RIO DELL CITY COUNCIL AGENDA

REGULAR MEETING - 6:30 P.M.
TUESDAY, DECEMBER 4, 2018
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME *- By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

In compliance with the American with Disabilities Act (ADA), if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Assistance listening devices are now available for the hearing impaired. Please see the City Clerk for a receiver.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CEREMONIAL MATTERS

1) 2018/1204.01 - Proclamation In Recognition of December 2018 as Human Rights Awareness Month 1

E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Councilmembers if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS

1) 2018/1204.02 - Approve Minutes of November 20, 2018 Regular Meeting **(ACTION)** 3

2) 2018/1204.03 - Approval of 6-month Extension of the City's Track and Trace Services Contract with SICPA Security LLC and Update on Activity in the Humboldt Rio Dell Business Park **(ACTION)** 12

G. ITEMS REMOVED FROM THE CONSENT CALENDAR

H. REPORTS/STAFF COMMUNICATIONS

1) 2018/1204.04 - City Manager/Staff Update **(RECEIVE & FILE)** 16

I. SPECIAL PRESENTATIONS/STUDY SESSIONS

J. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

1) 2018/1204.05 - Laboratory Annual Cannabis Activity Fees **(DISCUSSION/POSSIBLE ACTION)** 22

2) 2018/1204.06 - Provide Staff Direction on Syringe Exchange Program **(DISCUSSION/POSSIBLE ACTION)** 24

K. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

1) 2018/1204.07 - Approve Resolution No. 1405-2018 Adopting a Revised Water Bill Claim Adjustment Policy **(DISCUSSION/POSSIBLE ACTION)** 49

L. COUNCIL REPORTS/COMMUNICATIONS

M. ADJOURNMENT

The next regular City Council meeting is scheduled for
Tuesday, December 18, 2018 *at 6:30 p.m.*

675 Wildwood Avenue
Rio Dell, CA 95562

STAFF REPORT

TO: Mayor and Members of the City Council

THROUGH: Kyle Knopp, City Manager

FROM Karen Dunham, City Clerk

DATE: December 4, 2018

SUBJECT: Proclamation in Recognition of Human Rights Awareness Month December 2018

RECOMMENDATION

Read and present the Proclamation declaring December 2018 as Human Rights Awareness Month.

BACKGROUND AND DISCUSSION

A representative from the Humboldt County Human Rights Commission will be present to accept the proclamation and speak briefly on the subject of human rights.

ATTACHMENTS: Proclamation

PROCLAMATION

In Recognition of

HUMAN RIGHTS AWARENESS MONTH

December 2018

WHEREAS, the United Nations General Assembly adopted The Universal Declaration of Human Rights in December 1948. This marked the first attempt in human history to set down the minimum rights every person should enjoy; and

WHEREAS, this document states the necessity "to recognize the inherent dignity of equal and inalienable rights of all members of the human family in the foundation of freedom, justice and peace in the world," to which everyone is entitled "without distinction of any kind to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or status;" and

WHEREAS, The Universal Declaration of Human Rights has inspired international covenants, treaties and agreements not only protecting the rights of men and women of all races or creeds, but specifically enumerating and protecting the rights and unique needs of children, indigenous and tribal peoples, refugees and political prisoners; and

WHEREAS, the County of Humboldt, in compliance with California State statues, adopted ordinances establishing and defining the work of the Humboldt County Human Rights Commission to aid in the eradication of discrimination based on color, race, religion, religious creed, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, familial status, source of income, gender identity, gender expression, age, sexual orientation or socioeconomic status.

THEREFORE, the City of Rio Dell hereby proclaims December 2018 as HUMAN RIGHTS AWARENESS MONTH and encourages all citizens to educate themselves about The Universal Declaration of Human Rights and the privileges we enjoy in a free society.

_____

Frank Wilson, Mayor

RIO DELL CITY COUNCIL
REGULAR MEETING
NOVEMBER 20, 2018
MINUTES

Mayor Wilson called the regular meeting of the Rio Dell City Council to order at 6:30 p.m.

ROLL CALL:	Present:	Mayor Wilson, Mayor Pro Tem Johnson, Councilmembers Garnes, Marks and Strahan
	Others Present:	City Manager Knopp, Community Development Director Caldwell, Water/ Roadways Superintendent Jensen, and City Clerk Dunham
	Absent:	Finance Director Woodcox and Chief of Police Conner

CEREMONIAL MATTERS

Proclamation In Recognition of December 2018 as Human Rights Awareness Month
The proclamation was continued to the meeting of December 4, 2018.

PUBLIC PRESENTATIONS

Nick Angeloff provided an update on Chamber of Commerce business and announced that they would be putting up Christmas decorations on Saturday including garland, lights at Memorial Park, shooting stars, plywood cutouts and a 16-foot Silvertip tree donated by Root 101. He invited volunteers to meet at Root 101 at 10 a.m. for breakfast. He noted that the tree would be placed on the same pedestal as the previous year as the artist agreed with the temporary removal of the panther sculpture. The annual tree lighting event was scheduled for December 1st at 5:30 p.m.

Julie Woodall addressed the Council regarding abandoned and/or junk vehicles around town and identified a problem on 4th Ave. She also reported on a truck loaded with garbage that has been parked at the Davis St. Park for over a month and said the "No Overnight Parking, Vehicles Towed at Owners Expense..." sign needs to be replaced so that the parking restriction can be enforced.

Councilmember Strahan stated that she spoke to the City Manager regarding the need to address the issue involving syringes in town and said she would like the City to be pro-active in addressing the issue and have an item on the agenda related to needle exchange programs prior to the State coming up with a plan.

Consensus of the Council was to place the item on the next agenda for discussion.

CONSENT CALENDAR

Councilmember Marks removed Item 2 from the consent calendar for separate discussion.

Councilmember Strahan removed Items 1, 3, and 4.

Motion was made by Johnson/Garnes to approve the consent calendar items 5 and 6 approving Resolution No. 1408-2018 authorizing the City Manager to execute a contract for City Engineering Services; and to receive and file the Check Register for October 2018. Motion carried 5-0.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Approve Minutes of November 6, 2018 Regular Meeting
Councilmember Strahan referred to the bottom of page 5 of the minutes related to the Green Diamond Resources parcel. She said that it was noted that it was one of the study areas for potential inclusion within the City's Sphere of Influence but the City did not support the inclusion. She asked who in the City decided that it should not be included and asked why that decision was made.

City Manager Knopp explained that he recommended that this particular area not be included in the City's Sphere of Influence for potential future annexation. He noted that LAFCo ultimately makes the decision on any annexations and in looking at undeveloped areas already annexed into the City that never materialized, it doesn't make sense for the City to take on that liability. He commented that Green Diamond Resources did not approach the City requesting the inclusion of their parcel in the City's Sphere of Influence.

Councilmember Strahan asked if staff discussed it with the City Council before making the decision to exclude it.

Mayor Wilson commented that it was discussed with the City Council at the last meeting. He pointed out the need to provide additional public services and said that in his opinion it would not be in the City's best interest to include that area in the City's SOI. He pointed out that if they were serious about wanting to become part of the City, they perhaps should have had a representative attend a meeting and make a presentation to the Council.

Mayor Pro Tem Johnson also pointed out that the subject parcel is located north of the Dinsmore Plateau and the gravel road leading to the parcel is marginal and doesn't fit well with any logical planned development, noting that the road would be required to be paved.

Julie Woodall asked for clarification that the property owner did not ask to be included in the MSR study.

City Manager Knopp stated that they did not approach the city and apparently went straight to LAFCo and made the request.

Motion was made by Strahan/Garnes to approve the minutes of the November 6, 2018 regular meeting as submitted. Motion carried 5-0.

Approve Revision to Section 12 of all Employment Agreements and Related Stipends for Medicare Eligible Spouses and Authorize the City Manager to Sign
Councilmember Marks asked what the proposed stipend includes.

City Manager Knopp explained that it would be a cash stipend, which would allow employees to purchase insurance coverage for a spouse/dependent that is no longer eligible for coverage under the City's existing plan. He indicated that "employees" who reach retirement age and are still actively working, would be allowed to be covered under the current policy.

Councilmember Strahan expressed her disapproval of the plan and said that she didn't feel it was the City's responsibility to cover dependents once they reach 65. She commented that the City is already talking care of medical coverage for employees and asked at what point does the City stop taking care of dependents.

Mayor Pro Tem Johnson pointed out that the City has been paying over $500/mo. for a spouse/dependent coverage and the proposed stipend of $150 represents a savings to the City of approximately $350/mo. per dependent, which is a great deal.

City Manager Knopp clarified that the proposed stipend is $150 per pay period which represents a savings of approximately $213/mo. per spouse/dependent.

Councilmember Garnes made the point that it was not the City who made the decision to stop providing coverage for older dependents; it was the City's insurance provider that made that decision based on new laws. She said that insurance coverage is extremely expensive and this saves the City money so she could see no reason to not approve the stipend.

Motion was made by Johnson/Garnes to approve a revision to Section 12 of all employment agreements and related stipends for Medicare eligible spouses and authorize the City Manager to sign. Motion carried 4-1; Councilmember Strahan dissenting.

Approve Resolution No. 1406-2018 Amending the Operating and Capital Budget and Approving Inter-Fund Transfers for Public Works Purchase of 2008 Ford F-250 Truck from Police Department

Approve Resolution No. 1407-2018 Amending Budget and Authorizing the Purchase of a 2019 Ford F-150 for the Public Works Department
Councilmember Strahan asked if both of the above vehicles were additions to the current public works fleet.

City Manager Knopp clarified that the first item is approving the Public Works purchase of the 2008 F-250 from the Police Department. The next item is approval of the purchase of a new 2019 Ford F-150 for the Public Works Department as approved in the FY 2018-19 budget. He said ultimately it results in a gain of one vehicle since one of the older vehicles is worn out and needs to be retired.

Water/Roadways Superintendent Jensen explained that the 2004 Jeep Liberty previously acquired from the Police Department has a cracked block. He said it was used primarily for delivering water samples to the lab, meter reading, and taking engineers to job sites. The new F-150 will replace that vehicle. In addition, the 1993 S-10 pickup is beyond its useful life and the engine smokes. He expressed the need to maintain a reliable fleet and said given the current personnel and operational needs of the City, these vehicles are necessary.

Mayor Wilson asked for clarification that the new F-150 is included in the current budget.

Water/Roadways Superintendent Jensen noted that $35,000 was allocated in the budget and the price for the new vehicle is $35,753.79, which is the reason for the requested budget amendment. He said the purchase of the truck from the police department will go toward the purchase of another police vehicle.

Mayor Wilson commented on the need to have a rotation plan with regard to the City's vehicle fleet.

City Manager Knopp said in terms of the Police Department, the (2) 2014 Ford Explorers have a target date of 2020 for replacement.

Motion was made by Strahan/Garnes to approve Resolution No. 1406-2018 amending the Operating and Capital Budget and approving inter-fund transfers for the Public Works purchase of the 2008 Ford F-250 truck from the Police Department, and to approve Resolution No. 1407-2018 amending the budget and authorizing the purchase of a 2019 Ford F-150 for the Public Works Department. Motion carried 5-0.

REPORTS/STAFF COMMUNICATIONS

City Manager/Staff Update
Mayor Wilson referred to the staff update provided in the Council packet and asked if the Council or public had any questions regarding the report.

Mayor Pro Tem Johnson referred to the Police Department update regarding Sergeant Beauchaine's attempt to stop a motorcycle traveling at a high rate of speed and asked if they were able to identify the driver.

City Manager Knopp said since Chief Conner was not present to respond to the question, he would have him email a response.

City Manager Knopp then provided a brief overview of the staff update. He said with regard to the City's eligibility for CDBG grants, Community Development Director Caldwell would be attending a workshop in Sacramento the following week to get a better idea of potential funding opportunities. He noted that potential opportunities for use of CDBG funds would be for

wastewater projects such as the Painter St. upsizing project, Planning and Technical Assistance grants for studies, property acquisition for the library, or dedicated code enforcement services. He commented that applications for this round of funding are due by February 6, 2019.

Mayor Wilson called for public comment on the staff update.

Julie Woodall referred to the City Clerk's portion of the update and questioned the need for the City to provide property insurance coverage for CDBG properties without owner coverage.

City Clerk Dunham explained that an appraiser, working as a consultant for SCORE was recently here to do an appraisal of all City owned property for renewal of the City's property insurance policy. Included on the list, were four privately-owned residences so the appraiser questioned the need to include those in the appraisal. Staff reached out to SCORE (Alliant Insurance) and questioned the reason for having those properties covered on the City policy and learned that they were added to the policy in 2005 by the former finance director to protect the City's interest in the event the homes were destroyed.

She indicated that they had agreed to look into whether those properties needed to be covered on the City's policy but had not heard back from anyone at this time.

Julie Woodall also asked if the coverage was only on the amount of the loans.

City Clerk Dunham noted that each of the properties was insured for $225,000 with the total of all four loans around $50,000.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Approve Water Claim Adjustment for James Nunneley for $1,215.73
City Manager Knopp provided a staff report and explained that the City's current Water Bill Claim Adjustment Policy allows for a maximum of $100 to be waived in circumstances where a customer has incurred an extraordinarily high water bill due to an undetected water line break or leak, or excusable neglect. In this particular case, the claimant had a monthly usage of 431 units totaling $1,383.00, which was $1,327.02 over the customer's average monthly bill based on a 12-month average of $55.98.

He explained that the claimant reported that the residence was unoccupied during the entire month of the leak. The Water/Roadways Superintendent investigated the situation and determined that the water had likely gone down the drain or down the ditch and therefore was undetected. He also noted that the claimant presented a copy of an invoice for the repair of the leak. Due to the extremely unusual circumstances of this claim, staff is bringing it to the City Council for consideration since the policy doesn't address adjustments beyond $100.

Staff's recommendation was to reduce the claimant's bill to a maximum of three (3) months the

amount of the average bill, for a total of $167.95, thus approving an adjustment of $1,215.73. City Manager Knopp indicated that the Finance Director would be bringing back to Council at the next meeting, a proposed amendment to the current Water Bill Claim Adjustment Policy to address these types of occurrences.

Councilmember Strahan asked if there was any visible evidence of where the water went.

Water/Roadways Superintendent Jensen commented that the water either went down an inside drain or down the outside ditch. He said that a tall fence in the back yard surrounded the residence so he was not able to enter that area to look for visible signs.

Mayor Wilson said it seems there are no provisions that address this type of situation and agreed that review and possible revision of the current policy was a good idea.

Water/Roadways Superintendent Jensen pointed out that the current policy was adopted prior to the last major rate increase so the $100 maximum adjustment was more appropriate than it is now.

Mayor Pro Tem Johnson referred to two (2) separate incidents involving water leaks on his property, one of which was under the concrete slab in his driveway. He said leaks of this nature can happen and be undetected for some time, and said he fully supports the recommended adjustment.

Councilmember Strahan commented that she didn't think the customer should be charged for the excess water however; 431 units of water for one month is a lot.

City Manager Knopp reviewed the Council's options and said they could approve the claim as presented; follow the current policy and approve an adjustment of $100; or direct staff to bring back to Council the claim, along with a revised Water Bill Claim Adjustment Policy at the next meeting.

Motion was made by Johnson/Garnes to approve the water bill claim adjustment for James Nunneley for $1,215.73 and to direct staff to bring back a revised Water Bill Claim Adjustment Policy at the next meeting for consideration. Motion carried 5-0.

ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

Second Reading (by title only) and Adoption of Ordinance No. 371-2018 Establishing Vacation Dwelling Regulations, Section 17.30.335 of the Rio Dell Municipal Code (RDMC)

Community Development Director Caldwell provided a staff report and said when the ordinance was introduced to the Council at their meeting of October 2nd, Councilmember Strahan expressed concern about occupancy limits and restrictions on visiting hours. He said based on the Council's recommendations, those items were eliminated from the draft ordinance and the ordinance was brought back at the October 16th meeting for its second reading and adoption.

At that time, Councilmember Strahan questioned the recommendation that Vacation Dwelling Unit permits be ministerial and suggested removal of the words "shall be ministerial, without discretionary review or a hearing."

Mayor Pro Tem Johnson also expressed concerns about potential impacts to the neighborhood with elimination of occupant limits and visitor hour restrictions.

Councilmember Strahan stated that she felt the sentence did not need to be included in the ordinance related to ministerial approval. She said the uses need to be defined as Air B&B's and charged like motels, or as vacation rentals. She said if they are vacation rentals, they should align with normal rentals in the City and fall under the same guidelines. She said as Planning Commissioner Woodall pointed out at the Planning Commission meeting, owners with rentals are not required to pay an inspection fee or other taxes with the exception of a small business license tax.

Community Development Director Caldwell commented that people are establishing vacation rentals as a business and the tenants are typically of transitory nature in that they stay less than 30 days at a time.

He further explained that a "Vacation Dwelling Unit" is described as an entire dwelling unit contracted for transient use. "Transient Use" means any contractual use of a dwelling by an occupant for any period of time, which is less than 30 consecutive days.

Mayor Pro Tem Johnson was opposed to charging vacation rental applicants $500 to go through the Conditional Use Permit (CUP) process.

Community Development Director Caldwell clarified that since the approval is ministerial, it doesn't require going through the CUP process.

Mayor Pro Tem Johnson also commented that it wouldn't be fair to the owners to rent to a group of five and end up with 20 or more staying in the home because there were no visitor restrictions.

Mayor Wilson pointed out that tenants must also sign an agreement with the property owner and comply with their set of rules when renting a vacation rental.

Mayor Wilson opened the public hearing to receive public comment on the proposed ordinance. There being no public comment, the public hearing was closed.

Motion was made by Garnes/Marks to conduct second reading (by title only) and adopt Ordinance No. 371-2018 *Establishing Vacation Dwelling Regulations, Section 17.30.335 of the Rio Dell Municipal Code (RDMC).* Motion carried 3-2 with Johnson and Strahan dissenting.

COUNCIL REPORTS/COMMUNICATIONS

Mayor Pro Tem Johnson announced that at the last LAFCo meeting held on November 14, the Board voted unanimously to approve the City of Rio Dell Municipal Service Review (MSR), which means the City can pursue moving forward with annexation of the wastewater disposal site and eliminate paying property taxes. He suggested staff be directed to contact LAFCo to see what is needed to start the process.

Community Development Director Caldwell noted that it would probably cost the City $5,000 to go through the annexation application process with LAFCo but it would be money well spent. He said the annual savings in property taxes is approximately $2,500 and suggested staff be directed to contact LAFCo to begin the process. Council concurred.

Mayor Wilson reported on a meeting he attended with Terra Gen last week and reported that they are moving ahead on Marbled Marlette studies and it sounds as though they are going to put in a windmill test site up on the hill and will be testing the air as part of the Environmental Impact Report (EIR) process.

He also reported that he attended the Redwood Coast Energy Authority (RCEA) meeting the previous night and that there are some interesting things going on. He noted that there is a lot of money being spent on energy and said that $40 million was spent to purchase energy that will be sold back to the community for $50 million creating a net revenue source of $10 million. He explained that the original idea was to have a couple of biomass plants and keep the price 3 percent below PG&E's prices and at the same time, provide greener energy. He said they are actually losing money because they are paying Humboldt Redwood Company too much, representing a $3 million loss so they would like to re-negotiate the price. He said for 2019, they have agreed to leave the rates at 3 percent below PG&E's rates but there was discussion at the meeting to possibly bring them up to PG&E's rates and actually bring greenhouse purchases and credits down a little to balance things out. He said customers enrolled in the CCA program are saving about $2.00/month on their electric bill but overall, customers PG&E bills will be going up because of the recent fires. He said that the State of California will not allow utility companies to go bankrupt so what happens when lawsuits are filed against PG&E, is that the customer pays.

He said as a JPA member, it is a complicated process and cautioned everyone to pay attention to what's going on at RCEA. He also noted that there are a lot of private third party gas providers out soliciting business and that they are not governed the same as other utility companies and once you sign up, it's almost impossible to get out of it so consumers should keep an eye on energy choices and know what they are getting into.

ADJOURNMENT

Motion was made by Johnson/Garnes to adjourn the meeting at 7:40 p.m. to the December 4, 2018 regular meeting. Motion carried 5-0.

_____
Frank Wilson, Mayor

Attest:

_____
Karen Dunham, City Clerk

Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov

December 4, 2018

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Approval of 6-Month extension of Track and Trace Services Contract and Update on Cannabis Activity in the Humboldt Rio Dell Business Park.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Authorize the City Manager and City Attorney to draft and execute a 6-month extension of the City's existing track and trace program contract with SICPA Security LLC.

BACKGROUND AND DISCUSSION

The City of Rio Dell currently contracts with SICPA Security LLC (SICPA) for a cannabis track and trace system which tracks the movement of legal cannabis through the local distribution chain. That contract is set to expire on December 31, 2018.

At the time of the Council's approval of the SICPA contract on October 17, 2017, the State of California planned to provide its own track and trace system (METRC) by January 1, 2019, thereby making a local program optional. It is now anticipated that the State's track and trace system will not be operational until May or June of 2019.

The lack of a viable system at the state level presents a potential 6-month gap in the track and trace system. Staff is recommending a 6- month extension of the existing agreement with SICPA to continue the local track and trace program through the end of FY 2018-19. No other changes would be made to the contract. The 6-month extension is intended to continue tracking of commercial cannabis produced or processed under permit in the City of Rio Dell.

Current participants in the SICPA track and trace system are the counties of Humboldt, Yolo and Mendocino in addition to the cities of Eureka, Arcata and Rio Dell. Staff is currently recommending that Rio Dell maintain parity with the track and trace system implemented in the County of Humboldt. It is anticipated that the Board of Supervisors will approve a six month extension today, December 4, 2018. Therefore, in order to maintain integration with the County and maintain the benefits of a track and trace system, staff is recommending a six-month extension.

Costs of the track and trace system are born by cannabis permittees in Rio Dell. To date, the track and trace system has generated $5,763 in fees payable to SICPA for the operation of the

track and trace system. Additionally, the city charges $.05 cents per unique identifier as a fee to recover city costs. That fee source has generated $420 in fee revenue for the City. Activity at the park has been lower than anticipated due to delays in our local permittee's ability to obtain State licenses to distribute manufactured product. This problem is expected to be less of an obstacle for cannabis activities over the next six months.

Outside of the track and trace fees, the City has also collected $23,000 in cannabis activity fees and an additional $23,416 in building related fee revenue from the cannabis industry. Because of the delay in sales activity, to date the City has received no revenue from the Measure X excise tax. This is anticipated to change over the next six months as taxable transactions occur and the tax is collected on a quarterly basis.

Staff has attached a "dashboard" for the Humboldt-Rio Dell Business Park. The attached spreadsheet will help monitor cannabis activities and revenues and will be updated periodically over time to show progress.

///

FIRST AMENDMENT TO CITY OF RIO DELL PROFESSIONAL SERVICES AGREEMENT WITH SICPA PRODUCT SECURITY, LLC

THIS FIRST AMENDMENT to the Professional Services Agreement (this "First Amendment") constitutes the first amendment to that certain written agreement dated November 1, 2017 between the City of Rio Dell, a municipal corporation ("City") and SICPA Product Security, LLC ("Consultant"). The City and Consultant are hereinafter referred to as the Parties.

By method of this First Amendment, the Parties hereby extend the term of the Professional Services Agreement up and to_____. This Agreement shall continue in accord with all existing terms and conditions.

CITY OF RIO DELL:

By: _____ Dated: _____
Kyle C. Knopp, City Manager

Approved as to form:

By: _____
Russell S. Gans, City Attorney

Attest:

By: _____
Karen Dunham, City Clerk

CONSULTANT:

By: _____ Dated: _____
Consultant Name

_____

1099 Information
Tax Payer ID#:

_____
Social Security #:

_____
Incorporated: Yes____ No _____

HRDBP Facts and Figures

Rio Dell

Development	12/4/2018			
Number of Parcels at HRDBP	14			
Number of Parcels at HRDBP Currently for Sale	3			
Number of Parcels at HRDBP with PC Approved Projects	9			
Number of Parcels at HRDBP with Projects in Development	1			
Number of Parcels at HRDBP with Operating Projects	3			
State Licenses Registered to Operate in Rio Dell	3			
Manufacturing	2			
Distribution	1			
Cultivation	0			
Testing	0			
Revenue				
Total Annual Operating Fees Collected	$23,000			
Total Track and Trace Fees Received	$4,510			
Total Track and Trace Fees Paid out to SICPA	-$4,090			
Total City Track and Trace Revenue	$420			
Total Measure X Revenue	$0			
Total Building Fees	$23,416			
Total Additional Assessed Valuation	Evaluating			
Total Other	Evaluating			
Total City Revenue	$47,256			

Staff Update – 2018-12-04

City Council

Reservations made for the New Mayors & Councilmembers Academy training with the League of California Cities. Two spots have been reserved for the January 16 session in Sacramento.

The Council may want to consider cancellation of the December 18, 2018 regularly scheduled city council meeting.

City Manager

Drafted contract language for Habitat Sidewalk project.

Helped with signs for the City Hall payment drop box.

Discussions with various parties on Track and Trace in the state, county and city moving forward.

Placed the order for the new public works truck.

Work on the Cannabis Facts and Figures or "dashboard." The goal is to provide information over time that will demonstrate the activity at the business park. While activity has been slow in 2018, it is expected to pick up in 2019.

Discussions with Eagle Sculpture artist and possible project funder.

Work on off-site improvements for the Permanent Supportive Housing Project. The City is listing improvements to the sidewalks on Davis Street, street improvements on Rigby and Center, improvements to the Center Street Bus Stop, addition of a fire lane around the perimeter of the site and other improvements.

Research on Syringe Exchanges in Rio Dell.

Completed an evaluation form of the City's vehicle fleet with RCEA for possible grants for electric vehicles.

Abandoned vehicle code enforcement drive of the city with referrals to the Police Department.

Final work on the hiring of a new WWTP Superintendent.

City Clerk

Processed five (5) Building Permits during the previous two week period:

1) 56 N. Pacific Ave. – Residential Remodel to create Second Dwelling Unit
2) 543 Rigby Ave. – Detached Metal Shop Building
3) 1235 Riverside Dr. – PV Solar
4) 130 Webster St. – Detached Shop with Loft
5) 227 Ogle Ave. – Bathtub Enclosure

Processed three (3) Business License Applications:

1) A.K. Pahulu – Non-Resident Contractor
2) Hard Car Security, LLC
3) K.B. Inc. – Retail clothing, gifts, tobacco accessories

Worked on update of City Council Handbook in preparation of new City Councilmember Orientation Session. (date and time to be determined).

Ordered nameplates for incoming Councilmembers.

Responded to multiple requests for information related to new water/sewer connections, building permits, business licenses and received three inquiries/requests for placement of signs at Memorial Park.

City Attorney

Human Resources, Risk & Training

Finance Department

Update accounting software and trouble shoot: The City's accounting software (AccuFund) had a major upgrade. This is necessary to update payroll fields (i.e. tax tables) for the coming fiscal year, as well as the upgrade is meant to improve user friendliness with a newly designed interface. A few features were lost in the process, as well as some of the new features work differently than the previous version. With the assistance of the software's technical department the problems have been resolved.

Trouble shoot meter reading equipment and software: The City's meter reading software occasionally develops problems. Over the past several months the computer software and the

meter data have had problems syncing. Randy Jensen has been assisting the Finance Department to help trouble shoot these problems. A representative from National Meter will be scheduled to visit the City in the near future to trouble shoot problems and assist staff.

Utility bills for November sent out Thursday 11/29/18

Public Works installed a payment drop box in the City's parking lot. Decals have been ordered that identify payment box. Staff is also considering whether or not a guard pole should be put in place so that vehicles won't accidentally hit the drop box when backing out. Cones have been placed in front of the box and these will be removed once all issues have been addressed and finalized. Finance Staff checks the drop box regularly to ensure payments have not been left in the box. The payment drop at City Hall entrance is still available for customer drop off.

Received draft financial statements from Auditor. Staff is reviewing and the development of a Management report is underway. The Management's Discussion and Analysis (MD&A) is a required document and is an integral part of the City's financial Statements. After the review of the draft financial statements and when the MD&A is complete financial statements will be released by the Auditor.

On-going tasks of A/P, A/R, P/R, and monthly G/L reconciliation:

A/P – A batch of payables is generally processed each week by the Senior Fiscal Assistant. All batches are approved by the Finance Director and City Manager.

A/R – Accounts receivables are processed each day through front office transactions and daily bank deposits. All daily deposits go through an internal control process using a system of checks and balances approved by the Auditor. Throughout the process cash receipts require approvals at all levels.

P/R – The City's payroll is processed on a bi-weekly basis. Currently the City has 19 of the 23 budgeted positions (21.75 Full-time equivalents) filled.

G/L – The general ledger monthly closing process occurs throughout the month as a checks and balances system for amounts in the City-wide trial balance. The Accountant II reconciles all balance sheet accounts and each account is verified with backup supporting documentation. The balance sheet accounts reconciled by the Accountant II are assets and liabilities. The Finance Director signs off each account after amounts and documentation are verified. The monthly reconciliation/verification process by default tracks fund equity which is made up of amounts held as non-spendable, restricted, committed, assigned, or unassigned. The basic accounting equation for governmental accounting is (Assets = Liabilities + Equity).

The Finance Director attended the Annual CSMFO Weekend Training: The Finance Director is a member of the California Society of Finance Officers (CSMFO). Each year CSMFO holds an annual weekend training session alternating between southern and northern California. This year's training was in the Bay area. Workshops included: Ethics, financial analysis, long-term planning, bonds, investing, and budget development. CSMFO makes this training very affordable since the presenters, all experts in their fields, volunteer their time to pass along their knowledge of the topics presented that are geared towards local government.

Hiring processes: The Finance Department's Accountant II processes the necessary documentation for new employees and sets up employees in the various payroll benefits programs. The recent activities include scheduling pre-employment physicals, employment checks, and adding any new employees into the City's programs such as insurances, 457 benefits plan, and payroll software.

Transient Occupancy Tax: The City compiles a quarterly report for the Eureka Humboldt County Convention and Visitor's Bureau. The amount reported for July through September 2018 was $5,055.

Community Services Block Grant: Various activities occur in the CDBG funds. This includes semi-annual reporting and occasional loan payoff. This fiscal year (FY 2018/19) to date the City has received one (1) loan payoff.

Public Works Water

Public Works Wastewater

Public Works Streets, Buildings and Grounds

Public Works City Engineer

Public Works Capital Projects

Police Department

Community Development Department

Inspection Lyons Solar system Gunnerson Lane.

Inspection Canessa Solar system Smither Court.

Inspection Humboldt Brand drywall/sheetrock.

Meeting with Teisha Mechetti regarding Mountain Investments entitlements, transferability.

Review and approve Horner Solar plans.

Review and approve Chapman plans.

Review and approve Dazzi plans.

Prepare for and attend Regional Climate Action Plan meeting.

Letter to Peter Baer regarding drainage ditch.

Complete Humboldt Rio Dell Business Park Facts & Figures.

Review State approved Cannabis licenses.

Discuss off-site DANCo improvements.

Respond to Element 7 inquiry.

Respond to Knox Medical inquiry.

Review CBC provisions regarding changes of occupancy and ADA improvements.

Meeting with group from Mendocino County regarding potential development at the HRDBP.

Inspection Horner Solar System Riverside Drive.

Meeting with Sculpture Committee regarding Bear sculpture. Email to Dan the artist.

Phone meeting with DANCo regarding off-site improvements.

Review CDBG NOFA requirements. Email to HCD staff regarding Income Survey.

Meeting with Humboldt Brand regarding deferring wrought iron fence condition until April 30, 2019. Need to go to the Planning Commission with request.

Prepare staff report regarding testing labs and "A" and "M" annual fees.

Drive-by window inspections of town regarding nuisances.

Begin tax values for HRDBP parcels.

Intergovernmental

Humboldt-Rio Dell Business Park

Council Priority Areas

Street Work

Interactions with the CTC on proposed project – in phase of developing additive bid items in case construction bids come in lower than anticipated.

Preliminary work beginning on FY2018-2019 City funded streets project.

River Access

Habitat Parcel

Finalizing contract language for performance of work.

Code Enforcement

Staff catalogued a list of abandoned vehicles, referred to Police Department.

Scheduling of Nuisance Committee Meeting

Access Humboldt

Nylex has been working on correcting an audio error that has caused difficulty with the audio recording Council meetings.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

For Meeting of: December 4, 2018
☐ Consent Item; ☑ Public Hearing Item

To: City Council

From: Kevin Caldwell, Community Development Director

Through: Kyle Knopp, City Manager

Date: November 29, 2018

Subject: Laboratory Annual Cannabis Activity Fee

Recommendation:

That the City Council:

1. Receive staff's report, open the public hearing, receive public input and deliberate; and

2. Provide direction to staff if necessary.

Background and Discussion

As a result of the State eliminating the need to obtain both Adult "A" and Medical "M" licenses, the City amended the Cannabis Regulations in February of this year to allow adult or "A" cannabis activities. The Council's action was a compromise in that "A" activities would be allowed, provided the operators paid both the "A" and "M" $4,000 annual operating fee and $300 renewal application fee.

At the State level, there never was a requirement for testing laboratories to hold an "A" or "M" license. Litica Labs will be co-locating with Humboldt Live Resin (Glenn White Group). Litica recently contacted staff and asked if they would be required to pay both the "A" and "M" $4,000 annual fee. Staff's initial response was that they would not, based on the State's regulations.

However, staff would like the Council to provide clarification of the annual fee as it applies to testing laboratories. Below is a copy of the City's adopted fees. Again, the fees are for the issuance, administration, monitoring and enforcement of commercial cannabis activity permits within the City.

Cannabis Activity Fees

Initial Permit Fees. The following fees apply to the initial Permit application:	
Initial Application Fee	$2,500
Annual Operating Fee	$4,000
Renewal Permit Fees. The following fees apply to a Permit renewal application:	
Renewal Application Fee	$300
Annual Operating Fee	$4,000
Administrative Permit Fees.	
Transfer of Ownership	$100
Change in Ownership Structure	$100
Change of Location	$50
Change in Mailing Address	$50
Change in Trade Name	$50
Modification of Premises	$50

Options

1. The Council could concur with staff in the application of the annual operating fee as it applies to testing laboratories; or

2. Direct staff to require testing laboratories to pay for both the "A" and "M" $4,000 annual operating fee and $300 renewal application fee. This options is not recommended based on the fact that the Sate never did require that testing laboratories obtain separate "A" an "M" licenses.

Rio Dell City Hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
cityofriodell.ca.gov

December 4, 2018

TO: Rio Dell City Council

FROM: Kyle Knopp, City Manager

SUBJECT: Discussion on Syringe Exchange Programs

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Provide direction to staff:

Possible City Council options to pursue:

1. Ordinance ban on syringe exchanges – There is an example of a time-limited ban on syringe exchange programs out of the City of Costa Mesa. Its applicability to Rio Dell or effectiveness is unknown and it appears to be in the hands of the Orange County courts. Additional research and City Attorney time is required.

2. Regulated approach: Placement of certain terms for needle exchange activity in the City of Rio Dell, such as active needle clean-ups. An example of this approach is an ordinance passed by the City of Eureka. Additional research and City Attorney time is required.

3. Issue a position statement: Issue an advisory letter or resolution to the State and other involved parties expressing the City's position on SEPs being authorized or active in Rio Dell.

4. Request Needle Exchange Services: Humboldt Area Center for Harm Reduction (HACHR) has expressed its interest in beginning community outreach if the Council requests.

5. Direct staff to research enhanced needle disposal options for Rio Dell.

6. Continue the item for a discussion after the new members of the Council are seated.

7. Request a presentation from public health professionals and/or needle exchange providers.

8. Take no action.

BACKGROUND AND DISCUSSION

At the Council November 20th meeting, it was requested by Councilmember Strahan, and agreed to by the Council that an item related to needle exchanges and state law be placed on the agenda.

Current Syringe Related Law:

Health and Safety (H&S) Code Section 121349 outlines two mechanisms by which a Syringe Exchange Program (SEP) may be authorized to operate.

1. SEPs may be authorized by county or city government; and/or

2. Programs may be authorized by the California Department of Public Health, Office of AIDS (CDPH/OA) in any location where the department determines that the conditions exist for rapid spread of HIV, viral hepatitis, or other blood-borne diseases.

In 2012, Assembly Bill (AB) 604, (Skinner, Chapter 744, Statutes of 2011) granted authority to the California Department of Public Health, Office of AIDS to permit needle exchange organizations to apply directly to the State for authorization to provide syringe exchange services.

As of January 1, 2015, licensed pharmacists have the discretion to sell hypodermic needles and syringes to adults age 18 and older without a prescription to reduce the spread of HIV, hepatitis C and other blood-borne diseases. There is no limit on the number of needles and syringes that may be sold to or possessed by a customer.

Recent Signed State Legislation:

AB 1810: Eliminates the sunset provision for the California Department of Public Health (CDPH) to authorize needle exchange programs, amongst other changes. The previous sunset date was January 1, 2019.

SB 212: Creates a statewide takeback system for syringes and other pharmaceutical waste.

Prevalence of Discarded Needles in Rio Dell:

Staff reports that improperly discarded needles have been found in various locations throughout Rio Dell, including the public garbage bins, median islands and wastewater collection system. It is not known if the current rate of these discoveries is higher or lower than in the past.

Possible Sources of Syringes:

- HACHR: Staff has confirmed syringe exchange locations in Eureka and Arcata. At this time, they do not operate a SEP in Rio Dell and do not have plans to do so. Syringe users could travel to HACHR's current operating locations and return to Rio Dell.
- Palco pharmacy: Staff has confirmed that syringe purchase is available for non-prescription buyers. Disposal is also available.

- Other area pharmacies: Other pharmacies in the area may provide syringes for non-prescription purchase. Walgreens in Fortuna is confirmed to sell syringes for non-prescription purchasers.
- North Coast AIDS Project (NorCAP): Operates a Syringe Service Program (SSP) with a mobile outreach van. Services include syringe exchange, amongst other services. This service has been provided to residents of Rio Dell since the late 1980's and NorCAP staff report that there is currently one client in Rio Dell. NorCAP staff report that they have provided services in Rio Dell in the past but have not done so recently.
- Peer-to-Peer: Other individual needle users may bring needles into town and engage in an informal transaction with other needle users.

Known No-Charge Syringe Disposal Locations:

- Humboldt Sanitation, McKinleyville
- Recology Eel River Transfer Station, Fortuna
- Palco Pharmacy, Scotia
- Redway Solid Waste Transfer Station, Redway-Garberville
- HWMA Solid Waste Transfer Station, Eureka
- Adorni Center, Eureka
- Eureka City Hall
- Eureka Police Department
- Wharfinger Building, Eureka

Local Syringe Exchange Issues

On October 8, 2018 the California Department of Public Health authorized the Humboldt Area Center for Harm Reduction (HACHR) to begin operating or continue to operate needle exchange programs in Humboldt County; specifically Eureka, Arcata, Fortuna, Orick, Mckinleyville and Willow Creek. The State approved this authorization despite several letters of opposition from members of the Eureka community. The State has also determined that conditions exist for the rapid spread of HIV, viral hepatitis, or other blood-borne diseases in Humboldt County.

Council Authority / Local Control of Needle Exchanges

While CDPH is required to provide public notice and consult with local law enforcement and local health officials, they are not required to seek local government permission to authorize a needle exchange.

A syringe exchange ban authorized by local governments in Orange County is currently under review by the courts in Orange County.

Contacts

Carol Crump (carol.crump@cdph.ca.gov) who oversees the State SEP certification program

Alessandra Ross (alessandra.ross@cdph.ca.gov) who is CDPH's Harm Reduction Unit director

Brandie Wilson (hachr707@gmail.com) who is the director of Humboldt Area Center for Harm Reduction

Additional reading material is attached.

Attachments:

1. Syringe Exchange Programs in California: An Overview
2. California Legal Code Related to Access to Sterile Needles and Syringes
3. SEP Statutory Changes from the 2018 Budget Trailer Bill
4. Senate Bill 212 Pharmaceutical Drugs and Sharps Take-Back Program
5. Directory of Syringe Services Programs in California
6. Map of counties with SEPS
7. California Department of Public Health (CDPH) Office of AIDS (OA) Syringe Exchange Certification Program
8. Fact Sheet: Non-Prescription Provision of Syringes
9. Fact Sheet: Syringe Exchange Certification
10. October 8, 2018 correspondence from CDPH to the County of Humboldt

///

Syringe Exchange Programs in California: An Overview

Syringe exchange programs (SEPs) have been operating in California since the late 1980s, providing sterile syringes, collecting used ones, and acting as a point of access to health education and help for people who inject drugs.

Currently:

- There are more than 40 SEPs operating in California.
- California SEPs provide a wide range of services in addition to syringe exchange and disposal. These services may include HIV and hepatitis C testing, overdose prevention training, and referrals to drug treatment, housing, and mental health services. Most SEPs also provide first aid and basic supplies, such as clean socks and bottled water, to meet the needs of homeless clients.
- California SEPs operate in a variety of settings, including in health clinics, mobile vans, storefronts and churches. Some offer street-based services in multiple locations; others offer services daily during standard business hours; still others provide home delivery services.
- Since 1999 the California State Legislature has acted several times to expand access to sterile syringes through SEPs authorized by local government. Most syringe exchange programs currently operating in California have been authorized by their county boards of supervisors or city councils.
- In 2012, Assembly Bill (AB) 604, (Skinner, Chapter 744, Statutes of 2011) also granted authority to the California Department of Public Health, Office of AIDS to permit organizations to apply directly to the Department for authorization to provide syringe exchange services. Existing SEPs are not required to apply for state certification, and local governments may continue to authorize local programs.

Research in California: the CalSEP Study[1]

- The California Syringe Exchange Program (CalSEP) study fund by the Centers for Disease Control and Prevention examined the impact of syringe exchange legislation over several years in sixteen counties. Researchers found that for most SEP clients, contact with SEPs was the only contact they had with health care or social services of any kind. Of 10 recommended preventive services received by SEP clients, 76 percent were received exclusively from SEPs.

---

[1] Bluthenthal, R. Syringe Exchange Program Diversity and Correlates of HIV Risk: Preliminary results from the California Syringe Exchange Program Study. Presentation to the California Department of Health Services, Office of AIDS, April 22, 2003. Sacramento, CA.

- In addition to syringe exchange, eighty-three percent of SEPs participating in the study offered HIV counseling and testing on site and 63 percent offered screening for hepatitis C virus. All SEPs offered safer sex materials, first aid, and referrals to drug treatment.

- In a survey of 75 clients recruited from 25 California SEPs, more than 90 percent would recommend SEPs to friends with similar needs.

Additional Research Findings:

- A study of 81 cities around the world compared HIV infection rates among IDUs in cities that had SEPs to cities that did not. In the 29 cities with SEPs, HIV infection rates decreased by an average of 5.8 percent per year. By contrast, in the 52 cities without SEPs, HIV infection rates increased by 5.9 percent per year.[2]

- Researchers studying a San Francisco SEP found that the program did not encourage drug use, either by recruiting young or new IDUs, or by increasing drug use among current IDUs. In fact, during the five-year study period, injection frequency among IDUs decreased from 1.9 injections per day to 0.7, and the percentage of new IDUs in the community decreased from 3 percent to 1 percent.[3]

- Economic studies have predicted that SEPs could prevent HIV infections among clients, their sex partners, and offspring at a cost of about $13,000 per infection averted.[4] This is significantly less than the lifetime cost of treating an HIV-infected person, which is estimated to be $385,200.

- Hundreds of studies of SEPs have been conducted and have been summarized in a series of federally funded reports beginning in 1991. Each of the eight reports has concluded that SEPs do not appear to lead to increased drug use, increased neighborhood crime, or increased syringe litter in the communities that are home to these programs.[5]

- A comprehensive review of international studies on syringe access programs, including both syringe exchange and nonprescription pharmacy sale concluded, "There is compelling evidence that increasing the availability, accessibility, and both the awareness of the imperative to avoid HIV and utilization of sterile injecting equipment by IDUs reduces HIV infection substantially."[6]

---

[2] Hurley, S.F., Jolley, D.J., Kaldor, J.M. Effectiveness of needle-exchange programmes for prevention of HIV infection. Lancet 1997; 349:1797-1800.
[3] Watters, J.K., Estilo, M.J., Clark, G.L., et al. Syringe and needle exchange as HIV/AIDS prevention for injection drug users. Journal of the American Medical Association 1994; 271:115-120.
[4] Cohen, D.A., Wu, S-Y., Farley, T.A. Cost-effective allocation of government funds to prevent HIV infection. Health Affairs 2005; 24:915-926.
[5] Report from the NIH Consensus Development Conference. February 1997.
[6] Wodak A, Cooney A. Do needle syringe programs reduce HIV infection among injecting drug users: a comprehensive review of the international evidence. Subst Use Misuse. 2006;41(6-7):777-813.

- The National Institutes of Health Consensus Panel on HIV Prevention stated, "An impressive body of evidence suggests powerful effects from needle exchange programs....Studies show reduction in risk behavior as high as 80 percent, with estimates of a 30 percent or greater reduction of HIV in IDUs."[7]

Related California Legislation:

- AB 1743 (Ting, Statutes of 2014) allows licensed pharmacies throughout California to sell syringes to adults without a prescription and removes prior limits on the number of syringes that may be sold. It allows adults 18 years of age and older to purchase and possess an unlimited number of syringes for personal use when acquired from a pharmacy, physician or authorized SEP.

- AB 604 (Skinner, Statutes of 2011) added CDPH/OA to the list of government entities that may authorize SEPs. As of January 1, 2012 OA has authority to establish a program that allows entities to provide syringe exchange services anywhere in the state where OA determines that the conditions exist for rapid spread of HIV, viral hepatitis, or other blood-borne diseases.

Additional Fact Sheets and Links:

- Public Safety, Law Enforcement, and Syringe Exchange (amfAR)
- Syringe Exchange Programs and Hepatitis C (Harm Reduction Coalition)
- CDC Vital Signs - HIV and Injection Drug Use – Syringe Services Programs for HIV Prevention (January, 2017)

For more information, contact:

Alessandra Ross
Injection Drug Use Specialist
California Department of Public Health, Office of AIDS
Alessandra.Ross@cdph.ca.gov or (916) 449-5796

[7] National Institutes of Health. Consensus development statement. Interventions to prevent HIV risk behaviors, February 11-13,1997;7-8.

California Legal Code Related to Access to Sterile Needles and Syringes

Syringe Exchange Programs

California Health and Safety (H&S) Code Section 11364.7(a) establishes that no public entity, its agents, or employees shall be subject to criminal prosecution for distribution of syringes to participants in syringe exchange programs (SEPs) authorized by the public entity.

California Business and Professions (B&P) Code Section 4145.5(e) requires SEPs to counsel consumers on safe disposal and provide them with one or more of the following disposal options: 1) onsite disposal, 2) provision or sale of sharps containers that meet applicable state and federal standards, and/or 3) provision or sale of mail-back sharps containers.

Local Authorization of SEPs

H&S Code Section 121349.1 allows local governments to authorize SEPs in consultation with the California Department of Public Health (CDPH), as recommended by the U.S. Secretary of Health and Human Services, subject to the availability of funding, as part of a network of comprehensive services, including treatment services, to combat the spread of HIV and blood-borne hepatitis infection among injection drug users.

H&S Code Section 121349.2 requires that local government and health officials, law enforcement and the public be given an opportunity to comment on SEPs on a biennial basis in order to address and mitigate any potential negative impact of SEPs.

H&S Code Section 121349.3 requires the local health officer to present information about SEPs at an open meeting of the local authorizing body. The information is to include, but is not limited to, relevant statistics on blood-borne infections associated with syringe sharing and the use of public funds to support SEPs. The report must be made on a biennial basis.

State Authorization of SEPs

H&S Code Section 121349.1 allows CDPH to authorize SEPs in locations where the conditions exist for the rapid spread of viral hepatitis, HIV or other potentially deadly diseases.

Sale or Provision of Syringes by Licensed Pharmacists and Physicians

B&P Code Section 4145 permits pharmacists and physicians to furnish or sell an unlimited number of hypodermic needles and syringes to adults age 18 and older.

H&S Code Section 11364 permits adults age 18 and older to possess syringes for

personal use if acquired from a physician, pharmacist, authorized SEP or any other source that is authorized by law to provide sterile syringes or hypodermic needles without a prescription.

Individual Possession of Needles and Syringes

H&S Code Section 11364 governs the possession of drug paraphernalia. Adults age 18 and older may possess syringes for personal use if acquired from a physician, pharmacist, authorized SEP or any other source that is authorized by law to provide sterile syringes or hypodermic needles without a prescription. Individuals may not possess a syringe on school grounds with the intent to provide the syringe to an individual under the age of 18, if that person may use the syringe to inject a controlled substance.

As of January 1, 2015, adults may possess an unlimited number of hypodermic needles and syringes for personal use, without a prescription.

Nonprescription Sale of Syringes (NPSS) in Pharmacies

B&P Code Section 4145 permits the nonprescription sale of hypodermic needles and syringes by California pharmacies. AB 1743 (Ting, Chapter 331, Statutes of 2014) removed the prior limit on the number of hypodermic needles and syringes that California pharmacies and physicians had been permitted to furnish or sell. As of January 1, 2015, pharmacists and physicians may furnish or sell an unlimited number of hypodermic needles and syringes to adults age 18 and older.

A pharmacy that furnishes nonprescription syringes must store them so that they are only available to authorized personnel and are not accessible to other persons. Such pharmacies must also counsel consumers on safe disposal and provide written information or verbal counseling at the time of syringe sale on how to do the following: 1) access drug treatment, 2) access testing and treatment for HIV and hepatitis C, and 3) safely dispose of sharps waste. A *Patient Information Sheet* that includes this written information can be downloaded at http://www.cdph.ca.gov/Documents/Patient%20Information%20Sheet_Sharps%20Disposal.pdf. Pharmacies must also make sharps disposal available to customers by selling or furnishing sharps disposal containers or mail-back sharps containers, or by providing on-site disposal.

Syringe Disposal

B&P Code Section 4146 permits pharmacies to accept the return of needles and syringes from the public if contained in a sharps container, which is defined in H&S Code Section 117750 as "a rigid puncture-resistant container that, when sealed, is leak resistant and cannot be reopened without great difficulty."

H&S Code Section 118286 prohibits individuals from discarding home-generated sharps

waste in home or business recycling or waste containers.

H&S Code Section 118286 also requires that home-generated sharps waste be transported only in a sharps container or other container approved by the applicable enforcement agency, which may be either the state (CalRecycle program) or a local government agency. Home-generated sharps waste may be managed at household hazardous waste facilities, at "home-generated sharps consolidation points," at the facilities of medical waste generators, or by the use of medical waste mail-back containers approved by the state.

B&P Code 4145.5 requires SEPs and pharmacies that sell or provide nonprescription syringes to counsel consumers on safe disposal and also provide them with one or more of the following disposal options: 1) onsite disposal, 2) provision of sharps containers that meet applicable state and federal standards, and/or 3) provision of mail-back sharps containers.

California Department of PublicHealth

OFFICE OF AIDS
California Department of Public Health

Syringe Exchange Program Statutory Changes from the Budget Trailer Bill 2018

Office of AIDS Fact Sheet 6/29/18

The California Budget Bill was signed by the Governor on June 27, 2018 (Senate Bill (SB) 840, Statutes of 2018). The trailer bill that accompanies the budget bill was also passed; it includes clarifying language regarding the budget (Assembly Bill (AB) 1810, Statutes of 2018).

AB 1810 made changes to sections of Health and Safety Code (HSC) that outline the authority of the California Department of Public Health to authorize SEPs through an application process, as well as other sections of HSC that relate to syringe exchange and possession of safer injection supplies. The trailer bill language made changes to these HSC sections in the following ways:

1. HSC 121349(e) was amended to shorten the timeframe for public comment on an application for SEP certification from 90 days down to 45 days.
    a. Previously, the law required the department to provide for a public comment period of 90 days prior to approval of an application.
2. HSC 121349(h) was amended to remove the sunset date of 1/1/2019 on CDPH's authority to authorize SEPs.
    a. Previously, the law granting CDPH authority to authorize SEPs would have terminated on 1/1/2019.
3. HSC 121349(h) was amended to add CDPH authority to administratively make changes to an already-authorized SEP's program operations, including but not limited to modifications to the time, location, and type of services provided, including the designation as a fixed or mobile site. This administrative amendment approval is not subject to the noticing requirements of an initial application.
    a. Previously, the law provided no mechanism for making administrative changes to an already-authorized SEP.
4. HSC 121349(i) was added to give CDPH 30 business days to review and respond to an applicant's request for an administrative amendment. If CDPH does not respond in this timeframe the request is deemed denied.
    a. Previously, the law did not include a mechanism for making administrative changes to an already-authorized SEP.

5. HSC 121349.1 was amended to add language that exempts staff and volunteers participating in an authorized exchange from criminal prosecution for possession of the following items: any materials deemed by a local or state health department to be necessary to prevent the spread of communicable diseases, or to prevent drug overdose, injury, or disability.
    a. Previously, the law only exempted program participants and staff members from criminal prosecution for hypodermic needles or syringes.
6. HSC 121349.1 was amended to remove the 1/1/2019 sunset date. This section granted CDPH authority to authorize SEPs and also protected SEP program participants from criminal prosecution for possession of syringes from an SEP.
    a. Previously, the law would have terminated on 1/1/2019.
7. HSC 121349.2 was amended to remove the 1/1/2019 sunset date. This section allows for biennial opportunity for local stakeholders to comment on SEPs.
    a. Previously, the law would have terminated on 1/1/2019.
8. HSC 121349.3 was amended to remove the 1/1/2019 sunset date. This section requires the health officer of the participating jurisdiction to present biennially (every other year) at an open meeting.
    a. Previously, the law would have terminated on 1/1/2019 and reverted to the prior requirement of annual reporting.

For more information, contact Alessandra Ross, Injection Drug Use Specialist, at Alessandra.Ross@cdph.ca.gov, or 916-449-5796.

Senate Bill 212

Pharmaceutical Drugs and Sharps Take-Back Program

Senator Jackson and Assemblymembers Ting and Gray

SUMMARY

SB 212 (Jackson) will require manufacturers of sharps and specified pharmaceutical drugs to establish, fund, and promote a statewide take-back system for these products.

BACKGROUND

In response to the growing problems of prescription drug abuse, accidental poisonings, and the detection of pharmaceutical products in California waters, local governments throughout the state have struggled to establish safe and convenient medication take-back programs. The public demand and need for such programs has been tremendous – even limited programs have collected hundreds of pounds of drugs. ***Law enforcement, federal agencies, public health and environmental professionals agree that take-back programs are the safest way to dispose of unused medicines.***

The simple truth is that drugs – both prescription and over the counter – present significant problems at the end of their useful life. Consumers have leftover drugs in their homes, which tend to be stockpiled, flushed, or thrown in the garbage. Unfortunately, the lack of an end-of-life management plan results in significant problems for California.

Prescription Drug Abuse – Prescription drug abuse has skyrocketed in recent years, as have hospitalizations and deaths from overdoses. In fact, opioid pain relievers were involved in more drug poisoning deaths than other drugs, including heroin and cocaine. One of the four top recommendations of the National Strategy on Preventing Prescription Drug Abuse is to have a safe and convenient method of disposal for prescription drugs, over the counter drugs, and veterinary medicines that we have in our homes. The lack of take-back locations forces consumers to choose less than desirable options, including home storage, flushing medications down the toilet or throwing them in the garbage.

Environmental Impacts – Pharmaceutical products enter our waters by excretion, consumer disposal of unused medications down the toilet or drain, or wastewater siphoned from landfills and discharged into the environment. While the potential impacts on humans exposed through drinking water or by eating contaminated fish are not well studied, scientists are concerned with unknowns such as low dose exposures over long periods of time, effects on vulnerable populations such as infants, and cumulative impacts of drug mixtures.

Cost to Local Governments – For too long, municipal governments have cobbled together local collection options that fail to meet public demand for safe take-back. This draws resources from other vital government functions, creates a patchwork of regulations, and fails to realize efficiencies that would come from a statewide program. Some counties don't offer drug take-back sites because they lack the budget - and others that do sometimes have programs that are limited in scope.

Medical Sharps - Despite the fact California law prohibits home-generated sharps waste from being thrown away, millions of these products are discarded irresponsibly every year, resulting in an unacceptable risk of needle stick injuries for parks, hotel, solid waste, wastewater, sanitation and other workers as well as the public.

Under current law, sharps users must purchase their own suitable container, discard needles into the container, and then drive to a county household hazardous waste facility for proper disposal. In some limited situations, there are doorstep pickup services provided and paid for often by garbage ratepayers. In some rare instances, private sector hospitals like Kaiser, and some independent veterinarians are accepting needles from their customers.

Needle stick injuries occur with unacceptable frequency outside of hospital settings, which have a much more controlled environment with sharps containers and strict procedures for managing medical waste. A 2008 study suggested that "nationwide each year roughly

150,000 to 200,000 needle sticks occurred outside the health services industry for a cost of $38 million."

SOLUTION - SB 212

SB 212 (Jackson and Ting) will establish a statewide take-back system, created, funded, and promoted by manufacturers of sharps and pharmaceutical drugs, including prescription, pet, and over the counter medications. Manufacturers may participate individually, as a group, or through a stewardship organization operating under a stewardship plan approved by CalRecycle. This bill will ensure that California residents throughout the state have access to safe, convenient disposal methods of sharps and drugs, addressing important public health issues facing consumers and workers.

Collection, Transport, and Disposal:
Retail pharmacies will serve as collection sites for covered drugs and sharps, with a minimum of 15% of their store locations serving as authorized collectors. Retail pharmacies will be exempt from this requirement if they operate an adequate voluntary program.

Any retail pharmacy, hospital, clinic with an on-site pharmacy, or law enforcement agency will have the ability to opt in to serve as a collection site.

A manufacturer, group of manufacturers, or a stewardship organization will establish secure collection receptacles, serviced regularly to meet demand and ensure that collected products are transported to final disposal in a timely manner.

Mail-back Option:
Individuals who are homeless, disabled, home-bound, or are home health care workers will be able to request prepaid, preaddressed mailing envelopes and containers that safely carry sharps or render drugs inert.

Convenience:
Take-back locations shall be geographically disbursed and reasonably accessible for all California residents.

Education and Promotion:
Manufacturers will be required to provide comprehensive public education to promote consumer participation in the take-back system.

Oversight and Enforcement:
CalRecycle will review and approve or reject a manufacturer or stewardship organization's plan, annual report, and program budget. The Board of Pharmacy, the Department of Public Health, and the Department of Toxic Substances Control shall review these materials for consistency with their respective statutes and regulations.

If a manufacturer, stewardship organization, distributor, wholesaler, central warehouse, pharmacy, pharmacy benefits manager, or retailer fails to meet statutory requirements established by this bill, CalRecycle may impose administrative civil penalties of up to $1,000 per day. If the violation is knowing, reckless, or intentional, the penalty may be up to $5,000 per day.

Recordkeeping and Audit Ability:
The stewardship organization will have the ability to conduct an audit of parties that are required to remit the charge to the stewardship organization to ensure that all relevant parties are paying and collecting the proper amount, and of parties that are exempt from remitting the charge. Additionally, the stewardship organization's accounting books shall be independently audited annually. CalRecycle may also conduct its own audit if it deems so necessary.

Preemption:
This bill shall preempt local stewardship programs enacted by an ordinance that has an effective date on or after 4/18/18.

SUPPORT

California Product Stewardship Council
California State Association of Counties
Several local governments and agencies

STATUS

To be heard in Assembly Environmental Safety and Toxic Materials Committee on June 26th.

CONTACT

Siddharth Nag
Principal Consultant, Senator Jackson
State Capitol, Room 2032
Sacramento, CA 95814
916-651-4019 phone
siddharth.nag@sen.ca.gov

Directory of Syringe Services Programs in California

There are currently **more than forty** programs in California that provide syringe services. Many have fixed locations, but others operate at various locations and times throughout the week. For more information, contact the programs listed below.

County	Program	City	Phone
Alameda	Needle Exchange Emergency Distribution (NEED)	Berkeley	(510) 463-1843
	HIV Education & Prevention Project of Alameda County (HEPPAC)	Oakland	(510) 703-2132
	Tri-City Health Center	Fremont	(510) 456-3503
	Community Outreach Harm Reduction Team	Oakland	(510) 761-9795
Contra Costa	HIV Education & Prevention Project of Alameda County (HEPPAC)	Richmond, Bay Point, Pittsburg	(510) 703-2132
Del Norte	United Indian Health Center	Crescent City	(707) 464-2919
Fresno	Fresno Needle Exchange	Fresno	(559) 412-6226
Humboldt	Redwoods Rural Health Center	Redway	(707) 923-2783
	United Indian Health Services	Weitchpec	(707) 825-5070
	North Coast AIDS Project (NorCAP)	Eureka, Arcata, Hoopa, Fortuna, McKinleyville, Garberville, Loleta	(707) 268-2132
	Humboldt Area Center for Harm Reduction (HACHR)	Eureka, Arcata, Orick, Fortuna, McKinleyville, Willow Creek	(707) 407-6013
Kings	Kings County Needle Exchange Program	Hanford, Corcoran, Avenal	(559) 852-2578
Lake	Any Positive Change	Lower Lake	(707) 480-7319
Los Angeles	Common Ground/Venice Family Clinic	Venice, Los Angeles	(310) 314-5480
	LA Community Health Project	Los Angeles	(213) 568-3542
	Bienestar Human Services Program	Los Angeles, Wilmington	(866) 590-6411
	Asian American Drug Abuse Program	Los Angeles	(424) 331-5799
	Tarzana Treatment Center, Inc.	Pacoima, Van Nuys, Conoga Park, Sylmar, Sun Valley	(818) 342-5897
	Homeless Health Care Los Angeles	Los Angeles	(213) 617-8408
Marin	Marin AIDS Project	San Rafael	(415) 457-2487
Mendocino	Mendocino County AIDS/Viral Hepatitis Network	Ukiah	(707) 462-1932
Merced	Merced Needle Exchange	Merced	(209) 564-3500
Monterey	Access Support Network	Salinas	(831) 781-3660
Orange	Orange County Needle Exchange Program	Santa Ana, Anaheim, Costa Mesa, Orange	(714) 794-5643

Plumas	Plumas County Public Health Agency	Quincy, Chester, Portola	(530) 283-6337
Sacramento	Harm Reduction Services	Sacramento	(916) 456-4849
	Safer Alternatives thru Networking and Education (SANE)	Sacramento	(916) 397-2434
San Diego	Family Health Centers of San Diego	San Diego	(619) 515-2438
San Francisco	Alliance Health Project	San Francisco	(415) 502-7235
	Homeless Youth Alliance	San Francisco	(415) 630-0744
	San Francisco AIDS Foundation	San Francisco	(415) 338-8159
	San Francisco Drug Users Union	San Francisco	(415) 969-5179
	St. James Infirmary	San Francisco	(415) 554-8494
	TRANS: THRIVE	San Francisco	(415) 257-7187
	Glide Harm Reduction Services	San Francisco	(415) 674-5185
San Luis Obispo	SLO Bangers	San Luis Obispo	(805) 458-0123
San Mateo	Be Safe! Syringe Access for Empowerment	San Mateo	(650) 619-9125
Santa Barbara	Pacific Pride Foundation/The Right Outfit	Santa Barbara, Santa Maria, Lompoc	(805) 963-3636
Santa Clara	Santa Clara County Public Health Dept. Needle Exchange Program	San Jose, Sunnyvale, San Martin, Gilroy	(888) 792-3729
Santa Cruz	Syringe Services Program	Santa Cruz, Watsonville	(831) 454-4329
Shasta	Shasta County Syringe Exchange Program	Redding	(530) 225-5298
Sonoma	Face to Face	Santa Rosa	(707) 544-1581
	Drug Abuse Alternatives Center (DAAC)	Santa Rosa, Glen Ellen, Sebastopol, Petaluma, Azure Acres	(707) 562-2999 ext. 358
	West County Health Centers/Healthcare for the Homeless	Guerneville	(707) 824-3398
Ventura	Ventura County Syringe Replacement Program	Ventura, Oxnard, Santa Paula, Simi Valley	(805) 652-6267

Pharmacy Syringe Access

As of January 1, 2015, any pharmacy in the state may sell an unlimited number of syringes to adults age 18 and older without a prescription. Adults may also purchase and possess an unlimited number of syringes for personal use without a prescription.

Pharmacies are not required to sell syringes without a prescription, and many pharmacies are still unaware of the law that encourages nonprescription syringe sale. The California Department of Public Health, Office of AIDS is advising pharmacies that participate in California's AIDS Drug Assistance Program (ADAP) to sell syringes without a prescription, and many have begun to offer the service.

To find an ADAP pharmacy near you, use the pharmacy locator. Enter your zip code and call the pharmacy listed to ask if they provide nonprescription syringe sales.

Pharmacy Locator

Counties & Cities with Authorized Syringe Exchange Programs (SEPs) in California.

As of May 2018

Alameda
City of Sacramento
City of San Diego
Contra Costa
Del Norte
Fresno*
Humboldt
Kings
Lake
Los Angeles
Marin
Mendocino
Merced
Monterey
Orange
Plumas
San Francisco
San Luis Obispo
San Mateo
Santa Barbara
Santa Clara
Santa Cruz
Shasta
Sonoma
Ventura
Yolo

OFFICE OF AIDS
California Department of Public Health

* **Note:** The Fresno County Board of Supervisors authorized its local SEP in 2008 and rescinded its authorization in 2011. The **Fresno Needle Exchange** operates under the provisions of California Health and Safety Code Section 11364.1, which allows physicians to dispense syringes without a prescription.

What data is there about the effectiveness of syringe exchange programs?

Syringe exchange programs have been rigorously studied since they were first introduced in the mid-1980s in response to injection-related HIV transmission. As the U.S. Centers for Disease Control and Prevention has summarized, this evidence has shown that SEPs:

- Reduce HIV and viral hepatitis transmission;
- Reduce overdose mortality;
- Increase entry into substance use disorder treatment;
- Reduce needle-stick injuries;
- Save money;
- Do not increase drug use or crime.

The impact of SEPs has been most notable in terms of controlling the HIV epidemic: between 2008 and 2014, the annual HIV diagnoses among people who inject drugs (PWID) in the U.S. fell by half. In jurisdictions where SEPs were adopted early and publicly funded, injection-related HIV transmission has been steeply reduced, such as in San Francisco where the number of infections decreased by two-thirds,[1] or New York City where HIV prevalence among PWID fell from 54% in 1990 to 3% in 2012.

SEPs also play an important role in safe disposal of used syringes. Studies have found, for example, that cities with SEPs have less syringe litter than those that don't have SEPs, and that syringes from SEPs are more likely to be safely disposed than those acquired from other sources. A CDPH review provides information about why restrictive syringe distribution policies are not recommended public health practice, along with a more comprehensive review of evidence related to syringe distribution and disposal: Issue Brief: Syringe Access Policies for California Syringe Exchange Programs.

Additional background including summaries of California-based studies may be found in CDPH's Syringe Exchange Programs in California: An Overview. A brief summary of California law may be found in the CDPH Fact Sheet for Syringe Exchange Programs and Law Enforcement: Non-Prescription Sale and Provision of Syringes.

Many government and professional organizations have endorsed SEPs, including the American Bar Association, the American Medical Association, the American Nurses Association, the American Psychiatric Association, the American Psychological Association, the American Public Health Association, the American Society of Addiction Medicine, the U.S. Centers for Disease Control and Prevention, and the U.S. Conference of Mayors.

How many syringe exchange programs does California have as of 2018?

There are 45 SEPs operating in California. (See Syringe Exchange Programs in California: An Overview). The California Department of Public Health (CDPH) lists all authorized SEPs operating in California on our web site.

---

[1] San Francisco Department of Public Health, Population Health Division. *Syringe Access and Disposal* Services. May 2018.

California Department of Public Health (CDPH) Office of AIDS (OA) Syringe Exchange Certification Program

Recent Decisions and Frequently Asked Questions

In order to reduce the spread of HIV and viral hepatitis and to reduce the existing risk of outbreaks of HIV and hepatitis C viral infection in Humboldt County, the California Department of Public Health, Office of AIDS (CDPH/OA) has approved the application from the Humboldt Area Center for Harm Reduction (HACHR) to provide syringe exchange services. Authorization is effective October 8, 2018 through October 8, 2020. CDPH/OA has determined that HACHR has met the requirements outlined in California Health and Safety Code (HSC) Section 121349 to qualify for authorization. Additionally, CDPH/OA has determined that conditions exist for the rapid spread of HIV, viral hepatitis, or other blood-borne diseases in Humboldt County.

What public health information do we have that is relevant to syringe exchange services in Humboldt County?

Humboldt County has faced a number of public health challenges in recent years that are driven by, or related to, injection and other drug use:

- In 2017, there were **28 opioid overdose deaths in Humboldt County**, representing a 6% decline from the previous year, but nonetheless a death rate (21.0/100k) more than 4.5x the California average (4.5/100k).
- Humboldt's 2017 rate of **all-drug poisoning deaths** was 31.7, about 3.5 times higher than the California average of 10.1/100k.
- Humboldt saw a **49% increase in chronic hepatitis C virus (HCV) cases** between 2011 and 2015. Humboldt's new case rate in 2015 was 278% higher than the state average.
- The **largest increase in HCV cases (+149%) was among men age 20-29**. HCV cases among young people are more likely to be recent infections related to injection drug use, compared to infections among the "baby boomer" age group who are more likely to have been infected through blood transfusions before universal screening of the blood supply was introduced. Among both men and women there were large increases in both the 20-29 and 30-39 age cohorts.
- While the prevalence of HIV infection in Humboldt County is about half the California average in 2016, **Humboldt's annual rate of new HIV diagnoses increased by 47%** between 2012-2016, while statewide the rate declined by 6%. An outbreak of at least 10 new HIV cases has been identified in recent months and found to be linked to local syphilis cases, though not yet injection drug use.

What is the role of CDPH in approval of syringe exchange programs (SEPs)?

California HSC Section 121349(b), allows CDPH to authorize SEPs in any location where the department determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or other blood-borne diseases. CDPH is required to consult with local law enforcement and the local health officer as part of the authorization process, but local government permission is not required.

Local governments also have separate statutory authority to approve syringe exchange programs to operate within their jurisdiction under HSC 121349(b), and to set standards for local program operation as part of that local authorization.

What does approval from CDPH authorize an SEP to do?

CDPH authorization for SEPs allows the staff and volunteers of the authorized organization to possess and furnish syringes in the geographic area defined in the authorization, and allows people who participate in SEP services to lawfully possess an unlimited number of syringes for personal use. (Separate from the authorization process, state law also permits adults over the age of 18 to possess an unlimited number of syringes for personal use when acquired from a pharmacy or physician.)

As a condition of authorization by CDPH, SEPs are required to directly provide or provide referrals to key medical and social services, including substance use disorder treatment, and screening and linkage to care for HIV, viral hepatitis, and sexually transmitted infections. CDPH-authorized SEPs must submit syringe dispensing and collection and disposal plans designed to maximize return of used syringes without increasing risk of needlestick injury to staff or program participants. The plan must include sharps waste disposal education that ensures staff and participants are familiar with proper disposal of home-generated sharps waste as referenced in HSC Section 118286.

CDPH-authorized SEPs are required to submit and maintain policies and procedures related to all services, and to submit data as well as an annual report to CDPH. Authorized SEPs must also record both adverse incidents and positive interactions between local law enforcement and SEP staff, volunteers or participants; document concerns and positive feedback expressed by program participants, community members, neighborhood associations and/or local law enforcement officials; and document steps the program has taken to address any reasonable concerns.

What steps to address syringe litter are included in the authorization?

While syringe litter is an escalating concern in Humboldt, expansion of syringe services is well documented to be effective at decreasing syringe litter because it provides accessible locations for the safe disposal of used syringes. HACHR's application included collaborations with community partners in increased efforts to address syringe litter. As part of these efforts HACHR will:

- Expand hours and areas of operation for syringe services in order to offer additional hours and locations for people to safely dispose of their sharps waste;
- Continue to conduct regular cleanups in Eureka and Arcata;
- Document number of syringes collected;
- Respond to community requests to provide cleanup whenever syringe litter is sighted;
- Work with local law enforcement to reduce barriers to using sharps disposal kiosks;
- Continue to assist with cleanup in the Old Town area and in city green belts; and
- Work with community partners to increase local disposal options (e.g., placement of additional kiosks and increasing availability of individual disposal containers).

Other local partners, including county and city government decision-makers and agencies, are similarly involved in clean-up and mediation efforts, and local action to address the opioid epidemic, homelessness and related issues is organized and ongoing.

What data is there about the effectiveness of syringe exchange programs?

Syringe exchange programs have been rigorously studied since they were first introduced in the mid-1980s in response to injection-related HIV transmission. As the U.S. Centers for Disease Control and Prevention has summarized, this evidence has shown that SEPs:

- Reduce HIV and viral hepatitis transmission;
- Reduce overdose mortality;
- Increase entry into substance use disorder treatment;
- Reduce needle-stick injuries;
- Save money;
- Do not increase drug use or crime.

The impact of SEPs has been most notable in terms of controlling the HIV epidemic: between 2008 and 2014, the annual HIV diagnoses among people who inject drugs (PWID) in the U.S. fell by half. In jurisdictions where SEPs were adopted early and publicly funded, injection-related HIV transmission has been steeply reduced, such as in San Francisco where the number of infections decreased by two-thirds,[1] or New York City where HIV prevalence among PWID fell from 54% in 1990 to 3% in 2012.

SEPs also play an important role in safe disposal of used syringes. Studies have found, for example, that cities with SEPs have less syringe litter than those that don't have SEPs, and that syringes from SEPs are more likely to be safely disposed than those acquired from other sources. A CDPH review provides information about why restrictive syringe distribution policies are not recommended public health practice, along with a more comprehensive review of evidence related to syringe distribution and disposal: Issue Brief: Syringe Access Policies for California Syringe Exchange Programs.

Additional background including summaries of California-based studies may be found in CDPH's Syringe Exchange Programs in California: An Overview. A brief summary of California law may be found in the CDPH Fact Sheet for Syringe Exchange Programs and Law Enforcement: Non-Prescription Sale and Provision of Syringes.

Many government and professional organizations have endorsed SEPs, including the American Bar Association, the American Medical Association, the American Nurses Association, the American Psychiatric Association, the American Psychological Association, the American Public Health Association, the American Society of Addiction Medicine, the U.S. Centers for Disease Control and Prevention, and the U.S. Conference of Mayors.

How many syringe exchange programs does California have as of 2018?

There are 45 SEPs operating in California. (See Syringe Exchange Programs in California: An Overview). The California Department of Public Health (CDPH) lists all authorized SEPs operating in California on our web site.

---

[1] San Francisco Department of Public Health, Population Health Division. *Syringe Access and Disposal* Services. May 2018.

FACT SHEET

FOR SYRINGE EXCHANGE PROGRAMS AND LAW ENFORCEMENT

Non-Prescription Sale and Provision of Syringes

January, 2017

California Syringe Law:

As of January 1, 2015, licensed pharmacists have the discretion to **sell hypodermic needles and syringes** to adults age 18 and older without a prescription to reduce the spread of HIV, hepatitis C and other blood-borne diseases. **There is no limit** on the number of needles and syringes that may be sold to a customer.

Adults age 18 and older may possess needles and syringes for personal use if acquired from a pharmacy, physician or authorized syringe exchange program.
There is no limit on the number of needles and syringes that an adult may purchase and possess.

These changes to California law were made by Assembly Bill 1743 (Ting, Chapter 331, Statutes of 2014). The relevant sections of California Business and Professions Code and Health and Safety Code read:

California Business and Professions Code Section 4145.5(b):

Notwithstanding any other provision of law and until January 1, 2021, as a public health measure intended to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among persons who use syringes and hypodermic needles, and to prevent subsequent infection of sexual partners, newborn children, or other persons, a physician or pharmacist may, without a prescription or a permit, furnish hypodermic needles and syringes for human use to a person 18 years of age or older, and ***a person 18 years of age or older may, without a prescription or license, obtain hypodermic needles and syringes solely for personal use from a physician or pharmacist****.*

California Health and Safety Code Section 11364:

(a) It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or (e) or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance that is a narcotic drug classified in Schedule III, IV, or V.
(b) This section shall not apply to hypodermic needles or syringes that have been containerized for safe disposal in a container that meets state and federal standards for disposal of sharps waste.
(c) Until January 1, 2021, as a public health measure intended to prevent the transmission of HIV, viral hepatitis, and other bloodborne diseases among persons who use syringes and hypodermic needles, and to prevent subsequent infection of sexual partners, newborn children, or other persons, ***this section shall not apply to the possession solely for personal use of hypodermic needles or syringes if acquired from a physician, pharmacist, hypodermic needle and syringe exchange program,*** *or any other source that is authorized by law to provide sterile syringes or hypodermic needles without a prescription.*

Expanding access to sterile syringes has been demonstrated effective in preventing the spread of HIV and other blood-borne diseases. The California Department of Public Health, Office of AIDS website has more information about HIV prevention as well as materials for syringe exchange programs, pharmacies and law enforcement.

California Department of Public Health, Office of AIDS | MS 7700, P.O. Box 997426, Sacramento, CA 95899-7426 | (916) 449-5900 | www.cdph.ca.gov/programs/AIDS

FACT SHEET

ABOUT THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH, OFFICE OF AIDS

SYRINGE EXCHANGE CERTIFICATION PROGRAM

July, 2018

Syringe exchange programs (SEPs) have been operating in California since the late 1980s, providing sterile syringes, collecting used ones, and acting as a point of access to health care and help for people who inject drugs.

As part of California's efforts to prevent the spread of HIV and other blood-borne diseases, California Health and Safety (H&S) Code Section 121349 outlines **two mechanisms** by which an SEP may be authorized to operate.

1. SEPs may be authorized by county or city government; and/or
2. Programs may be authorized by the California Department of Public Health, Office of AIDS (CDPH/OA) in any location where the department determines that the conditions exist for rapid spread of HIV, viral hepatitis, or other blood-borne diseases.

Additionally, California Business and Professions Code Section 4145 permits physicians and pharmacists to furnish or sell an unlimited number of hypodermic needles and syringes to adults age 18 and older.

The CDPH/OA SEP Certification Program
Under California H&S Code Section 121349:

- Applicants may apply directly to CDPH/OA for authorization, rather than to their local county or city government.
- Applications must meet minimal requirements to be considered. These include a list of basic services that must be provided (including, but not limited to referrals to drug treatment and mental health programs), sufficient funding to provide the services and capacity to collect required data.
- Once the Department determines that an application meets these requirements and deems the applicant provisionally appropriate CDPH/OA must post information about the application on its website and a 45-day public comment period begins.
- During this period CDPH/OA must consult with local law enforcement and the local health officer of the proposed location.
- After the 45-day public comment period, CDPH/OA has 30 business days in which to make the decision.
- SEP certification is granted for two years. Before the end of the two-year period, the Department may reauthorize the program in consultation with the local health officer and local law enforcement leadership.

Additional information about the CDPH/OA Syringe Exchange Certification Program and about access to sterile syringes in California is available at the CDPH/Office of AIDS website at: https://www.cdph.ca.gov/Programs/CID/DOA/Pages/OA_prev_sep.aspx.

California Department of Public Health, Office of AIDS | MS 7700, P.O. Box 997426, Sacramento, CA 95899-7426 | (916) 449-5900 | www.cdph.ca.gov/programs/AIDS

From: Crump, Carol@CDPH [mailto:Carol.Crump@cdph.ca.gov]
Sent: Monday, October 8, 2018 10:11 AM
To: Baird, Donald <dbaird@co.humboldt.ca.us>
Subject: HACHR authorization update

Good morning, Dr. Baird -

The California Department of Public Health, Office of AIDS (CDPH/OA) would like to notify you that the application for certification submitted by the Humboldt Area Center for Harm Reduction (HACHR) to provide syringe exchange services in Eureka, Arcata, and Fortuna has been approved. We appreciate that you took the time to consult with us as part of the process of evaluating the HACHRACHHH application for certification.

CDPH/OA has determined that HACHR has met the requirements outlined in California Health and Safety Code Section 121349 to qualify for authorization. Additionally, CDPH/OA has determined that conditions exist for the rapid spread of HIV, viral hepatitis, or other blood-borne diseases in Humboldt County.

Authorization will be effective October 8, 2018 through October 8, 2020. HACHR may apply for renewal before the end of the certification period, and CDPH/OA may renew the certification following consultation with local law enforcement leadership and the health officer.

HACHR is approved to continue providing syringe exchange services Monday through Saturday from 10:00 a.m. – 6:00 p.m. at their 1522 3rd Street location in Eureka. HACHR is also approved to provide mobile services as follows:

- Arcata in the area bounded by Old Samoa Road, Jackson Ranch Road, Vaissade Road, and K Street on Wednesdays from 12:00 p.m. - 2:00 p.m., and in the area bounded by Redwood Highway, Hendon Road, Wymore Road and Valley East on Wednesdays from 2:00 p.m. - 4:00 p.m.;
- Orick in the area bounded by Hufford Road, Lundblade Street, Redwood Highway, and Drysden Road on Mondays from 1:00 p.m. - 5:00 p.m.;
- Fortuna in the area bounded by Redwood Highway, Newberg Road, South Fortuna Boulevard, Strongs Creek Road, and Redwood Way on Mondays from 10:00 a.m. - 12:00 p.m.;
- McKinleyville in the area bounded by Murray Road, Ocean Drive, School Road, and Central Avenue on Fridays from 10:00 a.m. - 12:00 p.m.; and
- Willow Creek in the area bounded by Trinity Highway, Highway 299, Trinity River, and Country Club Road on Fridays from 1:00 p.m. - 3:00 p.m.

HACHR's application included increased collaborative efforts to address syringe litter. As part of these efforts HACHR will:

- Expand hours and areas of operation (see above) for syringe services in order to offer additional hours and locations for people to safely dispose of their sharps waste;
- Continue to conduct regular cleanups in Eureka and Arcata;
- Document number of syringes collected;
- Respond to community requests to provide cleanup whenever syringe litter is sighted;
- Work with local law enforcement to help reduce barriers to using sharps disposal kiosks;
- Continue to assist with cleanup in the Humboldt Old Town area and in city green belts; and
- Work with community partners to increase local disposal options (e.g., placement of additional kiosks and increasing availability of individual disposal containers).

California Code of Regulations, Title 17, Subchapter 15, Syringe Exchange Program (SEP) Certification (17 CCR 15) requires that certified SEPs provide an annual report about their services and referrals; record both adverse incidents and positive interactions between local law enforcement and SEP staff, volunteers, or participants; document concerns and positive feedback expressed by program participants, community members, neighborhood associations and/or local law enforcement officials; and document steps the program has taken to address any reasonable concerns.

CDPH's formal announcement will be posted on our website by close of business on Monday, October 8, 2018 and can be found here: List of State-Certified SEPs. Also included on our webpage will be a "Frequently Asked Questions" document aimed at providing the public with information about how CPDH made this decision, which we encourage you to share with your constituents and stakeholders.

Thank you for collaborating with us in this important work, and please feel free to contact me if you have any questions.

Regards,

Carol Crump

Carol Crump, MFT
Behavioral Health Specialist
Office of AIDS
California Department of Public Health
Harm Reduction and Drug User Health

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
(707) 764-5480 (fax)
E-mail: knoppk@cityofriodell.ca.gov

TO: Mayor and Members of the City Council

THROUGH: Brooke Kerrigan, Finance Director

FROM: Kyle Knopp, City Manager

DATE: December 4, 2018

SUBJECT: Resolution 1405-2018 Water Claim Adjustment Policy

BACKGROUND

From time to time it is necessary to update the City's policies and procedures related to water adjustment claims in order to clarify and modernize some of the provisions. The last update to the City's Water Claim Adjustment policy was on January 18, 2011 when the City Council adopted Resolution 1102-2011 Water Bill Claim Adjustment Policy. The policy allows for a maximum of $100 to be waived in circumstances where a customer "has incurred an extraordinarily high water bill by reason of excessive use of water due to an undetected water line break or leak, or excusable neglect."

Since the time of adoption of Resolution 1102-2011 the water rates have increased significantly thereby resulting in significantly larger adjustments to customer's utility bills when an undetected water line break or leak, or excusable neglect occurs. Staff is recommending to raise the adjustment amounts in order to allow an increase in the allowable adjustment amount from $100 to $150.

In addition, a clause has been added that will allow the City Manager, in rare instances, to adjust a customer's bill that has grossly exceeded both the $150 maximum credit in addition to three (3) times the amount of an average utility bill. This allows for the adjustment to be capped such that the customer is charged three (3) times the amount of the average utility bill for the month of the leak, break, or excusable neglect.

RECOMMENDATION

Staff recommends approval of Resolution 1405-2018 Water Bill Adjustment Claim Policy that clarifies and adjusts water bill claim adjustments that takes into consideration the water rate increases since 2011.

ATTACHMENTS

Resolution 1405-2018 Water Claim Adjustment Policy

RESOLUTION NO. ~~1102-2011~~1405-2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL REPEALING RESOLUTION NO. ~~770~~ 1102-2011 AND ADOPTING A REVISED WATER BILL CLAIM ADJUSTMENT POLICY

WHEREAS, the City Council of the City of Rio Dell has a policy of adjusting water bills of rate payers under certain limited circumstances; and

WHEREAS, Title 13, Chapter 13.05.030 of the Rio Dell Municipal Code permits the City Council to establish procedures for water bill disputes and Resolution No. ~~770~~ 1102-2011 was adopted to establish a policy for formalizing the adjustment of water bills; and

WHEREAS, it is the desire of the City Council to repeal and replace Resolution No. ~~770~~ 1102-2011 to reflect a change in the procedures for resolving water bill adjustment claims.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIO DELL, CALIFORNIA AS FOLLOWS:

SECTION 1. Claims for adjustment of water bills will only be reviewed if the amount of the claim is for ten dollars ($~~10.00~~$20) or more. Claims for less than this amount will not be considered.

SECTION 2: Regardless of the amount of the disputed bill, no claim will be approved over the amount of ~~one-hundred~~ one-hundred fifty dollars ($~~100.00~~$150).

SECTION 3: Claims for adjustment of water bills may be presented, reviewed, settled, and approved by the City Manager of the City of Rio Dell without further approval of the City Council under the following circumstances and under the following conditions:

a. Only one (1) claim for adjustment shall be allowed in any 24 month period.

b. Claims shall be allowed only on sufficient proof to the City Manager that the claimant has incurred an extraordinarily high water bill by reason of excessive use of water due to an undetected water line break or leak, or excusable neglect.

c. Claims shall only be allowed in circumstances in which extraordinarily high water bill exceeds the average monthly water bill by ~~ten~~ twenty dollars ($~~10.00~~ $20) or more based on the previous 12 month water consumption at the metered location or any reasonable formula deemed appropriate at the City Manager's discretion.

d. The amount of the adjustment shall be no more than 50% of the difference between the average monthly water bill and the high water bill represented on the water claim provided the total claim adjustment amount does not exceed $~~100.00~~$150.

e. Adjustments will only be considered after repairs have been made. The claimant shall present to the City Manager sufficient proof of repair of the water line break or leak by providing a receipt for repair parts or an invoice from a plumber for the repair, or justifiable cause for the neglect.

f. No claim shall be considered if the claimant is not current with payment of his/her monthly water bill as of the date the claim is submitted.

g. All claims shall be presented to the City Manager who shall review the claim for fulfillment of the above conditions. Pursuant to Rio Dell Municipal Code Title 13, Chapter 13.05.030, as may be amended, the City Manager is hereby authorized to administratively settle claims meeting the minimum standards as set forth in Section 3 of this Resolution without further approval of the City Council of the City of Rio Dell.

In rare instances the City Manager may exercise the right to administratively settle claims where a water leak and/or excusable neglect has resulted in an extremely high water bill that exceeds three (3) times the amount of a customer's average water bill, which at the City Manager's discretion can be adjusted not to exceed three (3) times the amount of the average utility bill based on the prior twelve (12) month period.

~~g.~~ Nothing herein shall, however, be construed to prevent the City Manager from seeking City Council approval of any claims presented pursuant to this Section.

Formatted: Indent: Left: 0.82", No bullets or numbering

Formatted: Indent: Left: 0.81", No bullets or numbering, Tab stops: 0.81", Left + Not at 0.82"

SECTION 4: In all circumstances in which the claim for adjustment arose out of alleged negligent conduct by any employee or agent of the City arose out of alleged negligent maintenance or dilapidated condition of City owned property, the claim shall be submitted to the City Council for its consideration. This provision shall not, however, be construed to mean that the City Council will allow any such claims.

SECTION 5: All claims for adjustment shall be submitted within two months of the date of the water billing statement on a Water Bill Adjustment Claim Form attached hereto as "Exhibit A".

PASSED AND ADOPTED by the City Council of the City of Rio Dell ~~this18th day of January, 2011~~this 4th day of December, 2018 by the following vote:

Formatted: Superscript

AYES:
NOES:
ABSTAIN:
ABSENT:

~~Julie Woodall~~ Frank Wilson, Mayor

ATTEST:

_____

Karen Dunham, City Clerk

EXHIBIT A TO RESOLUTION NO. ~~1102-2011~~1405-2018

Formatted: Indent: Hanging: 0.49"

CITY OF RIO DELL
WATER BILL ADJUSTMENT CLAIM FORM

Instructions

1. Only claims exceeding an average water bill by ~~$10.00~~$20 or more are eligible for adjustment.
2. Present this form (with receipts for corrective measures) to the Water Department at City Hall after completion.

NAME OF CLAIMANT: _____

MAILING ADDRESS OF CLAIMANT: _____

ADDRESS OF WATER SERVICE: _____

MONTH AND REASON FOR EXCESSIVELY HIGH WATER BILL:

_____

_____

_____

Only claims involving water line leaks, breaks, excusable neglect or City negligence will be considered.

I HAVE MADE THE FOLLOWING REPAIRS TO MY WATER SYSTEM:

_____

_____

_____

No adjustment will be considered unless appropriate repairs or corrective measures have been taken. Attach copies of receipts.

I,_____(Print name), declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was signed on_____, 20____, at Rio Dell, CA.

_____ _____

~~City Clerk~~Finance Director, City of Rio Dell - Witness Signature of Claimant

THIS SIDE TO BE COMPLETED BY CITY STAFF ONLY

Number of claims submitted by claimant during previous 24 months at any location and number of claims submitted by any claimant involving the same metered location:_____

Dates and locations of such claims: _____

Claimants are allowed only **ONE** adjustment in any 24 month period.

Does the claimant's reason for the requested adjustment constitute justifiable cause for the requested adjustment? _____

Has the claimant made sufficient repair or taken other appropriate corrective measures to reasonably prevent repeated problems? _____

Are copies of receipts attached?_____

Is claimant current on payment of water bill as of the date of submittal?_____

What is the amount of the disputed bill? _____

What is the claimant's average historical water bill? _____

What is the difference?_____50% credit amount is: _____

Period used to calculate average water bill? _____

CITY MANAGER'S DISPOSITION:

APPROVE CLAIM_____DENY CLAIM _____

☐ This claim was approved per Sec. g., Resolution 1405-2018; total amount to be billed: $_____

Formatted: Border: : (Single solid line, Auto, 0.5 pt Line width)

Formatted: Underline

CITY MANAGER SIGNATURE _____

RESOLUTION NO. 1405-2018
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF RIO DELL REPEALING RESOLUTION NO. 1102-2011
AND ADOPTING A REVISED WATER BILL
CLAIM ADJUSTMENT POLICY

WHEREAS, the City Council of the City of Rio Dell has a policy of adjusting water bills of rate payers under certain limited circumstances; and

WHEREAS, Title 13, Chapter 13.05.030 of the Rio Dell Municipal Code permits the City Council to establish procedures for water bill disputes and Resolution No. 1102-2011 was adopted to establish a policy for formalizing the adjustment of water bills; and

WHEREAS, it is the desire of the City Council to repeal and replace Resolution No. 1102-2011 to reflect a change in the procedures for resolving water bill adjustment claims.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIO DELL, CALIFORNIA AS FOLLOWS:

SECTION 1. Claims for adjustment of water bills will only be reviewed if the amount of the claim is for ten dollars ($$20) or more. Claims for less than this amount will not be considered.

SECTION 2: Regardless of the amount of the disputed bill, no claim will be approved over the amount of one-hundred fifty dollars ($150).

SECTION 3: Claims for adjustment of water bills may be presented, reviewed, settled, and approved by the City Manager of the City of Rio Dell without further approval of the City Council under the following circumstances and under the following conditions:

a. Only one (1) claim for adjustment shall be allowed in any 24 month period.

b. Claims shall be allowed only on sufficient proof to the City Manager that the claimant has incurred an extraordinarily high water bill by reason of excessive use of water due to an undetected water line break or leak, or excusable neglect.

c. Claims shall only be allowed in circumstances in which extraordinarily high water bill exceeds the average monthly water bill by twenty dollars ($20) or more based on the previous 12 month water consumption at the metered location or any reasonable formula deemed appropriate at the City Manager's discretion.

d. The amount of the adjustment shall be no more than 50% of the difference between the average monthly water bill and the high water bill represented on the water claim provided the total claim adjustment amount does not exceed $150.

e. Adjustments will only be considered after repairs have been made. The claimant shall present to the City Manager sufficient proof of repair of the water line break or leak by providing a receipt for repair parts or an invoice from a plumber for the repair, or justifiable cause for the neglect.

f. No claim shall be considered if the claimant is not current with payment of his/her monthly water bill as of the date the claim is submitted.

g. All claims shall be presented to the City Manager who shall review the claim for fulfillment of the above conditions. Pursuant to Rio Dell Municipal Code Title 13, Chapter 13.05.030, as may be amended, the City Manager is hereby authorized to administratively settle claims meeting the minimum standards as set forth in Section 3 of this Resolution without further approval of the City Council of the City of Rio Dell.

In rare instances the City Manager may exercise the right to administratively settle claims where a water leak and/or excusable neglect has resulted in an extremely high water bill that exceeds three (3) times the amount of a customer's average water bill, which at the City Manager's discretion can be adjusted not to exceed three (3) times the amount of the average utility bill based on the prior twelve (12) month period.

Nothing herein shall, however, be construed to prevent the City Manager from seeking City Council approval of any claims presented pursuant to this Section.

SECTION 4: In all circumstances in which the claim for adjustment arose out of alleged negligent conduct by any employee or agent of the City arose out of alleged negligent maintenance or dilapidated condition of City owned property, the claim shall be submitted to the City Council for its consideration. This provision shall not, however, be construed to mean that the City Council will allow any such claims.

SECTION 5: All claims for adjustment shall be submitted within two months of the date of the water billing statement on a Water Bill Adjustment Claim Form attached hereto as "Exhibit A".

PASSED AND ADOPTED by the City Council of the City of Rio Dell this 4th day of December, 2018 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____

Frank Wilson, Mayor

ATTEST:

_____

Karen Dunham, City Clerk

EXHIBIT A TO RESOLUTION NO. 1405-2018

CITY OF RIO DELL
WATER BILL ADJUSTMENT CLAIM FORM

Instructions

1. Only claims exceeding an average water bill by $20 or more are eligible for adjustment.
2. Present this form (with receipts for corrective measures) to the Water Department at City Hall after completion.

NAME OF CLAIMANT: _____

MAILING ADDRESS OF CLAIMANT: _____

ADDRESS OF WATER SERVICE: _____

MONTH AND REASON FOR EXCESSIVELY HIGH WATER BILL:

_____

_____

_____

Only claims involving water line leaks, breaks, excusable neglect or City negligence will be considered.

I HAVE MADE THE FOLLOWING REPAIRS TO MY WATER SYSTEM:

_____

_____

_____

No adjustment will be considered unless appropriate repairs or corrective measures have been taken. Attach copies of receipts.

I,_____(Print name), declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was signed on_____, 20____, at Rio Dell, CA.

_____ _____

Finance Director, City of Rio Dell - Witness Signature of Claimant

THIS SIDE TO BE COMPLETED BY CITY STAFF ONLY

Number of claims submitted by claimant during previous 24 months at any location and number of claims submitted by any claimant involving the same metered location:_____

Dates and locations of such claims: _____

Claimants are allowed only **ONE** adjustment in any 24 month period.

Does the claimant's reason for the requested adjustment constitute justifiable cause for the requested adjustment? _____

Has the claimant made sufficient repair or taken other appropriate corrective measures to reasonably prevent repeated problems? _____

Are copies of receipts attached?_____

Is claimant current on payment of water bill as of the date of submittal?_____

What is the amount of the disputed bill? _____

What is the claimant's average historical water bill? _____

What is the difference?_____50% credit amount is: _____

Period used to calculate average water bill? _____

CITY MANAGER'S DISPOSITION:

APPROVE CLAIM_____DENY CLAIM _____

☐This claim was approved by the City Manager per Sec. g., Resolution 1405-2018; total amount to be billed:

CITY MANAGER SIGNATURE _____