



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

MARCH 20, 2018 REGULAR MEETING CLOSED SESSION 5:30 P.M. OPEN SESSION 6:30 P.M. AGENDA

CLOSED SESSION (4:30 P.M.)

ROLL CALL

Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier

CONVENE TO CLOSED SESSION (ITEMS LISTED ON PAGE NO. 4)

RECONVENE TO OPEN SESSION

OPEN SESSION (6:30 P.M.)

PLEDGE OF ALLEGIANCE

PROCLAMATION / PRESENTATION

Proclamation presented to Neal and Mary Terrell of P.A.I.N. (Park Avenue Improvement Network)

CONSENT CALENDAR

1. **APPROVAL OF THE MARCH 6, 2018 REGULAR MEETING MINUTES AND MARCH 8, 2018 SPECIAL MEETING MINUTES OF THE OROVILLE CITY COUNCIL** – minutes attached

Business Assistance & Housing Development

2. **SUBMITTAL OF LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS WASTE GRANT APPLICATION IN COLLABORATION WITH BUTTE COUNTY** – staff report

The Council may consider authorizing staff to collaborate with Butte County to submit a 2018-19 Local Household Hazardous Waste (HHW) Program grant application to the California Department of

Resources Recycling and Recovery (CalRecycle). (**Rick Farley, Enterprise Zone and Business Assistance Coordinator**).

Council action requested: **Adopt Resolution No. 8690 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE COLLABORATION WITH BUTTE COUNTY TO SUBMIT A 2018/2019 LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS WASTE CYCLE HD31 PROGRAM GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY AND AUTHORIZES THE MAYOR, OR HIS OR HER DESIGNEE, TO SIGN THE ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES (EPPP) POLICY NOTIFICATION**

Administration

3. **CONSIDERATION AND APPROVAL OF A NEW SALARY RANGE FOR THE POSITION OF ASSISTANT CITY CLERK AND CHANGE IN BARGAINING UNIT** – staff report

The Council will consider the approval of a salary range for the position of Assistant City Clerk and approval to place the position into the Oroville City Employee's Association. (**Liz Ehrenstrom, Human Resource Manager**)

Council action requested: **Approve the proposed salary range for the position of Assistant City Clerk and place the position into the Oroville City Employee's Association.**

PUBLIC HEARINGS

Administration

4. **RESOLUTION OF INTENT AND ORDINANCE TO AMEND THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AGREEMENT REGARDING EMPLOYEES SHARING ADDITIONAL COST (2nd READING)**– staff report

The Council will conduct a public hearing and may consider a Resolution of Intent and Ordinance to amend the California Public Employees Retirement System (CalPERS) Agreement for employees sharing additional cost. (**Liz Ehrenstrom, Human Resource Manager**).

Council action requested:

1. **Adopt Resolution No. 8685 – A RESOLUTION OF INTENTION BY THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, TO APPROVE AN AMENDMENT TO THE AGREEMENT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF OROVILLE RELATING TO EMPLOYEES SHARING ADDITIONAL COSTS.**
2. **Waive the first reading, and introduce by title only, Ordinance No. 1827 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE AGREEMENT BETWEEN THE OROVILLE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.**

REGULAR BUSINESS

Information Technology Department

5. **PHONE SYSTEM PURCHASE AND INTERNET SERVICE CHANGE** – staff report

The Council may consider the following:

- 1) Changing the City's main internet connections to a more robust connection that includes SIP technology for a new phone system.
- 2) The purchase of a new phone system for \$67,520.13 that will service all major city offices.

Council action requested: **Authorize the purchase of the listed upgrades in this staff report.**

Public Works Department

6. **RSTP STREET REPLACEMENT PROJECT CONSTRUCTION MANAGEMENT SERVICES** – staff report

The Council may consider approving the Contract City Engineer to add Construction Management (CM) services via a subconsultant (Flaherty Engineering) to Bennett Engineering's Contract City Engineer Contract. **(Mike Massaro, Contract City Engineer).**

Council action requested: **Approve the Contract City Engineer to enter into a subcontract agreement with Flaherty Engineering and Holdrege & Kull for Construction Support.**

Business Assistance & Housing Development

7. **CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS** – staff report

Council may receive information on potential voluntary Code of Conduct and provide further direction. **(Bill LaGrone, Interim City Administrator)**

Council action requested: **Receive information and provide direction**

8. **PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND TOM LANDO TO SERVE AS INTERIM CITY ADMINISTRATOR** – staff report

The City Council will consider an agreement for Professional Services between the City and Tom Lando for service as Interim City Administrator. **(Bill LaGrone, Acting Personnel Officer)**

Council action requested: **Adopt Resolution No. 8691 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND TOM LANDO TO SERVE AS INTERIM CITY ADMINISTRATOR (Agreement No. 3246).**

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS (A verbal report may be given regarding any committee meetings attended)

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

CORRESPONDENCE

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter not listed on the agenda to step to the podium, state your name for the record and make your presentation. **Presentations are limited to 3 minutes.** Under Government Code Section 54954.2, The Council is prohibited from taking action except for a brief response by the Council or staff to a statement or question relating to a non-agenda item.

CLOSED SESSION

The Council will hold a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council will meet with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville Firefighters' Association, Oroville Police Officers Association (Sworn and Non-Sworn), Oroville Public Safety Mid-Managers Association, Oroville Management and Confidential Association, and Oroville City Employees Association.
2. Pursuant to Government Code Section 54957(b), the Council will meet with Acting City Administrator, Personnel Officer, and/or City Attorney to consider the employment related to the following positions: City Administrator.
3. Pursuant to Government Code section 54956.9(d)(2), the Council will meet with the Acting City Administrator and City Attorney regarding potential exposure to litigation – one case.

ADJOURNMENT

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, April 3, 2018, at 5:30 p.m.

Accommodating Those Individuals with Special Needs – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.



**CITY COUNCIL MEETING MINUTES
MARCH 6, 2018 – 4:30 P.M.**

The agenda for the March 6, 2018, regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at www.cityoforoville.org on Thursday, March 1, 2018, at 4:23 p.m.

Note: The following minutes are action minutes and provide a succinct recap of actions taken at the meeting. A complete audio recording is available by contacting the City Clerk at (530) 538-2401. You may also watch live meetings or past meetings via the internet by going to www.cityoforoville.org and clicking on the City Council Agendas & Minutes page and click WATCH LIVE MEETINGS.

The March 6, 2018 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 4:34 p.m.

ROLL CALL

Present: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Absent: None

Staff Present:

Donald Rust, Assistant City Administrator	Bill LaGrone, Director of Public Safety
Scott Huber, City Attorney	Ruth Wright, Director of Finance
Karolyn Fairbanks, Treasurer	Dawn Nevers, SBF Program Specialist
Elizabeth Ehrenstrom, Human Resources Manager	Tyson Pardee, IT Manager
Mike Massaro, Contract City Engineer	

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Linda Dahlmeier.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Bill Speer – Item No. 1 & 4	Cheri Bunker – Item No. 9
Bobby O'Reiley – Item No. 3, 4, 6, 8 & 9	Mary Barr – Item No. 4 & 9
Eric Smith – Item No. 4, 5 & 9	Tasha Levinson – Item No. 6 & 9
August Lincoln – Item No. 3	Thomas Sorensen – Item No. 6
Stephanie Tousley – Item No. 9	William Bynum – Item No. 9
Steve Christensen – Item No. 9	

PROCLAMATION / PRESENTATION

Dawn Nevers, city staff, received a Proclamation from the City Council recognizing March 7th through the 14th **Arbor Day** observance week in Oroville.

Donovan Hill, 4-H member, gave a presentation to the City Council on **Voter Registration**.

CONSENT CALENDAR

1. THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)

Administration

2. MAYOR, COUNCIL AND TREASURER STIPEND REDUCTION – staff report

The Council considered formalizing the 10% reduction in the Mayor, Council and Treasurer’s stipend that was agreed to in October 2017, pursuant to the California Public Employee’s Retirement Law. **(Elizabeth Ehrenstrom, Human Resources Manager).**

Following discussion, a motion was made by Council Member Draper, seconded by Council Member Del Rosario, to:

Approve the attached Stipend Schedule for the Mayor, Council and Treasurer.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

3. THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)

4. THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR (SEE BELOW)

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. APPROVAL OF THE FEBRUARY 20, 2018 REGULAR MEETING MINUTES AND MARCH 1, 2018 SPECIAL MEETING MINUTES OF THE OROVILLE CITY COUNCIL – minutes attached

Bill Speer provided comments to the Council regarding the minutes.

Following discussion, a motion was made by Council Member Hatley, seconded by Vice Mayor Goodson, to:

Approve the February 20, 2018 regular meeting minutes and March 1, 2018 special meeting minutes of the Oroville City Council.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

3. APPOINTMENT TO THE OROVILLE PARK COMMISSION – staff report

The Council considered appointing Joseph Whitley, a qualified City resident, to serve on the Oroville Park Commission for the remainder of a vacant seats term, ending June 30, 2022. **(Dawn Nevers, Interim Assistant City Clerk).**

The item was pulled from the consent calendar at the request of Vice Mayor Goodson.

Bobby O'Reiley provided comments to the Council regarding this item.

Following Discussion, the Council directed staff to:

Repost the Park Commission application on the City website and Facebook to try to gain more applicants.

Public Safety

4. RESOLUTION OF SUPPORT FOR THE CITY OF OROVILLE SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018 – staff report

The Council considered authorizing a resolution of support for The Reducing Crime and Keeping California Safe Act of 2018. **(Bill LaGrone, Director of Public Safety)**

Bobby O'Reiley, Eric Smith, Bill Speer, and Mary Barr provided comments to the Council regarding the item.

Public Safety Director, Bill Lagrone, provided comments to the Council regarding the importance of the Reducing Crime and Keeping California Safe Act of 2018.

Following discussion, a motion was made by Vice Mayor Goodson, seconded by Council Member Draper, to:

Adopt Resolution 8687 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018.

The motion was passed by the following vote:

Ayes:	Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	None

PUBLIC HEARINGS

Administration

5. SUPPORT OF PROPOSED ISSUANCE OF BONDS FOR OROVILLE HOSPITAL – staff report

The Council conducted a public hearing and consider the issuance of revenue bonds for Oroville Hospital. **(Scott E. Huber, City Attorney & Ruth Wright, Finance Director)**.
The Mayor opened the public hearing.

Eric Smith provided comments to the Council regarding the item.
Bud Levine and Ravi Chitkara of Wulff, Hansen & Co. answered questions for the Council regarding the financing.

Hearing no further comments, the Mayor closed the public hearing.

A motion was then made by Vice Mayor Goodson, seconded by Mayor Dahlmeier, to:

Approved resolutions with amendments changing the rate from variable to fixed.

1. **Adopt Resolution No. 8688 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF ITS REVENUE BONDS OF 2018 IN AN AMOUNT NOT TO EXCEED \$21,000,000 FOR THE BENEFIT OF OROVILLE HOSPITAL AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO.**

2. **Adopt Resolution No. 8689 – A RESOLUTION OF THE OROVILLE CITY COUNCIL, REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE, APPROVING ISSUANCE BY THE CITY OF OROVILLE OF REVENUE BONDS (OROVILLE HOSPITAL), 2018 SERIES A, IN A AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$21,000,000.**

The motion was passed by the following vote:

Ayes:	Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	None

REGULAR BUSINESS

Public Works Department

6. FOGG AVENUE DRAINAGE REHABILITATION PROJECT – staff report

The Council provided direction to the Contract City Engineer, based on the options and exhibits presented as part of this Staff Report, on how to proceed with a proposed drainage rehabilitation project on Fogg Avenue. **(Mike Massaro, Contract City Engineer)**.

Council Member Hatley recused himself.

Bobby O'Reiley, Thomas Sorensen, and Tasha Levinson provided comments to the Council regarding the item.

Following discussion, a motion was made by Council Member Del Rosario, seconded by Council Member Thomson, to:

Approve Option A-1; with City Public Works Staff performing the construction work.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: None
Abstain: Council Member Hatley
Absent: None

Community Development Department

7. REQUEST FROM STREAM CHARTER SCHOOL FOR A FEE WAIVER FOR THE USE OF THE MUNICIPAL AUDITORIUM FOR A NINJA WARRIOR EVENT - staff report

The Council considered a request from STREAM Charter School for a fee waiver for the use of the Municipal Auditorium for the purposes of holding a three-day community event promoting healthy activities. **(Donald Rust, Director of Community Development)**

Don Phillips, director of STREAM charter School, provided information and answered questions for the Council.

Following discussion, a motion was made Council Member Draper, seconded by Council Member Thomson, to:

Authorize the 50% waiver request in the amount of \$1,460.00 that meets the City's Facility/Park Fee Waiver policy.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

8. ART REQUIREMENT (ORDINANCE NO. 1798) – 2790 FEATHER RIVER BOULEVARD – staff report

The Council reviewed the public art installed at 2790 Feather River Boulevard. **(Donald Rust, Director of Community Development)**

Applicant, Jerome Johnson, provided information and answered questions for the Council.

Bobby O'Reiley provided comments to the council regarding the item.

Following discussion, a motion was made by Vice Mayor Goodson, seconded by Council Member Draper, to:

Approve the ornamental iron fencing, chicken cutouts and rooster weathervane as exceeding the 1% Art in Public Places / Oroville Beautification policy requirements.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

9. CONSIDER A PROFESSIONAL SERVICES AGREEMENT WITH WILLIAM BERRY CAMPAIGNS (WBC) TO CONDUCT AN OPINION SURVEY REGARDING A SPECIAL OR GENERAL SALES TAX INITIATIVE – staff report

The Council reviewed and considered entering into a Professional Services Agreement with William Berry Campaigns to conduct an opinion survey regarding a special/general sales tax initiative. **(Donald Rust, Director of Community Development).**

William Berry, consultant, provided information about his services to the Council and answered questions.

Cheri Bunker, Bobby O'Reiley, August Lincoln, Eric Smith, Stephanie Tousley, Steve Christensen, Tasha Levinson, Mary Barr, and Bill Bynum provided comments to the Council regarding the item.

Following discussion, a motion was made by Council Member Draper, seconded by Mayor Dahlmeier, to:

Direct staff to prepare a contract with WBC to conduct an opinion survey regarding a potential special or general sales tax initiative for the November 2018 General Election.

The motion failed by the following vote:

Ayes: Council Members Draper, Thomson, Mayor Dahlmeier
Noes: Council Members Berry, Del Rosario, Hatley, Vice Mayor Goodson
Abstain: None
Absent: None

Following further discussion, Council directed staff to:

Return to Council with William Berry Campaigns (WBC) and SCI Consulting Group proposals to conduct an opinion survey regarding a special/general sales tax initiative not to exceed \$15,000.

COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

Council Member Draper reported on the following:

- Summarized correspondence received from Mark McKinnon regarding cannabis, attendance to the continuum of Care meeting on February 26th, and requested for city Attorney, Scott Huber, to return with sample Code of Ethics documents for Council to review.

Vice Mayor Goodson reported on the following:

- Attendance to the SC-OR Sewerage Commission meeting, spoke at Ophir Elementary School for a readathon, and asked questions as to BINTF occupancy of a City owner building in the airport Business Park.

Council Member Del Rosario reported on the following:

- Attended the Butte County Air Quality board and provided updates received.

Council Member Thomson reported on the following:

- A meeting with Assemblyman Gallagher regarding PERS.

Mayor Dahlmeier reported on the following:

- Gave a farewell to Mr. Rust.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS - None

CORRESPONDENCE

- Christine Crispin, Hearthstone School, RE: *Request to partner with the City on a "Safe Routes to School" grant.*
- Colleen Cecil, Butte County Farm Bureau, RE: *Request for City to oppose commercial cannabis regulations.*

(following correspondence was received following the agenda being published.)

- Mark McKinnon, RE: *Pro Cannabis Dispensaries*
- Jeanne Cecchi, RE: *Marijuana Issue – Negative*
- Chris Sommer, RE: *As Oroville falls, so falls Butte County*

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

Bill Speer provided comments to the Council regarding the community and prayed for the City.

Tasha Levinson wished Mr. Rust farewell and encouraged everyone to pick up the litter in the community.

Bobby O'Reiley provided comments and requested the Council Members to remember the constituents and wished Mr. Rust good luck in his new position.

Stephanie Tousley expressed concern for the state of the City following the impending departure of two employees.

John Miller-George provided comments to the Council regarding the proposed cannabis dispensaries.

Mary Barr presented questions to the City Attorney requesting further clarification on the Initiative process.

Steve Terry announced March 24th the Oroville Exchange Club will be hosting annual Search for talent, provided comments to the Council regarding his opposition to cannabis and cautioned against personal attaches, and wished Mr. Rust well.

Bill Bynum expressed dislike for prayer during council meetings.

August Lincoln asked about the status of the CalWater study.

CLOSED SESSION

The Council held a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council will meet with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville Firefighters' Association, Oroville Police Officers Association (Sworn and Non-Sworn), Oroville Public Safety Mid-Managers Association, Oroville Management and Confidential Association, and Oroville City Employees Association.
2. Pursuant to Government Code section 54956.9(a), the Council will meet with the Acting City Administrator, and the City Attorney relating to existing litigation: City of Oroville v. Department of Water Resources, Butte County Superior Court, Case No. 18-CV-00163.
3. Pursuant to Government Code section 54956.9(d)(2), the Council will meet with the Acting City Administrator and City Attorney regarding potential exposure to litigation – one case.
4. Pursuant to Government Code Section 54957(b), the Council will meet with Acting City Administrator, Personnel Officer, and City Attorney to consider the employment related to the following positions: Deputy City Clerk and City Administrator.

Following Closed Session, Mayor Dahlmeier reported that direction had been given and no action taken on Items 1, 2 and 3, and Bill LaGrone was appointed as Interim City Administrator beginning March 9th, 2018 for Item No. 4.

ADJOURNMENT

The meeting was adjourned at 9:55 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, March 20, 2018, at 5:30 p.m.

Bill LaGrone, Acting City Clerk

Linda L. Dahlmeier, Mayor

**OROVILLE CITY COUNCIL SPECIAL MEETING MINUTES
MARCH 8, 2018 – 2:00 P.M.**

The agenda for the March 8, 2018 special meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall, and on the City of Oroville's website located at www.cityoforoville.org on Wednesday, February 28, 2018, at 1:55 p.m.

The March 8, 2018 special meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 2:01 p.m.

ROLL CALL

Present: Council Members Berry, Del Rosario, Draper, Hatley, Thomson, Mayor Dahlmeier
Absent: Vice Mayor Goodson (excused)

Pledge of Allegiance

The pledge of Allegiance was led by Mayor Dahlmeier.

SPECIAL BUSINESS – CLOSED SESSION

1. Pursuant to Government Code Section 54957(b), the Council will meet with Acting City Administrator, Personnel Officer, and/or City Attorney to consider the employment related to the following positions: City Administrator.

Mayor Dahlmeier announced that there were no reportable actions taken in Closed Session and direction had been given to staff.

ADJOURNMENT

The meeting was adjourned at 2:55 p.m. to a regular meeting of the Oroville City Council to be held on Tuesday, March 20, at 5:30 p.m.

Bill LaGrone, Acting City Clerk

Linda L. Dahlmeier, Mayor

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

FROM: RICK FARLEY, ENTERPRISE ZONE AND BUSINESS ASSISTANCE COORDINATOR (530) 538-4307

RE: SUBMITTAL OF LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS WASTE GRANT APPLICATION IN COLLABORATION WITH BUTTE COUNTY

DATE: MARCH 20, 2018

SUMMARY

The Council may consider authorizing staff to collaborate with Butte County to submit a 2018-19 Local Household Hazardous Waste (HHW) Program grant application to the California Department of Resources Recycling and Recovery (CalRecycle).

DISCUSSION

Butte County Public Works will act as the lead agency in partnership with the City of Oroville for the purpose of this three-year regional grant. Butte County will be responsible for the performance of the grant and all required documentation.

Regional applicants are eligible for up to \$100,000 in funds from CalRecycle's HHW Grant Program. Applications are due March 20, 2018 with awards to be announced in July 2018.

Matching funds are not required for this grant.

Butte County, in partnership with the City of Oroville, will promote our respective HHW facilities with a multi-media public education campaign to inform the public of the best practices of HHW management. This will include specific materials often mishandled in the waste stream (propane cylinders, fluorescent bulbs) as well as basis facility information, including days and hours of operation, common HHW materials accepted and options for reuse of these materials. The campaign will include multi-media approach to include but be limited to radio, television, and possibly outdoor media to ensure all population segments of the County are reached. The County will also establish a propane cylinder take back program and promote the ReFuel Your Fun campaign by expanding retail sales, refill/exchange of the refillable cylinders in Butte County.

A recent Butte County Grand Jury report found that the Chico and Oroville HHW facilities, while operating effectively and compliantly, need to better engage with the public to inform County residents of the facilities available and the opportunities offered for proper HHW disposal. It has been estimated that these

facilities may capture only 15% of the HHW need with respect to propane cylinders.

Butte County surveys the public at both the Chico and Oroville facilities as to how they heard of the presence of these facilities. These surveys will continue before, during and after our multi-media public education campaign to determine; 1) Most effective media format for informing the public; 2) Increase in awareness of the need for proper HHW management; 3) actual vehicle counts to verify effectiveness of outreach efforts; and 4) monitor changes in the use of reuse sites for materials normally directed to a HHW facilities including the Habit for Humanity Re-Store located in Chico; 50 survey retailers taking back paint and other products to see if they have increased donations.

The goal is to make the sale and professionally refilling of 1 lb. propane cylinders more convenient than to buy and dispose of disposables that we permanently shift the paradigm of residents away from buying and using disposables. A search will be done to find local retailer that would want to host an exchange event that helps promote them as a seller and/or refiller of the refillables while getting the public to permanently and properly dispose of the cylinders. RV parks, campsites and other locations will be recruited where the gas cylinders and thrown in the trash to offer the collection receptacles that we can buy using the grant funds. Existing retail Extended Product Responsibility (EPR) or Product Stewardship opportunities will be promoted like the Call2Recycle battery boxes, paintcare locations, thermostat locations and any HHW collections in the county collected at retail.

One-day temporary or mobile collection event programs will also be set-up.

Approval of and participation in this grant funded activity with the County will aid in compiling with implementing and making a good faith effort with regard to Mandatory Commercial Recycling (MCR). AB 341 and AB 1826 requires jurisdictions' programs to include "education of, outreach to, and monitoring of, businesses within their jurisdictions. Please see the attached letter from CalRecycle.

FISCAL IMPACT

None

RECOMMENDATION

Adopt Resolution No. 8690 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE COLLABORATION WITH BUTTE COUNTY TO SUBMIT A 2018-19 LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS WASTE PROGRAM GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) AND AUTHORIZE THE VICE MAYOR TO SIGN THE ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES (EPPP) POLICY NOTIFICATION.

ATTACHMENTS

Resolution No. 8690

A - Environmentally Preferable Purchasing and Practices (EPPP) Policy
Notification

B - EPPP Adoption Resolution No. 8309

C - City of Oroville Environmentally Preferable Purchasing and Practices Policy

D - CalRecycle MCR Programs Letter

**CITY OF OROVILLE
RESOLUTION NO. 8690**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE COLLABORATION WITH BUTTE COUNTY TO SUBMIT A 2018/2019 LOCAL GOVERNMENTS HOUSEHOLD HAZARDOUS WASTE CYCLE HD31 PROGRAM GRANT APPLICATION TO THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY AND AUTHORIZES THE VICE MAYOR TO SIGN THE ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES (EPPP) POLICY NOTIFICATION

WHEREAS, procedures established by the State of California and adopted by CalRecycle require the jurisdiction-applicant to certify by resolution the approval of the jurisdiction's governing authority for submittal of a grant application before submission of said application to CalRecycle; and

WHEREAS, a cooperative approach with jurisdictions within Butte County for the collection, disposal, public education and outreach for waste tires is deemed to be the most efficient and cost-effective means for local government to address the problem posed by these wastes; and

WHEREAS, if awarded, the applicant will enter into a Grant Agreement with the California Department of Resources Recycling and Recovery for implementation of said grant;

NOW, THEREFORE, BE IT RESOLVED that the County of Butte authorizes the Department of Public Works to submit to the California Department of Resources Recycling and Recovery an application for the Household Hazardous Waste Small Projects Grant Program - FY 2018/19 (HD31) 30th Cycle on its behalf; and

BE IT FURTHER RESOLVED that the Butte County Department of Public Works Director is hereby authorized and empowered to execute all grant documents necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that this authorization is effective for the Household Hazardous Waste Grant Program (HD31) with a term from receipt of the Notice to Proceed until the end of the grant reporting term, September 30, 2021.

NOW, THEREFORE, BE IT RESOLVED that the Oroville City Council supports the Director of Public Works, or his designee, of Butte County to submit to the California Integrated Waste Management Board a regional application for the Household Hazardous Waste 30th Cycle (HD31) Fiscal Year 2018-19 Small Projects Grant on its behalf. The Director of Public Works of Butte County is hereby authorized and empowered to execute all necessary applications, contracts, payment requests, agreements and amendments hereto for the purposes of securing grant funds and to

implement and carry out the purposes specified in the grant application. Additionally, this resolution authorizes the Vice Mayor to sign the Environmentally Preferable Purchasing and Practices (EPPP) Policy Notification.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 20, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Bill LaGrone, Acting City Clerk

**ENVIRONMENTALLY PREFERABLE PURCHASING and
PRACTICES (EPPP) POLICY NOTIFICATION**

**Household Hazardous Waste Grant Program
Fiscal Year 2018–19**

This document is for use ONLY by applicants that checked "No our organization does not have an EPPP Policy" on the Detail Tab of your application. Your organization must adopt an EPPP Policy by the secondary due date and upload this EPPP Notification or your application will be disqualified. **Do not upload a copy of your organization's policy. Your policy does not replace the required EPPP Notification document.**

Applicant Name: City of Oroville

Date your organization adopted the policy: December 16, 2014

Identify the name of the governing body that adopted the policy: Oroville City Council

Certification. I declare, under penalty of perjury, under the laws of the State of California, that the above information is true and correct to the best of my knowledge.

X _____ **Date** March 20, 2018
Signature Authority (must be authorized in Resolution, Letter of Commitment, or a Designee authorized in a submitted Letter of Designation)

Print Name Linda L. Dahlmeier

Print Title Mayor

*Print this document, have the Signature Authority sign it, upload signed document to the application by **April 24, 2018**.*

Background Information

Environmentally preferable purchasing protects human health and environmental well-being by reducing the procurement of goods and services that result in larger volumes of waste and pollutants. The Legislature declares that the responsibility of environmentally preferable purchasing shall be that of any agency that does procuring on behalf of the state (Assembly Bill 498 [Chan, Statutes of 2002, Chapter 575]), and this extends to grantees using state funds.

"Environmentally preferable purchasing" (EPP) is defined in Public Contract Code Section 12400 as "the procurement or acquisition of goods and services that have a lesser or reduced effect on human health and the environment when compared with competing goods or services that serve the same purpose. This comparison shall take into consideration, to the extent feasible, raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, disposal, energy efficiency, product performance, durability, safety, the needs of the purchaser, and cost." In other words, EPP considers, among other things, the environment, performance and cost.

**CITY OF OROVILLE
RESOLUTION NO. 8309**

A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING THE ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES POLICY

BE IT HEREBY RESOLVED by the Oroville City Council as follows:

- a. The City Council of the City of Oroville hereby adopts the Environmentally Preferable Purchasing and Practices Policy. A copy of this Policy has been attached as Exhibit "A".
- b. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on December 16, 2014 by the following vote:

AYES: Council Members Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox

NOES: None


ABSTAIN: None

ABSENT: Mayor Dahlmeier



Thil Wilcox, Vice Mayor

APPROVED AS TO FORM:



Scott E. Huber, City Attorney

ATTEST:



Randy Murphy, City Clerk

**ENVIRONMENTALLY PREFERABLE PURCHASING AND PRACTICES POLICY
FOR
REDUCTION OF WASTE AND INCREASE OF RECYCLING
CITY OF OROVILLE**

BACKGROUND

The State of California has recognized the necessity of reducing waste and increasing reuse and recycling. It has created regulations by which local governing agencies must abide in order to protect the home of current as well as future residents. By incorporation environmental considerations in public purchasing, the City of Oroville can serve this requirement by reducing its burden on the local and global environment, removing unnecessary hazards from its operations, protecting public health, reducing costs and liabilities, and potentially improving the environmental quality of the region. This program is an effective way to direct the City's effort in procuring environmentally preferable products and services.

PURPOSE

The primary purpose of this policy is to minimize negative environmental impacts of the City's activities by ensuring the procurement of services and products that:

- reduce toxicity
- conserve natural resources, materials, and energy
- maximize recyclability and recycled content

A collateral purpose is to support markets for recycled goods and other environmentally preferable products and services.

DEFINITIONS

The following terms shall have the assigned definitions for all purposes under this policy:

- A. **City of Oroville** means the City of Oroville elected officials, staff, and agencies.
- B. **Environmentally Preferable Products and Services** means products and services that have a lesser or reduced effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.
- C. **Life Cycle Cost** means the amortized annual cost of a product, including capital costs, installation costs, operating costs, maintenance costs, and disposal costs discounted

over the lifetime of the product.

- D. **Practicable** means sufficient in performance and available at a reasonable price
- E. **Recyclable Product** means a product which, after its intended end use, can demonstrably be diverted from the City of Oroville's solid waste stream for use as a raw material in the manufacture of another product.
- F. **Recycled Material** means material and byproducts that have been recovered or diverted from solid waste, and have been utilized in place of raw or virgin material in manufacturing a product. It is derived from post-consumer recycled material, manufacturing waste, industrial scrap, agricultural waste, and other waste material, but does not include material or byproducts generated from, and commonly reused within, an original manufacturing process.
- G. **Virgin Material** means any material occurring in its natural form. Virgin Material is used in the form of raw material in the manufacture of new products.

PROGRAM

The City of Oroville commits to:

1. Procure environmentally preferable products and services where criteria have been established by governmental or other widely recognized authorities (e.g. Energy Star, EPA Eco Purchasing Guidelines).
2. Integrate environmental factors into the City's buying decisions where external authorities have **not** established criteria. Examples:
 - replacing disposables with reusables or recyclables
 - supporting eco-labeling practices by buying products bearing such labels in preference to others, where they are available and provide value for money
 - taking into account life cycle costs and benefits
 - evaluating, as appropriate, the environmental performance of vendors in providing products and services
3. Raise staff awareness on the environmental issues affecting procurement by providing relevant information and training.
4. Encourage suppliers and contractors to offer environmentally preferable products and services at competitive Prices.

5. Encourage providers of services to consider environmental impacts of service delivery.
6. Comply with all environmental legislative and regulatory requirements in the procurement of products and services.

Nothing in this policy shall be construed as requiring a department, agency or contractor to procure products that do not perform adequately for their intended use or are not available at a reasonable price in a reasonable period of time.

Procedures and Guidelines may be established as necessary to ensure the continuation of a strong Environmental Procurement Policy.

Responsibility

All City of Oroville departments, offices and agencies shall identify and purchase the most environmentally responsible products and services that are available for the intended purpose and that meet the performance requirements. Factors that should be considered when determining the environmentally preferable good or service include, but are not limited to:

- Minimization of virgin material use in product or service life cycle
- Maximization of recycled products used in product or service life cycle
- Environmental cost of entire product or service life cycle
- Reuse of existing products or materials in product or service life cycle
- Recyclability of product
- Minimization of packaging
- Reduction of energy/water consumption
- Toxicity reduction or elimination
- Elimination of uncertified hardwoods in product or service life cycle
- Durability and maintenance requirements
- Ultimate disposal of the product

Purchasing Staff Responsibilities:

1. Develop and maintain information about environmentally preferable products and recycled products containing the maximum practicable amount of recycled materials, to be purchased by departments, agencies, consultants and contractors whenever possible.

2. Inform departments, agencies and contractors of their responsibilities under this policy and provide implementation assistance.
3. Institute product testing and trial service to evaluate environmentally responsible alternatives pursuant to established testing guidelines.
4. Require the use of recycled materials and recycled products by incorporating them in bid specifications where practicable;
5. Disseminate information on recycled and environmentally preferable product procurement requirements, specifications, and performance to assist vendors with procurement opportunities with the City.
6. Establish guidelines governing the review and approval of specifications for the procurement of selected materials based on considerations of recycling, energy and water conservation, life cycle costing and other environmental considerations.
7. Submit reports of policy impacts when requested.

Department and Agency Responsibilities:

1. Evaluate each requested product and service to determine the extent to which the specifications could include an environmentally preferable option.
2. Ensure that contracts issued by the departments and agencies include environmentally preferable products and recycled products wherever practicable.
3. Determine standard at which products are considered environmentally preferable and use in selective criteria.
4. Expand the awareness and use of environmentally preferable products.

Goals and Steps to Reach Them

A. 15 % Reduction in Office Paper Waste

Step 1 Establish baseline of office paper use.

Step 2 Identify staff who will educate and work with staff

Step 3 Provide encouragement for double-sided copies and printing

- . Post notices at copiers/printers to remind staff to use both sides
- . Post instructions on how to print on both sides

Step 4 Encourage single-sided paper re-use

- . Create note/scratch pads with used paper that does not contain confidential information
- . Place boxes for single-side used paper near copy machines and printers

- . Designate one drawer per copier for "used" paper (on one side) for drafts, etc.

Step 5 Reduce excess printing and copying

- . Define and implement procedures that save paper, such as previewing documents on computer before printing, verifying the number of copies needed, and formatting to avoid excessive white space and blank pages.
- . Avoid use of fax cover pages - use a stamp/post-it to address it
- . Evaluate extent of overruns and develop strategies for reducing them.
- . Evaluate mailing lists: remove duplicate names and determine if recipients still want Board mailings.
- . Encourage use of email as primary correspondence with City and local agencies.

Step 6 Publicize the results to staff so they can see the plan is working to reduce waste.

B. Ideas to Reduce Other Office Waste

1. Encourage use of reusable containers for food
2. Replace paper towels with hand dryers in restrooms
3. Reuse packaging materials
4. Contact companies to be removed from unwanted mailing/fax lists
5. Provide durable cups/plates/cutlery and cloth towels in place of disposable items in staff lunchroom

B. Reducing and Recycling for Maintenance

1. Concrete should be used for future grinding.
2. Grindings brought to the yard could be used for shoulder backing.
3. Scrap metal, batteries, motor oil, antifreeze, cleaning solvents and break fluid should be recycled by outside vendors.
4. Freon should be recycled by staff.
5. Leaf pickup is deposited on City property and should be used for future recycling.

Document Review

This policy must be reviewed again in three years.



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • (916) 322-4027 • WWW.CALRECYCLE.CA.GOV

P.O. BOX 4025 SACRAMENTO, CALIFORNIA 95812

Date: January 10, 2017

To: Elected Officials and Recycling Coordinators

From: Scott Smithline, Director

Subject: Reviews of Jurisdiction Mandatory Commercial Recycling and Commercial Organics Recycling Programs

This memo outlines how the Department of Resources Recycling and Recovery (CalRecycle) will exercise its existing statutory authority to formally review jurisdictions' mandatory commercial recycling and mandatory commercial organics recycling programs more frequently as needed. Specifically, CalRecycle will initiate a review and may refer a jurisdiction to enforcement **at any time** that CalRecycle receives information that a jurisdiction has not implemented, or is not making a good faith effort to implement, its required programs.

In establishing the requirements for jurisdictions to implement mandatory commercial recycling programs through AB 341 (Chesbro, Chapter 476, Statutes of 2011) and mandatory commercial organics recycling programs through AB 1826 (Chesbro, Chapter 727, Statutes of 2014)¹, the Legislature and Governor also set ambitious goals to increase recycling and reduce statewide solid waste disposal. In particular, AB 341 established a goal to source reduce, recycle or compost 75 percent of waste by 2020. Additionally, AB 1826 set a goal to reduce organics disposal by 50 percent by 2020.

AB 341 and AB 1826 require each jurisdiction to implement commercial recycling and commercial organics recycling programs designed to divert waste generated by regulated businesses. Jurisdictions' programs must, among other requirements, include "*education of, outreach to, and monitoring of, businesses,*" within their jurisdiction.

In spite of these goals and requirements, statewide disposal has increased every year since 2012. As a result, it is imperative that CalRecycle fully exercise its authority to ensure that jurisdictions' specified disposal reduction and recycling programs are in compliance with state law. In order to ensure that mandated statewide goals are met, AB 341 and AB 1826 specifically authorize CalRecycle to conduct reviews of jurisdictions' mandatory commercial recycling programs and mandatory commercial

¹ Per PRC 42649.82. Select rural jurisdictions that submitted a resolution to CalRecycle are exempt from the requirements of AB 1826. In 2020, if the statewide disposal of organic waste has not been reduced by 50 percent the exemptions will be repealed.



organics recycling programs at any time². This means that a jurisdiction may be formally reviewed at any time outside of and in addition to the regular review cycle.

Conducting reviews at any time allows CalRecycle and the jurisdiction to address program gaps early in the process so disposal reductions and mandated programmatic requirements can be achieved. CalRecycle will continue to provide jurisdictions with assistance, informal feedback and appropriate time to address gaps in programs. **However, if after extensive staff communication with the jurisdiction, the gaps are not addressed and a jurisdiction has not implemented, or is not making a good faith effort to implement, either program, CalRecycle will initiate a formal public review sooner rather than waiting until the end of the regular 4-year review cycle.**

Specifically, the following will occur:

- Staff will inform the jurisdiction that a formal Letter of Concern from CalRecycle to the jurisdiction is coming. Once the Letter is received, the jurisdiction will have 30 days to respond.
- After CalRecycle receives the jurisdiction's response to the Letter, or lack thereof, an agenda item for approval by CalRecycle's Director will be presented at a CalRecycle monthly public meeting. The agenda item will indicate one of three potential staff recommendations:
 - The jurisdiction failed to respond and staff recommends that the jurisdiction be referred to CalRecycle's enforcement unit for consideration of a compliance order; or
 - The jurisdiction's response to the Letter is inadequate and staff recommends that the jurisdiction be referred to the enforcement unit for consideration of a compliance order; or
 - The jurisdiction's response to the Letter is adequate and staff recommend that the program be assessed again in 12 months. However, if the same gaps still persist within the next year, an agenda item that refers the jurisdiction to the enforcement unit for consideration of a compliance order will be presented at CalRecycle's next monthly public meeting.

In summary, CalRecycle plans to execute its existing authority to review compliance at any time in a formal public setting. CalRecycle's Local Assistance staff will continue to provide jurisdictions with tools/examples to implement your required education, outreach, and monitoring activities. In addition, CalRecycle will be soliciting ideas on what more the Department can do to assist local jurisdictions at SB 1383 workshops scheduled for February 2017.

Please contact/email your CalRecycle Local Assistance liaison for any questions that you have about this process or your program implementation.

Sincerely,



Scott Smithline
Director

² Public Resources Codes 42649.3(h) and 42649.82(g)(2))

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS

**FROM: LIZ EHRENSTROM, HUMAN RESOURCE MANAGER
ADMINISTRATION DEPARTMENT**

**RE: CONSIDERATION AND APPROVAL OF A SALARY RANGE
FOR THE POSITION OF ASSISTANT CITY CLERK AND
CHANGE IN BARGAINING UNIT**

DATE: MARCH 20, 2018

SUMMARY

The Council will consider the approval of a salary range for the position of Assistant City Clerk and approval to place the position into the Oroville City Employee's Association.

DISCUSSION

The Council will consider approving a salary range for the position of Assistant City Clerk and placing the position into the Oroville City Employee's Association. As indicated in the attached job description, this position allows for extensive experience and training directly relating to the duties of the position or possession of a bachelor's degree. Based on the position not requiring formal education, the recommended salary range is below. Staff is also recommending the position be declassified from a salaried employee to an hourly employee and be removed from the Oroville Mid-Manager and Confidential Association (OMCA) and be placed into the Oroville City Employee's Association (OCEA), based on the fact this position does not manage subordinate staff, takes direction from the City Administrator, who is the City Clerk per the City Charter and has no authority in personnel matters. Both the OCEA and OMCA agree to the removal of the position from OMCA and placed in OCEA.

Proposed Salary Range:

\$37,937.43	\$39,834.30	\$41,826.02	\$43,917.32	\$46,113.18	\$48,418.84	\$50,839.78	\$53,381.77	Annual
\$3,161.45	\$3,319.53	\$3,485.50	\$3,659.78	\$3,842.77	\$4,034.90	\$4,236.65	\$4,448.48	Monthly
\$18.24	\$19.15	\$20.11	\$21.11	\$22.17	\$23.28	\$24.44	\$25.66	Hourly

FISCAL IMPACT

Potential annual budget savings of \$31,143.00. Prior position was at \$69,080.15.

RECOMMENDATIONS

1. Approve the proposed salary range for the position of Assistant City Clerk and place the position into the Oroville City Employee's Association.

ATTACHMENTS

Assistant City Clerk Job Description

ASSISTANT CITY CLERK

DEFINITION

Under the general direction of the City Administrator (acting as City Clerk), performs the statutory duties of City Clerk under the provisions of the City Charter, City Code and state law; plans, directs and coordinates the activities of the City Clerk's Office; provides responsible, professional staff assistance to the City Administrator and City Council; undertakes related work as required.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the City Administrator/City Clerk

EXAMPLES OF ESSENTIAL FUNCTIONS - Essential functions may include, but are not limited to, the following:

Attends meeting of the City Council, Redevelopment Agency, Joint Powers Authority and such other boards, commissions and bodies as required and takes minutes of their proceedings;

Plans, directs, supervises and coordinates the publication, filing, indexing and safekeeping of all Council proceedings and those of related city bodies;

Records and publishes ordinances;

Attests and certifies city documents;

Serves as custodian of the City Seal;

Plans and directs municipal elections;

Serves as the filing officer for required disclosure under the Political Reform Act and for claims and legal actions against the city;

Plans and directs the maintenance and safekeeping of all historical and official municipal records and documents;

Responds to a wide variety of requests for information regarding Council actions and documents;

Prepares and distributes the agenda for the Council, Agency and Authority;

Acts as custodian of Council proceedings, ordinances, resolutions and minute orders;

Develops and implements systems, policies and procedures;

Administers the provisions of various state laws, such as the Elections Code, Political Reform Act of 1974, Brown Act and Public Records Act; administers Oaths of Office to elected and appointed officers and employees;

Countersigns bonds and other evidences of indebtedness issued by the city;

Coordinates with other city offices, departments and outside agencies;

Plans and organizes special city events;

Supervises the use of the City Council Chamber and Conference Rooms;

Secures bids for official advertising;

Supervises procedures for appointments to city Boards, Commissions and Committees;

Provides risk management support in processing liability claims;

Prepares analysis and reports as required by the Council and City Administrator;

Maintains confidentiality of designated city records under the provisions of the Public Records Act;

Prepares City Council and Clerk's Office budgets for review/approval and administers adopted budgets;

Provides related work as assigned

DESIRED QUALIFICATIONS

Knowledge of:

- Federal, state and city laws, rules, regulations and procedures relating to the operations of the City Council and City Clerk's Office;
- State election laws and procedures;
- Political Reform Act provisions and procedures;
- Principles and practices of staff supervision, training and performance evaluation; and Modern office practices, procedures, techniques and equipment including computerized
- word processing and spreadsheet applications.

Ability to:

- Plan, organize, direct and coordinate the operations of the Clerk's Office in a manner conducive to full performance and high morale;
- Properly interpret and make decisions in accordance with applicable laws, regulations, rules and policies;
- Learn applicable laws, operations, standards, policies, procedures and requirements relating to City Council and Clerk functions and interpret them accurately to others;

- Analyze administrative and legal problems and recommend sound policy and/or procedural recommendations to resolve them;
- Establish cooperative relationships with city offices and departments, and a variety of public and private groups and citizens;
- Supervise, train and evaluate assigned staff;
- Communicate clearly and concisely both orally and in writing; and
- Understand and carry out a variety of oral and written instructions effectively.

Experience:

Five years of increasingly responsible professional secretarial and/or administrative experience, including at least two years as an executive or administrative secretary responsible for office supervision and records management, preferably in a local government jurisdiction.

Education:

Graduation from an accredited college or university with a degree with a bachelor's Degree in public or business administration or a closely related field; a master's Degree is desirable. Extensive experience and training that directly relates to the duties of the position may be considered in lieu of the completion of the formal education requirements.

Additional Requirements:

- Possession of a valid California Driver License; Municipal Clerk Certification is desirable.

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS

**FROM: LIZ EHRENSTROM, HUMAN RESOURCE MANAGER
ADMINISTRATION DEPARTMENT**

**RE: RESOLUTION OF INTENT AND ORDINANCE TO AMEND THE
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AGREEMENT REGARDING EMPLOYEES SHARING
ADDITIONAL COST (2ND READING)**

DATE: MARCH 20, 2018

SUMMARY

The Council will conduct a public hearing and may consider a Resolution of Intent and Ordinance to amend the California Public Employees Retirement System (CalPERS) Agreement for employees sharing additional cost.

DISCUSSION

With the adoption of the Oroville Fire Fighter's Association Memorandum of Understanding, members have agreed to pay an additional 11.4%, for a total savings of 10%, above their normal cost into the CalPERS retirement system. The City must amend its contract with CalPERS to allow the reporting of these additional amounts pursuant to the Public Employees' Retirement Law. The proposed change is:

"To provide section 20516 (Employees Sharing Additional Cost) of 11.4% for classic and PEPPRA members of the Oroville Fire Fighter's Association."

Following this second reading of Ordinance on March 20, 2018, this action will become effective on April 19, 2018. The City will begin reporting all additional contributions to CalPERS, that have been withheld to date, starting with the pay period beginning April 23, 2018.

FISCAL IMPACT

The City is depositing savings into the new Section 115 Irrevocable Trust.

RECOMMENDATIONS

1. Adopt Resolution No. 8685 – A RESOLUTION OF INTENTION BY THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, TO APPROVE AN AMENDMENT TO THE AGREEMENT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF OROVILLE RELATING TO EMPLOYEES SHARING ADDITIONAL COSTS.
2. Waive the first reading, and introduce by title only, Ordinance No. 1827 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE AGREEMENT BETWEEN THE OROVILLE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

ATTACHMENTS

- A - Resolution No. 8685
- B – Ordinance No. 1827
- C – Public Hearing Notice

**RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT
BETWEEN THE
BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE
CITY COUNCIL
CITY OF OROVILLE**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Cost) of 11.4% for local fire members in the Oroville Fire Fighters' Association.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By: _____
Presiding Officer

Title

Date adopted and approved

**CITY OF OROVILLE
ORDINANCE NO. 1827**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE OROVILLE CITY COUNCIL OF THE CITY OF OROVILLE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OROVILLE DO ORDAIN AS FOLLOWS:

SECTION I. That an amendment to the contract between the Oroville City Council of the City of Oroville and the Board Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION II. The Mayor, or his or her designee, of the Oroville City Council is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION III. This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 10 days from the passage thereof shall be published at least once in the Oroville Mercury Register, a newspaper of general circulation, published and circulated in the City of Oroville and thenceforth and thereafter the same shall be in full force and effect.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on March 20, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

/

/

/

/

/

/

Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Bill LaGrone, Acting City Clerk



EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

**Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Oroville**

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective January 1, 1961, and witnessed October 3, 1960, and as amended effective October 1, 1968, October 1, 1973, December 27, 1976, January 5, 1977, April 16, 1979, March 3, 1980, May 25, 1981, August 1, 1983, January 6, 1992, July 1, 1993, April 24, 1995, September 22, 1995, September 6, 1999, December 25, 2000, April 29, 2002, August 14, 2017 and December 18, 2017 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 15 are hereby stricken from said contract as executed effective December 18, 2017, and hereby replaced by the following paragraphs numbered 1 through 15 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members and age 57 for new local safety members.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

2. Public Agency shall participate in the Public Employees' Retirement System from and after January 1, 1961 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

NO ADDITIONAL EXCLUSIONS

6. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to March 31, 1979, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Supplemental to Federal Social Security).
8. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local safety member shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
9. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
10. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21222.1 (One-Time 5% Increase - 1970). Legislation repealed said Section effective January 1, 1980.
 - b. Section 21319 (One-Time 15% Increase for Local Miscellaneous Members Who Retired or Died Prior to July 1, 1971). Legislation repealed said Section effective January 1, 2002.
 - c. Section 20020.1 ("Local Police Officer" shall include employees of a police department who were employed to perform identification or communication duties on August 4, 1972 and who elected to be local safety members within six months of January 5, 1977). Legislation repealed said Section effective January 1, 1985.
 - d. Section 21151 (Industrial Disability Retirement For Local Miscellaneous Members).
 - e. Sections 21624 and 21626 (Post-Retirement Survivor Allowance).

PLEASE DO NOT SIGN "EXHIBIT ONLY"

- f. Section 21427 (Improved Nonindustrial Disability Allowance).
- g. Section 21574 (Fourth Level of 1959 Survivor Benefits).
- h. Section 21325 (One-Time 3% to 15% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to January 1, 1974). Legislation repealed said Section effective January 1, 2002.
- i. Section 21326 (One-Time 1% to 7% Increase For Local Miscellaneous Members and Local Safety Members Who Retired or Died Prior to July 1, 1974). Legislation repealed said Section effective January 1, 2002.
- j. Section 20042 (One-Year Final Compensation) for classic members only.
- k. Section 20903 (Two Years Additional Service Credit).
- l. Section 21024 (Military Service Credit as Public Service) for local police members only.
- m. Section 20965 (Credit for Unused Sick Leave).
- n. Section 20516 (Employees Sharing Cost of Additional Benefits):

From and after August 14 2017, 5% for classic local miscellaneous members in the Unrepresented Miscellaneous Management Unit.

From and after August 14 2017, 3% for classic local safety members in the Unrepresented Safety Management Unit.

From and after the December 18, 2017, 3% for local miscellaneous and local police members in the Oroville Police Officers' Association.

From and after the effective date of this amendment to contract, 11.4% for local fire members in the Oroville Firefighter's Association.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

11. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on December 27, 1976. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
12. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
13. Public Agency shall also contribute to said Retirement System as follows:
 - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.
 - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
14. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

15. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF OROVILLE

BY _____
ARNITA PAIGE, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest

Clerk



CITY OF OROVILLE
OFFICE OF THE CITY CLERK
1735 MONTGOMERY STREET • OROVILLE, CA 95965-4897

530-538-2535
Fax 530-538-2468

PUBLIC NOTICE
CITY OF OROVILLE
ORDINANCE NO. 1827 – 2nd READING
AMENDMENT TO CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT
SYSTEM CONTRACT

NOTICE IS HEREBY GIVEN that the Oroville City Council will hold a public hearing at 6:30 p.m. on Tuesday, March 20, 2018 in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

Pursuant to Article VII of the Oroville City Charter, a summary of the adopted amendment to the Board of Administration, California Public Employees' Retirement System Ordinance has been prepared by the Assistant City Clerk:

Amendment to the Board of Administration, California Public Employees' Retirement System Ordinance: The City Council may consider an amendment to the contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Oroville.

Additional information regarding the adopted proposal described in this notice can be obtained from the Oroville City Clerk at 1735 Montgomery Street, Oroville, CA.

Posted/Published: March 10, 2018

Dawn Nevers
Interim Assistant City Clerk

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: TYSON PARDEE, MANAGER
INFORMATION TECHNOLOGY DIVISION**

RE: PHONE SYSTEM PURCHASE AND INTERNET CHANGE

DATE: MARCH 20, 2017

SUMMARY

The Council may consider the following:

- 1) Changing the city's main internet connections to a more robust connection that includes SIP technology for a new phone system.
- 2) The purchase of a new phone system for \$67,520.13 that will service all major city offices.

DISCUSSION

The city does not have a phone system that connects all main offices. Public safety has an aging phone system that connects 2 offices, City Hall and the corporation yard are on an aging AT&T Centrex phone system that will soon be phased out by AT&T. Having the offices on different technology does not allow for ease of use and hinders business.

To allow the City greater flexibility and to keep the phones working a new phone setup is needed as well as changing the way the phones are delivered to the city. To make the new phone system work a new internet connection will need to be brought into City Hall and the Public Safety office. This new internet connection will also have a more stable data throughput which will benefit our users who access cloud services.

There are 2 internet providers which are on the states CALNET3 pricing engine. The two providers are AT&T and Comcast. The IT Department recommends AT&T due to cost but wanted to present both options to the council.

- 1) AT&T – \$2,438.18 (plus taxes and fees)
- 2) Comcast - \$3,357.81 (plus taxes and fees) with a onetime \$1,000.00 install charge.

The new phone system that was chosen is by Mitel. Mitel has acquired a few major phone system providers including Shortel which was the IT departments first pick. The Mitel system will provide new functions that are currently not available or easily utilized on the City's current phone systems. Some of these features include business grade handsets, call forwarding, automated call attendant, voicemails sent to users via email, and

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integration with Microsoft products like Skype for Business and Outlook which are part of the Office 365 suite.

FISCAL IMPACT

Appropriation is available for the following:

Item 1 – Internet Change:

Currently the City is paying approximately \$2,700.00 a month for only phone service through AT&T. Changing providers will cost one of the following:

- AT&T will cost \$2,438.18 a month (plus taxes and fees)

Or

- Comcast will cost \$3,529.91 a month (plus taxes and fees) plus a \$1,000 setup fee.

Item 2 – Phone System:

\$67,520.13 – Technology Fee Fund 135.

(Current available cash balance, \$148,859.69)

RECOMMENDATIONS

Authorize the purchase of the listed upgrades in this staff report.

ATTACHMENTS

Mitel Phone System

Comcast_CALNET3_Quote

ATT_CALNET3_Proposal



Bill To: City of Oroville
 Attn: Tyson Pardee
 IT Manager
 2055 Lincoln Street
 Oroville, CA 95966
 Email: tpardee@cityoforoville.org



48383 Fremont Blvd, Suite 122
Fremont, CA 94538
Date: March 9, 2018
Quote #: 03092018 - Mitel BOM v3
EAM: Matt Eickmann
Phone: 510-403-7561
Email: matt@kiscc.com

QUOTE VALID FOR 30 DAYS

DESCRIPTION	QTY	PRICE	EXT. PRICE
City Hall			
Enterprise Software:			
MCD Mailbox license	95	\$ 31.00	\$ 2,945.00
MiVoice Business License - SIP Trunk x1	5	\$ 62.00	\$ 310.00
MiVoice Bus License - Enterprise User	86	\$ 108.50	\$ 9,331.00
MiVoice Business SIP Trunks x10	1	\$ 558.00	\$ 558.00
MiVoice Business Virtual for Enterprise	1	\$ 926.90	\$ 926.90
IP Desktop			
6920 IP Phone	71	\$ 182.90	\$ 12,985.90
6930 IP Phone	15	\$ 254.20	\$ 3,813.00
Mitel PoE Brick and Power Cord	6	\$ 29.76	\$ 178.56
Software Assurance			
Software Assurance Standard, 5 year, MiVBus System	1	\$ 329.22	\$ 329.22
Software Assurance Standard, 5 year, MiVBus User	86	\$ 26.66	\$ 2,292.76
Public Safety			
Enterprise Software:			
MCD Mailbox license	95	\$ 31.00	\$ 2,945.00
MiVoice Business License - SIP Trunk x1	5	\$ 62.00	\$ 310.00
MiVoice Business SIP Trunks x10	1	\$ 558.00	\$ 558.00
MiVoice Business Virtual for Enterprise	1	\$ 926.90	\$ 926.90
Software Assurance			
Software Assurance Standard, 5 year, MiVBus System	1	\$ 329.22	\$ 329.22
Services for Mitel Setup and Installation			
Installation of Mitel System	1	\$ 10,800.00	\$ 10,800.00
Travel & Expense	1	\$ 1,500.00	\$ 1,500.00
Networking - Product & Services			
Brocade ICX7250-48; 48 Port PoE Managed Switch	4	\$ 2,490.00	\$ 9,960.00
2-Post Rack Mount Kit for ICX7250	4	\$ 70.00	\$ 280.00
Brocade ICX7250-24; 24 Port PoE Managed Switch	1	\$ 1,700.00	\$ 1,700.00
2-Post Rack Mount Kit for ICX7250	1	\$ 70.00	\$ 70.00
Programming/Setup of Brocade Switches	1	\$ 1,110.00	\$ 1,110.00
Installation/Cabling of Brocade Switches - onsite	1	\$ 1,200.00	\$ 1,200.00
*ground shipping			

Inside Sale Support
inside@kiscc.com
 510-403-7500

Subtotal: \$ 65,359.46
 Est. Tax (7.5%): \$ 2,160.67
 *Est. Freight: \$ -
TOTAL: \$ 67,520.13

DATE: 1/29/2018

PROPOSAL VALID UNTIL: 3/29/2018

CITY OF OROVILLE



CALNET-INTERNET services-C3-catb-com-5

This proposal is contingent upon the approval of the Individual Price Reduction (IPR) from CALNET

OPTION 1: ETHERNET DEDICATED INTERNET - CATALOG PRICING - REVISION 2

Comcast's Ethernet Dedicated Internet (EDI) Service provides a reliable, flexible, and higher bandwidth options than T1 or SONET-based dedicated Internet access services. The service provides from the customer premises location to a Comcast Internet Point of Presence (POP) router. The service provides bidirectional, full duplex transmission of Ethernet frames using a standard IEEE 802.3 Ethernet interface.

QUANTITY	FEATURE NAME	CONTRACTOR'S PRODUCT IDENTIFIER	FEATURE DESCRIPTION	Restrictions, Limitations and Additional Information	Non- Recurring Charge per Item	Monthly Recurring Charge/Item per Unit	Unit of Measure	TOTAL MONTHLY CHARGES (quantity + item per unit)	TOTAL NON-RECURRING CHARGE (one-time charge)	Charge per change per item	Delegation Needed (Yes/No)	Required or Discretionary
2	InFRa @ Transport 50Mbps	EDIEVC0050	Internet Flat Rate Service (InFRa) Transport at 50Mbps.	None	\$ -	\$ 1,384.97	Each	\$ 2,769.94	\$ -	\$ -	No	Required
TOTAL MONTHLY CHARGE:								\$ 2,769.94	\$ -			

CALNET-INTERNET services-C3-catb-com-5

CALNET-MAN services-C3-catb-com-3

OPTION 2: ETHERNET DEDICATED INTERNET and ETHERNET PRIVATE LINE - INDIVIDUAL PRICE REDUCTION (IPR) - REVISION 2

Comcast's Ethernet Dedicated Internet (EDI) Service provides a reliable, flexible, and higher bandwidth options than T1 or SONET-based dedicated Internet access services. The service provides an Ethernet Virtual Connection (EVC) from the customer premises location to a Comcast Internet Point of Presence (POP) router. The service provides bidirectional, full duplex transmission of Ethernet frames using a standard IEEE 802.3 Ethernet interface.

Ethernet Private Line (EPL): The service provides point-to-point bidirectional, full duplex transmission of Ethernet frames using a standard IEEE 802.3 10/100 Mbps (10/100BASE-T) Ethernet interface (UNI), and is a lower cost service than EPL MAE Service Connection plus Bandwidth.

QUANTITY	FEATURE NAME	CONTRACTOR'S PRODUCT IDENTIFIER	FEATURE DESCRIPTION	Restrictions, Limitations and Additional Information	Non- Recurring Charge per Item	Monthly Recurring Charge/Item per Unit	Unit of Measure	TOTAL MONTHLY CHARGES (quantity + item per unit)	TOTAL NON-RECURRING CHARGE (one-time charge)	Charge per change per item	Delegation Needed (Yes/No)	Required or Discretionary
2	InFRa @ Transport 50Mbps	EDIEVC0050	Internet Flat Rate Service (InFRa) Transport at 50Mbps.	None	\$ -	\$ 1,000.88	Each	\$ 2,001.76	\$ -	\$ -	No	Required
2	EPL MAE Service Connection 10/100 Mbps	EPLUNI100	10/100 Mbps Ethernet port per location; Assessed per interface at bandwidths of 10/100 Mbps (10/100BASE-T). The EPL connection rate element includes the physical connection (Access Link) between the Customer's demarcation and the core Ethernet network, the port, one EVC and the NI	None	\$ -	\$ 61.11	Each	\$ 122.22	\$ -	\$ -	Yes	Required
1	EPL PRIORITY CIR MAE - 10 Mbps	EPLEVC0010BAS	The guaranteed average bandwidth of the virtual circuit.	None	\$ -	\$ 405.93	Each	\$ 405.93	\$ -	\$ -	Yes	Required
TOTAL MONTHLY CHARGE:								\$ 2,529.91	\$ -			

This proposal is contingent upon the approval of the Individual Price Reduction (IPR) from CALNET

NON-CALNET: SESSION INITIATION PROTOCOL (SIP)

Term Agreement - 3 years

PRODUCT

SIP (20 ccs w/ Block of 20 DIDs) @\$413.95 per site

- (1) Tax & Surcharge not included
- (2) Installation Timeframe: Between 60 – 90 DAYS from order acceptance

Monthly Recurring Charge (1)
\$ 827.90

Installation Charge (2)
\$ 1,000.00



AT&T Business Solutions

City of Oroville
ATTN: Tyson Pardee

Date: 1/22/18

AT&T Contact Information:
Angela Granlund - Sales Executive
Phone: (916) 943-6795
Email: ag256f@us.att.com

Budgetary Pricing Summary

AT&T Proposed Solutions

Description	Qty	Recurring
City Hall - CalNet		
50MB AT&T Dedicated Internet	1	\$ 989.09
23 Concurrent call Paths	23	\$ 230.00
Unlimited Local Calling		\$ -
6,900 LD Mins		\$ -
Total		\$ 1,219.09
Public Safety - CalNet		
50MB AT&T Dedicated Internet	1	\$ 989.09
23 Concurrent call Paths	23	\$ 230.00
Unlimited Local Calling		\$ -
6,900 LD Mins		\$ -
Total		\$ 1,219.09
Total for Both Sites		\$ 2,438.18

Pricing Valid For	30 days
Note: Taxes, fees, and surcharges may apply.	
If a price discrepancy exists, tariff or list rate will apply.	

Notes:
Pricing includes Promotional Discounts.
Proposal Subject to change. Additional services may be required.
Does not include Inside Wire from MPOE to Server room

Customer Signature

Date

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: MIKE MASSARO, CONTRACT CITY ENGINEER
PUBLIC WORKS DEPARTMENT**

**RE: RSTP STREET REPLACEMENT PROJECT CONSTRUCTION
MANAGEMENT SERVICES**

DATE: March 20, 2018

SUMMARY

The Council may consider approving the Contract City Engineer to add Construction Management (CM) services via a subconsultant (Flaherty Engineering) to Bennett Engineering's Contract City Engineer Contract.

CM services are needed to provide part-time daily oversight of the Contractor during the project and to provide adequate documentation and quality assurance.

This project utilizes funds from the State's Regional Surface Transportation Program (RSTP), allocated to the City of Oroville via the Butte County Association of Governments (BCAG) for use in pavement rehabilitation and maintenance under City of Oroville's Local Transportation Fund (LTF). The project is budgeted adequately to cover the cost of CM services and quality assurance materials testing.

DISCUSSION

On Tuesday November 14, 2017, City Council approved the contract for the low bidder on the RSTP Pavement Project, Franklin Construction. The low bid was \$644,813 with the Engineer's Estimate for construction at \$866,330, leaving \$221,517 remaining in the project budget.

The Acting City Administrator, Contract City Engineer, and Chief Building Official have discussed bringing on a part time construction inspector to the City staff to assist with field inspection on utility repairs and to support future capital projects in construction on an as-needed basis. However, a few options fell through. In order to adequately staff our upcoming paving project during construction and not overburden existing public works staff with field inspection and documentation, a construction manager is appropriate to hire for this limited term work.

The following table reflects the additional costs to the project to staff CM services and provide QA materials testing to.

Company	Role	Budget Amount
Franklin Construction	Construction	\$644,813
Flaherty Engineering	CM	\$66,484
Holdrege & Kull : NV5	Materials Testing	\$20,000
		\$731,297

The total budget is within the Engineer's Estimate for the project and the funding is available.

FISCAL IMPACT

Funding for the design and construction of the Street Replacements is provided by the City of Oroville's RSTP balance of \$682,000 and Local Transportation Fund (LTF) of \$93,000, and an additional allocation via SB1 of \$101,679 for a total budget of \$876,679. A balance of \$145,382 would remain.

RECOMMENDATIONS

Approve the Contract City Engineer to enter into a subcontract agreement with Flaherty Engineering and Holdrege & Kull for Construction Support.

ATTACHMENTS

None.

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**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: VICE MAYOR AND COUNCIL MEMBERS

FROM: BILL LAGRONE, INTERIM CITY ADMINISTRATOR

RE: CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS

DATE: MARCH 20, 2018

SUMMARY

Council may receive information on potential voluntary Code of Conduct and provide further direction.

DISCUSSION

On March 6, 2018 the City Council asked for a potential Code of Conduct for consideration and input. To best serve the citizens and customers of the City of Oroville, the elected and appointed officials of the City must act individually and collectively to create a City government that is responsible, fair, honest and open. City officials are expected to demonstrate the highest standards of personal integrity, honesty and conduct in all activities to inspire public confidence and trust in City Officials. City officers must be independent, impartial and responsible in the performance of their duties and accountable to the members of the public." The purpose of this Code of Conduct is to establish policy and guidelines, reflecting expected values and behaviors for use by and applicable to elected and appointed City officials, City officers, including Board and Commission members.

Since Council members are elected Officials there is no mechanism for enforcement of this Code. If adopted the Council agrees to voluntarily impose the sanctions contained within the Code. The Council further agrees any sanction must be at the direction of the majority of the Council.

The attached example is intended for Council review only. The Council is asked to review and provide feedback to the proposed Code. Once all feedback is received it will be added or deleted from this document. Staff proposes to return to Council in April with the completed Code of Conduct for Council consideration and adoption of Code of Conduct.

FISCAL IMPACT

None

RECOMMENDATIONS

Receive information and provide direction

ATTACHMENTS

Proposed Code of Ethics and Conduct

City of Oroville

**Code of Ethics and Conduct
For
Elected and Appointed Officials**

DRAFT

Policy Purpose

The Oroville City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Oroville's City government.

A. ETHICS

The citizens and businesses of Oroville are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the Laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, City Treasurer, and City Clerk and of all Boards, Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of Oroville and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.
2. Comply with both the spirit and the letter of the Law and City Policy. Members shall comply with the laws of the State of California and the City of Oroville in the performance of their public duties.
3. Conduct of Members. The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.
4. Respect for Process. Members shall perform their duties in accordance with the processes and rules of order established by the City Council.
5. Conduct at Public Meetings. Members shall prepare themselves for public issues; ~~listen~~ listen courteously and attentively to all public discussions before the body; and focus on the business at hand.
6. Decisions Based on Merit. Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.

7. **Communication.** For adjudicative matters pending before the body, members shall refrain from receiving information outside of an open public meeting or the agenda materials, except on advice of the City Attorney. Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.

8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

9. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

10. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

11. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.

12. **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the

Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

13. Advocacy. Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Oroville, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.
14. Policy Role of Members. Members shall respect and adhere to the council-Administrator structure of Oroville City government as outlined in the Oroville City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City staff, Boards, Committees and Commissions, and the public. Except as provided by the City Code, members shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.
15. Independence of Boards, Committees and Commissions. Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.
16. Positive Work Place Environment. Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way creates the perception of inappropriate direction to staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, City staff, constituents, and others they come into contact with while representing the City of Oroville.

I. Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

(a) *Honor the role of the chair in maintaining order*

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

- (b) *Practice civility and decorum in discussions and debate*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
- (c) *Avoid personal comments that could offend other members*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.
- (d) *Demonstrate effective problem-solving approaches*
Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. **Elected and Appointed Officials' Conduct with the Public in Public Meetings**

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- (a) *Be welcoming to speakers and treat them with care and gentleness.*
While questions of clarification may be asked, the official's primary role during public testimony is to listen.
- (b) *Be fair and equitable in allocating public hearing time to individual speakers.*
The chair will announce time limits on speakers at the start of the public hearing process.
- (c) *Practice active listening*
It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.
- (d) *Maintain an open mind*
Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.
- (e) *Ask for clarification, but avoid debate and argument with the public*
Only the chair -not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. **Elected and Appointed Officials' Conduct with City Staff**

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

(a) *Treat all staff as professionals*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) *Do not disrupt City staff from their jobs*

Elected and appointed officials should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City staff meetings unless requested by staff – even if the elected or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

(c) *Never publicly criticize an individual employee*

Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's Administrator. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation. Appointed officials should make their comments regarding staff to the City Administrator.

(d) *Do not get involved in administrative functions*

Elected and appointed officials acting in their individual capacity must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

(e) *Do not solicit political support from staff*

Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) *No Attorney-Client Relationship*

Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

4. **Council Conduct with Boards, Committees and Commissions**

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- (a) *If attending a Board, Committee or Commission meeting, be careful to only express personal opinions*

Councilmembers may attend any Board, Committee or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Councilmember at a Board, Committee or Commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council.

- (b) *Limit contact with Board, Committee and Commission members to questions of clarification*

It is inappropriate for a Councilmember to contact a Board, Committee or Commission member to lobby on behalf of an individual, business, or developer, and vice versa. It is acceptable for Councilmembers to contact Board, Committee or Commission members in order to clarify a position taken by the Board, Committee or Commission.

- (c) *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*

The City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."

- (d) *Be respectful of diverse opinions*

A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council members may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.

- (e) *Keep political support away from public forums*

Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

C. SANCTIONS

(a) *Acknowledgement of Code of Ethics and Conduct*

Council members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or Council subcommittees. Board, Committee and Commission members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

(b) *Ethics Training for Local Officials*

Councilmembers, City Treasurer, City Clerk, Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees, and may be subject to sanctions.

(c) *Behavior and Conduct*

The Oroville Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Oroville City Council, Boards, Committees and Commissions. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Councilmembers:

Councilmembers who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council, lose seniority or committee assignments (both within the City of Oroville and with intergovernmental agencies) or other privileges afforded by the Council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by the Council.

Individual Councilmembers should point out to the offending Councilmember perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being questioned, then the matter should be referred to the Vice Mayor. It is the responsibility of the Mayor (or Vice Mayor) to initiate action if a Councilmember's behavior may warrant sanction. If no action is taken by the Mayor (or Vice Mayor), then the alleged violation(s) can be brought up with the full Council.

Board, Committee and Commission Members:

Counseling, verbal reprimands and written warnings may be administered by the Mayor to Board, Committee and Commission members failing to comply with City policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Mayor shall be distributed in memo format to the chair of the respective Board, Committee or Commission, the City Clerk, the City Attorney, the City Administrator, and the City Council.

The City Council may impose sanctions on Board, Committee and Commission members whose conduct does not comply with the City's policies, up to and including removal from office. Any form of discipline imposed by Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting and such action shall be preceded by a Report to Council with supporting documentation.

When deemed warranted, the Mayor or majority of Council may call for an investigation of Board, Committee or Commission member conduct. Also, should the City Administrator or City Attorney believe an investigation is warranted, they shall confer with the Council. The Council shall ask the City Administrator or the City Attorney to investigate the allegation and report the findings.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violates this code or state or federal law. In order to protect and preserve good government, any individual including the City Administrator and the City Attorney after complying with Rule 3-600(B) of the State Bar Rules of Professional Conduct, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, City Treasurer, City Clerk, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign a statement acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, Boards, Committees and Commissions, and updated it as necessary.

I affirm that I have read and understand the City of Oroville Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

**FROM: BILL LAGRONE, ACTING PERSONNEL OFFICER
SCOTT E. HUBER, CITY ATTORNEY**

**RE: PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF
OROVILLE AND TOM LANDO TO SERVE AS INTERIM CITY
ADMINISTRATOR**

DATE: MARCH 20, 2018

SUMMARY

The City Council will consider an agreement for Professional Services between the City and Tom Lando for service as Interim City Administrator.

DISCUSSION

With the departure of Don Rust as the Acting City Administrator, the Council directed staff to fill the position of Interim City Administrator while the City searches for a candidate for City Administrator.

The City has been in discussions with Tom Lando to reach an agreement related to his service as Interim City Administrator. Mr. Lando has agreed to serve as Interim City Administrator from April 2, 2018 through June 30, 2018. If approved, Mr. Lando would be paid \$10,000 per month but would not be provided any medical benefits, retirement accruals, or any other benefits that the City offers to full time employees.

FISCAL IMPACT

Appropriations have already been budgeted, very minimal fiscal impact if any.

RECOMMENDATIONS

1. Adopt Resolution No. 8691 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND TOM LANDO TO SERVE AS INTERIM CITY ADMINISTRATOR. (Agreement No. 3246)

ATTACHMENTS

- Resolution No. 8691
- Professional Services Agreement No. 3246

**OROVILLE CITY COUNCIL
RESOLUTION NO. 8691**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND
DIRECTING THE VICE MAYOR TO EXECUTE A PROFESSIONAL SERVICES
AGREEMENT BETWEEN THE CITY OF OROVILLE AND TOM LANDO TO SERVE AS
INTERIM CITY ADMINISTRATOR

(Agreement No. 3246)

BE IT HEREBY RESOLVED by the Oroville City Council as follows:

1. The Vice Mayor is hereby authorized and directed to execute a professional services agreement between the City of Oroville and Tom Lando for service as Interim City Administrator. A copy is attached hereto as Exhibit "A".
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on March 20, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Bill Lagrone, Acting City Administrator

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into as of March 20, 2018 by and between the **City of Oroville** ("City") and **Tom Lando** ("Consultant").

RECITALS

- A. The Consultant is specially trained, experienced and competent to provide professional services as required by this Agreement.
- B. The Consultant possesses the skill, experience, ability, background, license, certification, and knowledge to provide the services described in this Agreement on the terms and conditions described herein.
- C. City desires to retain Consultant to render the professional services as set forth in this Agreement.

AGREEMENT

- 1. Scope of Services. The Consultant is hereby engaged as Interim City Administrator of City to perform the functions and duties specified for the position in the Oroville City Charter, The Code of the City of Oroville and such other legally permissible and proper duties and functions as the Council shall from time to time assign to him. Consultant shall have the rights and responsibilities of the City Administrator during the term of this Agreement. Consultant shall provide 28 hours per week of Management Consulting Services to the City during the time this Agreement is in effect. Consultant shall be free to perform professional services for other persons so long as in so doing, he does not compromise his ability to perform hereunder.
- 2. Time of Performance. The services shall commence April 2, 2018 and shall continue through June 30, 2018.

3. Compensation. Compensation to be paid to Consultant shall be \$10,000 per month. **In no event shall Consultant's total compensation exceed the amount of \$30,000 without additional written authorization from the City governing body.** Payment by City under this Agreement shall not be deemed a waiver of defects in Consultant's services, even if such defects were known to the City at the time of payment.
4. Method of Payment. Consultant shall be paid on a biweekly basis.
5. Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of Consultant's services, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without prior written agreement with City.
6. Termination. This Agreement may be terminated by the City immediately for cause or by either party without cause upon fifteen days' written notice of termination. Upon termination, Consultant shall be entitled to compensation for services properly performed up to the effective date of termination.
7. Ownership of Documents. All plans, studies, documents, and other writings prepared by and for Consultant, its officers, employees, and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents, and other writings to City within three (3) days after written request.

8. Licensing of Intellectual Property. This Agreement creates a nonexclusive and perpetual license for City to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in documents or works of authorship fixed in any tangible medium of expression including, but not limited to, data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement (“Documents and Data”). Consultant shall require all subcontractors to agree in writing that City is granted a nonexclusive and perpetual license for any Documents and Data the subcontractor prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents and Data. Consultant makes no such representation and warranty in regard to Documents and Data which may be provided to Consultant by City. City shall not be limited in any way in its use of the Documents and Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at City’s sole risk.
9. Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents and Data either created by or provided to Consultant in connection with the performance of the Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of City, be used by Consultant for any purposes other than the performance of the services under this Agreement. Nor shall such materials be disclosed to any person or entity not connected with the performance of the services under this Agreement. Nothing furnished to Consultant which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential. Consultant shall not use

City's name or insignia, photographs relating to project for which Consultant's services are rendered, or any public City pertaining to the Consultant's services under this Agreement in any magazine, trade paper, newspaper, television, or radio production or other similar medium without the prior written consent of City.

10. Consultant's Books and Records

- a. Consultant shall maintain all documents and records which demonstrate performance under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of termination or completion of the Agreement.
- c. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Administrator, City Attorney, City Finance Director, or a designated representative of these officers. Copies of such documents shall be provided to the City for inspection at 1735 Montgomery Street, Oroville, California when it is practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Agreement.
- d. Where City has reason to believe that such records or documents may be lost or discarded due to dissolution, disbandment, or termination of Consultant's business, City may, by written request by any of the above named officers, require that custody of the records be given to the City and that documents be maintained by City Hall.

11. Independent Contractor. It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an employee of the City. Notwithstanding Consultant's status as an employee,

Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

12. Interest of Consultant. Consultant (including principals, associates, and professional employees) covenants and represents that he does not now have any investment or interest in real property and shall not acquire any interest, direct or indirect, in the City of Oroville or any other source of income, interest in real property or investment which would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further covenants and represents that in the performance of its duties hereunder no person having any such interest shall perform any services under this Agreement. Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:
- a. will conduct research and arrive at conclusions with respect to his rendition of information, advice, recommendation, or counsel independent of the control and direction of the City or any City official, other than normal agreement monitoring; and
 - b. possesses no authority with respect to any City decision beyond rendition of information, advice, recommendation, or counsel. (FPPC Reg. 18700(a)(2).)
13. Professional Ability of Consultant. City has relied upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. All work performed by Tom Lando Consulting under this Agreement shall be managed by Tom Lando in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.

14. Compliance with Laws. Consultant shall use the standard of care in its profession to comply with all applicable federal, state, and local laws, codes, ordinances, and regulations.
15. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance, and approvals of whatsoever nature which are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance, and approvals which are required by the City for its business.
16. Indemnity. City agrees to defend, indemnify, and hold harmless Consultant from and against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all costs and expenses in connection therein), arising from his performance of this Agreement or his failure to comply with any of his obligations contained in this Agreement, except for any such claim arising from his willful misconduct.
17. Notices. Any notice required to be given under this Agreement shall be in writing and either served personally or sent prepaid, first class mail. Any such notice shall be addressed to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City: **City of Oroville**
 1735 Montgomery Street
 Oroville, CA 95965-4897

If to Consultant: **Tom Lando Consulting**
 P.O. Box 2252
 Chico, CA 95927

18. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations are superseded in total by this Agreement.
19. Amendments. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.
20. Assignments and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience, and competence of Consultant. Assignments of any or all rights, duties, or obligations of the Consultant under this Agreement will be permitted only with the express prior written consent of the City. Consultant shall not subcontract any portion of the work to be performed under this Agreement without the prior written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise required by law.
21. Waiver. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Agreement.
22. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

23. Controlling Law Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Butte, or in the United States District Court, Eastern District of California.
24. Litigation Expenses and Attorneys' Fees. If either party to this Agreement commences any legal action against the other party arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.
25. Mediation. The parties agree to make a good faith attempt to resolve any disputes arising out of this Agreement through mediation prior to commencing litigation. The parties shall mutually agree upon the mediator and shall divide the costs of mediation equally. If the parties are unable to agree upon a mediator, the dispute shall be submitted to American Arbitration Association (AAA) or its successor interest. AAA shall provide the parties with the names of five qualified mediators. Each party shall have the option to strike two of the five mediators selected by AAA and thereafter the mediator remaining shall hear the dispute. If the dispute remains unresolved after mediation, either party may commence litigation.
26. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. This Agreement may be signed by facsimile or electronically transmitted signatures, which shall be deemed original signatures for all purposes. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

27. Authority to Enter Agreement. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority, to make this Agreement and to bind each respective party.
28. Prohibited Interests. Consultant maintains and warrants that he has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that he has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift, or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer, or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF OROVILLE

Tom Lando Consulting

By: _____
Janet Goodson, Vice Mayor

By: _____
Tom Lando

APPROVED AS TO FORM:

By: _____
Scott E. Huber, City Attorney