



**OROVILLE CITY COUNCIL**  
Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**MAY 1, 2018**  
**REGULAR MEETING**  
**CLOSED SESSION 5:00 P.M.**  
**OPEN SESSION 6:30 P.M.**  
**AGENDA**

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## **1. OPENING**

- 1.1 Call to Order
- 1.2 Roll Call

**CITY 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 (5:00 p.m.)**

The City Council will convene to Closed Session for the following:

- 2.1 Pursuant to Government Code Section 54957(b), the Council will meet with the Interim City Administrator, the 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(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.
- 2.3 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.

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

- 3.1 Closed Session – Announcement of Action
- 3.2 Pledge of Allegiance to the Flag of the United States of America

#### **4. PROCLAMATIONS / PRESENTATIONS**

- 4.1 **COMMUNITY VOLUNTEER PROJECT AT PUBLIC SAFETY FACILITY (St. Thomas Catholic Church)**
- 4.2 **SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) STATUS (Dawn Nevers, City of Oroville, SBF Program Coordinator )**
- 4.3 **PROCLAMATION RECOGNIZING THE WEEK OF MAY 6, 2018 AS PUBLIC SERVICE RECOGNITION WEEK**

#### **5. PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS**

This is the time for members of the public to address the Council on matters not listed on the agenda. The City Council has established 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 will be reduced to two minutes per speaker, thus allowing up to 15 speakers. If more than 15 speaker cards are submitted for non-agenda items, the first 15 speakers will 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. Speakers may not give their time to other speakers. The Mayor, Vice Mayor or presiding Council Member will call the names of persons who have submitted a speaker card to the City Clerk. When called, speakers are requested to step to the podium, state their name for the record, and make a brief statement to the City Council. Pursuant to Government Code Section 54954.2, the Council is prohibited from taking action relating to any item that is not on the agenda. The Council or staff may provide a brief response to statements or questions made by any speaker.

#### **6. CONSENT CALENDAR**

Consent calendar items are adopted in one action by the Council. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

**RECOMMENDATION: ADOPT CONSENT CALENDAR AS PRESENTED.**

- 6.1 **MINUTES:** Approve Minutes of the April 11, 2018 Special Meeting, April 17, 2018 Regular Meeting April 25, 2018 Special Meeting Minutes. **(If available)**
- 6.2 **CODE OF CONDUCT:** Adopt Resolution No. 8695, A Resolution Repealing Resolution No. 8003 and Re-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. The resolution includes a copy of the Oath of Office.

#### **7. PUBLIC HEARINGS** – None.

## **8. REGULAR BUSINESS – Action Calendar**

### **8.1 APPROVE AMENDING ORDINANCE NO. 1761 TO DESIGNATE THE CITY ADMINISTRATOR AS APPOINTING AUTHORITY FOR THE CITY OF OROVILLE**

Council action requested: Consider approving an amendment to Ordinance No 1761 in order to place the authority to hire and dismiss employees with the City Administrator or City Administrator's designee and direct staff to bring the matter back to Council at the next Council Meeting.

### **8.2 REVIEW UPDATES TO THE TREE PRESERVATION ORDINANCE:** Council will review and consider approving the staff recommendations as presented that will update the City of Oroville's Tree Preservation Ordinance and Tree Removal Permit application process and direct staff to begin working with Tree & Vegetation ad-hoc sub-committee to create the Administrative Draft Urban Forest and Vegetation Management Plan based on the work completed by the PlaceWorks team and city staff.

Council Action Requested: Review and provide direction to staff, as necessary.

### **8.3 NON-FORECLOSURE:** The Council will consider authorizing the non-foreclosure of City loan interest on the property located at 2294 Oro Quincy Hwy, Oroville (APN 013-270-008).

Council Action Requested: Authorize non-foreclosure of City loan interest on property at 2294 Oro Quincy Hwy, Oroville (APN 013-270-008).

### **8.4 APPROVE TREE REMOVAL BY PROPERTY OWNER:** The Council will consider granting the request of the owner of apartments to remove seven (7) Chinese Elm trees, located at 1150 Pine Street, and allow the planting of suitable replacements with City supervision. Homeowner has agreed to remove trees and work with City staff to replant suitable replacements. No fiscal impact to the City.

Council Action Requested: Grant permission for removal of seven trees located at 1150 Pine Street and allow planting of suitable replacements.

### **8.5 MEMORANDUM OF UNDERSTANDING WITH CATALYST DOMESTIC VIOLENCE SERVICES:** The MOU proposes to reimburse the City for short term hotel stays arranged by the Oroville Police Department. This agreement would provide a needed service for victims and reduce the time of officers in finding shelter.

Council Action Requested: Authorize the Chief of Police to execute the Memorandum of Understanding with Catalyst Domestic Violence Services for short-term hotel stays for victims of crime.

## **9. COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS**

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

## **11. CORRESPONDENCE**

## **12. ADJOURNMENT**

Adjourn to May 15, 2018 for the purpose of conducting a Regular Council Meeting.

*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.



**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: DAWN NEVERS, SBF PROGRAM SPECIALIST**

**RE: SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA)  
STATUS**

**DATE: MAY 1, 2018**

**SUMMARY**

The Council may consider reviewing updates regarding the status of the Wyandotte Creek Subbasin proposed Governance Concepts in relation to the basin boundary modification and the development of the Groundwater Sustainable Plan.

**DISCUSSION**

On September 16, 2014, Governor Brown signed into law a package of bills (SB1168, AB1739 and SB1319) collectively called the Sustainable Groundwater Management Act (SGMA). SGMA provided for local public agencies with land use, water management or water supply the opportunity to be Groundwater Sustainability Agencies (GSA) with the responsibility for developing and implementing Groundwater Sustainability Plans (GSP). GSPs must evaluate the sustainability of the basin and identify actions that will be implemented to achieve sustainability over a 20 year period. There are four subbasins (Vina, West Butte, East Butte and Wyandotte Creek) in Butte County subject to SGMA. GSPs in the four subbasins must be submitted by January 30, 2022. Failure to meet the deadline would subject the subbasin to intervention by the State Water Resources Control Board.

All of the subbasins met the June 30, 2017 deadline of having the entire subbasin covered by one or more GSA. Most of the eligible local public agencies including the City of Oroville elected to be a GSA. The City Council approved the City of Oroville's application as a GSA on January 5, 2016. All of the GSAs have committed to work towards developing and submitting a single GSP in each subbasin. To achieve this goal, a governance structure must be developed in each subbasin. A facilitated process is being conducted in each subbasin to develop a governance structure for the purpose of preparing and implementing GSPs.

The discussions in the East Butte subbasin is in preliminary stages while the discussions in the Wyandotte Creek subbasin has resulted in two governance concepts. The following describes the governance concepts. These concepts will be presented to

the public for input On May 3, 2018. Based on public input, the GSA managers will bring a governance recommendation to our respective governing boards. The status of the governance concepts is presented for informational purposes and to provide the City Council with an opportunity to provide direction to staff, if needed.

## **BACKGROUND**

SGMA provides a range of options for local public agencies to form GSAs. More than one local public agency may elect to be a GSA in a subbasin. There are numerous options for coordination among GSAs in a subbasin. Local public agencies could designate themselves as a GSA, or agree to form a GSA in combination with other local agencies. For example, each county, water district and city could designate itself as a GSA or some could join together to form a GSA. Coordination among local agencies may occur through a joint powers agreement, memorandum of agreement or other legal agreement. [Water Code § 10723.6(a)]. Whether a basin contains one GSA or many, a wide variety of options are allowed for the development and implementation of a GSP within the basin. Basins could be covered by a single GSP submitted by one GSA, a single GSP submitted on behalf of multiple GSAs, or multiple GSPs submitted by multiple GSAs. In circumstances when multiple GSPs are submitted by multiple GSAs, the GSAs must have a “Coordinated Agreement”. The “Coordinated Agreements” require that the GSAs in a basin coordinate and utilize the same data and methodologies (e.g., groundwater elevation data, groundwater extraction data, surface water supply, total water use, change in groundwater storage, water budget, sustainable yield) for their GSP. However, all of the GSAs in the four subbasins have committed to work towards developing and submitting a single GSP in each subbasin.

Another important consideration for GSA formation is whether to adjust basin boundaries. The existing subbasins were a reasonable starting point for managing groundwater. However, it is well-recognized that many of the subbasins boundaries do not reflect hydrology or provide for sustainable groundwater management. SGMA recognized this and allows local agencies to request that DWR adjust basin boundaries. DWR has opened a process for agencies to request basin boundary modifications until June 30, 2018. A number of GSAs (e.g., Chico and Tehama County) are considering whether to request basin boundary modifications. Butte County has submitted a letter of Intent to DWR for the for the City of Oroville to modify the Wyandotte Creek Subbasin boundary.

### Governance Concepts

There are two governance concepts under consideration:

#### 1. Centralized GSA

Under a centralized model, a new GSA (Joint Powers Authority) would be formed by the existing GSAs through the Joint Powers Act. The Joint Powers Authority (JPA) would cover the entire subbasin and assume all of the SGMA authorities. The local agencies would retain their existing authorities. For example, the City of Oroville would retain its land use and police powers. A centralized JPA would

offer an advantage for consistency in rules and fees, particularly because it would avoid overlapping and inconsistent fee assessments or rules if the basin were governed by multiple GSAs. At this point, we do not anticipate a need for fees to develop and implement the GSP. Individual projects and actions would require separate funding. The JPA would not employ staff. However, member agencies would contribute in-kind staff and other resources. The JPA would be authorized to hire professional consults. The centralized JPA option offers the most efficient and cost effective management and oversight. Data management and modeling would be streamlined. Most subbasins with more than one GSA have formed a single GSA through a JPA. A centralized JPA affords an opportunity for non-public agency beneficial users (e.g. agricultural groundwater pumpers, domestic well users) to participate on the JPA.

## 2. Hybrid Model

Under the hybrid model, the existing GSAs would retain their GSA status and coordinate the development of a single GSP through a Joint Powers Agreement. In the Joint Powers Agreement, the GSAs would retain some of the SGMA authorities and share some of the SGMA authorities through the formation of a new agency. This concept was employed in a limited number of subbasins. It offers some flexibility. However, it requires more responsibility and cost for individual GSAs. The opportunities for non-public agency beneficial users to participate is unclear.

There are common elements of both governance concepts. All of the GSA managers affirmed a commitment to establishing an equitable representation of all GSAs. There is envisioned a management committee that would be comprised of a staff member from each of the local public agencies. The management committee would be responsible for staffing the governing board and advisory committees. There may be stakeholder advisory committees and technical advisory committees to provide input on the development of the GSP. Finally, the GSP regulations allow for the creation of Management Areas as part of the GSP. Within a designated Management Areas, local considerations can be given to setting:

- Different minimum thresholds
- Measurable objectives
- Monitoring
- Projects and management actions

Management Areas provide for local autonomy on setting sustainable criteria and solutions. Management Areas are analogous to subinventory units that are utilized in the Butte County Basin Management Objective program.

### Wyandotte Creek Subbasin Status

In the Wyandotte Creek subbasin, the GSAs include Butte County, the City of Oroville and the Yuba County Water Agency (YWCA). The managers of Wyandotte Creek

GSA's have been meeting on a monthly basis since December 2017. Basin boundary modifications are under consideration. The City of Oroville is considering a basin modification to move the portion of the City of Oroville from the East Butte Subbasin into the Wyandotte Creek Subbasin. In conjunction with the City of Oroville, the Thermalito Water and Sewer District is considering a basin modification that would move them from the East Butte subbasin to the Wyandotte Creek subbasin. Additionally, the YCWA is considering a basin modification to move the portion of YCWA from the Wyandotte Creek subbasin into the North Yuba subbasin. YCWA made a similar proposal to DWR in 2015. The GSA managers have agreed to that forming a single GSA through a Joint Powers Authority (JPA) would be the most effective and efficient governance structure. The JPA would afford the opportunity to appoint stakeholders (e.g., agricultural groundwater pumper, domestic well user) to the governing board. The Wyandotte Creek GSA's are planning to hold a public workshop May 3<sup>rd</sup>, 2018.

### Guiding Principles

In preparing of a legal agreement, the facilitators have used the process of developing guiding principles. Based on the discussions with other GSA managers, staff have identified the following set of guiding principles for the Vina subbasin. These guiding principles would be applicable to the other subbasins, such as the Wyandotte Creek Subbasin:

- GSA's intend to work together in mutual cooperation to develop and implement a GSP for the Vina subbasin in compliance with SGMA;
- GSA's affirm a commitment to establishing an equitable representation of all GSA's;
- Agricultural groundwater pumpers should have representative on the governing board and consideration should be given to other groundwater users such as a domestic well users.
- GSA's are mutually responsible for the sustainability of the basin, however, landowners in one area will not be responsible to remedy the problems that occurring in other areas;
- As is consistent with Water Code section 10720.5(b), SGMA does not determine or alter surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights.
- All groundwater users in the Vina subbasin have an equal stake for sustainability in the basin.
- The intent of governance in the Vina subbasin is to seek a cost effective, practicable approach to SGMA implementation that takes advantage of economies of scale.
- Neither a GSA nor a JPA will have the authority to limit or interfere with the respective GSA rights and authorities over their own internal matters, including, but not limited to, a GSA's legal rights to surface water supplies and assets,

groundwater supplies and assets, facilities, operations, water management and water supply matters.

- By entering into a JPA, GSAs make no commitments to share or otherwise contribute their water supply assets as part of the development or implementation of a GSP.
- The JPA will not have authority to modify or limit a GSAs' police powers, land use authorities, or any other authority.
- Each GSA shall be individually responsible for its own covenants, obligations, and liabilities.
- No GSA shall be under the control of or shall be deemed to control any other GSA.
- No GSA shall not be precluded from independently pursuing any of the activities contemplated in the JPA.
- No GSA shall be the agent or have the right or power to bind any other GSA.

### Conclusion

The governance discussions in the Wyandotte Creek subbasins is proceeding with the support from a professional facilitator. Governance options will be presented at a public workshop on May 3<sup>rd</sup>, 2018 for Wyandotte Creek subbasin. The governance concepts and related guiding principles are presented for informational purposes and to provide the City Council with an opportunity to provide direction to staff, if needed.

### **FISCAL IMPACT**

The JPA would not employ staff. However, member agencies would contribute in-kind staff and other resources in addition to the Proposition 1 grant award received for the development of the Groundwater Sustainable Plan.

### **RECOMMENDATIONS**

Review and provide direction, as necessary.

### **ATTACHMENTS**

- A – Proposed Modified Subbasin Boundaries
- B – Wyandotte Creek Draft Governance Diagram
- C – Wyandotte Creek Draft JPA agreement



## MEMORANDUM

DATE: February 26, 2018

TO: Butte County Board of Supervisors

FROM: Paul Gosselin, Director

RE: Sustainable Groundwater Management Act (SGMA) Status

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On September 16, 2014, Governor Brown signed into law a package of bills (SB1168, AB1739 and SB1319) collectively called the Sustainable Groundwater Management Act (SGMA). SGMA provided for local public agencies with land use, water management or water supply the opportunity to be Groundwater Sustainability Agencies (GSA) with the responsibility for developing and implementing Groundwater Sustainability Plans (GSP). GSPs must evaluate the sustainability of the basin and identify actions that will be implemented to achieve sustainability over a 20 year period. There are four subbasins (Vina, West Butte, East Butte and Wyandotte Creek) in Butte County subject to SGMA. GSPs in the four subbasins must be submitted by January 30, 2022. Failure to meet the deadline would subject the subbasin to intervention by the State Water Resources Control Board.

All of the subbasins met the June 30, 2017 deadline of having the entire subbasin covered by one or more GSA. Most of the eligible local public agencies including Butte County elected to be a GSA. All of the GSAs have committed to work towards developing and submitting a single GSP in each subbasin. To achieve this goal, a governance structure must be developed in each subbasin. A facilitated process is being conducted in each subbasin to develop a governance structure for the purpose of preparing and implementing GSPs.

The discussions in the West Butte and East Butte subbasin are in preliminary stages while the discussions in the Vina and Wyandotte Creek subbasins have resulted in two governance concepts. The following describes the governance concepts in these subbasins. These concepts will be presented to the public for input in the spring. Based on public input, the GSA managers will bring a governance recommendation to our respective governing boards. The status of the governance concepts are presented

for informational purposes and to provide the Board of Supervisors with an opportunity to provide direction to staff, if needed.

### Background

SGMA provides a range of options for local public agencies to form GSAs. More than one local public agency may elect to be a GSA in a subbasin. There are numerous options for coordination among GSAs in a subbasin. Local public agencies could designate themselves as a GSA, or agree to form a GSA in combination with other local agencies. For example, each county, water district and city could designate itself as a GSA or some could join together to form a GSA. Coordination among local agencies may occur through a joint powers agreement, memorandum of agreement or other legal agreement. [Water Code § 10723.6(a)]. Whether a basin contains one GSA or many, a wide variety of options are allowed for the development and implementation of a GSP within the basin. Basins could be covered by a single GSP submitted by one GSA, a single GSP submitted on behalf of multiple GSAs, or multiple GSPs submitted by multiple GSAs. In circumstances when multiple GSPs are submitted by multiple GSAs, the GSAs must have a “Coordinated Agreement”. The “Coordinated Agreements” require that the GSAs in a basin coordinate and utilize the same data and methodologies (e.g., groundwater elevation data, groundwater extraction data, surface water supply, total water use, change in groundwater storage, water budget, sustainable yield) for their GSP. However, all of the GSAs in the four subbasins have committed to work towards developing and submitting a single GSP in each subbasin.

Another important consideration for GSA formation is whether to adjust basin boundaries. The existing subbasins were a reasonable starting point for managing groundwater. However, it is well-recognized that many of the subbasins boundaries do not reflect hydrology or provide for sustainable groundwater management. SGMA recognized this and allows local agencies to request that DWR adjust basin boundaries. DWR has opened a process for agencies to request basin boundary modifications until June 30, 2018. A number of GSAs (e.g., Chico, Tehama County, Oroville) are considering whether to request basin boundary modifications.

### Governance Concepts

There are two governance concepts under consideration:

1. Centralized GSA

Under a centralized model, a new GSA (Joint Powers Authority) would be formed by the existing GSAs through the Joint Powers Act. The Joint Powers Authority (JPA) would cover the entire subbasin and assume all of the SGMA authorities. The local agencies would retain their existing authorities. For example, Butte County would retain its land use, well permitting and police powers. A centralized JPA would offer an advantage for consistency in rules and fees,

particularly because it would avoid overlapping and inconsistent fee assessments or rules if the basin were governed by multiple GSAs. At this point, we do not anticipate a need for fees to develop and implement the GSP. Individual projects and actions would require separate funding. The JPA would not employ staff. However, member agencies would contribute in-kind staff and other resources. The JPA would be authorized to hire professional consults. The centralized JPA option offers the most efficient and cost effective management and oversight. Data management and modeling would be streamlined. Most subbasins with more than one GSA have formed a single GSA through a JPA. A centralized JPA affords an opportunity for non-public agency beneficial users (e.g, agricultural groundwater pumpers, domestic well users) to participate on the JPA.

## 2. Hybrid Model

Under the hybrid model, the existing GSAs would retain their GSA status and coordinate the development of a single GSP through a Joint Powers Agreement. In the Joint Powers Agreement, the GSAs would retain some of the SGMA authorities and share some of the SGMA authorities through the formation of a new agency. This concept was employed in a limited number of subbasins. It offers some flexibility. However, it requires more responsibility and cost for individual GSAs. The opportunities for non-public agency beneficial users to participate is unclear.

There are common elements of both governance concepts. All of the GSA managers affirmed a commitment to establishing an equitable representation of all GSAs. There is envisioned a management committee that would be comprised of a staff member from each of the local public agencies. The management committee would be responsible for staffing the governing board and advisory committees. There may be stakeholder advisory committees and technical advisory committees to provide input on the development of the GSP. Finally, the GSP regulations allow for the creation of Management Areas as part of the GSP. Within a designated Management Areas local considerations can be given to setting:

- Different minimum thresholds
- Measurable objectives
- Monitoring
- Projects and management actions

Management Areas provide for local autonomy on setting sustainable criteria and solutions. Management Areas are analogous to subinventory units that are utilized in the Butte County Basin Management Objective program.



### Vina Subbasin Status

The GSAs in the Vina subbasin include Butte County, the City of Chico, Rock Creek Reclamation District and the Tehama Flood Control and Water Conservation District. The managers of the Vina GSAs have been meeting on a monthly basis and have held monthly public workshops since December 2017. Tehama County is considering to request a basin boundary modification along the county line. The City of Chico is considering a basin boundary modification that would incorporate all of the city into the Vina subbasin. Currently about a third of the city is in the West Butte subbasin. GSA managers wanted to evaluate two governance options: (1) retain single GSA statuses and coordinate on development of one GSP; (2) create a multi-agency GSA that would establish a Joint Powers Agency. The Vina GSA managers discussed the inclusion of different options to involve stakeholders, acknowledging that particularly given the Vina subbasin's reliance on groundwater that all are affected by the SGMA. Butte County reaffirmed its commitment to include an agricultural groundwater pumper on the governance board (Resolution 17-170). A public workshop on governance options for the Vina subbasin is scheduled for April 26<sup>th</sup> from 6-8PM at the Chico Masonic Center, 1110 W. East Ave, Chico.

### Wyandotte Creek Subbasin Status

In the Wyandotte Creek subbasin, the GSAs include Butte County, the City of Oroville and the Yuba County Water Agency. The managers of Wyandotte Creek GSAs have been meeting on a monthly basis since December 2017. Basin boundary modifications are under consideration. The YCWA is considering a basin modification to move the portion of YCWA from the Wyandotte Creek subbasin into the North Yuba subbasin. YCWA made a similar proposal to DWR in 2015. Additionally, the Thermalito Water and Sewer District is considering a basin modification that would move them from the East Butte subbasin to the Wyandotte Creek subbasin. The GSA managers have agreed to that forming a single GSA through a Joint Powers Authority (JPA) would be the most effective and efficient governance structure. The JPA would afford the opportunity to appoint stakeholders (e.g., agricultural groundwater pumper, domestic well user) to the governing board. The Wyandotte Creek GSAs are planning to hold a public workshop in the first week of May.

### Guiding Principles

In preparing of a legal agreement, the facilitators have used the process of developing guiding principles. Based on the discussions with other GSA managers, staff have identified the following set of guiding principles for the Vina subbasin. These guiding principles would be applicable to the other subbasins:

- GSAs intend to work together in mutual cooperation to develop and implement a GSP for the Vina subbasin in compliance with SGMA;
- GSAs affirm a commitment to establishing an equitable representation of all GSAs;
- Agricultural groundwater pumpers should have representative on the governing board and consideration should be given to other groundwater users such as a domestic well users.
- GSAs are mutually responsible for the sustainability of the basin, however, landowners in one area will not be responsible to remedy the problems that occurring in other areas;
- As is consistent with Water Code section 10720.5(b), SGMA does not determine or alter surface water rights or groundwater rights under common law or any provision of law that determines or grants surface water rights.
- All groundwater users in the Vina subbasin have an equal stake for sustainability in the basin.
- The intent of governance in the Vina subbasin is to seek a cost effective, practicable approach to SGMA implementation that takes advantage of economies of scale.
- Neither a GSA nor a JPA will have the authority to limit or interfere with the respective GSA rights and authorities over their own internal matters, including, but not limited to, a GSA's legal rights to surface water supplies and assets, groundwater supplies and assets, facilities, operations, water management and water supply matters.
- By entering into a JPA, GSAs make no commitments to share or otherwise contribute their water supply assets as part of the development or implementation of a GSP.
- The JPA will not have authority to modify or limit a GSAs' police powers, land use authorities, or any other authority.
- Each GSA shall be individually responsible for its own covenants, obligations, and liabilities.
- No GSA shall be under the control of or shall be deemed to control any other GSA.
- No GSA shall not be precluded from independently pursuing any of the activities contemplated in the JPA.
- No GSA shall be the agent or have the right or power to bind any other GSA.

### Conclusion

The governance discussions in the four subbasins are proceeding with the support from professional facilitators. Governance options will be presented at a public workshop on April 26<sup>th</sup> for the Vina subbasin and in May for the Wyandotte Creek subbasin. The governance concepts and related guiding principles are presented for informational purposes and to provide the Board of Supervisors with an opportunity to provide direction to staff, if needed.

**JOINT EXERCISE OF POWERS AGREEMENT  
ESTABLISHING THE WYANDOTTE CREEK GROUNDWATER SUSTAINABILITY  
AGENCY**

This JOINT EXERCISE OF POWERS AGREEMENT (“Agreement”) establishing the Wyandotte Creek Groundwater Sustainability Agency is made and entered into and effective this \_\_\_\_\_ day of \_\_\_\_\_, 2018 (“Effective Date”) by and among the public agencies listed on the attached Exhibit A (Members) for the purpose of forming a Groundwater Sustainability Agency (“GSA”) and achieving groundwater sustainability in the Wyandotte Creek Groundwater Subbasin (“Basin”).

**Recitals**

**WHEREAS**, in the fall of 2014, the California legislature adopted, and the Governor signed into law, three bills (SB 1168, AB 1739, and SB 1319) collectively referred to as the “Sustainable Groundwater Management Act” (“SGMA”), that initially became effective on January 1, 2015, and that has been amended from time-to-time thereafter; and

**WHEREAS**, the stated purpose of SGMA, as set forth in California Water Code section 10720.1, is to provide for the sustainable management of groundwater basins at a local level by providing local groundwater agencies with the authority, and technical and financial assistance necessary, to sustainably manage groundwater; and

**WHEREAS**, SGMA requires the designation of Groundwater Sustainability Agencies (“GSAs”) for the purpose of achieving groundwater sustainability through the adoption and implementation of Groundwater Sustainability Plans (“GSPs”) or an alternative plan for all medium and high priority basins as designated by the California Department of Water Resources (“DWR”); and

**WHEREAS**, each Member is a local agency, as defined by SGMA (Division 2, Part 2.74 (commencing with §10720), Part 5 (commencing with §4999), Part 5.1 (commencing with §5100) and Part 5.2 (commencing with §5200) of the California Water Code Section *et seq.*; “SGMA”), duly organized and existing under and by virtue of the laws of the State of California, and each Member has water supply, water management or land use responsibilities within the Wyandotte Creek Subbasin, which is designated basin number 5-021.69 in the DWR Bulletin Number 118 (update 2016); and

**WHEREAS**, Section 10720.7 of SGMA requires all basins designated as high or medium priority basins by the Department of Water Resources (“DWR”) in its Bulletin 118 be managed under groundwater sustainability plans or coordinated groundwater sustainability plans pursuant to SGMA; and

**WHEREAS**, The Members have determined that the sustainable management of the Basin pursuant to SGMA may best be achieved through the cooperation of the Members operating through a joint powers agency; and

**WHEREAS**, in order to promote efficiency and sharing of resources, the Members, individually and collectively, encourage coordination between GSAs in Butte County; and

**WHEREAS**, the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the California Government Code; the “Act”), authorizes two or more public agencies to, by agreement, jointly exercise any power held in common by agencies entering into such an agreement and to exercise additional powers granted under the Act; and

**WHEREAS**, based on the foregoing legal authority, the Members desire to create joint powers agency for the purpose of taking all actions deemed necessary by the joint powers agency to ensure sustainable management of the Basin as required by SGMA; and

**WHEREAS**, the governing board of each Member has determined it to be in the Member’s best interest and in the public interest that this Agreement be executed;

**NOW THEREFORE,**

In consideration of the matters recited and the mutual promises, covenant, and conditions set forth in this Agreement, the Members hereby agree as follows:

**TERMS OF AGREEMENT**

**ARTICLE 1. DEFINITIONS**

As used in this Agreement, unless context requires otherwise, the meanings of the terms set forth below shall be as follows:

1.1. “Act” means the Joint Exercise of Powers Act, set forth in Chapter 5 of Division 7 of Title 1 of the Government Code, sections 6500, *et seq.*, including all laws supplemental thereto.

1.2. “Agency” means the Wyandotte Creek Groundwater Sustainability Agency.

1.3. “Agreement” means this joint powers agreement, which creates the Wyandotte Creek Groundwater Sustainability Agency.

1.4. “Basin” means the Wyandotte Creek Subbasin, as shown on the map attached to this Agreement as Exhibit A, which is incorporated herein by this reference, and as more particularly described in Exhibit B, as attached hereto and incorporated herein by this reference.

1.5. “Board of Directors” or “Board” means the governing body of the Agency as established by Article 7 of this Agreement.

1.6. “Board Member” or “Director” shall mean a member of the Agency’s Board of Directors.

1.7. “Committee” shall mean any committee established pursuant to Article 11 of this Agreement.

1.8. “Effective Date” means the date on which the last Member executes this Agreement.

1.9. “Fiscal Year” means July 1 through June 30.

1.10. “GSA” shall mean a groundwater sustainability agency.

1.11. “GSP” shall mean a groundwater sustainability plan.

1.12. “Member” has the meaning assigned to it in the Preamble and further means each party to this Agreement that satisfies the requirements of section 6.1 of this Agreement, including any new members as may be authorized by the Board pursuant to Section 6.2 of this Agreement.

1.13. “Member Director” means a director or alternate director appointed by a Member pursuant to Article 7 of this Agreement.

1.14. “Member’s Governing Body” means the board of directors or other voting body that controls the individual public agencies that are Members.

1.15. “SGMA” has the meaning assigned to it in the first Recital of the Agreement.

1.16. “Special Project” means a project undertaken by some, but not all Members of the Agency, pursuant to Article 14 of this Agreement.

1.17. “Stakeholder Director” means a Director appointed pursuant to Article 6 that represents stakeholder interests.

1.18. “State” means the State of California.

## **ARTICLE 2. THE AGENCY**

2.1. Upon the effective date of this Agreement, Wyandotte Creek Groundwater Sustainability Agency (“Agency”) is hereby created. Pursuant to the provisions of the Act, the Agency shall be a public agency separate from its Members.

2.2. The boundaries of the Agency shall be as shown on the map on Exhibit A, which is attached to this Agreement and incorporated herein by this reference. A specific description of the boundaries of the Agency is contained within Exhibit A, attached to this Agreement and incorporated herein by this reference. The boundary will reflect the most recent Bulletin 118 boundaries.

## **ARTICLE 3. PURPOSE OF THE AGENCY**

3.1. The purpose of this Agreement is to create a joint powers agency separate from its Members that will elect to be the GSA for the entire Basin. The purpose of the Agency is to (a) develop, adopt, and implement a GSP for the Basin in order to implement SGMA requirements and achieve the sustainability goals outlined in SGMA; and (b) involve the public and area stakeholders through outreach and engagement in developing and implementing the Wyandotte Creek Subbasin Groundwater Sustainability Plan.

## **ARTICLE 4. TERM**

4.1. This Agreement shall become effective upon execution by each of the Parties and shall continue in full force and effect until terminated pursuant to the provisions of Article 17.

## **ARTICLE 5. POWERS OF THE AGENCY**

5.1 Powers. The Agency shall possess the ability to exercise those powers specifically granted by the Act and SGMA. Additionally, the Agency shall possess the ability to exercise the common powers of its Members related to the purposes of the Agency, including, but not limited to, the following:

- 5.1.1 To designate itself the GSA for the Basin pursuant SGMA.
- 5.1.2 To develop, adopt and implement a GSP for the Basin pursuant to SGMA.
- 5.1.3 To adopt rules, regulations, policies, bylaws and procedures governing the operation of the Agency and adoption and implementation of a GSP for the Basin.
- 5.1.4 To adopt ordinances within the Basin consistent with the purpose of the Agency as necessary to implement the GSP and otherwise meeting the requirements of the SGMA.
- 5.1.6 To obtain legal, financial, accounting, technical, engineering, and other services needed to carry out the purposes of this Agreement.
- 5.1.7 To perform periodic reviews of the GSP including submittal of annual reports.
- 5.1.8 To require the registration and monitoring of wells within the Basin.
- 5.1.9 To issue revenue bonds or other appropriate public or private debt and incur debts, liabilities or obligations.
- 5.1.10 To exercise the powers permitted under Government Code section 6504 or any successor statute.
- 5.1.11 To levy taxes, assessments, charges and fees as provided in SGMA or otherwise provided by law.
- 5.1.12 To regulate and monitor groundwater extractions within the Basin as permitted by SGMA, provided that this Agreement does not extend to a Member's operation of its systems to distribute water once extracted or otherwise obtained, unless and to the extent required by other laws now in existence or as may otherwise be adopted.
- 5.1.13 To establish and administer projects and programs for the benefit of the Basin.

- 5.1.14 To cooperate, act in conjunction and contract with the United States, the State of California, or any agency thereof, counties, municipalities, special districts, groundwater sustainability agencies, public and private corporations of any kind (including without limitation, PUC regulated utilities and mutual water companies), and individuals, or any of them, for any and all purposes necessary or convenient for the full exercise of powers of the Agency.
- 5.1.15 To accumulate operating and reserve funds and invest the same as allowed by law for the purposes of the Agency and to invest funds pursuant to California Government Code section 6509.5 or other applicable State Law.
- 5.1.16 To apply for and accept grants, contributions, donations and loans under any federal, state or local programs for assistance in development or implementing any of its projects or programs for the purposes of the Agency.
- 5.1.17 To acquire by negotiation, lease, purchase, construct, hold, manage, maintain, operate and dispose of any buildings, property, water rights, works or improvements within and without the respective boundaries of the Members necessary to accomplish the purposes described herein.
- 5.1.18 To sue and be sued in the Agency's own name.
- 5.1.19 To exercise the common powers of its Members to develop, collect, provide and disseminate information that furthers the purposes of the Agency, including but not limited to the operation of the Agency and adoption and implementation of a Groundwater Sustainability Plan for the Basin, to the Members' legislative, administrative, and judicial bodies, as well as the public generally.
- 5.1.20 To perform all other acts necessary or proper to carry out fully the purposes of this Agreement.

5.2 Preservation of Powers. The Agency and all of its Members confirm that nothing contained herein shall grant the Agency any power to:

5.2.1 Alter any water right, contract right, or any similar right held by its Members, or amend a Member's water delivery practice, course of dealing, or conduct without the express consent of the holder thereof.

5.2.2 Limit or interfere with the respective Member's rights and authorities over their own internal matters, including, but not limited to, a GSA's legal rights to surface water supplies and assets, groundwater supplies and assets, facilities, operations, water management and water supply matters.

5.2.3 Modify or limit a Member's police powers, land use authorities, well permitting or any other authority.

5.3 Coordination between Basins. In order to maintain consistency and the efficient use of resources, to the extent feasible, the Agency shall strive to coordinate between and among the other adjoining subbasins for administration, matters involving public communication and outreach, and for developing frameworks to support groundwater management, which may include agreement to certain areas of coordination, provided that the Agency retain its own authority and that such recommendations are ratified by the Board. The Agency may clarify and acknowledge coordination among the other GSAs through a document or agreement if deemed appropriate.

## **ARTICLE 6. MEMBERSHIP**

6.1. Initial Members. The initial Members of the Agency shall be the County of Butte, City of Oroville, Thermalito Water and Sewer District, and South Feather Water and Power (pending).

6.2. New Members. Additional Parties may join the Agency and become a Member provided that the prospective new member: (a) is eligible to join a GSA as provided by SGMA (Water Code §10723), (b) possesses powers common to all other Members, (c) pays all previously incurred costs, if any, (e) pays all applicable fees and charges, if any, and (f) receives unanimous consent of the existing Members, evidenced by the execution of a written amendment to this Agreement signed by all Members, including the additional public agency.

## **ARTICLE 7. AGENCY DIRECTORS AND OFFICERS**

7.1. Formation of the Board of Directors. The Agency shall be governed and administered by a Board of Directors (“Board of Directors” or “Board”) which is hereby established and which shall be composed of one (1) voting seat per Member. The governing board shall be known as the “Board of Directors of the Wyandotte Creek Groundwater Sustainability Agency. All voting power shall reside in the Board. The Board shall consist of the following representatives, who shall be appointed in the manner set forth in Section 7:

7.1.1. One (1) representative appointed by the governing board of each Member, who shall be a member of the governing body of the Member (each, a “Member Director”).

7.1.2. Two (2) Stakeholder Directors, one of which shall be representative of agricultural stakeholders and interests within the Basin and one of which shall be representative of domestic well user stakeholders and interests within the Basin. The two (2) Stakeholder Directors shall meet the following qualifications:

(a) One (1) Agricultural Stakeholder Director. The Agricultural Stakeholder Director shall meet the following criteria, determined at the sole discretion of the Board Members: (1.a) own/ lease real property in active commercial agricultural production overlying the Basin or (1.b) be an employee of a commercial agricultural production operation overlying the basin involved with water use decisions and (2) the commercial agricultural production operation extracts groundwater from the Basin for the irrigation/frost protection of at least fifteen (15) acres of agricultural crops in commercial operation and (3) the Agricultural Stakeholder entity has sole commercial agricultural interests within the Sacramento Valley



Region . The Agricultural Stakeholder may not be a party to any pending litigation against the Agency or any of its Members.

(b) One (1) Non-Agricultural Domestic Well User Stakeholder Director. The Domestic Well User Stakeholder Director shall meet the following criteria, determined at the sole discretion of the Board Members: (1.a) own/ lease real residential property that is the stakeholder's primary residence overlying the Basin (2) extract from the Basin for domestic water use. The Domestic Well User Stakeholder may not be a party to any pending litigation against the Agency or any of its Members.

7.2. Duties of the Board of Directors. The business and affairs of the Agency, and all of the powers of the Agency, including without limitation all powers set forth in Article 6, are reserved to and shall be exercised by and through the Board of Directors, except as may be expressly delegated to others pursuant to this Agreement, Bylaws, or by specific action of the Board of Directors.

7.3. Appointment of Directors. The Directors shall be appointed as follows:

7.3.1. Member Directors. Each Member Director must sit on the governing board of the Member agency and be appointed by that governing board by resolution, which resolution shall be transmitted to the Chair of the Agency following adoption by the Member.

7.3.2. Stakeholder Directors. The two (2) Stakeholder Directors shall be appointed as follows:

(a) Agricultural Stakeholder Director. The Member Directors shall select the Agricultural Stakeholder Director from a list of qualified nominees submitted to the Member Directors pursuant to an open application process specified in the Bylaws. The Member Directors shall consider the nominees at a regular meeting and shall appoint the Agricultural Stakeholder Director upon simple majority vote of all Member Directors.

(b) Domestic Well User Stakeholder Director. The Member Directors shall confirm the nomination for the Domestic Well User Stakeholder Director from a list of qualified nominees submitted to the Member Directors pursuant to an open application process specified in the Bylaws. The Member Directors shall confirm the nominee at a regular meeting and shall appoint the Domestic Well User Stakeholder Director upon simple majority vote of all Member Directors.

7.4. Alternate Directors. Each Member may also appoint one Alternate Director to the Board of Directors, and an Alternate Director shall be appointed for each Stakeholder Director. All Alternate Directors shall be appointed in the same manner as set forth in Section 7.3. Alternate Directors shall have no vote, and shall not participate in any discussions or deliberations of the Board unless appearing as a substitute for a Director due to absence or conflict of interest. If the Director is not present, or if the Director has a conflict of interest which precludes participation by the Director in any decision-making process of the Board, the Alternate Director appointed to act in his/her place shall assume all rights of the Director, and shall have the authority to act in his/her absence, including casting votes on matters before the Board. Each Alternate Director shall be appointed prior to the third meeting of the Board.

Alternate Directors are encouraged to attend all Board meetings and stay informed on current issues before the Board. Alternate Board Members have no vote at Board of Director meetings if the Board Member is present. If the Board Member is not present, the Alternate Board Member shall be entitled to participate in all respects as a regular Board Member.

7.5. Terms of Office. The term of office for each member of the Agency's Board of Directors is four (4) years. Each member of the Board of Directors shall serve at the pleasure of the appointing Member and may be removed from the Board of Directors by the appointing Members at any time. If at any time a vacancy occurs on the Board of Directors, a replacement shall be appointed to fill the unexpired term of the previous Board Member pursuant to this Article 7 and within ninety (90) days of the date that such position becomes vacant.

7.6. Removal of Board Members. Board Members and Alternate Board Members shall serve at the pleasure of their appointing Member's governing body and may be removed or replaced at any time. A Board Member that no longer meets the qualifications set forth in section 7.1.1 is automatically removed from the Agency Board of Directors. Upon removal of a Board Member, the Alternate Board Member shall serve as a Board Member until a new Board Member is appointed by the Member. Members must submit any changes in Board Member or Alternate Board Member positions to the Chair in writing and signed by the Member. A Stakeholder Director may be removed for failure to attend three (3) consecutive meeting or as a result of no longer meeting the qualifications set forth in Article 7 of this Agreement.

7.7. Vacancies. A vacancy on the Board of Directors shall occur when a Director resigns or reaches the end of that Director's term, as set forth in Section 7.5. For Member Directors, a vacancy shall also occur when he or she is removed by his or her appointing Member. For Stakeholder Directors, a vacancy shall also occur when the Stakeholder Director is removed, as set forth in Section 7.5. Upon the vacancy of a Member Director, the Alternate Director shall serve as Director until a new Director is appointed as set forth in Section 7.3 unless the Alternate Director is already serving as an Alternate Director in the event of a prior vacancy, in which case, the seat shall remain vacant until a replacement Director is appointed as set forth in Section 7.3. Members shall submit any changes in Director or Alternate Director positions to the Board of Directors by written notice signed by an authorized representative of the Member. The written notice shall include a resolution of the governing board of the Member directing such change in the Director or Alternative Director position.

7.8. Adjustment to Composition of the Board of Directors. Should the circumstances change in the future, any person or entity may petition the Members hereto to amend this Agreement so as to add or delete representatives to the Governing Board to accurately reflect groundwater production within the boundaries of the authority.

## **ARTICLE 8. AGENCY MEETINGS**

8.1. Initial Meeting. The initial meeting of the Agency's Board of Directors shall be called by the County of Butte and held in the (place and address), within 60 days of the effective date of this Agreement.

8.2. Time and Place. The Board of Directors shall provide in its adopted bylaws or by other means authorized or required by law for the time and place for holding regular meetings, at

least quarterly, and at such other times as determined by the Board of Directors.

8.3. Conduct. All meetings of the Governing Board shall be noticed, held, and conducted in accordance with the Ralph. M. Brown Act to the extent applicable. Board Members and Alternate Board Members may use teleconferencing in connection with any meeting in conformance with and to the extent authorized by the applicable laws.

## **ARTICLE 9. BOARD OF DIRECTORS VOTING**

9.1. Quorum. A majority of the members of the Board of Directors shall constitute a quorum for purposes of transacting business, except less than a quorum may vote to adjourn a meeting.

9.2. Director Votes. Each member of the Board of Directors of the Agency shall have one (1) vote. With the exception of fiscal items in section 9.3 and 9.4 below, an affirmative vote by a majority of all Board Members is required to approve any item. The Board of Directors shall strive for consensus of all members on items.

9.3. Supermajority Voting Requirement. A supermajority vote is three-fourths of the Directors. Items that require a supermajority vote to pass consist of the following, which may be amended from time to time by the Board by a supermajority, or as may otherwise be required by this Agreement or by law:

- Bylaws adoption, modification or alteration
- GSP adoption, modification or alteration
- Adoption of assessment, charges and fees
- Adoption of regulations and ordinances
- Adoption or modification of annual budget, including capital projects
- Property acquisition (excepting rights of way)
- Appointment of Treasurer, subject to the provisions in Article 12, Administrator, Plan Manager or General Counsel
- Decisions related to the establishment of the Members' funding obligations for payment of the Agency's operating and administrative costs. Or any amendments or modifications of Members' funding obligations
- Removal of External/Technical Advisory Committee Members
- Modifications to the composition and number of External/Technical Advisory Committee Members
- Minor administrative amendments to this Agreement not subject to Section xx

9.4. Voting on Annual Contributions. Any change in annual contributions necessary to support the work of the Agency shall require an affirmative vote by a majority of all the Member Directors and all Stakeholder Directors contributing annual dues.

## **ARTICLE 10. OFFICERS**

10.1. Officers. The Board of Directors shall select a Chair and Vice-Chair and any other officers as determined necessary by the Board of Directors.

10.1.1. The Chair shall preside at all Board Meetings.

10.1.2. The Vice-Chair shall act in place of the Chair at meetings should the Chair be absent.

10.1.3. All Officers shall be chosen at the first Board of Directors meeting and serve a term for two (2) years. An Officer may serve for multiple consecutive terms. Any Officer may resign at any time upon written notice to the Agency.

## **ARTICLE 11. COMMITTEE FORMATION**

11.1 Management Committee. There shall be established by the Board of Directors a committee comprised of at least one (1) staff representative from each Member. The Management Committee shall exist for the term specified in the action establishing the committee, shall meet as directed by the Board of Directors, and shall recommend agenda items, proposed action for the Board of Directors and approve staff reports to the Board of Directors.

11.2 Internal Committee Formation. There shall be established such internal committees as the Board of Directors shall determine from time to time. Each such internal committee shall be comprised of two (2) Directors, shall exist for the term specified in the action establishing the committee, shall meet as directed by the Board of Directors, and shall make recommendations to the Board of Directors on the various activities of the Agency.

11.3. Stakeholder Advisory Committee Formation. The Board of Directors shall establish, an advisory committee comprised of diverse social, cultural, and economic elements of the population and area stakeholders within the Basin. The Board of Directors shall encourage the active involvement of the advisory committee(s) prior to and during the development and implementation of the Groundwater Sustainability Plan. The Board of Directors will ensure that at least one (1) member from the Management Committee administers advisory committee(s). The advisory committee shall meet as directed by the Board of Directors and as specified in Appendix A, and shall make recommendations to the Board of Directors as requested.

11.4. Technical Working Groups. There may be established by the Management Committee technical working groups from time to time, the purpose of which shall be to provide advice to the Management Committee on issues of a technical nature related to the activities of the Agency. The Board of Directors will ensure that at least one (1) member from the Management Committee administers technical working groups.

## **ARTICLE 12. OPERATIONS AND MANAGEMENT**

### **12.1 Administrator and Plan Manager**

12.1.1 Administrator: The Board may appoint an Administrator, from time-to-time and when it seems appropriate. If appointed, the Administrator shall serve at the pleasure of the Board of Directors and his/her duties and responsibilities shall be set forth by the Board in their bylaws or actions.

12.1.2 Plan Manager: The Board shall appoint a Plan Manager. The Administrator and Plan Manager may be the same individual. The Plan Manager shall serve at the pleasure of

the Board of Directors and his/her duties and responsibilities shall be set forth by the Board.

12.2 Treasurer and Controller. The County of Butte shall act as treasurer and controller for the Agency. The controller of the Agency shall cause an independent audit of the Agency's finances to be made by a certified public accountant in compliance with California Government Code section 6505. The treasurer of the Agency shall be the depositor and shall have custody of all money of the Agency from whatever source. The controller of the Agency shall draw warrants and pay demands against the Agency when the demands have been approved by the Agency or any authorized representative pursuant to any delegation of Agency adopted by the Agency. The treasurer and controller shall comply strictly with the provisions of statutes relating to their duties found in Chapter 5 (commencing with section 6500) of Division 7 of Title 1 of the California Government Code.

12.2. Legal Counsel and Other Officers. The Board of Directors may appoint legal counsel who shall serve at the pleasure of the Board. Subject to the limits of the Agency's approved budget, the Board shall also have the power to appoint and contract for the services of other officers, consultants, advisers and independent contractors as it may deem necessary or convenient for the business of the Agency, all of whom shall serve at the pleasure of the Board. The appointed General Legal Counsel and other appointed officers of the Agency may be employees or contractors of one or more of the Members, in accordance with Section 12.3. Appointment of a General Legal Counsel from among Member employees or contractors shall be subject to all applicable Rules of Professional Responsibility, and notwithstanding anything to the contrary in this Agreement, each of the Members expressly reserve and do not waive their rights to approve or disapprove of potential conflicts of Agency General Legal Counsel.

12.3 Employees and Management. The Agency will not have any employees. In lieu of hiring employees, the Agency may engage one or more Members to manage any or all of the business of the Agency on terms and conditions acceptable to the Board of Directors. Any Member so engaged shall have such responsibilities as set forth in an agreement for such Member's services, which shall be approved by a super-majority vote of the Directors. The Agency shall have the power to employ competent registered civil engineers and other consultants to investigate and to carefully devise a plan or plans to carry out and fulfill the objects and purposes of SGMA, and complete a GSP.

12.4 Principal Office. At the initial meeting of the Board, the Board shall establish a principal office for the Agency, which shall be located at a place overlying the Basin. The Board may change the principal office from time to time so long as that principal office remains at a location overlying the Basin.

12.5 Bylaws. The Board shall adopt Bylaws governing the conduct of the meetings and the day-to-day operations of the Agency within six months of the Effective Date of this Agreement.

12.6 Official Seal and Letterhead. The Board may adopt, and/or amend, an official seal and letterhead for the Agency.

12.7 Conflict of Interest Code. The Board shall adopt and file a Conflict of Interest Code pursuant to the provisions of the Political Reform Act of 1974 within six months of the

Effective Date. The Board may review and revise the Conflict of Interest Code from time to time as appropriate or when required by law.

## **ARTICLE 13. SPECIFIC PROJECTS**

13.1. Projects. The Agency intends to carry out activities in furtherance of its purposes and consistent with the powers established by the Agreement with the participation of all Members.

13.2. Member Specific Projects. In addition to the general activities undertaken by all Members of the Agency, the Agency may initiate specific projects or litigation that involves less than all Members. No Member shall be required to be involved in a Project that involves less than all the Members.

13.3. Project Agreement. Prior to undertaking any project or litigation that does not involve all Member Agencies, the Members electing to participate in the Project shall enter into a Project Agreement. A Member may elect not to participate in a specific project or litigation matter by providing notice and not entering into the Project Agreement specific to the matter in which the Member has elected not to participate. Each Project Agreement shall provide the terms and conditions by which the Members that enter into the Project Agreement will participate in the Project. All assets, rights, benefits, and obligations attributable to the Project shall be assets, rights, benefits, and obligations of those Members which have entered into the Project Agreement. Any debts, liabilities, obligations, or indebtedness incurred by the Agency in regard to a particular Project shall be the debts, liabilities, obligations, and indebtedness of those Members who have executed the Project Agreement in accordance with the terms thereof and shall not be the debts, liabilities, obligations, and indebtedness of those Members who have not executed the Project Agreement. Further, to the extent the Project is litigation, the Members who have not entered into the Project Agreement shall not be named or otherwise listed in the pleadings and/or appear on litigation materials.

13.4. Board of Directors Approval. The Board of Directors shall have the authority to disapprove any Project Agreement upon a determination that the Project Agreement has specific, substantial adverse impacts upon Members that have not executed the Project Agreement.

## **ARTICLE 14. FINANCIAL PROVISIONS**

14.1. Agency Funding and Contributions. In order to provide the needed capital to initially fund the Agency, the Agency shall be initially funded through a GSP grant awarded by the Department of Water Resources and through in-kind contributions of Members. In subsequent years and as needed, the Agency may be funded through additional voluntary contributions by Members and as otherwise provided in Chapter 8 of SGMA (commencing with section 10730 of the Water Code).

14.2. Budgets. Within ninety (90) days after the first meeting of the Governing Board of the Agency, and thereafter prior to the commencement of each fiscal year, the Board of Directors shall adopt a budget for the Agency for the ensuing fiscal year.

14.3. Long-Term Funding. Upon formation of the Agency, the Board of Directors shall work on the development, adoption and implementation of a long-term funding plan to cover the operating and administrative expenses of the Agency.

## **ARTICLE 15. LIABILITY AND INDEMNIFICATION**

15.1. Liability. The Members do not intend hereby to be obligated either jointly or severally for the debts, liabilities or obligations of the Agency, except as may be specifically provided for in California Government Code section 895.2, as amended or supplemented. Therefore unless and to the extent otherwise required by law or agreed to herein by the Members, in accordance with California Government Code section 6507 the debts, liabilities and obligations of the Agency shall not be the debts, liabilities or obligations of the Member entities. The Agency shall own and hold title to all funds, property and works acquired by it during the term of this Agreement.

15.2. Indemnification. Funds of the Agency may be used to defend, indemnify, and hold harmless the Agency, each Member, each Director, and any officers, agents and employees of the Agency for their actions taken within the course and scope of their duties while acting on behalf of the Agency. Other than for gross negligence or intentional acts, to the fullest extent permitted by law, the Agency agrees to save, indemnify, defend and hold harmless each Member from any liability, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorney's fees and costs, court costs, interest, defense costs, and expert witness fees, where the same arise out of, or are in any way attributable in whole or in part to, negligent acts or omissions of the Agency or its employees, officers or agents or the employees, officers or agents of any Member, while acting within the course and scope of a Member relationship with the Agency

## **ARTICLE 16. WITHDRAWAL AND TERMINATION**

16.1. Withdrawal. A Member may unilaterally withdraw from this Agreement without causing or requiring termination of this Agreement, effective upon sixty (60) days written notice to the remaining Members.

16.2. Termination of Agency. This Agreement may be rescinded and the Agency terminated by unanimous written consent of all Members, except during the outstanding term of any Agency indebtedness.

16.3. Effect of Withdrawal or Termination. Upon termination of this Agreement or unilateral withdrawal, a Member shall remain obligated to pay its share of all debts, liabilities and obligations of the Agency required of the Member pursuant to the terms of this Agreement which were incurred or accrued prior to the date of such termination or withdrawal, including without limitation, those debts, liabilities and obligations pursuant to Section 5. Any Member that withdraws from the Agency shall have no right to participate in the business and affairs of the Agency or to exercise any rights of a Member under this Agreement or the Act, but shall continue to share in distributions from the Agency on the same basis as if such Member had not withdrawn, provided that a Member that has withdrawn from the Agency shall not receive distributions in excess of the contributions made to the Agency while a Member. The right to

share in distributions granted under this section shall be in lieu of any right the withdrawn Member may have to receive a distribution or payment of the fair value of the Member's interest in the Agency.

16.4. Disposition of Agency Assets upon Termination.

16.4.1. Surplus Funds. Upon termination of this Agreement, any reserves or surplus money on-hand shall be returned to the Members in the same proportion said Members have funded such reserves or surplus, in accordance with California Government Code section 6512.

16.4.2. Agency Property. The Agency shall first offer any assets of the Agency for sale to the Members on terms and conditions determined by the Board of Directors. If no such sale to Members is consummated, the Board shall offer the assets of the Agency for sale to any non-member for good and adequate consideration on terms and conditions determined by the Board of Directors.

**ARTICLE 17. MISCELLANEOUS**

17.1. No Predetermination or Irretrievable Commitment of Resources. Nothing in this Agreement shall constitute a determination by the Agency or any of its Members that any action shall be undertaken or that any unconditional or irretrievable commitment of resources shall be made, until such time as the required compliance with all local, state, or federal laws, including without limitation the California Environmental Quality Act, National Environmental Policy Act, or permit requirements, as applicable, has been completed.

17.2. Notices. Notices hereunder shall be sufficient if delivered via electronic mail, First-Class mail or facsimile transmission to the addresses below:

County of Butte: Department of Water and Resource Conservation, 308 Nelson Ave, Oroville, CA 95965

City of Oroville: 1735 Montgomery Street, Oroville, CA 95965

Thermalito Water and Sewer District: 410 Grand Avenue, Oroville, CA 95965

South Feather Water and Power (pending): address

17.3. Amendment. This Agreement may be amended at any time, by mutual agreement of the Members, provided that before any amendments shall be operative or valid, it shall be reduced to writing and signed by all Members hereto.

17.4. Agreement Complete. This Agreement constitutes the full and complete agreement of the Members. This Agreement supersedes all prior agreements and understandings, whether in writing or oral, related to the subject matter of this Agreement that are not set forth in writing herein.

17.5. Severability. If any provision of this Agreement is determined to be invalid or unenforceable, the remaining provisions will remain in force and unaffected to the fullest extent



permitted by law and regulation.

17.6. Execution in Counterparts. The Parties intend to execute this Agreement in counterparts. It is the intent of the Parties to hold one (1) counterpart with single original signatures to evidence the Agreement and to thereafter forward four (4) other original counterparts on a rotating basis for all signatures. Thereafter, each Member shall be delivered an originally executed counterpart with all Member signatures.

17.7. Withdrawal by Operation of Law. Should the participation of any Member to this Agreement be decided by the courts to be illegal or in excess of that Member's authority or in conflict with any law, the validity of this Agreement as to the remaining Members shall not be affected thereby.

17.8. Assignment. The rights and duties of the Members may not be assigned or delegated without the written consent of all other Members. Any attempt to assign or delegate such rights or duties in contravention of this Agreement shall be null and void.

17.9. Binding on Successors. This Agreement shall inure to the benefit of, and be binding upon, the successors or assigns of the Members.

17.10. Other JPAs. Nothing in this Agreement shall prevent the Members from entering into other joint exercise of power agreements.

IN WITNESS WHEREOF, the parties hereto, pursuant to resolutions duly and regularly adopted by their respective governing boards, have caused their names to be affixed by their proper and respective officers as of the day and year first above written.

**County of Butte**

By: \_\_\_\_\_ Date: \_\_\_\_\_

xx, Chair

Board of Supervisors

**City of Oroville**

By: \_\_\_\_\_ Date: \_\_\_\_\_

xx, Mayor

City Council

**Thermalito Water and Sewer District**

By: \_\_\_\_\_ Date: \_\_\_\_\_

, President

Board of Directors

**Other Member (South Feather Water and Power—Pending)**

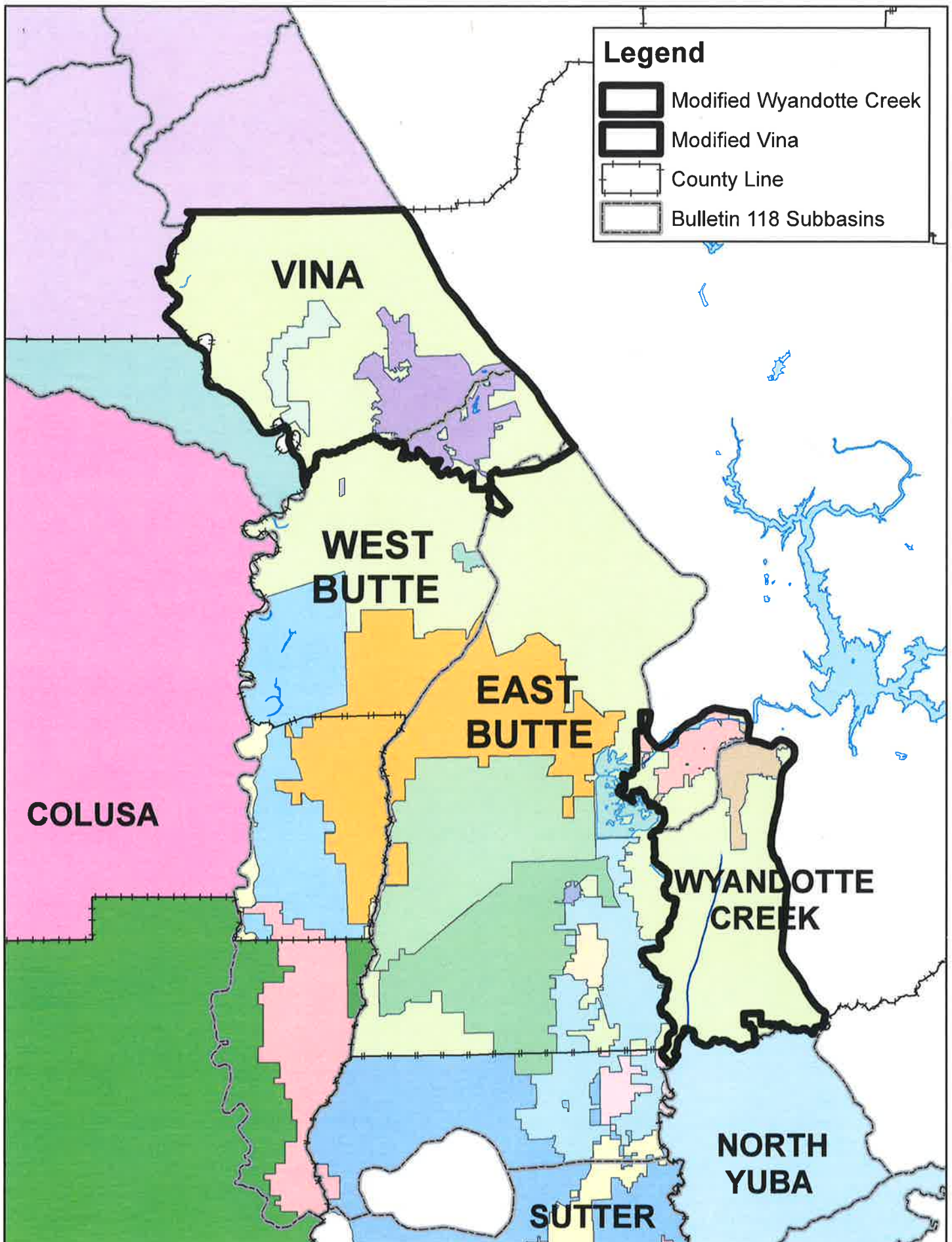
By: \_\_\_\_\_ Date: \_\_\_\_\_

, President

Board of Directors

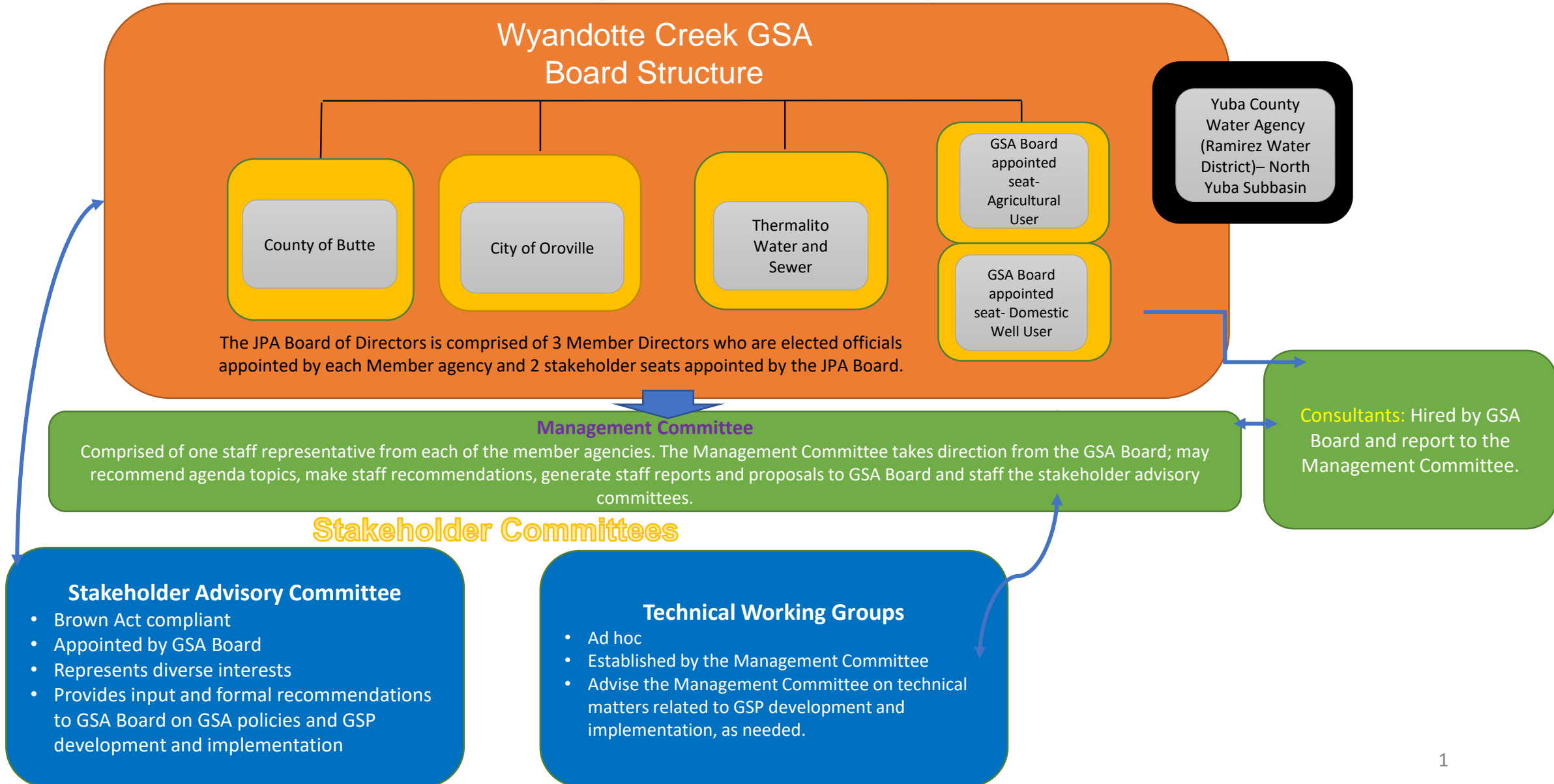
DRAFT

# Proposed Modified Subbasin Boundaries



# Wyandotte Creek DRAFT Governance Diagram

Multi-Agency GSA with eligible current and future eligible local agencies develops one GSP through Joint Powers Authority



**OROVILLE CITY COUNCIL  
STAFF REPORT  
May 1, 2018**

**TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS**

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

**RE: CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS**

**DATE: MAY 1, 2018**

**SUMMARY**

The City Council adopted the code of conduct in 2012. At the meeting of April 17<sup>th</sup>, the Council indicated it would like to amend the existing code to add the oath of office as a preamble. In addition, the revised code will be provided to all Council candidates and both existing Council members and those running for office will be asked to sign the code.

It is necessary for the Council to repeal Resolution No. 8003 and adopt the proposed Resolution No. 8695 to re-establish the Code of Conduct.

**DISCUSSION.**

The purpose of a 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.

**FISCAL IMPACT**

None

**RECOMMENDATIONS**

Adopt Resolution No. 8695, A Resolution of the Oroville City Council Repealing Resolution No. 8003 and Adopting A Code of Conduct relating to the Conduct of City Council Members, Commissioners, Various Other City Appointees, and Members of the Public.

**ATTACHMENTS**

Proposed Resolution No. 8695  
Oath of Office – Attachment A  
Code of Conduct – Attachment B

**CITY OF OROVILLE**

**RESOLUTION NO. 8695**

**A RESOLUTION REPEALING RESOLUTION NO. 8003 AND 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**

**WHEREAS**, it is the desire of the City Council 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.

**NOW, THEREFORE, BE IT 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 City's Oath of Office and Code of Conduct is attached to this Resolution and incorporated herein by reference.
2. The Mayor is hereby authorized and directed to execute this Resolution,
3. 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 May 1, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

APPROVED AS TO FORM:

ATTEST:

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

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

**AGENDA ITEM 6.2 - RESOLUTION**

OATH OR AFFIRMATION  
OF ALLEGIANCE

State of California

County of \_\_\_\_\_ } ss. X

City of \_\_\_\_\_

The Execution of this Oath is required by Article XX, Section 3, of the Constitution of the State of California.

I, \_\_\_\_\_ affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter for the

\_\_\_\_\_.

Subscribed and sworn to before me

this \_\_\_\_\_ day of \_\_\_\_, \_\_\_\_\_

# 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 always;
- 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.
  - 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.

**OROVILLE CITY COUNCIL  
STAFF REPORT  
May 1, 2018**

**TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS**

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

**RE: AMEND ORDINANCE 1761 DESIGNATING THE CITY  
ADMINISTRATOR AS THE APPOINTING AUTHORITY FOR THE CITY  
OF OROVILLE**

**DATE: MAY 1, 2018**

**SUMMARY**

The Council may consider amending City Ordinance 1761

**DISCUSSION**

To provide the Council with the necessary background to provide direction on the Personnel Officer position, staff has researched the origins of the position.

In 1960 the Oroville City Council adopted Ordinance 876, Rules and Regulations for employees. Ordinance 876 outlines personnel rules for the City of Oroville. In 1960 Cities had to establish rules and regulations as they did not exist in the form of Labor Law that now exist. Ordinance 876 outlines Discipline, Holidays, Injury leave, Overtime, Probationary periods and Sick leave among other policies and procedures.

As time passed, these rules were moved from an Ordinance to a Policy of Personnel Rules. Ordinance 876 granted the authority of hiring and dismissal to the City Administrator, with the exception of positions in the City that were outlined in the City Charter. Those positions included the Director of Finance, Chief of Police, Fire Chief, Planning Director, all positions that are now commonly referred to as Department Heads. Department Heads are all considered employees of the Council and service at the pleasure of the Council.

In 1987, the City Council repealed Ordinance 876 replacing it with Ordinance 1494. Ordinance 1494 removed the personnel rules and clarified specific duties of the City Administrator. Ordinance 1494 established the procedure for the adoption and regulation of personnel rules for the City. Ordinance 1494 left the City Administrator as the hiring and dismissal agent for the City, but reserved the Council's authority to itself to change, eliminate or modify these rules.

In 1999 the City Council Amended Ordinance 1494 via Ordinance 1624. Ordinance 1624 removed the authority to hire and dismiss employees from the City Administrator. The City Council created the position of Personnel Officer. The Personnel Officer was designated as the person responsible for administering the City personnel system. City Council reserved the authority to appoint this position for the Council.

In 2000 the City Council repealed Ordinance 1624 and replaced it with Ordinance 1630. Ordinance 1630 moved the authority to hire and dismiss employees and enforcement of the Personnel Rules back to the City Administrator.

In April of 2010 the City Council repealed Ordinance 1630 and replaced it with Ordinance 1757. Ordinance 1757 removed the authority to hire and dismiss employees and enforce the Personnel Rules from the City Administrator and granted the responsibility to the Fire Chief, with the requirement that the Fire Chief confer with the City Attorney prior to taking any action.

In September of 2010 the City Council repealed Ordinance 1757 and replaced it with Ordinance 1761. Ordinance 1761 placed the authority to hire and dismiss employees and enforcement of the Personnel Rules with the City Administrator.

In 2015 the Acting City Administrator asked the City Council to appoint the Director of Public Safety as the Acting Personnel Officer. Since 2015 the Public Safety Director has acted in this capacity. The 2018 Grand Jury report expressed concerns about the Public Safety Director, Bill LaGrone, wearing too many hats including that of Personnel Officer.

After reviewing all the Ordinances and following the changes, staff is requesting Council consider amending Ordinance 1761. Ordinance 1761 would simply place the authority to hire and dismiss employees with the City Administrator or the City Administrators designee, under the supervision and guidance of the City Administrator. See attached proposed amended Ordinance 1761 for additional details.

If Council approves this amendment to Ordinance 1761, the Interim City Administrator intends to designate Ms. Ehrenstrom, the Human Resource Manager. Ms. Ehrenstrom is the most qualified employee to administer these duties. Ms. Ehrenstrom would work under the supervision of the City Administrator who will provide input and guidance in this area.

### **FISCAL IMPACT**

None.

### **RECOMMENDATION**

Amend Ordinance 1761



**ATTACHMENTS**

Ordinance	876
Ordinance	1494
Ordinance	1624
Ordinance	1630
Ordinance	1757
Ordinance	1761
Amended Ordinance	1761

CITY OF OROVILLE

ORDINANCE NO. 876

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR EMPLOYEES OF THE CITY OF OROVILLE

The City Council of the City of Oroville do ordain as follows:

Section 1. ADMINISTRATION.

(a) Hiring and dismissal of City personnel shall be under the direction of the City Administrator, other than as specifically provided in the Charter of the City of Oroville. The City Administrator, in carrying out duties in this respect, shall take into consideration the suggestions and recommendations of the department heads, keeping in mind the qualifications required for handling the specific job.

(b) The City Clerk shall keep a record of vacations, sick leave, injury leave, overtime and other matters affected by these personnel rules.

(c) The City Administrator shall be charged with carrying out the provisions of these rules.

Section 2. DISCIPLINARY ACTION

(a) An employee may discuss any matter with his department head or the City Administrator, however, it is suggested that any complaints about work or discipline should be talked over first with the department head and then, if necessary, with the City Administrator to try to arrive at a solution to the problem. If these approaches do not bring satisfaction, the City Administrator will review the matter with the Executive Committee of the City Council, at which time appropriate action will be taken as deemed necessary by the committee.

(b) Discipline shall include admonitions and warnings, suspension without pay, and dismissal.

Section 3. EMERGENCY LEAVE

(a) Any employee may be granted by the City Administrator, upon recommendation of the department head, an emergency leave of three days with pay for death, personal injury, or other catastrophe in his immediate family. If more than three days are needed more time may be allowed utilizing earned sick leave. (See sick leave).

Section 4. HOLIDAYS

(a) The following days are hereby declared to be official holidays:

New Years Day	Labor Day
Washington's Birthday	Thanksgiving
Memorial Day	Christmas
July 4th	

(b) In all departments of the City that cannot be closed for business at any time, said holidays shall be allowed to accumulate to the credit of the employees of such departments and allowed as additional vacation or time off from work at a time when additional help can be procured.

(c) The City Clerk's Office, the City Assessor's Office, the City Tax Collector's Office, City Engineer's Office, City Library, and the City Attorney's Office shall continue to be granted such additional holidays as have been granted in the past to such offices.

(d) When a holiday falls within an employee's regular vacation, it shall be considered a holiday and not as vacation, etc., and other adjustments shall be made accordingly.

Section 5. INJURY LEAVE

(a) Employees injured on the job will be kept on the payroll for a period of thirty (30) days. After Workmen's Compensation begins (after <sup>3 days</sup> one week) the City will pay to the individual only the difference between Compensation payments and the regular salary.

(b) Any payments made after 30 days must be considered and authorized by the City Administrator.

Section 6. MISCELLANEOUS LEAVES OF ABSENCE

(a) An employee may be granted by the City Administrator upon recommendation of the department head a leave of absence without pay for the benefit of the employee, provided such leave does not interfere with regular City work.

Section 7. OVERTIME

(a) Employees required to work overtime will be paid at their regular rate of pay; <sup>1/2</sup> or equal time off may be granted at the mutual convenience of the City and the employee.

Section 8. PROBATIONARY PERIOD

(a) For the first six months an employee shall be considered on trial and during this time he will earn rights and privileges as a regular employee. However, he cannot use them or exercise them without specific permission from his department head or the City Administrator.

(b) If an employee leaves during his first six months he will have no right to earned vacation pay, appeal, or any other privilege available to a regular employee of the City.

Section 9. SICK LEAVE

(a) All full time employees shall earn sick leave at the rate of one (1) working day per month (cumulative to a maximum of sixty (60) days.) Sick leave shall not be considered as a privilege which an employee may use at his discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness or death in his immediate family, or to meet dental appointments, or to take physical examinations or other sickness prevention measures.

(b) To receive paid sick leave the employee shall notify his or her supervisor if possible before time to start work, but in any event, as soon as possible thereafter. Failure to do so may result in some penalty being imposed.

(c) Vacation time may be used as sick leave when requested by the employee. Sick leave at the discretion of the

employee's department head may be allowed in event of personal illness or incapacity of an employee or when the employee is required to attend a member of his or her immediate family who is sick or incapacitated.

(d) The City reserves the right to require competent proof of illness when desirable or necessary. Paid sick leave shall be used only for purposes stated above and no employee shall receive pay in lieu of unused sick pay.

(e) Unearned sick leave and vacation time may be used as sick leave up to two weeks of sickness only upon approval of the City Administrator. This privilege, when and if granted, will permit continued full pay while sick.

#### Section 10. VACATION

(a) Each employee shall earn two (2) calendar weeks of vacation per year at the rate of one working day for each month of employment. All vacations shall be taken at the mutual convenience of the City, as well as of the employee.

(b) If an employee leaves within the first six months of his employment he shall not have earned any vacation and shall not be permitted to take any vacation time off or be paid for it.

(c) (A new employee may use any earned vacation after nine months of service.) If an employee wishes to take a full two weeks of vacation between the ninth and twelfth month but has not earned it as yet, it must be specifically approved by the City Administrator.

(d) The employee with the longest service in each department shall have preference in choice of the time of his vacation, where possible.

(e) Vacation earned in one year may be postponed for one year to take two years earned vacation with the approval of the department head and the City Administrator. Vacations not taken when earned shall be paid for, but a signed statement

to this effect shall be attached to the City's copy of their pay voucher.

(f) After 15 years of work with the City an employee shall be entitled to three weeks of vacation.

(g) When an employee leaves the City's services, he shall be paid vacation pay only for earned vacation time remaining unused.

(h) Vacation time may be taken all at once or in any manner mutually satisfactory to the City and the individual.

(i) Saturday shall be considered a full day for purposes of computing vacation time used.

Section 11.

(a) All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 12.

(a) The Clerk shall attest to the adoption of this ordinance.

PASSED AND ADOPTED at a an adjourned regular meeting of the City Council of the City of Croville on the 15th day of June, 1960, by the following vote:

AYES: Buck, McKillop, Rosenberg, Savercool, Walsh, Weisker

NCES: None

ABSENT: Pittman

Conrad L. Weisker  
Mayor

ATTEST:

W. R. [Signature]  
City Clerk

Approved as to form:

Carl O. Ohmer  
City Attorney

1  
2 CITY OF OROVILLE  
3 ORDINANCE NO. 1494

4 AN ORDINANCE REPEALING ORDINANCE NO. 876 AND ENACTING  
5 ORDINANCE NO. 1494 ESTABLISHING A PERSONNEL SYSTEM

6 THE OROVILLE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

7 SECTION 1. Adoption of Personnel System: In order  
8 to establish an equitable and uniform system for dealing with  
9 personnel matters, and to comply with applicable laws relating  
10 to the administration of the personnel process, the following  
11 personnel system is hereby adopted.

12 SECTION 2. Definitions: The terms used to administer  
13 the personnel system shall be defined in the personnel rules.

14 SECTION 3. Administration: The City Administrator  
15 shall administer the city personnel system and may delegate any  
16 of the powers and duties to a Personnel Director or may delegate  
17 the appointing authority granted by the City Council to any  
18 other officer or employee of the City or may recommend that  
19 such powers and duties be performed under contract as provided  
20 in this ordinance. The City Administrator shall:

- 21 (a) Act as the appointing authority for the City, with the  
22 exception of those employees hired under a 5/7's vote  
23 of the City Council.  
24 (b) Administer all the provisions of this ordinance and of  
25 the personnel rules not specifically reserved to the  
26 City Council.  
27 (c) Prepare and recommend to the City Council personnel  
28 rules and revisions and amendments to such rules.  
(d) Prepare or cause to be prepared a position classifica-  
tion plan, including class specifications, and revisions  
of the plan.

////

- 1 (j) Any position primarily funded under a state or federal  
2 employment program.
- 3 (k) Employees not included in the competitive service under  
4 this section shall serve at the pleasure of their  
5 appointing authority.

6 SECTION 5. Adoption and Amendment of Rules: Personnel  
7 rules shall be adopted by resolution of the City Council. The  
8 rules may establish regulations governing the personnel system,  
9 including:

- 10 (a) Preparation, installation, revision, and maintenance of  
11 a position classification plan covering positions in  
12 the competitive service, including employment standards  
13 and qualifications for each class.
- 14 (b) Appropriate announcement of the selection process and  
15 acceptance of applications for employment.
- 16 (c) Preparation and conduct of tests and the establishment  
17 and use of resulting employment lists containing names  
18 of persons eligible for appointment.
- 19 (d) Certification and appointment of persons from employ-  
20 ment lists, and the making of provisional appointments.
- 21 (e) Establishment of probationary testing periods.
- 22 (f) Evaluation of employees during the probationary testing  
23 period and thereafter.
- 24 (g) Transfer, promotion, demotion, reinstatement, discipli-  
25 nary action and layoff of employees in the competitive  
26 service.
- 27 (h) Separation of employees from the city service.
- 28 (i) The establishment and maintenance of adequate personnel  
records for purposes of accounting and legal require-  
ments.
- (j) The establishment of any necessary appeal procedures.

SECTION 6. All ordinances and parts of ordinances in  
conflict herewith are hereby repealed.

SECTION 7. The City Clerk shall attest to the

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**CITY OF OROVILLE**

**ORDINANCE NO. 1624**

**AN ORDINANCE REPEALING ORDINANCE NOS. 1601 AND 1617**

**AND AMENDING ORDINANCE NO. 1494**

**PERTAINING TO THE CITY PERSONNEL SYSTEM**

THE OROVILLE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance Nos. 1601 and 1617 are repealed.

Section 2. Section 3. "Administration" of Ordinance No. 1494 pertaining to Appointing Authority is hereby amended to read as follows:

Section 3. Administration.

- (A) Appointing Authority – The Appointing Authority shall be designated by the City Council and shall have the authority to fill open or new positions and to discipline or remove employees, pursuant to the applicable provisions of the Charter and of the City personnel system rules.
- (B) Personnel Officer – The Personnel Officer shall be designated by the City Council. Personnel Officer shall administer the City personnel system. The Personnel Officer shall:
  - (1) Administer all the provisions of this ordinance and of the personnel rules not specifically reserved to the City Council.
  - (2) Prepare and recommend to the City Council personnel rules and revisions and amendments to such rules.

- (3) Prepare or cause to be prepared and submit to the City Council a position classification plan, including class specifications, and revisions of the plan.
- (4) Have the authority to discipline employees in accordance with this ordinance, the personnel rules of the City, and Memoranda of Understanding to which the City is a party.
- (5) Provide for the publishing or posting of notices of tests for positions in the City competitive service; the receiving of applications therefor; the conducting and grading of tests; the certification of a list of all persons eligible for appointment to appropriate positions in the competitive service; and performing any other duty that may be required to administer the personnel system.

Section 3. The Personnel Officer and/or Appointing authority shall provide immediate written notification to the City Council of all personnel actions covered in Ordinance No. 1494 and this ordinance and/or the Personnel Rules and Regulations.

Section 4. Except as herein amended, each and every other provision of Section 3 of Ordinance 1494, shall remain in full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 6. The City Clerk shall attest to the adoption of this ordinance.

PASSED AND ADOPTED by the Oroville City Council at a meeting on December 7 1999, by the following vote:

AYES: Andoe, Hatley, Koslin, Sands

NOES: None

ABSTAIN: None

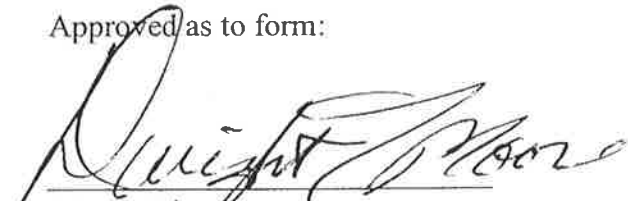
ABSENT: Diver, Morgan, Alt



\_\_\_\_\_

Mayor

Approved as to form:



\_\_\_\_\_

Interim City Attorney

Attest:



\_\_\_\_\_

City Clerk

**PUBLIC NOTICE**

**CITY OF OROVILLE  
ORDINANCE NO. 1624  
AN ORDINANCE REPEALING  
ORDINANCE NOS. 1601 AND 1617  
AND AMENDING ORDINANCE NO.  
1494**

**PERTAINING TO THE CITY  
PERSONNEL SYSTEMS**

THE OROVILLE CITY COUNCIL DOES  
ORDAIN AS FOLLOWS:

Section 1. Ordinance Nos. 1601 and  
1617 are replaced.

Section 2. Section 3. "Administration" of  
Ordinance No. 1494 pertaining to  
appointing Authority is hereby amended  
to read as follows:

Section 3. Administration.

(A) Appointing Authority - The  
Appointing Authority shall be designated  
by the City Council and shall have the  
authority to fill open or new positions and  
to discipline or remove employees,  
pursuant to the applicable provisions of  
the Charter and of the City personnel  
system rules.

(B) Personnel Officer - The Personnel  
Officer shall be designated by the City  
Council. Personnel Officer shall  
administer the City personnel system.  
The personnel Officer shall:

(1) Administer all the provisions of this  
ordinance and of the personnel rules not  
specifically reserved to the City Council.

(2) Prepare and recommended to the  
City Council personnel rules and  
revisions and amendments to such rules.

(3) Prepare or cause to be prepared  
and submit to the City Council a position  
classification plan, including class  
specifications, and revisions of the plan.

(4) Have the authority to discipline  
employees in accordance with this  
ordinance, the personnel rules of the  
City, and Memoranda of Understanding  
to which the City is a party.

(5) Provide for the publishing or posting  
of notices of tests for positions in the City  
competitive service; the receiving of  
applications therefor; the conducting and  
grading of tests; the certification of a list  
of all persons eligible for appointment to  
appropriate positions in the competitive  
service; and performing any other duty  
that may be required to administer the  
personnel system.

Section 3. The Personnel Officer and/or  
Appointing authority shall provide  
immediate written notification to the City  
Council of all personnel actions covered  
in Ordinance No. 1494 and this  
ordinance and/or the Personnel Rules  
and Regulations.

Section 4. Except as herein amended,  
each and every other provisions of  
Section 3 of Ordinance 1494, shall  
remain in full force and effect.

Section 5. All ordinances and parts of  
ordinances in conflict herewith are  
hereby repealed.

Section 6. The City Clerk shall attest to  
the adoption of this ordinance.

**PASSED AND ADOPTED** by the Oroville  
City Council at a meeting on December  
7, 1999, by the following vote:

AYES: Hatley, Koslin, Sands, Andoe

Noes: None

ABSTAIN: None

ABSENT: Alt, Morgan, Diver

Mayor

ATTEST:

Deputy City Clerk

APPROVED AS TO FORM:

City Attorney

No. #5107 December 22, 1999 (11)

# Declaration of Publication

In the Superior Court of the State of California

in and for the County of Butte

Mercury Register Legal No. 5107

Case No. \_\_\_\_\_

## PUBLIC NOTICE

City of Oroville Ordinance #1624

I, Toni Belser say:

*I am over the age of eighteen years and not a party to or interested in the within mater. At all relevant times I was and am the Chief Clerk employed by the Oroville Publishing Co., a corporation, which is and was the printer and publisher of the Oroville Mercury-Register, a daily newspaper printed, published and circulated in the County of Butte, State of California. The notice, a copy of which is attached hereto, was published in said newspaper on the following dates:*

Dec 22, 1999

I declare under penalty of perjury that the foregoing is true and correct:



Executed at Oroville, California this 5th

day of January

Adjudication #26747 issued 7/52

**CITY OF OROVILLE**  
**ORDINANCE NO. 1630**  
**AMENDING ORDINANCE REPEALING NO. 1624 AND AMENDING**  
**ORDINANCE NO. 1494 PERTAINING TO THE CITY PERSONNEL SYSTEM**

THE OROVILLE CITY COUNCIL DO ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 1624 is repealed.

Section 2. "Administration" of Ordinance No. 1494 is hereby amended to read as follows:

(A) Appointing Authority - Except for the officers or employees appointed by the City Council under the City Charter, the City Administrator shall be the Appointing Authority and shall have the authority to fill open or new positions and to discipline or remove employees, pursuant to the city of Oroville Personnel and Regulations.

(B) Personnel Officer - The City Administrator shall be the Personnel Officer.

The Personnel Officer shall:

1. Administer all the provisions of this ordinance and the City of Oroville Personnel Rules and Regulations not specifically reserved to the City Council.
2. Prepare and recommend to the City Council Personnel Rules and Regulations and amendments to such Rules and Regulations.
3. Prepare or cause to be prepared and submit to the City Council a position classification plan, including class specifications, and revisions of the plan.
4. Have the authority to discipline employees in accordance with this ordinance, the Personnel Rules and Regulations and Memoranda of Understanding to which the City is a party.

**PUBLIC NOTICE**

**CITY OF OROVILLE  
ORDINANCE NO. 1630  
AMENDING ORDINANCE REPEALING  
NO. 1624 AND AMENDING  
ORDINANCE NO. 1494 PERTAINING  
TO THE CITY PERSONNEL SYSTEM  
THE OROVILLE CITY COUNCIL DO  
ORDAIN AS FOLLOWS:**

Section 1. Ordinance No. 1624 is repealed.

Section 2. "Administration" of Ordinance No. 1494 is hereby amended to read as follows:

(A) Appointing Authority - Except for the officers or employees appointed by the City Council under the City Charter, the City Administration shall be the Appointing Authority and shall have the authority to fill open or new positions and to discipline or remove employees, pursuant to the city of Oroville Personnel and Regulations.

(B) Personnel Officer - The City Administrator shall be the personnel Officer.

The Personnel Officer shall:

1. Administer all the provisions of this ordinance and the City of Oroville Personnel Rules and Regulations not specifically reserved to the City Council.

2. Prepare and recommend to the City Council Personnel Rules and Regulations and amendments to such Rules and Regulations.

3. Prepare or cause to be prepared and submit to the City Council a position classification plan, including class specifications, and revisions of the plan.

4. Have the authority to discipline employees in accordance with this ordinance, the Personnel Rules and Regulations and Memoranda of Understanding to which the City is a party.

5. Provide for the publishing or posting of notices of tests for positions in the city competitive service; the receiving of applications therefore; the conducting and grading of tests; the certification of a list of all persons eligible for appointment to appropriate positions in the competitive service; and performing any other duties that may be required to administer the City Personnel System.

Section 3. Except as herein amended, each and every other provision of Ordinance 1494, shall remain in full force and effect.

Sections 4. All ordinances and resolutions in conflict with this ordinance are repealed.

Section 5. the city Clerk shall attest to the adoption of this ordinance.

PASSED AND ADOPTED by the Oroville City Council at a meeting on March 7, 2000 by the following vote:

AYES: Alt, Andoe, Hatley, Koslin, Morgan, Sands

NOES: None

ABSTAIN: None

ABSENT: Diver

Mayor

Approved as to form: City Attorney,

Attest: City clerk

No. #5129 Publish March 18, 2000 (1t)

# Declaration of Publication

In the Superior Court of the State of California  
in and for the County of Butte  
Mercury Register Legal No. 5129  
Case No. \_\_\_\_\_

## PUBLIC NOTICE

CITY OF OROVILLE  
ORDINANCE NO. 1630

I, **KELLEY GREGSON** say:  
*I am over the age of eighteen years and not a party to or interested in the within mater. At all relevant times I was and am the Chief Clerk employed by the Oroville Publishing Co., a corporation, which is and was the printer and publisher of the Oroville Mercury-Register, a daily newspaper printed, published and circulated in the County of Butte, State of California. The notice, a copy of which is attached hereto, was published in said newspaper on the following dates:*

MARCH 18, 2000

I declare under penalty of perjury that the foregoing is true and correct:

*Kelley Gregson*

Executed at Oroville, California this 22nd  
day of MARCH  
Adjudication #26747 issued 7/52

**CITY OF OROVILLE  
ORDINANCE NO. 1757**

**AN ORDINANCE REPEALING ORDINANCE NO. 1630 AND AMENDING  
ORDINANCE NO. 1494 PERTAINING TO THE CITY PERSONNEL SYSTEM**

THE OROVILLE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 1630 is repealed.

Section 2. "Administration" of Ordinance No. 1494 is hereby amended to read as follows:

- (A) Appointing Authority – Except for the officers and employees appointed by the City Council under the City Charter, the City Fire Chief shall be the Appointing Authority and shall have the authority to fill open or new positions and to discipline or remove employees, pursuant to the City of Oroville Personnel System for the next 365 day period.
- (B) Personnel Officer – The City Fire Chief shall be the Personnel Officer.

The Personnel Officer shall, under the direction of, and after conferring with the City Attorney:

1. Administer all the provisions of this ordinance and of the personnel rules not specifically reserved to the City Council.
2. Prepare and recommend to the City Council personnel rules and revisions and amendments to such rules.
3. Prepare or cause to be prepared and submit to the City Council a position classification plan, including class specifications, and revisions of the plan.
4. Have the authority to discipline employees in accordance with this ordinance, the Personnel Rules of the City and Memoranda of Understanding to which the City is a party.
5. Provide for the publishing or posting of notices of tests for positions in the City competitive service; the receiving of applications therefore; the conducting and grading of tests; the certification of a list of all persons eligible for appointment to appropriate positions in the competitive service; and performing any other duties that may be required to administer the City Personnel System.
6. Provide for the publishing or posting of notices for all vacancies of officers and employees appointed by the City Council. Personnel Officer shall receive all applications sent to the City by the filing date and distribute copies of all applicants to the City Council. City Council shall then review all applicants and provide further direction to Personnel Officer.

**CITY OF OROVILLE  
ORDINANCE NO. 1761**

**AN ORDINANCE REPEALING ORDINANCE NO. 1757 AND AMENDING  
ORDINANCE NO. 1494 PERTAINING TO THE CITY PERSONNEL SYSTEM**

THE OROVILLE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 1757 is repealed.

Section 2. "Administration" of Ordinance No. 1494 is hereby amended to read as follows:

- (A) Appointing Authority – Except for the officers and employees appointed by the City Council under the City Charter, the City Administrator shall be the Appointing Authority and shall have the authority to fill open or new positions and to discipline or remove employees, pursuant to the City of Oroville Personnel System.
- (B) Personnel Officer – The City Administrator shall be the Personnel Officer.

The Personnel Officer shall, under the direction of, and after conferring with the City Attorney:

1. Administer all the provisions of this ordinance and of the personnel rules not specifically reserved to the City Council.
2. Prepare and recommend to the City Council personnel rules and revisions and amendments to such rules.
3. Prepare or cause to be prepared and submit to the City Council a position classification plan, including class specifications, and revisions of the plan.
4. Have the authority to discipline employees in accordance with this ordinance, the Personnel Rules of the City and Memoranda of Understanding to which the City is a party.
5. Provide for the publishing or posting of notices of tests for positions in the City competitive service; the receiving of applications therefore; the conducting and grading of tests; the certification of a list of all persons eligible for appointment to appropriate positions in the competitive service; and performing any other duties that may be required to administer the City Personnel System.
6. Provide for the publishing or posting of notices for all vacancies of officers and employees appointed by the City Council. Personnel Officer shall receive all applications sent to the City by the filing date and distribute copies of all applicants to the City Council. City Council shall then review all applicants and provide further direction to Personnel Officer.



7. Provide for the publishing or posting of notices for the Parks and Trees Director position. Personnel Officer shall receive all applications sent to the City by filing date and distribute copies of all applicants to the Parks Commission for review and further direction to the Personnel Officer.

Section 3. Except as herein amended, each and every other provision of Ordinance No. 1494 shall remain in full force and effect.

Section 4. All ordinances and resolutions in conflict with this ordinance are hereby repealed.

Section 5. The City Clerk shall attest to the adoption of this ordinance.

PASSED AND ADOPTED BY THE Oroville City Council at a meeting on September 21, 2010 by the following vote:

AYES: Council Members Corkin, Hatley, Pittman, Simpson, Wilcox, Vice Mayor Johansson, Mayor Jernigan

NOES: None

ABSTAIN: None

ABSENT: None

\_\_\_\_\_  
Steve Jernigan, Mayor

APPROVED AS TO FORM:

ATTEST:

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

\_\_\_\_\_  
G. Harold Duffey, City Clerk

CITY OF OROVILLE  
ORDINANCE NO.1761  
Amended

AN ORDINANCE AMENDING REPEALING ORDINANCE NO.1761 57  
AND AMENDING ORDINANCE NO. 1494 PERTAINING TO THE CITY  
PERSONNEL SYSTEM

THE OROVILLE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 1761 57 is amended repealed.

Section 2. "Administration" of Ordinance No. 1761 1494 is hereby amended to read as follows:

(A) Appointing Authority – Except for the officers and employees appointed by the City Council under the City Charter, the City Administrator, or their designee, shall be the Appointing Authority and shall have the authority to fill open or new positions and to discipline or remove employees, pursuant to the City of Oroville Personnel System.

~~(B) Personnel Officer – The City Administrator shall be the Personnel Officer.~~

~~The Personnel Officer shall, under the direction of, and after conferring with the City Attorney:~~

- ~~1. Administer all the provisions of this ordinance and of the personnel rules not specifically reserved to the City Council.~~
- ~~2. Prepare and recommend to the City Council personnel rules and revisions and amendments to such rules.~~
- ~~3. Prepare or cause to be prepared and submit to the City Council a position classification plan, including class specifications, and revisions of the plan.~~
- ~~4. Have the authority to discipline employees in accordance with this ordinance, the Personnel Rules of the City and Memoranda of Understanding to which the City is a party.~~
- ~~5. Provide for the publishing or posting of notices of tests for positions in the City competitive service; the receiving of applications therefore; the conducting and grading of tests; the certification of a list of all persons eligible for appointment to appropriate positions in the competitive service; and performing any other duties that may be required to administer the City Personnel System.~~
- ~~6. Provide for the publishing or posting of notices for all vacancies of officers and employees appointed by the City Council. Personnel Officer shall receive all applications sent to the City by the filing date and distribute copies of all applicants to the City Council. City Council shall then review all applicants and provide further direction to Personnel Officer.~~

~~7. Provide for the publishing or posting of notices for the Parks and Trees Director position. Personnel Officer shall receive all applications sent to the City by filing date and distribute copies of all applicants to the Parks Commission for review and further direction to the Personnel Officer.~~

Section 3. Except as herein amended, each and every other provision of Ordinance No. 1761 1494 shall remain in full force and effect.

Section 4. All ordinances and resolutions in conflict with this ordinance are hereby repealed.

Section 5. The City Clerk shall attest to the adoption of this ordinance.

PASSED AND ADOPTED BY THE Oroville City Council at a meeting on May 15, 2018 by the following vote:

AYES: Council Members

NOES: None

ABSTAIN: None

ABSENT: None

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

APPROVED AS TO FORM:

ATTEST:

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

\_\_\_\_\_  
Tom Lando, City Clerk

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: DAWN NEVERS, SBF PROGRAM SPECIALIST**

**RE: AMENDMENTS TO SECTIONS OF THE OROVILLE MUNICIPAL CODE  
RELATING TO TREE PRESERVATION AND UPDATE OF THE TREE  
REMOVAL PERMIT APPLICATION**

**DATE: MAY 1, 2018**

**SUMMARY**

The Council may consider reviewing updates to sections of the Oroville Municipal Code relating to tree preservation, and an update of the tree removal permit application.

**DISCUSSION**

On November 3, 2015, the Council approved the appointment of an ad-hoc sub-committee to oversee, provide input, and to help assist in amending the existing Tree Ordinance and other relevant Oroville Municipal Code sections, and complete a Vegetation Management Plan for the areas along the Feather River. Additionally, the sub-committee aided in the updating of the Tree Removal Permit application, with the addition of a Fee Schedule, and a Tree Removal Mitigation Rate Table.

The sub-committee, comprised of four citizens, one City Council member, two Park Commissioners, and three City staff, have completed the proposed updates. The sub-committee met on a bi-monthly basis to provide input and suggestions to update the Municipal Code 12.20 Trees and Plantings, 17.12.060 Tree Preservation, 17.48.070 Tree Removal Permits, Oak Tree Loss Mitigation, Chapter 8C, and the Tree Removal Permit Application. The purpose of requiring tree removal permit, proposed application fee, and mitigation measures, is to preserve the City's mature tree canopy by placing appropriate restrictions on their tree removal, while also allowing the removal of trees when necessary to protect the health, safety and welfare of the public.

On August 8, 2016, the Park Commission reviewed the amendments to the existing tree preservation ordinances and other relevant Oroville Municipal Code sections, and the updated Tree Removal Permit application, with the addition of a Fee Schedule, a Tree Removal Mitigation Rate Table, and approved recommendation to the Council.

On September 6, 2016, upon receipt of the proposed updates to the sections of the Oroville Municipal Code relating to tree preservation, and an update of the tree removal

permit application, the Council made recommendations to reduce the permit fee to \$50 for the removal of a dead tree that is 12” or greater. Additionally, clarification to the definition *Zoning Administrator* has been made in Municipal Code Section 12.20.020 *Definitions* as follows:

*Director.* The Director of Community Development and Public Works /Zoning Administrator, or his/her designee.

Should the updates to the City of Oroville’s existing tree ordinances, Oroville Municipal Code sections, and Tree Removal Permit Application be approved, staff will begin working with Tree & Vegetation ad-hoc sub-committee to create the Administrative Draft Urban Forest and Vegetation Management Plan based on the work completed by the PlaceWorks team and city staff.

### **FISCAL IMPACT**

The proposed updates and amendments are intended to be full cost recovery for all work required of City staff as a part of these changes.

### **RECOMMENDATIONS**

Review and provide direction, as necessary.

### **ATTACHMENTS**

- A – Oroville Municipal Code 12.20 Trees and Plantings
- B – Oroville Municipal Code 17.12.060 Tree Preservation &17.48.070 Tree Removal Permits
- C – Tree Removal Permit Application

**22-4212.20.010 Title.**

This article shall be known as and may be cited and referred to as the “Tree Ordinance of the City of Oroville.” (Ord. 1174 § 1)

**22-4312.20.020 Definitions.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*City Arborist.* Is the individual responsible for the long-term care and management of city trees. Duties include the application of a management plan including planting, pruning, protecting, and removal programs for public trees and associated vegetation; budget preparation. ISA Certified Arborist® credentials.

*Director.* The ~~Director~~ of Community Development and Public Works / Zoning Administrator, or his/her agent.

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*Habitat Tree.* Must comply with wildlife rules & regulations, and nesting season of protected species.

*Heritage Tree.* Over 100 years old in age, and/or a diameter greater than 4’ (and non-invasive).

*Historic tree.* A tree existing in planter strips and public streets and which has been found by the park commission of the city to be a tree of notable historic interest because of its age, type or historic associations, and has been designated by resolution of such commission as an historic tree.

*Invasive Species.* Please refer to <http://www.cal-ipc.org/> for a list of invasive species.

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*Memorial Tree.* A tree donated in the memory of someone, accepted by the Park Commission with recommendation sent to the City Council for final acceptance. (to be the responsibility of the City).

*Maintain or maintenance.* Pruning, spraying, fertilizing, propping, treating for disease or injury, and any other similar acts which promote the life, growth, health or beauty of trees, except watering unless specifically so stated.

*Mixed pattern.* All proper spaces filled with a variety of approved species of trees.

*Official tree (Street Tree).* A tree planted or existing in planter strips and public streets in accordance with the plan.

*Plan.* The adopted ~~master street tree~~ Urban Forest Management Plan ~~plan~~ for the planting and maintenance of street trees within the city.

*Planting strip.* The area between the curb, or the place where the curb should be, and the adjacent property line.

*Specimen tree.* A tree existing within planting strips and public streets which has been found by the park commission of the city to be of high value because of its type and/or age, and has been designated by resolution of such commission to be a specimen tree.

*Street.* Any public street, avenue, boulevard, land, walk, road, parkway, alley, right-of-way, easement or other public way, and any median planting strip located within the street.

*Tree.* A tree, plant, shrub or other similar form of natural growth. (Ord. 1174 § 2)

*Zoning Administrator. The Director of Community Development and Public Works, or his or her authorized representative.*

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**~~12.20.030~~ Master-street tree plan Urban Forest Management Plan.**

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It is in the best interest of the city that the guidelines set forth by the ~~master-street tree plan~~ Urban Forest Management Plan be followed for the planting and maintenance of trees along its streets. (Ord. 1174 § 3)

**~~22-45~~ 12.20.040 List of approved ground covers, etc.—Prohibited acts.**

(a) *The park department shall maintain a current list of approved ground covers and plantings for planting strips. Use of plant materials other than those listed shall be by prior approval of the director. No plantings, construction or excavating which endanger pedestrians or vehicular traffic shall be permitted in planting strips. No surfacing materials, such as asphalt, gravel, etc., may be used without prior approval of the director. No vines or other plant materials shall be allowed to grow on any street tree. The placing of temporary protection for new lawns or trees or the provision of watering basins shall not be considered a violation of this section. [Figure 1: Per Wade Atteberry: list needs updating](#)*

(b) *All new and replacement planting shall be confined to shade and ornamental trees from the current official approved list. It is unlawful for any person to plant or place shrubs, low growing trees, flowers, vines, fences, rocks, gravel, signs, stakes or any other substance or objects, except watering basins for young trees and temporary protection for newly planted lawns, or to cause or create conditions of uneven ground, holes or other hazards, in planting strips within the streets of the city. (Ord. 1174 § 3) [Figure 2: Per Wade Atteberry: Needs updating](#)*

**~~22-46~~ 12.20.050 Notification of specimen or historic trees.**

All persons owning property adjacent to planting strips in which specimen or historic trees exist, shall be informed as to the status of these trees and the restrictions related to their care and removal. (Ord. 1174 § 3)

**~~22-47~~ 12.20.060 Planting and maintenance by builders and owners.**

(a) The park department may require that the planting of street trees be included in all building plans that appear before the architectural board of review for approval; and all related costs shall be borne by the owner. The selection of and the specifications for planting shall be in accordance with the ~~master street tree~~ [Urban Forest Management Plan](#) ~~-plan~~. The maintenance of these trees shall be the responsibility of the owner until the occupancy certificate is issued. No tree which has been designated as an historical or specimen tree shall be removed from the site without the prior approval of the park commission.

(b) The park department may require the planting of street trees within the planting strips of any new subdivision in conformity with the plan covering the area involved. No tree designated as an historical or specimen tree shall be removed from the site of a proposed subdivision without the prior approval of the park commission.

(c) The ~~planting and~~ first two years of maintenance costs, including irrigation, for all street trees planted in a new subdivision shall be borne by the subdivider [by completion of a Lighting and Landscape Maintenance Agreement](#). The director shall determine the cost involved for each subdivision, which cost shall be paid to the city prior to approval of the final map of the subdivision by the city council. The [Parks Department shall](#) ~~director shall plant~~, maintain and irrigate such trees at such times and places as the development of the subdivision, its occupancy and other conditions make feasible.

(d) In the event a subdivider desires to plant, irrigate and maintain trees within the planting strip area of a new subdivision, he or she may apply to the director for a permit. The director may issue such a permit, but only after the subdivider has posted a performance bond guaranteeing the faithful performance of all irrigation and maintenance for a ~~two~~-year period. Such bond shall be of an amount equal to the cost of planting, irrigation and maintenance as determined by the director. All such planting shall be done in accordance with the planting specifications governing the planting of trees in planting strips and adopted as such by resolution of the council of the city.

(e) Any proposed change in a public street right-of-way direction or width, or any proposed street improvement shall, where feasible, include allowances for planting strips. Plans and specifications for planting such areas shall be integrated into the general plan of improvements and it shall be the duty of the ~~city engineer~~ [City Arborist](#)<sup>1</sup> to coordinate the design of such improvements with the park and planning departments prior to completion of final overall plans. When the planting strip is situated between the inside edge of the sidewalk and the property line, an easement of six feet behind the sidewalk shall be retained or obtained where possible. Where easements are granted in this pattern, trees may be planted therein.

(f) It shall be the responsibility of the property owner to properly maintain all planting strips fronting on his or her property regardless of whether such property is developed. This maintenance shall include keeping such strips free from weeds or any obstructions deemed contrary to public safety and in conformance with the official plan. The placing of tar paper,

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<sup>1</sup> [City of Oroville Parks and Trees Department has three \(3\) certified arborist on staff.](#)



plastic or other material over the ground, or the use of materials or chemicals intended to permanently sterilize the soil in these strips is prohibited. (Ord. 1174 § 4)

**~~22-48~~12.20.070 Maintenance and removal by city.**

(a) The city shall, at its own cost and expense, inspect, maintain and, when necessary, remove and replace trees in public areas and planting strips, except for the two-year period in new subdivisions covered in Section 22-47(b) and (c).

(b) The director is hereby made responsible (with assessment from the City Arborist) for the inspection, maintenance, removal and replacement of all official, specimen, heritage, habitat, and historic, memorial, and invesive trees within planting strips as defined herein.

(c) Under the guidance of the City Arborist, ~~The~~ director may cause the roots of young trees in the process of development to be cut to prevent future sidewalk lifting. Roots on older trees that have lifted sidewalks may be cut. Overhead limbs may be pruned or cut back to compensate for loss of root area. If it is a private tree, the property owner bears full cost recovery.

(d) The director may remove overhead limbs from any tree, regardless of the location of such tree, if in his or her opinion such removals are necessary in the interest of public safety. In the event such trees are on private property, the director shall notify the property owner, of such intent to remove limbs, by written notice at least ten days prior to such removals, except in the case of manifest public danger and immediate necessity. If it is a private tree, the property owner bears full cost recovery.

(e) The director shall have full authority to remove or replace, as needed, any tree or other existing improvements within the planting strip which does not conform to any section of the adopted ~~master street tree plan~~ Urban Forest Management Plan for planting and maintenance of trees. (Ord. 1174 §§ 3, 5). Property owners shall not plant a tree within a planting strip or public right of way without the ~~Parks~~Community Development Directors permission.

**~~22-49~~12.20.080 Liability of city and responsibility of owner.**

Nothing in this article shall be deemed to impose any liability upon any member of the city council or the city, or any of its officers or employees, nor to relieve the owner and occupant of any private property from the duty to keep his or her private property, sidewalks and planting strip in front of such private property in a safe condition, and so as not to be hazardous to public travel. (Ord. 1174 § 5)

**~~22-50~~12.20.090 Removal, pruning, etc.—Generally.**

(a) Whenever a property owner desires to have a tree removed from a planting strip he or she or his/her agent shall apply to the park department for a permit for such removal at a cost detailed in the Master Fee Schedule. If the tree is found to be in good condition and the permit is granted solely for the convenience of the applicant, then the full cost of such removal

(i.e. the loss of the tree and a fee to plant three (3) new trees (cost of tree plus 1 crew hour per tree) to be planted in locations designated by the City) shall be borne by the applicant.

(b) No person shall, without an ~~an encroachment-written~~ permit from the director remove, trim, prune or cut any tree planted or maintained by the city in public areas or planting strips. Upon permission being granted to any person for the purpose of trimming, pruning, cutting or removing any tree, all such work shall be done within a sixty day period and under the general supervision of and in accordance with standards outlined in the city ~~master street tree plan~~ Urban Forest Management Plan. Where trees are removed, all stumps, including underground portions to a depth specified by the director, shall be removed during such operations. (Ord. 1174 §§ 5, 6)

**~~22-51~~12.20.100 Liability insurance and bond on tree removers.**

Any person engaged in the business of removing ~~city-Official~~ Trees (Street Tree); a certified arborist shall be on site, shall carry public liability and property damage insurance in an amount to be determined by the ~~city council~~ Risk Manager, and policies or certificates thereof shall be filed with the city clerk. Where deemed advisable, the park department may ~~require~~ recommend the posting of a performance bond in an amount ~~equal to the cost of the proposed job~~ to be determined by the City Council, which bond shall guarantee the completion of the job in accordance with rules established by the director. (Ord. 1174 § 6)

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**~~22-52~~12.20.110 Interference with work.**

No person shall interfere or cause any person to interfere with any work being done under the provisions of this article by any employee of the city or any person or firm doing work for the city on bid, hire or assignment. (Ord. 1174 § 6)

**~~22-53~~12.20.120 Injuring, destroying, etc.**

It is unlawful for any person to injure or destroy any tree planted or maintained by the city in public streets or planting strips by any means, including but not limited to the following:

- (a) Constructing a concrete, asphalt, brick or gravel sidewalk or otherwise filling up the ground area around any tree so as to shut off air, light or water from its roots.
- (b) Piling building equipment, material or other substance around any tree so as to cause injury.
- (c) Pouring any deleterious matter on or around any tree or on the surrounding ground, lawn or sidewalk.
- (d) Posting any sign, poster, notice or otherwise on any tree, tree stake or guard, or by fastening any guy wire, cable, rope, nails, screws or other device to any tree, tree stake or guard.
- (e) Cause or permit any wire charged with electricity to come in contact with any tree without having first obtained a written permit from the ~~park~~ Community Development ~~d~~ Director.

(f) Cause or encourage any fire or burning near or around any tree. (Ord. 1174 § 6)

**22-5412.20.130 Cooperation among departments and agencies.**

(a) In order to provide for coordinating the multiple use of all street improvements, plans and specifications for street planting proposed by the park department shall be submitted to the city engineer, traffic engineer and planning director for their recommendations, and such recommendations shall be made within thirty days after receipt of such plans and specifications.

(b) To facilitate the planting and maintenance of trees in new subdivisions, the planning director shall advise and cooperate with the director in carrying out the provisions of this article. (Ord. 1174 § 7)

**22-5512.20.140 Appeals.**

An appeal to the city council from any action of the director may be made by filing a written notice thereof with the city clerk within ten days after such action is taken. The appeal shall clearly specify the reasons for which a hearing by the city council is requested. The city clerk shall thereupon place such appeal on the agenda of the city council for its next regular meeting, at which time the applicant and the director may present evidence. (Ord. 1174 § 8)

**22-5612.20.150 Authority of park department and director.**

This article is intended to give, and does hereby give, full and complete authority to the park department and the ~~park director~~ Community Development Director, in concurrence with the City Arborist<sup>2</sup>, over any and all official, specimen and historic trees now planted and growing, or hereafter to be planted and grown upon any and all parks, -streets and planting strips in the city. (Ord. 1174 § 9)

**22-5712.20.160 Fees**

Tree Removal Permit Fee: \$125.00 (\$50.00 for a dead tree 12" or greater)

Encroachment Permit Fee: To be determined (TBD)\$

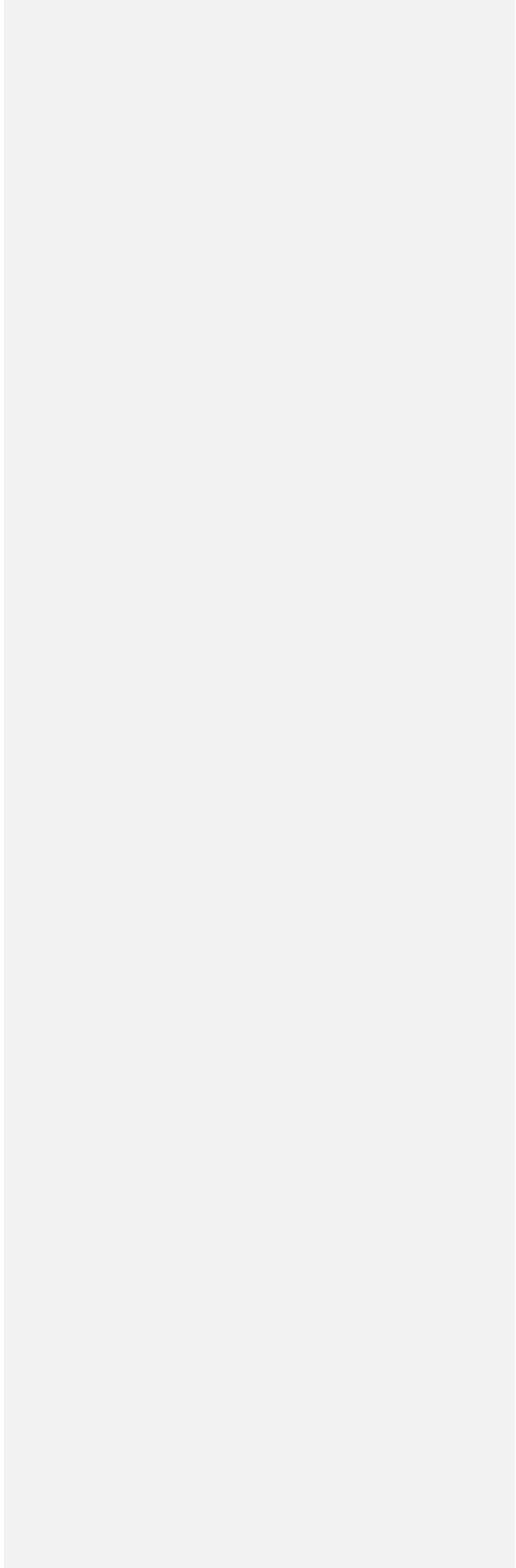
Tree Removal Mitigation Rates Table:

<u>DBH Size of Trees</u>	<u># of Trees Removed</u>	<u>#15 Mitigation</u>	<u>#24 Box Mitigation</u>	<u>In-Lieu Fee</u>
<u>12" – 24"</u>		<u>X 2 =</u>	<u>X 1 =</u>	<u>X \$240.00</u>
<u>24"-32"</u>		<u>X 4 =</u>	<u>X 2 =</u>	<u>X \$480.00</u>
<u>&gt;32"</u>		<u>X 6 =</u>	<u>X 3 =</u>	<u>X \$720.00</u>

<sup>2</sup> City of Oroville Parks and Trees Department has three (3) certified arborist on staff: Wade Atteberry, Laurie Mahoney, and David McElhaney.

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**26-13.060**17.12.060 Tree preservation.

A. **Applicability.**

1. The requirements of this section shall apply to any protected tree.
2. A protected tree is defined as:
  - a. Any tree on public property; or

b. Any tree on private property that has a trunk diameter of at least **1224 inches at 54** (refer to chart on reverse of application for size and amount) -inches above grade, **of native species or non-invasive species, or of significant historic value.**

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B. **Permit Required.** The removal of any protected tree requires approval of a tree removal permit, as provided in Section 26-50.070 of this chapter.

C. **Removal Without a Permit.** If personal injury or property damage is imminently threatened, the Fire Chief, the Chief of Police or the Zoning Administrator, with the assessment from the City Arborist<sup>1</sup>, may authorize the removal of a protected tree without obtaining the required permit. The removal shall be reported to the Zoning Administrator within 5 business days. (Ord. 1749 § 4). Should a tree be removed without the appropriate permit, inspection or authorization from a City of Oroville Arborist, a fine will be issued at double the amount of the Tree Removal Permit (permit fee \$125.00 x 2 = \$250.00) with the addition of the appropriate tree removal mitigation fee, and encroachment permit fee as necessary.

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**26-50.070**17.48.070 Tree removal permits.

A. **Purpose.** The purpose of requiring tree removal permits is to preserve the City's ~~mature trees~~ tree canopy by placing appropriate restrictions on ~~their~~ Tree removal, while also allowing the removal of trees when necessary to protect the health, safety and welfare of the public.

B. **Application.**

1. Application for a tree removal permit shall be made in a form prescribed by the Zoning Administrator and accompanied by a ~~fee established by resolution of the City Council~~ removal permit [A permit will cover the number of trees being requested for removal, not one tree per permit], inspection from City Arborist, and a valuation of the tree to be removed. Fees may be obtained in the Master Fee Schedule (upon approval by the City Council). If the tree proposed for removal is 12" or larger at a height of 54" and is deemed in good condition, the homeowner may be required to pay an in-lieu fee to plant three (3) new trees (cost of tree plus 1 crew hour per tree) to be planted in locations designated by the City. Should the homeowner remove the tree without obtaining the required permit, there will be a fine imposed that is double the amount of the permit, with the addition of the appropriate tree removal mitigation fee, and

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<sup>1</sup> City of Oroville Parks and Trees Department has three (3) certified arborist on staff.

encroachment permit fee as necessary. Only the owner of the site may apply for a tree removal permit.

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2. The application for a tree removal permit shall include a map depicting the location, size and type of all trees within or immediately adjacent to the subject property. The map shall also depict any permanent buildings or structures on the subject property.

3. The review authority for a tree removal permit shall be determined as follows:

a. For trees on public property, unless the removal is associated with a proposed development that requires Planning Commission approval, the Director of Parks and Trees shall be responsible for issuing tree removal permits with a prior inspection from a City Arborist.

b. For trees on private property, unless the removal is associated with a proposed development that requires Planning Commission approval, the Zoning Administrator shall be responsible for issuing tree removal permits with a prior inspection from the City Arborist.

c. For any proposed development that requires Planning Commission approval, the Planning Commission shall review the trees being removed, and approval of the project shall also be approval to remove or preserve all specified trees.

4. Public Agencies may apply for an Annual (reoccurring) Tree Removal Permit.

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#### C. Required Findings.

1. A tree removal permit shall not be issued unless the review authority finds Zoning Administrator, with an inspection from a City Arborist, based on substantial evidence, that the owner has demonstrated that the removal is necessary in order to accomplish any one of the following objectives:

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a. To ensure public safety as it relates to the health or structure of the tree, potential hazard to life or property, and proximity to existing or proposed structures, and interference with utilities or sewers, after reasonable alternatives have been considered.

b. To allow reasonable enjoyment of the property, including sunlight access and the right to develop the property.

c. To pursue good, professional practices of forestry or landscape design.

2. Any action regarding the issuance of a tree removal permit may be appealed, as provided in Section 26-56.100 of this chapter. Subject trees shall not be removed prior to the completion of the required appeal period. (Ord. 1749 § 4; Ord. 1762 § 12)



# Tree Removal Permit Application

City of Oroville  
 Parks & trees Department  
 1735 Montgomery Street, Oroville, CA 95965  
 Phone: (530) 538-2415

Tree Removal Permit Fee:	\$125.00 (12" or greater)
In-Lieu Fee:	See Table on Reverse
Encroachment Permit Fee:	TBD
Tree Removal Permit Fee:	\$50.00 (dead tree 12" or greater)

Date Received: _____	
<b>Check List:</b>	
<input type="checkbox"/>	Application Received
<input type="checkbox"/>	Permit Fee Paid
<input type="checkbox"/>	Inspection Scheduled
<input type="checkbox"/>	In-Lieu Fee Paid
<input type="checkbox"/>	Encroachment Fee Paid
<input type="checkbox"/>	Permit Sign-Off

## Applicant Information

Property Owner \_\_\_\_\_ Phone No. \_\_\_\_\_

Owner Address \_\_\_\_\_

Property / Site Address \_\_\_\_\_ Phone No. \_\_\_\_\_

Description/Quantity of trees to be removed \_\_\_\_\_

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## Fee Schedule

Permit Fee	In-Lieu Fee	Encroachment Permit Fee	Description
✓	✓		Proper Variety and Size located on Private Property
✓			Tree of proper size but deemed invasive or noxious or deemed in poor health or dead
✓	✓	✓	Any tree in good shape and not on the invasive roots list in the public right-of-way

### EXAMPLES

- Homeowner has a 36" dead redwood they want removed. They would only be charged the Tree Removal Permit Fee
- Homeowner has a 25" silver maple in good health in their backyard. They would be charged Tree Removal Permit Fee, plus be required to plant (4) #15 container trees or pay the in-lieu fee.
- Homeowner wants to put in a driveway and would like to remove the existing 13" dbh White Ash because it is in the way. They would be charged Tree Removal Permit Fee, plus required to plant (2) #15 container trees or pay the in-lieu fee, plus pay the encroachment permit.

## Tree Removal Mitigation Rate Table

Property / Site Address: \_\_\_\_\_

Notes: \_\_\_\_\_

DBH Size of Trees	# of trees removed	#15 Mitigation	24" box mitigation	In-Lieu Fee
12"-24"		X 2=	X 1=	X \$240.00
24"-32"		x 4=	X 2=	X \$480.00
>32"		X 6=	X 3=	X \$720.00

Number of #15 Container Mitigation Trees	Number of 24"box Mitigation Trees	In-Lieu Fee
		\$

**Tree Permit Fee**      \$ \_\_\_\_\_

**Total Due=**                      \$ \_\_\_\_\_

### Removal Without a Permit

**Note:** Should a tree be removed without the appropriate permit, inspection, or authorization from a City of Oroville Arborist<sup>1</sup>, a fine will be issued at double the amount of the Tree Removal Permit (permit fee \$125.00 x 2 = \$250.00) with the addition of the appropriate tree removal mitigation fee, and encroachment permit fee as necessary.

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<sup>1</sup> City of Oroville Parks and Trees Department has three (3) certified arborist on staff.



**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: AMY BERGSTRAND, MANAGEMENT ANALYST III  
BUSINESS ASSISTANCE & HOUSING DEVELOPMENT  
DEPARTMENT**

**RE: NON-FORECLOSURE OF CITY INTEREST ON PROPERTY  
LOCATED AT 2294 ORO QUINCY HWY.**

**DATE: MAY 1, 2018**

**SUMMARY**

The Council may consider the non-foreclosure of City interest on the property located at 2294 Oro Quincy Hwy Oroville, which is not financially feasible for the City to cure the underlying first loan mortgage defaults and payoff of the first mortgage loans.

**DISCUSSION**

Staff is seeking authorization from the Council not to take action by initiating foreclosure on property where the borrowers obtained a loan through the City of Oroville First Time Home Buyer Program. Staff is presenting the property below for Council consideration:

<b>PROPERTY DESCRIPTION</b>	<b>APPROXIMATE AMOUNT DUE TO PRIMARY LENDER</b>	<b>AMOUNT OF CITY LOAN</b>	<b>VALUE BASED ON COMPARABLES</b>
2294 Oro Quincy Hwy	\$115,512.22	\$120,111.00	\$156,700.00

**FISCAL IMPACT**

The fiscal impact will be the loss of the City loan principal amounts and interest accrued which would have been due at time of payoff, or the principal amounts only which would have been due in 30 years upon maturity of the loan.

There is no impact to the General Fund.

**RECOMMENDATION**

Authorize the non-foreclosure of City loan interest on the property located at 2294 Oro Quincy Hwy, Oroville (APN 013-270-008).

**ATTACHMENT**

NONE

BAHD

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: WADE G. ATTEBERRY, PARKS AND TREES SUPERVISOR  
BILL LAGRONE, ACTING ASSISTANT CITY ADMINISTRATOR**

**RE: TREE REMOVALS AT 1150 PINE STREET**

**DATE: MAY 1, 2018**

**SUMMARY**

The Council may consider granting permission of the removal of seven (7) Chinese Elm trees, located at 1150 Pine Street, and allow the planting of suitable replacements.

**DISCUSSION**

Saab Bagri, owner of the apartments at 1150 Pine Street is seeking permission to remove seven Chinese Elm trees at 1150 Pine Street that are doing damage to the existing sidewalk and starting to damage the curb and gutter. Mr. Bagri has also indicated that the trees are doing damage to his roof, and other areas of his private property. The trees are planted under P.G.&E. high voltage powerlines and are routinely topped by utility companies. The City trims the trees for street clearance. The result is a wide narrow portion of tree growth. Because of the utility wires and staff levels it is becoming more problematic for City staff to trim the trees adequately for clearance over the roof without the trees looking misshaped and unprofessional.

Mr. Bagri has agreed to remove the trees and work with the City to plant a smaller more suitable variety of tree for the locations directly under the powerlines.

**FISCAL IMPACT**

None

**RECOMMENDATIONS**

Consider allowing Mr. Bagri to remove seven Chinese Elm trees at 1150 Pine Street and replace them with a more suitable variety of tree.

**ATTACHMENTS**

A - Pictures of Current Trees

Public Works

5/1/2018 **AGENDA ITEM 8.4**















**CITY OF OROVILLE  
STAFF REPORT**

**TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS**

**FROM: ALLEN BYERS, ASSISTANT CHIEF OF POLICE**

**RE: CATALYST DOMESTIC VIOLENCE SERVICES  
HOTEL STAYS FOR VICTIMS OF CRIME  
MEMORANDUM OF UNDERSTANDING**

**DATE: May 1, 2018**

**SUMMARY**

The Council will consider approving a Memorandum of Understanding with the Catalyst Domestic Violence Services for a short-term hotel stays for victims of crimes.

**DISCUSSION**

The Oroville Police Department encounters victims of crime throughout the year which have no immediate place to stay due to the circumstances of the crime and/or the time the crime occurred. Currently officers may spend several hours attempting to help victims find shelter.

Catalyst has secured funding to assist these victims for temporary short term (1-3 day) hotel stays. Catalyst has unsuccessfully attempted to have local hotels accept vouchers for these stays.

The Memorandum of Understanding proposes that if the Oroville Police Department arranges and pays for a hotel room for a qualified victim, Catalyst will reimburse the City of Oroville for these short-term stays.

This agreement would provide a needed service for victims and reduce the amount of time officers spend finding shelter for these victims.

**FISCAL IMPACT:**

None

**RECOMMENDATION**

Authorize the Department to enter a Memorandum of Understanding with Catalyst Domestic Violence Services for short-term hotel stays for victims of crime.

**ATTACHMENTS**

Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING (MOU)**  
**between**  
**OROVILLE POLICE DEPARTMENT and**  
**CATALYST DOMESTIC VIOLENCE SERVICES**

**I. PURPOSE:**

The purpose of this MOU is to provide reimbursement for temporary hotel stays to victims of crime. Catalyst Domestic Violence Services (Catalyst) and Oroville Police Department agree to the expectations listed below. It is further understood that all qualified claims for reimbursement will be paid as long as funds are available.

**II. TERMS OF AGREEMENT:**

Oroville Police Department (OPD) can secure short term (1-3 day) hotels stays for victims of crime.

1. When OPD representative identifies a victim of crime in need of an emergency one to three day hotel stay, OPD can arrange and pay for the hotel stay knowing that Catalyst will reimbursement the expense when a completed claim is submitted.  
Hotel charges are limited to State (CalOES) approved daily rate plus applicable taxes.  
2018 State room rate \$90.00 per night.
2. OPD fills out a VSSC Voucher (numbered and assigned to OPD by Catalyst) with the case number or name of victim, hotel, dates of stay, and authorized signature attesting to use for benefit of victim of crime. OPD will need the hotel bill (statement) confirming nights, room rate, and payment. A copy of the hotel bill must be submitted to Catalyst along with the VSSC voucher (white copy) for reimbursement.

Catalyst will promptly pay all completed claims up to the State (CalOES) approved daily rate plus applicable taxes. Claims are processed every other week. Checks will be issued to: City of Oroville, 1735 Montgomery Street Oroville, CA 95965.

**III. CLAIMS CONTACT INFORMATION:**

1 Catalyst Domestic Violence Services  
Administrative Director: Eric Ruben  
Email: [esr@catalystdvservices.org](mailto:esr@catalystdvservices.org)

PO Box 4184 Chico, CA 95927  
Phone: 530-343-7844

2 Oroville Police Department  
Assistant Chief Allen Byers  
Email: [abyers@orodp.org](mailto:abyers@orodp.org)

2055 Lincoln Street Oroville, CA 95965  
Phone: 530-538-2451




IV. COMMENCEMENT/EXPIRATION DATE:

This MOU is executed as of the date of last signature and is effective until end of grant term or funds are expended, whichever comes first.

V. SIGNATURES:

We, the undersigned, confirm that we are ready, willing, and able to participate in the partnership between Oroville Police Department and Catalyst Domestic Services. We have read and agreed to the above terms.

\_\_\_\_\_  
Chief Bill LaGrone, Chief of Police  
Oroville Police Department

  
\_\_\_\_\_  
Anastacia L. Snyder, Executive Director  
Catalyst Domestic Violence Services

\_\_\_\_\_  
Date:

  
\_\_\_\_\_  
Date: