



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

July 20, 2018
SPECIAL MEETING
OPEN SESSION 9:00 a.m.

CALL TO ORDER

ROLL CALL

CITY COUNCIL MEMBERS: Jack Berry, Marlene Del Rosario, Linda Draper, Art Hatley, Scott Thomson, Vice Mayor Janet Goodson, Mayor Linda Dahlmeier.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COUNCIL WILL CONVENE TO CLOSED SESSION

1. Pursuant to Government Code section 54957.6, the Council will meet with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville Firefighters' Association, Oroville Police Officers Association (Sworn and Non-Sworn), Oroville Public Safety Mid-Managers Association, Oroville Management and Confidential Association, and Oroville City Employees Association.

COUNCIL WILL RECONVENE TO OPEN SESSION

2. **CLOSED SESSION - COUNCIL ANNOUNCEMENT OF ACTION**

SPECIAL BUSINESS- ACTION CALENDAR

3. **ACTION TO RESCIND MOTION TO ADOPT RESOLUTION TO CENSURE THE MAYOR-** Council will consider a motion to rescind the motion adopting the Resolution to Censure the Mayor that took place on July 10, 2018.
4. **ADOPT RESOLUTION TO CENSURE THE MAYOR-** Council will consider adopting a resolution to censure the Mayor.

ADJOURNMENT

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 COUNCIL MEMBERS

FROM: BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR

RE: WITHDRAWAL OF CENSURE

DATE: JULY 20, 2018

SUMMARY

The Council will consider withdrawing the censure of Mayor Dahlmeier in response to correspondence received by the Council, which, if approved, will have the effect of voiding the action taken on July 10, 2018.

DISCUSSION

On July 10, 2018, pursuant to Government Code section 52954.2, the City Council voted to add an item to the existing agenda to censure Mayor Dahlmeier. The Council believed at the time, and it still believes, that the action to add the item to the agenda was proper and in full compliance with the Brown Act. Following the addition of the item to the agenda, the Council passed the resolution to censure Mayor Dahlmeier.

Subsequent to the action, the Council received a letter alleging a violation of the Brown Act with a demand to “cure and correct” the action taken pursuant to Government Code 54960.1. As stated above, the Council believes that it acted appropriately and within the limits of the law. While the Council is prepared to defend itself in any proposed or threatened litigation, it would be a waste of precious City resources, funds, and staff time to engage in such action. The Council prefers to focus on moving the City forward and to place its efforts on moving the City into the future.

Rather than litigate this matter to a successful conclusion, the Council gave direction to place this item on the agenda to consider rescission of the action taken on July 10, 2018 related to the censure of Mayor Dahlmeier.

If this resolution is approved, the censure of Mayor Dahlmeier taken on July 10, 2018 will be withdrawn and void as if that action was not taken on July 10, 2018.

FISCAL IMPACT

None.

RECOMMENDATION

Approve Resolution **XXXX**, A RESOLUTION OF THE OROVILLE CITY COUNCIL WITHDRAWING AND VOIDING THE CENSURE OF MAYOR DAHLMEIER TAKEN ON JULY 10, 2018.

ATTACHMENTS

Resolution **XXXX**

**OROVILLE CITY COUNCIL
RESOLUTION NO. XXXX**

A RESOLUTION OF THE OROVILLE CITY COUNCIL WITHDRAWING AND VOIDING
THE CENSURE OF MAYOR DAHLMEIER TAKEN ON JULY 10, 2018

WHEREAS, on July 10, 2018 at a special City Council meeting and pursuant to Government Code section 52954.2, the City Council voted to add an item to the existing agenda to censure Mayor Dahlmeier; and

WHEREAS, the City Council received correspondence alleging a violation of the Brown Act with a demand to “cure and correct” the action taken; and

WHEREAS, the Council believes that it was within the bounds of the Brown Act to have taken the action to add the censure to the agenda; and

WHEREAS, the Council believes that it would be a waste of resources, effort, and funds to litigate this matter to a successful conclusion in favor of the City; and

WHEREAS, the Council, without admitting any violation of the Brown Act and in the firm belief that its actions taken were proper and within the bounds of the law, has elected to withdraw the prior action to avoid any unnecessary litigation and to place the City’s efforts and focus on moving the City forward.

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

1. The Censure of Mayor Dahlmeier approved on July 10, 2018 is hereby withdrawn and void. A copy of the July 10, 2018 resolution of censure is attached hereto as Exhibit “A”.
2. The City Clerk shall attest to the adoption of this Resolution.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Bill Lagrone, Asst. City Administrator

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS
FROM: BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR
RE: CENSURE
DATE: JULY 20, 2018

SUMMARY

The Council will consider the censure of Mayor Dahlmeier

DISCUSSION

The Council will consider a Resolution of Censure of Mayor Dahlmeier

FISCAL IMPACT

None.

RECOMMENDATION

None

ATTACHMENTS

Censure
Resolution XXXX

**OROVILLE CITY COUNCIL
RESOLUTION NO. XXXX**

A RESOLUTION OF THE OROVILLE CITY COUNCIL FOR THE CENSURE OF
MAYOR LINDA DAHLMEIER

WHEREAS, the Oroville City Council assembled in open session finds by vote of a majority of its members that the elected Mayor of the City of Oroville, Linda Dahlmeier, has engaged in conduct in open public meetings of the City Council and in private with employees of the City of Oroville that violates the City of Oroville Code of Ethics applicable to elected and appointed public officials of the City of Oroville; to-wit: Section 3, which states:

“Elected and Appointed Officials’ Conduct with City Staff, subsection C,” which provides:

“Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or the City Administrator. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation.”

WHEREAS, the City Council finds that Mayor Dahlmeier’s public and private misconduct has violated the dignity of, and disrespected, individual members of the City Staff and has fostered and created a hostile work environment for City employees; and

WHEREAS, the City Council finds that Mayor Dahlmeier’s public and private conduct with, and statements to, City employees is not consistent with the values and the Code of Ethics of the City of Oroville and are not in the best interests of the City, due to the fact that the Mayor’s misconduct has exposed the City to substantial risk of legal liability for significant monetary damages and public contempt and has resulted in the City’s loss of competent experienced employees, resulting in disruption of the management and performance of the City’s public business and service to the public; and

WHEREAS, Mayor Dahlmeier has falsely accused individual Council members in open meetings of conspiracy and collusion against her; and

WHEREAS, a majority of the City Council has determined that the City can no longer tolerate the risk to the City’s reputation, employees, and assets by failing to take this action permitted and required by the City’s Code of Ethics and its legal duty as Public Trustees,

Now, therefore, in consideration of the foregoing recitals, the majority of the publicly elected members of the Oroville City Council hereby adopts this resolution censuring Mayor Linda Dahlmeier for her violation of the City's Code of Ethics and other misconduct cited above.

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

1. The Censure of Mayor Dahlmeier is hereby approved.
2. The City Clerk shall attest to the adoption of this Resolution.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Bill LaGrone, Asst. City Administrator