



## OROVILLE CITY COUNCIL

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

### APRIL 17, 2018 REGULAR MEETING CLOSED SESSION 5:30 P.M. OPEN SESSION 6:30 P.M. AGENDA

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#### 1. OPENING

Call to Order  
Roll Call  
Pledge of Allegiance to the Flag of the United States of America

**ROLL CALL:** Council Members Jack Berry, Marlene Del Rosario, Linda Draper, Art Hatley, Scott Thomson, Vice Mayor Janet Goodson, Mayor Linda Dahlmeier

#### 2. CONVENE TO CLOSED SESSION (5:30 p.m.)

The Council will hold a Closed Session on the following:

- 2.1. 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.
- 2.2. 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.

#### RECONVENE TO OPEN SESSION (6:30 p.m.)

#### 3. PROCLAMATIONS / PRESENTATIONS

- 3.1 **A Proclamation declaring April as Sexual Assault Awareness and Child Abuse Prevention Month** will be presented to a representative from the Rape Crisis Intervention and Prevention organization.
- 3.2 **SCI CONSULTING: 15-MINUTE PRESENTATION OUTLINING PROCESS FOR PRESENTING CANNABIS ISSUES TO THE PUBLIC.**

#### 4. CONSENT CALENDAR

- 4.1 **APPROVE THE APRIL 7, 2018 REGULAR MEETING MINUTES OF THE OROVILLE CITY COUNCIL.**
- 4.2 **ADOPT [RESOLUTION NO. 8693](#), A RESOLUTION DELEGATING INDUSTRIAL DISABILITY FINDINGS TO THE CITY OF THE CITY OF OROVILLE AND AUTHORIZING AND**

**DIRECTING THE MAYOR TO EXECUTE THE RESOLUTION UNDER PUBLIC EMPLOYEES' RETIREMENT LAW (SECTION 21156, GOVERNMENT CODE)**

**4.3 APPROVE HOURS OF OPERATION FOR CITY HALL AS RECOMMENDED BY STAFF.**  
Approval will authorize closing city Hall on Fridays, beginning May 1, 2018, necessitated by the inability of staff to serve the public due to staff reductions and furloughs.

**4.4 ADOPT [JOB DESCRIPTION](#) FOR POSITION OF ASSISTANT CITY ADMINISTRATOR AND APPROVE APPOINTMENT OF BILL LAGRONE TO THE POSITION.**

**5. PUBLIC HEARINGS** – None.

**6. REGULAR BUSINESS**

**Administration**

**6.1 CONSIDER SETTING TIME LIMITS AND AMENDING COUNCIL AGENDA FORMAT.**

- a. Move non-Agenda Items to beginning of meeting
- b. Establish a 30-minute time limit for hearing non-agenda items
- c. Establish a 'per speaker' time limit for non-agenda items.
- d. Approve a sequential numbering system for Council Agendas.

Council requested item (Council Members Draper & Hatley). Discuss and consider direction to staff.

**6.2 DISCUSS CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS**

Receive information on the [current Code of Conduct](#) or a new [potential Code of Conduct](#) and provide further direction to staff. **(Tom Lando, Interim City Administrator)**

**Finance Department**

**6.3 CONSIDER AUTHORIZING CITY TREASURER TO INVEST \$1,000,000 IN FIVE (5) \$200,000 CERTIFICATES OF DEPOSIT THROUGH THE BANK OF THE WEST**

Council action requested: Approve investment of funds as requested and direct City Attorney to prepare resolution for execution or to be brought back to Council: **Resolution No. 8694**, A Resolution Authorizing the City Treasurer to Invest \$1,000,000 in Five (5) \$200,000 Certificates of Deposit Through the Bank of the West with Karolyn Fairbanks, City Treasurer; Ruth Wright, Finance Director; and, Tom Lando, Interim City Administrator as Signatories and Approval for Reinvestment Upon Maturity if a Greater Return Can Continue to be Received at That Time.

**Public Works Department**

**6.4 STATUS OF 'DIG ONCE' POLICY (OPEN TRENCH). (Gary Layman, Building Official)**

Council action requested: Receive updated information and provide direction to staff.

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

## **8. CITY ADMINISTRATOR/ ADMINISTRATION REPORTS**

Consider setting special meeting to discuss goals, policies and procedures with Interim City Administrator and staff (Observations, charter amendments, streamlining meeting process, code of conduct).

## **9. CORRESPONDENCE**

Dan Shea, General Manager of Recology: Letter of March 22, 2017 requesting City Dialogue relating to impacts on recycling markets created by China's "National Sword" notice to the WTO banning import of 24 different recyclable materials including plastics and paper fibers.

Jeanne Cecchi: Email of April 6, 2018 providing Council hyperlinks to websites relating to impacts of marijuana trade on community.

Jeanne Cecchi and David Masarik: Emails of April 8, 2018, against commercial pot grows and dispensaries.

## **10. 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.

## **11. ADJOURNMENT**

The meeting will be adjourned to April 25, 2018 at 3:00 p.m. for the purpose of conducting a budget workshop relating to the creation of a 2018/2019 fiscal year budget for the city of Oroville.

*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 APRIL 3, 2018 – 6:00 P.M.

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The agenda for the April 3, 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](http://www.cityoforoville.org) on Thursday, March 29, 2018, at 3:35 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](http://www.cityoforoville.org) and clicking on the City Council Agendas & Minutes page and click WATCH LIVE MEETINGS.

The April 3, 2018 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 6:00 p.m.

### ROLL CALL

Present: Council Members Jack Berry, Marlene Del Rosario, Linda Draper, Art Hatley, Vice Mayor Janet Goodson and Mayor Linda Dahlmeier.  
Absent: Council Member Scott Thomson (excused)

### Staff Present:

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Tom Lando, Interim City Administrator  
Bill LaGrone, Police/Fire Chief  
Ruth Wright, Director of Finance  
Dawn Nevers, SBF Program Coordinator  
Gary Layman, Chief Building Official

Scott Huber, City Attorney  
Mike Massaro, Contract City Engineer

### CLOSED SESSION (6:00 PM)

At 6:01 p.m. Mayor Dahlmeier announced that the City Council would convene to closed session for the following matters:

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.

Mayor Dahlmeier reconvened the meeting at 6:30 p.m. and announced that direction was given, no action taken in closed session.

**OPEN SESSION**

Scott Huber, City Attorney, informed the Council that the following item came to the attention of the City of Oroville staff subsequent to the posting of the agenda for this April 3, 2018 Regular Meeting. Pursuant to Government Code Section 54954.2, staff is requesting the Council take action to add these items to the agenda. This matter is scheduled for hearing next week on April 10, 2018.

A motion was made by Council Member Draper, seconded by Council Member Hatley, to **add the following item to Regular Business Agenda Item No. 8:**

**Consider sending a letter of support to Assembly Member Gallagher regarding AB 2957 to request the University of California system create a water technology hub in Oroville.**

The motion was passed by the following vote:

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

**Council concurred** to remove item 7, Code of Conduct, from the agenda at the request of City staff.

**PLEDGE OF ALLEGIANCE** was led by Mayor Dahlmeier.

**RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS**

Bobby O'Reilley, Bill Speer and Eric Smith.

**PROCLAMATION / PRESENTATION**

Mayor Dahlmeier presented a proclamation honoring the Historic State Theatre to Jim Moll, representing S.T.A.G.E. and declared April 7, 2018 and every April 7<sup>th</sup> thereafter as a day to honor this historical state theatre.

**CONSENT CALENDAR**

**MOTION** by Vice Mayor Goodson, seconded by Council Member Del Rosario, **approved Items No. 1, 2 & 3 on the Consent Calendar as submitted.**

1. Approved the March 20, 2018 Regular Meeting minutes and March 8, 2018 Special Meeting minutes of the Oroville City Council.
2. Approved Support Letter Authored & Presented by Finance Director Ruth Wright For AB 2268 (Reyes) – Annexation Finance: Restoration of Lost Revenue, to be transmitted to Assembly Member Eloise Gomez Reyes, Senator Jim Nielsen, Assembly Member James Gallagher, LCC Deputy Executive Director and Legislative Director Dan Carrigg and Meg Desmond, LCC ([cityletters@cacities.org](mailto:cityletters@cacities.org)). AB 2268 could potentially increase annual revenues to the City of Oroville and approximately 140 other cities that had annexed inhabited territory in reliance on previous financial incentives provided by AB1602 which funds were subsequently swept away by SB 89.

3. **ACKNOWLEDGED RECEIPT** of the Housing Element Annual Progress Report (Housing Element APR) for 2017 and the Housing Successor Agency Annual Report (Annual Report) for fiscal year 2016-2017 **AND DIRECTED STAFF TO SUBMIT** to the State Department of Housing and Community Development (HCD).

The motion was passed by the following vote:

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR – None.**

**PUBLIC HEARINGS – None.**

**REGULAR BUSINESS**

**Public Works Department**

4. **DWR CORRESPONDENCE ON FRANCHISE AGREEMENT VS. ENCROACHMENT FEE FOR POWER AND FIBER OPTIC CONDUIT PROJECT IN GLEN DRIVE**

Mike Massaro, Contract City Engineer, reported to Council regarding the March 6, 2018 request from the Department of Water Resources to pay a one-time encroachment fee in an approximate amount of \$42,000 instead of entering into a franchise-type of agreement, or “Agreement to Right of Entry/Possession”, for use of City owned property identified as a portion of Glen Drive relating to the installation of new fiber optic communication cable and requested direction from the Council.

LeRoy Ellinghouse, Department of Water Resources (DWR) representative, stated that the DWR Legal Department would prefer an encroachment permit process as they believe it is a better fit for this type of project as the project is for a single use for the sole purpose of DWR, and that they are not opposed to adding a conduit for use by other utilities.

Mayor Dahlmeier recognized a speaker on this matter:

1. Bobby O’Reilley stated that he lives in the location of this project, that they currently do not have access to internet services, and that he would like to see this trench used to provide better internet and phone services to the neighborhood.

**Council concurred** that an encroachment permit and one-time lump sum payment along with an additional conduit added to the project for future services would be in the better interests of the City rather than an annual franchise-type of agreement and directed staff to bring this matter back to the City Council for further discussion and action.

**Finance Department**

5. **ANNUAL AUDIT SERVICES – Request to budget fee increase of \$4,600 for annual audit services provided by Chavan and Associates, LLP. Report by Finance Director Ruth Wright.**

**A motion by Vice Mayor Goodson, seconded by Council Member Draper**, directed staff to budget an increase of \$4,600 in the next fiscal budget, to cover additional workload for Chavan and Associates, the City's auditors, necessitated by new pension audit requirements, new audit and disclosure requirements related to Governmental Accounting Standards (GASB) pronouncement 75 effective June 5, 2017, as well as other requirements related to new GASB pronouncements.

The motion was passed by the following vote:

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

**Administration**

**6. PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND JOANNA GUTIERREZ TO SERVE AS INTERIM CITY CLERK. Report by Bill LaGrone, Acting Personnel Director.**

**A motion by Council Member Hatley, seconded by Council Member DeRosario**, adopted Resolution No. 8692, A Resolution of the Oroville City Council Authorizing and Directing the Mayor to Execute a Professional Services Agreement Between the City of Oroville and Joanna Gutierrez to Serve as Interim City Clerk (Agreement No. 3247). The term of the agreement is April 3, 2018 through December 31, 2018, total compensation not to exceed \$48,375 without additional written authorization from the City governing body.

The motion was passed by the following vote:

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

**7. COUNCIL CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS** was removed from the agenda, at the request of City staff, in order that a full Council could be present to consider the item.

**8. Consider sending a letter of support to Assembly Member Gallagher regarding AB 2957 to request the University of California system create a water technology hub in Oroville.**

**A motion by Council Member Draper, seconded by Vice Mayor Goodson**, approved sending a letter of support to assembly Member Gallagher regarding AB 2957 that would request the University of California system to create a water technology hub in Oroville.

The motion was passed by the following vote:



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

**COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS**

Vice Mayor Goodson attended the sewer meeting last week, served a judge at the annual Butte county spelling bee, and informed Council that the first and second place recipients are from Oroville schools and will be going on to the state spelling bee.

Council Member Draper attended the second meeting of the Haven of Hope on Wheels Committee which has organized for the purpose of raising funds for a truck that would provide showers and laundry facilities to serve the homeless community throughout all of Butte County. The goal is give people an opportunity to clean themselves up so that they feel presentable enough to apply for jobs and services.

**CITY ADMINISTRATOR/ ADMINISTRATION REPORTS**

Interim City Administrator, Tom Lando, introduced himself to the City Council.

Council concurred to set special meetings on the following dates as requested Ruth Wright, Finance Director, for the purpose of creating a budget for the 2018/2019 budget:

- Apr 11 – 3:00 to 5:00 pm
- Apr 25 – 3:00 to 4:00 pm
- May 22 – 3:00 to 5:00 pm

Interim City Administrator Bill LaGrone confirmed that Council direction for staff to bring forward a recommendation for Charter Amendments, the Open Trench Policy, and for changing the order of the agenda to move non-agenda items to beginning of meeting.

**CORRESPONDENCE** – None.

**HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS**

1. John Miller-George is opposed to establishing another liquor store and in favor of providing opportunities for bio-tech industries in Oroville.
2. Pastor Ed Hall stated that he is a new business owner in the Oroville Plaza, that there are problems with individuals who are not homeless harassing potential customers, vandalizing buildings and leaving various types of waste including defecating on the site which precludes sales that will generate sales tax and asked for help from the city.
3. Kevin Driggers provided an executive summary to the Council for a proposal to establish a Medical Cannabis Dispensary Business in the City of Oroville and asked for the Council to help move this forward.
4. Billy Speer offered a prayer of thanks for the City Council and staff and for the resources and opportunities that are available in the community.
5. Chris Saraga reported on his attendance at a meeting with local legislators regarding opposition to SB 54, the sanctuary city bill, and asked Council to join the opposition.
6. Matt Murray, Department of Water Resources, informed Council that Lake Oroville is up to



an elevation of 794 and to expect regular updates from the DWR regarding the possible use of the spillway gates.

7. Mary Barr spoke regarding the issues occurring at the Oroville Plaza reported by Ed Hall and suggested there might be ways for the business owners to address these situations through restraining orders.
8. Pastor Steven Terry stated that the Council decision to move forward with the cannabis issue has created problems for the Oroville Rescue Mission, and that cannabis will never be allowed on this private property.

Council Member Del Rosario called the Council's attention to a petition titled "Tax Fairness, Transparency & Accountability Act 2018" which will take away the ability of cities to charge fees and levy taxes and fines and will result in great revenue losses, and suggested that it be reviewed carefully by signators.

**CLOSED SESSION**

**ADJOURNMENT**

The meeting was adjourned at 7:55 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, April 17, 2018, at 5:30 p.m.

DATE OF COUNCIL APPROVAL:

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Joanna Gutierrez, Interim City Clerk

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Linda Dahlmeier, Mayor

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: BILL LAGRONE, DIRECTOR OF PUBLIC SAFETY  
LIZ EHRENSTROM, HUMAN RESOURCE MANAGER**

**SUBJECT: APPROVAL OF A REVISED RESOLUTION FOR INDUSTRIAL  
DISABILITY RETIREMENT**

**DATE: APRIL 17, 2018**

**SUMMARY**

Staff is seeking approval of a revised CalPERS Resolution for an industrial disability retirement for Fire Fighter, David Englund.

**DISCUSSION**

Staff received a letter from CalPERS regarding David Englund's industrial disability retirement resolution that was passed by the City Council on January 2, 2018. The letter indicated that the resolution did not contain the new language CalPERS now requires to process industrial disability retirements. CalPERS is requesting Council pass the attached resolution, containing the new language, to process Mr. Englund's application for an industrial disability retirement. Staff is recommending approval of the resolution.

**FISCAL IMPACT**

**RECOMMENDATION**

ADOPT RESOLUTION No. 8693, A RESOLUTION DELEGATING INDUSTRIAL DISABILITY FINDINGS TO THE CITY COUNCIL OF THE CITY OF OROVILLE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE RESOLUTION UNDER PUBLIC EMPLOYEES' RETIREMENT LAW (Section 21156, Government Code).

**ATTACHMENT (S)**

Attachment A - Resolution No. 8693

**CITY OF OROVILLE  
RESOLUTION NO. 8693**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, DELEGATING INDUSTRIAL DISABILITY FINDINGS AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE THE RESOLUTION UNDER PUBLIC EMPLOYEES' RETIREMENT LAW, GOVERNMENT CODE SECTION 21156.**

**WHEREAS**, the City of Oroville (hereinafter referred to as Agency) is a contracting agency of the California Public Employees' Retirement System (CalPERS):

**WHEREAS**, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purpose of the California Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law:

**WHEREAS**, an application for industrial disability retirement of Cancer of the Eye from David Englund employed by the Agency in the position of Fire Fighter has been filed with CalPERS; And

**WHEREAS**, the Oroville City Council has reviewed the medical and other evidence relevant to such alleged disability.

**NOW. THEREFORE. BE IT RESOLVED:**

That the Oroville City Council find and determine, and it does hereby find and determine that David Englund is incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his duties in the position of Fire Fighter and does hereby certify under penalty of perjury that this determination was made on the basis of competent medical opinion and was not used as a substitute for the disciplinary process in accordance with Government Code section 21156(a)(2). If the disciplinary process occurred before the member's separation from employment, all relevant personnel documents were forwarded to CalPERS for determination of the member's eligibility for disability retirement and CalPERS' determination that the member is eligible to apply for disability retirement was obtained prior to starting the process of determination.

David Englund has filed a Workers' Compensation claim for his disabling condition. The Workers' Compensation claim was accepted.

**BE IT FURTHER RESOLVED THAT THE** Oroville City Council find and determine, and it does hereby find and determine that such disability is a disease arising out of and in the course of employment.

Neither David Englund nor the agency City of Oroville has applied to the Workers' Compensation Appeals Board for a determination pursuant to Government Code section 21166.

**AND**

**BE IT FURTHER RESOLVED** that the member was separated from his employment in the position of Fire Fighter after expiration of his rights under Government Code section 21164, effective January 14, 2018 and that no dispute as to the expiration of such leave rights is pending. His last day on pay status is January 14, 2018.

There is not a possibility of third party liability.

Advanced Disability Pension Payments will be made. The payments will be made bi-weekly in the amount of \$1,397.27 beginning 01/28/2018.

The primary disabling condition is cancer of the eye.

The duration of the disabling condition is expected to be permanent or last at least twelve consecutive months from the date of the application for benefit or will result in death, which is certified by competent medical opinion, as determined on the basis of competent medical opinion.

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

1. The Mayor is hereby authorized and directed to execute this Resolution, delegating industrial disability findings under the Public Employees' Retirement Law (Government Code Section 21156).
2. The City Clerk shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the Council of the City of Oroville at a regular meeting held on April 17, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Linda Dahlmeier, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott E. Huber, City Attorney

ATTEST:

\_\_\_\_\_  
Joanna Gutierrez, Interim City Clerk

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS**  
**FROM: BILL LAGRONE, ACTING PERSONNEL OFFICER**  
**RE: CITY HALL HOURS OF OPERATION**  
**DATE: APRIL 17, 2018**

**SUMMARY**

Council may receive information on the hours of operation of City Hall, and provide further direction

**DISCUSSION**

Oroville City Hall is currently open Monday to Friday each week from 8:00am to 5:00pm. Over the past several years, staffing has declined due to lack of revenue. On most Fridays there are 4 to 7 employees at City Hall. Most departments are either minimally staffed or not staffed on most Fridays. The reason for the shortage of staffing is due to vacant positions and mandatory work furloughs.

Currently, it is not possible to provide any acceptable level of customer service on Fridays. Current levels of staffing require staff to turn away most citizens on Fridays asking them to return on Mondays when staffing levels have returned.

Due to the lack of staffing available on Fridays, staff suggests closing the lobby of City Hall to the public on Friday beginning May 1, 2018. To provide as much notice to the public as possible, staff placed signs on the doors of City Hall noticing the public of the change. If the Council chooses not to close City Hall on Fridays the signs will be removed.

**FISCAL IMPACT**

None

**RECOMMENDATIONS**

Receive information and provide staff direction. Approval will result in the lobby of City Hall being closed to the public on Fridays beginning May 1, 2018.

## **ASSISTANT CITY ADMINISTRATOR**

### **DEFINITION:**

Under administrative direction, plans, organizes, coordinates and directs several major functional areas at the agency or department level; provides policy guidance and coordinates the activities of assigned agencies/departments and their teams in support of the mission of the City; fosters cooperative working relationships with civic groups, inter-governmental agencies and City staff; performs related work as assigned.

### **DISTINGUISHING CHARACTERISTICS:**

Reporting to and serving at the pleasure of the City Council, this class has overall policy development for program planning, fiscal management, administration and operations of City agencies/departments and programs within the broad functional areas assigned. While specified knowledge and/or certification related to the assigned functional areas is required, the emphasis is upon the overall administrative skill of the incumbent. The incumbent is responsible for accomplishing agency/departmental goals and objectives within general policy guidelines for major functional areas such as Planning and Community Development, Life Enrichment, Budget and Finance, Public Works, Public Safety, Human Resources and special programs and projects.

### **EXAMPLES OF DUTIES:**

- Works closely with the City Administrator to ensure that the policy decisions of elected officials are implemented efficiently. Assists the City Administrator in implementing established and prioritized goals, strategies and time lines.
- Oversees the development and preparation of an annual budget for the agencies/departments, programs and projects assigned; directs the preparation, administration and evaluation of assigned agency/department budgets to ensure cost-effective operation and sound resource management. Advises the City Administrator regarding the financial condition and needs of assigned functional areas.
- Plans, organizes, coordinates and directs, through subordinate managers, the work of assigned functional areas to ensure effective delivery of services in a timely, responsive and cost effective manner.
- Develops comprehensive performance based evaluation systems for assigned agencies/departments, programs and staff to ensure that the City's short and long-range strategies, goals and objectives are being achieved in accordance with City Council policies and objectives.
- Monitors development related to delegated services area; evaluates their impact of City operations and implements policy and procedure improvements.
- Coordinates the preparation of a wide variety of reports or presentations for City management or outside agencies.

- Represents the City and advances the City's interests before organizations outside the City including other governmental agencies, private entities, professional and community organizations, citizen boards and commissions, and the general public.
- Meets with community groups and individuals to present information regarding City-related issues and routinely listens to and solicits input from citizens.
- Assumes other duties as assigned by the City Administrator or as mandated by the City Charter.

**MINIMUM QUALIFICATIONS:**

*Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable.*

Experience:

Eight years of senior-level executive management experience preferably in a large, sophisticated, diverse, urban municipal, corporate, military and/or large non-profit organization.

Education:

Bachelor's degree from an accredited college or university in public or business administration or a related field. Possession of an advanced degree in public or business administration is highly desirable.

**KNOWLEDGE AND ABILITIES:**

Knowledge of:

- General administrative principles, practices and methods, including goal setting, objectives and procedures development and implementation, program and budget development and implementation.
- The principles and practices of effective leadership and staff supervision, including selection, training and development, dynamics of line-staff relationships, techniques of effective interpersonal communications and relations, effective problem solving and decision making techniques, planning and delegating work, performance evaluation, positive recognition methods, and progressive discipline.
- Principles and practices of public sector budget development and administration.
- Principles and practices of public sector contract administration and evaluation.
- Principles and practices related to the organizational and program areas of the City.
- Applicable laws, regulation, legal mandates, guidelines and standards affecting City administration.
- Funding sources impacting program administration.
- The social, political and environmental issues influencing program administration.
- Computer systems and applications.



Ability to:

- Plan, organize, administer, coordinate and evaluate a variety of large and complex city services and programs.
- Analyze complex technical and administrative problems, evaluate alternative solutions and adopt effective courses of action.
- Develop and implement goals, objectives, policies, procedures, performance standards and internal controls.
- Make clear and concise decisions based on complex financial information.
- Select, motivate and evaluate staff, provide for their training and development, and exercise disciplinary action in a positive and effective manner.
- Establish and maintain cooperative and effective working relationships with a variety of representatives of public and private organizations, members of boards and commissions, local, state and federal legislative representatives, City staff and the general public.
- Facilitate dialogue around a variety of issues with good consensus building skills.
- Maintain and exhibit discretion and integrity when handling sensitive information.
- Prepare and present clear and concise written and oral reports and related materials.
- Exercise sound and effective judgment.
- Provide effective leadership, initiative and motivation.

**LICENSE OR CERTIFICATE / OTHER REQUIREMENTS:**

None required.

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS**

**FROM: TOM LANDO, INTERIM CITY ADMINISTRATOR**

**RE: ADOPT JOB DESCRIPTION FOR ASSISTANT CITY ADMINISTRATOR,  
AND APPOINT ASSISTANT CITY ADMINISTRATOR FOR A 6-MONTH  
TERM**

**DATE: APRIL 17, 2018**

**SUMMARY**

The Interim City Administrator recommends approval of the job description for Assistant City Administrator and the appointment of Bill LaGrone to the position of Assistant City Administrator for a 6-month term.

**DISCUSSION**

The City of Oroville is currently working with a reduced staff due to lack of revenues. The City has experienced reductions in its entire workforce. The reduction has also been realized in the Administration of the City. The City once had eight (8) Department Directors. Due to budget constraints and the desire to continue to provide the highest level of service possible, the City is now functioning with two (2) Department Directors and an Interim City Administrator.

As the City moves into the future, it is necessary to maintain a structure that is sustainable and affordable. To accomplish this, it is advisable to adopt a job description for an Assistant City Administrator. The advantage of adding this position is in the flexibility of oversight it would provide in ensuring that projects continue in a timely manner and do not get lost or forgotten with a change of leadership. The City has experienced heavy turnover within the City Administrator position for the past decade. As such, having an Assistant Administrator provides continuity and functionality during times of transition.

In addition, staff recommends appointing Bill LaGrone to this position for a 6-month period. It is believed Mr. LaGrone possesses the necessary background, education and knowledge to fulfill these duties. Mr. LaGrone would continue to provide the same duties he is currently providing.

**FISCAL IMPACT**

None

**RECOMMENDATIONS**

Adopt job description for Assistant City Administrator and appoint Bill LaGrone as the Assistant City Administrator.

**ATTACHMENTS**

Assistant City Administrator Job Description

## **ASSISTANT CITY ADMINISTRATOR**

### **DEFINITION:**

Under administrative direction, plans, organizes, coordinates and directs several major functional areas at the agency or department level; provides policy guidance and coordinates the activities of assigned agencies/departments and their teams in support of the mission of the City; fosters cooperative working relationships with civic groups, inter-governmental agencies and City staff; performs related work as assigned.

### **DISTINGUISHING CHARACTERISTICS:**

Reporting to and serving at the pleasure of the City Council, this class has overall policy development for program planning, fiscal management, administration and operations of City agencies/departments and programs within the broad functional areas assigned. While specified knowledge and/or certification related to the assigned functional areas is required, the emphasis is upon the overall administrative skill of the incumbent. The incumbent is responsible for accomplishing agency/departmental goals and objectives within general policy guidelines for major functional areas such as Planning and Community Development, Life Enrichment, Budget and Finance, Public Works, Public Safety, Human Resources and special programs and projects.

### **EXAMPLES OF DUTIES:**

- Works closely with the City Administrator to ensure that the policy decisions of elected officials are implemented efficiently. Assists the City Administrator in implementing established and prioritized goals, strategies and time lines.
- Oversees the development and preparation of an annual budget for the agencies/departments, programs and projects assigned; directs the preparation, administration and evaluation of assigned agency/department budgets to ensure cost-effective operation and sound resource management. Advises the City Administrator regarding the financial condition and needs of assigned functional areas.
- Plans, organizes, coordinates and directs, through subordinate managers, the work of assigned functional areas to ensure effective delivery of services in a timely, responsive and cost effective manner.
- Develops comprehensive performance based evaluation systems for assigned agencies/departments, programs and staff to ensure that the City's short and long-range strategies, goals and objectives are being achieved in accordance with City Council policies and objectives.
- Monitors development related to delegated services area; evaluates their impact of City operations and implements policy and procedure improvements.
- Coordinates the preparation of a wide variety of reports or presentations for City management or outside agencies.

- Represents the City and advances the City's interests before organizations outside the City including other governmental agencies, private entities, professional and community organizations, citizen boards and commissions, and the general public.
- Meets with community groups and individuals to present information regarding City-related issues and routinely listens to and solicits input from citizens.
- Assumes other duties as assigned by the City Administrator or as mandated by the City Charter.

**MINIMUM QUALIFICATIONS:**

*Any combination of education and experience that is equivalent to the following minimum qualifications is acceptable.*

Experience:

Eight years of senior-level executive management experience preferably in a large, sophisticated, diverse, urban municipal, corporate, military and/or large non-profit organization.

Education:

Bachelor's degree from an accredited college or university in public or business administration or a related field. Possession of an advanced degree in public or business administration is highly desirable.

**KNOWLEDGE AND ABILITIES:**

Knowledge of:

- General administrative principles, practices and methods, including goal setting, objectives and procedures development and implementation, program and budget development and implementation.
- The principles and practices of effective leadership and staff supervision, including selection, training and development, dynamics of line-staff relationships, techniques of effective interpersonal communications and relations, effective problem solving and decision making techniques, planning and delegating work, performance evaluation, positive recognition methods, and progressive discipline.
- Principles and practices of public sector budget development and administration.
- Principles and practices of public sector contract administration and evaluation.
- Principles and practices related to the organizational and program areas of the City.
- Applicable laws, regulation, legal mandates, guidelines and standards affecting City administration.
- Funding sources impacting program administration.
- The social, political and environmental issues influencing program administration.
- Computer systems and applications.

Ability to:

- Plan, organize, administer, coordinate and evaluate a variety of large and complex city services and programs.
- Analyze complex technical and administrative problems, evaluate alternative solutions and adopt effective courses of action.
- Develop and implement goals, objectives, policies, procedures, performance standards and internal controls.
- Make clear and concise decisions based on complex financial information.
- Select, motivate and evaluate staff, provide for their training and development, and exercise disciplinary action in a positive and effective manner.
- Establish and maintain cooperative and effective working relationships with a variety of representatives of public and private organizations, members of boards and commissions, local, state and federal legislative representatives, City staff and the general public.
- Facilitate dialogue around a variety of issues with good consensus building skills.
- Maintain and exhibit discretion and integrity when handling sensitive information.
- Prepare and present clear and concise written and oral reports and related materials.
- Exercise sound and effective judgment.
- Provide effective leadership, initiative and motivation.

**LICENSE OR CERTIFICATE / OTHER REQUIREMENTS:**

None required.

**OROVILLE CITY COUNCIL**  
**DATE: April 17, 2018**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: JOANNA GUTIERREZ, INTERIM CITY CLERK**

**SUBJECT: STANDARDIZING AGENDA FORMAT**

**DATE: APRIL 17, 2018**

**SUMMARY**

Consider streamlining the meeting process by establishing time limitations for hearing of non-agenda items and establishing a static numbering system for the format of City Council Agendas.

**COUNCIL ACTION REQUESTED**

Approve time limitations for non-agenda items and a sequential number system for City Council agendas as recommended or provide further direction to staff.

**DISCUSSION**

At the April 3, 2018 Council Meeting, Council Members Draper and Hatley requested an item from the staff for the Council to consider moving the hearing of non-agenda items to the beginning of each Council Meeting and establishing time limitations of three minutes per speaker and an overall time limit of thirty minutes. In the event that more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to two minutes per speaker, thus allowing up to 15 speakers. If more than 15 speaker cards were submitted for non-agenda items, the first 15 speakers would be randomly selected to speak at the beginning of the meeting, with the remaining speakers to be given an opportunity at the end of the meeting. Since 2010, there have never been more than 15 speakers which submitted speaker cards on non-agenda items.

Staff proposes that the Council also consider establishing a numbering system for agenda items to further organize the meeting and agenda process. The April 17, 2018 Council agenda has been formatted as an example. Each section header has a number with each item within the section numbered sequentially below in outline format.

**FISCAL IMPACT**

None.



**RECOMMENDATION**

Approve time limitations for non-agenda items and a sequential number a numbering system for City Council agendas and direct staff to implement.

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS**  
**FROM: BILL LAGRONE, INTERIM CITY ADMINISTRATOR**  
**RE: CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS**  
**DATE: APRIL 17, 2018**

**SUMMARY**

Council may receive information on the current Code of Conduct or a new potential 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.

Staff has researched this issue and located a Code of Conduct that was adopted by Resolution 8003 at the October 16, 2012 Council meeting. The Council can reaffirm this Code of Conduct or review and revise this Code of Conduct. The Council also has the option of adopting a new Code of Conduct as presented in attachment B.

The Council is asked to review and provide feedback. Once direction is provided and all comments are received it will be added or deleted from the chosen document. Staff proposes to return to Council in April with the completed Code of Conduct for Council consideration and adoption or affirmation.

**FISCAL IMPACT**

None

**RECOMMENDATIONS**

Receive information and provide direction.

**ATTACHMENTS**

- A. Resolution 8003 Code of Conduct  
Code of Conduct Guidelines 2012
- B. New Proposed Code of Ethics and Conduct

**CITY OF OROVILLE  
RESOLUTION NO. 8003**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING A CODE OF CONDUCT RELATING TO THE CONDUCT OF CITY COUNCIL MEMBERS, COMMISSIONERS AND OTHER VARIOUS CITY APPOINTEES, CITY STAFF, AND MEMBERS OF THE PUBLIC**

**NOW THEREFORE**, be it hereby resolved by the Oroville City Council as follows:

1. The Council hereby adopts a Code of Conduct relating to the conduct of City Council members, Commissioners, and other various appointees, City staff and members of the public. A copy of the Code of Conduct is attached to this Resolution.
2. The City Clerk shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting on October 16, 2012, by the following vote:

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


NOES: None

ABSTAIN: None


ABSENT: None

  
\_\_\_\_\_  
Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Scott E. Huber, City Attorney

ATTEST:

  
\_\_\_\_\_  
Pat Clark, Interim City Clerk

## **CITY OF OROVILLE CODE OF CONDUCT**

The City Council for the City of Oroville desires the highest level of ethical conduct for the members of the City Council and members of appointed commissions and committees. The residents and businesses of the City of Oroville are entitled to fair and accountable local government and to be represented by public officials who act in an ethical manner. The City of Oroville's strong desire to fulfill this mission therefore requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials be independent, impartial, and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the City Council for the City of Oroville has adopted this Code of Conduct for elected officials and members of appointed commissions and committees to assure public confidence in the integrity of local government and its effective and fair operation. It is intended that this Code of Conduct apply to the designated public officials and candidates for the City Council, as well as establish expectations for the behavior of staff members and members of the public. The goal of this Code of Conduct is to promote ethical behavior and to set ethical standards, rather than be penal in nature. Asserted violations of this Code of Conduct shall not be grounds to void any action taken by the City Council, commissions or committees. Nothing in this Code of Conduct is intended to limit any powers, rights or authority inherent in the City Council.

Members of the City Council seeking election to the City Council or appointment to commissions or committees are strongly encouraged to endorse and comply with the provisions of this Code of Conduct.

City Council members and members of appointed commissions and committees are referred to generally as "public officials" or "members" in this Code of Conduct.

### **CHAPTER 1- CONDUCT OF MEMBERS**

#### **A. Suggested Norms and Expectations**

1. Members shall:
  - a. put constituents first at all times;
  - b. treat each other, staff, and members of the public with dignity, courtesy and respect;
  - c. value all opinions, be tolerant of new and different ideas, and encourage creativity and innovation;
  - d. follow through on commitments and be accountable to each other;
  - e. clarify when items are discussed in confidence and maintain appropriate confidentiality;

- f. be attentive to others, limiting interruptions and distractions;
- g. encourage dissent in debate while being mindful not to prolong discourse or block consensus;
- h. be candid with each other about ideas and feelings, and resolve conflicts directly;
- i. keep comments clear, concise, and on-topic to maximize opportunities for all to express themselves;
- j. continuously strive to improve how members works as a team;
- k. place clear and realistic demands on staff resources and time when requesting action;
- l. start and end meetings on time, work from an agenda, and be present, attentive, and prepared;
- m. present problems in a way that promotes discussion and resolution; and
- n. continually work to build trust in each other.

## **B. General Conduct**

### **1. Members shall:**

- a. treat each other and everyone with courtesy and refrain from inappropriate behavior and derogatory comments;
- b. be fair, impartial and unbiased when voting on quasi-judicial actions;
- c. use the speaker sequencing system to inform the Mayor of their wish to speak and shall be acknowledged by the Mayor before speaking;
- d. move to require the Mayor to enforce these rules and the Mayor shall do so upon an affirmative vote of a majority of the Members present;
- e. preserve order and decorum during the meeting;
- f. not delay or interrupt the proceedings or the peace of the City Council, nor disturb any Member while speaking, by conversation or otherwise, nor disobey the orders of the City Council, or the presiding officer, except as otherwise herein provided;
- g. support the laws established by the City Council; and
- h. abide by these Rules of Procedure in conducting the business of the City of Oroville

## **C. Conduct with Members**

### **1. Members shall:**

- a. value each other's time;
- b. attempt to build consensus on an item through an opportunity for dialogue; but when this is not possible, the majority vote shall prevail and the majority shall show respect for the opinion of the minority;
- c. have the right to dissent from, protest, or comment upon any action of the City Council;
- d. respect each other's opportunity to speak and, if necessary, agree to disagree;
- e. avoid offensive negative comments and shall practice civility and decorum

during discussions and debate; and

- f. assist the Mayor's exercise of the Mayor's affirmative duty to maintain order.

#### **D. Conduct with City Administrator and Staff**

1. Members shall:

- a. speak to the City Administrator directly on issues and concerns;
- b. direct the City Administrator to implement City Council's policy decisions through the administrative functions of the City;
- c. treat staff professionally and refrain from publicly criticizing individual employees;
- d. avoid involvement in personnel issues except during City Council Closed Sessions regarding City Council appointed staff such as City Administrator, City Attorney, City Treasurer, City Clerk or City Auditor including hiring, firing, promoting, disciplining and other personnel matters;
- e. discuss directly with the City Administrator, City Attorney, City Clerk, City Treasurer, or City Auditor as appropriate, any displeasure with a department or staff; and
- f. request answers to questions on City Council agenda items from the City Administrator, City Attorney, City Clerk, City Treasurer, City Auditor or department directors/division managers prior to the meeting whenever possible.

#### **E. Conduct with the Public**

1. Members shall:

- a. make the public feel welcome;
- b. be impartial, respectful and without prejudice toward the public;
- c. listen courteously and attentively to public comment;
- d. not argue back and forth with members of the public; and
- e. make no promises to the public on behalf of the Council.

#### **F. Conduct with Other Agencies**

1. Members shall:

- a. project a positive image of the City when dealing with other agencies;
- b. show tolerance and respect for other agencies' opinions and issues and if necessary agree to disagree;
- c. represent official policies or positions of the City Council when designated as delegates of a legislative body;
- d. explicitly state when their opinions and positions do not represent the City Council when representing their individual opinions and positions, and shall not allow the inference that they do; and
- e. have the ability to lobby or discuss issues that have been adopted by the legislative bodies or are standing policies of the legislative body with other legislators, government officials or developers.

#### **G. Conduct with Boards and Commissions**

1. Members shall:



- a. treat all members of boards and commissions with appreciation and respect;
- and
- b. refrain from participation in board and commission meetings for the purpose of influencing the outcome of said meetings.

#### **H. Conduct with the Media**

1. Members shall not discuss or go "off the record" with the media to discuss confidential or privileged information pertaining to closed sessions, attorney-client privileged or attorney work product communications including without limitation personnel, litigation or real property negotiations.
2. Providing non-confidential, non-privileged background information is acceptable.

#### **I. Ethical Conduct**

1. Members shall receive at least two hours of training in ethics, conflicts of interest, open meetings laws, competitive bidding requirements, bias prohibitions, etc., in accordance with Government Code sections 53234 et seq. 4 every two years commencing January 1, 2007.
2. Members shall conduct themselves in accordance with such training.

### **CHAPTER 2 - CONDUCT OF CITY STAFF**

#### **A. General Conduct:**

1. City staff shall:
  - a. prepare well-written staff reports and provide accompanying documents on all agenda items in accordance with the agenda format and preparation schedule;
  - b. be available for questions from Members in accordance with the Brown Act prior to and during meetings;
  - c. respond to questions from the public during meetings when requested to do so by Members, or City Administrator;
  - d. refrain from arguing with the public or Members; and
  - e. switch any electronic equipment such as pagers and cellular telephones to silent or off mode during Council meetings.
2. Staff will remain objective on issues and should not be advocates for issues unless so directed by the legislative body.
3. As soon as possible, to the extent permitted by the Brown Act, the City Administrator and staff will inform the Mayor and Members of controversial issues having significant impacts to the City that are coming before the legislative body on short notice.
4. The City Administrator will advise management staff of potentially political or controversial issues coming before the legislative body and direct staff to be present and appropriately prepared.

## CHAPTER 3 - CONDUCT OF THE PUBLIC

### A. General Conduct

1. Members of the public attending City Council meetings shall observe the same rules and decorum applicable to the Members and staff as noted in Chapters 1 and 2 of these Rules.
2. All speakers must approach the podium when recognized by the Mayor and speak only from the podium. Stamping of feet, whistles, yells or shouting, and/or similar demonstrations are unacceptable public behavior and will not be allowed.
3. Lobbyists must identify themselves and the client(s), business or organization they represent before speaking to the Council.
4. Members of the public must switch any electronic equipment such as pagers and cellular telephones to a silent or off mode during Council meetings.
5. Members of the public wishing to speak to the Council should complete, and turn into the City Clerk prior to the item being called, a speaker's slip indicating the agenda item or off-agenda item which they wish to address.
6. Members of the public with questions concerning Consent Calendar items are encouraged to contact the staff person identified on the report prior to the meeting to reduce the need for discussion of Consent Calendar items.

**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. Councilmembers 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.

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.

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

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Signature

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Date

**CITY OF OROVILLE  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: KAROLYN J. FAIRBANKS, TREASURER**

**RE: AUTHORIZATION FOR INVESTMENT IN BROKERED CERTIFICATES OF DEPOSIT**

**DATE: April 17, 2018**

**SUMMARY**

The City may consider authorizing reinvestment of \$1,000,000 in Brokered Certificates of Deposit through Bank of the West, BNP Paribas.

**DISCUSSION**

The opportunity exists to receive a greater return while still maintaining safety and liquidity by investing funds in FDIC insured Brokered Certificates of Deposit for a term not to exceed two years in accordance with the City Investment Policy.

**FISCAL IMPACT**

Increased Investment Income

**RECOMMENDATION**

Authorize investment of funds as recommended and either direct the City to draft the appropriate resolution as titled below for execution by the Mayor or bring the matter back to Council for final approval.

Adopt Resolution No.        - A RESOLUTION AUTHORIZING THE CITY TREASURER TO INVEST \$1,000,000 IN FIVE \$200,000 CERTIFICATES OF DEPOSIT THROUGH THE BANK OF THE WEST WITH KAROLYN FAIRBANKS, CITY TREASURER; RUTH WRIGHT, FINANCE DIRECTOR; AND TOM LANDO, INTERIM CITY ADMINISTRATOR AS SIGNATORIES AND APPROVAL FOR REINVESTMENT UPON MATURITY IF A GREATER RETURN CAN CONTINUE TO BE RECEIVED AT THAT TIME.