites	4750 Valley West Blvd	Arcata	CA	95521
Hotel Arcata	708 9th St	Arcata	CA	95521
Howard Johnson Express Inn	4700 Valley West Blvd	Arcata	CA	95521
Lady Anne Bed & Breakfast Inn	902 14th Street	Arcata	CA	95521
Mad River Rapids RV Park	3501 Janes Rd	Arcata	CA	95521
Motel 6	4755 Valley West Blvd	Arcata	CA	95521
Parkside Stay		Arcata		
Plaza Terrace Stay		Arcata		
Quality Inn Arcata	3535 Janes Road	Arcata	CA	95521
Rose Court Cottage	814 13th St	Arcata	CA	95521
Scenic View Stay	814 13th St	Arcata		
Streamside Stay	814 13th St	Arcata		
Super 8 Motel - Arcata	4887 Valley West Blvd	Arcata	CA	95521
Third Street Suites	POB 355	Cutten	CA	95534
America's Best Value Inn & Suites	129 Fourth St	Eureka	CA	95501
An Elegant Victorian Mansion	1406 C Street	Eureka	CA	95501
Bayfront One Vacation Rentals	1200 W Harris Street	Eureka	CA	95503
Bayview Motel	2844 Fairfield St	Eureka	CA	95501
Best Western Bayshore Inn	3500 Broadway	Eureka	CA	95503
Best Western Humboldt Bay Inn	232 West Fifth St	Eureka	CA	95501
Blue Heron Lodge	2245 Broadway	Eureka	CA	
Broadway Motel	1921 Broadway	Eureka	CA	
Budget Inn	1140 4th St	Eureka	CA	95501
Carter House Inns - Restaurant 301	301 L St	Eureka	CA	95501
Chin's Motel	4200 Broadway	Eureka	CA	95501
Christie's Motel	1420 4th Street	Eureka	CA	95501
Clarion Resort	2223 4th Street	Eureka	CA	95501
Comfort Inn & Suites Fortuna	2475 Matthew Circle	Eureka	CA	95503
Comfort Inn, The	4260 Broadway	Eureka	CA	95503

COMPANY	MAIL ADD	City	ST	Zip
Cornelius Daly Inn	1125 H Street	Eureka	CA	95501
Discovery Inn	2832 Broadway	Eureka	CA	95501
Eagle House Victorian Inn	139 Second St	Eureka	CA	95501
Econo Lodge Downtown	1630 Fourth St	Eureka	CA	95501
Eureka Corporate Housing	1864 Myrtle Av	Eureka	CA	95501
Eureka Inn	518 Seventh Street	Eureka	CA	95501
Travelodge	4 4th St	Eureka	CA	95501
E-Z Boat Landing & Trailer Park	1875 Buhne	Eureka	CA	95503
Flamingo Motel		Eureka		
Halcyon Inn Bed and Breakfast	1420 C Street	Eureka	CA	95501
Heritage Inn		Eureka		
Klamath River Lodge	POB 1032	Eureka	CA	95502
KOA - Eureka	4050 N Hwy 101	Eureka	CA	95503
Lampighter Motel				
McCullens Motel				
	1934 Broadway			
Motel 6	Street	Eureka	CA	95501
Old Town Cottage	POB 6158	Eureka	CA	95502
Pacific Heights Executive Rentals	1200 W Harris St	Eureka	CA	95503
Pine Motel				
Quality Inn Eureka	1209 4th Street	Eureka	CA	95501
Red Lion Hotel, Eureka	1929 Fourth St	Eureka	CA	95501
Redwood Acres Fairgrounds	3750 Harris St	Eureka	CA	95502
River's Edge RV Park	4173 Excelsior Rd	Eureka	CA	95503
Rodeway Inn Eureka	2014 4th St	Eureka	CA	95501
Royal Inn	1137 5th St	Eureka	CA	95501
Serenity Inn				
Ship's Inn, The	821 D Street	Eureka	CA	95501
Shoreline RV Park	2600 6th Street	Eureka	CA	95501
Super 8 Motel - Eureka	1304 4th St	Eureka	CA	95501
Town House Motel	933 Fourth Street	Eureka	CA	95501
Waterfront Cafe		Eureka		
Francis Creek Inn	577 Main Street	Ferndale	CA	95536
Hotel Ivanhoe	P.O. Box 458	Ferndale	CA	95536
Jeanette's Cottage	POB 523	Ferndale	CA	95536
Redwood Suites	POB 1436	Ferndale	CA	95536
Shaw House Inn Bed & Breakfast	P.O. Box 1369	Ferndale	CA	95536
The White House		Ferndale		
Victorian Inn	P.O. Box 96	Ferndale	CA	95536
Ye Old Danish Inn	132 Ocean Ave	Ferndale	CA	95535
Best Western Country Inn	2025 Riverwalk Dr	Fortuna	CA	95540
	1583 Riverwalk			
Comfort Inn & Suites	Drive	Fortuna	CA	95540
National 9 Motel	819 Main St	Fortuna	CA	95540

COMPANY	MAIL ADD	City	ST	Zip
Riverwalk RV Park & Campground	2189 Riverwalk Drive	Fortuna	CA	95540
Six Rivers Motel	531 South Fortuna Blvd	Fortuna	CA	95540
Super 8 Motel - Fortuna	1805 Alamar Way	Fortuna	CA	95540
Travel Inn	275 12th Street	Fortuna	CA	95540
Holiday Inn Express	6633 Yount Street	Yountville	CA	94599
Whalesong House & Gardens	5244 Patrick Creek Dr	McKinleyville	CA	95519
Azalea Glen RV Park & Campground	PO Box 1099	Trinidad	CA	95570
Hidden Creek Villas & RV Park	199 N Westhaven Drive	Trinidad	CA	95570
Midway RV Park	P.O. Box 830	Trinidad	CA	95570
Pelican's Nest	3443 Patricks Point	Trinidad		
Sounds of the Sea RV Park	DR	Trinidad	CA	95570
Stone Lagoon Rv Park	265 Redwood Trails Circle			
Trinidad Bay Bed & Breakfast	POB 849	Trinidad	CA	95570
Trinidad Retreats	POB 1034	Trinidad	CA	95570
Trinidad Vista	POB 877	Trinidad	CA	95570
Trinity River Cabin	718 Second St	Trinidad	CA	95570
Farmhouse at Riverbar Farm	355 Riverbar Rd	Fortuna	CA	95540
Chumayo Spa	POB 191	Blue Lake	CA	95525
Worthington House Inn	POB 589	Blue Lake	CA	95525
Benbow Valley RV Resort & Golf Course	7000 Benbow Dr	Garberville	CA	95542
Richardson Grove Campground KOA	POB 864	Fortuna	CA	95540
Giant Redwoods RV & Camp	P.O. Box 222	Myers Flat	CA	95554
The Lost Inn		Petrolia	CA	95558
Redwoods Getaway	332 Eel River Lane	Redway	CA	95560
Humboldt Gables Motel	40 W. Davis St.	Rio Dell	CA	95562
Inn of the Lost Coast	205 Wave Dr	Shelter Cove	CA	95589
Lighthouse Inn		Shelter Cove		
Shelter Cove Oceanfront Inn	26 Seal Court	Shelter Cove	CA	95589
Shelter Cove Rv and Campground	492 Machi Rd.	Shelter Cove	CA	95589
Tides Inn, The	59 Surf Point	Shelter Cove	CA	95589
Marble Mountain Ranch	92520 Hwy 96	Somes Bar	CA	95568
Redwood Coast Vacation Rentals	POB 963	Trinidad	CA	95570
The River Place	PO Box 1170	Willow Creek	CA	95573
Widow White Creek RV Park	1085 Murray Rd	McKinleyville	CA	95519
4 Seafoam Vacation Rental	6847 Williston Rd	Live Oak	CA	95953
Abalone Cove Oceanfront Vacation Rental	P.O. Box 2036	Trinidad	CA	95570
Beachcomber Inn	412 Machi Road	Shelter Cove	CA	95589

COMPANY	MAIL ADD	City	ST	Zip
Benbow Inn	445 Lake Benbow Dr	Garberville	CA	95542
Best Western Humboldt House Inn	701 Redwood Dr	Garberville	CA	95542
Bigfoot Motel	P.O. Box 957 1481 Patrick's Point	Willow Creek	CA	95573
Bishop Pine Lodge	Dr	Trinidad	CA	95570
Brass Rail	POB 225	Redway	CA	95560
Cabin at Shelter Cove	5575 Elkhead Rd	Yoncalla	OR	97499
Chalk Mountain Ranch	POB 125	Bridgeville	CA	95526
Clam Court Rental	570 W Atua Pl	Oro Valley	AZ	85737
Cliff House	141 Wave Drive	Shelter Cove	CA	95589
Coho Cottages	POB 729	Willow Creek	CA	95573
Contemporary Farmhouse	POB 319	Orick	CA	95555
Cottages on Ocean Bluff	P.O. Box 1235 5790 Carmel Valley	Trinidad	CA	95570
Dean Creek Resort	Rd	Carmel	CA	93923
Emerald Forest	P.O. Box 870	Trinidad	CA	95570
Forest Haven Cottage	980 Westhaven Dr	Trinidad	CA	95570
Gambi Hill Motel & RV Park	POB 1284	Santa Monica	CA	90406
Green Valley Motel	POB 67	Orick	CA	95555
Holiday Inn Express & Suites	3107 Concorde Dr.	McKinleyville	CA	95519
Humboldt Redwoods Inn	P.O. Box 98	Garberville	CA	95542
Johnston's Motel	839 Redwood Hwy	Garberville	CA	95542
Juszczak Vacation Rental	POB 326	Mt Baldy	CA	91759
Klamath River Lodge	POB 1032	Eureka	CA	95502
Klamath River Resort Inn	PO Box 485	Happy Camp	CA	96039
Lone Pine Motel	912 Redwood Dr. 85100 Cloverdale	Garberville	CA	95542
Lost Coast Vacation Rental	Rd	Creswell	OR	97426
Lost Whale Inn	3452 Patrick's Pt Dr.	Trinidad	CA	95570
Madrona Motor Court & Cottages	POB 126	Phillipsville	CA	95559
Mario's Marina	553 Machi Rd	Shelter Cove	CA	95589
Mattole River Organic Farms & Ctry Cabins	42354 Mattole Rd	Petrolia	CA	95558
Miranda Gardens Resort	POB 186	Miranda	CA	95553
Motel Garberville	948 Redwood Dr.	Garberville	CA	95542
Myers Country Inn	P.O. Box 173	Myers Flat	CA	95554
Ocean Grove Lodge & Restaurant	P.O. Box 873	Trinidad	CA	95570
Palm Cafe & Motel	P.O. Box 437	Orick	CA	95555
Patrick's Point Inn	16242 Orizaba Ave	Paramount	CA	90723
Petrolia Guest House	POB 107	Petrolia	CA	95558
Redcrest Resort & Gift Shop	P.O. Box 235	Redcrest	CA	95569
Redway Inn	POB 1459	Redway	CA	95560
Redwood Adventures Vacation Village	POB 66	Orick	CA	95555
Redwood Coast Vacation Rentals	POB 963	Trinidad	CA	95570
Richardson Grove Campground & RV	750 US Hwy 1	Garberville	CA	95542

COMPANY	MAIL ADD	City	ST	Zip
Park				
River's Edge RV Park	620 Davis Street	Rio Dell	CA	95562
Ridge Road Rental	1330 Pine Trail	Alpine Meadows	CA	96146
Riverwood Inn	P O Box 121	Phillipsville	CA	95559
Sandy Bar Ranch Resort	POB 347	Orleans	CA	95556
Scotia Inn		Scotia		
	1895 Patricks Pt.			
Sea Cliff Motel	Drive	Trinidad	CA	95570
	1186 Central			
Sea View Motel	Avenue	McKinleyville	CA	95519
	900 New Navy Base			
Seascapes B & B	Rd	Samoa	CA	95564
Shelter Cove Getaway	209 Creekside St	Cloverdale	CA	95425
Shelter Cove Inn	118 Dolphin Dr	Shelter Cove	CA	95589
Shelter Cove Motor Inn	205 Wave Dr	Shelter Cove	CA	95589
	814 Redwood			
Sherwood Forest Motel	Drive	Garberville	CA	95542
Silverside Motel	217 Kingston Rd	Fieldbrook	CA	95519
Stafford RV Park	385 North Road	Scotia	CA	95565
	875 Patricks Pt.			
Sylvan Harbor RV Park & Cabins	Drive	Trinidad	CA	95570
The House at Shelter Cove	2108 Cotton Mill Dr	McKinney	TX	75070
The Oceanfront	POB 873	Thousand Oaks	CA	91359
Thompson House	5410 Ligurian Dr	San Jose	CA	95138
Trinidad Inn	POB 1008	Trinidad	CA	95570
Trinidad Retreats	POB 1034	Trinidad	CA	95570
Trinity River Paradise Vacation Rental	POB 389	Trinidad	CA	95570
	3392 Patricks Point			
Turtle Rocks Oceanfront Inn	Dr	Trinidad	CA	95570
Vacation House in the Redwoods	31117 Hwy 254	Scotia	CA	95565
Vacation Rental	887 Lower pacific	Whitethorn	CA	95589
	3415 Patricks Point			
View Crest Lodge	Dr.	Trinidad	CA	95570
Whale's Tale Cabin	531 Burr Oak Ct	Vacaville	CA	95688
Willow Creek Motel	PO Box 624	Willow Creek	CA	95573



DISCUSSION AGENDA ITEM 4

SUPPORTING DOCUMENTATION FOLLOWS WITH: 6 PAGES

4. Conduct Unmet Transit Needs Hearing.

DISCUSSION AGENDA ITEM

Date: April 11, 2012

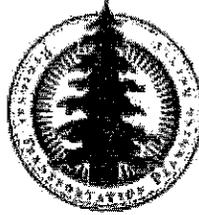
Item: Unmet Transit Needs Hearing

Background Info: Each year the City of Trinidad conducts a citizen participation process to assess unmet transit needs within Humboldt County on behalf of HCAOG.

Anyone is invited to provide the City Council with feedback regarding public transportation in our area during this hearing.

Staff Recommendation: Conduct the Unmet Transit Needs hearing and forward all comments to HCAOG for consideration.

Attachments: HCAOG staff memo (5) Pages.



HCAOG

Humboldt County Association of Governments

Date: March 26, 2012
To: Humboldt County CAO, City Managers
From: Debra Dees, Associate Planner *Debra Dees*
Re: **Citizen Participation Process for Unmet Transit Needs FY 2012/13**

Each spring, the Humboldt County Association of Governments (HCAOG), as the Regional Transportation Planning Agency (RTPA), conducts a citizen participation process to assess unmet transit needs within Humboldt County. This annual "unmet transit needs" process helps HCAOG properly apply funds provided through the Transportation Development Act (TDA). The HCAOG Board of Directors will hold a public hearing for community members to express any unmet needs they have for public transit and paratransit service. The HCAOG public hearing is scheduled for May 17, 2012.

Additionally, HCAOG encourages member entities to conduct separate hearings to receive constituent comments for their respective jurisdictions. We have attached the schedule of public hearing dates, will provide the schedule to HCAOG's Social Services Transportation Advisory Council (SSTAC), and will print the schedule in the local newspaper. SSTAC members may attend various meetings as part of their responsibility to identify transit needs and recommend action by the RTPA.

The SSTAC, pursuant to Section 99238 of the TDA, annually shall recommend to HCAOG one of the following: That within the Regional Transportation Planning Agency's jurisdiction,

- (A) there are no unmet transit needs; or
- (B) there are no unmet transit needs that are reasonable to meet; or
- (C) there are unmet transit needs, including needs that are reasonable to meet.

Entities are requested to receive constituent comments at respective public hearings without making individual findings. Per TDA law, the HCAOG Board as the regional transportation planning agency is the authority to determine Unmet Transit Need findings pursuant to Section 99401.5(d).

For your convenience, we have attached the adopted definitions (2011) and a synopsis of the citizen participation process for unmet transit needs.

HCAOG 611 I Street, Suite B, Eureka CA 95501 Ph: (707) 444-8208
Email: info@hcaog.net

March 26, 2012

Citizen Participation Process for Unmet Transit Needs FY 2012/13

Page 2

When your entity has concluded its public hearing on unmet transit needs, please send HCAOG a record of generated comments or a meeting transcript. We would like to receive all records no later than May 11, 2012. We will include all entities' hearing records in the "Unmet Needs Report of Findings" for 2012-13.

Timely conduct of the hearing process, and submittal of the requested documentation, will allow for a July adoption of the Report, and avoid delays in the processing of TDA claims for FY 2012-13.

If we can assist you in this regard, or if you would like HCAOG staff to attend your hearing, please contact our office at 444-8208.

Attachments: A – Public Hearing Schedule

B – Synopsis: Citizen Participation Process for Unmet Transit Needs

cc: HCAOG Social Services Transportation Advisory Committee
Public Transit Operators

HCAOG**Humboldt County Association of Governments****MEMORANDUM**

Date: March 23, 2012
 To: SSTAC Members, and Interested Parties
 From: Debra Dees, Associate Planner

RE: ENTITY PUBLIC HEARING SCHEDULE
 UNMET TRANSIT NEEDS FOR HUMBOLDT COUNTY

Public hearings for unmet transit needs have been scheduled by the Association's member entities, as indicated below. The hearings will be conducted at respective City Halls during regular council meetings.

City of Arcata	May 2, 2012	6:00 p.m. City Hall
City of Blue Lake	April 10, 2012	7:00 p.m. City Hall
City of Eureka	April 17, 2012	6:00 p.m. City Hall
City of Ferndale	May 3, 2012	7:00 p.m. City Hall
City of Fortuna	April 2, 2012	6:00 p.m. City Hall
City of Rio Dell	April 3, 2012	6:30 p.m. City Hall
City of Trinidad	April 11, 2012	7:00 p.m. City Hall
County of Humboldt	May 8, 2012	1:30 p.m. Supervisors Chambers
HCAOG	May 17, 2012	4:00 p.m. Eureka City Hall Council Chambers

If additional information or clarification is needed, please do not hesitate to contact our office at 444-8208.

Humboldt County Association of Governments

SYNOPSIS:

Citizen Participation Process for Assessing Unmet Transit Needs

Transportation Development Act

California's Transportation Development Act (TDA) legislates funding for transit purposes primarily, and for non-transit purposes under certain conditions. TDA funds are distributed through the Regional Transportation Planning Agencies (RTPA) throughout the state. An RTPA must assess its jurisdiction's "unmet transit needs" prior to allocating any TDA funds for purposes *not* directly related to public transit or facilities used exclusively by pedestrian and bicyclists.

Public Process to Make a Finding

Each year, HCAOG conducts a citizen participation process to receive public comment concerning transit needs within the RTPA jurisdiction. The HCAOG Social Services Transportation Advisory Council (SSTAC) leads the process to solicit broad input from transportation-dependent and transportation-disadvantaged persons. With recommendations from the SSTAC, at the end of the process the Board shall find that:

- (a) there are no unmet transit needs; or
- (b) there are no unmet transit needs which are reasonable to meet; or
- (c) there are unmet transit needs, including those that are reasonable to meet. (Section 99401.5)

The Board shall make this finding as a result of testimony received, and based on HCAOG's adopted definitions (see box).

If the HCAOG Board finds that there are no unmet transit needs, or that there are no unmet transit needs which are reasonable to meet, entities may expend excess (unexpended) TDA funds for non-transit purposes. A finding that there are unmet transit needs, including those that are reasonable to meet, delivers a mandate to the respective entity to set aside funds, given that they are available, to implement a program to meet those needs deemed "reasonable to meet."

(over)

DEFINITIONS

"Unmet transit needs" are, at a minimum:

- (1) Trips requested from residents who do not have access to public transportation, specialized transportation, or private transport services or resources for the purpose of traveling to medical care, shopping, social/recreational activities, education/training, and employment; or
- (2) Proposed public transportation, specialized transportation, or private transport services that are identified in the following (but is not limited to): a Transportation Development Plan, Regional Transportation Plan, Coordinated Public Transit-Human Services Transportation Plan.

"Reasonable to meet" criteria:

- (1) Whether a need is "reasonable to meet" shall not be determined by comparing unmet transit needs with the need for streets and roads, or for the sole reason that there is a lack of available resources to fully meet the identified need.
- (2) New, expanded, or revised transit service that has not met performance standards in the first two full years of operation can be subject to termination as being unreasonable to meet.
- (3) The transit operator (TDA claimant) that is expected to provide a new, expanded, or revised transit service indicates that it is operationally feasible.
- (4) One and one time only, an unmet transit need may be found to be unreasonable to meet if time constraints make it infeasible to begin service within the coming fiscal year, or if more information is needed to determine whether or not the unmet transit need is reasonable to meet.

The TDA directs HCAOG, as the RTPA, to make the finding that there are no unmet transit needs which are reasonable to meet prior to approving fund claims for street and road purposes.

Public Hearings on "Unmet Transit Needs"

HCAOG holds the single statutorily-required public hearing. In addition, HCAOG encourages all member entities to conduct hearings to receive constituent comments. HCAOG encourage entities to notify stakeholders of the public hearings with as much advance notice as is possible. We also encourage entities, to the fullest extent possible, to hold meetings during times that available transit is in service. The public is also welcome to provide written comments and comments by phone.

After conducting an "Unmet Transit Needs" hearing, the member entity forwards to HCAOG the public hearing's record of comments or transcript.

Report of Findings

HCAOG compiles public testimony and other comments from all entities, and includes it in the *Unmet Transit Needs Report of Findings* for the upcoming fiscal year. The report also covers demographic information of the transportation-dependent public, existing programs, and includes recommendations for meeting transit demands.

Timely conduct of the hearing process and submittal of the requested documentation allows HCAOG staff to prepare the *Report of Findings* for the Board to consider and adopt in June, and thereby avoid delays in processing TDA claims for the upcoming fiscal year.

For questions or assistance regarding this Public Participation Process, contact HCAOG at (707) 444-8208 or info@hcaog.net.



DISCUSSION AGENDA ITEM 5

SUPPORTING DOCUMENTATION FOLLOWS WITH: 4 PAGES

5. Discussion/Decision regarding consideration of updating the Joint Powers Agreement to Reflect Data from 2010 Census.

DISCUSSION/ACTION AGENDA ITEM

Date: April 11, 2012

Item: Consider Updating the Joint Powers Agreement to Reflect Data from 2010 Census

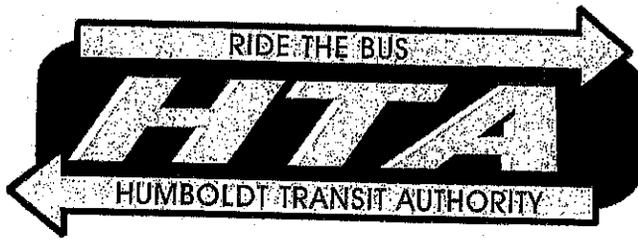
Background: Humboldt Transit Authority (HTA) is considering updating the Joint Powers Agreement to reflect data from the 2010 Census. The Service Coordination and Technical Advisory Committees of the Humboldt County Association of Governments have both recommended assessing the cities based on current population, but holding the County at 50%, to be reviewed every ten years.

Proposed Action:

Consider assessment options and give direction as appropriate.

Attachments:

March 21, 2012 HTA memo



*A Public Entity Serving
Humboldt County Since 1976*

133 "V" Street, Eureka, CA 95501-0844

(707) 443-0826

TO: Linda Atkins, Chairperson
All Governing Board Members

FROM: Greg Pratt, General Manager

DATE: March 21, 2012

SUBJECT: Joint Powers Agreement Shared Costs

At the January 2012 Regular HTA Board Meeting, Councilmember Michael Winkler from Arcata has requested that the Humboldt Transit Authority update the Joint Powers Agreement to reflect data from the 2010 Census.

As directed by the board, staff worked with HCAOG to have the Service Coordination Committee (SCC) and the Technical Advisory Committee (TAC) give their recommendation to the HTA Board. The HCAOG notes from the two committees are as follows:

SCC

Review of Humboldt Transit Authority's (HTA) Regional Transit System Contributions

Motion was made (Woods/Tucker) to recommend to the Board *table 3 with 50% for the county and the balance to the cities using the 2010 Census, to be reviewed every ten years unless the Board decides to review more frequently.

Motion carried

TAC

Review of the Humboldt Transit Authority's (HTA) Regional Transit System Contributions

Motion was made (Knight/Ward) to recommend *table 3, consistent with the Service Coordination Committee's recommendation for review every ten years using the US Census.

Amendment: to review every ten years using the US Department of Finance's annual projected census.

Amended Motion passed

* table 3 (see next page)

Table 1. Current Assessment

Jurisdiction	Current Assessment (%)	Current Cost to Jurisdiction
City of Arcata	13.10%	\$ 141,428
City of Eureka	25.60%	\$ 276,379
City of Fortuna	8.10%	\$ 87,448
City of Rio Dell	2.80%	\$ 30,229
City of Trinidad	0.40%	\$ 4,318
County of Humboldt	50.00%	\$ 539,803
TOTAL	100.00%	\$ 1,079,606

Table 2. Assessment based on current population

Jurisdiction	Current Population Data	Assessment based on current population (%)	Cost to Jurisdiction	Difference compared to current assessment
City of Arcata	17,318	13.06%	\$ 140,976	(452.71)
City of Eureka	27,283	20.57%	\$ 222,095	(54,284.25)
City of Fortuna	11,977	9.03%	\$ 97,498	10,049.64
City of Rio Dell	3,382	2.55%	\$ 27,531	(2,698.09)
City of Trinidad	368	0.28%	\$ 2,996	(1,322.75)
County of Humboldt	72,295	54.51%	\$ 588,511	48,708.16
TOTAL	132,623	100.00%	\$ 1,079,606	(0.00)

Table 3. Assessing the cities based on current population, holding the County at 50%

Jurisdiction	Current Population Data	Assessment based on current population (%) w/County held at 50%	Cost to Jurisdiction	Difference compared to current assessment
City of Arcata	17,318	14.35%	\$ 154,958	13,529.65
City of Eureka	27,283	22.61%	\$ 244,123	(32,256.25)
City of Fortuna	11,977	9.93%	\$ 107,168	19,719.74
City of Rio Dell	3,382	2.80%	\$ 30,261	32.50
City of Trinidad	368	0.30%	\$ 3,293	(1,025.63)
County of Humboldt	N/A	50.00%	\$ 539,803	0.00
TOTAL	60,328	100.00%	\$ 1,079,606	(0.00)

1980 U.S. Census, the cost sharing formula provided for herein shall, on request of any party hereto, be renegotiated among the parties to more accurately reflect their respective populations.

Section 7.2. Non-Shared Costs. The Authority and any party hereto may enter into a contract for transit services to be provided by the Authority which are not otherwise provided for in the budget adopted by the Authority for operation of the Redwood Transit System. Any costs incurred by the Authority in providing such contract services shall be the sole responsibility of the party requesting such services, and the terms of payment and other terms for the provision of such services shall be as provided in said contract.

Section 7.3. Source of Funds. Each party hereto shall individually determine whether to pay its share of the costs determined in accordance with Sections 7.1 and 7.2 of this Article from Mills-Alquist-Deddeh Act allocations or from other appropriate fund

ARTICLE VIII - ADDITIONAL MEMBERS

Section 8.1. Additional Members. Additional general purpose governments within the County may become parties to this Agreement on approval of the parties hereto and on such terms and conditions as are mutually agreed upon. Any new member will be represented on the Board by the addition of one (1) member and one (1) alternate, as provided in Section 3.2 hereof.

ARTICLE IX - TERMINATION

Section 9.1. Term. This Agreement shall become effective on