C I T Y O F E U R E K A
CITY COUNCIL / EUREKA REDEVELOPMENT AGENCY
AGENDA

Regular Council/Agency Meeting
Tuesday, February 24, 2009
Closed Session - 5:30 P.M.
Regular Session - 6:30 P.M.
CITY COUNCIL CHAMBERS
CITY HALL - 531 "K" STREET
EUREKA, CA 95501

Adjourned Council/Agency Mtg.
Thursday, February 26, 2009
Closed Session - 5:30 P.M.
Regular Session - 6:30 P.M.
CITY COUNCIL CHAMBERS
CITY HALL - 531 "K" STREET, EUREKA

All persons in attendance at public meetings are requested to observe the following rules of civil debate:

1. We may disagree, but we will be respectful of one another.
2. All comments will be directed to the issue at hand.
3. Personal attacks are unacceptable.

ACCESSIBILITY NOTICE: The meeting rooms are ADA accessible. Accommodations and access to City meetings for people with special needs must be requested of the City Clerk at 441-4175 in advance of the meeting. This agenda and other materials are available in alternative formats upon request.

ROLL CALL

CLOSED SESSION NOTE: Closed Session will commence at 5:30 P.M. with a 6:25 P.M. curfew.

A. PUBLIC COMMENT PERIOD
(Limited to 3 minutes each speaker on closed session agenda items only)

B. CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: David Tyson for City of Eureka
Employee organization: Eureka Firefighters' Local #652 (EFL), Eureka Fire Officers Local (EFOL), Eureka City Employees' Association (ECEA), Eureka Police Officers' Association (EPOA), Unrepresented management, mid-management, and confidential employees.
Pursuant to California Government Code Section 54957.6

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Name of case: Stephen Knight et. al. v. City of Eureka (Hum. Co. Superior Court, Case, No. DR 070514)
Pursuant to California Government Code Section 54956.9(a)

D. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Name of case: United States v. City of Arcata, et al., N. Dist. Federal Court, Case No. C085725
Pursuant to California Government Code Section 54956.9(a)

REGULAR SESSION – 6:30 P.M.

ROLL CALL

INVOCATION - The Reverend Dean Lindquist, retired Lutheran Minister

PLEDGE OF ALLEGIANCE

REPORT OUT OF CLOSED SESSION

MAYOR'S ANNOUNCEMENTS
Presentation of proclamation in recognition of the Eureka Police Department Volunteer Patrol

COUNCIL REPORTS / CITY-RELATED TRAVEL REPORTS

Councilmembers Jäger and Glass:	Joint Fire Services Committee
Councilmember Glass:	Item(s) for future agenda.
Councilmember Leonard:	Rainy Day Skate Bash, March 7-8, 2009

PUBLIC COMMENT PERIOD

NOTE: This is the time for members of the public who wish to be heard on matters that do not appear on the Agenda. You may also request that a matter appearing on the Consent Calendar be pulled and discussed separately. Pursuant to City Council Minute Order dated May 4, 1989, City Council policy is to limit each speaker to three (3) minutes. Such time allotment or portion thereof shall not be transferred to other speakers. Pursuant to City Council Minute Order dated June 6, 2000, the public will be allowed to speak concurrently with the calling of an agenda item following the staff presentation of that item.

Pursuant to the Brown Act, the City Council may not take action on an item that does not appear on the Agenda.

1. Is there any person in the audience who wishes to address the Council at this time?

CONSENT CALENDAR

Notice to the Public: All matters listed under this category are considered to be routine by the City Council and will be enacted by one motion. Unless a specific request is made by a Councilmember or the public, the Consent Calendar will not be read. There will be no separate discussion of these items. However, if discussion is required, that item will be removed from the Consent Calendar and considered separately.

2. Council meeting minutes.
   Recommendation: Approve the regular Council/Redevelopment Agency Board meeting minutes of February 3, 2009 as submitted.
   (City Clerk)

3. Authorization to prepare and submit claim for transit funding.
   Recommendation: Authorize staff to prepare and submit a State Transit Assistance Funds (STAF) claim in the amount of $111,300.
   (Finance Director)

4. Accept City of Eureka and Eureka Development Agency Sidewalk Improvement Project - Bid No. 2008-15.
   Recommendation: 1. Council accept City of Eureka and Eureka Development Agency Sidewalk Improvement Project, Bid No. 2008-15, and authorize the filing of a 'Notice of Completion' in the Office of the Humboldt County Recorder; and
   2. Authorize the Finance Officer to make final payment in conformance with the contract.
   (Assistant City Manager-Operations)

5. Regional Public Safety Training Tower; Bid No. 2007-25.
   Recommendation: 1. Accept the Regional Public Safety Training Tower project; and
   2. Authorize the filing of a 'Notice of Completion' at the Office of the County Recorder.
   (Fire Chief)

6. Sixth and Myrtle improvements, Bid No. 2009-01.
   Recommendation: Accept this project and authorize filing a 'Notice of Completion' at the Office of the County Recorder.
   (City Engineer)

7. Resolution in support of grant for regional food waste diversion facility.
   Recommendation: Adopt resolution in support of a grant application by the Humboldt Waste Management Authority for funding assistance toward a regional food waste digester facility on city-owned property adjacent to the Eureka Wastewater Treatment Plant.
   (Special Projects Manager)

ORDINANCES/RESOLUTIONS

8. Bill No. 792-C.S., Smoking prohibited in designated recreational areas.
   Recommendation: Waive reading, read by title only, and introduce Bill No. 792-C.S., an ordinance amending Eureka Municipal Code Title IX, Chapter 97, amending sections 97.01 and 97.04 pertaining to smoking regulations.
   (Assistant City Manager-Operations)

9. Bill No. 805-C.S., Amending Eureka Municipal Code Title IX: General Regulations Chapter 90 – Abandoned vehicles.
   Recommendation: Waive reading, read by title only, and introduce Bill No. 805-C.S., an ordinance amending Chapter 90 of the Eureka Municipal Code relating to the parking of abandoned, oversized, non-motorized, and recreational vehicles.
   (Chief of Police)

10. Bill No. 806-C.S., City Council meeting times.
    Recommendation: Waive reading, read by title only, and introduce Bill No. 806-C.S., an ordinance amending Section 30.01(A) of Title 3, Chapter 30 of the Eureka Municipal Code pertaining to regular meetings of the City Council.
    (City Manager)

11. EUREKA REDEVELOPMENT AGENCY: Headwaters Community Investment Fund, grant contract, Redevelopment findings and purchase authorization for Flake Ice Plant.
    Recommendation:
    1. Adopt City of Eureka and Eureka Redevelopment resolutions making the findings that the Flake Ice Plant Project is appropriate for Redevelopment Agency funding;
    2. Council and Agency Board approve an expenditure of $300,000 in Redevelopment tax increment funds for the Flake Ice Plant Project within the Redevelopment Project Area;
    3. Council authorize City Manager to execute Headwaters Community Investment Fund Grant Agreement between the City of Eureka and County of Humboldt for $500,000 to fund a flake ice plant on the city's EDA finger pier;
    4. Suspend purchasing policies and procedures to allow for an emergency purchase and installation in time for the 2009 shrimp season (April, 2009);
    5. Authorize staff to negotiate with PermaCold Engineering, Inc. for the mechanical engineering, purchase of a North Star Model 90 flake ice

machine, panels and rake assembly for the ice plant;

6. Authorize staff to negotiate with qualified contractors for the electrical and plumbing required to complete the project.

(Redevelopment Director)

12. Intent to adopt CalPERS retirement service credit resolution and approve corresponding organizational adjustments.

Recommendation:

1. Give notice of the intent to adopt the necessary CalPERS resolution for City Council approval granting two (2) years early retirement service credit;
2. Approve the granting of two (2) years of City-paid health insurance as an early retirement incentive to the Police Services Officer and Assistant Finance Director positions;
3. a) Authorize an exemption from the hiring freeze for the Senior Personnel Analyst (or lower level) position; *or in the alternative*
   b) Direct staff to bring this exception to the hiring freeze request forward after completion of the mid-year budget review; and
4. a) Authorize an exemption from the hiring freeze for the reclassified Finance Office Manager position (former Assistant Finance Director position) and Personnel to review, determine, and implement the appropriate reclassification of Finance Department personnel necessary to achieve the desired organizational changes. These changes will result in the same number of full-time equivalent positions, but with one (1) and possible two (2) positions being downgraded to achieve the personnel costs savings; *or in the alternative*
   b) Direct staff to bring this exception to the hiring freeze request forward after completion of the mid-year budget review.

(Personnel Director)

REPORTS/ACTION ITEMS

13. 2008-09 Budget update mid-year financial report.
    Recommendation: 1. Receive and file the mid-year budget update for fiscal year 2008-2009;
    2. Consideration and approval of mid-year budget approvals.
    (Finance Director)

14. Request for exception to the hiring freeze – Engineering Technician I/II.
    Recommendation: Approve the exception to the hiring freeze for the Engineering Technician I/II position, which is already included in the FY 08/09 budget.
    (Personnel Director)

15. Wireless Communications Task Force Ad Hoc Committee.
    Recommendation: Discussion and possible action to confirm appointment of members of the Wireless Communications Task Force Ad Hoc Committee.
    (City Manager)

CITY MANAGER/EXECUTIVE DIRECTOR'S REPORTS

ADJOURNMENT

NOTE: If open session items cannot be completed by 10:00 P.M., the meeting will be continued to the adjourned regular meeting on the following Thursday, as noted above on the heading of this agenda.

If closed session items cannot be completed by 6:25 P.M., they will be continued at the conclusion of the regular agenda, provided there is time. If time does not allow then those closed session items will be continued to the adjourned regular meeting on the following Thursday, as noted above on the heading of this agenda.

NOTICE: Any writing that is a public record not exempt from public disclosure and relating to an agenda item for an open session of a regular meeting of the City Council is available for public inspection at the following designated location:

Office of the City Clerk
Eureka City Hall
531 "K" Street, Room 207
Eureka, CA 95501

City of Eureka

Proclamation

In recognition of

Eureka Police Department Volunteer Patrol

Whereas, The Eureka Police Department Volunteer Patrol is a group of Eureka citizens who volunteer to assist the Eureka Police Department and their fellow citizens in diverse ways*; and*

Whereas, The members of the Eureka Police Department Volunteer Patrol, for the year 2008, worked a total of 1,716 hours and drove approximately 5,617 miles in providing their services*; and*

Whereas, The Eureka Volunteer Patrol exists through donations and is not City funded*; and*

Whereas, these loyal volunteers continue to provide excellent service to the City of Eureka and its Police Department by performing crime scene containment, residential and business extra patrols, vacation checks, and provide assistance at traffic collisions, medical aids, call outs and structure fires*; and*

Whereas, other numerous services provided by the volunteers include but are not limited to stand bys, lost children, blue zone (handicapped zone) citations, animal details, helping with department events, parades, marathons and school events*; and*

Whereas, the members of the Eureka Volunteer Patrol are often called out in the dead of night and are often on post for many hours at a time*; and*

Whereas, the Eureka Volunteer Patrol represents the highest ideals of public service by giving generously and selflessly of their time to the community,

Now, therefore, I Mayor Virginia Bass and on behalf of the Eureka City Council, do hereby recognize, support and commend the Eureka Police Department's Volunteer Patrol for their invaluable service to the Department, the City and the citizens of Eureka.

Virginia Bass
Mayor
February 24, 2009

#2

MINUTES OF
EUREKA CITY COUNCIL
EUREKA REDEVELOPMENT AGENCY

February 3, 2009

The City Council/Redevelopment Agency of the City of Eureka met in REGULAR Session on the above date, 5:30 P.M. Closed Session, 6:30 P.M. Open Session, at the Eureka City Hall, Council Chambers, 531 "K" Street, Eureka.

PRESIDING: MAYOR BASS

PRESENT: GLASS, ATKINS, LEONARD, JÄGER, JONES

ABSENT: NONE

MINUTES PREPARED BY:

Kathleen L. Franco Simmons
City Clerk

COUNCIL APPROVAL ACKNOWLEDGED:

Virginia Bass
Mayor

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Public comment prior to closed session

ACTION:

No one expressed an interest in addressing the Council at this time.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Agenda Item A

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Closed session

ACTION:

Council met in closed session to discuss the following matters:

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Name of case: United States v. City of Arcata, et al., N. Dist. Federal Court, Case No. C085725
Pursuant to California Government Code Section 54956.9(a)

C. CONFERENCE WITH LABOR NEGOTIATORS
Agency designated representatives: David Tyson for City of Eureka
Employee organization: Unrepresented management, mid-management, and confidential employees.
Pursuant to California Government Code Section 54957.6

D. CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: APN 1-054024, 1-054-25
Agency negotiator: David W. Tyson for the City of Eureka
Negotiating Parties: Eureka Waterfront Partners
Under negotiation: price, terms, and conditions
Pursuant to California Government Code Section 54956.8

E. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Consideration of initiation of litigation: two cases.
Pursuant to Calif. Gov't Code Section 54956.9(c)

Upon reconvening to Open Session, it was announced that there were no final actions to report.

Agenda Item Closed Session

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Agenda Item Closed Session

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Invocation

ACTION:

The invocation was given by Nancy Only, Spiritual Leader, Unity Church of the Redwoods.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Council reports / City-related travel report

ACTION:

Councilmember Atkins provided a report regarding the League of California Cities "New Mayor and Councilmembers Conference" which she attended January 21-23rd.

Councilmember Jäger provided information regarding the cessation of the utility users tax, and the new transaction and use tax which will go into effect April 1, 2009.

Councilmember Jones provided a report regarding the "Homeless Person Point-in-Time Count" survey project of the county.

Councilmember Jones extended congratulations to the new Chamber of Commerce President, Chris Crawford.

Councilmember Jones requested consideration toward changing the regular Council meeting times to start closed session at 4:30 P.M. and open session at 5:30 P.M. Without objection, direction was provided to staff to place the matter for consideration on an upcoming agenda.

Councilmember Glass provided remarks on behalf of the environmental community regarding the comment period for the Marina Center draft EIR.

Councilmember Leonard provided information regarding the Citizens' Police Academy class, and requested to reschedule the Council meeting of February 17 to allow interested Council members to attend the first night of the academy. By consensus, Council rescheduled the regular Council meeting of February 17 to February 24.

Councilmember Leonard provided a report regarding PG&E's success in gaining funding for the WaveConnect project. Additionally, Councilmember Leonard encouraged interested persons to submit applications for appointment to the Eureka Energy Committee.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item C/R

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Board/Commission reports

ACTION:

Keep Eureka Beautiful committee members Carl Birks and Jessica Bigger presented an Award of Merit to Father Loren Allen and Joe Pera, for the recent beautification work at the St. Bernard's Catholic Church and grounds.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept.

Agenda Item B/C

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Public comment period

ACTION:

The following individuals addressed the council at this time:

Unidentified man, thanked staff for cleaning up and fencing city property at Pine Hill and Myers.

Richard Tolleson, provided remarks regarding historic register designation, and concerns regarding tearing down historic Victorian structures.

Mike Campbell, spoke regarding a guitar class which he teaches at Humboldt County Mental Health at the Hope Center.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Agenda Item 1

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Council meeting minutes.

ACTION:

Council approved the regular Council/Agency meeting minutes of January 20, 2009 as submitted.

Adopted on motion by Councilmember JÄGER, seconded by Councilmember ATKINS, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Clerk Agenda Item 2

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Claim for damages of Priddy, Michael.

ACTION:

Council rejected the claim of Priddy, Michael.

Adopted on motion by Councilmember JÄGER, seconded by Councilmember ATKINS, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Attorney

Agenda Item 3

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Purchase of (3) 2009 Honda ST1300 Police Motorcycles.

ACTION:

Police Chief Garr Nielsen provided a report. The following individual addressed the council regarding this subject matter:
Richard Tolleson, Eureka

Council approved the purchase of (3) Honda ST1300 Police Motorcycles from Pacific Motorsports; and appropriated $15,500 in the Traffic Offender Fund, and $7,917 in the General Fund.

Adopted on motion by Councilmember GLASS, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Chief of Police Agenda Item 4

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Fourth Quarter FY 07/08 Investment Report for the City of Eureka and Eureka Redevelopment Agency.

ACTION:

Council took action to receive and file the Quarterly Investment Report from September through December 2008 for the City of Eureka and the Eureka Redevelopment Agency.

Adopted on motion by Councilmember JÄGER, seconded by Councilmember ATKINS, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Finance Director Agenda Item 5

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Water Improvements 2009.

ACTION:

Council authorized staff to create a new project for the Water Improvements Project 2009, and transfer funds into a new project account in preparation for preparing plans and specifications for construction.

Adopted on motion by Councilmember JÄGER, seconded by Councilmember ATKINS, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer Agenda Item 6

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Biosolids Dewatering Facility – Phase 2 for Wastewater Treatment Plant Professional Services Contract.

ACTION:

City Engineer Kurt Gierlich provided a report. No individuals addressed the council regarding this subject matter.

Council authorized staff to negotiate and execute a contract with SHN Consulting Engineers and Geologists and their project team for Engineering Design of Phase 2 of the Biosolids Dewatering Facility at the Elk River Wastewater Treatment plant in order to have a 'shovel ready' project in anticipation of the forthcoming Federal Economic Stimulus package, for an amount not to exceed $160,000.

Adopted on motion by Councilmember JÄGER, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer Agenda Item 7

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Mad River Pipeline Project – Phase 4.

ACTION:

City Engineer Kurt Gierlich provided a report. No individuals addressed the council regarding this subject matter.

Council authorized staff to negotiate and execute an agreement for engineering design and geotechnical investigation for Phase 4 of the Mad River Pipeline project in order to have a 'shovel ready' project in anticipation of the forthcoming Federal Economic Stimulus package, with Oscar Larson and Associates of Eureka for an amount not to exceed $150,000.

Adopted on motion by Councilmember JÄGER, seconded by Councilmember GLASS, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Engineer Agenda Item 8

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Sewer Use Ordinance Amendment.

ACTION:

City Manager Tyson provided a report. No individuals addressed the council regarding this subject matter.

Council waived reading, read by title only, and adopted Bill No. 800-C.S., Ordinance No. 737-C.S.; an ordinance amending Eureka Municipal Code Title V, Chapter 50, amending Sections 50.001 through 50.999 and adding new Sections 50.040 through 50.046 pertaining to Sewers.

Adopted on motion by Councilmember LEONARD, seconded by Councilmember JONES, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Assistant City Manager-Operations Agenda Item 9

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Intent to adopt CalPERS retirement service credit resolution and approve corresponding organizational adjustments.

ACTION:
Personnel Director Teresia Haase provided a report. The following individual addressed the council regarding this subject matter:
David Ogden, Eureka, speaking as a concerned citizen

A motion was made by Councilmember GLASS, seconded by Councilmember JÄGER, to refer Items 10, 11 and 15 to the Finance Advisory Committee for their input into how these actions would work and whether or not the funding is really there, and to give the Council the opportunity to look at the mid-year budget numbers. The motion was further clarified to direct that these matters be continued to the first meeting in March.

A period of public comment on Items 11 and 15 was opened. No individuals addressed the council regarding Items 11 and 15.

The motion by Councilmember GLASS, seconded by Councilmember JÄGER, carried by the following vote:
AYES: GLASS, ATKINS, LEONARD, JÄGER
NOES: JONES
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Personnel Director Agenda Item 10

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Request for exception to the hiring freeze – Engineering Technician I/II.

ACTION:

Council referred this subject matter, with Items 10 and 15, to the Finance Advisory Committee, and directed that these matters be continued to the first meeting in March.

Adopted on motion by Councilmember GLASS, seconded by Councilmember JÄGER, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER
NOES: JONES
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Personnel Director

Agenda Item 11

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Humboldt Bay Municipal Water District.

ACTION:

City Manager Tyson provided a report. No individuals addressed the council regarding this subject matter.

Council authorized the Mayor to send a letter supporting Councilmember Leonard's application to the Water Resources Planning Advisory Committee.

Adopted on motion by Councilmember JONES, seconded by Councilmember ATKINS, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER, JONES
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 12

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Presentation by Dr. Ann Lindsay, Humboldt County Health Department, regarding health impact assessment of County General Plan update.

ACTION:

Councilmember Glass provided a report.

Council received a Presentation by Dr. Ann Lindsay, Humboldt County Health Department, regarding the Health Impact Assessment of County General Plan Update. No action.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Agenda Item 13

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Recess.

ACTION:

On motion by Councilmember LEONARD, seconded by Councilmember ATKINS, and without objection, the council elected to take a brief recess at 8:23 P.M.

At 8:30 P.M. Council reconvened with all present.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Community Garden expansion.

ACTION:

Councilmember Atkins provided a report. The following individuals addressed the council regarding this subject matter:
Helen L'Annunziata, First 5 Humboldt Community Coordinator- Better Together in Eureka
Ron Kuhnel, Eureka
Chris Lahepner, Eureka
Richard Tolleson

Without objection, Council provided support for exploring the expansion of the current Community Garden and identification of possible locations for future community gardens.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Councilmember Atkins Agenda Item 14

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Police Auditor.

ACTION:

Council referred this subject matter, with Items 10 and 11, to the Finance Advisory Committee, and directed that these matters be continued to the first meeting in March.

Adopted on motion by Councilmember GLASS, seconded by Councilmember JÄGER, and the following vote:

AYES: GLASS, ATKINS, LEONARD, JÄGER
NOES: JONES
ABSENT: NONE
ABSTAIN: NONE

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

Agenda Item 15

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Campaign Finance reform.

ACTION:

Councilmember Leonard provided a report. The following individuals addressed the council regarding this subject matter:
Tom Peters, Eureka
Chris Crawford, Chairman of the Board of Eureka Chamber of Commerce
Ron Kuhnel, Eureka

Council discussion included consideration of a charter amendment to establish a true ward system in which each ward elects their own representative, addition of requirements placing a cap on individual donations to campaigns, set up a system for extra reporting requirements for people donating to their own campaign, voluntary pledges declaring how much a candidate will contribute to their own campaign, and the need for this subject matter to be agendized with more publicity to allow the council to receive more public comment.

By consensus, Council provided direction to staff to place on a future agenda consideration of a proposed charter amendment to establish a true ward system in Eureka, and other minor cleanup amendments.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. Councilmember Leonard Agenda Item 16

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: City Manager/Executive Director's reports

ACTION:

City Manager Tyson provided information regarding the following:

- Boys and Girls Club withdrawal of the request for a change in the purchase contract;
- Regional Housing Needs Analysis: Planning staff meetings with communities represented by HCAOG and members of the community regarding RHNA numbers;
- City Managers Conference, February 4-6;
- Vegetation management meetings with resource agencies, and a public meeting;
- Approval of a Headwaters Fund grant of $500,000 for the Flake Ice facility;
- Goal setting or visioning meetings for the Council;
- Sales Tax Report - Third Quarter, 2008.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

Originating Dept. City Manager

CITY COUNCIL/REDEVELOPMENT AGENCY, CITY OF EUREKA
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MINUTE ORDER

Certified copy of portion of proceedings. Meeting of February 3, 2009.

SUBJECT: Adjournment

ACTION:

On motion by Councilmember JONES, seconded by Councilmember JÄGER, and without objection, the meeting was adjourned at 9:31 P.M.

STATE OF CALIFORNIA)
County of Humboldt) ss.
City of Eureka)

I, KATHLEEN L. FRANCO SIMMONS, City Clerk of the City of Eureka, do hereby certify the foregoing to be a true and correct copy of the original made in the above entitled matter by said City Council/Agency as the same now appears of record in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eureka on February 4, 2009.

KATHLEEN L. FRANCO SIMMONS
CITY CLERK

AGENDA SUMMARY

RE: AUTHORIZATION TO PREPARE AND SUBMIT CLAIM FOR TRANSIT FUNDING

For Agenda Date: February 24, 2009

Agenda Item No: 3

RECOMMENDATION:

Council authorize staff to prepare and submit a State Transit Assistance Funds (STAF) claim in the amount of $111,300.

SUMMARY OF THE ISSUE:

A proposal has been issued to the Humboldt County Association of Governments (HCAOG) for City of Eureka transit funding in the amount of $111,300. At their June 16, 2008 meeting, Council authorized staff to prepare a Federal Transit Administration grant application to purchase two new buses. This STAF claim will provide funding assistance in the form of the local match for purchasing one of these two new buses.

It is recommended that Council authorize staff to submit this claim in the amount of $111,300 for assistance in purchasing a Eureka Transit Service bus.

FISCAL IMPACT:
Grant revenue totaling $111,300.

Account # 520-33361-1134 - $110,000
Account # 520-33361-1133 - $ 1,300

DH SIGN: _____ Finance Director

CM SIGN: _____ City Manager

REVIEWED BY:	**DATE:**	**INITIALS:**
City Attorney	18 Feb '09	S

COUNCIL ACTION:

Ordinance No. **Resolution No.**

City of Eureka ~ City Council

AGENDA SUMMARY

RE: Accept City of Eureka and Eureka Development Agency Sidewalk Improvement Project - Bid No. 2008-15	**FOR AGENDA DATE:** February 24, 2009 **AGENDA ITEM NO.:** 4

RECOMMENDATION:

1. Council accept City of Eureka and Eureka Development Agency Sidewalk Improvement Project, Bid No. 2008-15, and authorize the filing of a Notice of Completion in the Office of the Humboldt County Recorder; and
2. Authorize the Finance Officer to make final payment in conformance with the contract.

SUMMARY OF ISSUE:

On August 19, 2008, City Council awarded Bid No. 2008-15 to RAO Construction in the amount of $51,825 and authorized an expenditure of Redevelopment tax increment funds in the amount of $38,400 to replace and upgrade defective brick crosswalks at three intersections on 2nd Street. Council also approved an additional expenditure of gas tax funds in the amount of $1,825 for the project. On December 16, 2008, Council authorized a change order in the amount of $15,000 was processed for the repairs of a drop curb, garage entrance and defective sidewalk along Cousins Street adjacent to Fire Station 4.

RAO Construction has completed the City of Eureka and Eureka Redevelopment Agency Sidewalk Improvement Project- Bid No. 2008-15. Staff determined the project has been completed in substantial conformance with the plans, specifications and contract documents.

FISCAL IMPACT:

Expenditures: $102,012.05

Funding Sources: 224-47000-7241-PJ287-224 = $67,580.05

435-47000-7241-PJ287-435 = $34,432.00

Signature:	Signature:
Michael Knight Assistant City Manager-Operations	**David Tyson** City Manager

REVIEWED BY:	**DATE:**	**INITIALS:**
City Attorney	2-17-09	SS
Finance Department	2-18-09	VW
Engineering	2-17-09	KG

COUNCIL ACTION:	
Ordinance No. _____	**Resolution No.** _____

AGENDA SUMMARY

RE: Regional Public Safety Training Tower Bid No. 2007-25

For Agenda Date: February 24, 2009

Agenda Item No.: 5

RECOMMENDATION:

1. Accept the Regional Public Safety Training Tower project; and
2. Authorize the filing of a 'Notice of Completion' at the Office of the County Recorder.

SUMMARY OF THE ISSUE:

The Regional Public Safety Training Tower project (Bid No. 2007-25) involved the construction of a drill tower at 2401 Hilfiker Lane. The tower is comprised of shipping containers stacked and welded together in an "L" shaped configuration. The City provided the metal containers, and the Contractor painted, stacked, and secured them and constructed stairwells and platforms for rescue skill training.

The multi-agency regional training facility was constructed in partnership with Humboldt Fire District #1, Eureka Fire Department's automatic aid and response partner. This partnership is both practical and necessary because the two departments function as one operationally, and standardized training is a critical component in the successful outcome of incidents within the greater Eureka area. Project funding was divided equally among the following three sources: City of Eureka via funds generated by the sale of the previous Fire Drill facility to Costco and subsequently invested in the Redevelopment Agency, Humboldt Fire District #1, and the HFD #1/Eureka Fire Joint Cooperative Rescue account.

The Regional Public Safety Training Tower project was brought before Council on June 19, 2007, and awarded to O&M Industries, Inc. of Arcata, CA, for the construction bid amount of $184,935. During the course of the project, one contract change order, in the amount of $12,597, was executed to account for additions requested by the City, bringing the construction amount to $197,532.

Staff has determined that the work specified in the contract has been completed in substantial conformance with the Plans and Specifications. Therefore, staff recommends that Council accept this project and authorize the filing of a 'Notice of Completion' at the Office of the County Recorder.

Prepared by: Angi Sorensen, Associate Civil Engineer

FISCAL IMPACT:

Total Expenditures:	$197,532 Construction Contract
Revenues:	$131,688 from HFD #1 and HFD #1/EFD Joint Cooperative Rescue Account
Net Expenditures:	$ 65,844 EFD portion paid from a designated Redevelopment reserve with the original funding coming from the sale of the previous fire drill grounds to Costco. ***Thus this expenditure has no effect on the General Fund.***

CE SIGN: _____ **CM SIGN:** _____

Eric M. Smith
Fire Chief

David W. Tyson
City Manager

REVIEWED BY:	**DATE:**	**INITIALS:**
CA	2/18/09	SS
FIN	2/19/09	VW
ENG	2/18/09	KB

COUNCIL ACTION:

Ordinance No. **Resolution No.**

AGENDA SUMMARY

RE: Sixth and Myrtle Improvements, Bid No. 2009-01	For Agenda Date: February 24, 2009 Agenda Item No.: 6

RECOMMENDATION:
Council accept this project and authorize filing a 'Notice of Completion' at the Office of the County Recorder.

SUMMARY OF THE ISSUE:

This project was developed in cooperation with Caltrans to address operational deficiencies created at the intersection of Sixth and Myrtle Avenue as a result of Caltrans' realignment of Fifth Street.

The project includes a median island with pedestrian refuge and crosswalk, and two additional islands on each side of Myrtle Avenue which serve to channel left and right turning vehicles into their respective lanes. Additional street lighting was also be added for increased visibility. The project has corrected operational deficiencies and conflicts as evidenced by the complete lack of collisions in 2008. This is a decrease from eight collisions that occurred in 2007 at this intersection. The project enhancements have increased safety and level of service for motorists, pedestrians, and bicyclists.

This project was originally brought to Council on August 5, 2008, and awarded to RAO Construction, for the bid amount of $67,191, with $80,000 approved for construction contract plus contingency. During the course of the project, an executed change order of $6,744.81, which includes the additional enhancement of pedestrian activated LED signs and advance warning beacons, increased the construction amount to $73,935.81.

Staff has determined that the work specified in the contract documents has been completed in substantial conformance with the project Plans and Specifications. Therefore, staff recommends that Council accept this project and authorize the filing of a 'Notice of Completion' at the office of the County Recorder.

Prepared by: Sheila Parrott, Project Manager SP

FISCAL IMPACT:
Expenditures: $ 73,669.81
Funded by Caltrans

CE SIGN: Kurt E. Gierlich
Kurt E. Gierlich,
City Engineer

CM SIGN:
David W. Tyson,
City Manager

REVIEWED BY:	DATE:	INITIALS:
CA	2-17-09	SS
FIN	2-17-09	VW
PW	2-9-09	MK

COUNCIL ACTION:

Ordinance No. **Resolution No.**

EUREKA CITY COUNCIL

AGENDA SUMMARY

RE: RESOLUTION IN SUPPORT OF GRANT FOR REGIONAL FOOD WASTE DIVERSION FACILITY	FOR AGENDA DATE: FEBRUARY 24, 2009 AGENDA ITEM NO.: 7 *Page 1*

RECOMMENDATION:

1. Adopt Resolution in support of a grant application by the Humboldt Waste Management Authority for funding assistance toward a Regional Food Waste Digester Facility on City owned property adjacent to the Eureka Wastewater Treatment Plant.

SUMMARY OF THE ISSUE:

In 2007, the City of Eureka partnered with the Humboldt Waste Management Authority (HWMA) to prepare a feasibility study for a regional food waste diversion/digester facility. The development of this project will greatly increase Eureka's ability to divert solid waste from the waste stream, and assist the City in meeting the State's ambitious waste diversion goals. The facility is currently proposed to be located on City owned property adjacent to the Wastewater Treatment Plant (Crowley property), and HWMA is now seeking grants to provide funds for partial design and engineering costs for the facility.

On February 12, 2009, the HWMA Board authorized its staff to pursue a California Energy Commission RESCO grant for this project, as well as other grant opportunities that emerge in the coming months. The RESCO grant (Renewable Energy Secure Communities) is for $1 million, and seeks to fund integrated renewable energy projects that enable effective use of multiple local renewable energy resources. The food waste digester facility is a good fit for this grant opportunity in that it will use methane gas generated from food waste to create renewable electricity as well as incorporate all available renewable energy resources and energy efficiency measures into the project.

(*continued on next page*)

FISCAL IMPACT:

There is no direct fiscal impact associated with this Resolution in support of the grant. The City will contribute in-kind staff support (Environmental Programs) toward this grant, should it be awarded. Staff support would involve permitting and mapping assistance.

MANAGEMENT ANALYST SIGNATURE:	CITY MANAGER SIGNATURE:
Gary M. Bird *Special Projects Manager*	David W. Tyson *City Manager*

REVIEWED BY:	DATE:	INITIALS:
City Attorney	2/19	SS
Engineering	2/19	KG
Community Development	2/19	KH
Fire Dept	2/18	EMS
Finance	2/18	VW

Council Action: Ordinance No. _____ Resolution No. _____.

SUMMARY *(continued)*

HWMA and City staff believe that pursuing these grant funds can facilitate the development of the Regional Food Waste Digester facility. A Resolution in support of the RESCO grant is attached for Council approval. This grant application is due February 27. Also, the grant requires a 50% match which can be met through in-kind HWMA and City staff support (over 3 years) and the value of the Crowley property adjacent to the wastewater treatment plant, should the property eventually be permitted to enable development of the facility at that location.

The RESCO grant is a competitive grant solicitation sponsored by the California Energy Commission's Public Interest Energy Research (PIER) Renewables Program. It seeks to identify and fund three or more integrated renewable energy projects that enable the effective use of multiple local renewable energy resources as well as address barriers to the development of RESCO communities. A RESCO community is a community that is seeking to secure their energy supply from renewable energy. This grant targets communities that are aiming for zero net imported energy purchases, zero carbon emissions, and zero waste. The community applicants are expected to be comprised of interdisciplinary partnerships. HWMA has established partnerships with the local municipalities and the Redwood Coast Energy Authority.

HWMA staff is applying for the $1 million under the "Pilot Stage" category of this grant solicitation. The funding can be used for engineering and design, small equipment purchases and collection program design, and would enable HWMA to pursue the analysis of the most cost-efficient design of the facility. The Pilot stage is an opportunity to demonstrate that the project will work at a scale that has a lower capital cost, and less risk. It is also an opportunity to refine the design and plans for the regional scale system. HWMA expects to direct the grant funds toward staff time and outside consultants. HWMA will have 3 years to complete the project.

Crowley Property

The City owned Crowley property consists of roughly 12 acres and is located adjacent to the City's existing wastewater treatment plant. Roughly half of the property, located in the eastern section (furthest from the treatment plant), is currently being utilized by the city's fire department as a fire training facility. The food waste facility will be located on the westerly portion of the property adjacent to the treatment plant, and require a footprint of about 2 acres. The food waste facility can be developed so as not to impact the fire training facility. Wetland areas do exist on the property and have been mapped (2007).

Permitting

The property is currently zoned as "Coastal Dependent Industrial" and will require a rezone to "Public" for the food waste facility. A Coastal Development Permit will also be required in addition to the associated environmental reviews per CEQA. The expectation is that the entire Crowley property will be included in the rezone application to accommodate the existing fire training facility. HWMA is currently seeking other grant opportunities to assist with permitting costs and the associated consultant fees.

Draft Food Waste Diversion and Utilization Feasibility Study
The draft feasibility study was completed in January 2009 by the HWMA. The study has targeted the Crowley property as a strong candidate for the food waste facility, primarily because its location adjacent to the wastewater treatment plant will facilitate interconnection with the existing co-generation engines at the plant. The site also benefits the project because it is publicly owned.

The draft study concludes that development of a food waste facility is feasible. A copy of the Executive Summary is included in Attachment 2.

Recommendation
It is recommended that the City Council adopt the attached Resolution in support of a grant application by the Humboldt Waste Management Authority for funding assistance toward a Regional Food Waste Digester Facility on City owned property adjacent to the Eureka Wastewater Treatment Plant.

The resolution also authorizes the Crowley property as the designated location for the food waste facility, allowing the value of the property to be used toward the grant's required match conditional upon securing the necessary permits and rezone/land use approvals. In addition, the resolution authorizes staff to contribute in-kind staff support toward the project, should the grant be awarded to HMWA.

Attachments

1. Resolution
2. Executive Summary of the HWMA Food Waste Feasibility Study (2009)

RESOLUTION NO. 09 -_____.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA IN SUPPORT OF THE HUMBOLDT WASTE MANAGEMENT AUTHORITY'S APPLICATION FOR THE RENEWABLE-BASED ENERGY SECURE COMMUNITIES (RESCO) GRANT AND AUTHORIZING THE USE OF THE CROWLEY PROPERTY FOR THE PURPOSE OF THE DEVELOPMENT OF THE REGIONAL FOOD WASTE DIGESTER PROJECT

WHEREAS, Humboldt Waste Management Authority (HWMA) is developing a Regional Food Waste Digester facility that will use methane gas generated from food waste to create renewable electricity as well as incorporate all available renewable energy resources, energy efficiency measures and demand-response mechanisms; and,

WHEREAS, the California Energy Commission's Public Interest Energy Research (PIER) program is soliciting community-based projects that will enable the efficient use and integration of multiple renewable energy resources as well as address barriers to the implementation of renewable energy secure communities (RESCO) in California; and,

WHEREAS, HWMA's project will integrate multiple local renewable energy resources, create diversion from the landfill waste stream, reduce the greenhouse gas emissions associated with waste management, and reduce the use of petroleum for waste hauling; and,

WHEREAS, the California Energy Commission's RESCO grant provides financial assistance in developing community-scale integrated renewable energy projects; and,

WHEREAS, HWMA intends to use the grant, if awarded, to pursue engineering and analysis of the most cost-efficient design of the food waste facility.

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

SECTION 1
The City of Eureka hereby supports the grant application of the Humboldt Waste Management Authority to seek funding from the California Energy Commission's RESCO funds to implement the Regional Food Waste digester project identified through the Draft Food Waste Diversion and Utilization Feasibility Study.

SECTION 2
The City of Eureka hereby conditionally commits the use of the City-owned Crowley property for the development of the Regional Food Waste Digester project.

SECTION 3
The City of Eureka hereby appoints the Special Projects Manager, or designee, as agent of the City of Eureka to provide in-kind staff support and work with HWMA on the grant project should it be awarded.

THIS RESOLUTION IS HEREBY PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 24th day of February 2009, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

_____.

VIRGINIA BASS
Mayor

Attest:

_____

KATHLEEN FRANCO SIMMONS
City Clerk

Approved as to Form:

_____.

SHERYL SCHAFFNER
City Attorney

Approved for Administration:

_____.

DAVID W. TYSON
City Manager

Attachment 2

FOOD WASTE DIVERSION AND UTILIZATION FEASIBILITY STUDY

Draft Report

Funded By:

Humboldt Waste Management Authority,
City of Eureka,
City of Arcata,
Pacific Gas and Electric Company

hwma

January 2009

EXECUTIVE SUMMARY

The Humboldt Waste Management Authority (HWMA), in collaboration with the County of Humboldt, and the Cities of Eureka and Arcata, has prepared this report on the feasibility of establishing a regional food waste diversion program in Humboldt County. The Regional Food Waste Digester is a model for regionalizing a waste processing facility in order to address the diseconomies of scale often experienced by rural communities that have fewer resources with which to address environmental problems. A local organic waste processing facility will increase waste diversion from the landfills, generate renewable energy, and reduce the fiscal and environmental costs associated with waste management. Additionally, the end products from this process can be utilized as soil amendments returning valuable nutrients to the soil.

California state law AB 939 mandates that all jurisdictions in California divert 50% of their waste stream away from the landfill by the year 2000. HWMA, a Joint Powers Authority, is responsible for assisting its member jurisdictions in achieving AB 939 compliance. Although successful recycling, hazardous waste, and composting programs have been developed in the County, some cities have yet to reach the 50% diversion target. According to the CIWMB, food waste is the largest component of the remaining disposed waste stream comprising 20% of residential waste, and 34% of business waste disposed in Humboldt County (www.ciwmb.ca.gov). For the purpose of maximizing diversion, the cities and HWMA are now looking at developing a Regional Food Waste Digester.

This feasibility study involved gathering information related to the quantity of food waste in the local waste stream, the costs of the current waste management strategy, as well as the costs of diverting food waste through the anaerobic digestion process. Other elements of this study include the equipment needed to develop a food waste digester facility and the current status of food waste digester projects worldwide. As food waste digesters are a new application of a proven process, many research gaps exist. The implementation of this project will fill in some of these gaps and can serve as a demonstration for other communities considering organic waste diversion from the landfill.

A thorough economic analysis was undertaken to assess the feasibility of this project. Key results are shown in the table following this section. Economic factors taken into account include: capital costs, operation and maintenance costs, permitting requirements, engineering and site preparation costs, and well as a contingency factor to account for unforeseen costs. A life cycle cost (LCC) analyses is included to compare food waste management options over a 20 year time horizon. In this case, the LCC analysis of the food waste digester facility is compared to the LCC of continuing to haul the food waste to the out-of-County landfills (380 miles round trip). Included in the LCC analysis is the capital cost of developing the food waste digestion facility, the operating and maintenance costs, as well as the current cost of processing waste at the transfer station and the future costs of disposing waste at the landfills. The average fuel escalation rate for the last 20 years is used to estimate the future costs of long-distance waste hauling.

The results of the economic analysis indicate that the Regional Food Waste Digester project would save Humboldt County rate payers and the City of Eureka money over the lifecycle of the project when compared to the current waste management strategy. The project will generate revenues in the form of electricity sales and tip fees. Substantial savings will be accrued from offset grid electricity use at the Eureka wastewater treatment plant, as well as offset long distance waste hauling to landfills. Additional income could be generated from the sales of carbon credits once the California carbon market is established through AB 32 (the Global Warming Solutions Act of 2006). These savings will help to keep tip fee rates down over the long term.

Other benefits include the creation of jobs, savings realized by restaurants in the form of a lower disposal fee for their food waste, as well as lower costs for local grease trap pumping and disposal. Waste water treatment plants will also benefit from less fats, oils and grease entering their collection system, and this in turn will lower the public works costs associated with maintaining sewer lines.

In addition to monetary benefits, this project has substantial environmental benefits. The food waste diversion project reduces greenhouse gas emissions in three ways. First, there are emissions reductions from reduced long-haul trucking to landfills. Secondly, there are reduced emissions from the offset grid electricity use. Finally, there are substantial greenhouse gas emissions reductions when food waste is diverted from landfills. This is due to the complete capture of the methane (generated by the decomposing food waste) in the anaerobic digester system. These reductions will help all participating jurisdictions to meet future requirements for carbon emissions reductions as per AB 32. The future revenues from carbon credit sales will depend on the structure of the emerging markets.

In addition to the tangible benefits derived from this project, there are additional benefits to the community that cannot be easily monetized: First, this local waste processing facility will reduce rate payer's vulnerability to fuel price fluctuations. Also, by keeping organic waste out of the landfills, less methane and leachate will be generated decreasing landfill liability. Furthermore, more money will remain in the community through the local processing of food waste, as well as the capture of renewable energy generated from this waste. In summation, this project will contribute to the long-term sustainability of the regional community.

There are relatively few opportunities that address so many needs while simultaneously generating revenues to offset the costs of construction and daily operations. Humboldt County and California have been the leaders in progressive thinking and sustainability for many years. The Regional Food Waste Digester Facility is an opportunity to further this legacy and lead the way towards sustainable community development.

Table ES-1 Key Results

Table of Key Results		
Metric	Value	Unit
Tons of organic waste / year (including all organic waste)[1]	11,800	Tons / year
Estimated capital cost	5.1	Million $
Estimated operation and maintenance costs	618,000	$ / year
Life cycle cost of regional digester vs. current waste management	9.6 vs. 13.8	Million $ / 20 years
Tip fee of regional organic waste processing vs. current tip fee	103 vs. 129	$ / ton
Renewable energy production	25,700	ft^3 methane / year
Gross renewable electricity production	2,400	MWh / year
Net renewable energy production (25% parasitic load)	1,800	MWh / year
Offset grid electricity use at the Eureka WWTP	141,000	kWh / year
Demand charge reduction at Eureka WWTP[2]	36,800	$ / year
Renewable electricity sold to PG&E	718,500	kWh / year
Revenues from renewable energy sold to PG&E[3]	70,000	$ / year
Offset long-haul trucks[4]	433	# trucks / year
Savings from avoided long-distance waste hauling	332,800	$ / year
Carbon emissions reductions from offset long-distance hauling	122	MTCE / year
Carbon emissions reductions from offset grid electricity use	68	MTCE / year
Carbon emissions reductions from avoided landfilling	10,972	MTCE / year

[1] Includes food waste, grease trap waste and cheese whey

[2] Demand charges are a component of PG&E's E-19 Large Commercial electricity rate schedule. Demand charges are charges, in addition to a facility's electricity usage, that are based on the highest demand (kW) periods during the day. By generating electricity onsite, the magnitude of the grid demand peaks are reduced, reducing the demand charges.

[3] Based on the current feed-in tariff offered by PG&E

[4] Offset long-haul trucking refers to the food waste portion of the total organic waste tonnage only

City of Eureka ~ City Council

AGENDA SUMMARY

RE: Smoking Prohibited in Designated Recreational Areas	**FOR AGENDA DATE:** February 24, 2009 **AGENDA ITEM NO.:** 8

RECOMMENDATION:

1. Waive reading, read by title only, and introduce Bill NO. 792-C.S., an ordinance amending Eureka Municipal Code, Title IX, Chapter 97, amending Sections 97.01 and 97.04 Pertaining to Smoking Regulations

SUMMARY OF THE ISSUE:

On June 17, 2008, the City Council adopted Bill No. 790-C.S. an ordinance amending Chapter 97 of the Eureka Municipal Code (EMC) prohibiting smoking on the Boardwalk. During the discussion on this topic, several council members expressed an interest to consider additional prohibitions on smoking in public parks and recreational areas.

On July 12, 2008, the Open Space, Parks and Recreation Commission (OSPR) received a presentation from Jay McCubbrey, Tobacco Free Humboldt, regarding a program for Smoke Free Parks. After discussion, a motion was made to support no smoking in all parks and open spaces, but the motion failed by a 4 to 3 vote. At a subsequent City Council meeting, staff informed Council of the OSPR Commission's action and after further discussion, the City Council expressed an interest in considering such an ordinance regardless of the Commission's action.

FISCAL IMPACT: The estimated material cost for each sign is $50.00.

Signature: _____ **Michael Knight** Assistant City Manager-Operations	Signature: _____ **David Tyson** City Manager

REVIEWED BY:	**DATE:**	**INITIALS:**
City Attorney	2-19-09	SS
Finance Department	2-19-09	VW
Police Department	2-19-09	GN

COUNCIL ACTION: **Ordinance No.** _____	 **Resolution No.** _____

AGENDA REVIEW

RE: Smoking Prohibited in Designated Recreational Areas	FOR AGENDA DATE: February 24, 2009 AGENDA ITEM NO.:

Based on Council's direction, staff prepared a draft ordinance (Bill No. 792-C.S.) prohibiting smoking in Recreational Areas where "No Smoking" signs have been posted for City Council consideration. At the August 5, 2008, City Council meeting, staff presented Bill No. 792-C.S. in draft form for Council review and comment. Council supported the Bill but requested that the words "where children congregate" be added to the definition of Recreational Areas. Bill No. 792-C.S. has been revised to include that language.

On August 14, 2008, the Open, Space Parks and Recreation Commission considered Bill No. 792-C.S. and voted unanimously to support the City Council adopting the Bill.

In summary, Bill No. 792-C.S. amends Eureka Municipal Code (EMC) § 97.04 adding the definition of Recreational Area that reads:

RECREATIONAL AREA. *Any outdoor area, owned or operated by the City of Eureka, open to the general public for recreational purposes, regardless of any fee or age requirement, including, but not limited to: parklands, including portions of parks, picnic areas, playgrounds and areas where children congregate, or sports fields, walking paths, gardens, hiking trails, bike paths, athletic fields, skateboard parks and amusement parks.*

The draft Bill also amends EMC § 97.04 SMOKING PROHIBITED IN CERTAIN AREAS by adding item (Q) that reads:

(Q) City Council designated recreational areas where "No Smoking" signs have been posted.

The ordinance, as proposed, is broad in the definition of "Recreational Areas" but specific with the requirement for the City Council to designate Recreational Areas to be posted and enforced. By taking this approach, an ordinance amendment will not be required to add smoking prohibitions at each specific location the City Council determines should be smoke free. Instead, the City Council can monitor smoking prohibitions and add areas by directing staff to install "No Smoking" signs.

BILL NO. 792 – C.S.
ORD. NO. ___ – C.S.

AN ORDINANCE OF THE CITY OF EUREKA AMENDING EUREKA MUNICIPAL CODE TITLE IX, CHAPTER 97, AMENDING THE SECTIONS 97.01 AND 97.04 PERTAINING TO SMOKING REGULATIONS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1.

Title IX, Chapter 97, Sections 97.01 and 97.04 are hereby amended to read as follows:

SMOKING

§ 97.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BAR. An area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term ***BAR*** shall not include the restaurant dining area.

BUSINESS. Any sole proprietorship, partnership, corporation or other business entity formed, including retail establishments where goods or services are sold, as well as professional corporations and other entities under which legal, medical, dental, engineering, architectural or other professional services are delivered.

CITY FACILITIES. A space owned, leased, rented, or controlled by the City as a temporary or permanent place of employment for its employees. It includes but is not limited to portions of buildings, motor vehicles and areas outside of buildings as designated by the City Manager or his/her designee.

EMPLOYEE. Any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit. Employees include those employed full-time, part-time, temporary or contracted for from a third party.

EMPLOYER. Any person who employs the services of an individual person.

ENCLOSED. Closed in by a roof and four walls with appropriate opening for ingress and egress.

NON-PROFIT ENTITY. Any corporation, unincorporated association, or other entity created for charitable, philanthropic, educational character building, political, social or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a ***NON-PROFIT ENTITY*** within the meaning of this section.

PLACE OF EMPLOYMENT. Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to:

(1) Conference and class rooms;

(2) Employee cafeterias;

(3) Employee lounges and restrooms;

(4) Hallways;

(5) Work areas;

(6) A private residence is not a ***PLACE OF EMPLOYMENT*** unless said residence is used as a child care or health care facility;

(7) The dining area of a restaurant is not a ***PLACE OF EMPLOYMENT***;

(8) It is not the intent of this chapter to regulate governmental agencies not under the jurisdiction of the city;

(9) It is not the intent of this chapter to include nonprofit corporations, offices and other facilities maintained by public agencies which are under the jurisdiction of the city and other entities not commonly understood to be business enterprises, though frequented by the public.

PUBLIC PLACE. Any enclosed area to which the public is invited or in which the public is permitted, including but not limited to:

(1) Banks;

(2) Educational facilities;

(3) Health facilities;

(4) Public transportation facilities;

(5) Reception areas;

(6) Restaurants;

(7) Retail stores;

(8) Retail service establishments;

(9) Retail food production and marketing establishments;

(10) Waiting rooms;

(11) A private residence is not a ***PUBLIC PLACE*** unless it is used as a child care or a health care facility.

RECREATIONAL AREA. *Any outdoor area, owned or operated by the City of Eureka, open to the general public for recreational purposes, regardless of any fee or age requirement, including, but not limited to: parklands, including portions of parks, picnic areas, playgrounds and areas where children congregate, or sports fields, walking paths, gardens, hiking trails, bike paths, athletic fields, skateboard parks and amusement parks.*

RESTAURANT. Any coffee shop, cafeteria, luncheonette, tavern, cocktail lounge, or bar during the time it offers a menu, dinner theater, sandwich stand, soda fountain, private and public school cafeteria or eating

establishment, and any other eating establishment, organization, boardinghouse, or guesthouse which offers food to the public, guests or employees.

SERVICE LINE. Any indoor line area at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

SMOKING. Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant or other combustible substance in any manner or in any form.

SPORTS ARENA. Sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller or ice rinks, bowling alley and other similar places where members of the general public assemble to either engage in physical exercise, participate in athletic competition or witness sports events.

TOBACCO STORE. A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

WORK AREA or ***WORKPLACE.*** Any area of a place of employment enclosed by floor to ceiling walls in which two or more employees are assigned to perform work for an employer.

§ 97.04 SMOKING PROHIBITED IN CERTAIN AREAS.

Smoking shall be prohibited in the following areas within the city:

(A) Elevators;

(B) Buses, taxicabs, and other means of public transit under the authority of the city while within the boundaries of the county, and in ticket, boarding and waiting areas of public transit depots; provided, however, this prohibition does not prevent the establishment of separate equal sized waiting areas for smokers and nonsmokers, or establishing no more than 50% of a given waiting area as a smoking area;

(C) Public restrooms;

(D) Indoor service lines;

(E) Retail stores doing business with the general public, except areas in said stores not open to the public and all areas within retail tobacco stores;

(F) All enclosed areas available to and customarily used by the general public in all businesses or non-profit entities patronized by the public, including, but not limited to, attorney's offices and other offices, banks, or hotel and motel registration areas, provided however, this does not prevent operators of bingo games from designating not more than 75% of the seating capacity for smoking if adequate ventilation is maintained at all times. The intent is to include nonprofit corporations, offices and other facilities maintained by public agencies which are under the jurisdiction of the city and other entities not commonly understood to be business enterprises, though frequented by the public;

(G) Within all restaurants and other eating establishments, including dinner theaters, provided, however, this prohibition does not prevent the designating of a contiguous area within the restaurant that contains no more than 75% of the seating capacity of the restaurant for smoking. The nonsmoking area may be flexible as long as it is contiguous;

(H) In public area of libraries, and museums when open to the public, provided however, this prohibition does not prevent the designation of a separate room for smoking;

(I) Within any building not open to the sky which is primarily used for, or designated for the primary purpose of exhibiting any motion picture, stage drama, lecture, musical recital or other similar performance, except when smoking is part of a stage production (in which case, notice shall be made in advertising); provided however, this prohibition does not prevent designating a contiguous area containing no more than 50% of any area, commonly called a lobby, as a smoking area;

(J) Within sports areas and convention halls, except in designated smoking areas, provided, however, operators of bowling alleys may allow smoking in not more than 50% of the bowling area, and in not more than 25% of the seating area in all other areas;

(K) Within every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the city during such time as a public meeting is in progress;

(L) Waiting rooms, hallways, wards and semiprivate rooms of health facilities, including but not limited to hospitals, clinics, physical therapy facilities, doctors' and dentists' offices, except in separate designated smoking areas;

(M) In bed space areas utilized for two or more patients, smoking shall be prohibited unless all patients within the room are smokers and request in writing upon the health facility's admission forms to be placed in a room where smoking is permitted;

(N) Retail grocery stores, in compliance with state law, Cal. Health & Safety Code, § 118915;

(O) Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

(P) In all City buildings and facilities.

(Q) City Council designated recreational areas where no-smoking signs have been posted.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ___ day of _____, 2009, by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

_____
Mike Jones, Mayor Pro Tem

The above ordinance was submitted to me on the ____ day of _____, 2009, and I hereby approve the same.

_____
Virginia Bass, Mayor

Approved as to Administration:

_____
David W. Tyson, City Manager

Approved as to form:

_____
Sheryl Schaffner, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the____ day of _____, 2009.

_____

Kathleen L. Franco Simmons, City Clerk

AGENDA SUMMARY

RE:	Amending Eureka Municipal Code Title IX: General Regulations Chapter 90 – Abandoned Vehicles.	**For Agenda Date:** **February 24, 2009** **Agenda Item No.:** 9

RECOMMENDATION:

Bill No. 805-C.S.: Abandoned, oversized, non-motorized, and recreational vehicles. Waive reading, read by title only, and introduce Bill No. 805-C.S., amending Chapter 90 of the Eureka Municipal Code relating to the parking of abandoned, oversized, non-motorized, and recreational vehicles.

SUMMARY OF THE ISSUE:
Eureka Municipal Code Chapter 90 currently prohibits the parking of abandoned vehicles as described in Section 90.15. Staff recommends amending this ordinance to include prohibiting the parking of vehicles described in Section 90.16 from parking within the city limits of Eureka except in Limited Industrial and General Industrial Districts. The proposed amendment also provides for exemptions to this code, and a process for individuals to obtain 24 hour, daily use, medical, and construction permits from the Chief of Police.

It is also recommended that Section 90.16 be amended to include " Successive acts of parking within two-tenths of a mile area shall be presumed to be a single act of parking for the purposes of this ordinance."

Continued on next page...

FISCAL IMPACT: If adopted, this amendment would generate an unknown amount of revenue from parking fines.

DH SIGN: _____
Garr Nielsen
Chief of Police

CM SIGN: _____
David W. Tyson
City Manager

REVIEWED BY:	**DATE:**	**INITIALS:**
City Attorney	2/19/09	S/KAS
Finance	2/18/09	VW/KAS

COUNCIL ACTION:

Ordinance No. _____ **Resolution No.** _____

AGENDA SUMMARY

RE: Amending Eureka Municipal Code Title IX: General Regulations Chapter 90 – Abandoned Vehicles	FOR AGENDA DATE: Feb. 24, 2009 AGENDA ITEM NO.:

Continued from previous page...

ATTACHMENTS:

Attachment 1: Summary of Revisions

Attachment 2: Bill No. 805-C.S., "An Ordinance of the City Council of the City of Eureka Amending Eureka Municipal Code Section 1, Title 9, Chapter 90: Abandoned Vehicles".

Attachment 1
Summary of Revisions

(Text proposed for removal appears in ~~strikethrough~~; added text appears in **bold underline**.)

CHAPTER 90: ABANDONED **AND RECREATIONAL VEHICLES**

General Provisions

90.01 Definitions

90.02 Findings

90.03 Provisions supplementary to other laws

Prohibitions

90.15 Abandonment prohibited

90.16 Use of alley, street or public parking lot for storage of vehicles

90.17 Permits

Administration and Enforcement

90.30 Enforcement by Chief of Police

90.31 Authority of peace officer or city employee to remove vehicles

90.32 Authority of contractor to remove abandoned vehicle

90.33 Right of entry

90.34 Abatement and removal procedures

90.35 Storage of vehicles

90.36 Notice and hearing for low value vehicles

90.37 Disposition; prohibition against reconstruction

90.38 Notice to Department of Motor Vehicles, California Highway Patrol

90.39 City administrative costs

90.99 Penalty

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. Shall mean and include the following:

(1) *PUBLIC NUISANCE VEHICLE.* Any vehicle or parts thereof, that is abandoned, wrecked, dismantled or inoperative, that is left on public or private property, not including highways; and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or, jeopardizes health, safety and general welfare.

(2) *ABANDONED VEHICLE.* A vehicle is "abandoned" if it is left on a highway, public property, or private property in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded.

In reference to highways, "abandonment is presumed to have occurred if a vehicle is left 72 hours or more on the highway, or is parked, resting or otherwise immobilized on any highway or public right-of-way; and lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway. Such vehicles are presumed to be a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee.

(3) *WRECKED VEHICLE.* Any vehicle that is damaged to such an extent that it cannot be operated upon the highway. A vehicle which has been wrecked in a traffic accident, and which has been removed from the roadway to a storage facility, but which has not been claimed by its owner will not be considered an abandoned vehicle.

(4) *DISMANTLED VEHICLE.* Any vehicle that is partially or wholly disassembled.

(5) *INOPERATIVE VEHICLE.* Any motor vehicle that cannot be moved under its own power.

***AXLE.* A structure or portion of a structure consisting of one or more shafts, spindles, or bearings in the same vertical transverse plane by means of which, in conjunction with wheels mounted on said shafts, spindles, or bearings, a portion of the weight of a vehicle and its load, if any, is continuously transmitted to the roadway when the vehicle is in motion.**

***BUS.* (a) Except as provided in subdivision (b), a bus is any vehicle, including a trailer bus, designed, used, or maintained for carrying more than 15 persons including the driver.**

(b) A vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus.

(c) This section does not alter the definition of a schoolbus, school pupil activity bus, general public paratransit vehicle, farm labor vehicle, or youth bus.

(d) A vanpool vehicle is not a bus.

CAMPER. **A structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes. A camper having one axle shall not be considered a vehicle.**

EMPLOYEE. A city employee designated by the Chief of Police.

HIGHWAY. A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular traffic. Highway includes a street, and all or any part of the entire width of the right-of-way of said highway.

MOTOR VEHICLE. **A vehicle that is self-propelled. Motor Vehicle does not include a self-propelled wheelchair, motorized tricycle, or motorized quadricycle, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian. For purposes of Chapter 6 (commencing with Section 3000) of Division 2, "motor vehicle" includes a recreational vehicle as that term is defined in subdivision (a) of Section 18010 of the Health and Safety Code, but does not include a truck camper.**

MOTOR TRUCK **or** ***MOTORTRUCK.*** **A motor vehicle designed, used, or maintained primarily for the transportation of property.**

PEACE OFFICER. An individual as defined in Cal. Penal Code, Chapter 4.5 (commencing with section 830) of Title 3 of Part 2.

RECREATIONAL VEHICLE **means both of the following:**

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer, as defined in Section 18009.3.

SEMITRAILER. **A vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.**

TRAILER COACH. **A vehicle, other than a motor vehicle, designed for human habitation or human occupancy for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle. A "park trailer," as described in Section 18009.3 of the Health and Safety Code, is a trailer coach.**

TRUCK TRACTOR. **(a) A motor** vehicle **designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of the weight of the** vehicle **and the load so drawn. As used in this section, "load" does not include items carried on the truck tractor in conjunction with the operation of the vehicle if the load carrying space for these items does not exceed 34 square feet.**

(b) Notwithstanding subdivision (a), a truck tractor, operated by a motor carrier whose owner is licensed by the Department of the California Highway Patrol to transport explosives pursuant to Division 14 (commencing with Section 31600), may be equipped with a cargo container used exclusively for the transportation of explosives or munitions-related security material, as specified by the United States Department of Defense.

VEHICLE. A device in, upon, or by which any person or property is or may be propelled, moved or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

('63 Code, § 3-10.01) (Ord. 542-C.S., passed 4-2-92)

§ 90.02 FINDINGS.

In addition to and in accordance with the determination made and the authority granted by the state under Cal. Veh. Code, § 22660 to remove abandoned, wrecked, dismantled or inoperative vehicles or parts as public nuisances, the City Council makes the following findings and declarations:

(A) The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts, on private or public property, including highways, creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, creates a harborage for rodents and insects and is injurious to the health, safety and general welfare.

(B) Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts, on private or public property, including highways, is declared to constitute a nuisance which may be abated in accordance with the provisions of this chapter.

('63 Code, § 3-10.02) (Ord. 542-C.S., passed 4-2-92)

§ 90.03 PROVISIONS SUPPLEMENTARY TO OTHER LAWS.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles. It shall supplement and be in addition to other regulatory codes, statutes and ordinances enacted by the city, county, state, or other legal entity or agency having jurisdiction.

('63 Code, § 3-10.11) (Ord. 542-C.S., passed 4-2-92)

PROHIBITIONS

§ 90.15 ABANDONMENT PROHIBITED.

(A) No person shall abandon a vehicle upon any highway. (Cal. Veh. Code, § 22523)

(B) No person shall park or leave a vehicle on a highway for 72 consecutive hours or more. (Cal. Veh. Code, § 22651(k))

(C) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. (Cal. Veh. Code, § 22523)

('63 Code, § 3-10.03) (Ord. 542-C.S., passed 4-2-92) Penalty, see § 90.99

§ 90.16 USE OF ALLEY, STREET OR PUBLIC PARKING LOT FOR STORAGE OF VEHICLES.

(A) No person who owns or has possession, custody or control of any vehicle shall park, store or leave or permit the parking, storing or leaving of any licensed or unlicensed vehicle on any alley, street, or public parking lot for more than a consecutive period of 72 hours. **Successive acts of parking within a two-tenths of a mile area shall be presumed to be a single act of parking for purposes of this ordinance.**

Except as otherwise provided by law or this chapter, the following vehicles may only be parked in Limited Industrial Districts and General Industrial Districts.

(a) Any motor vehicle over twenty (20) feet long measured from the extreme forward point to the extreme rear point, including extensions;

(b) Any motor vehicle, over ninety-six (96) inches wide, measured at its widest point excluding side-view mirrors or similar extensions, designed, used or maintained for the transportation of property;

(c) Any motor vehicle, including buses, motor trucks, trailers, semitrailers, trailer coaches, or truck tractors as defined in the Vehicle Code, over ninety-six (96) inches wide, measured at its widest point excluding side-view mirrors or similar extensions, designed, used or maintained for the transportation of property;

(d) Any motor vehicle which is designed, used or maintained as an implement of husbandry or a special purpose or equipment machine;

(e) Any non-motorized vehicle, such as a semitrailer, trailer, trailer coach, utility trailer, two or more axle camper, or a one-axle camper, which has been detached from its drawing vehicle; or

(f) Any "recreational vehicle (RV)", over twenty (20) feet long measured from the extreme forward point to the extreme rear point, including extensions. The term

"recreational vehicle (RV)" shall have the same meaning as set forth in California Health and Safety Code Section 18010 or successor statute.

Recreational vehicle parking permits.

(a) The Chief of Police may issue a temporary permit for the overnight parking of a recreational vehicle prohibited by this chapter if there is a finding that the vehicle is used on a daily basis and on-premise parking is not reasonably available. Recreational Vehicle parking permits are obtained by a resident prior to the date and time the vehicle is parked. A permit issued based on this finding shall not be valid for longer than six months.

(b) The Chief of Police may issue a temporary permit to persons who demonstrate by way of written statement from a licensed medical doctor, that the recreational vehicle prohibited by this chapter must be kept near a residence for medical reasons.

Exceptions. Section 90.16 shall not apply to the following:

(a) Recreational vehicles as defined in California Health and Safety Code Section 18010, or unattached boat or personal water craft trailer, parked for the purpose of loading, or other short term use, provided that a permit has been issued in advance by the Chief of Police. A permit may be issued for loading, unloading, or other short-term use not to exceed twenty-four hours, provided that:

1. no more than sixteen (16) such periods are allowed in a calendar month; and
2. no more than eight days consecutively; and
3. no more than one hundred forty-four days in any twelve (12) month period.

Such parking shall be limited to the area in front of the residence from which the loading or unloading will occur, or in reasonable proximity thereto if the front of the residence is not available for parking.

(b) Nothing in this ordinance shall be construed to permit sleeping in a vehicle prohibited by Section 130.02 of the Eureka Municipal Code.

(c) A permit may be issued for any oversized motor vehicle parked while used in performing or assisting in performing services or repairs on residential property. The permit will be valid for 45 days and will be renewed only upon proof that the vehicle is continuing to be used in performing the services described herein.

(d) Any oversized motor vehicle which is parked for not more than twenty-four (24) consecutive hours to make emergency repairs to such vehicle. Nothing herein shall be construed to permit violation of any restriction on vehicle repair elsewhere in the Eureka Municipal Code.

(e) Any non-motorized vehicle, such as a semitrailer, trailer, trailer coach, utility trailer, two or more axle camper, or a one-axle camper which has been detached from its drawing vehicle parked for a period not to exceed four (4) hours in any area other than a residential district. Successive acts of parking within a two-tenths of a mile area shall be presumed to be a single act of parking for purposes of this ordinance.

(f) Any recreational vehicle parked in reasonable proximity to a park between the hours of 6 a.m. and 9 p.m.

(B) The Chief of Police shall develop, maintain and keep current a written policy designed to provide due process in accordance with Cal. Veh. Code sections governing the towing of vehicles and due and timely noticing of persons who own or have possession, custody or control of any vehicle subject to being towed and stored under authority of this section.

('63 Code, § 3-10.22) (Ord. 572-C.S., passed 8-4-94) Penalty, see § 90.99

§ 90.17 PERMITS.
24 Hrs

Up to sixteen (16) RV parking permits are allowed per resident per month. No more than eight (8) parking can be linked together consecutively. The maximum permit days per year is 144. Permits are limited to the area in front of the residence or in reasonable proximity when the front of the residence is not available.

Daily Use

The Chief of Police may issue a temporary permit for overnight parking of a recreational vehicle if there is a finding that the vehicle is used on a daily basis and on-premise parking is not reasonably available. A permit issued based on this finding shall not be valid for longer than six (6) months. Pending review of your "reason for permit," you will be temporarily granted a seven (7) day permit. You will be notified by either e-mail or phone should additional justification be required, or if your application is approved, modified or denied.

Medical

The Chief of Police may issue a temporary permit to persons who demonstrate by way of written statement from a licensed medical doctor, that the recreational vehicle must be kept near a residence for medical reasons. Pending final approval of your application you will be granted a temporary ten (10) day permit. You are required to have a licensed medical doctor complete the attached application form and return the form to the Eureka Police Department within this ten (10) day time period. You will be notified by either e-mail or phone should additional justification be required, or if your application is approved, modified or denied.

Construction

A permit may be issued for any oversized motor vehicle parked while used in performing or assisting in performing services or repairs on residential property. The permit will be valid for up to forty-five (45) days and will be renewed only upon proof that the vehicle is continuing to be used in performing the services described herein. Pending final approval of your "reason for permit," you will be granted a temporary seven (7) day permit. You will be notified by either e-mail or phone should additional justification be required, or if your application is approved, modified or denied.

ADMINISTRATION AND ENFORCEMENT

§ 90.30 ENFORCEMENT BY CHIEF OF POLICE.

Except as otherwise provided in this chapter or by law, the provisions of this chapter shall be administered and enforced by the Chief of Police or employees designated in writing by the Chief of Police.

('63 Code, § 3-10.04) (Ord. 542-C.S., passed 4-2-92)

§ 90.31 AUTHORITY OF PEACE OFFICER OR CITY EMPLOYEE TO REMOVE VEHICLES.

(A) Any peace officer or any other employee, in the territorial limits in which the officer or employee is authorized to act, who has reasonable grounds to believe that a vehicle has been abandoned, may remove the vehicle from a highway or from public or private property. ('63 Code, § 3-10.05)

(B) Any peace officer may remove a vehicle located within the territorial limits in which the officer or employee may act, when any vehicle is abandoned, parked or left standing upon a highway for 72 hours or more consecutive hours. ('63 Code, § 3-10.06)

(C) Motor vehicles which are abandoned, parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state are a public nuisance and may be removed immediately upon discovery by a peace officer or employee. ('63 Code, § 3-10.07)

(Cal. Veh. Code §§ 22669, 22651(k)) (Ord. 542-C.S., passed 4-2-92)

§ 90.32 AUTHORITY OF CONTRACTOR TO REMOVE ABANDONED VEHICLE.

Any person performing a franchise or contract awarded pursuant to Cal. Veh. Code § 22710 subdivision (a), may remove a vehicle from a highway or from public or private property, after a determination by a peace officer or other employee, that the vehicle is abandoned, as determined pursuant to Cal. Veh. Code § 22523.

('63 Code, § 3-10.08) (Ord. 542-C.S., passed 4-2-92)

Statutory reference:

Statutory authority, see Cal. Veh. Code § 22669

§ 90.33 RIGHT OF ENTRY.

(A) In the enforcement of this chapter, the Chief of Police and his designated employees may enter upon private property for the purposes specified in this chapter to examine a vehicle or parts thereof, obtain information as to the identity of a vehicle, and remove or cause the removal of a vehicle or part thereof declared a nuisance pursuant to this chapter. ('63 Code, § 3-10.09)

(B) When the City Council has contracted with or granted a franchise to any person or persons for the abatement of abandoned vehicles, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts declared to be a nuisance pursuant to this chapter. ('63 Code, § 3-10.10)

(Ord. 542-C.S., passed 4-2-92)

Statutory reference:

Statutory authority, see Cal. Veh. Code, § 22663

§ 90.34 ABATEMENT AND REMOVAL PROCEDURES.

(A) Upon discovery on public or private property, excluding a highway, of an abandoned vehicle or a vehicle which lacks an engine, transmission, wheels, tires, doors, windshield, or other major part or equipment necessary to operate safely on the highway, the Chief of Police shall have the authority to cause the abatement and removal of said vehicle in accordance with the procedure prescribed in this section.

(B) Except as otherwise provided by law or this chapter, not less than a ten-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance shall be issued for a vehicle abandoned on public or private property, excluding a highway, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof, except as provided in Cal. Veh. Code § 22661(c).

(C) The ten-day notice of intention to abate and remove a vehicle or part thereof, when required by this chapter, shall contain a statement of hearing rights of the owner of the property on which the vehicle is located and of the owner of the vehicle. The statement shall include notice to the property owner that he (or she) may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his (or her) reason for such

denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the

last registered and legal owners of record unless the vehicle is in such condition that the identification numbers are not available to determine ownership.

(D) A request for a hearing shall be made to the Chief of Police within ten days after the mailing of notice of intention to abate and remove the vehicle or at the time of signing a release.

(E) Upon a request for a hearing by the owner of the vehicle or the owner of the land upon which such vehicle is located, a public hearing shall be held before the Chief of Police or his designee.

(F) If such a request is not received within such period, the appropriate public body, agency, or officer shall have the authority to remove the vehicle.

(G) The Chief of Police or his designee shall hear all facts and testimony it deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or parts, and the circumstances concerning its location on the private property or public property. The Chief of Police or his designee shall not be limited by the technical rules of evidence.

(H) The owner of the land on which the vehicle is located is authorized to appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his (or her) reason for such denial.

(I) If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he (or she) has not subsequently acquiesced in its presence, then the local authority shall not assess costs of administration or removal of the vehicle against the property on which the vehicle is located or otherwise attempt to collect such cost from the owner.

(J) If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his (or her) land within such time period, this statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request.

(K) The Chief of Police or his designee may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle, or parts, if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the Chief of Police or his designee may find that a vehicle, or parts, has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same be removed from the property as a public nuisance and disposed of as provided in this chapter and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts and correct identification number and license number of the vehicle, if available.

(L) Any interested party may appeal the decision of the Chief of Police or his designee by filing a written notice of appeal with the City Council within five days after his decision. Such appeal shall be heard by the City Council which may affirm, amend or reverse the order or take other action deemed appropriate. The Clerk shall give written notice of the time and place of the

hearing to the appellant, to the owner of the land, and the owner of the vehicle. In conducting the hearing, the City Council shall not be limited to the technical rules of evidence.

(M) This section shall not apply to a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junk yard.

(Cal. Veh. Code, § 22661) ('63 Code, § 3-10.12) (Ord. 542-C.S., passed 4-2-92)

§ 90.35 STORAGE OF VEHICLES.

(A) Whenever a peace officer or employee removes a vehicle from a highway, or from public or private property, unless otherwise provided, he shall take the vehicle to the nearest garage or other place of safety or to a garage designated by the city, where the vehicle shall be placed in storage. (Cal. Veh. Code, § 22850)

(B) At the time of removal, the officer or employee shall determine the amount of mileage on the vehicle. (Cal. Veh. Code, § 22850)

(C) A vehicle placed in storage shall be released to the owner or person in control of the vehicle only if the owner or person furnishes, to the law enforcement agency or employee who placed the vehicle in storage, satisfactory proof of current vehicle registration. The agency which caused the vehicle to be stored may, in its discretion, issue a notice to appear for the registration violation, if the two days immediately following the day of impoundment are weekend days or holidays. (Cal. Veh. Code, § 22850.3)

('63 Code, § 3-10.13)

(D) Whenever a peace officer or employee directs the storage of any vehicle, the vehicle's registered and legal owners of record, or their agents, shall be given notice and the opportunity for a post-storage hearing if required by Cal. Veh. Code § 22852. ('63 Code, § 3-10.15)

(Ord. 542-C.S., passed 4-2-92)

§ 90.36 NOTICE AND HEARING FOR LOW VALUE VEHICLES.

If a vehicle is determined to have a value not exceeding $300, a peace officer or employee shall provide notice and the opportunity for a hearing in accordance with Cal. Veh. Code §§ 22851.2 through 22851.12.

('63 Code, § 3-10.14) (Ord. 542-C.S., passed 4-2-92)

§ 90.37 DISPOSITION; PROHIBITION AGAINST RECONSTRUCTION.

(A) Vehicles or parts thereof may be disposed of by removal to a scrap yard, automobile dismantler's yard, or other suitable site. (Cal. Veh. Code, § 22662) ('63 Code, § 3-10.16)

(B) After a vehicle has been removed, it shall not be reconstructed or be made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Cal. Veh. Code § 5004, in which case the vehicle may be reconstructed or made operable. (Cal. Veh. Code § 22661(f)) ('63 Code, § 3-10.17)

(Ord. 542-C.S., passed 4-2-92)

§ 90.38 NOTICE TO DEPARTMENT OF MOTOR VEHICLES, CALIFORNIA HIGHWAY PATROL.

(A) Notice shall be given to the Department of Motor Vehicles within five days after the date of removal, identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates. (Cal. Veh. Code, § 22661(a)) ('63 Code, § 3-10.18)

(B) An employee, other than a peace officer or employee of a sheriffs department, designated to remove vehicles pursuant to Cal. Veh. Code, § 22669 may do so after he or she has mailed or personally delivered a written report identifying the vehicle and its location to the Department of California Highway Patrol located nearest to the vehicle. (Cal. Veh. Code, § 22669) ('63 Code, § 3-10.19)

(Ord. 542-C.S., passed 4-2-92)

§ 90.39 CITY ADMINISTRATIVE COSTS.

(A) The last registered owner of record is responsible for abandonment and is thereby liable for the cost of removal and disposition of the vehicle. The City Council, by resolution, shall from time to time determine and fix an amount to be assessed as vehicle abatement administrative, hearing and appeal costs. The cost in the resolution shall not include costs and expenses which are not incurred by the city. ('63 Code, § 3-10.20)

(B) If the administrative, hearing and appeal costs and the cost of removal which are charged against the owner of a parcel of land pursuant to division (A) above are not paid within 30 days of the date of the order, or the final disposition of an appeal therefrom, a statement of these charges shall be sent to the owner by the city. If not paid, such costs shall be assessed against the owner's parcel of land pursuant to Cal. Gov't Code § 25845 and shall be transmitted to the tax collector for collection. The assessment shall have the same priority of other taxes. ('63 Code, § 3-10.21)

(Ord. 542-C.S., passed 4-2-92)

§ 90.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise specifically provided, shall be subject to the penalty contained in § 10.99.

(B) A person convicted of a violation of § 90.15 shall pay a penalty set forth in § 10.99, and in addition, such person shall provide proof that the costs of removal and disposition of the vehicle have been paid. No part of any fine imposed shall be suspended. (Cal. Veh. Code § 22523)

(C) Proof that the cost of removal and disposition of the vehicle have been paid shall not be required if proof is provided to the court that the vehicle was stolen prior to abandonment. That proof may consist of a police report or other evidence acceptable to the court.

('63 Code, § 3-10.03) (Ord. 542-C.S., passed 4-2-92)

Statutory reference:

Statutory authority, see Cal. Veh. Code §§ 22523, 22651(k)

Attachment 2

An Ordinance of the City Council of the City of Eureka Amending Eureka Municipal Code Section 1, Title 9, Chapter 90: Abandoned Vehicles.

Be it ordained by the City Council of the City of Eureka as follows: Section 1: Title 9, Chapter 90 of the Eureka Municipal Code is hereby introduced as follows:

CHAPTER 90: ABANDONED AND RECREATIONAL VEHICLES

General Provisions

90.01 Definitions

90.02 Findings

90.03 Provisions supplementary to other laws

Prohibitions

90.15 Abandonment prohibited

90.16 Use of alley, street or public parking lot for storage of vehicles

90.17 Permits

Administration and Enforcement

90.30 Enforcement by Chief of Police

90.31 Authority of peace officer or city employee to remove vehicles

90.32 Authority of contractor to remove abandoned vehicle

90.33 Right of entry

90.34 Abatement and removal procedures

90.35 Storage of vehicles

90.36 Notice and hearing for low value vehicles

90.37 Disposition; prohibition against reconstruction

90.38 Notice to Department of Motor Vehicles, California Highway Patrol

90.39 City administrative costs

90.99 Penalty

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED VEHICLE. Shall mean and include the following:

(1) ***PUBLIC NUISANCE VEHICLE.*** Any vehicle or parts thereof, that is abandoned, wrecked, dismantled or inoperative, that is left on public or private property, not including highways; and that creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance endangering the health and safety of minors, harbors rodents and insects, or, jeopardizes health, safety and general welfare.

(2) ***ABANDONED VEHICLE.*** A vehicle is "abandoned" if it is left on a highway, public property, or private property in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded.

In reference to highways, "abandonment is presumed to have occurred if a vehicle is left 72 hours or more on the highway, or is parked, resting or otherwise immobilized on any highway or public right-of-way; and lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highway. Such vehicles are presumed to be a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee.

(3) ***WRECKED VEHICLE.*** Any vehicle that is damaged to such an extent that it cannot be operated upon the highway. A vehicle which has been wrecked in a traffic accident, and which has been removed from the roadway to a storage facility, but which has not been claimed by its owner will not be considered an abandoned vehicle.

(4) ***DISMANTLED VEHICLE.*** Any vehicle that is partially or wholly disassembled.

(5) ***INOPERATIVE VEHICLE.*** Any motor vehicle that cannot be moved under its own power.

AXLE. A structure or portion of a structure consisting of one or more shafts, spindles, or bearings in the same vertical
transverse plane by means of which, in conjunction with wheels mounted on said shafts, spindles, or bearings, a portion of the weight of a vehicle and its load, if any, is continuously transmitted to the roadway when the vehicle is in motion.

BUS. (a) Except as provided in subdivision (b), a bus is any vehicle, including a trailer bus, designed, used, or maintained for carrying more than 15 persons including the driver.

(b) A vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus.

(c) This section does not alter the definition of a schoolbus, school pupil activity bus, general public paratransit vehicle, farm labor vehicle, or youth bus.

(d) A vanpool vehicle is not a bus.

CAMPER. A structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes. A camper having one axle shall not be considered a vehicle.

EMPLOYEE. A city employee designated by the Chief of Police.

HIGHWAY. A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular traffic. Highway includes a street, and all or any part of the entire width of the right-of-way of said highway.

MOTOR VEHICLE. A vehicle that is self-propelled. Motor Vehicle does not include a self-propelled wheelchair, motorized tricycle, or motorized quadricycle, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian. For purposes of Chapter 6 (commencing with Section 3000) of Division 2, "motor vehicle" includes a recreational vehicle as that term is defined in subdivision (a) of Section 18010 of the Health and Safety Code, but does not include a truck camper.

MOTOR TRUCK* or *MOTORTRUCK. A motor vehicle designed, used, or maintained primarily for the transportation of property.

PEACE OFFICER. An individual as defined in Cal. Penal Code, Chapter 4.5 (commencing with section 830) of Title 3 of Part 2.

RECREATIONAL VEHICLE means both of the following:

(a) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, that meets all of the following criteria:

(1) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(2) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(3) It is built on a single chassis.

(4) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(b) A park trailer, as defined in Section 18009.3.

SEMITRAILER. A vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

TRAILER COACH. A vehicle, other than a motor vehicle, designed for human habitation or human occupancy for industrial, professional, or commercial purposes, for carrying property on its own structure, and for being drawn by a motor vehicle. A "park trailer," as described in Section 18009.3 of the Health and Safety Code, is a trailer coach.

TRUCK TRACTOR. (a) A motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of the weight of the vehicle and the load so drawn. As used in this section, "load" does not include items carried on the truck tractor in conjunction with the operation of the vehicle if the load carrying space for these items does not exceed 34 square feet.

(b) Notwithstanding subdivision (a), a truck tractor, operated by a motor carrier whose owner is licensed by the Department of the California Highway Patrol to transport explosives pursuant to Division 14 (commencing with Section 31600), may be equipped with a cargo container used exclusively for the transportation of explosives or munitions-related security material, as specified by the United States Department of Defense.

VEHICLE. A device in, upon, or by which any person or property is or may be propelled, moved or drawn upon a highway, excepting a device moved by human power or used exclusively upon stationary rails or tracks.

('63 Code, § 3-10.01) (Ord. 542-C.S., passed 4-2-92)

§ 90.02 FINDINGS.

In addition to and in accordance with the determination made and the authority granted by the state under Cal. Veh. Code, § 22660 to remove abandoned, wrecked, dismantled or inoperative vehicles or parts as public nuisances, the City Council makes the following findings and declarations:

(A) The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts, on private or public property, including highways, creates a condition tending to reduce the value of private property, promotes blight and deterioration, invites plundering, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, creates a harborage for rodents and insects and is injurious to the health, safety and general welfare.

(B) Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts, on private or public property, including highways, is declared to constitute a nuisance which may be abated in accordance with the provisions of this chapter.

('63 Code, § 3-10.02) (Ord. 542-C.S., passed 4-2-92)

§ 90.03 PROVISIONS SUPPLEMENTARY TO OTHER LAWS.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles. It shall supplement and be in addition to other regulatory codes, statutes and ordinances enacted by the city, county, state, or other legal entity or agency having jurisdiction.

('63 Code, § 3-10.11) (Ord. 542-C.S., passed 4-2-92)

PROHIBITIONS

§ 90.15 ABANDONMENT PROHIBITED.

(A) No person shall abandon a vehicle upon any highway. (Cal. Veh. Code, § 22523)

(B) No person shall park or leave a vehicle on a highway for 72 consecutive hours or more. (Cal. Veh. Code, § 22651(k))

(C) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. (Cal. Veh. Code, § 22523)

('63 Code, § 3-10.03) (Ord. 542-C.S., passed 4-2-92) Penalty, see § 90.99

§ 90.16 USE OF ALLEY, STREET OR PUBLIC PARKING LOT FOR STORAGE OF VEHICLES.

(B) No person who owns or has possession, custody or control of any vehicle shall park, store or leave or permit the parking, storing or leaving of any licensed or unlicensed vehicle on any alley, street, or public parking lot for more than a consecutive period of 72 hours. Successive acts of parking within a two-tenths of a mile area shall be presumed to be a single act of parking for purposes of this ordinance.

Except as otherwise provided by law or this chapter, the following vehicles may only be parked in Limited Industrial Districts and General Industrial Districts.

(a) Any motor vehicle over twenty (20) feet long measured from the extreme forward point to the extreme rear point, including extensions;

(b) Any motor vehicle, over ninety-six (96) inches wide, measured at its widest point excluding side-view mirrors or similar extensions, designed, used or maintained for the transportation of property;

(c) Any motor vehicle, including buses, motor trucks, trailers, semitrailers, trailer coaches, or truck tractors as defined in the Vehicle Code, over ninety-six (96) inches wide, measured at its widest point excluding side-view mirrors or similar extensions, designed, used or maintained for the transportation of property;

(d) Any motor vehicle which is designed, used or maintained as an implement of husbandry or a special purpose or equipment machine;

(e) Any non-motorized vehicle, such as a semitrailer, trailer, trailer coach, utility trailer, two or more axle camper, or a one-axle camper, which has been detached from its drawing vehicle; or

(f) Any "recreational vehicle (RV)", over twenty (20) feet long measured from the extreme forward point to the extreme rear point, including extensions. The term "recreational vehicle (RV)" shall have the same meaning as set forth in California Health and Safety Code Section 18010 or successor statute.

Recreational vehicle parking permits.

(a) The Chief of Police may issue a temporary permit for the overnight parking of a recreational vehicle prohibited by this chapter if there is a finding that the vehicle is used on a daily basis and on-premise parking is not reasonably available. Recreational Vehicle parking permits are obtained by a resident prior to the date and time the vehicle is parked. A permit issued based on this finding shall not be valid for longer than six months.

(c) The Chief of Police may issue a temporary permit to persons who demonstrate by way of written statement from a licensed medical doctor, that the recreational vehicle prohibited by this chapter must be kept near a residence for medical reasons.

Exceptions. Section 90.16 shall not apply to the following:

(a) Recreational vehicles as defined in California Health and Safety Code Section 18010, or unattached boat or personal water craft trailer, parked for the purpose of loading, or other short term use, provided that a permit has been issued in advance by the Chief of Police. A permit may be issued for loading, unloading, or other short-term use not to exceed twenty-four hours, provided that:

1. no more than sixteen (16) such periods are allowed in a calendar month; and
2. no more than eight days consecutively; and
3. no more than one hundred forty-four days in any twelve (12) month period.

Such parking shall be limited to the area in front of the residence from which the loading or unloading will occur, or in reasonable proximity thereto if the front of the residence is not available for parking.

(b) Nothing in this ordinance shall be construed to permit sleeping in a vehicle prohibited by Section 130.02 of the Eureka Municipal Code.

(c) A permit may be issued for any oversized motor vehicle parked while used in performing or assisting in performing services or repairs on residential property. The permit will be valid for 45 days and will be renewed only upon proof that the vehicle is continuing to be used in performing the services described herein.

(d) Any oversized motor vehicle which is parked for not more than twenty-four (24) consecutive hours to make emergency repairs to such vehicle. Nothing herein shall be construed to permit violation of any restriction on vehicle repair elsewhere in the Eureka Municipal Code.

(e) Any non-motorized vehicle, such as a semitrailer, trailer, trailer coach, utility trailer, two or more axle camper, or a one-axle camper which has been detached from its drawing vehicle parked for a period not to exceed four (4) hours in any area other than a residential district. Successive acts of parking within a two-tenths of a mile area shall be presumed to be a single act of parking for purposes of this ordinance.

(f) Any recreational vehicle parked in reasonable proximity to a park between the hours of 6 a.m. and 9 p.m.

(B) The Chief of Police shall develop, maintain and keep current a written policy designed to provide due process in accordance with Cal. Veh. Code sections governing the towing of vehicles and due and timely noticing of persons who own or have possession, custody or control of any vehicle subject to being towed and stored under authority of this section.

('63 Code, § 3-10.22) (Ord. 572-C.S., passed 8-4-94) Penalty, see § 90.99

§ 90.17 PERMITS.

24 Hrs

Up to sixteen (16) RV parking permits are allowed per resident per month. No more than eight (8) parking can be linked together consecutively. The maximum permit days per year is 144. Permits are limited to the area in front of the residence or in reasonable proximity when the front of the residence is not available.

Daily Use

The Chief of Police may issue a temporary permit for overnight parking of a recreational vehicle if there is a finding that the vehicle is used on a daily basis and on-premise parking is not reasonably available. A permit issued based on this finding shall not be valid for longer than six (6) months. Pending review of your "reason for permit," you will be temporarily granted a seven (7) day permit. You will be notified by either e-mail or phone should additional justification be required, or if your application is approved, modified or denied.

Medical

The Chief of Police may issue a temporary permit to persons who demonstrate by way of written statement from a licensed medical doctor, that the recreational vehicle must be kept near a residence for medical reasons. Pending final approval of your application you will be granted a temporary ten (10) day permit. You are required to have a licensed medical doctor complete the attached application form and return the form to the Eureka Police Department within this ten (10) day time period. You will be notified by either e-mail or phone should additional justification be required, or if your application is approved, modified or denied.

Construction

A permit may be issued for any oversized motor vehicle parked while used in performing or assisting in performing services or repairs on residential property. The permit will be valid for up to forty-five (45) days and will be renewed only upon proof that the vehicle is continuing to be used in performing the services described herein. Pending final approval of your "reason for permit," you will be granted a temporary seven (7) day permit. You will be notified by either e-mail or phone should additional justification be required, or if your application is approved,

modified or denied.

ADMINISTRATION AND ENFORCEMENT

§ 90.30 ENFORCEMENT BY CHIEF OF POLICE.

Except as otherwise provided in this chapter or by law, the provisions of this chapter shall be administered and enforced by the Chief of Police or employees designated in writing by the Chief of Police.

('63 Code, § 3-10.04) (Ord. 542-C.S., passed 4-2-92)

§ 90.31 AUTHORITY OF PEACE OFFICER OR CITY EMPLOYEE TO REMOVE VEHICLES.

(A) Any peace officer or any other employee, in the territorial limits in which the officer or employee is authorized to act, who has reasonable grounds to believe that a vehicle has been abandoned, may remove the vehicle from a highway or from public or private property. ('63 Code, § 3-10.05)

(B) Any peace officer may remove a vehicle located within the territorial limits in which the officer or employee may act, when any vehicle is abandoned, parked or left standing upon a highway for 72 hours or more consecutive hours. ('63 Code, § 3-10.06)

(C) Motor vehicles which are abandoned, parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state are a public nuisance and may be removed immediately upon discovery by a peace officer or employee. ('63 Code, § 3-10.07)

(Cal. Veh. Code §§ 22669, 22651(k)) (Ord. 542-C.S., passed 4-2-92)

§ 90.32 AUTHORITY OF CONTRACTOR TO REMOVE ABANDONED VEHICLE.

Any person performing a franchise or contract awarded pursuant to Cal. Veh. Code § 22710 subdivision (a), may remove a vehicle from a highway or from public or private property, after a determination by a peace officer or other employee, that the vehicle is abandoned, as determined pursuant to Cal. Veh. Code § 22523.

('63 Code, § 3-10.08) (Ord. 542-C.S., passed 4-2-92)

Statutory reference:

Statutory authority, see Cal. Veh. Code § 22669

§ 90.33 RIGHT OF ENTRY.

(A) In the enforcement of this chapter, the Chief of Police and his designated employees may enter upon private property for the purposes specified in this chapter to examine a vehicle or parts thereof, obtain information as to the identity of a vehicle, and remove or cause the removal of a vehicle or part thereof declared a nuisance pursuant to this chapter. ('63 Code, § 3-10.09)

(B) When the City Council has contracted with or granted a franchise to any person or persons for the abatement of abandoned vehicles, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts declared to be a nuisance pursuant to this chapter. ('63 Code, § 3-10.10)

(Ord. 542-C.S., passed 4-2-92)

Statutory reference:

Statutory authority, see Cal. Veh. Code, § 22663

§ 90.34 ABATEMENT AND REMOVAL PROCEDURES.

(A) Upon discovery on public or private property, excluding a highway, of an abandoned vehicle or a vehicle which lacks an engine, transmission, wheels, tires, doors, windshield, or other major part or equipment necessary to operate safely on the highway, the Chief of Police shall have the authority to cause the abatement and removal of said vehicle in accordance with the procedure prescribed in this section.

(B) Except as otherwise provided by law or this chapter, not less than a ten-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance shall be issued for a vehicle abandoned on public or private property, excluding a highway, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof, except as provided in Cal. Veh. Code § 22661(c).

(C) The ten-day notice of intention to abate and remove a vehicle or part thereof, when required by this chapter, shall contain a statement of hearing rights of the owner of the property on which the vehicle is located and of the owner of the vehicle. The statement shall include notice to the property owner that he (or she) may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his (or her) reason for such

denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record unless the vehicle is in such condition that the identification numbers are not available to determine ownership.

(D) A request for a hearing shall be made to the Chief of Police within ten days after the mailing of notice of intention to abate and remove the vehicle or at the time of signing a release.

(E) Upon a request for a hearing by the owner of the vehicle or the owner of the land upon which such vehicle is located, a public hearing shall be held before the Chief of Police or his designee.

(F) If such a request is not received within such period, the appropriate public body, agency, or officer shall have the authority to remove the vehicle.

(G) The Chief of Police or his designee shall hear all facts and testimony it deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or parts, and the circumstances concerning its location on the private property or public property. The Chief of Police or his designee shall not be limited by the technical rules of evidence.

(H) The owner of the land on which the vehicle is located is authorized to appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his (or her) reason for such denial.

(I) If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he (or she) has not subsequently acquiesced in its presence, then the local authority shall not assess costs of administration or removal of the vehicle against the property on which the vehicle is located or otherwise attempt to collect such cost from the owner.

(J) If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his (or her) land within such time period, this statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request.

(K) The Chief of Police or his designee may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle, or parts, if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the Chief of Police or his designee may find that a vehicle, or parts, has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same be removed from the property as a public nuisance and disposed of as provided in this chapter and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts and correct identification number and license number of the vehicle, if available.

(L) Any interested party may appeal the decision of the Chief of Police or his designee by filing a written notice of appeal with the City Council within five days after his decision. Such appeal shall be heard by the City Council which may affirm, amend or reverse the order or take other action deemed appropriate. The Clerk shall give written notice of the time and place of the hearing to the appellant, to the owner of the land, and the owner of the vehicle. In conducting the hearing, the City Council shall not be limited to the technical rules of evidence.

(M) This section shall not apply to a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or junk yard.

(Cal. Veh. Code, § 22661) ('63 Code, § 3-10.12) (Ord. 542-C.S., passed 4-2-92)

§ 90.35 STORAGE OF VEHICLES.

(A) Whenever a peace officer or employee removes a vehicle from a highway, or from public or private property, unless otherwise provided, he shall take the vehicle to the nearest garage or other place of safety or to a garage designated by the city, where the vehicle shall be placed in storage. (Cal. Veh. Code, § 22850)

(B) At the time of removal, the officer or employee shall determine the amount of mileage on the vehicle. (Cal. Veh. Code, § 22850)

(C) A vehicle placed in storage shall be released to the owner or person in control of the vehicle only if the owner or person furnishes, to the law enforcement agency or employee who placed the vehicle in storage, satisfactory proof of current vehicle registration. The agency which caused the vehicle to be stored may, in its discretion, issue a notice to appear for the registration violation, if the two days immediately following the day of impoundment are weekend days or holidays. (Cal. Veh. Code, § 22850.3)

('63 Code, § 3-10.13)

(D) Whenever a peace officer or employee directs the storage of any vehicle, the vehicle's registered and legal owners of record, or their agents, shall be given notice and the opportunity for a post-storage hearing if required by Cal. Veh. Code § 22852. ('63 Code, § 3-10.15)

(Ord. 542-C.S., passed 4-2-92)

§ 90.36 NOTICE AND HEARING FOR LOW VALUE VEHICLES.

If a vehicle is determined to have a value not exceeding $300, a peace officer or employee shall provide notice and the opportunity for a hearing in accordance with Cal. Veh. Code §§ 22851.2 through 22851.12.

('63 Code, § 3-10.14) (Ord. 542-C.S., passed 4-2-92)

§ 90.37 DISPOSITION; PROHIBITION AGAINST RECONSTRUCTION.

(A) Vehicles or parts thereof may be disposed of by removal to a scrap yard, automobile dismantler's yard, or other suitable site. (Cal. Veh. Code, § 22662) ('63 Code, § 3-10.16)

(B) After a vehicle has been removed, it shall not be reconstructed or be made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Cal. Veh. Code § 5004, in which case the vehicle may be reconstructed or made operable. (Cal. Veh. Code § 22661(f)) ('63 Code, § 3-10.17)

(Ord. 542-C.S., passed 4-2-92)

§ 90.38 NOTICE TO DEPARTMENT OF MOTOR VEHICLES, CALIFORNIA HIGHWAY PATROL.

(A) Notice shall be given to the Department of Motor Vehicles within five days after the date of removal, identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates. (Cal. Veh. Code, § 22661(a)) ('63 Code, § 3-10.18)

(B) An employee, other than a peace officer or employee of a sheriffs department, designated to remove vehicles pursuant to Cal. Veh. Code, § 22669 may do so after he or she has mailed or personally delivered a written report identifying the vehicle and its location to the Department of California Highway Patrol located nearest to the vehicle. (Cal. Veh. Code, § 22669) ('63 Code, § 3-10.19)

(Ord. 542-C.S., passed 4-2-92)

§ 90.39 CITY ADMINISTRATIVE COSTS.

(A) The last registered owner of record is responsible for abandonment and is thereby liable for the cost of removal and disposition of the vehicle. The City Council, by resolution, shall from time to time determine and fix an amount to be assessed as vehicle abatement administrative, hearing and appeal costs. The cost in the resolution shall not include costs and expenses which are not incurred by the city. ('63 Code, § 3-10.20)

(B) If the administrative, hearing and appeal costs and the cost of removal which are charged against the owner of a parcel of land pursuant to division (A) above are not paid within 30 days of the date of the order, or the final disposition of an appeal therefrom, a statement of these charges shall be sent to the owner by the city. If not paid, such costs shall be assessed against the owner's parcel of land pursuant to Cal. Gov't Code § 25845 and shall be transmitted to the tax collector for collection. The assessment shall have the same priority of other taxes. ('63 Code, § 3-10.21)

(Ord. 542-C.S., passed 4-2-92)

§ 90.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no penalty is otherwise specifically provided, shall be subject to the penalty contained in § 10.99.

(B) A person convicted of a violation of § 90.15 shall pay a penalty set forth in § 10.99, and in addition, such person shall provide proof that the costs of removal and disposition of the vehicle have been paid. No part of any fine imposed shall be suspended. (Cal. Veh. Code § 22523)

(C) Proof that the cost of removal and disposition of the vehicle have been paid shall not be required if proof is provided to the court that the vehicle was stolen prior to abandonment. That proof may consist of a police report or other evidence acceptable to the court.

('63 Code, § 3-10.03) (Ord. 542-C.S., passed 4-2-92)

Statutory reference:

Statutory authority, see Cal. Veh. Code §§ 22523, 22651(k)

THIS ORDINANCE IS HEREBY PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the 24th day of February, 2009, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

_____
Mayor Pro Tem

The above ordinance was submitted to me on the _____ day of February, 2009, and I hereby approve the same.

ATTEST:

_____
Virginia Bass
Mayor

_____
Kathleen Franco Simmons
City Clerk

APPROVED AS TO ADMINISTRATION:

_____
David W. Tyson
City Manager

APPROVED AS TO FORM:

_____
Sheryl L. Schaffner
City Attorney

AGENDA SUMMARY

RE: City Council Meeting Times

For Agenda Date: February 24, 2009

Agenda Item No.: 10

RECOMMENDATION:

Introduce and read by title only Bill No.806-C.S. amending Section 30.01 (A) of Title 3, Chapter 30 of the Eureka Municipal Code pertaining to Regular Meeting of the City Council.

SUMMARY OF THE ISSUE:

See attached ordinance changing the start time of regularly scheduled City Council meetings from 6:30 p.m. to 5:30 p.m.

FISCAL IMPACT:

NONE WITH THIS ACTION

CM SIGN:

REVIEWED BY:	**DATE:**	**INITIALS:**
City Attorney	2/19	SS

COUNCIL ACTION:

Ordinance No. **Resolution No.**

City of Eureka

BILL NO. ____-C.S.
ORDINANCE NO. ____-C.S.

AN ORDINANCE OF THE CITY OF EUREKA AMENDING SECTION 30.01(A) OF TITLE 3, CHAPTER 30 OF THE EUREKA MUNICIPAL CODE PERTAINING TO REGULAR MEETINGS OF THE CITY COUNCIL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1. Section 30.01 of Title 3, Chapter 30 of the Eureka Municipal Code is amended to read as follows:

(A) *Time.* The Council shall hold regular meetings on the first and third Tuesday and Thursday of each month at 5:30 p.m.; provided, however, when the time for any regular meeting of the Council fall on a legal holiday, Christmas Eve, or New Year's Eve, shall meeting shall be held at the same hour on the next succeeding day not a legal holiday. A 10:00 p.m. curfew will be observed on all closed session agenda items. The Council shall hold closed session meetings on the first and third Tuesday and Thursday of each month at 4:30 p.m. Any regular meeting may be canceled or rescheduled by a majority vote of the Council provided said vote is taken no later than at the regular meeting immediately preceding the regular meeting to be canceled or rescheduled.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of _____, 2008 by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

_____
Mike Jones, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2008, and hereby approved.

_____
Virginia Bass, Mayor

Approved as to Administration:

_____
David W. Tyson, City Manager

Approved as to form:

_____
Sheryl L. Schaffner, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the____ day of _____, 2008.

_____
Kathleen L. Franco Simmons, City Clerk

AGENDA SUMMARY

RE: **REDEVELOPMENT AGENCY**
HEADWATERS COMMUNITY INVESTMENT FUND GRANT CONTRACT, REDEVELOPMENT FINDINGS AND PURCHASE AUTHORIZATION FOR FLAKE ICE PLANT

For Agenda Date: February 24, 2009

Agenda Item No.: 11

RECOMMENDATION:

1. Adopt City of Eureka and Eureka Redevelopment Resolutions making the findings that the Flake Ice Plant Project is appropriate for Redevelopment Agency funding.
2. Council and Agency Board approve an expenditure of $300,000 in Redevelopment tax increment funds for the Flake Ice Plant Project within the Redevelopment Project Area.
3. Council authorize City Manager to execute Headwaters Community Investment Fund Grant Agreement between the City of Eureka and County of Humboldt for $500,000 to fund a Flake Ice Plant on the City's EDA Finger Pier.
4. Suspend purchasing policies and procedures to allow for an emergency purchase and installation in time for the 2009 shrimp season (April, 2009).
5. Authorize staff to negotiate with PermaCold Engineering, Inc. for the mechanical engineering, purchase of a North Star Model 90 flake ice machine, panels and rake assembly for the ice plant.
6. Authorize staff to negotiate with qualified contractors for the electrical and plumbing required to complete the project.

SUMMARY OF THE ISSUE: With the closure of Eureka Ice & Cold Storage, the lack of flake ice presents an emergency for the base industry cluster of Fisheries and Aquaculture. Currently, ice is being trucked from Crescent City to serve the needs of the local fishing industry. The current supply will not be sufficient with the start of the shrimp season

. *(continued next page)*

FISCAL IMPACT: Headwaters Community Investment Funds in the amount of $500,000 will be received on a reimbursement basis for the Flake Ice Plant. Authorize staff to appropriate $800,000 in funding for the project including the $300,000 local match (includes $50,000 for contingencies), to account #435-47000-7312.

DH SIGN: _____ **CM SIGN:** _____
Redevelopment Director

REVIEWED BY:	DATE:	INITIALS:
CA	2.18.09	SS/SL
PW	2.19.09	MK/SL
FIN	2-18-09	VW/mc
ENG	2.17.09	KG/SL
CD	2-17-09	KH/mc

COUNCIL ACTION:

Ordinance No. **Resolution No.**

AGENDA SUMMARY

SUMMARY OF THE ISSUE: (Continued)

A new ice producing system must be purchased to provide flake ice for the local seafood companies (Caito Fisheries, Pacific Choice Seafoods, Bill Carvalho, Humboldt Seafood Unloaders, Coast Oyster and Humboldt Bay Oyster), as well as 12 drag boats, 18 hook and line boats, 5 shrimp boats, transient vessels; and the Fisherman's Terminal Building which will begin construction in spring 2009. Assisting the above businesses with this project will retain an estimated 525 jobs.

In early December, an application for a grant of $500,000 was submitted to the Headwaters Community Investment Fund for the purchase, delivery and installation of a 50-ton flake ice plant on the City-owned finger pier adjacent to the City-owned fish processing facility currently leased by Pacific Choice Seafoods. The reason the City-owned pier was chosen is because the electrical and plumbing infrastructure is already in place. This will allow for the timely installation of the system. Use of existing infrastructure will also mean the project will cost less than if we were starting from a vacant site.

On December 16, 2008, the Headwaters Fund Board unanimously approved the request and recommended approval by the County Board of Supervisors. The Board of Supervisors unanimously approved the request, the Headwaters contract is attached for your review and approval.

The local match of $300,000 for the $800,000 project is proposed to be funded from Redevelopment Capital Projects fund. The required Findings are attached for your review and approval by resolution.

Because of the emergency nature of the situation, staff is recommending that the normal purchasing policies and procedures be suspended to allow staff to negotiate with qualified contractors for the engineering, purchase and installation of the system.

Pursuant to Health and Safety Code Section 33445, the Redevelopment Agency is authorized, with the consent of the City, to pay part or all of the value of land, and cost of installation and construction of any building, facility, structure, or other improvement which are publicly owned and are of benefit to the Agency Project Area(s). The City must determine: (a) the public improvements are of benefit to the Project Area or to the immediate area in which the improvements are located; (b) that there are not other reasonable means of financing the public improvements available to the community; and (c) assisting the development of the improvements will assist in the elimination of one or more blighting conditions inside the Redevelopment Project Area.

The City must also determine that the public improvements will effectuate the purposes of the Redevelopment Plan for the Project Area as required by Section 33421.1 of the Health and Safety Code. Pursuant to Sections 33445 and 33421.1, the City and Redevelopment Agency must adopt resolutions making the findings with facts supporting, that the Public Improvement is of benefit to the Project Area and appropriate for Agency assistance. The "Summary of Findings" is attached as Exhibit "A".

AGENDA SUMMARY

RE:	REDEVELOPMENT AGENCY HEADWATERS COMMUNITY INVESTMENT FUND GRANT CONTRACT, REDEVELOPMENT FINDINGS ANDPURCHASE AUTHORIZATION FOR FLAKE ICE PLANT	For Agenda Date: February 24, 2009 Page Three

SUMMARY OF THE ISSUE: (Continued)

Staff recommends that Council/Agency:

1. Adopt City of Eureka and Eureka Redevelopment Resolutions making the findings that the Flake Ice Plant Project is appropriate for Redevelopment Agency funding.
2. Council and Agency Board approve an expenditure of $300,000 in Redevelopment tax increment funds for the Flake Ice Plant Project within the Redevelopment Project Area.
3. Council authorize City Manager to execute Headwaters Community Investment Fund Grant Agreement between the City of Eureka and County of Humboldt for $500,000 to fund a Flake Ice Plant on the City's EDA Finger Pier.
4. Suspend purchasing policies and procedures to allow for an emergency purchase and installation in time for the 2009 shrimp season (April, 2009).
5. Authorize staff to negotiate with PermaCold Engineering, Inc. for the mechanical engineering, purchase of a North Star Model 90 flake ice machine, panels and rake assembly for the ice plant.
6. Authorize staff to negotiate with qualified contractors for the electrical and plumbing required to complete the project.

EXHIBIT A

SUMMARY OF FINDINGS PURSUANT TO SECTIONS 33445 AND 33421.1 OF THE STATE OF CALIFORNIA HEALTH AND SAFETY CODE

I. SUMMARY OF THE PROGRAM.

In 1973, the City of Eureka adopted the Eureka Core Area/Downtown-Waterfront Development Plan (the "Plan"). The Plan identifies "...fishing related activities should be retained where these conform to the Core Area Development Plan, as present owners wish to improve their facilities on sites presently occupied. In these cases, pedestrians and fish-landing operations can be separated vertically to avoid mutual interference. The combination of a commercially-active waterfront and tourism should prove highly attractive and commercially successful, as has been the case in other coastal communities through out the United States..."

In 2005, the Eureka Redevelopment Agency (the "AGENCY") reconfirmed the importance of public improvements and infrastructure to the social and economic vitality of the Eureka Tomorrow Century III Phase I, Eureka Century III Phase II, and Eureka Tomorrow Redevelopment Project Areas (the "PROJECT AREA") by approving a five-year Implementation Plan which specifically states as a goal to "To revitalize Eureka's core area by enhancing the waterfront for both industrial and recreational purposes, facilitating the development and redevelopment of the industrial areas, preserving and strengthening the residential areas and commercial areas, and improving public space and facilities...".

In November 2008, the only ice and cold storage facility on Humboldt Bay was suddenly and permanently closed, leaving a critical shortage of flake ice. The lack of flake ice presents an emergency for the base industry cluster of Fisheries and Aquaculture. Currently, ice is being trucked from Crescent City to serve the needs of the local fishing industry. The current supply will not be sufficient with the start of the shrimp season in April.

A new ice producing system must be purchased to provide flake ice for the local seafood companies, as well as drag boats, hook and line boats, shrimp boats, transient vessels; and the Fisherman's Terminal Building which will begin construction in spring 2009. Assisting the above businesses with this project will retain an estimated 525 jobs.

In early December, the City of Eureka submitted an application for a grant of $500,000 to the Headwaters Community Investment Fund for the purchase, delivery and installation of a 50-ton flake ice plant on the City-owned finger pier adjacent to the City-owned fish processing facility currently leased by Pacific Choice Seafoods. The reason the City-owned pier was chosen is because the electrical and plumbing infrastructure is already in place. This will allow for the timely installation of the system. Use of existing infrastructure will also mean the project will cost less than if we were starting from a vacant site.

On December 16, 2008, the Headwaters Fund Board unanimously approved the request and recommended approval by the County Board of Supervisors. In January 2009, The Board of Supervisors unanimously approved the request

The Redevelopment Agency desires to complete the purchase and installation of the Flake Ice Plant Project (the "Public Improvement") to be located on the in the City of Eureka's EDA Fish Plant finger pier. The total cost of the PUBLIC IMPROVEMENT, is estimated to be Three Hundred Thousand Dollars ($300,000). The PUBLIC IMPROVEMENT will be owned, operated and maintained by the City of Eureka.

Pursuant to Health and Safety Code Section 33445, the AGENCY is authorized, with the consent of the City, to pay part or all of the value of land and cost of installation and construction of any building, facility, structure, or other improvement which are publicly owned and are of benefit to the PROJECT AREA. The City must determine (a) that the public improvements are of benefit to the Project Area or to the immediate neighborhood in which the improvements are located, (b) that there are no other reasonable means of financing the public improvements available to the community, and (c) that assisting the development of the improvements will assist in the elimination of one or more blighting conditions inside the Project Area. The City must also determine that the public improvement will effectuate the purposes of the Redevelopment Plan for the Project Area as required by Section 33421.1 of the Health and Safety Code.

Set forth below are the facts supporting the findings to be made pursuant to the Health and Safety Code Section 33445 and 33421.1 the City must make the following findings:

II. FACTS SUPPORTING THE FINDINGS TO BE MADE PURSUANT TO HEALTH SAFETY CODE SECTION 33445.

A. Facts Supporting The Finding That The Public Improvement Is Of Benefit To The Project Area Or The Immediate Neighborhood In Which The Project Is Located.

In 1973, the City of Eureka adopted the Eureka Core Area/Downtown-Waterfront Development Plan (the "Plan"). The Plan identifies "...fishing related activities should be retained where these conform to the Core Area Development Plan, as present owners wish to improve their facilities on sites presently occupied. In these cases, pedestrians and fish-landing operations can be separated vertically to avoid mutual interference. The combination of a commercially-active waterfront and tourism should prove highly attractive and commercially successful, as has been the case in other coastal communities through out the United States..."

In 2005, the Eureka Redevelopment Agency (the "AGENCY") reconfirmed the importance of public improvements and infrastructure to the social and economic vitality of the Eureka Tomorrow Century III Phase I, Eureka Century III Phase II, and Eureka Tomorrow Redevelopment Project Areas (the "PROJECT AREA") by approving a five-year Implementation Plan which specifically states as a goal to "To revitalize Eureka's core area by enhancing the waterfront for both industrial and recreational purposes, facilitating the development and redevelopment of the industrial areas, preserving and strengthening the residential areas and commercial areas, and improving public space and facilities..".

SUMMARY OF FINDINGS--Page Three

Construction of the PUBLIC IMPROVEMENT is a benefit to the PROJECT AREA because it will do the following:

1. Stimulate and retain economic activity in the PROJECT AREA by purchasing and installing equipment critical to the future of the fishing industry.

2. Enhance the PROJECT AREA with improvements that promote the health and safety of fishermen and pedestrians within the area.

3. Enhance the PROJECT AREA with improvements that promote the economic development of nearby parcels.

4. Enhance the PROJECT AREA by improving the physical appearance.

B. <u>Analysis Leading To The Finding That There Are No Other Reasonable Means of Financing The Public Improvement Available To The Community</u>.

1. In making this finding, the City Council has analyzed both the public and private sector resources available to pay for the development of the PUBLIC IMPROVEMENT.

   a. The total cost of the PUBLIC IMPROVEMENT is estimated to be Eight Hundred Thousand ($800,000) Dollars. Of that amount, a Five Hundred Thousand Dollars($500,000) grant will be provided by Headwaters Community Investment Fund.

   b. The AGENCY will provide approximately Three Hundred Thousand Dollars ($300,000) of the cost of the PUBLIC IMPROVEMENT. However, given the limitations of the CITY'S capital and operating budget, including limitations on raising taxes and fees under Proposition 218 and other legal limits on the CITY'S ability to raise revenue; it is extremely difficult or impossible to impose a tax, fee or assessment to pay for a larger portion of the cost of the PUBLIC IMPROVEMENT.

   c. No other property and/or business owner in the PROJECT AREA has indicated a willingness to advance the initial cost of the PUBLIC IMPROVEMENT. In addition, due to distressed economic conditions, property owners, in the PROJECT AREA are unable to contribute to the costs of the PUBLIC IMPROVEMENT. As a result, no private sources will provide the funds for the PUBLIC IMPROVEMENT.

   d. Apart from the already identified sources of funds for the PUBLIC IMPROVEMENT, there are no other grant or loan funds currently available for the PUBLIC IMPROVEMENT.

C. <u>Facts Supporting The Finding That Assisting With Development Of The PUBLIC IMPROVEMENT Will Assist In The Elimination Of One Or More Blighting Conditions Inside The Project Area</u>.

The Plan identifies that "...fishing related activities should be retained where these conform to the Core Area Development Plan, as present owners wish to improve their facilities on sites presently occupied. In these cases, pedestrians and fish-landing operations can be separated vertically to avoid mutual interference. The combination of a commercially-active waterfront and tourism should prove highly attractive and commercially successful, as has been the case in other coastal communities through out the United States..."

Completion of the PUBLIC IMPROVEMENT will assist in the elimination of one or more blighting conditions inside the PROJECT AREA because it will do the following:

1. Stimulate and retain economic activity in the PROJECT AREA by purchasing and installing equipment critical to the future of the fishing industry.

2. Enhance the PROJECT AREA with improvements that promote the health and safety of fishermen and pedestrians within the area.

3. Enhance the PROJECT AREA with improvements that promote the economic development of nearby parcels.

4. Enhance the PROJECT AREA by improving the physical appearance.

D. <u>Facts Supporting The Findings That Assisting In The Development Of The Public Improvement Is Necessary To Effectuate The Purposes Of The Redevelopment Plan</u>.

Completion of the PUBLIC IMPROVEMENT is necessary to effectuate the purposes of the Redevelopment Plan inside the PROJECT AREA because it will do the following:

1. Stimulate and retain economic activity in the PROJECT AREA by purchasing and installing equipment critical to the future of the fishing industry..

2. Enhance the PROJECT AREA with improvements that promote the health and safety of fishermen and pedestrians within the area.

3. Enhance the PROJECT AREA with improvements that promote the economic development of nearby parcels.

4. Enhance the PROJECT AREA by improving the physical appearance.

RESOLUTION NO. _____

RESOLUTION OF THE EUREKA REDEVELOPMENT AGENCY MAKING FINDINGS REQUIRED BY THE HEALTH AND SAFETY CODE SECTION 33445, COMMITTING FUNDS TO COMPLETE THE FLAKE ICE PLANT PROJECT AND TAKING RELATED ACTIONS

WHEREAS, the City Council of the City of Eureka (the "CITY COUNCIL) adopted the Redevelopment Plan (the REDEVELOPMENT PLAN") for the Eureka Tomorrow Redevelopment Project Area by Ordinance No. 224-C.S adopted on December 4, 1973, as amended by Ordinance No.456-C.S. adopted on December 16, 1986, as amended by Ordinance No. 584-C.S. adopted on December 6, 1994, as amended by Ordinance No. 633-C.S adopted on December 7, 1999, as amended by Ordinance No. 656-C.S. adopted on June 4, 2002 and as further amended by Ordinance No. 696-C.S. adopted on July 19, 2005, collectively, the "Eureka Tomorrow Redevelopment Plan, (the "PROJECT AREA"); and

WHEREAS, the Eureka Redevelopment Agency (the "AGENCY") is vested with responsibility pursuant to the Community Redevelopment Law (Part I of Division 24 of the Health and Safety Code of the State of California (the "LAW") to implement the Redevelopment Plan in the PROJECT AREA; and

WHEREAS, the AGENCY intends to provide funding for the purchase and installation of the Flake Ice Plant Project in order to enhance the PROJECT AREA with improvements ("PUBLIC IMPROVEMENT") that will stimulate and retain economic activity in the PROJECT AREA; and

WHEREAS, the PUBLIC IMPROVEMENT will stimulate and retain economic activity in the PROJECT AREA by purchasing and installing equipment critical to the future of the fishing industry; and.

WHEREAS, the PUBLIC IMPROVEMENT will benefit the PROJECT AREA by improving the health and safety of fishermen and pedestrians within the area; and

WHEREAS, AGENCY expenditures for the completion of the PUBLIC IMPROVEMENT will benefit the PROJECT AREA by enhancing the PROJECT AREA with improvements that promote the economic development of nearby parcels, thus assisting in the redevelopment of the PROJECT AREA, all as more fully outlined in the Summary of Findings described below (Exhibit A); and

WHEREAS, the AGENCY desires to expend funds to complete the PUBLIC IMPROVEMENT; and

WHEREAS, the PUBLIC IMPROVEMENT has been found to conform with the General and Redevelopment Plans of the City; and

WHEREAS, a summary has been prepared and considered by the CITY COUNCIL and the AGENCY making the findings required by Health and Safety Code Section 33445 of the LAW (the "SUMMARY"--a copy of which is attached to this Resolution as Exhibit A), which SUMMARY sets forth facts supporting the findings made in this Resolution pursuant to Section 33445 of the LAW; and

WHEREAS, pursuant to Sections 33445 of the LAW, the AGENCY may, with the consent of the CITY COUNCIL, pay for the completion of the PUBLIC IMPROVEMENT, if the CITY COUNCIL makes certain specified findings; and

WHEREAS, the CITY COUNCIL made the required findings pursuant to Section 33445 of the LAW by Resolution on February 24, 2009; and

NOW THEREFORE, based on information presented to the CITY COUNCIL, and the AGENCY, including the information provided in the SUMMARY, and in compliance with the requirements of Section 33445 of the LAW, the AGENCY hereby resolves as follows:

1. All of the above recitals are true and correct, and the AGENCY has based the findings and actions set forth in this Resolution, in part, on such recitals.

2. The AGENCY hereby finds and determines that: (a) the PUBLIC IMPROVEMENT will be of benefit to the PROJECT AREA or the immediate neighborhood in which the project is located; (b) no other reasonable method of financing the PUBLIC IMPROVEMENT is available to the community; (c) assisting in completing of the PUBLIC IMPROVEMENT will assist in the elimination of one or more blighting conditions inside the PROJECT AREA; and (d) the PUBLIC IMPROVEMENT is consistent with the AGENCY'S Implementation Plan. The factual and analytical basis used by the Agency in making these findings and determinations is set forth in the SUMMARY attached as Exhibit A and in the staff report and materials regarding the completion of the PUBLIC IMPROVEMENT provided to the AGENCY.

3. Subject to the conditions set forth in Paragraph 4 below, the AGENCY hereby commits to the expenditure of up to be Three Hundred Thousand Dollars ($300,000) of tax increment funds for the completion of the PUBLIC IMPROVEMENT;

4. The AGENCY shall not expend any funds for the PUBLIC IMPROVEMENT unless and until the City and/or AGENCY have completed all procedures and made all findings, in their sole and absolute discretion, as required by such expenditures pursuant to California Redevelopment Law.

5. The attached Exhibit A is incorporated in this Resolution by this reference.

6. This Resolution shall take immediate effect from and after its passage and approval.

PASSED, ADOPTED AND APPROVED by the Eureka Redevelopment Agency, County of Humboldt, State of California, on the 24th day of February, 2009, by the following vote:

AYES: BOARDMEMBERS
NOES: BOARDMEMBERS
ABSENT: BOARDMEMBERS

_____

VIRGINIA BASS Chairman
Eureka Redevelopment Agency

ATTEST:

_____

KATHLEEN FRANCO SIMMONS
Executive Secretary

APPROVED AS TO ADMINISTRATION

_____

DAVID W TYSON
Executive Director

APPROVED AS TO FORM:

_____

SHERYL SCHAFFNER
Agency Attorney

RESOLUTION NO._____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA MAKING FINDINGS REQUIRED BY THE HEALTH AND SAFETY CODE SECTION 33445, COMMITTING FUNDS TO COMPLETE THE FLAKE ICE PLANT PROJECT, AND TAKING RELATED ACTIONS

WHEREAS, the City Council of the City of Eureka (the "CITY COUNCIL") adopted the Redevelopment Plan for the Eureka Tomorrow Redevelopment Project Area by Ordinance No. 224-C.S adopted on December 4, 1973, as amended by Ordinance No.456-C.S. adopted on December 16, 1986, as amended by Ordinance No. 584-C.S. adopted on December 6, 1994, as amended by Ordinance No. 633-C.S adopted on December 7, 1999, as amended by Ordinance No. 656-C.S. adopted on June 4, 2002 and as further amended by Ordinance No. 696-C.S. adopted on July 19, 2005, collectively, the Eureka Tomorrow Redevelopment Plan, (the "PROJECT AREA"); and

WHEREAS, the Eureka Redevelopment Agency (the "AGENCY") is vested with responsibility pursuant to the Community Redevelopment Law (Part I of Division 24 of the Health and Safety Code of the State of California) (the "LAW") to implement the Redevelopment Plan in the PROJECT AREA; and

WHEREAS, the AGENCY intends to provide funding for purchase and the installation of the Flake Ice Plant Project in order to enhance the PROJECT AREA with improvements ("PUBLIC IMPROVEMENT") that will stimulate and retain economic activity in the PROJECT AREA; and

WHEREAS, the PUBLIC IMPROVEMENT will stimulate and retain economic activity in the PROJECT AREA by purchasing and installing equipment critical to the future of the fishing industry; and.

WHEREAS, the PUBLIC IMPROVEMENT will benefit the PROJECT AREA by improving the health and safety of fishermen and pedestrians within the area; and

WHEREAS, AGENCY expenditures for the completion of the PUBLIC IMPROVEMENT will benefit the PROJECT AREA by enhancing the PROJECT AREA with improvements that promote the economic development of nearby parcels, thus assisting in the redevelopment of the PROJECT AREA, all as more fully outlined in the Summary of Findings described below (Exhibit A); and

WHEREAS, the AGENCY desires to expend funds to complete the PUBLIC IMPROVEMENT; and

WHEREAS, the PUBLIC IMPROVEMENT has been found to conform with the General and Redevelopment Plans of the City; and

WHEREAS, a summary has been prepared and considered by the CITY COUNCIL and the AGENCY making the findings required by Health and Safety Code Section 33445 of the LAW (the "SUMMARY"--a copy of which is attached to this Resolution as Exhibit A), which SUMMARY sets forth facts supporting the findings made in this Resolution pursuant to Section 33445 of the LAW; and

WHEREAS, pursuant to Sections 33445 of the LAW, the AGENCY may, with the consent of the CITY COUNCIL, pay for the completion of the PUBLIC IMPROVEMENT, if the CITY COUNCIL makes certain specified findings; and

WHEREAS, the CITY COUNCIL made the required findings pursuant to Section 33445 of the LAW by Resolution on February 24, 2009; and

NOW THEREFORE, based on information presented to the CITY COUNCIL, and the AGENCY, including the information provided in the SUMMARY, and in compliance with the requirements of Section 33445 of the LAW, the CITY hereby resolves as follows:

1. All of the above recitals are true and correct, and the CITY has based the findings and actions set forth in this Resolution, in part, on such recitals.

2. The CITY hereby finds and determines that: (a) the PUBLIC IMPROVEMENT will be of benefit to the PROJECT AREA or the immediate neighborhood in which the project is located; (b) no other reasonable method of financing the PUBLIC IMPROVEMENT is available to the community; (c) assisting in completing of the PUBLIC IMPROVEMENT will assist in the elimination of one or more blighting conditions inside the PROJECT AREA; and (d) the PUBLIC IMPROVEMENT is consistent with the AGENCY'S Implementation Plan. The factual and analytical basis used by the Agency in making these findings and determinations is set forth in the SUMMARY attached as Exhibit A and in the staff report and materials regarding the completion of the PUBLIC IMPROVEMENT provided to the AGENCY.

3. Subject to the conditions set forth in Paragraph 4 below, the AGENCY hereby commits to the expenditure of up to be Three Hundred Thousand Dollars ($300,000) of tax increment funds for the completion of the PUBLIC IMPROVEMENT;

4. The AGENCY shall not expend any funds for the PUBLIC IMPROVEMENT unless and until the City and/or AGENCY have completed all procedures and made all findings, in their sole and absolute discretion, as required by such expenditures pursuant to California Redevelopment Law.

5. The attached Exhibit A is incorporated in this Resolution by this reference.

6. This Resolution shall take immediate effect from and after its passage and approval.

PASSED, ADOPTED AND APPROVED by the Council of the City of Eureka, County of Humboldt, State of California, on the 24th day of February, 2009, by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS

VIRGINIA BASS, Mayor
City of Eureka

ATTEST:

KATHLEEN FRANCO SIMMONS
City Clerk

APPROVED AS TO FORM:

SHERYL SCHAFFNER
City Attorney

APPROVED FOR ADMINISTRATION:

DAVID W. TYSON
City Manager

GRANT AGREEMENT
BETWEEN THE COUNTY OF HUMBOLDT
AND
THE CITY OF EUREKA

This Agreement is made and entered into this _____ day of _____ 2009, by and between the County of Humboldt (hereinafter "COUNTY") and the City of Eureka (hereinafter "GRANTEE"), a municipal corporation located in Eureka, California.

RECITALS

WHEREAS, the GRANTEE has applied for funding through the Headwaters Community Investment Fund awards process; and

WHEREAS, the GRANTEE's proposed project supports the Headwaters Community Investment Fund's mission and funding priorities of facilitating economic development for Humboldt County; and

WHEREAS, the Headwaters Fund Board and County Board of Supervisors have approved the GRANTEE's proposed project for Headwaters Community Investment Fund funding and is willing to fund the project on the terms and conditions set forth herein.

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. PROJECT DESCRIPTION

a) GRANTEE shall utilize the grant funds for "the construction and installation of a flake ice plant" (hereinafter "Project"). The specific activities/tasks to be carried out, including activities, objectives and deliverables, are set in Exhibit A, attached hereto and incorporated herein, and Exhibit B, GRANTEE's grant proposal attached hereto and incorporated herein.

2. AWARD AMOUNT AND DISBURSEMENT

a) COUNTY agrees to pay GRANTEE a sum not to exceed $500,000 to cover GRANTEE'S costs in carrying out Project. Costs for labor and materials shall be as set forth in the Budget attached hereto as Exhibit D and incorporated by reference. GRANTEE shall bear the responsibility for any Project costs in excess of $500,000.

b) GRANTEE shall submit an itemized invoice, no less frequently than quarterly and no more frequently than monthly, to the COUNTY itemizing all work completed and costs incurred as of the invoice date. Eligible expenses include Project costs beginning January 1, 2009 and ending at the termination date of this Agreement. The invoice will utilize Funds Request Form (Exhibit C) and reference relevant sections and categories of Project Budget (Exhibit D). Payment for work performed will be made within thirty days after receipt of the invoice. Although payment will customarily be made in arrears, GRANTEE may request prospective payment. Prospective payments must be approved in writing by the Director of Community Development Services of the COUNTY, and shall be supported by written justification.

c) 10% of the total grant amount specified in Section 2a above will not be released to GRANTEE until GRANTEE submits the Final Report (see Section 5.a.iii) for the Project.

d) No later than 45 days after expenditure of all grant funds, or completion of the project, whichever is sooner, GRANTEE shall submit adequate written documentation summarizing all costs incurred in connection with performance of services under this Agreement.

e) Any unspent funds shall be returned to the COUNTY with no negative consequences for future grant applications as long as all reasonable efforts were made to execute the Project within the budget (Exhibit D) in a timely manner.

f) Matching Funds

   i) GRANTEE has documented that required grant matching funds (outlined in Project Budget, Exhibit D) have been received for the Project.

   ii) If GRANTEE determines that Project funding from other source(s) can no longer be used, COUNTY funding may be reduced, suspended, or terminated; GRANTEE must contact Headwaters Fund Coordinator immediately under such conditions.

3. TERM

a) This Agreement shall commence upon the date indicated above and shall terminate on December 31, 2009 unless extended by the written agreement of the parties.

4. GRANT MODIFICATIONS

a) Deviations of any single category proposed in the line item budget must receive written approval of the COUNTY at the following levels of approval:

   i) COUNTY staff may adjust changes in grant timelines, activities, and partners that are consistent with original project goals, target populations, and geographical focus. Staff may approve budget changes under $10,000.

   ii) The Headwaters Fund Board must approve changes in project goals, target population, and geographic focus. Budget changes of $10,000 or more require Headwaters Fund Board approval.

b) If additional time beyond the timeline provided by the grantee (listed in Exhibit A) is required and exceptional circumstances warrant, a formal request must be submitted to County Staff. The request must be submitted at least 45 days prior to the expiration date of the grant. The request must explain the need for the extension and include an estimate of the un-obligated funds remaining and a plan for their use. Un-obligated funds remaining at the expiration of the grant is not sufficient justification for an extension. The plan must adhere to the previously approved objectives of the project.

c) Organization/personnel changes: If key project personnel do or plan to: (a) devote substantially less time to the project than anticipated in the approved proposal; (b) sever their connection with the grantee organization; or (c) otherwise relinquish active direction of the project, the grantee shall immediately notify County Staff of the situation. Staff will take appropriate action including transferring the grant, amending the project, or terminating the grant.

5. GRANT REPORTING AND AUDITING

a) Reporting

i) GRANTEE will submit Quarterly Reports to COUNTY staff. The first of these reports is due 90 days from the date of this Agreement; subsequent reports at 90 day intervals thereafter. Quarterly reports will utilize the format in Exhibit E and shall include:

a) Documentation of activities contracted and completed with grant funds;

b) Financial accountings of grant funds. Grant funds should be tracked separately. Receipts documenting purchases may be requested;

c) Sub-contracts signed and/or completed;

d) Narrative of accomplishments to date and schedule of activities and expected completion date;

e) Progress on meeting match requirements and fundraising activity report; and

f) Requests for revisions of timeline, budget, and other project items.

ii) COUNTY staff may review any records or documents pertinent to the Project at any time. Such records include information about the GRANTEE's organization and budget.

iii) A Final Report, describing the work accomplished during the entire period of the Agreement, shall be submitted to COUNTY no later than the 30th day of the month following the Agreement's termination date. The Final Report will follow the format of Quarterly Reports (Exhibit E) and also include a Grant Evaluation (see Section 6). COUNTY may require GRANTEE to report on other Project activities, processes, and outcomes as needed in the Final Report.

iv) COUNTY will send a Grant Closeout letter to GRANTEE after the Final Report. When GRANTEE returns the letter, the grant is considered closed.

b) Auditing

i) GRANTEE shall retain and County Staff shall have access to any pertinent books, documents, papers and records of the grantee organization (and of the performing organization, if different) to make audits, examinations, excerpts and transcripts for up to 4 years after grant termination date. COUNTY staff and its representatives may conduct periodic site visits to review the effectiveness of the grant.

ii) GRANTEE agrees to timely prepare and maintain accurate and complete financial and performance records for a minimum of four (4) years from the date of final payment under this Agreement or until all pending County, State, and Federal audits are completed, whichever is later. The books and records shall be original entry books with a general ledger itemizing all debits and credits for the work.

iii) GRANTEE shall maintain detailed payroll records. GRANTEE agrees to maintain such records locally and make them available for inspection by COUNTY staff and representatives, during normal business hours, upon one (1) working day notice.

iv) GRANTEE will permit the COUNTY to audit all books, account or records relating to this Agreement for the purpose of compliance with applicable audit requirements relative to this Agreement. GRANTEE shall provide the

COUNTY with any relevant information required and shall permit access to its premises during normal business hours upon five (5) days notice.

v) In the event of an audit exception or exceptions, the party responsible for not meeting the program requirement or requirements shall be responsible for the deficiency and for the cost of the audit. If GRANTEE is the party responsible for the deficiency, the cost of the audit and the deficiency shall be paid by GRANTEE within thirty (30) days of notice.

vi) GRANTEE assures that it maintains appropriate internal financial controls over grant funds received and disbursed, including procedures for authorizing disbursements, tracking grant expenditures, and reporting grant revenue and expenditures.

vii) The COUNTY'S rights and obligations under this provision shall continue after termination of the Agreement until December 31, 2013.

6. GRANT EVALUATION

a) At the completion of the Project, GRANTEE will complete a self-evaluation for the Project using the Project Evaluation Form (Exhibit F). The self-evaluation will be part of the Project's Final Report, and due no later than the 30th day of the month following the Agreement's termination date. COUNTY may require GRANTEE to present Project overview, results, and evaluation to the Headwaters Fund Board. COUNTY representatives may also conduct site visits to the GRANTEE and its Project for the purpose of grant evaluation. COUNTY may modify Project evaluation requirements as needed during the Project.

b) GRANTEE shall submit quarterly reports and a Final Report to COUNTY as specified in Section 5a.

7. FUNDER RECOGNITION AND MEDIA RELEASE

a) GRANTEE shall identify The Headwaters Fund as a support organization on all published material relating to the subject matter of the award.

b) GRANTEE shall provide information in a timely manner and otherwise cooperate with the COUNTY in completing Headwaters Fund reports on grants and other documents related to grants. This cooperation may include GRANTEE attendance at events publicizing Headwaters Fund grants.

c) All press releases and informational material related to this Agreement shall receive approval from the COUNTY prior to being released to the media (television, radio, newspapers, Internet). In addition, GRANTEE shall inform the COUNTY of requests for interviews by media related to this Agreement prior to such interviews taking place. The COUNTY reserves the right to have a representative present at such interviews.

8. INSURANCE

a) This Agreement shall not be executed by COUNTY and the GRANTEE is not entitled to any rights hereunder, unless certificates of insurance (or other sufficient proof that the following provisions have been complied with) are filed with the COUNTY.

b) Without limiting GRANTEE'S indemnification provided herein, GRANTEE shall and shall require any of its subcontractors to take out and maintain, throughout the period of this Agreement, the following policies of insurance placed with insurers with a current A.M. Bests rating of no less than A: VII or its equivalent against

injury/death to persons or damage to property which may arise from or in connection with the activities hereunder of GRANTEE, its agents, employees or subcontractors:

i) Comprehensive or Commercial General Liability Insurance at least as broad as Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001), in an amount of $1,000,000 per occurrence. If work involves explosive, underground or collapse risks, XCU must be included. If a general aggregate limit is used, either the general aggregate limit shall apply separately to this project or the general aggregate shall be twice the required occurrence limit. Said policy shall contain, or be endorsed with, the following provisions:

   a) The COUNTY, its officers, employees and agents, are covered as additional insured for liability arising out of the operations performed by or on behalf of GRANTEE. The coverage shall contain no special limitations on the scope of protection afforded to the COUNTY, its officers, agents, and employees.

   b) The policy shall not be canceled or materially reduced in coverage without thirty (30) days prior written notice (10 days for non-payment of the premium) to COUNTY by certified mail.

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

   d) For claims related to this project, the GRANTEE'S insurance is primary coverage to the COUNTY, and any insurance or self-insurance programs maintained by the COUNTY are excess to GRANTEE'S insurance and will not be called upon to contribute with it.

   e) Any failure to comply with reporting or other provisions of the parties, including breach of warranties, shall not affect coverage provided to COUNTY, its officers, employees, and agents.

c) Automobile liability insurance with coverage at least as broad as Insurance Services Office form CA 0001 06092, Code 1 (any auto), for vehicles used in the performance of this Agreement with minimum coverage of not less than $1,000,000 per accident combined single limit (CSL). Such policy shall contain or be endorsed with the provision that coverage shall not be canceled or materially reduced in coverage without thirty (30) days prior written notice (10 days for non-payment of premium) to COUNTY by certified mail.

d) Workers' Compensation and Employer's Liability insurance meeting statutory limits of the California Labor Code which policy shall contain or be endorsed to contain a waiver of subrogation against COUNTY, its officers, agents, and employees and provide for thirty (30) days prior written notice in the event of cancellation.

e) GRANTEE shall furnish COUNTY with certificates and original endorsements affecting the required coverage prior to execution of this Agreement by COUNTY. The endorsements shall be on forms as approved by the Humboldt County's Risk Manager or County Counsel. Any deductible or self-insured retention over $100,000.00 shall be disclosed to and approved by COUNTY. If GRANTEE does not keep all required policies in full force and effect, COUNTY may, in addition to other remedies under this Agreement, take out the necessary insurance, and

GRANTEE agrees to pay the cost of said insurance. All coverage shall be with insurance carriers licensed and admitted to do business in California. All coverage shall be with insurance carriers acceptable to COUNTY.

9. HOLD HARMLESS AND INDEMNIFICATION

a) Pursuant to Government Code section 895.4, the parties to this Agreement shall indemnify, defend and hold harmless the other parties hereto and their officers, agents, and employees, from any and all claims, demands, losses, damages, and liabilities of any kind or nature, including attorney's fees, which arise by the virtue of its own acts or omissions (either directly or through or by its officers, agents or employees) in connection with its duties and obligations under this Agreement and any amendments hereto.

b) Acceptance of insurance required by this Agreement does not relieve GRANTEE from liability under this indemnification clause. This indemnification clause shall apply to all damages or claims for damages suffered by GRANTEE'S operations regardless if any insurance is applicable or not.

10. TERMINATION FOR CAUSE

a) If, in the opinion of the COUNTY, GRANTEE fails to perform the services required under this Agreement within the time limits specified herein, or otherwise fails to comply with the terms of this Agreement, or violates any ordinance, regulation, or other law which applies to its performance herein, the COUNTY may terminate this Agreement immediately, upon notice. In such event, the COUNTY may exercise any of its rights under this Agreement or available to it under the law.

11. NOTICES

a) Notices shall be given to the COUNTY at the following address:

Dawn Elsbree
Headwaters Fund Coordinator
Humboldt County
520 E Street, Eureka, CA 95501

b) Notices shall be given to GRANTEE at the following address:

David Tyson
City Manager
City of Eureka
531 K St.
Eureka, CA 95501

c) Notice shall be in writing and may be given by delivering a copy of said notice to the COUNTY or GRANTEE personally, or by mailing a copy of said notice to the COUNTY or GRANTEE. If mailed, notices shall be deemed received two (2) days after their deposit in the United States mail, postage prepaid and addressed as set forth above.

12. MISCELLANEOUS

a) GRANTEE STATUS: GRANTEE certifies that it is a non-profit corporation or tax-exempt governmental unit located in Humboldt County, California.

b) RESTRICTIONS, LIMITATIONS OR CONDITIONS: This Agreement is subject to any additional restrictions, limitations, or conditions enacted by the Federal and/or State Governments that may affect the provision, terms or funding of this Agreement.

c) RELATIONSHIP OF PARTIES: GRANTEE shall perform all work and services as described herein as an independent contractor. No person performing any of the work or services described herein shall be considered an officer, agent, servant or employee of the COUNTY nor shall any such person be entitled to any benefits available or granted to employees of the COUNTY. GRANTEE shall be solely responsible for the acts or omissions of its officers, agents, employees, and subcontractors. Nothing herein shall be construed as creating a partnership or joint venture between the COUNTY and GRANTEE.

d) ASSIGNMENT: Neither Party shall assign its obligations under this Agreement without the prior written consent of the other. Any assignment by GRANTEE in violation of this provision shall be void, and shall be cause for immediate termination of the Agreement.

e) SUBCONTRACTING: GRANTEE shall not subcontract any portion of the work required by the Agreement without prior written approval of the COUNTY.

f) LICENSING: If GRANTEE is required to be licensed by the State of California, GRANTEE shall maintain the appropriate licenses throughout the life of this Agreement.

g) PUBLIC WORK/PREVAILING WAGE REQUIREMENT: The COUNTY has determined that the Project is a public work that requires the payment of prevailing wages. GRANTEE agrees to pay prevailing wages on this project; to ensure that any subcontractors hired on the project pay prevailing wages; and to further comply with all of the applicable provisions of Section 1770 and following of the California Labor Code.

h) NUCLEAR FREE HUMBOLDT COUNTY ORDINANCE COMPLIANCE: GRANTEE certifies by their signatures below that GRANTEE or GRANTEE'S agents, representatives, employees, contractors and subcontractors are not a Nuclear Weapons Contractor, in that GRANTEE is not knowingly or intentionally engaged in the research, development, production, or testing of nuclear warheads, nuclear weapons systems, or nuclear weapons components as defined by the Nuclear Free Humboldt County Ordinance. GRANTEE agrees to notify COUNTY immediately if it or GRANTEE'S agents, representatives, employees, contractors and subcontractors become a nuclear weapons contractor, as defined above. COUNTY may immediately terminate this agreement if it determines that the foregoing certification is false or if GRANTEE or GRANTEE'S agents, representatives, employees, contractors and subcontractors becomes a nuclear weapons contractor.

i) TITLE TO INFORMATION AND DOCUMENTS: It is understood that any and all documents, information, and reports concerning this project prepared by and/or submitted by GRANTEE shall become the property of the COUNTY. GRANTEE may retain copies for its own records. In the event of termination of this Agreement, for any reason whatsoever, GRANTEE shall promptly turn over all information, writings and documents to the COUNTY without exception or reservation.

j) NONDISCRIMINATORY EMPLOYMENT: In connection with the execution of this Agreement, GRANTEE shall not discriminate against any employee or applicant for employment because of race, color, religion, age, sex, nation origin, political affiliation, ancestry, marital status or disability. This policy does not require the employment of unqualified persons. GRANTEE further assures that it will abide by the provisions of Title VI and Title VII of the Civil Rights Act of 1974, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, and other applicable federal and state laws to ensure that employment practices and the delivery of services are non-discriminatory. Under this requirement, GRANTEE shall not discriminate on the basis of race, color, national origin, political affiliation, religion, marital status, sex, age or handicap.

k) ENTIRETY OF CONTRACT: This Agreement shall constitute the entire Agreement between the parties relating to the subject matter of this Agreement, and shall supersede any previous agreements, promises, representation, understanding and negotiation, whether oral or written, concerning the same subject matter. Any and all acts, which may have already been consummated pursuant to the terms, which are embodied in this Agreement, are hereby ratified.

l) AMENDMENT: No addition to, or alteration of, the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto.

m) COMPLIANCE WITH APPLICABLE LAWS: GRANTEE shall comply with any and all applicable federal, state and local laws.

n) JURISDICTION AND VENUE: This Agreement shall be construed in accordance with the laws of the State of California. Any dispute arising hereunder or relating to this Agreement shall be litigated in the State of California and venue shall lie in the County of Humboldt.

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

p) NO WAIVER: The waiver by either party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other provision of this Agreement.

q) CONFIDENTIAL INFORMATION: In the performance of this Agreement, GRANTEE may receive information which is confidential information under state or federal law. GRANTEE agrees to comply with all laws regarding confidentiality and shall advise and require all subcontractors to comply with the laws of confidentiality.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first herein above written.

(SEAL)

COUNTY OF HUMBOLDT

ATTEST:
CLERK OF THE BOARD

_____
DEPUTY

BY: _____
CHAIR, BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT
STATE OF CALIFORNIA

APPROVED AS TO FORM:

COUNTY COUNSEL

BY:_____
Carolyn Ruth
Deputy Counsel

GRANTEE
City of Eureka

BY: _____
David W. Tyson, City Manager

APPROVED FOR INSURANCE REQUIREMENTS

_____
Jo Ann Gath
Risk Manager

GRANTEE
City of Eureka

BY:_____
Sheryl L. Schaffner, City Attorney

Exhibit A: Project description, activities, objectives, deliverables, and timeline

Project Description

- Purchase and installation of a 50-ton flake icemaker on a City-owner pier in Eureka

Activities

- Purchase a Model 90 Flake Ice Maker and accompanying equipment –rake system, ice bin enclosure etc.
- Install flake ice maker, meeting engineering and electrical requirements
- Contract with Pacific Choice Seafoods for the operation and maintenance of the flake ice system

Objectives

- To preserve the essential Humboldt County fishing industry cluster through providing the necessary flake ice

Deliverables

- 50 ton flake icemaker installed on the City of Eureka finger pier at the foot of Commercial Street

Timeline

- Project to be completed by June 30, 2009

Exhibit B: Project Proposal Cover Sheet
[Attached]

Exhibit C: Funds Request Form

Date: _____ Project Title: _____

Organization: _____ Preparer: _____ Grant No.: _____

Address: _____ Title: _____ Grant Start Date: _____

_____ Phone: _____ Grant End Date: _____

Phone: _____ email: _____

Contract Activities	Budget Category	Budgeted Amount	Funds Requested In This Period	Funds Requested in Prior Periods	Funds Remaining

Comments: _____

Please attach copies of receipts for all costs incurred in performing the above work.

I, the undersigned, certify that the information reported in this document is complete and accurate to the best of my knowledge.

Name (print): _____

Title: _____

Signature: _____ Date: _____

Exhibit D: Project Budget (takes precedence over budget in Exhibit B)

Contract Activities	Budget Category	HWF Amount	Budgeted Amount
Model 90 Flake Ice Maker		107,000	107,000
Rake System, main control panel, external panels, conveyor delivery system		132,005	132,005
Ice bin enclosure		120,000	120,000
Estimated freight		14,450	14,450
Piping, valves, insulation, ice bin cooling system		126,545	200,000
Engineering			10,000
Electrical			40,000
Installation ice maker and accessories			90,000
Roof			15,000
Miscellaneous			21,545
Total		$500,000	$750,000

Exhibit E: Quarterly Report Form

The Headwaters Community Investment Fund
Quarterly Report

The purpose of the Quarterly Report is to keep the Headwaters Fund staff and Board up-to-date on grantee projects. A Quarterly Report is due every 90 days from the start of the Headwaters Community Investment Fund Grant Agreement. Please complete the following form.

Date: _____ Project Title: _____

Organization: _____ Preparer: _____ Grant No.: _____

Address: _____ Title: _____ Grant Start Date: _____

_____ Phone: _____ Grant End Date: _____

Phone: _____ email: _____

PART 1: NARRATIVE

Please respond to the following, using as much space as necessary:

1. Describe all grant activities undertaken and accomplishments to date.

2. State expected completion dates for grant activities.

3. Are grant activities proceeding according to planned timeline and budget? If not, specify:
   - Delayed/over budgeted activities
   - Reasons for delay/over budget
   - Revised timeline/budget
   - Impact of delay/over budget on project

4. State and explain any request for changes in project timeline, budget, and other project items.

5. Discuss any problems or unforeseen circumstances in implementing the grant project. Address how these problems/circumstances will be overcome, if appropriate.

6. List any sub-contracts signed and/or completed including name and description of contracted party and contracted activity.

7. Is there anything else that the Headwaters Fund staff and Board should know about regarding your project?

PART 2: FINANCIAL ACCOUNTING

Grantee:	_____	**Preparer**	_____	**Grant No.:**	_____
Address:	_____	**Title:**	_____	**Grant Start Date:**	_____
	_____	**Organization:**	_____	**Grant End Date:**	
Phone:	_____	**Phone:**	_____		
		E-Mail Address:			

Report Period: From: To:

Section I Part A - Requested Fund Information

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Contract Activities	Budgeted Amount	Total Requested To Date	Total HWF Funds Received	HWF Funds Requested Not Received	Total HWF Funds Disbursed	**HWF Funds-on-Hand* (Col. 4 - 6)**
[Insert project budget category]						$ -
[Insert project budget category]						$ -
[Insert project budget category]						$ -
4-						
5-						
6-						
7-						
Total	$ -	$ -	$ -	$ -		$ -

Note: If Funds-on-Hand exceeds 5,000, please explain why.

Section1 Part B - Accrued Expenditures & Milestones

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Contract Activities	Budgeted Amount	Previously Reported	Expenditures This Period	Total Accrued Expenditures	Balance (Col. 2 - 5)	Percent (Col. 5 / 2)
[Insert project budget category]						
[Insert project budget category]						
[Insert project budget category]						
4-						
5-						
6-						
7-						
Total	$ -	$ -	$ -	$ -	$ -	

I, the undersigned, certify that the information reported in this document is complete and accurate to the best of my knowledge.

Name (print): _____

Title: _____

Signature: _____ Date: _____

Exhibit F: Project Evaluation Form

The Headwaters Community Investment Fund
Grantee Self-Evaluation

The information requested on this form will allow the Headwaters Fund to better understand it's funding and report to the public. A positive or negative self-evaluation will not impact your future chances in applying for and obtaining Headwaters funding; thus, please be candid. We also will not rate or otherwise evaluate grantees in our public reports.

You must return this form within 30 days of your Final Project Report to the Headwaters Fund. Headwaters Fund staff may contact you with further questions about your project. If you have any questions, please contact Headwaters staff. Thank you.

Today's Date: Project Start Date: Project End Date:

Organization Name:

Project Title:

Please answer the following questions, using as much space as necessary:

1. What were the project goals and were they achieved? Why or why not?

2. Answer the following:
    a. Who was impacted by your project and how many?
    b. The numbers of materials and other items that were distributed, if applicable
    c. The number of events/activities that took place, where they happened, the number of people attending, etc.
    d. Include photographs, if applicable.

3. What are the lasting benefits of the project (provide quantitative and qualitative benefits)?

4. What challenges did you encounter during the project?

5. How will you continue the work started by this project?

6. What, if any, are your comments about working with the Headwaters Fund and its staff?

7. How would you rate the Headwaters Fund as a funder?

8. Do you have any other comments?

Please attach any press releases, media stories, or other materials that have been published regarding the project/program funded by the Headwaters grant.

I, the undersigned, certify that the information reported in this document is complete and accurate to the best of my knowledge.

Name (print): _____
Title: _____
Signature: _____

AGENDA SUMMARY

RE: INTENT TO ADOPT CALPERS RETIREMENT SERVICE CREDIT RESOLUTION AND APPROVE CORRESPONDING ORGANIZATIONAL ADJUSTMENTS	**For Agenda Date: FEBRUARY 24, 2009** **Agenda Item No:** 12

RECOMMENDATION:

See Recommendations 1 through 4 in this report.

SUMMARY OF THE ISSUE:

As we all know, the City of Eureka is facing yet another difficult budget year. Departments have significantly reduced their budgets once again, after already drastically reducing costs in previous years. Numerous approaches have been employed to achieve these reductions, including decreasing line item operating expenses of every kind. However, we all realize our largest expenses are associated with staffing. Therefore, as part of the adoption of the FY 08/09 budget, the City Council directed the City Manager to attain additional cost savings through reductions in personnel. These staffing reductions were to be accomplished through (1) voluntary unpaid employee furloughs; (2) CalPERS "Golden Handshakes," which involve an employee receiving additional retirement service credit in exchange for retiring earlier than they had originally planned; and (3) employee layoffs.

(continued on next page)

FISCAL IMPACT: Ongoing salary savings of approximately $49,700 to $152,700 annualized and $12,400 to $38,175 savings for remainder of FY 08/09 assuming retirement dates of April 1, 2009 and depending upon the number of positions left vacant. No cost for the additional retirement service credit until fiscal year 2011/12, when the CalPERS employer contribution rate will be adjusted to reflect a one-time cost of $85,300 amortized over 20 years.

DH SIGN: Teresia A. Huaso **Personnel Director**	**CM SIGN:** [signature] **City Manager**

REVIEWED BY:	**DATE:**	**INITIALS:**
Finance Director	2/19/09	VW/KAS
City Attorney	2/19/09	SS
Police Chief	2/20/09	GN/KAS

COUNCIL ACTION: **Ordinance No.**	**Resolution No.**

Both layoffs and retirement incentives have occurred in previous budget years, but not at the magnitude of this current year. In FY 08/09, six (6) employees have opted to take voluntary unpaid furloughs effective November 1, 2008 resulting in a cost savings this fiscal year of $27,000; and three (3) employees meet the criteria for receiving an early retirement incentive, which is the subject of this agenda summary. It is hoped that these additional cuts will offset, at least temporarily, the need for other current staff reductions.

The following employees are recommended to receive the CalPERS additional service credit:

Position Title	Department
Asst. Finance Director (Position to be refilled at a lower level)	Finance
Police Services Officer* (Savings to be applied to other Police Department services)	Police
Sr. Personnel Analyst (Position to be refilled at a lower level or lower salary step)	Personnel

TOTAL APPROXIMATE ANNUAL SAVINGS $49,700.

*There are several employees in this classification, but only one employee is eligible for the early retirement incentive.

The gross approximate annual cost reduction resulting from vacating these three positions is **$152,700.** At your February 3, 2009 meeting, staff recommended that Council simultaneously approve exceptions to the hiring freeze to allow two of the three positions to be refilled at lower levels, resulting in a net ongoing annual savings of **$49,700**. Council referred this item to the Finance and Advisory Committee, who discussed the matter at their meeting of February 9, 2009 and made the recommendation to the City Council that the early retirements for the above three positions be approved, but that the exceptions to the hiring freeze be held until the midyear budget information was available. Staff's original proposal is an effort to achieve some savings through the early retirement process while also insuring that the City can continue to operate efficiently and effectively through reorganization and backfilling positions at lower levels, resulting in a savings for this fiscal year of **$12,400**. Should the two positions be held vacant for the remainder of the current fiscal year in order to maximize savings, these positions would not be eliminated through the budget process for FY2009/2010. If the Council decides to leave all three positions vacant for the remainder of this fiscal year, the savings for this year (last three months of the fiscal year) would be approximately **$38,175** (25% of the $152,700 gross savings) assuming a retirement date of April 1, 2009 for the three incumbents.

Corresponding temporary service reductions would occur if the Finance and Personnel positions are left vacant for the remainder of this fiscal year. In Personnel this will impact public safety recruitment and

hiring, employee relations, and program and policy improvement projects. Internal and external customer service will be significantly impacted.

In the Finance Department, reassigning the tasks of the Assistant Finance Director, even for a temporary period, will involve parceling out additional work to all staff members and analyzing each position to determine the lowest priority work to be discontinued or delayed and/or simply adding hours of work for exempt staff members.

The savings achieved from the elimination of the Police Services Officer will be reapplied within the Police Department. Personnel plans to refill the vacated position at either a lower level or a lower salary step, and should the existing vacancy be filled through promotion, the resulting vacancy would be filled at a lower level with no change in the number of authorized positions. Finance plans to refill the vacated position at a lower level and redistribute some duties through organizational changes. Plans include promoting existing personnel if possible and filling the one vacancy at the lowest possible level, also resulting in no change in the total number of authorized positions. Staff is also considering the possibility of filling these vacancies through internal recruitment processes to absorb potential layoffs among qualified existing City employees.

Also, in addition to the early retirement service credit, two of the three retiring employees are also being provided with two years of City-paid health insurance. The overall savings include this cost, and it is important to note that the twenty-four (24) months of paid health insurance are a finite, one-time cost. Together, both the early retirement incentives and the health insurance incentives are significantly less than the ongoing annual cost of the employees' salaries and benefits.

To begin the process to allow these three employees to receive the additional service credit in exchange for retiring early, the City is giving notice of its intention to designate another "window period" for early retirement, followed at the next Council meeting by the adoption of the formal Resolution. CalPERS requires the establishment of a "window period" of between 90 and 180 days, during which time all eligible employees in classes designated by the City as eligible for the retirement incentive must retire. For this particular designation, the window period would be March 20, 2009, through June 20, 2009, with March 20, 2009, as the earliest eligible retirement date during the window period.

To be eligible for the CalPERS service credit, an employee must be a minimum of 50 years old and have at least five years of service in a CalPERS agency, such as the City of Eureka. The cost of the service credit incentive is based upon a number of factors, including the employee's age at retirement and their salary. CalPERS further requires the City keep at least "one" position permanently unfilled, thereby resulting in an overall reduction in the workforce. The City has met the one permanently vacant position through the last invocation of the early retirement benefit provision of the contract with CalPERS.

There is a one-time (i.e., non-recurring) cost of granting CalPERS service credit to an eligible employee. According to CalPERS, "The added cost to the retirement fund for all eligible employees who retire during the designated window period will be included in the contracting agency's employer contribution rate for the fiscal year that begins *two years after the end of the designated period*." In other words, there is no fiscal impact until July 1, 2011, the beginning of the 2011/12 fiscal year.

RECOMMENDATION

Staff recommends the City Council take the following specific actions within the overall savings shown in this agenda summary:

1. Give notice of the intent to adopt the necessary CalPERS resolution for City Council approval granting two (2) years early retirement service credit; and

2. Approve the granting of two (2) years of City-paid health insurance as an early retirement incentive to the Police Services Officer and Asst. Finance Director positions; and

3. a) Authorize an exemption from the hiring freeze for the Senior Personnel Analyst (or lower level) position; ***or in the alternative***

   b) Direct staff to bring this exception to the hiring freeze request forward after completion of the midyear budget review; and

4. a) Authorize an exemption from the hiring freeze for the reclassified Finance Office Manager position (former Assistant Finance Director position) and Personnel to review, determine, and implement the appropriate reclassification of Finance Department personnel necessary to achieve the desired organizational changes. These changes will result in the same number of full-time equivalent positions, but with one (1) and possible two (2) positions being downgraded to achieve the personnel costs savings; ***or in the alternative***

   b) Direct staff to bring this exception to the hiring freeze request forward after completion of the midyear budget review.

City of Eureka - City Council

AGENDA SUMMARY

RE: 2008-09 Budget Update
Mid-Year Financial Report

For Agenda Date: February 24, 2009
Agenda Item No.: 13

RECOMMENDATION:

1. Receive and file the Mid-Year Budget Update Report for Fiscal Year 2008-09
2. Consideration and Approval of Mid-Year Budget Adjustments

SUMMARY OF THE ISSUE:

The City's financial policies provide for the submittal of a report to the City Council on the financial status of the City at mid-year. Although periodic financial reports are distributed to the Department Managers on an on-going basis, the formal submittal of a review at the mid-point of the fiscal year provides an opportunity to identify and present any fiscal problem areas to the City Council, and to recommend corrective action or additional funding if required. Provided within this mid-year report are discussions of revenues received and expenditures for the first six months of the year, along with projections of fund balances at year end in each of the major city funds.

FISCAL IMPACT: General Fund appropriation increase of $484,642 with offsetting revenue of $423,799; HazMat Fund $26,000; Gas tax fund increase of $59,452 with offsetting revenue of $252,474; Habitat Fund decrease of $845; CLEEP Fund increase of $13,528; Parking Fund increase of $180,144 with offsetting revenue of $204,500; Capital Improvement Fund increase of $9,076; Demolition fund increase of $11,493 with offsetting revenue of $11,493; HazMat JPA Fund increase $26,000 with offsetting revenue increase of $26,000; HOME fund appropriation increase of $3,000; Economic Development Fund increase of $8,750 with offsetting revenue of $8,750 Low and Moderate Income Housing fund appropriation increase of $60,065; Housing Fund expenditure decrease of $60,065 Redevelopment Debt Service fund increase of $660,111; Redevelopment Capital funds increase of $237,510; Water Fund increase of $ 66,396; Wastewater Fund increase of $1,713,108; Harbor Fund increase of $13,333 with offsetting revenue of $2,621; Golf Fund decrease appropriation of $6,840; Risk Management Fund expenditure increase of $225,000 with a corresponding revenue increase of $139,781; Redevelopment Admin. Fund appropriation increase of $39,708; The increases include revenues, personnel costs, materials & services costs, capital costs, debt service costs and inter-fund transfers. The total net change to the City budget is $2,219,805.

DH SIGN: _____ Finance Director

CM SIGN: _____ City Manager

REVIEWED BY:	DATE:	INITIALS:
City Attorney	2-20-09	S

COUNCIL ACTION:

Ordinance No. Resolution No.

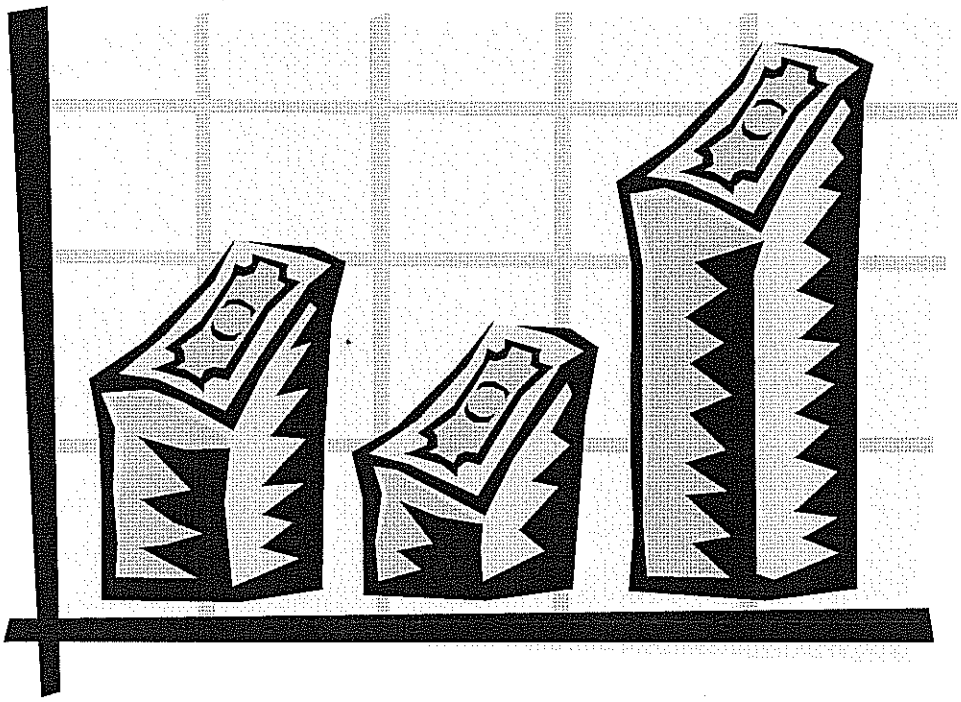
SUMMARY OF THE ISSUE, cont.

Presented for your consideration and approval are mid-year budget adjustments to expenditure appropriations to match anticipated costs for the fiscal year.

STAFF RECOMMENDATION:

The City Manager recommends the acceptance of the 2008-09 Budget Update and Mid-Year Financial Report and approval of Mid-Year Budget Adjustments as presented.

BUDGET UPDATE
FISCAL YEAR 2008-09



CITY OF EUREKA

PREFACE

The City's financial policies provide for the submittal of a report to the City Council on the financial status of the City at mid-year. Although periodic financial reports are available to the Department Heads on an on-going basis, the formal submittal of a review at the mid-point of the fiscal year provides an opportunity to identify and present any fiscal problem areas to the City Council, and to recommend corrective action or additional funding if required.

Accordingly, the following Mid-Year Budget Review document has been prepared in order to present a summary of the City's financial position at the mid-point of Fiscal Year 2008-09, and to provide projections of the City's financial position at the end of the fiscal year, compared with original budget estimates.

The Mid-Year Budget Review document for 2008-09 has been organized into the following four sections:

SECTION A – TRANSMITTAL MEMORANDUM
The transmittal memorandum summarizes the City's financial position at the mid-point of the fiscal year, and highlights significant trends and concerns.

SECTION B – FUND SUMMARIES AND DETAILS
The fund summaries focus on unreserved fund balance for the governmental funds. The reports include the actual amount at July 1, 2007, July 1, 2008, the amount that would be projected based on the adopted budget for FY2008-09 and the amount that is projected based on the year-to-date amendments to the FY2008-09 budget. It is useful to observe trends in unreserved fund balance.

The information presented for the City's enterprise funds is slightly different than for the governmental funds. These funds are accounted for on the full-accrual basis, which includes capitalization and depreciation of assets, and so the working capital, or unrestricted fund balance, is affected by transactions that are not budgeted. The information being presented does not include an analysis of working capital but will assist council in observing the following important features of these funds:

- the funds receive sufficient revenue to cover operating costs and meet bond covenants,
- the funds accumulate resources for future capital plans, if that is council's plan
- the funds are in compliance with the budget.

The summary reports will address the first two items.

The mid-year comparison reports allow us to evaluate how revenues and expenditures are occurring, relative to the current budget and the prior year pattern and to help us anticipate any areas in which budget compliance may be in jeopardy.

SECTION C – MID-YEAR BUDGET ADJUSTMENTS

Includes any recommended mid-year budget adjustments for City Council consideration and approval at this time.

SECTION D - MULTI-YEAR PROJECTIONS

This section includes multi-year projections for selected funds including General Fund, Redevelopment Funds, Harbor Fund and Building Fund. These projections are based on numerous assumptions and can be used as an indication of what might happen if no actions are taken to affect the future. These projections should not be used as a certain indication of the future.

SECTION A
TRANSMITTAL MEMORANDUM

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: DAVID W. TYSON, CITY MANAGER
VALERIE WARNER, FINANCE DIRECTOR

DATE: FEBRUARY 24, 2009

SUBJECT: MID-YEAR BUDGET REVIEW FOR 2008-09

OVERVIEW

This document has been prepared in accordance with the City's financial policy of submitting a report on the City's financial status to the Council at mid-year. Although periodic financial status reports are distributed, the formal submittal of a review at the mid-point of the fiscal year provides an opportunity to identify and present any fiscal problem areas to the Council, and to recommend corrective action or additional funding, if required.

As discussed further in this report, the City's revenues and expenditures at the mid-point of the fiscal year are generally in line with original budget projections.

FINANCIAL CONDITION SUMMARY

Other than the General Fund, each of the City's funds exists for a specific purpose and may have different patterns of revenues and expenditures and different targets for unreserved fund balance. The General Fund is the main operating fund for city services, but the General Fund is also the catch-all fund for the city, accounting for activities that don't have a specific fund of their own. This can sometimes cause 'blips' in budgets that are not, actually, a symptom of a problem.

In the information to follow, staff has analyzed each fund and will point out significant instances of fund performance that are according to plan and those that may be deviating from your policies or expectations.

REVENUES

Eureka is fortunate to have several major sources of revenue. These include sales tax, property tax, transient occupancy tax, the utility users' tax and the user fees from water and wastewater services.

Passage of two tax measures in the November 2008 election will change the mix, with the repeal of the utility users' tax, the addition of a .25% Transaction and Use Tax, and a 1% increase to the Transient Occupancy Tax. Statewide, regional and local reductions in consumer purchasing have significantly reduced our projected net increase in revenue based on the TUT/UUT tradeoff, and our current projections anticipate a "break even" result for FY2008-09 and 2009-10. The performance of these major revenues will be discussed in more detail in the context of each fund.

OPERATING PROGRAM EXPENDITURES

The city's major operating costs are related to its employees. Salary and benefits, citywide, account for over $23.3 million of the total FY2008-09 budget (45.8%). Salary and benefit costs are typically expended in a level pattern over the months of the year, except that employees received a substantial wage increase on January 1, 2009, which will mean that the second half of this year will be more expensive than the first half. The Memoranda of Understanding (MOU) with the various employee groups include pay increases that implement the Koff Classification and Compensation report at various rates over a three year period. The final increase based on the Koff implementation will occur on January 1, 2010.

PROJECTED WORKING CAPITAL RESERVES

The fund summaries display the projected ending unreserved fund balances for each governmental fund, based on the adopted budget and budget adjustments approved by council prior to the mid-year requests. Wherever council has formally indicated a reserve target, the by-fund analysis will include a comparison of the actual reserve with that target.

FUND BY FUND HIGHLIGHTS

General Fund

The General Fund is the primary operating fund of the City. All revenues which are not allocated by law or contractual agreement to a specific fund are accounted for in this fund.

The mid-year revenue comparison shows 32% of budgeted revenue received by December 31, 2008 compared to 40% of budgeted revenue received in the same period last year. A detailed analysis of payments and dates suggests that the City will receive less than the budgeted amount for property tax (150,000) and more than the budgeted amount for transient occupancy taxes, perhaps by as much as 10%. The utility users' tax is repealed as of April 1, 2009 and therefore we project that the line item will be $375,000 short. At this time, we are expecting the Transaction and Use Tax to generate that same amount for the period April 1, 2009 - June 30, 2009. The sales tax line item is expected to experience a $1.075 million shortfall. In all, tax revenues are expected to be $1.057 million less than budgeted. Other general fund revenues, in the aggregate, are expected to fall $337,000 short of budget for a total projected general fund revenue shortfall of $1,394,000.

Operating expenditures are slightly below half for most departments. The Personnel department is at 73% of budget because the personnel director position was not budgeted and because of an unexpected paid absence that had to be backfilled by rehiring the retired personnel director as a temporary employee. A mid-year request for $104,350 is included for additional funding.

There are few capital projects in the General Fund for FY2008-09. A mid-year adjustment request is included in this package for an increase in general fund project budgets in the amount of $12,696. This represents carryover of previously approved projects which were underspent in the previous fiscal year. The Marina Center project represents a pass-thru of funds placed on deposit with the city by the

developer. The City would normally perform certain work with existing staff, and charge staff time to the developer. In this case the work was contracted out. The city pays the contractor and bills the amount to the developer. A budget appropriation is required for the city to collect and pay out the funds but no city resources are supporting the work.

At Council workshops on the 2008/09 Budget the Council directed the City Manager to reduce annual General Fund staffing costs by $250,000. This reduction was to be accomplished through voluntary work furloughs, early retirement incentives, hiring delays, additional frozen positions, and reduction to temporary salaries. Achievements in these areas has generated approximately $220,000 in 2008/09 savings. Work furloughs ($30,000) and early retirements ($150,000) will generate nearly $180,000 in annualized savings; provided the positions remain vacant and are not replaced with lower level positions. The full amount of the permanent staffing reduction goal of $250,000 was not accomplished due in large part to the economic slowdown being experienced here locally and nationally. Just two short months ago we were negotiating early retirements totaling nearly $400,000 but several of the employees considering the early retirement incentive option withdrew from consideration when they began to personally experience the influence of the economic slowdown. The three remaining employees decided to continue in the process only when the additional incentive of two years of health insurance was added to the incentive package.

Other mid-year adjustment requests for increases to General fund expenditures are included and are detailed in Section C of this report. Finally, a group of adjustments add both revenue and expenditure with little or no impact on fund balance.

Council policy calls for the General Fund reserve to be at a level sufficient to fund two months of expenditures, or approximately $3.8 million. The FY09 adopted budget, based on estimates for FY08, was expected to produce a General Fund reserve of $659,797. The actual results of FY08 produced an increase in this number to $1,168,679. Year-to-date budget adjustments lower the number to $736,682. If council approves the mid-year budget requests for the General Fund, this figure will decline by an additional $60,843 to $675,839. While below the target, this is a comfortable level, consistent with recent years. However, the anticipated revenue shortfalls will bring the ending balance to ($718,161). This is a serious situation which calls for immediate action. The proposed mid-year strategy to fill this gap and add an amount sufficient to create a modest ending fund balance of $500,000 would be to authorize a one-time increase to the Redevelopment Loan transfer in the amount of $250,000 and to direct departments to share the burden equally by making a 4% across-the-board reduction to budgeted expenditures for the year. In many departments, a reduction of this magnitude will be impossible to sustain beyond FY 2008/09 without making staffing reductions, which will result in service reductions to citizens. As we prepare for the upcoming 2009/10 Budget process we need to prepare for the restructuring of most City services. This process will include program elimination and staffing reductions in all General Fund departments.

Gas Tax Funds

The city uses several funds to account for revenues from gas taxes, which are required by State law to be allocated for new construction, maintenance and reconstruction of the City's streets.

We use the term *subvention* to describe those gas tax revenues which come to the City from the 2.35 cents per gallon paid at the pump. The annually recurring revenues of the subvention gas tax funds are based on gasoline sales and are expected to produce $675,096 this fiscal year. This includes about $185,000 that was due last year but was delayed by the State. If gasoline usage remains constant, the City should be able to count on the availability of these funds, in a stable manner, at around $475,000 per year, into the future. These funds are used to support street maintenance and traffic engineering activities.

The City also receives Traffic Congestion Relief funding through Proposition 42, (originating with the 7.25% sales tax paid at the pump). These funds are to be used for local street and road improvements and are distributed to local agencies based on population with anticipated funding levels of $249,528 in FY 2008-09, $259,509 in FY 2009-10 and $275,079 in FY 2010-11. No projects have been planned to use this money as of yet.

The last of the gas tax funds are SAFETEA-LU funds distributed by the State to the HCAOG Regional Transportation Program based on road mileage and population. Projects are submitted to HCAOG by local agencies and distributed by formulas. These monies are funded from 1.04 cents from every gallon of gasoline sold and split between the County and other Cities within Humboldt County. This year, these funds will be used as local match for a Bikeways grant, for a sidewalk improvement project, and also to fund Traffic Engineering and Street Maintenance.

Redevelopment Administration, Debt Service and Capital Projects Funds, Low & Moderate Housing Fund

These funds are used to account for the administration of, the indebtedness of, and the capital projects within the Agency in the merged project areas. Property tax increment revenues are used to repay principal and interest on City advances, principal and interest on the I Bank loan, interest on loans from the Eureka Public Financing Authority, the Low and Moderate Income Housing Fund 20 percent set-aside, pass-thru payments to other government entities, the $100,000 contribution to the Small Boat Basin Harbor Fund reserve, the $50,000 contribution to the Harbor Dredging and Capital reserve, and capital projects in the project area. Property tax revenues spiked in the Redevelopment area in recent years due to an increase in housing prices and sales, and a leveling off is expected. Redevelopment is budgeted to fund $4,416,960 for Capital Projects this fiscal year. Beginning in fiscal year 2011-12, the Redevelopment Agency will begin making principal payments of approximately $1 Million per year on the EPFA bonds. The Redevelopment Agency is scheduled to sunset in 2026. At that point, the tax increment would be allocated among the City and other government agencies.

This year, to a greater extent than usual, the Redevelopment funds have been depleted to fund unanticipated costs and opportunities. Year to date increases to budgeted expenditures total $611,672, and additional amounts totaling $853,743 are included in the mid-year request for increased appropriations for state take-aways, unanticipated and disputed pass-thru payments, county tax administration fees and additional project costs. The result of these activities and events is that the fund balance in the Redevelopment Capital fund has fallen from $6.9 million at the beginning of FY2008-09 to a projected $4 million at the end of FY2008-09. While the long-term outlook for the Redevelopment Agency is still satisfactory, as we approach FY2012 when the debt service principal payments will begin to come due, the agency's ability to do projects and to meet unanticipated needs will diminish.

Water and Wastewater Funds

These funds are used to account for the operation and maintenance of the City's Water and Sewer utilities. Revenues are primarily from user charges. Both Water and Wastewater user fees should come in very close to the budget amount for the year. These user fee revenues have been sufficient to meet bond covenants. Council policy directs that 60 days of operating expenditures should be maintained in the City's Water and Wastewater funds. This amount equates to $575,000 and $659,300 respectively. The unrestricted balance in the Water fund as of June 30, 2008 is $5,678,884, well in excess of the target. Wastewater's unreserved balance is $8,215,770, also far exceeding the target. However, $448,000 of the Water Reserve and $5.2 million of the Wastewater reserve represents advances to the Redevelopment

Agency, on which repayments are not scheduled to occur until a point in the future which has not been identified; therefore spendable resources in the funds are equal to $5,230,639 and $2,952,330 respectively. The Wastewater debt covenant imposes mandated reserves of $250,000 per year, capped at $3,700,000 for Treatment Plant replacement and $150,000 per year, capped at $2,000,000 for Collection Facilities replacement. As of June 20, 2009, the Treatment reserve is expected to be $530,000 and the Collection reserve is expected to be $312,000. These reserves are insufficient to fund needed improvements to the Wastewater system and additional funding, either through grants, rates or borrowing, will be necessary.

Humboldt Bay Fund

This fund is used to account for the revenues, expenses and debt payments for the harbor and public marina operations. The fund balance, currently in a deficit situation, may improve in the very long-term as revenues increase. In addition to operations and debt service, our financing agreements require that reserves are built up to ensure future dredging and major maintenance funding is available. The City is required to deposit annually: $20,000 into a Dredging Reserve to pay for the cost of a 5 year dredging cycle program and $30,000 annually into a Capital Improvement Reserve to pay for anticipated costs of improvements to the Small Boat Basin. These deposits are required through 2028. In addition, $100,000 is required to be deposited into a Debt Service Fund until the balance, including interest equals $1;000,000. Historically, some of the reserve contributions and debt service payments were contributed by the Redevelopment Agency. Beginning in FY2008-09, all reserve contributions and debt service payments are contributed by the Redevelopment Agency. As of June 30, 2008, fund unrestricted assets total ($4,174,911). With user fees set at current market prices, the revenues cover approximately 82% of operating and capital costs. This means that the deficit position will worsen in the current fiscal year by approximately $141,000. This situation requires immediate action. It is not possible to maintain this fund in a deficit position. The ability to bridge the gap with Redevelopment Funds has been exhausted and other strategies to bring the fund to solvency must be identified.

Transit Fund

This fund is used to account for the revenues and expenses for the general public transportation and Para transit operations, i.e. Dial-a-Ride/Lift. The transit operations are designed to provide expanded opportunities to reduce vehicle dependency in the Downtown, Old Town districts and to facilitate pedestrian mobility once they arrive. Annually, the City receives revenue from State Transportation Funds based on a population formula. The City also receives revenue from Humboldt County in an amount equal to 27% of the transit and para transit budgets. Other revenues include bus fares, Dial-a-Ride ticket sales and bus advertising. Expenditures of the fund include payment to Humboldt Transit for operating and maintaining the buses, payment to Humboldt Transit for administering the Dial-a-ride program and payment to City Cab of Eureka for operating and maintaining the Para-transit fleet.

Since FY2004-05, the City's General Fund has annually subsidized the Transit Fund. The amount in FY2004-05 was $175,000. The amount in FY2005-06 and FY2006-07 was $115,000 and the amount in FY2007-08 was $190,000. Over this 3 year period, the unrestricted fund balance of the Transit fund went from $110,700 to ($124,127) and finally to $33,620. For the FY2008-09 budget, staff attempted to eliminate the need for a General Fund subsidy with a rate increase for both regular transit (from $1.20 to $1.40 per trip) and para transit (from $2.00 to $2.80 per trip), and by making some changes to the way the city support of the transit function was budgeted. The regular transit rate increase may have suppressed ridership, even during the months when gas prices spiked, thus not producing additional revenue. The Para transit rate increase was not implemented in full, due to unforeseen difficulties with the partner

entities. The service coordination committee was committed to one price for all system riders and the ultimate price was set at $2.50, somewhat less than Eureka's recommended $2.80. In addition, staff was contemplating a renegotiation with the Dial-a-ride provider. Our contract expired June 30, 2006. Costs to provide para transit service have continued to outpace ticket revenues. Staff has been unable to negotiate a new contract because the provider is in the midst of implementing a reservation system that is expected to dramatically affect ridership and therefore cost of service.

For FY2008-09, revenues are expected to be sufficient to cover costs. The future of the transit fund, assuming that the General Fund subsidy will not be available in the future, will depend on careful management of fares and routes for the general transit system and successful implementation of the reservation system for the para transit system. Costs can be controlled only by regulating service as we have seen that fare increases, beyond a certain point, do not raise revenues. The mid-year budget adjustment contains only one minor adjustment to the Transit budget, a $12,500 line item to be used for purchasing DAR tickets from HTA.

Internal Service Funds

The City uses four internal service funds to provide services to other funds. The Internal Services funds are the Risk Management Fund, the Equipment Operations Fund, the Information Technology Fund and the Redevelopment Administration Fund. Like Enterprise funds, the fund balances of Internal Service Funds include the net book value of capital assets and so the fund balance may not represent spendable resources.

The Risk Management Fund accounts for Workers' Compensation and Liability Insurance. The fund receives contributions from other funds to accumulate funds to pay for insurance premiums and deductibles. Council policy recommends a reserve of $1 million for this fund. The budgeted reserve at June 30, 2009 is $267,172. However, recent information from the City's insurance carrier, REMIF, indicates that low liability claim experience in FY2007-08 will result in a rebate of $139,781. This is fortunate because unusually large workers compensation claims have occurred this year and a request for $225,000 in additional appropriations is included with the mid-year requests.

The Equipment Operations Fund receives contributions from departments to accumulate resources to replace rolling stock and other major equipment and also to perform maintenance on the city's fleet. As a budget-balancing strategy the annual contribution for FY2007-08 was reduced by $200,000. Maintenance activities were not cut back and so the result is that reserves available for vehicle and equipment replacement have diminished in relation to the total value of equipment to be replaced. An appropriate fund balance target for this fund would be a percentage of the value of all of the equipment to be replaced. The projected fund balance at June 30, 2009 is $2,611,627.

The Information Technology fund receives contributions from departments to accumulate resources to replace technology equipment and also to perform maintenance on the city's network. As a budget-balancing strategy for FY2007-08, the departments' contributions for IT were frozen at the prior year amount. Maintenance activities were not cut back and so the result is that reserves available for technology equipment replacement have diminished in relation to the total value of equipment to be replaced. An appropriate fund balance target for this fund would be a percentage of the value of all of the equipment to be replaced. The projected fund balance at June 30, 2009 is $295,276.

The Redevelopment Administration Fund is used to account for activities that support the Redevelopment Agency. Revenues in the fund represent contributions from the Redevelopment Agency. Expenditures in

the fund represent services performed in support of the Redevelopment Agency. This fund does not need a fund balance target as there is no reason to accumulate reserves in a fund with this purpose. The projected fund balance at June 30, 2009 is $99,205.

SUMMARY

The Mid-Year Budget Review document for fiscal year 2008-09 has been prepared in order to present the Council with a formal review of the City's financial condition at the mid-point of the fiscal year.

Some City funds are in good fiscal health and are meeting or exceeding their revenue and reserve targets (Gas Tax Funds, Redevelopment, Water). Other City funds are operating on revenues that are insufficient to fund requirements or maintain reserves at council's target level (General Fund, Transit, Humboldt Bay). Immediate action is necessary to end the fiscal year in a positive position. Long term plans are needed to reverse the trend of declining fund balances.

The mid-year adjustments requested in the final section of this package will enable departments to meet the year's program goals. In the upcoming budget process, staff and council will again tackle the difficult task of bringing goals and resources into alignment.

City staff is prepared to respond to any questions the City Council may have regarding this report. If you have any questions, or require additional information, please do not hesitate to contact me.

SECTION B
FINANCIAL CONDITION SUMMARIES AND MID-YEAR DETAILS

GENERAL FUND SUMMARY

GENERAL FUND

Working Capital-7/1/07	(1)	$ 974,547		
		Actual results of FY07		
SOURCES:				
Revenues:				
Taxes		14,962,090		
Licenses, Permits & Franchises		848,153		
Intergovernmental		2,244,241		
Charges for Services		2,746,127		
Fines & Forfeits		409,635		
Miscellaneous		178,932		
Transfers from Other Funds		392,021		
Other Financing Sources		45,081		
Total Sources		21,826,280		-
USES:				
Operating Budgets		21,462,944		
Debt Service		244,355		
Projects		392,055		
Transfers to Other Funds		348,497		
Total Uses		22,447,851		-
Audit adjustments		150,122	prior period adjustments	
		509,067	change in spendable resources	
Working Capital-6/30/08		$ 1,012,165	$ 1,012,165	-

Budgeted for FY09	Adopted Budget	Amended Budget	YTD Changes to Budget
SOURCES:			
Revenues:			
Taxes	15,151,000	15,151,000	-
Licenses, Permits & Franchises	875,950	875,950	-
Intergovernmental	2,481,800	2,492,370	10,570
Charges for Services	3,083,357	3,083,357	-
Fines & Forfeits	302,000	302,000	-
Miscellaneous	1,235,358	1,235,358	-
Transfers from Other Funds	275,000	275,000	-
Other Financing Sources	-	-	-
Total Sources	23,404,465	23,415,035	10,570
USES:			
Operating Budgets	22,864,529	23,127,096	262,567
Debt Service	256,022	256,022	-
Projects	52,972	232,972	180,000
Transfers to Other Funds	74,430	74,430	-
Total Uses	23,247,953	23,690,520	442,567
Working Capital-6/30/09	$ 1,168,677	$ 736,680	$ (431,997)

(1) Beginning working capital adjusted to agree with audited financial statements "unreserved fund balance"

GENERAL FUND SUMMARY

GENERAL FUND

Year to dat Budget Adjustments

	Expenses	Revenues
moving allowance Personnel Director	7,500	
Bureau of Justice Grant-EPD	5,530	5,530
DOJ - Organized Crime Drug Enforcement T	5,040	5,040
Confidential empoloyees - wage adjustments	29,969	
PA System EFD	4,000	
Carried over FY08 PO for upfitting Dodge Chargers	12,000	
Carried over FY08 PO for outside litigation	6,557	
Carried over FY08 PO for city hall parking lot handicapped striping	1,500	
Carried over FY08 PO for air conditioner repair at EPD	1,000	
Carried over FY08 PO for work at Sequoia Park Zoo	14,471	
Board of Equlization Prep and Admin fee.	175,000	
Parking meters - originally budgeted in GF	180,000	

FUND SUMMARIES - CITY FUNDS

HOUSING FUNDS

		Housing	Amended Budget Housing
Working Capital-7/1/07	(1)	$ 714,276	
		Actual results of FY08	
SOURCES:			
Revenues		1,406,695	
Transfers from Other Funds		9,039	
Total Sources		1,415,734	
USES:			
Operating Budgets		910,341	
Transfers to Other Funds			
Total Uses		910,341	
Working Capital-6/30/08		1,219,669	1,219,669
Audit Adjustments	(3)	$ (100,000)	(100,000)
Working Capital-6/30/08 - Restated	(2)	$ 1,119,669	1,119,669
SOURCES:			
Revenues		997,770	997,770
Transfers from Other Funds		250,000	250,000
Fund 290 L&M Housing		-	
Total Sources		$ 1,247,770	$ 1,247,770
USES:			
Operating Budgets			-
Total Uses		-	-
Working Capital-6/30/09		2,367,439	2,367,439

(1) Beginning working capital adjusted to agree with audited financial statements "unreserved fund balance"

(2) Restated Working Capital matches audited financials.

FUND SUMMARIES -

CITY FUNDS

GAS TAX FUNDS

		Gas Tax/ State Highway	Amended Budget Gas Tax/ State Highway
Working Capital-7/1/07	(1)	$ 615,192	
		Actual results of FY08	
SOURCES:			
Revenues		1,782,412	
Transfers from Other Funds			
Total Sources		1,782,412	
USES:			
Operating Budgets		11,287	
Projects		694,847	
Transfers to Other Funds		325,000	
Total Uses		1,031,134	
Working Capital-6/30/8	(2)	$ 1,366,470	$ 1,366,470
SOURCES:			
Revenues		2,570,034	2,570,034
Transfers from Other Funds		-	
Total Sources		2,570,034	2,570,034
USES:			
Operating Budgets		692,622	692,622
Projects		1,403,021	1,404,846
Transfers to Other Funds		-	-
Total Uses		2,095,643	2,097,468
Working Capital-6/30/09		$ 1,840,861	$ 1,839,036

(1) Beginning working capital adjusted to agree with audited financial statements "unreserved fund balance"

(2) 6/30/2008 Working Capital matches audited financials.

FUND SUMMARIES - CITY FUNDS

SPECIAL REVENUE FUNDS

		Police Special Revenue	Amended Budget Police Special Revenue
Working Capital-6/30/07	(1) $	306,599	
SOURCES:			
Revenues		335,443	
Transfers from Other Funds		96,485	
Total Sources		431,928	
USES:			
Operating Budgets		519,971	
Projects		-	
Transfers to Other Funds		-	
Total Uses		519,971	
Working Capital-6/30/08	(2) $	218,556	218,556

	Adopted Budget	Amended Budget	YTD Changes to Budget
SOURCES:			
Revenues	327,097	376,294	49,197
Transfers from Other Funds	116,740	116,740	
Total Sources	443,837	443,837	49,197
USES:			
Operating Budgets	477,578	566,107	88,529
Projects	-		
Transfers to Other Funds	116,740	116,740	
Total Uses	594,318	594,318	88,529
Working Capital-6/30/09	$ 68,075	$ 68,075	$ (39,332)

(1) Matches audited financials

(2) Working Capital matches audited financials.

Notes: Added for purchase of two motorcycles and completion of the property annex. Funds intended to be spent in prior year.	39,332
Office of Traffic Safety Grant increased revenue and OT expense	49,197

FUND SUMMARIES CITY FUNDS

ENTERPRISE FUNDS

	Water		Wastewater Operating		Wastewater Capital	
Beginning net assets 7/1/2007 (1)	$ 15,840,755		(1) $ 41,240,297			
	Actual results of FY08		Actual results of FY08			
REVENUES:						
User fees	4,929,719		4,916,158			
Other reveneus	353,634		127,869			
Transfers and/or contributions	127,651		-			
Total Sources	5,411,004		5,044,027			
EXPENSES:						
Operating Expenses	2,995,541		3,819,053			
Depreciation	687,680		1,453,928			
Interest on debt	694,438		194,798			
Transfers to/(from) Other Funds	48,698		69,667			
Total Uses	4,426,357		5,537,446			
Audit adjustment	(98,878)		21,262			
TOTAL NET ASSETS	16,726,524		40,768,140			
CAPITAL ASSETS NET OF DEBT	9,073,627		32,398,636			
RESTRICTED FOR PROJECTS	1,974,033		153,734			
RESTRICTED FOR DEBT SEVICE						
UNRESTRICTED	5,678,844		8,215,770			
Working Capital 6/30/08 (2)	$ 16,726,504		(2) $ 40,768,140			
	Adopted Budget FY 2008-09	Amended Budget FY 2008-09	Adopted Budget FY 2008-09	Amended Budget FY 2008-09	Adopted Budget FY 2008-09	Amended Budget FY 2008-09
SOURCES:						
Revenues	5,626,692	5,626,692	5,005,649	5,005,649	13,718,820	14,119,271
USES:						
Operating Expenses	3,657,023	3,657,023	4,436,344	4,463,344		
Projects	1,720,928	2,370,571	-	-	13,318,820	13,719,271
Reserves			-	-	400,000	400,000
Interfund transfers			602,204	602,655		
Debt Service	1,344,690	1,344,690	265,121	265,121		
TOTAL USES	6,722,641	7,372,284	5,303,669	5,331,120	13,718,820	14,119,271
Working Capital 6/30/09	$ 15,630,555	$ 14,980,912	$ 40,470,120	$ 40,442,669	$ -	$ -

(1) Beginning net assets adjusted to agree with audited financial statements "net assets."
(2) 6/30/2007 Working Capital matches audited financial statements

Year to date Budget Adjustments

High Zone Water Pump Station	649,643
Added to Xfr account between WW operating and WW Capital	451
Added to Wastewater Operating for contractual obligations not completed in FY08	27,000
Added to WW capital revenue incoming Xfr from ERA	400,000
Added to WW Capital	
for Biosolid Dewatering	400,000
for H Street Compliance project	451

CITY FUNDS

ENTERPRISE FUNDS Continued

	Transit		Humboldt Bay Operating	
Beginning net assets 7/1/2007 (1)	$ 1,292,097		(1) $ 11,861,258	
	Actual results of FY08		Actual results of FY08	
REVENUES:				
User fees	306,255		650,154	
Other reveneus	1,619,525			
Transfers and/or contributions	190,000		100,000	
Total Sources	2,115,780		750,154	
EXPENSES:				
Operating Expenses	1,719,012		579,120	
Depreciation	177,880		369,284	
Interest on debt	56,714		217,469	
Transfers to/(from) Other Funds			46,555	
Total Uses	1,953,606		1,212,428	
Audit adjustment			781	
TOTAL NET ASSETS	1,454,271		11,399,765	
CAPITAL ASSETS NET OF DEBT	1,420,651		15,574,676	
RESTRICTED FOR PROJECTS				
RESTRICTED FOR DEBT SEVICE				
UNRESTRICTED	33,620		(4,174,911)	
Working Capital 6/30/08 (2)	$ 1,454,271		(2) $ 11,399,765	
	Adopted Budget FY 2008-09	Amended Budget FY 2008-09	Adopted Budget FY 2008-09	Amended Budget FY 2008-09
SOURCES:				
Revenues	1,651,089	1,651,089	1,089,290	1,089,290
USES:				
Operating Expenses	1,627,213	1,627,213	646,770	646,770
Projects			147,712	147,712
Reserves			150,000	150,000
Interfund transfers				
Debt Service			285,507	285,507
TOTAL USES	1,627,213	1,627,213	1,229,989	1,229,989
Working Capital 6/30/09	$ 1,478,147	$ 1,478,147	$ 11,259,066	$ 11,259,066

(1) Beginning net assets adjusted to agree with audited financial statements "net assets."
(2) 6/30/2007 Working Capital matches audited financial statements

CITY FUNDS

ENTERPRISE FUNDS

Continued

	Municipal Golf Course		Building Fund	
Beginning net assets 7/1/2007 (1)	$ 746,056		(1) $ 308,004	
	Actual results of FY08		Actual results of FY08	
REVENUES:				
User fees	24,015		469,865	
Other reveneus	8,478		58,788	
Transfers and/or contributions			55,630	
Total Sources	32,493		584,283	
EXPENSES:				
Operating Expenses	13,898		587,197	
Depreciation	11,902		6,662	
Interest on debt				
Transfers to/(from) Other Funds				
Total Uses	25,800		593,859	
Audit adjustment				
TOTAL NET ASSETS	752,749		298,428	
CAPITAL ASSETS NET OF DEBT	594,472		39,620	
RESTRICTED FOR PROJECTS				
RESTRICTED FOR DEBT SEVICE				
UNRESTRICTED	158,277		258,808	
Working Capital 6/30/08 (2)	$ 752,749		(2) $ 298,428	
	Adopted Budget FY 2008-09	Amended Budget FY 2008-09	Adopted Budget FY 2008-09	Amended Budget FY 2008-09
SOURCES:				
Revenues	28,878	28,878	584,117	584,117
USES:				
Operating Expenses	5,222	5,222	656,291	656,291
Projects	67,946	67,946		
Reserves				
Interfund transfers				
Debt Service				
TOTAL USES	73,168	73,168	656,291	656,291
Working Capital 6/30/09	$ 708,459	$ 708,459	$ 226,254	$ 226,254

(1) Beginning net assets adjusted to agree with audited financial statements "net assets."
(2) 6/30/2007 Working Capital matches audited financial statements

FUND SUMMARIES - CITY FUNDS

INTERNAL SERVICE FUNDS

		Risk Management		Redevelopment Administration	
Working Capital-7/1/07	(1)	$ 327,898		$ 448,258	
		Actual results of FY08		Actual results of FY08	
SOURCES:					
Revenues		1,524,982		834,446	
Total Sources		1,524,982		834,446	
USES:					
Operating Budgets		1,356,911		1,120,232	
Transfers to Other Funds					
Total Uses		1,356,911		1,120,232	
Working Capital-6/30/08	(2)	$ 495,969	$ 495,969	$ 162,472	$ 162,472
		Adopted Budget	Amended Budget	Adopted Budget	Amended Budget
SOURCES:					
Revenues		1,234,441	1,234,441	1,110,300	1,110,300
Total Sources		1,234,441	1,234,441	1,110,300	1,110,300
USES:					
Operating Budgets		1,463,238	1,463,238	1,173,567	1,173,567
Debt Service					
Total Uses		1,463,238	1,463,238	1,173,567	1,173,567
Working Capital-6/30/09		$ 267,172	$ 267,172	$ 99,205	$ 99,205

(1) Beginning working capital adjusted to agree with audited financial statements "unreserved fund balance"

(2) Restated Working Capital matches audited financials.

Added a total of $645,017 to Equipment Operations budget for purchases budgeted in prior years but delayed.

FUND SUMMARIES - CITY FUNDS

INTERNAL SERVICE FUNDS - continued

		Equipment Operations		Information Technology Operations	
Working Capital-7/1/07	(1)	$ 3,159,886		$ 542,618	
		Actual results of FY08		Actual results of FY08	
SOURCES:					
Revenues		1,826,714		645,428	
Total Sources		1,826,714		645,428	
USES:					
Operating Budgets		1,513,417		914,477	
Transfers to Other Funds					
Total Uses		1,513,417		914,477	
Working Capital-6/30/08		$ 3,473,183	$ 3,473,183	$ 273,569	$ 273,569
Audit Adjustments	(3)		-	11,442	11,442
Working Capital-6/30/08 - Restated	(2)	$ 3,473,183	$ 3,473,183	$ 285,011	$ 285,011
		Adopted Budget	Amended Budget	Adopted Budget	Amended Budget
SOURCES:					
Revenues		1,553,803	1,553,803	767,297	767,297
Total Sources		1,553,803	1,553,803	767,297	767,297
USES:					
Operating Budgets		1,770,342	2,415,359	689,069	689,069
Debt Service				67,963	67,963
Total Uses		1,770,342	2,415,359	757,032	757,032
Working Capital-6/30/09		$ 3,256,644	$ 2,611,627	$ 295,276	$ 295,276

(1) Beginning working capital adjusted to agree with audited financial statements "unreserved fund balance"

(2) Restated Working Capital matches audited financials.

Added a total of $645,017 to Equipment Operations budget for purchases budgeted in prior years but delayed.

FUND SUMMARIES - CITY FUNDS

TRUST FUND

		Fire & Police Retirement	
		Actual results of FY07	
Working Capital-7/1/07	(1)	$ 904,323	
ADDITIONS:		488,744	
Total Additions		488,744	
DEDUCTIONS:			
Benefits & Expenses		472,910	
Total Deductions		472,910	
Working Capital-6/30/08		$ 920,157	
Timing difference on Audit Adjustment	(3)	364,320	
Working Capital-6/30/08 - Restated	(2)	$ 1,284,477	$ 1,284,477
		Adopted Budget	Amended Budget
ADDITIONS		319,167	319,167
Total Additions		319,167	319,167
DEDUCTIONS:			
Benefits & Expenses		528,113	528,113
Total Deductions		528,113	528,113
Working Capital-6/30/09		$ 1,075,531	$ 1,075,531

(1) Beginning working capital adjusted to agree with audited financial statements "unreserved fund balance"

(2) Restated Working Capital matches audited financials.

(3) Record loan receivable from the General Fund.

FUND SUMMARIES

PUBLIC FINANCING AUTHORITY FUNDS

	EPFA Debt Service	
	Actual results of FY07	
Working Capital-7/1/07	(1) $ 18,000	
SOURCES:		
Revenues	679,793	
Total Sources	679,793	
USES:		
Debt Service	678,343	
Total Uses	678,343	
Working Capital-6/30/08	(2) $ 19,450	$ 19,450
	Adopted Budget	Amended Budget
SOURCES:		
Revenues	678,343	678,343
Total Sources	678,343	678,343
USES:		
Debt Service	678,343	678,343
Total Uses	678,343	678,343
Working Capital-6/30/09	$ 19,450	$ 19,450

(1) Beginning working capital adjusted to agree with audited financial statements "unreserved fund balance"

(2) 6/30/2008 Working Capital matches audited financials.

FUND SUMMARIES

REDEVELOPMENT AGENCY FUNDS

		Low & Moderate Income Housing		ERA Debt Service	
Working Capital-7/1/07	(1)	$ 3,389,651		$ (9,607,610)	
		Actual results of FY08		Actual results of FY08	
SOURCES:					
Revenues		216,286		4,627,321	
Transfers from Other Funds		1,014,287		-	
Other Financing Sources		-		-	
Total Sources		1,230,573		4,627,321	
USES:					
Operating Budgets		2,693,048		368,573	
Debt Service				1,138,528	
Projects					
Transfers to Other Funds				1,833,729	
Total Uses		2,693,048	-	3,340,830	
Working Capital-6/30/08	(2)	$ 1,927,176	$ 1,927,176	$ (8,321,119)	$ (8,321,119)
		Adopted Budget	Amended Budget	Adopted Budget	Amended Budget
SOURCES:					
Revenues		359,000	359,000	4,835,679	4,835,679
Transfers from Other Funds		1,053,295	1,053,295		
Other Financing Sources					
Total Sources		1,412,295	1,412,295	4,835,679	4,835,679
USES:					
Operating Budgets		2,527,121	2,527,121	289,000	289,000
Debt Service				2,047,060	2,047,060
Projects			-		-
Transfers to Other Funds		250,000	250,000	4,662,192	5,062,192
Total Uses		2,777,121	2,777,121	6,998,252	6,998,252
Working Capital-6/30/09		$ 562,350	$ 562,350	$ (10,483,692)	$ (10,483,692)

(1) Beginning working capital adjusted to agree with audited financial statements "unreserved fund balance"

(2) Restated Working Capital matches audited financials.

Added to ERA Debt Service Fund Transfer Out to Wastewater Fund for project	400,000

FUND SUMMARIES

REDEVELOPMENT AGENCY FUNDS -Continued

		Projects	
Working Capital-7/1/07	(1)	$ 5,435,209	
		Actual results of FY08	
SOURCES:			
Revenues		24,740	
Transfers from Other Funds		13,200	
Other Financing Sources		462,513	
Total Sources		500,453	
USES:			
Operating Budgets		20,036	
Debt Service			
Projects		1,068,565	
Transfers to Other Funds		100,000	
Total Uses		1,188,601	
Working Capital-6/30/08	(2)	$ 4,747,061	$ 4,747,061
		Adopted Budget	Amended Budget
SOURCES:			
Revenues		26,950	26,950
Transfers from Other Funds		2,000,000	2,000,000
Other Financing Sources		1,630,125	1,630,125
Total Sources		3,657,075	3,657,075
USES:			
Operating Budgets		20,300	20,300
Debt Service			-
Projects		4,205,198	4,416,960
Transfers to Other Funds		-	-
Total Uses		4,225,498	4,437,260
Working Capital-6/30/09		$ 4,178,638	$ 3,966,876

(1) Beginning working capital adjusted to agree with audited financial statements "unreserved fund balance"

(2) Restated Working Capital matches audited financials.

Added to ERA Capital Fund	
Sidewalk repairs	38,400
Commercial St Dock	3,200
Fisherman's Terminal	63,377
Carson Mill Cleanup	66,785
Carson Mill Cleanup	40,000

FUND SUMMARIES -
CITY FUNDS

SPECIAL REVENUE FUNDS

	Parking Special Revenue
Working Capital-6/30/07	0
SOURCES:	
Revenues	0
Transfers from Other Funds	0
Total Sources	0
USES:	
Operating Budgets	0
Projects	0
Transfers to Other Funds	0
Total Uses	0
Working Capital-6/30/08	$0
SOURCES:	
Revenues	227,267
Transfers from Other Funds	0
Total Sources	227,267
USES:	
Operating Budgets	72,145
Projects	107,267
Debt Service	0
Total Uses	179,412
Working Capital-6/30/09	$47,856

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

GENERAL FUND

	Current FY 2008-09			Prior FY 2007-08		
	Amended Budget	July-Dec 08 Actuals	Percent	Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Taxes						
Property Taxes	1,780,000	784,530	44%	1,681,000	946,009	56%
Sales Tax	9,850,000	2,305,897	23%	10,475,000	3,797,230	36%
TOT	1,680,000	641,736	38%	1,600,000	595,380	37%
Utility User's Tax	1,500,000	543,799	36%	1,300,000	353,052	27%
Other	341,000	138,675	41%	301,000	115,870	38%
	15,151,000	*4,414,637*	29%	*15,357,000*	*5,807,541*	38%
License,Permits,Franchises						
Franchise Fees	792,000	153,331	19%	730,000	171,131	23%
Other	83,950	52,836	63%	79,200	51,910	66%
	875,950	*206,167*	24%	*609,200*	*223,041*	28%
Intergovernmental						
Motor Vehicle In Lieu Fees	152,000	34,164	22%	0	0	0%
Property Tax In Lieu Fees	2,000,000	-	0%	1,750,000	942,639	54%
Other	340,370	99,510	29%	574,951	178,381	31%
	2,492,370	*133,674*	5%	*2,324,951*	*1,121,020*	48%
Charges for Services	3,083,357	1,422,919	46%	2,675,560	1,322,663	49%
Fines & Forfeits	302,000	130,776	43%	244,000	216,075	89%
Miscellaneous	1,235,358	1,145,026	93%	377,628	846	0%
Other Financing Sources	275,000	38,816	14%	490,800	175,803	36%
Total revenues	**23,415,035**	**7,492,015**	**32%**	**22,279,139**	**8,866,989**	**40%**
Expenditures:						
Legislative	285,535	118,275	41%	275,535	119,993	44%
City Manager & Youth Council	340,614	186,710	55%	349,422	174,124	50%
Personnel	265,370	193,368	73%	294,886	175,517	60%
Finance & NonDepartmental	2,784,418	1,504,916	54%	2,345,985	1,394,916	59%
City Attorney-Legal Services	265,318	139,179	52%	269,291	122,709	46%
Police	8,421,327	3,886,209	46%	7,820,683	3,521,027	45%
Fire	5,056,501	2,401,124	47%	4,484,242	1,908,151	43%
Engineering	1,466,452	603,099	41%	1,551,039	630,266	41%
Public Works	3,503,711	1,556,388	44%	3,899,833	1,790,322	46%
Community Development	558,820	258,127	46%	588,276	254,043	43%
Projects	52,972	17,184	32%	260,980	276,982	106%
Debt Service	256,022	237,513	93%	620,639	601,833	97%
Other Financing Uses	74,430	37,212	50%	145,753	72,876	50%
Total expenditures	**23,331,490**	**11,139,305**	**48%**	**22,906,564**	**11,042,759**	**48%**
Net revenues/expenditures	**83,545**	**(3,647,289)**		**(627,425)**	**(2,175,770)**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

GAS TAX FUNDS

GAS TAX FUNDS	Current FY 2008-09 Adopted Budget	July-Dec 08 Actuals	Percent	Prior FY 2007-08 Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Gas Tax - 2105	-	-	0%	150,000	55,022	37%
Interest	-	0	0%	3,000	2,161	72%
Gas Tax - 2106	-	-	0%	120,000	42,402	35%
Interest	-	0	0%	3,000	1,756	59%
	-					
Gas Tax - 2107	-	-	0%	200,000	74,860	37%
Gas Tax - 2107.5	-	-	0%	6,000	-	0%
Interest	-	0	0%	8,000	6,170	77%
	-					
SB 1435-State Highway Acct	173,000	0	0%	-	164,896	0%
Interest	1,300	1,395	107%	24,200	13,472	56%
Miscellaneous	450,000	2,474				
SB45-State Highway Funds	0	30,923	0%	270,000	308,187	0%
Interest	-	0	0%	8,500	(5,030)	-59%
Caltrans Non-Freeway Funds	165,980	130,036	78%	384,000	44,303	12%
Interest	2,100	479	23%	4,000	2,011	50%
AB 2829-Traffic Cong Relief	674,658	63,878	0%	437,622	-	0%
Interest	11,900	2,868	0%		10,351	0%
Miscellaneous	416,000		0%			
Gas Tax - 2105	206,817	114,410	55%			
Gas Tax - 2106	165,307	89,883	54%			
Gas Tax - 2107	277,272	155,150	56%			
Gas Tax - 2107.5	12,000	6,000	50%			
Interest	13,700	1,127	8%			
Total revenues	**2,570,034**	**598,623**	**23.29%**	**1,618,322**	**720,561**	**45%**
Expenditures						
Gas Tax 2105						
Capital Projects				11,227	5,361	0%
Other Financing Uses				100,000	50,000	50%
Gas Tax 2106						
Capital Projects				-	0	0%
Other Financing Uses				100,000	50,000	50%
Gas Tax 2107,2107.5						
Professional & Technical		546				
Capital Projects				39,164	15,421	39%
Other Financing Uses				125,000	62,500	50%
SB 1435-State Highway Acct						
Capital Projects	771,770	130,670	17%	47,244	-	0%
SB 45 State Hwy Funds						
Capital Projects	0	13,455	0%	335,391	207,960	0%
Caltrans Non-Freeway Funds						
Capital Projects	-	-		344,022	63,802	19%
Other Financing Uses	234,022	25,949	11%	25,000	12,500	50%
AB 2829-Traffic Cong Relief						
Capital Projects	615,400	2,074	0%		36,455	
Gas Tax						
Operating	476,276	164,538	35%			
Total expenditures	**2,097,468**	**323,777**	**15%**	**1,127,048**	**503,999**	**45%**
Net revenues/expenditures	**472,566**	**274,846**		**491,274**	**216,562**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

REDEVELOPMENT ADMINISTRATION FUND

	Current FY 2008-09			Prior FY 2007-08		
	Adopted Budget	July-Dec 08 Actuals	Percent	Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Charges for Services/Interfund Administrative Services	1,100,000	1,650	0%	1,139,338	-	0%
Miscellaneous	-	1,144	0%	-	26,050	0%
Interest	10,300	-	0%	9,000	-	0%
Total revenues	**1,110,300**	**2,794**	**0%**	**1,148,338**	**26,050**	**2%**
Expenditures:						
Personnel Services	217,973	120,692	55%	212,177	548,024	258%
Materials and Services	528,923	119,665	0%	507,850	-	0%
Interfund Transfers & Pymts	426,671	177,785	0%	420,879	-	0%
Total expenditures	**1,173,567**	**418,142**	**36%**	**1,140,906**	**548,024**	**48%**
Net revenues/expenditures	**(63,267)**	**(415,348)**		**7,432**	**(521,974)**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

REDEVELOPMENT DEBT SERVICE FUNDS

	Current FY 2008-09			Prior FY 2007-08		
MERGED PROJECT AREA	Adopted Budget	July-Dec 08 Actuals	Percent	Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Taxes	4,766,479	2,411,789	51%	4,209,000	2,316,183	55%
Intergovernmental Revenue	15,000	8,291	55%	15,000	7,608	51%
Miscellaneous Revenue	54,200	45,915	85%	54,300	26,211	48%
Total revenues	**4,835,679**	**2,465,995**	**51%**	**4,278,300**	**2,350,002**	**55%**
Expenditures:						
Redevelopment Admin	289,000	208,581	72%	302,860	28,010	9%
Debt Service	2,047,060	1,550,159	76%	2,959,364	0	0%
Transfers	4,662,192	1,056,274	23%	3,846,307	0	0%
Total expenditures	**6,998,252**	**2,815,014**	**40%**	**7,108,531**	**28,010**	**0%**
Net revenues/expenditures	**(2,162,573)**	**(349,019)**		**(2,830,231)**	**2,321,992**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

REDEVELOPMENT CAPITAL PROJECTS FUNDS

	Current FY 2008-09			Prior FY 2007-08		
MERGED PROJECT AREA	Adopted Budget	July-Dec 08 Actuals	Percent	Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Investment Income	23,450	309	1%	79,000	47,235	60%
Miscellaneous Revenue	3,500	1,394	40%	2,000	-	0%
Other Financing Sources	3,630,125	49,744	1%	4,829,307	-	0%
Total revenues	**3,657,075**	**51,447**	**1%**	**4,910,307**	**47,235**	**1%**
Expenditures:						
Projects	4,205,198	532,869	13%	5,396,951	629,843	12%
Other Redevlopment	20,300	17,654	0%	79,348	-	0%
Transfers Out	-	-		100,000	-	0%
Redevleopment Agreements		-		130,000	6,957	0%
Total expenditures	**4,225,498**	**550,523**	**13%**	**5,706,299**	**636,800**	**11%**
Net revenues/expenditures	**(568,423)**	**(499,076)**		**(795,992)**	**(589,565)**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

LOW AND MODERATE INCOME HOUSING FUND

	Current FY 2008-09			Prior FY 2007-08		
	Adopted Budget	July-Dec 08 Actuals	Percent	Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Miscellaneous Revenue	359,000	56,799	16%	471,400	150,360	32%
Other Financing Sources	1,053,205	584,877	56%	950,000	0	0%
Total revenues	**1,412,205**	**641,676**	**45%**	**1,421,400**	**150,360**	**11%**
Expenditures:						
Operating Expenses	2,447,378	1,249,219	51%	3,190,914	1,711,657	54%
Interfund Pymts & Chgs	79,743	33,230	42%	47,630	-	0%
Transfers	250,000	250,000	100%			
Total expenditures	**2,777,121**	**1,532,449**	**55%**	**3,238,544**	**1,711,657**	**53%**
Net revenues/expenditures	**(1,364,916)**	**(890,773)**		**(1,817,144)**	**(1,561,297)**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

WATER OPERATING FUND

	Current FY 2008-09			Prior FY 2007-08		
	Adopted Budget	July-Dec 08 Actuals	Percent	Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Charges for Services	5,347,115	2,328,858	44%	4,776,653	1,878,697	39%
Miscellaneous Revenue	204,577	78,052	38%	91,955	131,277	143%
Other Financing Sources	0	-		1,840	10,821	0%
Total revenues	**5,551,692**	**2,406,910**	**43%**	**4,870,448**	**2,020,795**	**41%**
Expenditures:						
Water Distribution Maint	1,426,933	571,533	40%	1,233,777	513,500	42%
Water Treatment	2,230,090	874,848	39%	2,252,358	933,317	41%
Projects - Distribution Facility	672,123	72,397	11%	932,227	166,958	18%
Debt Service	1,344,690	809,941	60%	1,330,215	635,718	48%
Total expenditures	**5,673,836**	**2,328,719**	**41%**	**5,748,577**	**2,249,493**	**39%**
Net revenues/expenditures	**(122,144)**	**78,191**		**(878,129)**	**(228,698)**	

WATER CAPITAL PROJECTS FUND

Revenues:						
Miscellaneous	75,000	26,791	36%	45,000	80,547	179%
Other Financing Sources	-	-	0%	-	-	0%
Total revenues	**75,000**	**26,791**	**36%**	**45,000**	**80,547**	**179%**
Expenditures:						
Projects - Distribution Facility	1,697,818	13,385	1%	1,501,402	322,091	21%
Total expenditures	**1,697,818**	**13,385**	**1%**	**1,501,402**	**322,091**	**21%**
Net revenues/expenditures	**(1,622,818)**	**13,406**		**(1,456,402)**	**(241,544)**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

WASTEWATER FUND

	Current FY 2008-09			Prior FY 2007-08		
	Adopted Budget	July-Dec 08 Actuals	Percent	Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Charges for Services	4,324,239	1,930,377	45%	3,680,106	1,791,013	49%
Intergovernmental Revenue	550,000	0	0%	847,600	199,656	24%
Miscellaneous Revenue	129,410	135,463	105%	500,116	125,257	25%
Other Financing Sources	2,000	991	0%	700	1,408	0%
Total revenues	**5,005,649**	**2,066,831**	**41%**	**5,028,522**	**2,117,334**	**42%**
Expenditures:						
Sewer Collection Maint	1,608,669	601,783	37%	1,309,096	556,508	43%
Wastewater Treatment	2,854,675	1,094,682	38%	2,826,195	1,271,921	45%
Projects - Treatment Facility		-	0%	2,672,772	804,011	30%
Projects - Collection Facility	-	-	0%	540,763	-	0%
Special projects				100,691		
Debt Service	265,121	152,785	58%	261,826	76,944	29%
Reserves		-	0%	400,000	-	0%
Xfr to capital fund	602,655					
Total expenditures	**5,331,120**	**1,849,250**	**35%**	**8,111,343**	**2,709,384**	**33%**
Net revenues/expenditures	**(325,471)**	**217,581**		**(3,082,821)**	**(592,050)**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

WASTEWATER CAPITAL FUND

	Current FY 2008-09			Prior FY 2007-08		
	Adopted Budget	July-Dec 08 Actuals	Percent	Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Intergovernmental Revenue	3,550,000	80,340	2%			
Miscellaneous Revenue	6,087,221	419,435	7%			
Other Financing Sources	4,081,599	0	0%			
Total revenues	**13,718,820**	**499,775**				
Expenditures:						
Capital projects	13,719,271	614,415	4%			
Reserves	400,000		0			
Total expenditures	**14,119,271**	**614,415**	**4%**			
Net revenues/expenditures	**(400,451)**	**(114,640)**				

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

HUMBOLDT BAY OPERATING FUND

	Current FY 2008-09			Prior FY 2007-08		
	Adopted Budget	July-Dec 08 Actuals	Percent	Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Charges for Services	-	-	0%	-	-	0%
Miscellaneous Revenue	655,393	282,198	43%	604,124	327,533	54%
Other Financing Sources	433,897	436,518	101%	100,000	-	0%
Total revenues	**1,089,290**	**718,716**	**66%**	**704,124**	**327,533**	**47%**
Expenditures:						
Harbor Maintenance	553,687	240,515	43%	611,239	250,692	41%
Public Marina Operations	93,083	43,267	46%	98,811	41,293	42%
Capital Outlay	147,712	9,014	0%	176,215	18,952	0%
Reserves	150,000	-	0%	150,000	195,544	0%
Debt Service	*285,507*	*171,645*	*60%*	*286,440*	-	*0%*
Total expenditures	**1,229,989**	**464,441**	**38%**	**1,322,705**	**506,481**	**38%**
Net revenues/expenditures	**(140,699)**	**254,275**		**(618,581)**	**(178,948)**	

TRANSIT FUND

Revenues:						
Intergovernmental Revenues	1,287,089	109,000	8%	1,458,131	20,172	1%
Charges for Services	364,000	129,345	36%	307,500	96,279	31%
Miscellaneous Revenues (interest)	-	125,000	0%		(56,714)	0%
Other Financing Sources		0		65,000	32,500	50%
Total revenues	**1,651,089**	**363,345**	**22%**	**1,830,631**	**92,237**	**5%**
Expenditures:						
Transit - general public	1,108,543	510,539	46%	1,209,083	549,145	45%
Transit - paratransit	518,671	229,828	44%	585,957	265,122	45%
Total expenditures	**1,627,214**	**740,367**	**45%**	**1,795,040**	**814,267**	**45%**
Net revenues/expenditures	**23,875**	**(377,022)**		**35,591**	**(722,030)**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

EQUIPMENT OPERATIONS FUND

Revenues:						
Charges for Services	1,436,053	598,437	42%	1,340,615	661,882	49%
Miscellaneous Revenue	115,750	38,496	33%	99,680	141,068	142%
Other Revenue	2,000	6,000		2,000		
Total revenues	**1,553,803**	**642,933**	**41%**	**1,440,295**	**802,950**	**56%**
Expenditures:						
Operating expenses excluding capital outlay	1,304,942	601,483	46%	1,194,393	557,795	47%
Capital outlay	1,110,417	328,821	30%	692,480	1,801	0%
Total expenditures	**2,415,359**	**930,304**	**39%**	**1,886,873**	**559,596**	**30%**
Net revenues/expenditures	**(861,556)**	**(287,371)**		**(446,578)**	**243,354**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT
RISK MANAGEMENT FUND

Revenues:						
Charges for Services	1,201,741	498,618	41%	1,198,435	608,907	51%
Miscellaneous Revenue	32,700	6,106	19%	10,000	21,384	214%
Total revenues	**1,234,441**	**504,724**	**41%**	**1,208,435**	**630,291**	**52%**
Expenditures:						
HR - Liability	805,274	654,967	81%	826,749	521,880	63%
HR - Workers' Comp	657,964	420,010	64%	669,750	142,844	21%
Total expenditures	**1,463,238**	**1,074,977**	**73%**	**1,496,499**	**664,724**	**44%**
Net revenues/expenditures	**(228,797)**	**(570,253)**		**(288,064)**	**(34,433)**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

HOUSING

	Current FY 2008-09			Prior FY 2007-08		
HOUSING	Adopted Budget	July-Dec 07 Actuals	Percent	Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Charges for Services	-	-	0%	-	0	0%
Miscellaneous	630,950	374,761	59%	350,200	207,505	59%
Intergovernmental	475,000	584,877	123%	691,000	-	0%
Other financial sources	1,326,907	250,000	0%	270,000	483,528	0%
TOTAL HOUSING REVS	**2,432,857**	**1,209,638**	**50%**	**1,311,200**	**691,033**	**53%**
Expenditures:						
Administration	420,671	171,700	41%	300,422	21,715	7%
Housing	4,017,360	1,444,391	36%	842,628	502,625	168%
TOTAL HUD/CDBG Prior EXP	**4,438,031**	**1,616,091**	**36%**	**1,143,050**	**524,340**	**46%**
NET HOUSING REV/EXP	**(2,005,174)**	**(406,453)**		**168,150**	**166,693**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

EPFA Debt Service Fund

	Current FY 2008-09			Prior FY 2007-08		
EPFA Debt Service Fund	Adopted Budget	July-Dec 08 Actuals	Percent	Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Miscellaneous	678,343	85	0%	678,343	498	0%
Other financial sources	-	-	0%	-	-	0%
TOTAL EPFA Debt Service Fund RE	**678,343**	**85**	**0%**	**678,343**	**498**	**0%**
Expenditures:						
Debt Service	678,343	339,171	50%	678,343	339,171	50%
TOTAL EPFA Debt Service Fund EX	**678,343**	**339,171**	**50%**	**678,343**	**339,171**	**50%**
NET EPFA Debt Service Fund REV/EXP	**-**	**(339,086)**		**-**	**(338,673)**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

BUILDING FUND

Building Fund 540	Current FY 2008-09 Adopted Budget	July-Dec 08 Actuals	Percent	Prior FY 2007-08 Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Licenses & Permits	342,720	126,903	37%	306,000	189,639	62%
Intergovernmental Revenue	-	-	0%	-	-	0%
Charges for Services	153,000	44,894	29%	130,400	86,620	66%
Fines & Forfeits	30,000	(925)	0%		31,850	0%
Miscellaneous	13,600	3,501	26%	17,100	11,113	65%
Other financial sources	44,797	22,398	50%	55,630	27,815	50%
TOTAL Building Fund REVS	**584,117**	**196,771**	34%	**509,130**	**347,037**	68%
Expenditures:						
Building	656,291	276,715	42%	628,404	279,439	44%
TOTAL Building Fund EXP	**656,291**	**276,715**	42%	**628,404**	**279,439**	**44%**
NET Building Fund REV/EXP	**(72,174)**	**(79,944)**		**(119,274)**	**67,598**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

GOLF COURSE FUND

Golf Course Fund 550	Current FY 2008-09 Adopted Budget	July-Dec 08 Actuals	Percent	Prior FY 2007-08 Amended Budget	July-Dec 07 Actuals	Percent
Revenues:						
Miscellaneous	28,878	14,650	51%	43,200	16,891	39%
Other financial sources	-	-	0%		-	
TOTAL Golf Course Fund REVS	**28,878**	**14,650**	51%	**43,200**	**16,891**	**39%**
Expenditures:						
Property Management	5,222	2,179	42%	4,613	2,355	51%
Projects	67,946	-	0%	70,944	8,525	12%
TOTAL Golf Course Fund EXP	**73,168**	**2,179**	3%	**75,557**	**10,880**	**14%**
NET Golf Course Fund REV/EXP	**(44,290)**	**12,471**		**(32,357)**	**6,011**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

A. V. A. Fund (Vehicle Abatement)

A. V. A. Fund 238	Current FY 2008-09 Adopted Budget	Current FY 2008-09 July-Dec 08 Actuals	Current FY 2008-09 Percent	Prior FY 2007-08 Adopted Budget	Prior FY 2007-08 July-Dec 07 Actuals	Prior FY 2007-08 Percent
Revenues:						
Intergovernmental	49,300	12,412	25%			
Miscellaneous	-	1,207	0%	48,000	13,843	29%
Other financial sources	91,612	91,612	100%	-	(318)	0%
TOTAL AVA Fund REVS	**140,912**	**105,231**	75%	**48,000**	**13,525**	28%
Expenditures:						
Police	145,503	42,074	29%	87,048	48,132	55%
TOTAL AVA Fund EXP	**145,503**	**42,074**	29%	**87,048**	**48,132**	**55%**
NET AVA Fund REV/EXP	**(4,591)**	**63,157**		**(39,048)**	**(34,607)**	

Traffic Safety Fund

Traffic Safety Fund 237	Current FY 2008-09 Adopted Budget	Current FY 2008-09 July-Dec 08 Actuals	Current FY 2008-09 Percent	Prior FY 2007-08 Adopted Budget	Prior FY 2007-08 July-Dec 07 Actuals	Prior FY 2007-08 Percent
Revenues:						
Intergovernmental	49,197	-	0%	82,000	-	0%
Charges for services	30,000	24,284	81%	18,000	13,650	76%
Miscellaneous	200	58	29%	2,400	635	26%
Other financial sources	-	16,595	0%	-	13,000	0%
TOTAL Traffic REVS	**79,397**	**40,937**	52%	**102,400**	**27,285**	**27%**
Expenditures:						
Salaries	49,197	10,166	21%	44,537	14,087	32%
Oper Supplies & Materials	-	-	0%	3,000	-	
Prof & Tech Svcs	-	-	0%	9,000	-	
Material & Services	-	-	0%	6,000	2,068	
Tools & Equipment	-	-	0%	62,105	49,364	
Transfers	40,128	40,128				
TOTAL Traffic Fund EXP	**89,325**	**50,294**	56%	**124,642**	**65,519**	**53%**
NET AVA Fund REV/EXP	**(9,928)**	**(9,357)**		**(22,242)**	**(38,234)**	

SLES Fund

SLES Fund 236	Current FY 2008-09 Adopted Budget	Current FY 2008-09 July-Dec 08 Actuals	Current FY 2008-09 Percent	Prior FY 2007-08 Adopted Budget	Prior FY 2007-08 July-Dec 07 Actuals	Prior FY 2007-08 Percent
Revenues:						
Intergovernmental	100,000	25,000	25%	100,000	100,008	100%
Miscellaneous	8,200	897	11%	9,700	6,810	70%
Other financial sources	25,128	25,128	0%	-	-	0%
TOTAL SLES Fund REVS	**133,328**	**51,025**	38%	**109,700**	**106,818**	**97%**
Expenditures:						
Salaries (PSOs)	223,846	110,476	49%	256,076	91,345	36%
Prof Tech				-		0%
Tools & Equipment				-		0%
TOTAL SLES Fund EXP	**223,846**	**110,476**	49%	**256,076**	**91,345**	**36%**
NET SLES Fund REV/EXP	**(90,518)**	**(59,451)**		**(146,376)**	**15,473**	

CITY OF EUREKA - MID YEAR FINANCIAL REPORT

Sp Police Veh. Theft

Sp Police Veh. Theft 234	Current FY 2008-09 Adopted Budget	July-Dec 08 Actuals	Percent	Prior FY 2007-08 Adopted Budget	July-Dec 07 Actuals	Percent
Revenues:						
Miscellaneous	-	0	0%	100	218	218%
Other financial sources	-	0	0%		0	0%
TOTAL Veh Theft Fund Revs	-	-	0%	100	218	218%
Expenditures:						
Police	-	-	0%	-	-	0%
TOTAL Veh Theft Fund EXP	-	-	0%	-	-	0%
NET Veh Theft Fund REV/EXP	-	-		100	218	

Sp Police Drug Asset

Sp Police Drug Asset 233	Current FY 2008-09 Adopted Budget	July-Dec 08 Actuals	Percent	Prior FY 2007-08 Adopted Budget	July-Dec 07 Actuals	Percent
Revenues:						
Fines & Forfietures	86,000	25,380	30%	36,000	25,000	0%
Miscellaneous	500	239	48%	1,200	441	37%
TOTAL Drug Asset Fund REVS	86,500	25,619	30%	37,200	25,441	68%
Expenditures:						
Salaries Expense	0	0	0%	-	178	0%
Operating	-	2,453	0%	-	2,060	0%
Tools & Equipment	-	8,357	0%	6,000	2,676	45%
Capital outlay	49,032		0%	30,000		
Transfers	76,612	76,612	100%			
TOTAL Drug Asset Fund EXP	125,644	87,422	70%	36,000	4,736	13%
NET Drug Asset Fund REV/EXP	(39,144)	(61,803)		1,200	20,705	

California Law Enforcement

California Law Enforcement CLEEP Fund 231	Current FY 2008-09 Adopted Budget	July-Dec 08 Actuals	Percent	Prior FY 2007-08 Adopted Budget	July-Dec 07 Actuals	Percent
Revenues:						
Intergovernmental	-	0	0%		0	0%
Miscellaneous	3,700	213	0%	4,200	3,304	79%
TOTAL CLEEP Fund REVS	3,700	213	6%	4,200	3,304	79%
Expenditures:						
Tools & Equipment	-	13,528	0%	90,000	30,121	33%
TOTAL CLEEP Fund EXP	-	13,528	0%	90,000	30,121	33%
NET CLEEP Fund REV/EXP	-	(13,315)	0%	(85,800)	(26,817)	

SECTION C
MID-YEAR BUDGET ADJUSTMENTS

CITY OF EUREKA
FY 2008-09
MID YEAR FINANCIAL REVIEW

REQUESTS FOR MID YEAR BUDGET ADJUSTMENTS

The allocation of project budgets for FY 2008-09 was prepared based on "estimated actual expenses" through the end of FY 2007-08. This request is to correct the allocations in the various funds:

General Fund	$12,696
Gas Tax Fund	(193,022)
Habitat Fund	(845)
Capital Improvement Fund	9,076
Water Fund	66,396
Wastewater Fund	60,753
Humboldt Bay Fund	10,712
Golf Fund	(6,840)
Redevelopment Capital Project Fund	43,878

The following items come with corresponding revenues so making these appropriations does not reduce the fund reserve balance.

Kamisu Sister City event

General Fund	Revenue from donations	increase revenue $550
General Fund	Non departmental	increase expenditure $550

EFD provides reimbursable assistance to CalFire

General Fund	Fire Department OT	increase expenditure $156,484
General Fund	Revenue from CalFire	increase revenue $156,484

Create budget for reimbursable Demolition and Abatement

Demolition Fund	Revenue from property owner	increase revenue$11,493
Demolition Fund	Project expense	increase expenditure $11,493

Stand-by Service for College of the Redwoods

Revenue from CR	Revenue	increase revenue $24,000
Expenditure	Fire Department	increase expenditure $12,500

Humboldt Bay Center for Sustainable Living

Economic Development Fund	Revenue	increase revenue $8,750
Economic Development Fund	Redevelopment op exp	increase expenditure $8,750

Sale of boat and purchase of boat trailer

Humboldt Bay Fund	Revenue-sales proceeds	increase revenue $2,621
Humboldt Bay Fund	PW Harbor Maintenance-trailer purch.	increase expenditure $2,621

Sidewalk project partially paid for by property owner

Gas Tax Fund	Revenue	increase revenue $2,474
Expenditure	Capital Project	increase expenditure $2,474

Creation of Parking Special Revenue Fund - transfer certain revenues and expenditures from General fund

General Fund	Capital Project	reduce expenditure $180,000
Parking Fund	Revenue - lease proceeds	increase revenue $108,000
Parking Fund	Capital Project	increase expenditure $108,000
General Fund	Revenue - misc. parking	reduce revenue $70,000
Parking Fund	Revenue - misc. parking	increase revenue $96,500
General Fund	Police Department-personnel	reduce expenditure $50,206
Parking Fund	Police Department-personnel	increase expenditure $50,206
General Fund	PW Department -personnel	reduce expenditure $11,680
Parking Fund	PW Department -personnel	increase expenditure $11,680
General Fund	PW Dept - materials/supplies	reduce expenditures $4,258
Parking Fund	PW Dept - materials/supplies	increase expenditures $10,258

Gas Tax Fund - recognize and appropriate additional project funding

Cal State Non-Freeway	Revenue	increase revenue $250,000
Cal State Non-Freeway	Capital Project Expenditure	increase expenditure $250,000

Reallocate personnel to correct fund

Housing Fund	Expenditure	decrease expenditure $60,055
Low/Mod Housing Fund	Expenditure	increase expenditure $60,055

Reallocate project to correct fund

AB 2928 Fund	Capital project Expenditure	decrease expenditure$130,000
Caltrans Non Freeway Fund	Capital project Expenditure	increase expenditure $130,000

Create an appropriation for a temporary employee to do engineering inspections at the Fisherman's Terminal Project - billable to project funding

General Fund	Revenue-project salaries	increase revenue $89,709
General Fund	Engineering operations	increase expenditures $89,709

Create an appropriation for expenses related to Marina Center planning activities - costs to be reimbursed by developer

General Fund	Revenue-	increase revenue $189,821
General Fund	Capital Project-Marina Center	increase expenditures$189,821

Create an appropriation for expenses related to EFD training

General Fund	Revenue	increase revenue $2235
General Fund	Fire Department training	increase expenditure $2235

The following items come with partial corresponding revenues offsetting the effect on the fund reserve balance.

Recognize and appropriate REMIF rebate

Risk Fund	Revenue	increase revenue $139,781
Risk Fund	Workers Compensation	increase expenditure $225,000

Fireworks display on July 4, 2008

General Fund	Revenue from donations	increase revenue $31,000
General Fund	Non departmental	increase expenditure $31,240

Create revenues and expenditures to reallocate funds between Wastewater operating and the new Wastewater capital fund; and adjust revenue and reserve projections in Wastewater capital fund.

Wastewater capital fund	Revenues from transfers	increase revenue $957,303
Wastewater capital fund	Capital project Expenditure	increase expenditure $416,207
Wastewater fund	Operating transfer out	increase expend $1,713,108

The following items are new requests for council consideration.

Provide for State "take-away" of Redevelopment Funds

Redevelopment Debt Service Fund	Expenditure	increase expenditure $338,268

Provide for unanticipated increases in expenditures for County Tax Collection administration fees, Business Improvement District, Access Humboldt,

General Fund	Non-departmental	increase expenditures $17,394
Redevelopment Fund	Redevelopment operations	increase expenditures $21,843

Provide for unanticipated pass-thru payments - legislation enacted along with state budget required Redevelopment Agencies to reconcile pass-thru payments of tax increment funds with their County auditors. The City is in dispute with the Humboldt county auditor over this potential liability, however it is advisable to pay the funds and continue to challenge the correctness in order to preserve future tax increment payments to the agency.

Redevelopment Debt Service Fd.	Redevelopment operations	increase expenditures $300,000

Restore budget for Business District (confused with non--profits at budget time)

General Fund	Non-departmental	increase expenditure $23,750

Provide for Educational Reimbursement Program (required by MOU)

General Fund	Non-departmental	increase expenditure $300

Knight litigation

General Fund	City Attorney -Outside legal	increase expenditure $41,200
General Fund	City Attorney - Professional & technical	Increase expenditure $4,243

Adjust Personnel Department Budget for wages & benefits ($100,200) and office furniture ($4,150)

General Fund	Personnel – wages & benefits	increase expenditures $104,350

Provide for Access Humboldt franchise oversight contract

General Fund	Non-departmental	increase expenditures $2,205

Create appropriation for Douglas Defense - this is a carryover of the funds remaining from last year's $75,000 appropriation plus amounts donated

General Fund	Non-departmental	increase expenditures $29,733

Provide for Eureka Fire Department protective gear ($10,376) and operating supplies ($2,000)

General Fund	Fire operations	increase expenditures $12,376

Transfer funds previously reserved by HazMat JPA and appropriate for upgrading HazMat vehicle

HazMat Fund	Transfer out	increase expenditure $26,000
HazMat JPA Fund	Transfer in	increase revenues $26,000
HazMat JPA Fund	Capital outlay	increase expenditure $26,000

Appropriate funds for upfitting Dodge Chargers for EPD

CLEEP Fund	Capital outlay	increase expenditures $13,528

Appropriate funds for Fisherman's Terminal Building - project components not eligible for I Bank loan proceeds (Buhne deconstruction and cranes)

Redevelopment Capital Fund	Capital Project-Fisherman's Terminal	increase expenditure$117,290

Appropriate funds for consultant preparing design guidelines

Redevelopment Admin Fund	Redevelopment operations	increase expenditures $39,708

Appropriate funds for façade loan (inadvertently omitted from original budget)

Redevelopment Capital Fund	Redevelopment operations	increase expenditures $76,352

Appropriate for allowable Admin. expenditures

HOME Program Fund	Housing	increase expenditures $3,000

SECTION D
MULTI-YEAR PROJECTIONS

CITY OF EUREKA
General Fund Financial Forecast Model
Schedule I: Summary - Overview
GENERAL FUND REVENUES AND EXPENDITURES

	Actuals FY 2006-07	Adopted Budget FY 2007-08	Actuals FY 2007-08	Estimated Actuals FY 2008-09	Projected FY 2009-10
General Fund Revenues - from Schedule II					
Taxes	14,304,228	15,357,000	14,962,085	14,094,000	14,261,933
Licences and Permits	820,888	809,200	848,153	875,950	861,884
Fines, Forfeitures, and Penalties	176,082	244,000	409,633	302,000	303,000
Revenue from Other Agencies (Intergovernmental)	2,513,908	2,324,951	2,244,339	2,492,370	2,191,440
Charges for Current Services	2,912,183	2,675,560	2,746,126	3,013,357	3,193,066
Miscellaneous	363,422	377,629	898,119	1,168,358	1,157,608
Other Financing Sources	1,471,033	490,800	383,974	75,000	25,000
Total General Fund Revenues	22,561,744	22,279,140	22,492,429	22,021,035	21,993,930
General Fund Expenditures (Excluding Debt Service) - from Schedule III					
Committed Expenditures					
Salaries & Wages	9,336,236	10,464,695	9,830,324	10,755,978	11,636,357
Temp Salaries	810,472	726,576	857,505	741,707	745,070
OT	889,288	379,471	745,498	456,464	478,509
Retirement	2,089,448	2,493,089	2,241,683	2,800,270	2,992,358
Fringe Benefits (w/o Retirement or Flex)	2,200,389	2,332,616	2,255,396	2,405,145	2,732,477
Operating Supplies and Services	6,021,088	5,847,065	5,554,622	5,945,532	6,146,523
Transfers Out	249,153	145,753	348,497	74,430	74,430
Debt/Lease Service	129,950	256,019	244,354	256,022	256,022
Projects	1,285,954	260,980	369,970	254,972	-
Total General Fund Expenditures	23,011,978	22,906,264	22,447,849	23,690,520	25,061,746
Net Surplus/(Shortfall)	(450,234)	(627,124)	44,580	(1,669,485)	(3,067,816)
Beginning Working Capital - Reserves	2,130,331	974,547	974,547	1,012,166	(718,162)
Net Surplus/(Shortfall)	(450,234)	(627,124)	44,580	(1,669,485)	(3,067,816)
Change in spendable resources			(6,961)		
				(60,843)	
Audit adjustments	(705,550)				
Ending Working Capital - Reserves	974,547	347,423	1,012,166	(718,162)	(3,785,978)
Recommended Working Capital - Reserves	3,557,820	3,707,252	3,580,838	3,850,849	4,121,882

NOTE:
This assumes the following:

> Flat revenues beginning FY 09-10.
> Only 103% annual increase in Salaries & Benefits expenditures.
> All other expenses remain flat.

City of Eureka
Redevelopment Funds
Multi-Year Projection

	2008-09	2009-10	2010-11	2011-12	2012-13
Revenues					
Tax Increment Revenues projected	4,835,679	4,835,679	4,835,679	4,835,679	4,932,393
I Bank loan proceeds	2,000,000				
Total revenues	6,835,679	4,835,679	4,835,679	4,835,679	4,932,393
Expenditures					
20% set aside to Low & Mod Fund	(967,136)	(967,136)	(967,136)	(967,136)	(986,479)
Low and Mod prior year payments	(100,000)	(100,000)	(100,000)	(100,000)	(61,950)
SB211 Pass through payments to other agencies	(123,000)	(125,460)	(127,969)	(130,529)	(133,139)
ERAF payment AB1389	(338,268)				
additional pass thru	(300,000)				
I Bank debt service	(76,750)	(161,737)	(161,395)	(161,043)	(160,681)
* Annual debt payment - 2003 EPFA bonds	(678,343)	(678,343)	(678,343)	(678,343)	(1,678,000)
GF Xfr	(950,000)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)
Water and Wastewater payback	(400,000)				
Administration	(1,121,000)	(1,154,630)	(1,189,269)	(1,224,947)	(1,261,695)
Projects	(4,243,436)	(1,000,000)	(1,000,000)	(1,000,000)	(840,000)
Annual transfer to Humboldt Bay Operating Fund	(433,897)	(433,897)	(433,897)	(433,897)	(433,897)
Total expenditures	(9,731,830)	(5,621,203)	(5,658,009)	(5,695,894)	(6,555,841)
Total of Revenue over (under) expenses	(2,896,151)	(785,524)	(822,330)	(860,215)	(1,623,448)
Beginning Balance	$6,993,704	$4,097,553	$3,312,029	$2,489,700	$1,629,484
Ending Balance	4,097,553	3,312,029	2,489,700	1,629,484	6,036

City of Eureka
Building Fund
Revenue and Expense projection

	2007-08	2008-09	2009-10	2010-11
Revenues				
Licenses & Permits	331,973	239,904	239,904	239,904
Charges for services	137,892	107,100	107,100	107,100
Code violation restitution	42,200	20,000	30,000	30,000
Total Miscellaneous Revenue	16,588	13,600	-	-
Other Financial Sources	55,630	44,797	75,594	81,490
Total Revenues	584,283	425,401	452,598	458,494
Expenses				
Personnel Services	388,339	415,263	468,355	491,773
Oper Supplies & Materials	13,299	7,300	7,300	7,300
Proffess & Technical Svcs	56,299	74,141	76,365	78,656
Depreciation	6,662			
Interfund & Intergov pmts	123,538	123,587	135,946	149,540
Capital Outlay	5,722	36,000	6,000	6,000
Total Expenses	593,859	656,291	693,966	733,269
Total of Revenue over (under) expenses	(9,576)	(230,890)	(241,368)	(274,775)
Beginning fund balance	308,004	298,427	67,537	(173,831)
Ending fund balance	298,427	67,537	(173,831)	(448,606)

City of Eureka
Harbor Fund
Revenue and Expense Projection

	2007-08	2008-09	2009-10	2010-11
Revenue				
Charges for service	-	-	-	-
Miscellaneous	582,197.39	655,393.00	694,716.58	736,399.57
Other financial sources	100,000.00	433,897.00	434,000.00	434,000.00
Total Revenue	682,197.39	1,089,290.00	1,128,716.58	1,170,399.57
Expense				
Harbor Maint				
Personnel Services	161,486.39	182,541.00	191,668.05	201,251.45
Oper Supplies & Material	11,850.68	12,950.00	13,597.50	14,277.38
Profess & Tech Svcs	120,246.93	141,320.00	128,000.00	128,000.00
Depreciation	369,284.19			
Interfund & Inter gov pmts	172,182.52	216,876.00	227,719.80	239,105.79
Prior Appropriations				
Capital Outlay	1,264.32			
Total Harbor Maint Exp	836,315.03	553,687.00	560,985.35	582,634.62
Harbor Wharfinger				
Personnel Services	73,947.39	72,033.00	75,634.65	79,416.38
Oper Supplies & Material	4,656.83	9,900.00	10,395.00	10,914.75
Profess & Tech Svcs	9,615.55	11,150.00	11,707.50	12,292.88
Interfund & Inter gov pmts				
Prior Appropriations				
Capital Outlay	1,375.52	147,712.00	4,000.00	4,000.00
Total Harbor Wharfinger	89,595.29	240,795.00	101,737.15	106,624.01
Capital Projects	22,492.95			
Debt Svc	149,511.81	285,507.00	291,744.50	291,344.50
Transfers out / Reserves	46,555.44	150,000.00	150,000.00	150,000.00
Total Expense	1,144,470.52	1,229,989.00	1,104,467.00	1,130,603.13
Excess of Revenue over (under) expense	(462,273.13)	(140,699.00)	24,249.58	39,796.45
Beginning Fund Balance	11,862,038.13	11,399,765.00	11,259,066.00	11,283,315.58
Ending Fund Balance	11,399,765.00	11,259,066.00	11,283,315.58	11,323,112.03

AGENDA SUMMARY

RE: REQUEST FOR EXCEPTION TO THE HIRING FREEZE

For Agenda Date: February 24, 2009

Agenda Item No.: 14

RECOMMENDATION:

The Engineering Department recommends that Council approve the exception to the hiring freeze for the Engineering Technician I/II position, which is already included in the FY 08/09 budget.

SUMMARY OF THE ISSUE:

With the adoption of the FY 03/04 budget, the City Council authorized a hiring freeze for all non-public safety positions. Any exceptions to the hiring freeze must be approved by the Council.

The Engineering Department requests authorization to fill the position of Engineer Technician I/II. There are currently three vacant positions in the Engineering Department as a result of employee departures and retirements. Two of these positions were unallocated during the FY2008/2009 budget process, resulting in a budget reduction of over $190,000. The third, which is the subject of this request, was funded for the current fiscal year but has remained vacant since the beginning of this fiscal year. At the current level of staffing the Engineering Department is having difficulty meeting its workload demands. Failure to fill this position may likely cause some current and future projects and programs to be postponed and/or cancelled.

This position was already included in the FY 08/09 budget and is paid through reimbursement though the City's cost allocation plan and capital project funds.

(continued on next page)

FISCAL IMPACT:

The cost of filling the position as an Engineering Technician I is $54,734.82 annually (based on a Step 3 salary rate). The cost of filling the position as an Engineer Technician II is $61,579.64 annually (based on a Step 3 salary rate). The salary is initially paid from the General Fund, with 2/3 reimbursed through the City's cost allocation plan and 1/3 funded through capital project funds. Therefore there is no net cost to the General Fund.

DH SIGN: Lucia R. Haase
Personnel Director

CM SIGN: [signature]
City Manager

REVIEWED BY:	**DATE:**	**INITIALS:**
City Attorney	2/19/09	SS JP
Finance Director	2/19/09	VW JP.

COUNCIL ACTION:

Ordinance No. **Resolution No.**

At the City Council meeting of February 3, 2009, Council referred this request to the Finance Advisory Committee who discussed the matter at their February 9, 2009 meeting. The Finance Advisory Committee made the recommendation to City Council that the exception be granted if there was no impact to the General Fund. Staff is proposing that the cost of this position be fully recovered through 2/3 reimbursement through the cost allocation plan and 1/3 reimbursement from capital project funds. Therefore there will be no net cost to the General Fund.

The Engineering Department is requesting that Council exempt this position from the current hiring freeze and authorize it to be filled.

AGENDA SUMMARY

RE: Wireless Communication Task Force **For Agenda Date:** February 24, 2009

Agenda Item No.: 15

RECOMMENDATION:

Discussion and possible action to confirm appointments of members of the Wireless Communications Task Force Ad Hoc Committee.

SUMMARY OF THE ISSUE:

At the direction of the City Council a Wireless Communications Task Force Ad Hoc Committee has been formed. The purpose of the Committee will be to discuss and provide the City Council with possible recommendations for amendments to the Eureka Municipal Code related to Wireless Communication Facilities. At present the following members have been identified: City Councilmembers Jones and Glass; Industry Representatives Tom McMurray and Jim Hoff; Planning Commissioners Ron Kuhnel and Stephen Avis. The City Council had expressed some interest in having two representatives from the community on the Committee, at this time we have only one application.

FISCAL IMPACT:

None with the recommended action.

City Manager SIGN: David W. [illegible]
CITY MANAGER

REVIEWED BY:	**DATE:**	**INITIALS:**
City Attorney	2-20-09	SS

COUNCIL ACTION:

Ordinance No. **Resolution No.**

City of Eureka