

**SUPPLEMENTAL BENEFITS FUND STEERING COMMITTEE
JULY 2, 2008 - MEETING MINUTES**

The agenda for the July 2, 2008 meeting of the Supplemental Benefits Fund Steering Committee was posted at the front of City Hall on Friday, June 27, 2008 at 4:16 p.m.

The July 2, 2008 Supplemental Benefits Fund Steering Committee meeting was called to order by Chairperson Corkin at 3:30 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Corkin.

ROLL CALL

Present: Voting Committee Members: Loren Gill - FRRPD, Vene Thompson-FRRPD, Michael Howard – City of Oroville, Jim Prouty – City of Oroville, Chairperson Sue Corkin - City of Oroville

Non-Voting Committee Members: Bill Cochran – DWR (late), Craig Jones – State Water Contractors, Kevin Zeitler - Chamber of Commerce

Absent: Committee Member Steve Rothert – American Rivers

Others Present:

Sharon Atteberry, SBF Administrator
Bob Marciniak, SBF/RDA Coordinator
Charles Miller, Director of Parks and Trees
Kirk Trostle, Chief of Police

Dwight Moore, Committee Counsel
Bob Sharkey, FRRPD General Manager
Jamie Hayes, Administrative Assistant

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS –

Jan Hill-Item No. 1 and 3
Jessica Miller-Item No.1 and 3

APPROVAL OF THE MINUTES

- 1. THE MINUTES OF THE MAY 14, 2008 MEETING OF THE SUPPLEMENTAL BENEFITS FUND STEERING COMMITTEE WERE NOT APPROVED AND CONTINUED TO THE JULY 16, 2008 ADJOURNED SPECIAL MEETING –** Minutes attached (05-14-2008)

Loren Gill, Committee Member requested a copy of the May 14, 2008 meeting as he did not recall some of the items that were in the written version of the minutes. It was agreed that Mr. Gill would review the tape and provide feedback, if needed, to

allow the minutes to be re-presented at the July 16, 2008 Special Adjourned Meeting.

Jim Prouty, Committee Member stated that transcribing the minutes was impractical and minutes shouldn't be verbatim discussions.

Jan Hill, FRRPD Board Member stated that she felt the minutes needed to be expanded to include two items. First that Mr. Moore had stated that he would have the contracts ready by July 2nd. And secondly that Mr. Cochran had directed Mrs. Atteberry to deposit the administrative funds back into the general funds as they had not been used as approved.

Sharon Atteberry, Fund Administrator stated that we can't just move fund the allocated administrative funds back into the general fund. We needed to follow Appendix B and allow for the completion of the Regional Fund Strategic Plan. Sharon Atteberry did not recall that Bill Cochran had made such a statement directing staff to place the administrative funds on the agenda for re-allocation.

Jessica Miller, Attorney for FRRPD, stated that she recalled that Mr. Cochran requested the administrative fund item be placed on the agenda to discuss if the funds needed to be re-allocated, if the original two year time frame had expired & if funds should be re-allocated.

Bill Cochran, Committee Member responded that he recalled suggesting that it "could" be done, but that he had not requested that it be done explicitly as others have just stated.

Dwight Moore, Committee Counsel stated that the agreement is very specific as to fund allocation and moving funds would be a violation of the agreement and appendix B. He said that DWR could be asked for a legal opinion about fund re-allocation.

Vene Thompson, Committee Member questioned what date the City of Oroville became administrator and why did the City of Oroville and the SBF Steering Committee review and approve items without a Regional Fund Strategic Plan in place.

Sharon Atteberry said the agreement was signed on September 27, 2006. That a new employee had been hired and that he would be working on the Regional Fund Strategic Plan. That we would be in the process of sending out requests, reviewing proposals and presenting them to the SBF Steering Committee.

Sue Corkin, Committee Chairperson stated that the real issue is that the Steering Committee does not have a plan in place and that we need to move forward. The minutes of May 14, 2008 will be continued to a subsequent meeting for approval.

CONSENT CALENDAR - None

PUBLIC HEARINGS - None

REGULAR BUSINESS

2. INTRODUCTION

Sharon Atteberry introduced Bob Marciniak, the newly hired SBF/RDA Project Coordinator.

Mr. Marciniak spoke briefly about his previous banking and business career. He stated that he was very pleased to serve the Committee and the community in his new position. He has owned property in the Oroville area since 1999 and became a resident in 2001.

Loren Gill and Vene Thompson asked for a title clarification of what "Project Coordinator" meant as well as a better understanding of what Mr. Marciniak would be doing and if all of his time would be devoted to the SBF.

Sharon Atteberry responded that Mr. Marciniak had filled a position that had been previously been approved by the Steering Committee. His primary focus will be to write a Request for Proposal (RFP) for the Regional Fund Strategic Plan as well as to facilitate meetings and follow up on previously approved SBF projects. He also will spend time working on RDA projects. Bob Marciniak's title will be SBF/RDA Coordinator.

3. LARGE SBF FUNDING AGREEMENT FEATHER RIVER RECREATION AND PARK DISTRICT.

Agreement between the City of Oroville and the Feather River Recreation and Park District reflecting standards, expectations and payment provisions for the large SBF project of \$1,020,000 for the Riverbend North Soccer Field Project.

SFB Steering Committee Action Requested: Adopt Resolution No. 01-2008 – A RESOLUTION OF THE SUPPLEMENTAL BENEFITS FUND STEERING COMMITTEE AND THE FEATHER RIVER RECREATION AND PARK DISTRICT FOR THE APPROVED LARGE SBF PROJECT OF \$1,020,000 FOR THE RIVERBEND NORTH PARK SOCCER FIELD PROJECT. (Agreement No. 001)

Jan Hill, FRRPD Board Member asked how many Steering Committee Board Members had read the agreement and suggested that items such as this be distributed in advance of a meeting.

Dwight Moore, Committee Counsel, presented the information contained in Agreement No. 001. He advised the committee that he had sent the agreement to DWR counsel for review and had received positive comments as to how the agreement was written. He also stated that he had used a DWR template for

agreements and had also reviewed the previous agreement between the City of Oroville and FRRPD with an emphasis on making the new agreement user friendly. He indicated that a request had been made to FRRPD for a maintenance plan to insure that the project would be maintained and kept available to the public. As of this meeting it had not been received. He discussed the necessity of insurance and the Hold Harmless Clause. He further reiterated that the FRRPD would be reimbursed on a basis of approved work performed and inspected. He also stated that a 20% hold back of each payment would be required until the lien period had been exhausted.

Sharon Atteberry, SBF Administrator explained the City of Oroville's process for approving invoices. That once the invoice was submitted and verified against the project budget plan it would be sent to DWR. After the approval a check would be prepared on the City of Oroville check printing dates, which is twice a month. The Agreement allows the City of Oroville to approve the invoices vs the Steering Committee which should accelerate the process.

Jessica Miller, Attorney representing FRRPD, stated that the District had received a copy of Agreement No. 001 on Monday and that she had received a copy of it on Tuesday and had some concerns about it. She went on to address the budget that was in the approved request and that several of the lines would need to be addressed. She specifically mentioned the cost of importing soil as both the cost of soil and the trucking expenses had escalated significantly. She said that after FRRPD staff had met with City of Oroville Planning Department staff that a gravel parking lot would not occur as the City of Oroville wants a paved parking lot. She also stated that the District is concerned that the SBF Steering Committee does not have enough supervision to review progress reports. She asked about dispute or arbitration resolution and if the SBF Steering Committee would mediate. A concern about the thirty (30) day default provision and what would happen if it wasn't cured. She also stated that FRRPD has a construction inspector in mind and they would like to use that person however she wasn't at liberty to give the name of this person at this time. She asked for a tabling of the agreement to allow the Committee to have more time to review it. The District plans on submitting an updated budget to the Steering Committee for review which would reflect current costs.

Dwight Moore, Committee Counsel, explained mediation or arbitration guidelines and the fact that the Steering Committee would be an inappropriate venue for that as the Committee represents both sides of the agreement.

A discussion of the Committee members occurred regarding whether previously approved budget items could be reallocated, was the scope of the project being changed, was the rendering which reflected over 100 parking spaces which was part of the approval presentation conceptual or included in the actual plan. How would dust pollution, ADA and children safety issues be resolved. Questions were directed to Dwight Moore regarding why the agreement had so many requirements. Mr. Moore responded that having an agreement as to the expectations of both parties would preclude future issues.

A motion was made by Committee Member, Vene Thompson and seconded by Committee Member, Loren Gill to have the voting members and attorneys meet to discuss Agreement No.001 and return to a Special Adjourned Meeting on July 16, 2008. After discussion the motion was withdrawn.

Sue Corkin, Committee Chairperson, asked Dwight Moore, City Counsel and Jessica Miller, Attorney representing FRRPD to meet and workout Agreement No. 001 and to re-present it at a Special Adjourned Meeting of the SBF Steering Committee to be held on Wednesday July 16, 2008 at 4:00pm in the City of Oroville Council Chambers.

4. LARGE SBF FUNDING AGREEMENT TABLE MOUNTAIN GOLF CLUB, INC.

Agreement between the City of Oroville and the Table Mountain Golf Club, Inc. reflecting standards, expectations and payment provisions for the approved Large SBF project of \$30,000 for the construction and installation of an irrigation system.

SFB Steering Committee Action Requested: Adopt Resolution No. 02-2008- A RESOLUTION OF THE SUPPLEMENTAL BENEFITS FUND STEERING COMMITTEE AND THE TABLE MOUNTAIN GOLF CLUB, INC. FOR THE APPROVED LARGE SBF PROJECT OF \$30,000 FOR THE CONSTRUCTION AND INSTALLATION OF AN IRRIGATION SYSTEM. (Agreement No. 002)

Jan Hill, FRRPD Board Member – asked if the committee had read the Resolution & Agreement.

Dwight Moore, City Counsel, presented Agreement No. 002 detailing the content and purpose of this and future agreements. He responded to questions regarding the agreement.

Bob Marciniak indicated that invoices had been presented for the work and were awaiting payment.

After discussion a motion was made by Committee Member, Jim Prouty and seconded by Committee Member, Loren Gill to approve Resolution No. 02-2008 and Agreement No. 002.

Ayes: Committee Members, Prouty, Gill, Howard & Chairperson Corkin.
Noes: Committee Member Vene Thompson.
Abstain: None
Absent: None

STEERING COMMITTEE/STAFF COMMENTS

5. REQUEST FOR PROPOSAL (RFP) FOR A REGIONAL FUND STRATEGIC PLAN

Bob Marciniak the SBF/RDA Coordinator advised the committee that he is in the process of preparing an RFP for a Regional Fund Strategic Plan to guide the Steering Committee in selecting and funding proposed projects in a manner that optimizes the overall benefits to the local region consistent with the availability of funds. That once this process is done and the Regional Fund Strategic Plan is in place it will allow future presented project requests to be processed in a consistent manner.

A discussion was held regarding including the Recreation Management Plan once it is approved by the Federal Regulatory Commission (FERC) and the issuance of the new

license for DWR to produce power. It was also discussed to include the City of Oroville new updated General Plan and the various Master Park Plans.

Loren Gill asked about the SBF Logo which is to be displayed at each SBF grant project. He also asked who would pay for it.

Staff explained that the Logo needed to be designed and approved by the SBF Committee. Staff will be working on the design for the Committee's consideration.

6. ECONOMIC DEVELOPMENT AD HOC COMMITTEE

Bob Marciniak the SBF/RDA Coordinator advised the committee that he plans to meet with the Economic Development Ad Hoc Committee to discuss the remaining economic development funding.

Vene Thompson questioned who was on that Committee.

Sharon Atteberry responded the Committee consists of Vene Thompson, Kevin Zeitler, Sue Corkin, Craig Jones (????) and Bill Cochran.

CORRESPONDENCE - None

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON NON-AGENDA ITEMS

Jan Hill, FRRPD Board Member – addressed the Committee as a private citizen and also representing others in the community, who feel that a time for action has come in getting the soccer fields built. The continued delays in the funding from the SBF have caused increases in cost.

ADJOURNMENT

The meeting was adjourned at 5:40 p.m. to a special adjourned meeting of the Supplemental Benefits Fund Steering Committee to be held at 4:00 p.m. on July 16, 2008.

Sue Corkin, Chairperson