



**JOINT MEETING  
OROVILLE CITY COUNCIL  
OROVILLE PLANNING COMMISSION**

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**August 7, 2018**

**JOINT MEETING  
CITY COUNCIL CLOSED SESSION 5:30 P.M. – 6:00 P.M.  
CITY COUNCIL OPEN SESSION 6:00 P.M.  
JOINT MEETING SESSION 6:30 P.M.  
MEETING AGENDA**

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**CALL TO ORDER**

**CITY COUNCIL ROLL CALL**

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

**APPROVAL OF AGENDA**

**COUNCIL WILL CONVENE TO CLOSED SESSION (5:30 P.M.)**

The Council will hold a Closed Session on the following:

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

**COUNCIL WILL RECONVENE TO OPEN SESSION (6:00 P.M.)**

**CLOSED SESSION - ANNOUNCEMENT OF ACTION**

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

**PROCLAMATION / PRESENTATION**

- Artist of Rivertown

## **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 1 ½ minutes per speaker, thus allowing up to 15 speakers. If more than 15 speaker cards were submitted for non-agenda items, the first 15 speakers would be randomly selected to speak at the beginning of the meeting.

The City Clerk will call the names of persons who have submitted a speaker card. Speakers are to step to the podium, state their name for the record, and make a brief presentation to the City Council. Pursuant to Government Code Section 54954.2, the Council is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

For agenda items, citizens who have submitted a speaker card will be called to the podium by the City Clerk after which the public discussion will be closed for Council debate and decision. Speaker cards are to be presented to the City Clerk.

## **CITY COUNCIL WILL RECESS AND RECONVENE AT THE CONCLUSION OF THE PLANNING COMMISSION PUBLIC HEARING**

### **CALL TO ORDER OF PLANNING COMMISSION**

### **ROLL CALL**

Commissioner Adonna Brand, Michael Britton, Randy Chapman, Wyatt Jenkins, Justin McDavitt, Vice Chairperson Carl Durling, Chairperson Damon Robison

## **PUBLIC HEARINGS – AGENDA ITEM 1 - 5**

### **The Public Hearing Procedure is as follows:**

- Mayor or Chairperson opens the public hearing.
- Staff presents and answers questions from Council or Commissioners.
- Hearing is opened for public comment limited to three (3) minutes. In the event of more than ten (10) speakers, time will be limited to one and a half (1.5) minutes.
  - a. Under Government Code 54954.3. the time for each presentation may be limited.
- Speakers are requested to provide a speaker card to the City Clerk
- Public comment session is closed
- Council or Commissioners debate and action.

**1. PLANNING COMMISSION PUBLIC HEARING TO CONSIDER ZONING CODE AMENDMENTS TO THE CITY OF OROVILLE MUNICIPAL CODE, TITLE 17, TO ESTABLISH NEW LAND USE CLASSIFICATIONS FOR COMMERCIAL CANNABIS ACTIVITIES AND TO INCLUDE USE-SPECIFIC REGULATIONS FOR COMMERCIAL CANNABIS BUSINESSES**

Planning Commission Recommendations: Conduct a public hearing and, upon conclusion, recommend that the City Council adopt the Draft Cannabis Zoning Ordinance.

**ALTERNATIVES:**

The alternative recommendations available to the **Planning Commission** are as follows:

1. Recommend that the Council adopt the draft ordinance with revisions to the proposed zoning controls as specified by the Commission.
2. Recommend that the Council not adopt the draft ordinance for the reasons as specified by the Commission.

**ADJOURNMENT OF PLANNING COMMISSION MEETING – 5 Minute Recess**

**CITY COUNCIL WILL RECONVENE – Continuation of Public Hearings**

2. **CITY COUNCIL WILL CONDUCT A PUBLIC HEARING, CONSIDER THE RECOMMENDATION OF THE PLANNING COMMISSION TO ADOPT ORDINANCE 1830 OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE OROVILLE MUNICIPAL CODE BY AMENDING SECTION 17.04.060 (DEFINITIONS); REPEALING SECTION 17.08.120 (MARIJUANA DISPENSARIES); ADDING SECTION 17.16.XX (COMMERCIAL CANNABIS BUSINESSES); AND AMENDING SECTIONS 17.28.010 (ALLOWED USES IN RESIDENTIAL DISTRICTS); 17.32.010 (ALLOWED USES IN COMMERCIAL DISTRICTS); 17.34.020 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.36.010 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.40.010 (ALLOWED USES IN SPECIAL PURPOSE DISTRICTS) TO ESTABLISH ZONING FOR COMMERCIAL CANNABIS ACTIVITIES WITHIN THE CITY OF OROVILLE**
3. **CITY COUNCIL WILL CONDUCT A PUBLIC HEARING TO CONSIDER ORDINANCE 1831 OF CITY COUNCIL OF CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE OROVILLE MUNICIPAL CODE BY ADDING CHAPTER 5.XX (COMMERCIAL CANNABIS) TO REGULATE THE ESTABLISHMENT AND OPERATION OF ALL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF OROVILLE**

City Council Recommendations: Conduct the public hearing, consider the recommendation of the Planning Commission, introduce Ordinance amending Oroville Municipal Code Title 17 (Zoning) and Ordinance amending Oroville Municipal Code Title 5 (Business Licenses and Regulations) for first reading and approve reading by title only and waive the full reading.

**ALTERNATIVES:**

The alternative recommendations available to the **City Council** are as follows:

1. Introduce Ordinance amending Oroville Municipal Code Title 17 (Zoning) and Ordinance amending Oroville Municipal Code Title 5 (Business Licenses and Regulations) for first reading by title only and waive the full reading with revisions.
2. Decline to offer the ordinance for first reading.

**4. COUNCIL WILL CONDUCT A PUBLIC HEARING ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, ZONES 1-8 –**

**a. Hearing Number One -**

Adopt Resolution No. **8722** - A resolution of the city council authorizing and directing the mayor to approve the annual assessment report, as submitted or amended, and to order the levy and collection of assessments for the Oroville consolidated benefit assessment district for fiscal year 2018/2019

Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2018/2019 Butte County Tax Roll.

Authorize all necessary budget adjustments to the Annual Assessment Report.

**b. Hearing Number Two –**

Adopt Resolution No. **8723** - A resolution of the city council authorizing and directing the mayor to approve the annual assessment report, as submitted or amended, and to order the levy and collection of assessments for the Oroville consolidated benefit assessment district for fiscal year 2018/2019

Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2018/2019 Butte County Tax Roll.

Authorize all necessary budget adjustments to the Annual Assessment Report.

**5. ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 1-17**

**a. Hearing Number One –**

Adopt Resolution No. **8724** - A resolution of the city council authorizing and directing the mayor to approve the annual assessment report, as submitted or amended, and to order the levy and collection of assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District for fiscal year 2018/2019.

Adopt Resolution No. **8725** A resolution of the Oroville City Council certifying to the county of butte the validity of the legal process used to place direct charges (special assessments) on the secured tax roll and authorizing the mayor to execute the Proposition 218 certification of tax levy.

Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2018/2019 Butte County Tax Roll.

Authorize any necessary budget adjustments to the Annual Assessment Report.

## **b. Hearing Number Two –**

Adopt Resolution No. **8726** - A resolution of the city council authorizing and directing the mayor to approve the annual assessment report, as submitted or amended, and to order the levy and collection of assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District for fiscal year 2018/2019.

Adopt Resolution No. **8727** A resolution of the Oroville City Council certifying to the county of butte the validity of the legal process used to place direct charges (special assessments) on the secured tax roll and authorizing the mayor to execute the Proposition 218 certification of tax levy.

Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2018/2019 Butte County Tax Roll.

Authorize any necessary budget adjustments to the Annual Assessment Report.

**CONSENT CALENDAR – AGENDA ITEMS 6 - 17** - 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.

- 6. MINUTES-** June 26 Special Meeting, July 6 Special Meeting, July 10 Regular Meeting, July 18 Special Meeting, July 20 Special Meeting, July 25 Special Meeting.

### **PUBLIC SAFETY**

#### **7. APPROVE PURCHASE OF WATER RESCUE BOAT, MOTOR, TRAILER, AND EQUIPMENT**

Authorize the purchase of a new Water Rescue Boat, motor, trailer, and equipment for the Fire Department from Mauer Marine, in the amount \$18,387.67.

- 8. PURCHASE OF TWENTY (20) VIEVUE LE5 BODY WORN VIDEO CAMERAS** – Authorize the purchase of twenty (20) Viewu LE5 Body Worn Cameras from Viewu, the sole source provider, in an amount not to exceed \$42,531.00 over a three-year period.

### **BUSINESS ASSISTANCE AND HOUSING**

#### **9. SALE CITY-OWNED RESIDENTIAL PROPERTY HOUSING ASSETS**

Approve the sale of city-owned properties and expenses associated with the sale of the properties listed on the staff report dated August 7, 2018.

Adopt Resolution No. **8731**, A RESOLUTION OF THE CITY COUNCIL AUTHORIZING AND DIRECTING THE INTERIM CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS RELATING TO THE SALE OF CITY-OWNED PROPERTIES IDENTIFIED AS: ASSESSOR PARCEL NO. 031-340-038, 012-133-005, 013-083-003, 035-520-051, 035-520-059, 068-300-095, 033-462-032, 033-452-016, 033-232-001, 033-232-021, 012-100-015, 012-135-040 AND 012-133-009

- 10. NON-FORECLOSURE OF CITY INTEREST ON PROPERTY LOCATED AT 3461 ASHLEY AVENUE-** Authorize the non-foreclosure of City loan interest on the property located at 3461 Ashley Avenue, Oroville (APN 033-451-002).

**11. AUTHORIZATION TO ACQUIRE PROPERTY LOCATED AT 2420 BALDWIN AVENUE THROUGH A DEED IN LIEU OF FORECLOSURE OR BY INITIATING FORECLOSURE**

Approve budget adjustment as indicated in the fiscal impact of this staff report, dated August 7, 2018

Adopt Resolution No. **8732** – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE CITY TO ACQUIRE PROPERTY LOCATED at 2420 BALDWIN AVENUE, OROVILLE (APN 012-100-015). THROUGH A DEED IN LIEU OF FORECLOSURE OR BY INITIATING FORECLOSURE

**12. PROFESSIONAL SERVICES AGREEMENT WITH R. L. HASTINGS & ASSOCIATES, LLC.**

Adopt Resolution No. **8733** – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH R. L. HASTINGS AND ASSOCIATES, LLC, IN THE AMOUNT OF \$4,000, FOR LABOR STANDARDS MONITORING SERVICES RELATING TO THE OROVILLE MUNICIPAL AUDITORIUM FLOORING PROJECT – (Agreement No. **3255**).

**13. RATIFICATION OF THE OROVILLE RECYCLING MARKET DEVELOPMENT ZONE - ZONE INCENTIVE FUNDS APPLICATION AND AGREEMENT FOR FY 2018-19 THROUGH 2020-21**

Adopt Resolution No. **8734** – A RESOLUTION OF THE OROVILLE CITY COUNCIL RATIFYING ALL DOCUMENTS RELATING TO FISCAL YEAR 2018 – 19 through Fiscal Year 2020-2021 CALRECYCLE CITY OF OROVILLE RECYCLING MARKET DEVELOPMENT ZONE – ZONE INCENTIVE FUNDS FUNDING APPLICATION AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL PROGRAM DOCUMENTS.

**14. PROJECT CONTRACT WITH BALDWIN CONTRACTING COMPANY, INC. DBA KNIFE RIVER CONSTRUCTION – AIRPORT CONSTRUCT TAXIWAY K PROJECT**

Adopt Resolution No. **8735** – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROJECT CONTRACT WITH THE LOWEST RESPONSIVE BIDDER, BALDWIN CONTRACTING COMPANY, INC. DBA KNIFE RIVER CONSTRUCTION IN THE AMOUNT OF \$601,878 FOR THE AIRPORT CONSTRUCT TAXIWAY K PROJECT – (Agreement No. **3256**)

**FINANCE**

**15. ANNUAL AUDIT SERVICES** - Authorize staff to release request for proposal for Auditing Services

**16. CAPITAL ASSET POLICY** - Authorize staff to implement a new capital asset policy

**ADMINISTRATION**

**17. ACQUISITION OF ASSETS FROM THE DISSOLUTION OF THE OROVILLE MOSQUITO ABATEMENT DISTRICT** - Authorize staff to purchase the equipment listed above in an amount not to exceed \$15,550.00 plus all required taxes and DMV fees

**18. MEMORANDUM OF UNDERSTANDING WITH OROVILLE UNION HIGH SCHOOL DISTRICT, OROVILLE CITY ELEMENTARY SCHOOL DISTRICT AND THE THERMALITO UNION ELEMENTARY SCHOOL DISTRICT**

Adopt Resolution No. **8728** - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE OROVILLE UNION HIGH SCHOOL DISTRICT FOR FULL-TIME SCHOOL RESOURCE OFFICER SERVICES FOR THE 2018/2019, 2019/2020, 2020/2021 SCHOOL YEARS– (Agreement No. **3252**).

Adopt Resolution No. **8729** - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE OROVILLE CITY ELEMENTARY SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICER SERVICES FOR THE 2018/2019 SCHOOL YEAR – (Agreement No. **3253**).

Adopt Resolution No. **8730** - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE THERMALITO UNION ELEMENTARY SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICER SERVICES FOR THE 2018/2019, 2019/2020, AND 2020/2021 SCHOOL YEARS – (Agreement No. **3254**).

**19. ANNUAL SPECIAL TAX FOR THE CITY’S COMMUNITY FACILITIES DISTRICT NO. 2006-1 (WESTSIDE PUBLIC SAFETY FACILITIES) AND DISTRICT NO. 2006-2 (PUBLIC SAFETY SERVICES) FOR FISCAL YEAR 2018/2019**

Adopt Resolution No. **8736** - A resolution of the city council establishing the annual special tax for community facilities district No. 2006-1, Westside Public Safety Facilities, for fiscal year 2018/2019

Adopt Resolution No. **8737** - A resolution of the city council establishing the annual special tax for community facilities district No. 2006-2, Public Safety Services, for fiscal year 2018/2019.

Adopt Resolution No. **8738** A resolution of the Oroville City Council certifying to the county of Butte the validity of the Legal process used to place direct charges (special assessments) on the secured tax roll and authorizing the mayor to execute the proposition 218 certification of tax bill levy.

Authorize the Mayor to sign the Proposition 218 Certificates for inclusion on the 2018/2019 Butte County Tax Roll.

**20. HAVEN OF HOPE ON WHEELS – Discuss and/or provide direction regarding support of Haven of Hope on Wheels**

**21. UTILITY USER TAX** - The Council may consider amending section 3.28 Oroville Municipal Code, Telephone, Gas, Water, Electricity, and Television cable user tax.

**RECOMMENDATION:** Due to the precarious financial situation of the City, Staff recommends no reduction or elimination of the Utility User Tax at this time. Staff further recommends that this item come back to Council in January of 2019 for further consideration.

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

**CITY ADMINISTRATOR/ ADMINISTRATION REPORTS**

- Police and Fire Written Monthly Report
- Annexation of Industrial Area
- Departmental- Monthly Reports

**CORRESPONDENCE**

**ADJOURNMENT**

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, August 21, 2018, at 5:30 p.m.

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

All meetings are recorded and broadcast live on YouTube.



**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: Mayor and City Council Members**

**FROM: Tom Lando, Interim City Administrator**

**RE: First Reading of two Ordinances: 1. Amending Title 17 (Zoning) of the Oroville Municipal Code to Establish Zoning for Commercial Cannabis Activities 2. Amending Title 5 (Business Licenses and Regulations) of the Oroville Municipal Code to Regulate the Establishment and Operation of All Commercial Cannabis Activities in the City of Oroville.**

**DATE: August 7, 2018**

**BACKGROUND**

With the passing of Proposition 64 by California voters in 2016, recreational adult-use cannabis became legal beginning in 2018. In response to Proposition 64, the California legislature adopted Senate Bill 94 in 2017, which outlines a state regulatory system for the various commercial operations associated with the legalization. As part of the state regulations, local jurisdictions may prohibit or allow various cannabis uses outlined in state law and, if they allow them, identify appropriate locations for and restrictions on those uses. On January 16, 2018, the City Council directed staff pursue amendments to the City of Oroville Municipal Code regarding commercial cannabis regulations and pursuing a special or general tax applicable to all commercial cannabis businesses. On February 20, 2018, the City Council hired SCI Consulting Group to assist City staff with the development of a cannabis health and safety regulatory ordinance for medicinal and adult-use cannabis uses and a cannabis business tax ballot measure for the November 2018 general election. The Cannabis Land Use Ordinance (Agenda Item XX) is presented to the City Council for introduction and first reading, along with this Ordinance, and is referenced in the proposed Cannabis Business License Ordinance as “City Ordinance \_\_\_\_.”

**DISCUSSION**

**Public Education and Outreach**

On May 24, 2018, SCI Consulting Group and City staff held two community meetings, a morning and evening session. SCI gave a “Cannabis 101” presentation outlining the cannabis implementation process followed by a public comment period. Following the community meetings, SCI and Staff conducted a stakeholder meeting on June 14, 2018. Prior to the meeting, staff announced the stakeholder meeting to the public at the June 6<sup>th</sup> Council Meeting and invited interested parties to contact the City. The meeting was attended by both participants/advocates from the cannabis industry as well as community members opposed to cannabis. SCI, serving as the facilitator, asked each attendee questions pertaining to the various cannabis activities, zoning

and important health and safety priorities. The information gathered by staff and SCI was used to draft the zoning and business license ordinances.

### **Amendment of Title 17 (Zoning):**

The proposed ordinance:

1. Repeals section 17.08.120 (Marijuana Dispensaries), which currently prohibits cannabis retail sale, cannabis delivery and commercial processing.
2. Amends section 17.04.060 (Definitions)
3. Adds section **17.16.XXX** (Commercial cannabis businesses) to Chapter 17.6 (Use Specific Regulations)
4. Amends Land Use tables for Residential Districts, Commercial Districts, Industrial Districts, and Special Purpose Districts.

**17.16.XXX Commercial Cannabis Business:** This Section develops the following use-specific regulations for commercial cannabis businesses:

- Six hundred (600)-foot buffer from a school, day care center, or youth center as defined in Section 11353.1 of the State of California Health and Safety Code.
- Minimum of three (3) cannabis retail businesses
- Development and Operational Standards.

### **Land Use table Amendments:**

**Retail Sales and Delivery:** The State cannabis retail license (Type 10) applies to “the retail sale and delivery of cannabis or cannabis products to customers.” Licensed retailers must “have a licensed premise which is a physical location from which commercial cannabis activities are conducted. A retailer’s premises may be closed to the public. A retailer may conduct sales exclusively by delivery. “Given this definition, deliveries to consumers can originate from a retail store that is open to the public, or they can originate from a non-storefront retail operation that is not open to the public.

Retail cannabis industry stakeholders have expressed a desire to locate in commercial areas, rather than hidden away in industrial areas. This approach also helps to avoid crime by keeping retail stores, which are potential crime targets, in areas with high visibility and also provides safe access for customers and medicinal patients. However, stakeholders also raised concerns with retail stores being located within the Historic Downtown area. Since delivery-only retail (closed to the public) is similar to existing warehousing or distribution uses, Staff finds this use appropriate within the Industrial Districts.

The proposed ordinance permits storefront retail cannabis sales and delivery uses in **XXX Zone Districts** and non-storefront retail delivery in **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Since this type of activity can generate significant community interest and concern, and the CUP process will facilitate a necessary dialog between the applicant, community, and City to consider and resolve potential community impacts.

**Manufacturing:** This State license (Type 7) defines manufacture as “the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.” A Level 2 license is required for sites that use volatile solvents, while a Level 1 license is required for all other sites.

The proposed ordinance permits cannabis manufacturing in the **XXX Zone Districts** as a permitted use. Cannabis manufacturing is a comparable activity to other light manufacturing uses that are permitted within the Industrial Districts. Due to the extensive State regulations in place to regulate cannabis manufacturing, we are proposing this as a permitted use.

**Cultivation:** This State license type covers a wide range of cultivation and nursery activities, depending on the specific activity to be undertaken (e.g., outdoor, indoor, mixed light). While cultivation is defined as “any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis,” nursery is defined as “any licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.” Stakeholders across the board supported all cultivation uses but raised concerns over odor nuisance’s.

The proposed ordinance permits cannabis indoor and mixed-light cultivation in the **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Due to the lack of Agriculture land within the City of Oroville, cannabis cultivation and nursery uses are limited to indoor and mixed-light cultivation. Outdoor cultivation is prohibited. Due to health and safety concerns raised by stakeholders such as odor, crime, energy consumption and water quality, Cultivation uses will be subject to approval CUP.

**Distribution:** This State license (Type 11) applies to the “procurement, sale, and transport of cannabis and cannabis products between licensees. “This license type applies to wholesale facilities without a retail component.

The proposed ordinance permits cannabis distribution within the **XXX Zone Districts** as a permitted use because cannabis distribution would be an activity similar to wholesale distribution warehousing, which is currently permitted, and because of extensive State regulations that address the main issues associated with this type of use.

**Testing:** This State license (Type 8) applies to designated testing laboratories, defined as “a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state and licensed by the Bureau. A licensed testing facility is prohibited by State law from conducting any other cannabis activity other than testing.

The proposed ordinance permits cannabis testing within the **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Cannabis testing uses is a comparable activity to other research or testing facilities. In order to align with the current Commercial and Industrial zones that allow for research facilities, cannabis testing will require a CUP.

#### **Microbusiness:**

This State license (Type 12) defines a microbusiness as a business that “cultivates cannabis on an area less than 10,000 square feet and acts as a licensed distributor, Level 1 manufacturer (i.e., nonvolatile), and retailer, provided such licensee can demonstrate compliance with all requirements imposed by [the State] on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.”

The proposed ordinance permits cannabis testing within the **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Since microbusinesses combine multiple activities on the same premises, they can only be located where the approved Zoning Districts overlap. Therefore, the above Industrial Districts would be appropriate for consideration for microbusiness uses.

### **Amendment of Title 5 (Business Licenses and Regulations):**

The proposed ordinance will create a new Chapter, Commercial Cannabis, under Title 5-Business Licenses and Regulations of the Oroville Municipal Code. The purpose and intent of this Chapter is to regulate commercial cannabis activities in order to ensure the health, safety and welfare of the residents of the City of Oroville. This Chapter establishes a Cannabis Business Permit (CBP) and requires all commercial cannabis businesses to obtain a CBP, Land Use Permit and State license before they are allowed to commence activities within the City of Oroville. Furthermore, this ordinance establishes general regulations and operation requirements for all commercial activities. The proposed ordinance includes the following:

- **Land Use Reference:** The determination on a Cannabis Business Permit (CBP) will be dependent on issuance of the required land use permit required. Any commercial cannabis business in the City of Oroville must also operate in compliance with the City's zoning ordinance.
- **General Provisions for All Commercial Cannabis Activity:** List of Cannabis Business Permit types and requirements for obtaining a business permit, expiration and validity of a business permit, and record and reporting requirements. Recordkeeping is required for seven (7) years and records are to be produced for inspection by City staff. The purpose of recordkeeping is to ensure that operators are conforming to the regulations as outlined, including the proper state permits, contracts with other cannabis activity, financial records including purchases, sales, tax records, employee verification, proof of insurance. The following commercial cannabis activities will be permitted within the City of Oroville:
  - a. Cultivation (Indoor and Mixed-Light)
  - b. Distribution
  - c. Manufacturing (Volatile and Non-volatile)
  - d. Microbusinesses
  - e. Nurseries
  - f. Retail (Dispensaries)
  - g. Testing
- **Operational Standards for All Commercial Cannabis Activities:** Standards pertain to all operations and facilities and list requirements such as security camera surveillance standards; requirements of the California Cannabis Track-and-Trace System which is a state program that is used to record the inventory and movement of cannabis and cannabis products through the commercial supply chain – from cultivation to sale. It accounts for cannabis products at each trade; requirements on floor plans especially for the safety of fire other personnel that may be required to enter a building during an emergency (requested by the Fire department, especially for manufacturing activities; storage, labeling, and testing of cannabis products; safety, security, and emergency provisions, among other general provisions for all cannabis activity.
- **Additional Operational Requirements:** All cannabis-related operations and facilities are required to follow all State regulations along with any additional regulations listed in these

sections specifically for each type of activity. The additional provisions are intended to address specific requirements due the special activity. Examples include:

**Retail:**

- Only three (3) retail businesses permitted
- One security guard is required at all times
- Hours of Operation – 9am to 9pm

**Delivery:**

- Cannabis Delivery is allowed only from a City permitted cannabis retailer or a licensed cannabis retailer outside of the City
- Delivery shall only take place during normal business hours

**Manufacturers:**

- Volatile and Non-volatile extractions are permitted.

**Testing Laboratories:**

- A licensed cannabis testing facility business, its owners and its employees may not hold an interest in any other cannabis business except another testing business.

**Cultivation:**

- Outdoor cultivation prohibited.
- Cultivation must occur within fully enclosed and secured structure
- No exterior evidence of cannabis cultivation.

- **Cannabis Business Permit Selection Process:** The CBP selection process will be conducted in two phases, Phase 1 and Phase 2. In Phase 1, each Applicant interested in operating a commercial cannabis business will pay an application fee in an amount established by the City Council by resolution. The application will be reviewed for completeness by the City Administrator or designee. In Phase 2, the applicant will pay an application fee in an amount established by the City Council and a complete background check of the business owner and review of the business plans will be conducted by the City Administrator to ensure compatibility with State and local regulations.

For commercial cannabis activities restricted by number of permits available, the City will establish a competitive selection process using a merit-based scoring system and a selection panel to objectively award permits in the event that there are more applications than there are permits available for a specific license type. The City Administrator shall convene a Selection Panel to make the final decision, based on a merit-based scoring system, of the highest-ranking applicant or applicants to recommend to the City Council for the approval of the CBP. A complete description of the merit-based scoring system shall be included with the application forms.

- **Suspension or Revocation of Cannabis Business Permit:** The regulations are designed to minimize negative impacts on the City and neighboring uses, and promote the health, safety, and general welfare of residents and businesses within the City. In addition to any other penalty authorized by law, a Cannabis Business Permit may be suspended or revoked if the City finds, after notice to the permittee and opportunity to be heard, that the permittee or his or her agents or employees has violated any provision of the Ordinance imposed pursuant to.

- **Fees and Taxes.** All cannabis businesses shall pay all applicable fees and taxes. Following the adoption of this ordinance, the City will develop Proposition 26 compliant cost-recovery fees application processing and annual monitoring and compliance.

## **FISCAL IMPACT**

Adoption of the proposed ordinance should be revenue neutral, assuming that the City Council establishes fees for applications and licenses at sufficient levels to fund administration and enforcement of the licenses and municipal code. Staff will propose fees for the City Council's consideration at a later meeting if an ordinance is enacted.

## **RECOMMENDATIONS:**

Planning Commission Recommendations: Conduct a public hearing and, upon conclusion, recommend that the City Council adopt the Draft Cannabis Zoning Ordinance.

City Council Recommendations: Conduct a public hearing, offer Ordinance amending Oroville Municipal Code Title 17 (Zoning) and Ordinance amending Oroville Municipal Code Title 5 (Business Licenses and Regulations) for first reading by title only and waive the full reading.

## **ALTERNATIVES:**

The alternative recommendations available to the **Planning Commission** are as follows:

1. Recommend that the Council adopt the draft ordinance with revisions to the proposed zoning controls as specified by the Commission.
2. Recommend that the Council not adopt the draft ordinance for the reasons as specified by the Commission.

The alternative recommendations available to the **City Council** are as follows:

1. Offer Ordinance amending Oroville Municipal Code Title 17 (Zoning) and Ordinance amending Oroville Municipal Code Title 5 (Business Licenses and Regulations) for first reading by title only and waive the full reading with revisions.
2. Decline to offer the ordinance for first reading.

## **ATTACHMENTS**

Attachment 1: Cannabis Zoning Ordinance

Attachment 2: Commercial Cannabis Business License Ordinance

**ORDINANCE NO. 1830**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMMENDING TITLE 17 (ZONING) OF THE OROVILLE MUNICIPAL CODE BY AMMENDING SECTION 17.04.060 (DEFINITIONS); REPEALING SECTION 17.08.120 (MARIJUANA DISPENSARIES); ADDING SECTION 17.16.XX (COMMERCIAL CANNABIS BUSINESSES); AND AMMENDING SECTIONS 17.28.010 (ALLOWED USES IN RESIDENTIAL DISTRICTS); 17.32.010 (ALLOWED USES IN COMMERCIAL DISTRICTS); 17.34.020 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.36.010 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.40.010 (ALLOWED USES IN SPECIAL PURPOSE DISTRICTS) TO ESTABLISH ZONING FOR COMMERCIAL CANNABIS ACTIVITIES WITHIN THE CITY OF OROVILLE.**

**WHEREAS**, in 1996, the California electorate approved Proposition 215, the Compassionate Use Act of 1996, which allows a patient, with a doctor's recommendation, to use cannabis for medical purposes without the fear of prosecution or arrest; and

**WHEREAS**, in 2003, the California legislature passed Senate Bill 420 (Medical Marijuana Program Act) which amended the Health and Safety Code to permit the establishment of medical cannabis dispensaries for the distribution of cannabis for medical purposes; and

**WHEREAS**, in 2005 the California Board of Equalization began issuing seller's permits for sales consisting of medical cannabis; and

**WHEREAS**, in 2008 the California Attorney General issued guidelines for the security and non-diversion of cannabis grown for medical use; and

**WHEREAS**, in 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA") further amended in 2016 as the Medicinal Cannabis Regulation and Safety Act ("MCRSA"), which established regulations and a state licensing system for medical cannabis cultivation, manufacturing, delivery, and dispensing; and

**WHEREAS**, in 2016 the voters of the State of California approved and passed Proposition 64 also known as the Adult Use of Marijuana Act ("AUMA"); and

**WHEREAS**, Health & Safety Code Section 11362.83 provides that cities are free to adopt and enforce local ordinances that regulate the location, operation, or establishment of medical cannabis dispensaries and cultivation; and

**WHEREAS**, after studying various alternatives for the regulation of commercial cannabis considering input from stakeholders and a public hearing, and reviewing the legal status of cannabis under applicable law, the City Council finds that the regulation of commercial cannabis activities is necessary to protect the public health, safety, and welfare by mitigating the adverse secondary effects from the operations of these uses; and

**WHEREAS**, the City of Oroville has a compelling interest in ensuring that cannabis is not distributed in an illicit manner, in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which these uses may operate, and in providing access of cannabis to residents; and

**WHEREAS**, the City has conducted a CEQA review of all proposed commercial cannabis projects and no further environmental analysis is required. This action has been determined to be exempt

from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3) "General Rule Exemption" and Section 15305 "Minor Alterations in Land Use Limitations."

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF OROVILLE DOES ORDAIN AS FOLLOWS:**

**SECTION 1: Findings.**

The City Council of the City of Oroville adopts and finds as true and correct the aforementioned recitals and incorporate them herein as findings.

**SECTION 2: Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.060 is amended to read as follows:**

**17.04.060 Definitions.**

C. Definitions, "C."

**Cannabis.** All parts of the Cannabis sativa Linnaeus, Cannabis Indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

**Cannabis business.** The cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, distribution, delivery, or retail sale of cannabis or a cannabis product.

**Cannabis canopy.** Means all of the following:

- (A) The designated area(s) at a licensed premise that will contain mature plants at any point in time;
- (B) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
- (C) Canopy may be noncontiguous, but each unique area included in the total canopy calculation shall be separated by an identifiable boundary such as an interior wall or by at least 10 feet of open space; and
- (D) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

**Cannabis cultivation.** Any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.



**Cannabis delivery.** The commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

**Cannabis distribution.** The procurement, sale, and transport of cannabis or cannabis products between licensed cannabis businesses.

**Cannabis manufacturing.** means the production, preparation, propagation, or compounding of manufactured cannabis or cannabis products including businesses involving the extraction of a substance from a cannabis plant, the infusion or mixture of cannabis into another substance, the preparation of an edible item that contains cannabis, and the packaging and labeling of cannabis or cannabis products.

**Cannabis nursery.** The wholesale sale of clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

**Cannabis retail, non-storefront.** A brick-and-mortar cannabis retail use that is closed to the public but is authorized to conduct retail cannabis sales exclusively by delivery This use does not include on-site retail sales of cannabis or cannabis products.

**Cannabis retail, storefront.** The retail sale of cannabis, cannabis products, or devices for the use of cannabis or cannabis products, either individually or in any combination, including an establishment that delivers cannabis or cannabis products as part of a retail sale.

**Cannabis testing.** A facility, entity, or site that offers or performs tests of cannabis or cannabis products, and that is accredited as operating to ISO standard 17025 by an accrediting body and registered with the State Department of Public Health.

Delete the Definition of "Marijuana dispensary" in its entirety.

M. "Definitions, "M":

~~**Marijuana dispensary.** "Marijuana dispensary" means any of the following:~~

~~1. Any for-profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where any person(s) (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") makes available, sells, gives, distributes, or otherwise provides marijuana to any 2 or more other persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") pursuant to [Health and Safety Code](#) Sections 11362.8 and/or 11362.7 et seq., or otherwise; or~~

~~2. Any for-profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to make available, sell, give away, distribute, or otherwise provide marijuana for medicinal marijuana "cooperatives" and "collectives."~~

~~The terms "primary caregiver," "qualified patient," "person with an identification card," "cooperative," and "collective" shall be as defined in Proposition 215 (Health and Safety Code Section 11362.5) and Senate Bill 420 (Health and Safety Code Section 11362.7 et seq.).~~

**SECTION 3: Title 17 (Zoning), Chapter 17.08 (General Regulations), Section 17.08.120 is hereby repealed.**

**17.08.120 Marijuana dispensaries.**

- ~~A. Pursuant to Government Code Section 65858, and notwithstanding any other provision of this Code, the establishment, development, construction, maintenance, or operation of a marijuana dispensary is hereby prohibited, and is not a permitted use in any of the following zoning districts, even if located within an otherwise permitted use: Urban Reserve 10 Acres (UR-10), Urban Reserve 5 Acres (UR-5), Agricultural Residential (RA), Rural Residential 1 Acre (RR-1), Rural Residential 20,000 Square Feet (RR-20), Rural Residential 10,000 Square Feet (RR-10), Large-Lot Residential (RL), Single-Family Residential (R-1), Medium-Density Residential (R-2), High-Density Residential (R-3), Urban-Density Residential (R-4), High-Density Residential/Professional (RP), Neighborhood Commercial (CN), Limited Commercial (C-1), Intensive Commercial (C-2), Highway Commercial Corridor (CH), Commercial Light Manufacturing (CLM), Office (OF), Downtown Mixed-Use (MXD), Neighborhood Mixed-Use (MXN), Corridor Mixed-Use (MXC), Airport Business Park (ABP), Light Industrial (M-1), Intensive Industrial (M-2), Public or Quasi-Public Facilities (PQ), and Open Space (OS). No person shall establish, develop, construct, maintain, or operate a marijuana dispensary, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any marijuana dispensary shall be approved by the City of Oroville or any officer or employee thereof in any of the above districts.~~
- ~~B. **Prohibition of Cannabis Delivery and Commercial Processing.**~~
- ~~1. All deliveries of cannabis are expressly prohibited within the City of Oroville. No person shall conduct any deliveries that either originate or terminate within city limits.~~
  - ~~2. All commercial processing of cannabis is expressly prohibited within the City of Oroville.~~
- ~~C. **Permit or License Issuance.** The city shall not issue any permit, license, or other entitlement for any activity prohibited by the Oroville Municipal Code for which a state license is required under the Medical Marijuana Regulation and Safety Act or the Control, Regulate and Tax Adult Use of Marijuana Act.~~
- ~~D. **Public Nuisance.** Any use or condition caused, or permitted to exist, in violation of any provision of this section shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the city pursuant to Code of Civil Procedure Section 731 or any other remedy available to the city.~~
- ~~E. **Civil Penalties.** In addition to any other enforcement permitted by this section, city counsel may bring a civil action for injunctive relief and civil penalties, as permitted by law, against any person or entity that violates this section. In any civil action brought pursuant to this section, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party.~~

**SECTION 4: Title 17 (Zoning), Chapter 17.16 (Use-Specific Regulations), Section 17.16.XXX is amended to read as follows:**

**17.16.XXX Commercial cannabis businesses.**

- A. **Applicability.** This section applies to all commercial cannabis activities.
- B. **Permit Requirements.**
1. Any application for a commercial cannabis use must specify the State cannabis license type under which the business will operate.
  2. A commercial cannabis business shall be subject to and in conformance with the provisions of Oroville Municipal Code Chapter 5.XX, including the requirement for a

Cannabis Business Permit.

C. **Buffers.** The following limitations shall apply to all commercial cannabis uses:

1. A commercial cannabis use shall provide a minimum six hundred (600)-foot buffer from a school, day care center, or youth center as defined in Business and Professions Code section 26001.
2. The distance specified in this subsection shall be the horizontal distance measured in a straight line from the property line of the school or center to the closest property line of the lot on which the permittee is to be located without regard to intervening structures.

D. **Separation requirements between Cannabis Retail Businesses.** Cannabis retail businesses shall not be permitted or allowed to operate within 1000 feet of each other.

E. **Maximum Number of Cannabis Retail Businesses.** No more than three (3) cannabis retail businesses shall be permitted or allowed to operate within the jurisdictional limits of the City of Oroville.

F. **Development and Operational Standards.** Commercial cannabis uses shall comply with site development standards specified in the applicable zoning district, and must be located and operated in compliance with the following standards:

1. Regulations Applicable to All Commercial Cannabis Uses. All commercial cannabis uses shall comply with the following site development and operational standards:
  - a. Parking. Commercial cannabis uses shall comply with the parking requirements set forth in Oroville Municipal Code Chapter 17.12.070.
  - b. Lighting. Commercial cannabis uses shall comply with the lighting requirements set forth in Oroville Municipal Code Chapter 17.12.010.
  - c. Fencing, Screening and Landscaping. All commercial cannabis uses must comply with the fencing, screening, and landscaping requirements set forth in Oroville Municipal Code Chapter 17.12.020 and 17.12.050.
  - d. Odor. A sufficient odor-absorbing ventilation and exhaust system shall be installed to ensure that odor generated by the use is not detected outside the property, anywhere on adjacent properties or public rights-of-way, or within any other unit located within the same building as the commercial cannabis use. The escape of odors when delivering or transferring cannabis or cannabis products shall be prevented.
  - e. Signs. Signs for commercial cannabis uses shall comply with Oroville Municipal Code Chapter 17.20. In addition, commercial cannabis uses shall comply with the following provisions:
    - i. A sign shall be posted stating that the consumption of cannabis or cannabis products on or near the premises is prohibited;
    - ii. A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 (for medical cannabis uses) or 21 (for recreational cannabis use) is allowed on site, unless accompanied by his or her parent or documented legal guardian. The operator of the establishment shall require all customers to show proof of age; and
    - iii. A sign shall be posted stating that loitering on or near the premises is prohibited.

- f. Property Maintenance. To prevent and deter crime, the site shall be maintained free of debris, litter, and trash.
  - g. Consumption. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis on the premises, are permitted. The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking area(s), walks or other immediate surroundings.
  - h. Transactions. No transactions outside, or partially outside, of an enclosed building are permitted.
2. Regulations Applicable to Storefront Cannabis Retail Uses. All storefront cannabis retail uses shall comply with the following site development and operational standards:
- a. The site shall not include patio or café seating, unless used exclusively for employees.
  - b. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term "patron" refers to a customer, consumer, visitor, or guest of a retail establishment.
3. Regulations Applicable to Non-Storefront Cannabis Retail Uses. All non-storefront cannabis retail uses shall comply with the following site development and operational standards:
- a. The site shall not be open to the general public.
  - b. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term "patron" refers to a customer, consumer, visitor, or guest of a retail establishment.
  - c. No organized and advertised tours shall be permitted.
  - d. No exhibition or product sales area or retail sales are permitted on the site.
4. Regulations Applicable to Cannabis Manufacturing Uses. All cannabis manufacturing uses shall comply with the following operational standards:
- a. The site shall not be open to the general public.
  - b. No organized and advertised tours shall be permitted.
  - c. No exhibition or product sales area or retail sales are permitted on the site.
5. Regulations Applicable to Cannabis Distribution Uses. All cannabis distribution uses shall comply with the following operational standards:
- a. The site shall not be open to the general public.
  - b. No organized and advertised tours shall be permitted.
6. Regulations Applicable to Cannabis Testing Uses. All cannabis testing uses shall comply with the following operational standards:
- a. The site shall not be open to the general public.
  - b. No organized and advertised tours shall be permitted.
7. Regulations Applicable to Cannabis Cultivation Uses. All cannabis cultivation uses shall comply with the following operational standards:
- a. All cultivation shall occur indoors.

- b. Cultivation shall not be visible from any public right-of-way.
  - c. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.
  - d. The site shall not be open to the general public.
  - e. No organized and advertised tours shall be permitted.
  - f. No exhibition or product sales area or retail sales are permitted on the site.
8. Regulations Applicable to Cannabis Nursery Uses. All cannabis cultivation uses shall comply with the following operational standards:
- a. All nursery operations, including cultivation, shall occur indoors.
  - b. Cultivation shall not be visible from any public right-of-way.
  - c. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.
  - d. The site shall not be open to the general public.
  - e. No organized and advertised tours shall be permitted.
  - f. All sales shall be wholesale transactions between licensed cannabis operators. No retail sales are permitted on the site.
9. Regulations Applicable to Cannabis Microbusiness Uses.
- a. Microbusinesses with Storefront Retail. All cannabis microbusiness uses that include storefront retail shall comply with the following operational standards:
    - i. The site shall not include patio or café seating, unless used exclusively for employees.
    - ii. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term “patron” refers to a customer, consumer, visitor, or guest of a retail establishment.
    - iii. All cultivation shall occur indoors.
    - iv. Cultivation shall not be visible from any public right-of-way.
    - v. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.
  - b. Microbusinesses with Non-Storefront Retail. All cannabis microbusiness uses that include non-storefront retail shall comply with the following operational standards:
    - i. The site shall not be open to the general public.
    - ii. No organized and advertised tours shall be permitted.
    - iii. No exhibition or product sales area or retail sales are permitted on the site.
    - iv. All cultivation shall occur indoors.
    - v. Cultivation shall not be visible from any public right-of-way.
    - vi. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.

**SECTION 5:** Title 17 (Zoning), Chapter 17.28 (Residential Districts), Section 17.28.010 is amended to read as follows:

**17.28.010 Allowed uses in residential districts.**

Land Use	Zoning Districts												Use-Specific Regulations
	UR-10	UR-5	RA	RR-1	RR-20	RR-10	RL	R-1	R-2	R-3	R-4	RP	
<i>Residential</i>	N/P	N/P	N/P	N/P	N/P	N/P	N/P	N/P	N/P	N/P	N/P	N/P	
Marijuana dispensary	—	—	—	—	—	—	—	—	—	—	—	—	—

**SECTION 6:** Title 17 (Zoning), Chapter 17.32 (Commercial Districts), Section 17.32.010 is amended to read as follows:

**17.32.010 Allowed uses in commercial districts.**

Land Use	Zoning Districts							Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF		
<i>Retail</i>								
Cannabis Marijuana Retail	N/P	CUP	CUP	CUP	CUP	CUP		17.16.XXX
<i>Services</i>								
Cannabis Testing	N/P	CUP	CUP	CUP	CUP	CUP		17.16.XXX

**SECTION 7:** Title 17 (Zoning), Chapter 17.34 (Mixed-Use Districts), Section 17.34.010 is amended to read as follows:

**17.34.020 Allowed uses in mixed-use districts.**

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
<i>Retail</i>				
Marijuana dispensary	—	—	—	—

**SECTION 8:** Title 17 (Zoning), Chapter 17.36 (Industrial Districts), Section 17.36.010 is amended to read as follows:

**17.36.010 Allowed uses in industrial districts.**

Land Use	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	
<i>Retail</i>				
Cannabis Marijuana Retail	N/P	CUP	CUP	17.16.XXX
<i>Manufacturing, Wholesale, Repair and Storage</i>				
Cannabis Cultivation	N/P	CUP	CUP	17.16.XXX
Cannabis Distribution	N/P	CUP	CUP	17.16.XXX

Land Use	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	
Cannabis Manufacturing	N/P	CUP	CUP	17.16.XXX
Cannabis Microbusiness	N/P	CUP	CUP	17.16.XXX
Cannabis Nursery	N/P	CUP	CUP	17.16.XXX
Cannabis Testing	N/P	CUP	CUP	17.16.XXX

**SECTION 9: Title 17 (Zoning), Chapter 17.40 (Special Purpose Districts), Section 17.40.010 is amended to read as follows:**

**17.40.010 Allowed uses in industrial districts.**

Land Use	Zoning Districts		Use-Specific Regulations
	PQ	OS	
<i>Retail</i>			
Marijuana dispensary	—	—	—

**SECTION 10: Severability.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 11: Effective Date.**

This ordinance shall take effect thirty (30) days after the date of its final adoption, and is contingent upon the successful passage and continued validity of a Cannabis Tax is approved by local voters. The City Clerk shall certify to adoption thereof and cause its publication according to law.

**I HEREBY CERTIFY** that the foregoing ordinance was introduced and read by the City Council of the City of Oroville on the 7<sup>th</sup> day of August, 2018, and was duly read and adopted at a regular meeting on \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

- AYES:            COUNCIL MEMBERS:**
- NOES:            COUNCIL MEMBERS:**
- ABSENT:        COUNCIL MEMBERS:**
- ABSTAIN:       COUNCIL MEMBERS:**

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**LINDA DAHLMEIER, Mayor**

**ATTEST:**

**FORM APPROVED**

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**JOANNA GUTIERREZ, Interim City Clerk**

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**SCOTT HUBER, City Attorney**



## **Zoning Districts and Permitting Recommendations**

### **RETAIL AND DELIVERIES**

The State cannabis retail license (Type 10) applies to “the retail sale and delivery of cannabis or cannabis products to customers.” Licensed retailers must “have a licensed premise which is a physical location from which commercial cannabis activities are conducted. A retailer’s premises may be closed to the public. A retailer may conduct sales exclusively by delivery. “Given this definition, deliveries to consumers can originate from a retail store that is open to the public, or they can originate from a non-storefront retail operation that is not open to the public.

Retail cannabis industry stakeholders have expressed a desire to locate in commercial areas, rather than hidden away in industrial areas. This approach also helps to avoid crime by keeping retail stores, which are potential crime targets, in areas with high visibility and also provides safe access for customers and medicinal patients. However, stakeholders also raised concerns with retail stores being located within the Historic Downtown area. Delivery-only retail (closed to the public) may be appropriate within an Industrial Districts because it is similar to warehousing or distribution uses. Stakeholder’s recommended the City Consider limiting the number of retail stores to 2-3 locations.

**Recommendation:** We recommend that the City consider allowing retail and delivery uses in the Commercial Districts and Delivery-only retail in the Industrial Districts. We also recommend that retail and delivery uses be subject to approval of a Conditional Use Permit (CUP); this type of activity can generate significant community interest and concern, and the CUP process will facilitate a necessary dialog between the applicant, community, and City to consider and resolve potential community impacts. Based on the population size of the City of Oroville and proximity to surrounding Cities, we recommend the City consider up to 3 storefront retail permits and one (1) deliver-only retail permit.

### **MANUFACTURING:**

This State license (Type 7) defines manufacture as “the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.” A Level 2 license is required for sites that use volatile solvents, while a Level 1 license is required for all other sites.

**Recommendation:** Cannabis manufacturing is a comparable activity to other light manufacturing uses that are permitted within the Industrial Districts. We recommend that the City consider limiting cannabis manufacturing uses to the Industrial Districts. Cannabis manufacturing is a comparable activity to other light manufacturing uses. Do to the extensive State regulations in place to regulate cannabis manufacturing, we recommend making this a permitted use. However, if there are safety concerns over volatile extraction methods, cannabis manufacturing can be subject to an approval of a CUP.

## **CULTIVATION:**

This State license type covers a wide range of cultivation and nursery activities, depending on the specific activity to be undertaken (e.g., outdoor, indoor, mixed light). While cultivation is defined as “any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis,” nursery is defined as “any licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.” Stakeholder’s across the board supported all cultivation uses but raised concerns over odor nuisance’s.

**Recommendation:** Due to the lack of Agriculture land within the City of Oroville, we recommend cannabis cultivation and nursery uses are limited to indoor and mixed-light cultivation, in the Industrial Districts. We also recommend that cultivation uses be subject to approval (CUP) due health and safety concerns raised by stakeholders such as odor, crime, energy consumption and water quality.

## **DISTRIBUTION:**

This State license (Type 11) applies to the “procurement, sale, and transport of cannabis and cannabis products between licensees. “This license type applies to wholesale facilities without a retail component.

**Recommendation:** We recommend allowing distribution within the Industrial districts as a permitted use because cannabis distribution would be an activity similar to wholesale distribution warehousing, which is currently permitted, and because of extensive State regulations that address the main issues associated with this type of use.

## **TESTING:**

This State license (Type 8) applies to designated testing laboratories, defined as “a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state and licensed by the Bureau. A licensed testing facility is prohibited by State law from conducting any other cannabis activity other than testing.

**Recommendation:** Cannabis testing uses is a comparable activity other research or testing facilities. We recommend cannabis testing facilities align with the current Commercial and Industrial zones that allow for research facilities with a CUP.

## **MICROBUSINESS**

This State license (Type 12) defines a microbusiness as a business that “cultivates cannabis on an area less than 10,000 square feet and acts as a licensed distributor, Level 1 manufacturer (i.e., nonvolatile), and retailer, provided such licensee can demonstrate compliance with all requirements imposed by [the State] on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.”

**Recommendation:**

In the above sections, we have recommended the City's Industrial districts for all of these activities. Therefore, the Industrial Districts would be appropriate for consideration for microbusiness uses. Based on the discussion above, we recommend allowing microbusiness uses subject to a CUP.

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: Mayor and City Council Members**

**FROM: Tom Lando, Interim City Administrator**

**RE: First Reading of two Ordinances: 1. Amending Title 17 (Zoning) of the Oroville Municipal Code to Establish Zoning for Commercial Cannabis Activities 2. Amending Title 5 (Business Licenses and Regulations) of the Oroville Municipal Code to Regulate the Establishment and Operation of All Commercial Cannabis Activities in the City of Oroville.**

**DATE: August 7, 2018**

**BACKGROUND**

With the passing of Proposition 64 by California voters in 2016, recreational adult-use cannabis became legal beginning in 2018. In response to Proposition 64, the California legislature adopted Senate Bill 94 in 2017, which outlines a state regulatory system for the various commercial operations associated with the legalization. As part of the state regulations, local jurisdictions may prohibit or allow various cannabis uses outlined in state law and, if they allow them, identify appropriate locations for and restrictions on those uses. On January 16, 2018, the City Council directed staff pursue amendments to the City of Oroville Municipal Code regarding commercial cannabis regulations and pursuing a special or general tax applicable to all commercial cannabis businesses. On February 20, 2018, the City Council hired SCI Consulting Group to assist City staff with the development of a cannabis health and safety regulatory ordinance for medicinal and adult-use cannabis uses and a cannabis business tax ballot measure for the November 2018 general election. The Cannabis Land Use Ordinance (Agenda Item XX) is presented to the City Council for introduction and first reading, along with this Ordinance, and is referenced in the proposed Cannabis Business License Ordinance as “City Ordinance \_\_\_\_.”

**DISCUSSION**

**Public Education and Outreach**

On May 24, 2018, SCI Consulting Group and City staff held two community meetings, a morning and evening session. SCI gave a “Cannabis 101” presentation outlining the cannabis implementation process followed by a public comment period. Following the community meetings, SCI and Staff conducted a stakeholder meeting on June 14, 2018. Prior to the meeting, staff announced the stakeholder meeting to the public at the June 6<sup>th</sup> Council Meeting and invited interested parties to contact the City. The meeting was attended by both participants/advocates from the cannabis industry as well as community members opposed to cannabis. SCI, serving as the facilitator, asked each attendee questions pertaining to the various cannabis activities, zoning

and important health and safety priorities. The information gathered by staff and SCI was used to draft the zoning and business license ordinances.

### **Amendment of Title 17 (Zoning):**

The proposed ordinance:

1. Repeals section 17.08.120 (Marijuana Dispensaries), which currently prohibits cannabis retail sale, cannabis delivery and commercial processing.
2. Amends section 17.04.060 (Definitions)
3. Adds section **17.16.XXX** (Commercial cannabis businesses) to Chapter 17.6 (Use Specific Regulations)
4. Amends Land Use tables for Residential Districts, Commercial Districts, Industrial Districts, and Special Purpose Districts.

**17.16.XXX Commercial Cannabis Business:** This Section develops the following use-specific regulations for commercial cannabis businesses:

- Six hundred (600)-foot buffer from a school, day care center, or youth center as defined in Section 11353.1 of the State of California Health and Safety Code.
- Minimum of three (3) cannabis retail businesses
- Development and Operational Standards.

### **Land Use table Amendments:**

**Retail Sales and Delivery:** The State cannabis retail license (Type 10) applies to “the retail sale and delivery of cannabis or cannabis products to customers.” Licensed retailers must “have a licensed premise which is a physical location from which commercial cannabis activities are conducted. A retailer’s premises may be closed to the public. A retailer may conduct sales exclusively by delivery. “Given this definition, deliveries to consumers can originate from a retail store that is open to the public, or they can originate from a non-storefront retail operation that is not open to the public.

Retail cannabis industry stakeholders have expressed a desire to locate in commercial areas, rather than hidden away in industrial areas. This approach also helps to avoid crime by keeping retail stores, which are potential crime targets, in areas with high visibility and also provides safe access for customers and medicinal patients. However, stakeholders also raised concerns with retail stores being located within the Historic Downtown area. Since delivery-only retail (closed to the public) is similar to existing warehousing or distribution uses, Staff finds this use appropriate within the Industrial Districts.

The proposed ordinance permits storefront retail cannabis sales and delivery uses in **XXX Zone Districts** and non-storefront retail delivery in **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Since this type of activity can generate significant community interest and concern, and the CUP process will facilitate a necessary dialog between the applicant, community, and City to consider and resolve potential community impacts.

**Manufacturing:** This State license (Type 7) defines manufacture as “the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.” A Level 2 license is required for sites that use volatile solvents, while a Level 1 license is required for all other sites.

The proposed ordinance permits cannabis manufacturing in the **XXX Zone Districts** as a permitted use. Cannabis manufacturing is a comparable activity to other light manufacturing uses that are permitted within the Industrial Districts. Due to the extensive State regulations in place to regulate cannabis manufacturing, we are proposing this as a permitted use.

**Cultivation:** This State license type covers a wide range of cultivation and nursery activities, depending on the specific activity to be undertaken (e.g., outdoor, indoor, mixed light). While cultivation is defined as “any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis,” nursery is defined as “any licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.” Stakeholders across the board supported all cultivation uses but raised concerns over odor nuisance’s.

The proposed ordinance permits cannabis indoor and mixed-light cultivation in the **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Due to the lack of Agriculture land within the City of Oroville, cannabis cultivation and nursery uses are limited to indoor and mixed-light cultivation. Outdoor cultivation is prohibited. Due to health and safety concerns raised by stakeholders such as odor, crime, energy consumption and water quality, Cultivation uses will be subject to approval CUP.

**Distribution:** This State license (Type 11) applies to the “procurement, sale, and transport of cannabis and cannabis products between licensees. “This license type applies to wholesale facilities without a retail component.

The proposed ordinance permits cannabis distribution within the **XXX Zone Districts** as a permitted use because cannabis distribution would be an activity similar to wholesale distribution warehousing, which is currently permitted, and because of extensive State regulations that address the main issues associated with this type of use.

**Testing:** This State license (Type 8) applies to designated testing laboratories, defined as “a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state and licensed by the Bureau. A licensed testing facility is prohibited by State law from conducting any other cannabis activity other than testing.

The proposed ordinance permits cannabis testing within the **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Cannabis testing uses is a comparable activity to other research or testing facilities. In order to align with the current Commercial and Industrial zones that allow for research facilities, cannabis testing will require a CUP.

#### **Microbusiness:**

This State license (Type 12) defines a microbusiness as a business that “cultivates cannabis on an area less than 10,000 square feet and acts as a licensed distributor, Level 1 manufacturer (i.e., nonvolatile), and retailer, provided such licensee can demonstrate compliance with all requirements imposed by [the State] on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.”

The proposed ordinance permits cannabis testing within the **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Since microbusinesses combine multiple activities on the same premises, they can only be located where the approved Zoning Districts overlap. Therefore, the above Industrial Districts would be appropriate for consideration for microbusiness uses.

### **Amendment of Title 5 (Business Licenses and Regulations):**

The proposed ordinance will create a new Chapter, Commercial Cannabis, under Title 5-Business Licenses and Regulations of the Oroville Municipal Code. The purpose and intent of this Chapter is to regulate commercial cannabis activities in order to ensure the health, safety and welfare of the residents of the City of Oroville. This Chapter establishes a Cannabis Business Permit (CBP) and requires all commercial cannabis businesses to obtain a CBP, Land Use Permit and State license before they are allowed to commence activities within the City of Oroville. Furthermore, this ordinance establishes general regulations and operation requirements for all commercial activities. The proposed ordinance includes the following:

- **Land Use Reference:** The determination on a Cannabis Business Permit (CBP) will be dependent on issuance of the required land use permit required. Any commercial cannabis business in the City of Oroville must also operate in compliance with the City's zoning ordinance.
- **General Provisions for All Commercial Cannabis Activity:** List of Cannabis Business Permit types and requirements for obtaining a business permit, expiration and validity of a business permit, and record and reporting requirements. Recordkeeping is required for seven (7) years and records are to be produced for inspection by City staff. The purpose of recordkeeping is to ensure that operators are conforming to the regulations as outlined, including the proper state permits, contracts with other cannabis activity, financial records including purchases, sales, tax records, employee verification, proof of insurance. The following commercial cannabis activities will be permitted within the City of Oroville:
  - a. Cultivation (Indoor and Mixed-Light)
  - b. Distribution
  - c. Manufacturing (Volatile and Non-volatile)
  - d. Microbusinesses
  - e. Nurseries
  - f. Retail (Dispensaries)
  - g. Testing
- **Operational Standards for All Commercial Cannabis Activities:** Standards pertain to all operations and facilities and list requirements such as security camera surveillance standards; requirements of the California Cannabis Track-and-Trace System which is a state program that is used to record the inventory and movement of cannabis and cannabis products through the commercial supply chain – from cultivation to sale. It accounts for cannabis products at each trade; requirements on floor plans especially for the safety of fire other personnel that may be required to enter a building during an emergency (requested by the Fire department, especially for manufacturing activities; storage, labeling, and testing of cannabis products; safety, security, and emergency provisions, among other general provisions for all cannabis activity.
- **Additional Operational Requirements:** All cannabis-related operations and facilities are required to follow all State regulations along with any additional regulations listed in these

sections specifically for each type of activity. The additional provisions are intended to address specific requirements due the special activity. Examples include:

**Retail:**

- Only three (3) retail businesses permitted
- One security guard is required at all times
- Hours of Operation – 9am to 9pm

**Delivery:**

- Cannabis Delivery is allowed only from a City permitted cannabis retailer or a licensed cannabis retailer outside of the City
- Delivery shall only take place during normal business hours

**Manufacturers:**

- Volatile and Non-volatile extractions are permitted.

**Testing Laboratories:**

- A licensed cannabis testing facility business, its owners and its employees may not hold an interest in any other cannabis business except another testing business.

**Cultivation:**

- Outdoor cultivation prohibited.
- Cultivation must occur within fully enclosed and secured structure
- No exterior evidence of cannabis cultivation.

- **Cannabis Business Permit Selection Process:** The CBP selection process will be conducted in two phases, Phase 1 and Phase 2. In Phase 1, each Applicant interested in operating a commercial cannabis business will pay an application fee in an amount established by the City Council by resolution. The application will be reviewed for completeness by the City Administrator or designee. In Phase 2, the applicant will pay an application fee in an amount established by the City Council and a complete background check of the business owner and review of the business plans will be conducted by the City Administrator to ensure compatibility with State and local regulations.

For commercial cannabis activities restricted by number of permits available, the City will establish a competitive selection process using a merit-based scoring system and a selection panel to objectively award permits in the event that there are more applications than there are permits available for a specific license type. The City Administrator shall convene a Selection Panel to make the final decision, based on a merit-based scoring system, of the highest-ranking applicant or applicants to recommend to the City Council for the approval of the CBP. A complete description of the merit-based scoring system shall be included with the application forms.

- **Suspension or Revocation of Cannabis Business Permit:** The regulations are designed to minimize negative impacts on the City and neighboring uses, and promote the health, safety, and general welfare of residents and businesses within the City. In addition to any other penalty authorized by law, a Cannabis Business Permit may be suspended or revoked if the City finds, after notice to the permittee and opportunity to be heard, that the permittee or his or her agents or employees has violated any provision of the Ordinance imposed pursuant to.



- **Fees and Taxes.** All cannabis businesses shall pay all applicable fees and taxes. Following the adoption of this ordinance, the City will develop Proposition 26 compliant cost-recovery fees application processing and annual monitoring and compliance.

## **FISCAL IMPACT**

Adoption of the proposed ordinance should be revenue neutral, assuming that the City Council establishes fees for applications and licenses at sufficient levels to fund administration and enforcement of the licenses and municipal code. Staff will propose fees for the City Council's consideration at a later meeting if an ordinance is enacted.

## **RECOMMENDATIONS:**

Planning Commission Recommendations: Conduct a public hearing and, upon conclusion, recommend that the City Council adopt the Draft Cannabis Zoning Ordinance.

City Council Recommendations: Conduct a public hearing, offer Ordinance amending Oroville Municipal Code Title 17 (Zoning) and Ordinance amending Oroville Municipal Code Title 5 (Business Licenses and Regulations) for first reading by title only and waive the full reading.

## **ALTERNATIVES:**

The alternative recommendations available to the **Planning Commission** are as follows:

1. Recommend that the Council adopt the draft ordinance with revisions to the proposed zoning controls as specified by the Commission.
2. Recommend that the Council not adopt the draft ordinance for the reasons as specified by the Commission.

The alternative recommendations available to the **City Council** are as follows:

1. Offer Ordinance amending Oroville Municipal Code Title 17 (Zoning) and Ordinance amending Oroville Municipal Code Title 5 (Business Licenses and Regulations) for first reading by title only and waive the full reading with revisions.
2. Decline to offer the ordinance for first reading.

## **ATTACHMENTS**

Attachment 1: Cannabis Zoning Ordinance

Attachment 2: Commercial Cannabis Business License Ordinance

**ORDINANCE NO. 1830**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMMENDING TITLE 17 (ZONING) OF THE OROVILLE MUNICIPAL CODE BY AMMENDING SECTION 17.04.060 (DEFINITIONS); REPEALING SECTION 17.08.120 (MARIJUANA DISPENSARIES); ADDING SECTION 17.16.XX (COMMERCIAL CANNABIS BUSINESSES); AND AMMENDING SECTIONS 17.28.010 (ALLOWED USES IN RESIDENTIAL DISTRICTS); 17.32.010 (ALLOWED USES IN COMMERCIAL DISTRICTS); 17.34.020 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.36.010 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.40.010 (ALLOWED USES IN SPECIAL PURPOSE DISTRICTS) TO ESTABLISH ZONING FOR COMMERCIAL CANNABIS ACTIVITIES WITHIN THE CITY OF OROVILLE.**

**WHEREAS**, in 1996, the California electorate approved Proposition 215, the Compassionate Use Act of 1996, which allows a patient, with a doctor's recommendation, to use cannabis for medical purposes without the fear of prosecution or arrest; and

**WHEREAS**, in 2003, the California legislature passed Senate Bill 420 (Medical Marijuana Program Act) which amended the Health and Safety Code to permit the establishment of medical cannabis dispensaries for the distribution of cannabis for medical purposes; and

**WHEREAS**, in 2005 the California Board of Equalization began issuing seller's permits for sales consisting of medical cannabis; and

**WHEREAS**, in 2008 the California Attorney General issued guidelines for the security and non-diversion of cannabis grown for medical use; and

**WHEREAS**, in 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA") further amended in 2016 as the Medicinal Cannabis Regulation and Safety Act ("MCRSA"), which established regulations and a state licensing system for medical cannabis cultivation, manufacturing, delivery, and dispensing; and

**WHEREAS**, in 2016 the voters of the State of California approved and passed Proposition 64 also known as the Adult Use of Marijuana Act ("AUMA"); and

**WHEREAS**, Health & Safety Code Section 11362.83 provides that cities are free to adopt and enforce local ordinances that regulate the location, operation, or establishment of medical cannabis dispensaries and cultivation; and

**WHEREAS**, after studying various alternatives for the regulation of commercial cannabis considering input from stakeholders and a public hearing, and reviewing the legal status of cannabis under applicable law, the City Council finds that the regulation of commercial cannabis activities is necessary to protect the public health, safety, and welfare by mitigating the adverse secondary effects from the operations of these uses; and

**WHEREAS**, the City of Oroville has a compelling interest in ensuring that cannabis is not distributed in an illicit manner, in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which these uses may operate, and in providing access of cannabis to residents; and

**WHEREAS**, the City has conducted a CEQA review of all proposed commercial cannabis projects and no further environmental analysis is required. This action has been determined to be exempt

from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3) "General Rule Exemption" and Section 15305 "Minor Alterations in Land Use Limitations."

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF OROVILLE DOES ORDAIN AS FOLLOWS:**

**SECTION 1: Findings.**

The City Council of the City of Oroville adopts and finds as true and correct the aforementioned recitals and incorporate them herein as findings.

**SECTION 2: Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.060 is amended to read as follows:**

**17.04.060 Definitions.**

C. Definitions, "C."

**Cannabis.** All parts of the Cannabis sativa Linnaeus, Cannabis Indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

**Cannabis business.** The cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, distribution, delivery, or retail sale of cannabis or a cannabis product.

**Cannabis canopy.** Means all of the following:

- (A) The designated area(s) at a licensed premise that will contain mature plants at any point in time;
- (B) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
- (C) Canopy may be noncontiguous, but each unique area included in the total canopy calculation shall be separated by an identifiable boundary such as an interior wall or by at least 10 feet of open space; and
- (D) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

**Cannabis cultivation.** Any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

**Cannabis delivery.** The commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

**Cannabis distribution.** The procurement, sale, and transport of cannabis or cannabis products between licensed cannabis businesses.

**Cannabis manufacturing.** means the production, preparation, propagation, or compounding of manufactured cannabis or cannabis products including businesses involving the extraction of a substance from a cannabis plant, the infusion or mixture of cannabis into another substance, the preparation of an edible item that contains cannabis, and the packaging and labeling of cannabis or cannabis products.

**Cannabis nursery.** The wholesale sale of clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

**Cannabis retail, non-storefront.** A brick-and-mortar cannabis retail use that is closed to the public but is authorized to conduct retail cannabis sales exclusively by delivery This use does not include on-site retail sales of cannabis or cannabis products.

**Cannabis retail, storefront.** The retail sale of cannabis, cannabis products, or devices for the use of cannabis or cannabis products, either individually or in any combination, including an establishment that delivers cannabis or cannabis products as part of a retail sale.

**Cannabis testing.** A facility, entity, or site that offers or performs tests of cannabis or cannabis products, and that is accredited as operating to ISO standard 17025 by an accrediting body and registered with the State Department of Public Health.

Delete the Definition of "Marijuana dispensary" in its entirety.

M. "Definitions, "M":

~~**Marijuana dispensary.** "Marijuana dispensary" means any of the following:~~

~~1. Any for-profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where any person(s) (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") makes available, sells, gives, distributes, or otherwise provides marijuana to any 2 or more other persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") pursuant to [Health and Safety Code](#) Sections 11362.8 and/or 11362.7 et seq., or otherwise; or~~

~~2. Any for-profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to make available, sell, give away, distribute, or otherwise provide marijuana for medicinal marijuana "cooperatives" and "collectives."~~

~~The terms "primary caregiver," "qualified patient," "person with an identification card," "cooperative," and "collective" shall be as defined in Proposition 215 (Health and Safety Code Section 11362.5) and Senate Bill 420 (Health and Safety Code Section 11362.7 et seq.).~~

**SECTION 3: Title 17 (Zoning), Chapter 17.08 (General Regulations), Section 17.08.120 is hereby repealed.**

**17.08.120 Marijuana dispensaries.**

- ~~A. Pursuant to Government Code Section 65858, and notwithstanding any other provision of this Code, the establishment, development, construction, maintenance, or operation of a marijuana dispensary is hereby prohibited, and is not a permitted use in any of the following zoning districts, even if located within an otherwise permitted use: Urban Reserve 10 Acres (UR-10), Urban Reserve 5 Acres (UR-5), Agricultural Residential (RA), Rural Residential 1 Acre (RR-1), Rural Residential 20,000 Square Feet (RR-20), Rural Residential 10,000 Square Feet (RR-10), Large-Lot Residential (RL), Single-Family Residential (R-1), Medium-Density Residential (R-2), High-Density Residential (R-3), Urban-Density Residential (R-4), High-Density Residential/Professional (RP), Neighborhood Commercial (CN), Limited Commercial (C-1), Intensive Commercial (C-2), Highway Commercial Corridor (CH), Commercial Light Manufacturing (CLM), Office (OF), Downtown Mixed-Use (MXD), Neighborhood Mixed-Use (MXN), Corridor Mixed-Use (MXC), Airport Business Park (ABP), Light Industrial (M-1), Intensive Industrial (M-2), Public or Quasi-Public Facilities (PQ), and Open Space (OS). No person shall establish, develop, construct, maintain, or operate a marijuana dispensary, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any marijuana dispensary shall be approved by the City of Oroville or any officer or employee thereof in any of the above districts.~~
- ~~B. **Prohibition of Cannabis Delivery and Commercial Processing.**~~
- ~~1. All deliveries of cannabis are expressly prohibited within the City of Oroville. No person shall conduct any deliveries that either originate or terminate within city limits.~~
  - ~~2. All commercial processing of cannabis is expressly prohibited within the City of Oroville.~~
- ~~C. **Permit or License Issuance.** The city shall not issue any permit, license, or other entitlement for any activity prohibited by the Oroville Municipal Code for which a state license is required under the Medical Marijuana Regulation and Safety Act or the Control, Regulate and Tax Adult Use of Marijuana Act.~~
- ~~D. **Public Nuisance.** Any use or condition caused, or permitted to exist, in violation of any provision of this section shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the city pursuant to Code of Civil Procedure Section 731 or any other remedy available to the city.~~
- ~~E. **Civil Penalties.** In addition to any other enforcement permitted by this section, city counsel may bring a civil action for injunctive relief and civil penalties, as permitted by law, against any person or entity that violates this section. In any civil action brought pursuant to this section, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party.~~

**SECTION 4: Title 17 (Zoning), Chapter 17.16 (Use-Specific Regulations), Section 17.16.XXX is amended to read as follows:**

**17.16.XXX Commercial cannabis businesses.**

- A. **Applicability.** This section applies to all commercial cannabis activities.
- B. **Permit Requirements.**
1. Any application for a commercial cannabis use must specify the State cannabis license type under which the business will operate.
  2. A commercial cannabis business shall be subject to and in conformance with the provisions of Oroville Municipal Code Chapter 5.XX, including the requirement for a

Cannabis Business Permit.

C. **Buffers.** The following limitations shall apply to all commercial cannabis uses:

1. A commercial cannabis use shall provide a minimum six hundred (600)-foot buffer from a school, day care center, or youth center as defined in Business and Professions Code section 26001.
2. The distance specified in this subsection shall be the horizontal distance measured in a straight line from the property line of the school or center to the closest property line of the lot on which the permittee is to be located without regard to intervening structures.

D. **Separation requirements between Cannabis Retail Businesses.** Cannabis retail businesses shall not be permitted or allowed to operate within 1000 feet of each other.

E. **Maximum Number of Cannabis Retail Businesses.** No more than three (3) cannabis retail businesses shall be permitted or allowed to operate within the jurisdictional limits of the City of Oroville.

F. **Development and Operational Standards.** Commercial cannabis uses shall comply with site development standards specified in the applicable zoning district, and must be located and operated in compliance with the following standards:

1. Regulations Applicable to All Commercial Cannabis Uses. All commercial cannabis uses shall comply with the following site development and operational standards:
  - a. Parking. Commercial cannabis uses shall comply with the parking requirements set forth in Oroville Municipal Code Chapter 17.12.070.
  - b. Lighting. Commercial cannabis uses shall comply with the lighting requirements set forth in Oroville Municipal Code Chapter 17.12.010.
  - c. Fencing, Screening and Landscaping. All commercial cannabis uses must comply with the fencing, screening, and landscaping requirements set forth in Oroville Municipal Code Chapter 17.12.020 and 17.12.050.
  - d. Odor. A sufficient odor-absorbing ventilation and exhaust system shall be installed to ensure that odor generated by the use is not detected outside the property, anywhere on adjacent properties or public rights-of-way, or within any other unit located within the same building as the commercial cannabis use. The escape of odors when delivering or transferring cannabis or cannabis products shall be prevented.
  - e. Signs. Signs for commercial cannabis uses shall comply with Oroville Municipal Code Chapter 17.20. In addition, commercial cannabis uses shall comply with the following provisions:
    - i. A sign shall be posted stating that the consumption of cannabis or cannabis products on or near the premises is prohibited;
    - ii. A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 (for medical cannabis uses) or 21 (for recreational cannabis use) is allowed on site, unless accompanied by his or her parent or documented legal guardian. The operator of the establishment shall require all customers to show proof of age; and
    - iii. A sign shall be posted stating that loitering on or near the premises is prohibited.

- f. Property Maintenance. To prevent and deter crime, the site shall be maintained free of debris, litter, and trash.
  - g. Consumption. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis on the premises, are permitted. The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking area(s), walks or other immediate surroundings.
  - h. Transactions. No transactions outside, or partially outside, of an enclosed building are permitted.
2. Regulations Applicable to Storefront Cannabis Retail Uses. All storefront cannabis retail uses shall comply with the following site development and operational standards:
    - a. The site shall not include patio or café seating, unless used exclusively for employees.
    - b. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term "patron" refers to a customer, consumer, visitor, or guest of a retail establishment.
  3. Regulations Applicable to Non-Storefront Cannabis Retail Uses. All non-storefront cannabis retail uses shall comply with the following site development and operational standards:
    - a. The site shall not be open to the general public.
    - b. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term "patron" refers to a customer, consumer, visitor, or guest of a retail establishment.
    - c. No organized and advertised tours shall be permitted.
    - d. No exhibition or product sales area or retail sales are permitted on the site.
  4. Regulations Applicable to Cannabis Manufacturing Uses. All cannabis manufacturing uses shall comply with the following operational standards:
    - a. The site shall not be open to the general public.
    - b. No organized and advertised tours shall be permitted.
    - c. No exhibition or product sales area or retail sales are permitted on the site.
  5. Regulations Applicable to Cannabis Distribution Uses. All cannabis distribution uses shall comply with the following operational standards:
    - a. The site shall not be open to the general public.
    - b. No organized and advertised tours shall be permitted.
  6. Regulations Applicable to Cannabis Testing Uses. All cannabis testing uses shall comply with the following operational standards:
    - a. The site shall not be open to the general public.
    - b. No organized and advertised tours shall be permitted.
  7. Regulations Applicable to Cannabis Cultivation Uses. All cannabis cultivation uses shall comply with the following operational standards:
    - a. All cultivation shall occur indoors.

- b. Cultivation shall not be visible from any public right-of-way.
  - c. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.
  - d. The site shall not be open to the general public.
  - e. No organized and advertised tours shall be permitted.
  - f. No exhibition or product sales area or retail sales are permitted on the site.
8. Regulations Applicable to Cannabis Nursery Uses. All cannabis cultivation uses shall comply with the following operational standards:
- a. All nursery operations, including cultivation, shall occur indoors.
  - b. Cultivation shall not be visible from any public right-of-way.
  - c. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.
  - d. The site shall not be open to the general public.
  - e. No organized and advertised tours shall be permitted.
  - f. All sales shall be wholesale transactions between licensed cannabis operators. No retail sales are permitted on the site.
9. Regulations Applicable to Cannabis Microbusiness Uses.
- a. Microbusinesses with Storefront Retail. All cannabis microbusiness uses that include storefront retail shall comply with the following operational standards:
    - i. The site shall not include patio or café seating, unless used exclusively for employees.
    - ii. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term “patron” refers to a customer, consumer, visitor, or guest of a retail establishment.
    - iii. All cultivation shall occur indoors.
    - iv. Cultivation shall not be visible from any public right-of-way.
    - v. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.
  - b. Microbusinesses with Non-Storefront Retail. All cannabis microbusiness uses that include non-storefront retail shall comply with the following operational standards:
    - i. The site shall not be open to the general public.
    - ii. No organized and advertised tours shall be permitted.
    - iii. No exhibition or product sales area or retail sales are permitted on the site.
    - iv. All cultivation shall occur indoors.
    - v. Cultivation shall not be visible from any public right-of-way.
    - vi. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.



**SECTION 5:** Title 17 (Zoning), Chapter 17.28 (Residential Districts), Section 17.28.010 is amended to read as follows:

**17.28.010 Allowed uses in residential districts.**

Land Use	Zoning Districts												Use-Specific Regulations
	UR-10	UR-5	RA	RR-1	RR-20	RR-10	RL	R-1	R-2	R-3	R-4	RP	
<i>Residential</i>	N/P	N/P	N/P	N/P	N/P	N/P	N/P	N/P	N/P	N/P	N/P	N/P	
Marijuana dispensary	—	—	—	—	—	—	—	—	—	—	—	—	—

**SECTION 6:** Title 17 (Zoning), Chapter 17.32 (Commercial Districts), Section 17.32.010 is amended to read as follows:

**17.32.010 Allowed uses in commercial districts.**

Land Use	Zoning Districts							Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF		
<i>Retail</i>								
Cannabis Marijuana Retail	N/P	CUP	CUP	CUP	CUP	CUP	17.16.XXX	
<i>Services</i>								
Cannabis Testing	N/P	CUP	CUP	CUP	CUP	CUP	17.16.XXX	

**SECTION 7:** Title 17 (Zoning), Chapter 17.34 (Mixed-Use Districts), Section 17.34.010 is amended to read as follows:

**17.34.020 Allowed uses in mixed-use districts.**

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
<i>Retail</i>				
Marijuana dispensary	—	—	—	—

**SECTION 8:** Title 17 (Zoning), Chapter 17.36 (Industrial Districts), Section 17.36.010 is amended to read as follows:

**17.36.010 Allowed uses in industrial districts.**

Land Use	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	
<i>Retail</i>				
Cannabis Marijuana Retail	N/P	CUP	CUP	17.16.XXX
<i>Manufacturing, Wholesale, Repair and Storage</i>				
Cannabis Cultivation	N/P	CUP	CUP	17.16.XXX
Cannabis Distribution	N/P	CUP	CUP	17.16.XXX

Land Use	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	
Cannabis Manufacturing	N/P	CUP	CUP	17.16.XXX
Cannabis Microbusiness	N/P	CUP	CUP	17.16.XXX
Cannabis Nursery	N/P	CUP	CUP	17.16.XXX
Cannabis Testing	N/P	CUP	CUP	17.16.XXX

**SECTION 9: Title 17 (Zoning), Chapter 17.40 (Special Purpose Districts), Section 17.40.010 is amended to read as follows:**

**17.40.010 Allowed uses in industrial districts.**

Land Use	Zoning Districts		Use-Specific Regulations
	PQ	OS	
<i>Retail</i>			
Marijuana dispensary	—	—	—

**SECTION 10: Severability.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 11: Effective Date.**

This ordinance shall take effect thirty (30) days after the date of its final adoption, and is contingent upon the successful passage and continued validity of a Cannabis Tax is approved by local voters. The City Clerk shall certify to adoption thereof and cause its publication according to law.

**I HEREBY CERTIFY** that the foregoing ordinance was introduced and read by the City Council of the City of Oroville on the 7<sup>th</sup> day of August, 2018, and was duly read and adopted at a regular meeting on \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

- AYES:            COUNCIL MEMBERS:**
- NOES:            COUNCIL MEMBERS:**
- ABSENT:        COUNCIL MEMBERS:**
- ABSTAIN:       COUNCIL MEMBERS:**

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**LINDA DAHLMEIER, Mayor**

**ATTEST:**

**FORM APPROVED**

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**JOANNA GUTIERREZ, Interim City Clerk**

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**SCOTT HUBER, City Attorney**

## Zoning Districts and Permitting Recommendations

### RETAIL AND DELIVERIES

The State cannabis retail license (Type 10) applies to “the retail sale and delivery of cannabis or cannabis products to customers.” Licensed retailers must “have a licensed premise which is a physical location from which commercial cannabis activities are conducted. A retailer’s premises may be closed to the public. A retailer may conduct sales exclusively by delivery. “Given this definition, deliveries to consumers can originate from a retail store that is open to the public, or they can originate from a non-storefront retail operation that is not open to the public.

Retail cannabis industry stakeholders have expressed a desire to locate in commercial areas, rather than hidden away in industrial areas. This approach also helps to avoid crime by keeping retail stores, which are potential crime targets, in areas with high visibility and also provides safe access for customers and medicinal patients. However, stakeholders also raised concerns with retail stores being located within the Historic Downtown area. Delivery-only retail (closed to the public) may be appropriate within an Industrial Districts because it is similar to warehousing or distribution uses. Stakeholder’s recommended the City Consider limiting the number of retail stores to 2-3 locations.

**Recommendation:** We recommend that the City consider allowing retail and delivery uses in the Commercial Districts and Delivery-only retail in the Industrial Districts. We also recommend that retail and delivery uses be subject to approval of a Conditional Use Permit (CUP); this type of activity can generate significant community interest and concern, and the CUP process will facilitate a necessary dialog between the applicant, community, and City to consider and resolve potential community impacts. Based on the population size of the City of Oroville and proximity to surrounding Cities, we recommend the City consider up to 3 storefront retail permits and one (1) deliver-only retail permit.

### MANUFACTURING:

This State license (Type 7) defines manufacture as “the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.” A Level 2 license is required for sites that use volatile solvents, while a Level 1 license is required for all other sites.

**Recommendation:** Cannabis manufacturing is a comparable activity to other light manufacturing uses that are permitted within the Industrial Districts. We recommend that the City consider limiting cannabis manufacturing uses to the Industrial Districts. Cannabis manufacturing is a comparable activity to other light manufacturing uses. Do to the extensive State regulations in place to regulate cannabis manufacturing, we recommend making this a permitted use. However, if there are safety concerns over volatile extraction methods, cannabis manufacturing can be subject to an approval of a CUP.

## **CULTIVATION:**

This State license type covers a wide range of cultivation and nursery activities, depending on the specific activity to be undertaken (e.g., outdoor, indoor, mixed light). While cultivation is defined as “any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis,” nursery is defined as “any licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.” Stakeholder’s across the board supported all cultivation uses but raised concerns over odor nuisance’s.

**Recommendation:** Due to the lack of Agriculture land within the City of Oroville, we recommend cannabis cultivation and nursery uses are limited to indoor and mixed-light cultivation, in the Industrial Districts. We also recommend that cultivation uses be subject to approval (CUP) due health and safety concerns raised by stakeholders such as odor, crime, energy consumption and water quality.

## **DISTRIBUTION:**

This State license (Type 11) applies to the “procurement, sale, and transport of cannabis and cannabis products between licensees. “This license type applies to wholesale facilities without a retail component.

**Recommendation:** We recommend allowing distribution within the Industrial districts as a permitted use because cannabis distribution would be an activity similar to wholesale distribution warehousing, which is currently permitted, and because of extensive State regulations that address the main issues associated with this type of use.

## **TESTING:**

This State license (Type 8) applies to designated testing laboratories, defined as “a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state and licensed by the Bureau. A licensed testing facility is prohibited by State law from conducting any other cannabis activity other than testing.

**Recommendation:** Cannabis testing uses is a comparable activity other research or testing facilities. We recommend cannabis testing facilities align with the current Commercial and Industrial zones that allow for research facilities with a CUP.

## **MICROBUSINESS**

This State license (Type 12) defines a microbusiness as a business that “cultivates cannabis on an area less than 10,000 square feet and acts as a licensed distributor, Level 1 manufacturer (i.e., nonvolatile), and retailer, provided such licensee can demonstrate compliance with all requirements imposed by [the State] on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.”

**Recommendation:**

In the above sections, we have recommended the City's Industrial districts for all of these activities. Therefore, the Industrial Districts would be appropriate for consideration for microbusiness uses. Based on the discussion above, we recommend allowing microbusiness uses subject to a CUP.

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: Mayor and City Council Members**

**FROM: Tom Lando, Interim City Administrator**

**RE: First Reading of two Ordinances: 1. Amending Title 17 (Zoning) of the Oroville Municipal Code to Establish Zoning for Commercial Cannabis Activities 2. Amending Title 5 (Business Licenses and Regulations) of the Oroville Municipal Code to Regulate the Establishment and Operation of All Commercial Cannabis Activities in the City of Oroville.**

**DATE: August 7, 2018**

**BACKGROUND**

With the passing of Proposition 64 by California voters in 2016, recreational adult-use cannabis became legal beginning in 2018. In response to Proposition 64, the California legislature adopted Senate Bill 94 in 2017, which outlines a state regulatory system for the various commercial operations associated with the legalization. As part of the state regulations, local jurisdictions may prohibit or allow various cannabis uses outlined in state law and, if they allow them, identify appropriate locations for and restrictions on those uses. On January 16, 2018, the City Council directed staff pursue amendments to the City of Oroville Municipal Code regarding commercial cannabis regulations and pursuing a special or general tax applicable to all commercial cannabis businesses. On February 20, 2018, the City Council hired SCI Consulting Group to assist City staff with the development of a cannabis health and safety regulatory ordinance for medicinal and adult-use cannabis uses and a cannabis business tax ballot measure for the November 2018 general election. The Cannabis Land Use Ordinance (Agenda Item XX) is presented to the City Council for introduction and first reading, along with this Ordinance, and is referenced in the proposed Cannabis Business License Ordinance as “City Ordinance \_\_\_\_.”

**DISCUSSION**

**Public Education and Outreach**

On May 24, 2018, SCI Consulting Group and City staff held two community meetings, a morning and evening session. SCI gave a “Cannabis 101” presentation outlining the cannabis implementation process followed by a public comment period. Following the community meetings, SCI and Staff conducted a stakeholder meeting on June 14, 2018. Prior to the meeting, staff announced the stakeholder meeting to the public at the June 6<sup>th</sup> Council Meeting and invited interested parties to contact the City. The meeting was attended by both participants/advocates from the cannabis industry as well as community members opposed to cannabis. SCI, serving as the facilitator, asked each attendee questions pertaining to the various cannabis activities, zoning

and important health and safety priorities. The information gathered by staff and SCI was used to draft the zoning and business license ordinances.

### **Amendment of Title 17 (Zoning):**

The proposed ordinance:

1. Repeals section 17.08.120 (Marijuana Dispensaries), which currently prohibits cannabis retail sale, cannabis delivery and commercial processing.
2. Amends section 17.04.060 (Definitions)
3. Adds section **17.16.XXX** (Commercial cannabis businesses) to Chapter 17.6 (Use Specific Regulations)
4. Amends Land Use tables for Residential Districts, Commercial Districts, Industrial Districts, and Special Purpose Districts.

**17.16.XXX Commercial Cannabis Business:** This Section develops the following use-specific regulations for commercial cannabis businesses:

- Six hundred (600)-foot buffer from a school, day care center, or youth center as defined in Section 11353.1 of the State of California Health and Safety Code.
- Minimum of three (3) cannabis retail businesses
- Development and Operational Standards.

### **Land Use table Amendments:**

**Retail Sales and Delivery:** The State cannabis retail license (Type 10) applies to “the retail sale and delivery of cannabis or cannabis products to customers.” Licensed retailers must “have a licensed premise which is a physical location from which commercial cannabis activities are conducted. A retailer’s premises may be closed to the public. A retailer may conduct sales exclusively by delivery. “Given this definition, deliveries to consumers can originate from a retail store that is open to the public, or they can originate from a non-storefront retail operation that is not open to the public.

Retail cannabis industry stakeholders have expressed a desire to locate in commercial areas, rather than hidden away in industrial areas. This approach also helps to avoid crime by keeping retail stores, which are potential crime targets, in areas with high visibility and also provides safe access for customers and medicinal patients. However, stakeholders also raised concerns with retail stores being located within the Historic Downtown area. Since delivery-only retail (closed to the public) is similar to existing warehousing or distribution uses, Staff finds this use appropriate within the Industrial Districts.

The proposed ordinance permits storefront retail cannabis sales and delivery uses in **XXX Zone Districts** and non-storefront retail delivery in **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Since this type of activity can generate significant community interest and concern, and the CUP process will facilitate a necessary dialog between the applicant, community, and City to consider and resolve potential community impacts.

**Manufacturing:** This State license (Type 7) defines manufacture as “the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.” A Level 2 license is required for sites that use volatile solvents, while a Level 1 license is required for all other sites.



The proposed ordinance permits cannabis manufacturing in the **XXX Zone Districts** as a permitted use. Cannabis manufacturing is a comparable activity to other light manufacturing uses that are permitted within the Industrial Districts. Due to the extensive State regulations in place to regulate cannabis manufacturing, we are proposing this as a permitted use.

**Cultivation:** This State license type covers a wide range of cultivation and nursery activities, depending on the specific activity to be undertaken (e.g., outdoor, indoor, mixed light). While cultivation is defined as “any activity involving the planting, growing, harvesting, drying, curing, grading or trimming of cannabis,” nursery is defined as “any licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.” Stakeholders across the board supported all cultivation uses but raised concerns over odor nuisance’s.

The proposed ordinance permits cannabis indoor and mixed-light cultivation in the **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Due to the lack of Agriculture land within the City of Oroville, cannabis cultivation and nursery uses are limited to indoor and mixed-light cultivation. Outdoor cultivation is prohibited. Due to health and safety concerns raised by stakeholders such as odor, crime, energy consumption and water quality, Cultivation uses will be subject to approval CUP.

**Distribution:** This State license (Type 11) applies to the “procurement, sale, and transport of cannabis and cannabis products between licensees. “This license type applies to wholesale facilities without a retail component.

The proposed ordinance permits cannabis distribution within the **XXX Zone Districts** as a permitted use because cannabis distribution would be an activity similar to wholesale distribution warehousing, which is currently permitted, and because of extensive State regulations that address the main issues associated with this type of use.

**Testing:** This State license (Type 8) applies to designated testing laboratories, defined as “a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state and licensed by the Bureau. A licensed testing facility is prohibited by State law from conducting any other cannabis activity other than testing.

The proposed ordinance permits cannabis testing within the **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Cannabis testing uses is a comparable activity to other research or testing facilities. In order to align with the current Commercial and Industrial zones that allow for research facilities, cannabis testing will require a CUP.

#### **Microbusiness:**

This State license (Type 12) defines a microbusiness as a business that “cultivates cannabis on an area less than 10,000 square feet and acts as a licensed distributor, Level 1 manufacturer (i.e., nonvolatile), and retailer, provided such licensee can demonstrate compliance with all requirements imposed by [the State] on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.”

The proposed ordinance permits cannabis testing within the **XXX Zone Districts** subject to an approval of a Conditional Use Permit. Since microbusinesses combine multiple activities on the same premises, they can only be located where the approved Zoning Districts overlap. Therefore, the above Industrial Districts would be appropriate for consideration for microbusiness uses.

### **Amendment of Title 5 (Business Licenses and Regulations):**

The proposed ordinance will create a new Chapter, Commercial Cannabis, under Title 5-Business Licenses and Regulations of the Oroville Municipal Code. The purpose and intent of this Chapter is to regulate commercial cannabis activities in order to ensure the health, safety and welfare of the residents of the City of Oroville. This Chapter establishes a Cannabis Business Permit (CBP) and requires all commercial cannabis businesses to obtain a CBP, Land Use Permit and State license before they are allowed to commence activities within the City of Oroville. Furthermore, this ordinance establishes general regulations and operation requirements for all commercial activities. The proposed ordinance includes the following:

- **Land Use Reference:** The determination on a Cannabis Business Permit (CBP) will be dependent on issuance of the required land use permit required. Any commercial cannabis business in the City of Oroville must also operate in compliance with the City's zoning ordinance.
- **General Provisions for All Commercial Cannabis Activity:** List of Cannabis Business Permit types and requirements for obtaining a business permit, expiration and validity of a business permit, and record and reporting requirements. Recordkeeping is required for seven (7) years and records are to be produced for inspection by City staff. The purpose of recordkeeping is to ensure that operators are conforming to the regulations as outlined, including the proper state permits, contracts with other cannabis activity, financial records including purchases, sales, tax records, employee verification, proof of insurance. The following commercial cannabis activities will be permitted within the City of Oroville:
  - a. Cultivation (Indoor and Mixed-Light)
  - b. Distribution
  - c. Manufacturing (Volatile and Non-volatile)
  - d. Microbusinesses
  - e. Nurseries
  - f. Retail (Dispensaries)
  - g. Testing
- **Operational Standards for All Commercial Cannabis Activities:** Standards pertain to all operations and facilities and list requirements such as security camera surveillance standards; requirements of the California Cannabis Track-and-Trace System which is a state program that is used to record the inventory and movement of cannabis and cannabis products through the commercial supply chain – from cultivation to sale. It accounts for cannabis products at each trade; requirements on floor plans especially for the safety of fire other personnel that may be required to enter a building during an emergency (requested by the Fire department, especially for manufacturing activities; storage, labeling, and testing of cannabis products; safety, security, and emergency provisions, among other general provisions for all cannabis activity.
- **Additional Operational Requirements:** All cannabis-related operations and facilities are required to follow all State regulations along with any additional regulations listed in these

sections specifically for each type of activity. The additional provisions are intended to address specific requirements due the special activity. Examples include:

**Retail:**

- Only three (3) retail businesses permitted
- One security guard is required at all times
- Hours of Operation – 9am to 9pm

**Delivery:**

- Cannabis Delivery is allowed only from a City permitted cannabis retailer or a licensed cannabis retailer outside of the City
- Delivery shall only take place during normal business hours

**Manufacturers:**

- Volatile and Non-volatile extractions are permitted.

**Testing Laboratories:**

- A licensed cannabis testing facility business, its owners and its employees may not hold an interest in any other cannabis business except another testing business.

**Cultivation:**

- Outdoor cultivation prohibited.
- Cultivation must occur within fully enclosed and secured structure
- No exterior evidence of cannabis cultivation.

- **Cannabis Business Permit Selection Process:** The CBP selection process will be conducted in two phases, Phase 1 and Phase 2. In Phase 1, each Applicant interested in operating a commercial cannabis business will pay an application fee in an amount established by the City Council by resolution. The application will be reviewed for completeness by the City Administrator or designee. In Phase 2, the applicant will pay an application fee in an amount established by the City Council and a complete background check of the business owner and review of the business plans will be conducted by the City Administrator to ensure compatibility with State and local regulations.

For commercial cannabis activities restricted by number of permits available, the City will establish a competitive selection process using a merit-based scoring system and a selection panel to objectively award permits in the event that there are more applications than there are permits available for a specific license type. The City Administrator shall convene a Selection Panel to make the final decision, based on a merit-based scoring system, of the highest-ranking applicant or applicants to recommend to the City Council for the approval of the CBP. A complete description of the merit-based scoring system shall be included with the application forms.

- **Suspension or Revocation of Cannabis Business Permit:** The regulations are designed to minimize negative impacts on the City and neighboring uses, and promote the health, safety, and general welfare of residents and businesses within the City. In addition to any other penalty authorized by law, a Cannabis Business Permit may be suspended or revoked if the City finds, after notice to the permittee and opportunity to be heard, that the permittee or his or her agents or employees has violated any provision of the Ordinance imposed pursuant to.

- **Fees and Taxes.** All cannabis businesses shall pay all applicable fees and taxes. Following the adoption of this ordinance, the City will develop Proposition 26 compliant cost-recovery fees application processing and annual monitoring and compliance.

## **FISCAL IMPACT**

Adoption of the proposed ordinance should be revenue neutral, assuming that the City Council establishes fees for applications and licenses at sufficient levels to fund administration and enforcement of the licenses and municipal code. Staff will propose fees for the City Council's consideration at a later meeting if an ordinance is enacted.

## **RECOMMENDATIONS:**

Planning Commission Recommendations: Conduct a public hearing and, upon conclusion, recommend that the City Council adopt the Draft Cannabis Zoning Ordinance.

City Council Recommendations: Conduct a public hearing, offer Ordinance amending Oroville Municipal Code Title 17 (Zoning) and Ordinance amending Oroville Municipal Code Title 5 (Business Licenses and Regulations) for first reading by title only and waive the full reading.

## **ALTERNATIVES:**

The alternative recommendations available to the **Planning Commission** are as follows:

1. Recommend that the Council adopt the draft ordinance with revisions to the proposed zoning controls as specified by the Commission.
2. Recommend that the Council not adopt the draft ordinance for the reasons as specified by the Commission.

The alternative recommendations available to the **City Council** are as follows:

1. Offer Ordinance amending Oroville Municipal Code Title 17 (Zoning) and Ordinance amending Oroville Municipal Code Title 5 (Business Licenses and Regulations) for first reading by title only and waive the full reading with revisions.
2. Decline to offer the ordinance for first reading.

## **ATTACHMENTS**

Attachment 1: Cannabis Zoning Ordinance

Attachment 2: Commercial Cannabis Business License Ordinance

**ORDINANCE NO. 1831**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE,  
CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENCES AND REGULATIONS)  
OF THE OROVILLE MUNICIPAL CODE BY ADDING CHAPTER 5.XX  
(COMMERCIAL CANNABIS) TO REGULATE THE ESTABLISHMENT AND  
OPERATION OF ALL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF  
OROVILLE**

**WHEREAS**, in 1996, the California electorate approved Proposition 215, the Compassionate Use Act of 1996, which allows a patient, with a doctor's recommendation, to use cannabis for medical purposes without the fear of prosecution or arrest; and

**WHEREAS**, in 2003, the California legislature passed Senate Bill 420 (Medical Marijuana Program Act) which amended the Health and Safety Code to permit the establishment of medical cannabis dispensaries for the distribution of cannabis for medical purposes; and

**WHEREAS**, in 2005 the California Board of Equalization began issuing seller's permits for sales consisting of medical cannabis; and

**WHEREAS**, in 2008 the California Attorney General issued guidelines for the security and non-diversion of cannabis grown for medical use; and

**WHEREAS**, in 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA") further amended in 2016 as the Medicinal Cannabis Regulation and Safety Act ("MCRSA"), which established regulations and a state licensing system for medical cannabis cultivation, manufacturing, delivery, and dispensing; and

**WHEREAS**, in 2016 the voters of the State of California approved and passed Proposition 64 also known as the Adult Use of Marijuana Act ("AUMA"); and

**WHEREAS**, Health & Safety Code Section 11362.83 provides that cities are free to adopt and enforce local ordinances that regulate the location, operation, or establishment of medical cannabis dispensaries and cultivation; and

**WHEREAS**, after studying various alternatives for the regulation of commercial cannabis considering input from stakeholders and a public hearing, and reviewing the legal status of cannabis under applicable law, the City Council finds that the regulation of commercial cannabis activities is necessary to protect the public health, safety, and welfare by mitigating the adverse secondary effects from the operations of these uses; and

**WHEREAS**, the City of Oroville has a compelling interest in ensuring that cannabis is not distributed in an illicit manner, in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which these uses may operate, and in providing access of cannabis to residents; and

**WHEREAS**, the City has conducted a CEQA review of all proposed commercial cannabis projects and no further environmental analysis is required. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3) “General Rule Exemption” and Section 15305 “Minor Alterations in Land Use Limitations.”

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF OROVILLE DOES ORDAIN AS FOLLOWS:**

**SECTION 1: Findings.**

The City Council of the City of Oroville adopts and finds as true and correct the aforementioned recitals and incorporate them herein as findings.

**SECTION 2: Title 5 of the Oroville Municipal Code is hereby amended adding Chapter 5.XX (Cannabis) with a title to read as follows:**

**CANNABIS**

**Sections:**

- 5.XX.010 Purpose and Intent.**
- 5.XX.020 Land Use Reference.**
- 5.XX.030 Zoning Compliance and Cannabis Business Permit Required.**
- 5.XX.040 Definitions.**
- 5.XX.050 Compliance with State and Local Licensing Requirements.**
- 5.XX.060 General Provisions for All Commercial Cannabis Activity.**
- 5.XX.070 Operational Standards for All Commercial Cannabis Businesses.**
- 5.XX.080 Additional Regulations for Cannabis Retail Businesses.**
- 5.XX.090 Additional Regulations for Cannabis Retail Delivery Services.**
- 5.XX.100 Additional Regulations for Cannabis Manufacture Businesses.**
- 5.XX.110 Additional Regulations for Cannabis Testing Laboratory Businesses**
- 5.XX.120 Additional Regulations for Cannabis Distribution Businesses.**
- 5.XX.130 Additional Regulations for Cannabis Cultivation Businesses.**
- 5.XX.140 Additional Regulations for Microbusiness Businesses.**
- 5.XX.150 Cannabis Business Permit Application Procedures.**
- 5.XX.160 Cannabis Business Permit Selection Process.**
- 5.XX.170 Cannabis Business Permit Annual Renewal**
- 5.XX.180 Appeal and Denial of Cannabis Business Permit.**
- 5.XX.190 Suspension or Revocation of Cannabis Business Permit.**
- 5.XX.200 Enforcement.**
- 5.XX.210 Fees and Taxes.**
- 5.XX.220 Limitations on City’s Liability.**

**Section 5.XX.010 Purpose and Intent.**

The purpose and intent of this Chapter is to regulate commercial cannabis activities in order to ensure the health, safety and welfare of the residents of the City of Oroville ("City") by establishing regulations necessary for a commercial cannabis business to obtain and maintain a Cannabis Business Permit ("CBP"). All commercial cannabis facilities shall at all times operate in accordance with the State law and any applicable provisions of the Code. All commercial cannabis business shall comply with the conditions of approval associated with the applicable zone for the parcel of real property upon which the commercial cannabis activities are conducted. Any commercial cannabis business shall qualify for and receive a CBP from the City of Oroville as provided by this ordinance and operate only in an allowable zone as defined in Title 17, Zoning of the Oroville Municipal Code, before commencing any commercial cannabis activity. Any commercial cannabis business without a State license, CBP, and a Land Use Permit is in violation of this ordinance. The regulations in this article, in compliance with the Compassionate Use Act, the Medical Marijuana Program Act, SB 94, Proposition 64, and the California Health and Safety Code (collectively referred to as "State Law") do not interfere with the right to use cannabis or medicinal cannabis as authorized under State Law, nor do they criminalize the possession or commercial activities of cannabis or medicinal cannabis as authorized under State Law.

**Section 5.XX.020 Land Use Reference.**

This Chapter corresponds with Title 17 Zoning and will be taken together with the provisions of Title 17 Zoning to determine whether a cannabis business is permitted and to determine the approval process. Any commercial cannabis business in the City of Oroville must also operate in compliance with the City's zoning ordinance.

**Section 5.XX.030 Zoning Compliance and Cannabis Business Permit Required.**

Commercial cannabis activities are expressly prohibited in all zones in the City of Oroville; however, certain commercial cannabis businesses are allowed with a Conditional Use Permit, pursuant to the provisions of Title 17 Zoning. No commercial cannabis business may operate in the City of Oroville without a CBP. As a requisite for obtaining a CBP, commercial cannabis businesses shall conduct business only in the appropriate zones as described in Title 17 Zoning.

**Section 5.XX.040 Definitions**

The definitions are incorporated herein as fully set forth and are applicable to this ordinance. All definitions are intended to comply with those set forth by the State of California for all commercial cannabis activities.

**"Applicant"** means a person who is required to file an application for a permit under this Chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a commercial cannabis business.

**"Cannabis"** means all parts of the Cannabis sativa Linnaeus, Cannabis Indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from marijuana. "Cannabis" also means marijuana as defined by Section 11018 of the California Health and Safety Code as enacted by Chapter 14017 of the

Statutes of 1972. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this chapter, "cannabis" does not mean industrial hemp as that term is defined by Section 81000 of the California Food and Agricultural Code or Section 11018.5 of the California Health and Safety Code.

**"Cannabis business"** means any enterprise engaged in the cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, distribution, delivery, or retail sale of cannabis or a cannabis product.

**"Cannabis business permit (CBP)"** means a permit issued by the City to a cannabis business pursuant to this Chapter.

**"Cannabis goods"** means cannabis, including dried flower, and manufactured cannabis products.

**"Cannabis products"** shall have the meaning set forth in Health and Safety Code section 11018.1.

**"Cannabis retail business", "cannabis retailer", or "retailer"** means a business where cannabis goods, cannabis products, or devices for the use of cannabis or cannabis products are offered, either individually or in any combination for retail sale, including an establishment that delivers cannabis or cannabis products as part of a retail sale.

**"Cannabis waste"** means waste that is not hazardous waste, as defined in Public Resources Code section 40191, that contains cannabis and that has been made unusable and unrecognizable in the manner prescribed by the State.

**"Canopy"** means all of the following:

- (1) The designated area(s) at a licensed premise that will contain mature plants at any point in time;
- (2) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
- (3) Canopy may be noncontiguous, but each unique area included in the total canopy calculation shall be separated by an identifiable boundary such as an interior wall or by at least 10 feet of open space; and
- (4) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

**"Commercial cannabis activity"** includes the cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, distribution, delivery, or retail sale of cannabis or cannabis products, and shall be read together with any applicable definitions contained within Business and Professions Code Section 26001, except as set forth in Section 19319 of the Business and Professions Code, related to qualifying patients and primary caregivers. "Commercial cannabis activity" shall be used interchangeably with "commercial cannabis business." This section is intended to provide the broadest possible definition for the term.



**“Cultivation”** means any activity involving the propagation, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

**“Delivery”** means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this division, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.

**“Delivery employee”** means an individual employed by a licensed cannabis retailer who delivers cannabis goods from the licensed retail business to a customer at a physical address.

**“Dispensary”** see “Cannabis retail business”.

**“Display”** means cannabis goods that are stored in the licensed cannabis retail business during the hours of operation.

**“Distribution”** means the procurement, sale, and transport of cannabis or cannabis products between licensed cannabis businesses.

**“Distributor”** means a person or entity engaged in distribution, as defined by Business and Professions Code section 26001(r), of cannabis or cannabis products.

**“Edible cannabis product”** means manufactured cannabis that is intended to be used, in whole or in part, for human consumption. An edible medicinal cannabis product is not considered food as defined by Section 109935 of the California Health and Safety Code or a drug as defined by Section 109925 of the California Health and Safety Code.

**“Free sample”** means any amount of cannabis goods provided to a medicinal cannabis patient, or purchaser of cannabis, or primary caregiver without cost or payment or exchange of any other thing of value.

**“License”** means a license issued by the State of California, or one of its departments or divisions under State Law, to engage in commercial cannabis activity.

**“Licensee”** means any person to which the State of California, or one of its departments or divisions, has issued a license under State Law, to engage in commercial cannabis activity.

**“Limited-access area”** means an area in which cannabis goods are stored or held and is only accessible to a licensee and its employees and contractors.

**“Manufacture”** means to compound, blend, extract, infuse, process or otherwise make or prepare a cannabis product.

**“Manufacturer”** means a business producing, preparing, propagating, manufacturing or compounding cannabis and cannabis products including businesses involving the extraction of a substance from a cannabis plant, the infusion or mixture of cannabis into another substance, the

preparation of an edible item that contains cannabis, and the packaging and labeling of cannabis or cannabis products.

**“Medicinal cannabis patient”** is a person whose physician has recommended the use of cannabis to treat a serious illness.

**“Microbusiness”** means the cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer (non-volatile) as defined by the State, and retailer, provided such licensee can demonstrate compliance with all requirements imposed by the State on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.

**“Operating hours”** means the hours within a day during which a licensed retail facility may allow cannabis purchasers and primary caregivers to enter the premises and purchase cannabis goods.

**“Ownership interest”** means an interest held by a person who is an owner as defined by State of California commercial cannabis regulations or who has a financial interest in the commercial cannabis business of 20% or more.

**“Package” and “Packaging”** means any container or wrapper that may be used for enclosing or containing any cannabis goods for final retail sale. “Package” and “packaging” does not include a shipping container or outer wrapping used solely for the transport of cannabis goods in bulk quantity to a licensee.

**“Person”** includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

**“Physician’s recommendation”** means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

**“Premises”** means the designated structure(s) and land specified in the application that are in possession of and used by the applicant or licensee to conduct the commercial cannabis activity.

**“Primary Caregiver”** has the same meaning as that term is defined in Section 11362.7 of the Health and Safety Code.

**“Private security officer”** has the same meaning as that term as defined in the State of California Business and Professions Code section 7574.01.

**“Publicly owned land”** means any building or real property that is owned by a city, county, state, federal, or other government entity.

**“Purchase”** means obtaining cannabis goods in exchange for payment.

**“Purchaser”** means a person who is engaged in a transaction with a licensee for purposes of obtaining cannabis goods.

**“Security monitoring”** means the continuous and uninterrupted attention to potential alarm signals that can be transmitted from a security alarm system for the purpose of summoning law enforcement.

**“Sell,” “sale,” and “to sell”** include any transaction whereby, for any payment, title to cannabis is transferred from one person to another and includes the delivery of cannabis goods pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same but does not include the return of cannabis goods by a licensee to the licensee from whom such cannabis goods were purchased.

**“State”** means the State of California.

**“Testing”** means a facility, entity, or site that offers or performs tests of cannabis or cannabis products, and that is accredited as operating to ISO standard 17025 by an accrediting body, and registered with the State Department of Public Health

**“Vehicle alarm system”** is a device or series of devices installed to discourage theft of the commercial vehicle or its contents and is intended to summon general attention or to summon law enforcement as a result of an indication of an attempted breach of the commercial vehicle.

**“Volatile solvent”** means a solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. “Volatile solvent” does not include carbon dioxide used for extraction or ethanol used for extraction and post-extraction processing.

#### **Section 5.XX.050 Compliance with State and Local Licensing Requirements.**

Commercial cannabis activity as defined by the State of California or the City of Oroville shall operate in conformance with all regulations and standards set forth in this Chapter of the Municipal Code to ensure that the operations of the retailer, cultivator, manufacturer, distributor, testing facility or any other commercial cannabis activity as defined by the State of California or allowed by the City of Oroville are in compliance with local and State law and are established to mitigate any adverse secondary effects from its operations. Cannabis businesses shall be required to obtain a State license and shall comply with any applicable State licensing requirements, such as operational standards and locational criteria. Multiple commercial cannabis activities and licenses proposed on any one site shall occur only if authorized by the State and the City of Oroville and only if all uses proposed are allowed pursuant to the City’s Zoning Code.

#### **Section 5.XX.060 General Provisions for All Commercial Cannabis Activity.**

##### **A. Cannabis Business Permit Required.**

1. Each business shall have a CBP specific to the business activity defined by the State pertaining to that activity and whether the activity is medicinal or adult-use or any other commercial cannabis activity the State may define and as they may be amended. Following is a list of current permit types:
  - a. Cultivation

- b. Distribution
  - c. Manufacturing
  - d. Microbusiness
  - e. Nurseries
  - f. Retail (Dispensaries)
  - g. Testing
2. It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, in or upon any premises within the City of Oroville any commercial cannabis business without a CBP. A commercial cannabis business shall register and obtain a CBP from the City of Oroville prior to operation. The CBP applicant shall pay an annual non-refundable regulatory fee in an amount and at a frequency established by the City Council.
  3. A copy of the CBP shall be displayed at all times in a place visible to the public.
  4. A CBP shall be valid for one (1) year, unless sooner revoked. No permit granted herein shall confer any vested right to any person or business for more than the above-referenced period.
  5. A CBP shall not be issued to a person with felony convictions as reported by a Department of Justice "Live Scan", as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code; with criminal convictions that substantially relate to the qualifications, functions, or duties of a business or profession, including a felony conviction involving fraud, deceit, or embezzlement, or with a criminal conviction for the sale or provision of controlled substances without specific written permission from the City.
  6. A Cannabis Business shall not employ any individuals with felony convictions as reported by a Department of Justice "Live Scan", as specified in subdivision (c) of Section 667.5 of the Penal Code and subdivision (c) of Section 1192.7 of the Penal Code; with criminal convictions that substantially relate to the qualifications, functions, or duties of a business or profession, including a felony conviction involving fraud, deceit, or embezzlement, or with a criminal conviction for the sale or provision of controlled substances without specific written permission from the City.
  7. A CBP shall be issued to the specific person or persons listed on the Cannabis Permit Application.
  8. A CBP may not be transferred from one person to another person. A CBP is not does not run with the land or with the business. Any change to the business location, organizational structure, or ownership requires a new application with associated fees.

**B. Maintenance of Records and Reporting.**

1. Licensing authorities may examine the records of a licensee and inspect the premises of a licensee as the licensing authority, or a state or local agency, deems necessary to perform its duties under this division. All inspections and examinations of records shall be conducted during standard business hours of the licensee or at any other reasonable time.

Licensees shall, make available at the licensee's premises, and/or deliver records to, and as directed by the licensing authority, upon request. Records shall be kept in a manner that allows the records to be produced for the City in either hard copy or electronic form, whichever the City requests.

2. All records for the commercial cannabis business of the following activities shall be maintained and available to the City of Oroville for at least 7 years. Records shall be produced within 24 hours of a request by an authorized City representative:
  - a. The business shall obtain and maintain a valid Seller's Permit from the California Department of Fee and Tax Administration (CDTFA) or its successor agency.
  - b. Financial records include, but are not limited to: bank statements, sales invoices, receipts, tax records, and all records required by the California State Board of Equalization or its successor agency under Title 18 California Code of Regulations section 1968.
  - c. The printed full name, date of birth, and present address and telephone number of the licensed individual, as well as for all persons with any financial interest in the commercial cannabis business.
  - d. Personnel records, including each employee's full name, address, phone number, date of beginning employment, and date of termination of employment if applicable.
  - e. Training records, including but not limited to the content of the training provided and the names of the employees that received the training.
  - f. Contracts with other licensees regarding commercial cannabis activity.
  - g. Permits, licenses, and other local authorizations to conduct the licensee's commercial cannabis activity, including valid Seller's Permit.
  - h. Security records.
  - i. Proof of building ownership or written permission from landlord permitting the cannabis business type to be operated on the leased premises.
  - j. Proof of insurance.
  - k. The City may also request access to recordings not specifically listed above as outlined in that California Business and Professions Code, Chapter 16, Records.

**Section 5.XX.070 Operational Standards for All Commercial Cannabis Businesses.**

- A. Interior and exterior locations of the business property shall be monitored at all times by closed circuit cameras for security purposes. The cameras and recording system shall be of adequate quality, color rendition and resolution to allow the sufficient identification of any individual

committing a crime on the location premises, with a minimum of 15 frames per second. Cameras shall record 24 hours a day.

- B. The surveillance system storage device or cameras shall be transmission control protocol/TCP capable of being accessed through the internet by the City or their designee on request. Licensee shall provide secure, constant, and continuous electronic access to all cameras to City at all times, and expressly waives any warrant or other legal process requirements. Licensee shall conspicuously post signage at the entrance(s) to the premises advising all persons including employees and purchasers of the existence of the cameras and law enforcement's access to the cameras.
- C. All controlled access areas, security rooms and all points of ingress/egress to limited access areas and all point of sale (POS) areas shall have fixed camera coverage capable of identifying activity occurring within a minimum of twenty (20) feet. Camera video recordings shall be maintained unaltered in a secure location, stored digitally, for a period of not less than ninety (90) calendar days and be available for inspection at any time. The City or law enforcement may request the recordings in connection with an investigation. If the recordings are not voluntarily provided, the City or law enforcement may seek a warrant or court order for the recordings.
- D. Recorded images shall clearly and accurately display the time and date. Copies of the recordings shall be provided within 7 business days to the City of Oroville, the Oroville Police Department, or other law enforcement agency upon request. Failure to promptly comply with law enforcement request for recordings may subject licensee to revocation of license and/or CBP.
- E. All commercial cannabis businesses shall create and maintain an active account within the State's track and trace system prior to commencing any commercial cannabis activity. In the event of system failure, the business shall keep a hard copy record and transfer the information to the track and trace system within 24 hours of the system being available.
- F. No physical modification of the licensed premises is allowed without written prior permission by the City, compliance with applicable building permit, inspection and approval processes, and payment of any additional fees required by the City.
- G. The commercial cannabis business shall minimize nuisances such as trash, litter, and graffiti.
- H. All commercial cannabis facilities shall be required to provide an air treatment system that ensures off-site odors shall not result from its operations. This requirement at a minimum means that the facility shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location is not detected outside the building, on adjacent properties or public rights-of-way, or within any other unit located within the same building as the facility, if the use occupies only a portion of a building.
- I. A commercial cannabis business entity that remains inoperative for more than 90 calendar days shall be deemed "abandoned" and the permit shall be forfeited. A business may temporarily suspend operations for a period of time as may be reasonably required to affect upgrades, modifications, repairs, or other property issue mitigations as approved by the City Administrator or designee.

- J. The cannabis business shall comply with all State regulations regarding testing, labeling and storage of all cannabis products.
- K. The cannabis business shall meet all State and local regulations for the storage, use, and disposal of all cannabis goods and cannabis waste, and any materials used in conjunction with processing, distribution and cultivation of cannabis as well as any unsold cannabis or cannabis products.
- L. The cannabis business shall conform to all State and County regulations regarding the use of appropriate weighing devices.
- M. The cannabis business shall conform to all State and local regulations regarding water usage. No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 27).
- N. All aspects of the commercial cannabis business premises shall comply with all State and local regulations including the California Building Code and California Fire Code, as adopted by the City of Oroville.
- O. The commercial cannabis business shall at all times maintain insurance policies of the types and with the terms, coverages, endorsements as shall be set forth in the application for CBP.
- P. All agents, private security officers or other persons acting for or employed by a licensee shall display a laminated identification badge at least 2" X 2" in size, issued by the licensee. The badge, at a minimum, shall include the licensee's "doing business as" name and license number, employee's first and last name, and a color photo of the employee that shows the full front of the employee's face.
- Q. The commercial cannabis business shall have a centrally-monitored fire and burglar alarm system which shall include all perimeter entry points and perimeter windows. In addition, the alarm system shall be equipped with silent panic alarm buttons at the main counter and money storage area.
- R. A commercial cannabis business shall ensure that a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors and responds to the alarm system. The alarm company shall obtain a City business license. The alarm company shall notify the Oroville Police Department public safety dispatch center (9-1-1 Center) of any alarm activations.
- S. No free samples of any cannabis goods may be distributed at any time.
- T. All persons hiring employees to engage in commercial cannabis activities shall document compliance with the following employee safety practice:
  - 1. Emergency action response planning as necessary
  - 2. Employee accident reporting and investigation policies
  - 3. Fire prevention

4. Hazard communication policies, including maintenance of material safety data sheets
  5. Materials storage and handling policies
  6. Personal protective equipment policies
  7. Operation manager contacts
  8. Emergency responder contacts
  9. Poison control contacts
  10. Department of Justice "Live Scan" for all employees
- U. All persons with ownership interest, and all employees, agents, officers and other persons acting on behalf of a licensee must be at least 21 years of age.
- V. Shipments of cannabis goods may only be accepted during regular business hours.
- W. Inventory shall be secured and locked in a room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss during non-business hours.
- X. No cannabis goods shall be visible from the exterior of the business.
- Y. Smoking, ingesting or otherwise consuming cannabis on the premises of a commercial cannabis business, or within 100 feet of the premises, is prohibited.

**Section 5.XX.080 Additional Regulations for Cannabis Retail Businesses.**

- A. A licensed cannabis retail facility shall comply with all State regulations contained in California Code of Regulations Title 16, Division 42 and as it may be amended from time to time.
- B. Only three (3) dispensaries shall operate within the Oroville City Limits unless the City Council by resolution determines another number is appropriate.
- C. All cannabis goods available for sale shall be securely locked and stored.
- D. Display of cannabis goods shall be limited to only an amount necessary to provide a visual sample for customers.
- E. The use of vending machines (i.e., a machine that dispenses articles when a coin, bill, or token is inserted) to dispense cannabis goods is strictly prohibited.
- F. At all times, the cannabis retailer is open, the retailer shall provide at least one security guard who is registered with Bureau of Security and Investigative Services and possesses a valid and current security guard registration card on their person while on-duty.
- G. The security guard and cannabis retail personnel shall monitor the site and the immediate vicinity of the site to ensure that patrons immediately leave the site and do not consume cannabis in the vicinity of the retailer or on the property or in the parking lot.
- H. Retailers selling medicinal cannabis shall maintain the full name, address and telephone number(s) of all patient members to whom the business provides medicinal cannabis, and a copy of a physician-issued recommendation card for all patient members.



- I. Hours of operation shall be limited to no earlier than 9 a.m. Pacific Time and no later than 9 p.m. Pacific Time unless zoning regulations specify more restrictive hours.
- J. On-site consumption of cannabis or cannabis products is specifically prohibited on the premises at all times. The following information shall be provided on a sign posted in a conspicuous location inside the cannabis retail business: “Smoking, ingesting or consuming cannabis on this property or within 100 feet of the business is prohibited”.
- K. No one under the age of 21 shall be allowed to enter this facility unless they are either a qualified patient or a primary caregiver.
- L. No recommendations from a doctor for medicinal cannabis shall be issued on-site.
- M. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of alcohol, tobacco or cannabis by patrons.

**Section 5.XX.090 Additional Regulations for Cannabis Retail Delivery Services.**

- A. All deliveries shall comply with Sections 5415 through 5421, inclusive, of Title 16 of the California code of Regulations.
- B. Commercial cannabis deliveries to locations within the jurisdictional boundaries of the City may be made only from a cannabis retailer with a CBP issued by the City in compliance with this Chapter, or from a licensed cannabis retailer from outside the City, and in compliance with all State regulations.
- C. All employees who deliver cannabis shall have valid identification and a copy of the retailer’s CBP at all times while making deliveries.
- D. Proof of insurance, of the types and with the terms, coverages, and endorsements as shall be set forth in the application for CBP for any and all vehicles being used to transport cannabis goods.
- E. All deliveries shall only take place during normal business hours of the retail business.
- F. Delivery vehicles shall not be marked in any way indicating that it is a cannabis delivery vehicle. This includes any exterior advertising of the retail business on the vehicle.
- G. A retailer shall maintain a list of all deliveries, including the address delivered to, the amount and type of product delivered, and any other information required by the City.
- H. The maximum limit of any cannabis goods carried by the delivery vehicle may not exceed the limit set by State Law.

**Section 5.XX.100 Additional Regulations for Cannabis Manufacture Businesses.**

- A. At all times, the cannabis manufacturer will be compliant with all State regulations for cannabis manufacturing including California Code of Regulations Title 17 Division 1, Chapter 13, as it may be amended from time to time.

- B. A licensed cannabis manufacturer may conduct all activities permitted by the State.
- C. Any manufacturing activity that will be conducted by the licensee shall be included on the application. No additional manufacturing activity can be conducted without applying for and receiving written permission, after inspections and permitting (if applicable), from the City for that additional activity.
- D. Inspections by the Fire Chief, Building Official, and Butte County Division of Agriculture or their respective designees may be conducted anytime during the business's regular business hours, in addition to any other inspections allowed by other persons/entities as set forth in State or local law.
- E. Cannabis manufacturing facilities shall not contain an exhibition or product sales area or allow for retail distribution of products at that location.

**Section 5.XX.110 Additional Regulations for Cannabis Testing Laboratory Businesses.**

- A. A licensed cannabis testing business shall comply with all State regulations contained in California Code of Regulations Title 16, Division 42 and as it may be amended from time to time.
- B. Any cannabis testing facility shall maintain all certifications required by the State.
- C. A licensed cannabis testing facility business, its owners and its employees may not hold an interest in any other cannabis business except another testing business.
- D. Inspections by the Fire Chief, or Police Chief, or Building Official, or their designee may be conducted anytime during the business's regular business hours, in addition to any other inspections allowed by other persons/entities as set forth in State or local law.

**Section 5.XX.120 Additional Regulations for Cannabis Distribution Businesses.**

- A. A licensed cannabis distribution business shall comply with all State regulations contained in California Code of Regulations Title 16, Division 42 and as it may be amended from time to time.
- B. Any cannabis distribution facility shall provide proof of a bond of at least five thousand dollars to cover the costs of destruction of cannabis or cannabis products if necessitated by a violation of licensing requirements.
- C. Inspections by the City Police Chief or his/her designees may be conducted anytime during the business's regular business hours, in addition to any other inspections allowed by other person/entities as set forth in State or local law.

**Section 5.XX.130 Additional Regulations for Cannabis Cultivation Businesses.**

- A. A licensed cannabis cultivation facility shall comply with all State regulations contained in California Code of Regulations Title 3, Division 8 and as it may be amended from time to time.
- B. Outdoor cultivation of cannabis is expressly prohibited. All cannabis cultivation activities shall occur within a fully enclosed and secured structure that fully encloses the premises. Said facility shall not violate any other ordinance, code Section, or provision of law regarding the height, location, materials, or other fencing restrictions and shall not be constructed or covered with plastic or cloth. All screening shall conform to the requirements of applicable area, community, specific and design plans.
- C. Cultivation area shall not exceed that authorized by license issued by the State of California.
- D. The cannabis business shall register with the Department of Pesticide Regulation if using any pesticides.
- E. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation.
- F. The Building Official may require additional specific standards to meet the California Building Code and Fire Code.
- G. Compliance with Section 13149 of Water Code as enforced by the State Water Resources Control Board.
- H. The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency.

**Section 5.XX.140 Additional Regulations for Microbusiness Businesses.**

- A. In order to hold a State Microbusiness license, a licensee must engage in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale. Areas of the premises for manufacturing and cultivation shall be separated from the distribution and retail areas by a wall and all doors between the areas shall remain closed when not in use, as regulated per California Code of Regulations Title 16 Division 42 Chapter
- B. Any cannabis activity that is to be conducted as part of a microbusiness shall comply with all commercial cannabis activity regulations pertaining to each activity, as set forth in this Chapter.

**Section 5.XX.150 Cannabis Business Permit Application Procedures.**

The City Administrator or his/her designee will prepare cannabis application forms and a related administrative policy. Each Applicant interested in operating pursuant to this Chapter may submit an application together with a non-refundable processing fee in an amount established by the City Council.

**Section 5.XX.160 Cannabis Business Permit Selection Process.**

- A. Cannabis Business Permit Selection Process Overview.

1. The CBP selection process will be conducted in two phases, Phase 1 and Phase 2. In Phase 1, each Applicant interested in operating a commercial cannabis business will pay an application fee in an amount established by the City Council by resolution. The application will be reviewed for completeness by the City Administrator or designee.
2. In Phase 2, the applicant will pay an application fee in an amount established by the City Council and a complete background check of the business owner and review of the business plans will be conducted by the City Administrator to ensure compatibility with State and local regulations.
3. For commercial cannabis activities restricted by number of permits available, the City has established a competitive selection process using a merit-based scoring system and a selection panel to objectively award permits in the event that there are more applications than there are permits available for a specific license type, as described in subsection (D).
4. If any of the items listed in the application process are not met, the City Administrator shall notify the applicant of the deficiency within thirty (30) calendar days, after which the applicant will have ten (10) calendar days from receipt of notice to correct the deficiency. If the deficiency is not corrected within ten calendar days, the City Administrator may deny the permit and notify the applicant of this determination in writing within ten calendar days.
5. Official issuance of the commercial cannabis business permit(s), however, is conditioned upon the prevailing applicant(s) obtaining all required land use approvals.
6. Issuance of a commercial cannabis business permit does not create a land use entitlement or serve as a building permit. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Chapter, applicable building permits, and conditions of the commercial cannabis business permit, have been complied with.

#### B. Cannabis Business Permit Selection – Phase 1 – Initial Review.

The City Administrator or designee(s) shall determine whether each application demonstrates compliance with the minimum requirements in Phase 1 Initial Review and proceed to the Phase 2 review process. These requirements include, but are not limited to:

1. Phase 1 application fee is paid;
2. All application documents required in the City's Phase 1 application package are submitted;
3. Application forms are filled out completely;
4. Business Owner(s) / Applicant(s) referenced on the application completes a Live Scan that was conducted within 14 days prior to submitting the application;

5. A zoning clearance letter that the proposed location of the cannabis business on the application meets the zoning criteria established in Title 17 Zoning including, but not limited to, any and all sensitive use separation criteria.

#### C. Cannabis Business Permit Selection – Phase 2 – Final Review.

The City Administrator or designee, after reviewing the applications approved in Phase 1 and reviewing the information below will make a recommendation to the City Council to approve or reject the application for the CBP for cannabis businesses that are not restricted by the number of permits available.

1. Phase 2 application fee is paid;
2. A comprehensive background check of anyone holding an ownership interest is completed to the satisfaction of the Chief of Police;
3. A comprehensive review of the business plans will be conducted by the City Administrator to ensure compatibility with State and local regulations;
4. A CBP will only be issued once the applicant has obtained the appropriate land use authorization. Nothing in this Chapter shall prevent a potential applicant from applying for a land use permit prior to any selection process.

#### D. Cannabis Business Permit Selection – Phase 2 – Competitive Selection Process.

The City has established a competitive selection process to objectively award permits for which there are a limited number of permits available.

1. Notice of the competitive application period shall be published by means determined by the City Administrator to provide public notice of the opportunity to apply.
2. The City Administrator shall open the competitive application period and make permit applications available. The competitive application period shall be thirty (30) calendar days from the date the applications are released. Should the 30<sup>th</sup> day fall on a day when City Hall is closed, the application period shall be extended to the next open day at 4:00 p.m. Following the close of the competitive application period, the City Administrator or designee shall stop accepting applications and review all applications received.
3. The City Administrator or designee(s) shall determine whether each application demonstrates compliance with the minimum requirements in Phase 1 Initial Review. Each application that is complete and in compliance with the application requirements in Phase 1, shall be placed into a pool of applicants for further review and selection shall be made on merit.
4. The City Administrator shall convene a Selection Panel to make the final decision, based on a merit-based scoring system, of the highest-ranking applicant or applicants to recommend to the City Council for the approval of the CBP. A complete description of the merit-based scoring system shall be included with the application forms.

### **Section 5.XX.170 Cannabis Business Permit Annual Renewal**

- A. Applications for the renewal of a permit shall be filed with the City Administrator at least sixty (60) calendar days before the expiration of the current permit. Any permittee allowing their permit to lapse, or which permit expired during a suspension shall be required to submit a new application, pay the corresponding original application fees and be subject to all aspects of the selection process.
- B. Any person desiring to obtain a renewal of their respective permit shall file a written application under penalty of perjury on the required form with the City Administrator who will conduct a review. The application shall be accompanied by a nonrefundable filing fee established by the City Council to defray the cost of the review required by this Section. An applicant shall be required to update the information contained in their original permit application and provide any new and/or additional information as may be reasonably required by the City Administrator to determine whether said permit should be renewed.
- C. Following the submission of written application for renewal, all establishments issued a CBP may be subject to a regulatory inspection as part of the renewal evaluation process.
- D. Each commercial cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Commercial cannabis business permits may be renewed as provided in this Chapter.

### **Section 5.XX.180 Appeal of Denial of Cannabis Business Permit**

- A. The City Administrator will review all CBP applications and all other relevant information and determine if a permit should be granted. If the City Administrator determines that the permit shall not be granted, the reasons for denial shall be provided in writing to the applicant. The applicant shall have seven (7) calendar days from the date of the receipt of the written denial to correct the reasons for denial and request in writing reconsideration of permit issuance along with submission of an amended permit application. Following review of the amended permit application, the City Administrator will approve or deny the permit by providing written notice to the applicant.
- B. The City Administrator's decision to deny or issue a CBP is only appealable by the applicant whose cannabis application was denied.
- C. An applicant who disagrees with the Selection Panel's decision may appeal the final decision to the Oroville City Council by submitting a written appeal to the City Clerk within seven (7) calendar days from receipt of the written denial. The City will then inform the applicant in writing of the date and tie the appeal will be heard. The decision of the City Council shall be final.

### **Section 5.XX.190 Suspension or Revocation of Cannabis Business Permit**

- A. The City Administrator or his/her designee may suspend or revoke a CBP when the permittee or the permittee's agent or employee has committed any one or more of the following acts:

1. Any act which would be considered a ground for denial of the permit in the first instance.
  2. Violates any other provision of this section or any City of Oroville or State law, statute, rule or regulation relating to the business's permitted activity.
  3. Engages in or permits misconduct substantially related to the qualifications, functions or duties of the permittee.
  4. Conducts the permitted business in a manner contrary to the health, safety, or welfare of the public.
  5. Fails to take reasonable measures to control patron conduct on or near the premises, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or creation of a public or private nuisance, or obstruction of the operation of another business.
  6. Violates or fails to comply with the terms and conditions of the CBP.
- B. The Chief of Police or City Administrator may issue an order suspending a CBP for a period not exceeding ten (10) calendar days without a hearing if they determine that the continued use of the permit will cause immediate hazard to the public safety, health or welfare.
- C. Notwithstanding Section 2 above the City Administrator shall provide the permittee with written notice of the City's intent to suspend or revoke the license, and the effective date of the suspension or revocation (which shall be no less than thirty calendar days from the date of the written notice), along with written notice of the permittee's right to a hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Such written notice shall be served on the permittee either personally or by certified U.S. mail, postage prepaid. Within seven (7) calendar days of the date of mailing or personal service, the permittee shall submit a written request for hearing to the City Administrator. Failure to timely submit a request for hearing constitutes waiver of the right to a hearing. Upon receipt of a timely submitted request for hearing, the City shall provide the permittee written notice of the time and place of such hearing, which shall be served upon the permittee at least ten (10) calendar days prior to the date set for such hearing. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid. The applicant shall bear all expenses involved in printing, mailing and posting such notice. Failure to appear at the hearing shall constitute waiver of the right to a hearing. The decision of the Selection Panel shall be final, and shall be served on the permittee either personally or by certified U.S. mail within ten (10) days after the hearing.

**Section 5.XX.200     Enforcement**

- A. A violation of the regulations in this ordinance by an act, omission, or failure of an agent, officer or other person acting for or employed by a licensee within the scope of their employment or office, shall be deemed the act, omission, or failure of the licensee.
- B. A permittee shall notify the Chief of Police or his/her designee of the City of Oroville upon discovery of any of the following situations:

1. A discrepancy of more than \$1,000 in inventory over a period of 24 hours or \$3,000 over period of 7 days.
  2. A reason to suspect diversion, loss, theft or any other criminal activity pertaining to any aspect of the operation of the commercial cannabis business.
  3. The loss or alteration of records related to cannabis goods, registered medicinal cannabis patients, caregivers or the permittee's employees or agents.
  4. Distribution/sale of cannabis which exceeds the daily individual cannabis quantity allowance permitted under State law.
  5. Any other reason to suspect any other breach of security.
- C. A violation of this Section shall be subject to all remedies and enforcement measures authorized by SCCC 1.05.070. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, revocation of the business's CBP, disgorgement and payment to the City of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The City may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the cannabis business and persons related or associated with the cannabis business.
- D. City Officials or their designees may enter and inspect the location of any commercial cannabis business during normal business hours to ensure compliance. In addition, law enforcement may enter and inspect the location of any cannabis business and the recordings and records maintained as required by this Section, except that the inspection and copying of private medical records shall be made available to law enforcement only pursuant to a properly executed search warrant, subpoena, or court order. A person engaging in commercial cannabis business without a permit and associated unique identifiers required by this chapter shall be subject to civil penalties of up to twice the amount of the permit fee for each violation, and the department, state or local authority, or court may order the destruction of cannabis associated with that violation. A violator shall be responsible for the cost of the destruction of cannabis associated with the violation, in addition to any amount covered by a bond required as a condition of licensure. Each day of operation shall constitute a separate violation of this section.

**Section 5.XX.210 Fees and Taxes.**

All Cannabis Operations shall pay applicable fees and taxes, which may include one or more of the following:

- A. Initial Application Fees. The Business Applicant shall submit a non-refundable fee to cover the cost of processing an initial application for the commercial cannabis business. These fees may be divided into two fees according to Initial Review (Phase 1) and Final Review and Scoring. (Phase 2).



- B. Application Renewal Fees. The Business Owner shall submit a non-refundable fee to cover the cost of processing an application renewal annually.
- C. Business License Fee. The Business Owner shall at all times maintain a current and valid business license and pay all business taxes required by the Oroville Municipal Code.
- D. Commercial Cannabis Regulatory Fee. The Business Owner shall pay an annual municipal fee ("Regulatory Fee") to cover the costs of anticipated monitoring, enforcement, and other actions relating to the commercial cannabis business. The amount of the fee shall be set by Resolution of the City Council in accordance with State law. The Regulatory Fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The Regulatory Fee may be amended from time to time.
- E. All required taxes including but not limited to sales and use taxes, business, payroll, etc.
- F. Additional cannabis-specific gross receipts, excise, cultivation or any other tax approved by the voters of the City of Oroville.
- G. The City shall be entitled to recover its cost of enforcement, including but not limited to its attorney's fees and costs.

**Section 5.XX.220 Limitations on the City's Liability**

To the fullest extent permitted by law, the City shall not assume any liability whatsoever, with respect to approving any CBP pursuant to this chapter or the operation of any cannabis facility approved pursuant to this chapter. As a condition of approval of a CBP as provided in this chapter, the applicant or its legal representative shall:

- A. Execute an agreement indemnifying the City from any claims, damages, injuries, or liabilities of any kind associated with the registration or operation of the cannabis facility or the prosecution of the applicant or licensee or its members for violation of federal or state laws;
- B. Maintain insurance in the amounts and of the types that are acceptable to the City, and name the City as an additional insured on the required policies;
- C. Agree to defend, at its sole expense, or at its carrier's expense, any action against the City, its Council, its agents, officers, volunteers, and employees related to the approval of a CBP; and
- D. Agree to reimburse the City for any court costs and attorney fees that the City may be required to pay as a result of any legal challenge related to the City's approval of a CBP. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the operator of its obligation hereunder.

**SECTION 3. Severability.**

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such

decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 4. Effective Date.**

This ordinance shall take effect thirty (30) days after the date of its final adoption, and is contingent upon the successful passage and continued validity of a Cannabis Tax is approved by local voters. The City Clerk shall certify to adoption thereof and cause its publication according to law.

**I HEREBY CERTIFY** that the foregoing ordinance was introduced and read by the City Council of the City of Oroville on the 7<sup>th</sup> day of August, 2018, and was duly read and adopted at a regular meeting on \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote:

**AYES:            COUNCIL MEMBERS:**  
**NOES:            COUNCIL MEMBERS:**  
**ABSENT:        COUNCIL MEMBERS:**  
**ABSTAIN:       COUNCIL MEMBERS:**

\_\_\_\_\_  
**LINDA DAHLMEIER, Mayor**

**ATTEST:**

**FORM APPROVED**

\_\_\_\_\_  
**JOANNA GUTIERREZ, Interim City Clerk**

\_\_\_\_\_  
**SCOTT HUBER, City Attorney**

**NOTICE OF PUBLIC HEARING  
JOINT MEETING OF PLANNING COMMISSION AND CITY COUNCIL**

**CITY OF OROVILLE  
CITY COUNCIL CHAMBERS, 1735 MONTGOMERY ST,  
OROVILLE, CALIFORNIA, 95965**

NOTICE IS HEREBY GIVEN that the Oroville Planning Commission will conduct a public hearing to consider Zoning Code Amendments to the City of Oroville Municipal Code, Title 17, to establish new land use classifications for Commercial Cannabis Activities and to include Use-Specific Regulations for Commercial Cannabis Businesses on **Tuesday, August 7, 2018 AT 6:30 P.M. or as soon thereafter as possible**. At the Conclusion of the hearing, the Commission will make a recommendation to the City Council on the adoption of the Zoning Code Amendments.

In accordance with the provisions of the California Environmental Quality Act (CEQA), Section 15061 (b) (3) of Chapter 3, Title 14, it has been determined that the proposed code amendment project will not have an impact upon the environment.

NOTICE IS HEREBY GIVEN that the Oroville City Council will conduct a public hearing and **introduce Ordinances for first reading of Ordinance** entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE OROVILLE MUNICIPAL CODE BY AMENDING SECTION 17.04.060 (DEFINITIONS); REPEALING SECTION 17.08.120 (MARIJUANA DISPENSARIES); ADDING SECTION 17.16.XX (COMMERCIAL CANNABIS BUSINESSES); AND AMENDING SECTIONS 17.28.010 (ALLOWED USES IN RESIDENTIAL DISTRICTS); 17.32.010 (ALLOWED USES IN COMMERCIAL DISTRICTS); 17.34.020 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.36.010 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.40.010 (ALLOWED USES IN SPECIAL PURPOSE DISTRICTS) TO ESTABLISH ZONING FOR COMMERCIAL CANNABIS ACTIVITIES WITHIN THE CITY OF OROVILLE" and the Ordinance entitled "AN ORDINANCE OF CITY COUNCIL OF CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENECES AND REGULATIONS) OF THE OROVILLE MUNICIPAL CODE BY ADDING CHAPTER 5.XX (COMMERCIAL CANNABIS) TO REGULATE THE ESTABLISHMENT AND OPERATION OF ALL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF OROVILLE" ON **Tuesday, August 7, 2018 AT 6:30 P.M. or as soon thereafter as possible**.

**INVITATION TO BE HEARD:** All interested persons will be given an opportunity to comment on this item at the public hearing and at subsequent public hearings, if any, conducted related to this item. In addition, written comments may be submitted to the City Council prior to the public hearing, to the attention of City Clerk's office, City of Oroville, 1735 Montgomery St, Oroville, California 95965. Please reference the hearing title and date of hearing in any correspondence. If you wish to challenge the above item in court, the challenge may be limited only to those issues you or someone else raised at the public hearing or in written correspondence delivered to the city at or prior to the public hearing as described in this notice.

THE FULL TEXT OF THE PROPOSED ORDINANCES ARE AVAILABLE FOR REVIEW IN THE CITY CLERKS OFFICE AT 1735 Montgomery Street, Oroville, CA.

Dated: July 25, 2018

Joanna Gutierrez, Interim City Clerk

# OROVILLE CITY COUNCIL STAFF REPORT

**TO:** MAYOR AND COUNCIL MEMBERS

**FROM:** RUTH WRIGHT  
FINANCE DIRECTOR

**RE:** ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED BENEFIT  
ASSESSMENT DISTRICT, ZONES 1-8

**DATE:** AUGUST 7, 2018

## SUMMARY

As a condition of approval for each subdivision identified below, the developer was required to establish or annex into a benefit assessment district. Each subdivision represents a Zone within the larger district. Each Zone is financially responsible for the maintenance of the storm water infrastructure (manholes, drain pipes, etc.), including storm water retention facilities within the subdivision. The particular Zones within the City's Consolidated Benefit Assessment District ("CBAD") are identified below:

<b>ZONE NUMBER AND NAME</b>
Zone 1 – Linkside Place, Phase 1
Zone 2 – Foothill Estates
Zone 3 – Mission Olive Ranch
Zone 4 – Vista Del Oro
Zone 6 – Martin Ranch
Zone 7 – Jake Richter Estates
Zone 8 – Acacia Estates

Pursuant to the Benefit Assessment Act of 1982, which authorizes the formation and annual assessment of such districts, an Annual Assessment Report was prepared and filed with the City Clerk prior to the July 10, 2018 City Council meeting. The purpose of the report is to document the annual costs involved in the operation, maintenance and servicing of all improvements, adjust the annual assessments to incorporate any surplus or deficit from the previous year and to determine the actual annual assessment for each assessable parcel within the CBAD.

The City Council will consider the following items for the CBAD:

1. Open and conduct a public hearing to receive public comment regarding the CBAD and/or the assessments for Fiscal Year 2018/2019.

2. After any public comment, close the public hearing and consider approval of the Resolution Ordering the Levy and Collection of Assessments.

## **FISCAL IMPACT**

Assessments are collected for the City of Oroville by the Butte County Tax Collector to reimburse the City for the costs of operating, maintaining and servicing the storm water infrastructure within the CBAD.

## **RECOMMENDATION(S)**

1. Adopt Resolution No. \*\*\*\* - **A RESOLUTION OF THE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO APPROVE THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2018/2019**
2. Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2018/2019 Butte County Tax Roll.
3. Authorize all necessary budget adjustments to the Annual Assessment Report.

## **ATTACHMENT(S)**

Resolution No. \*\*\*\*  
Proposition 218 Certification of Tax Bill Levy

**NOTE:** In order to reduce copying costs, only the Executive Summary of the Annual Assessment Report is attached to this staff report. The complete Annual Assessment Report for the CBAD is available for review in the City Clerk's office.

# OROVILLE CITY COUNCIL STAFF REPORT

**TO:** MAYOR AND COUNCIL MEMBERS

**FROM:** RUTH WRIGHT  
FINANCE DIRECTOR

**RE:** ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED BENEFIT  
ASSESSMENT DISTRICT, ZONES 1-8

**DATE:** AUGUST 7, 2018

## SUMMARY

As a condition of approval for each subdivision identified below, the developer was required to establish or annex into a benefit assessment district. Each subdivision represents a Zone within the larger district. Each Zone is financially responsible for the maintenance of the storm water infrastructure (manholes, drain pipes, etc.), including storm water retention facilities within the subdivision. The particular Zones within the City's Consolidated Benefit Assessment District ("CBAD") are identified below:

<b>ZONE NUMBER AND NAME</b>
Zone 5 – Calle Vista Estates, Unit 2

Pursuant to the Benefit Assessment Act of 1982, which authorizes the formation and annual assessment of such districts, an Annual Assessment Report was prepared and filed with the City Clerk prior to the July 10, 2018 City Council meeting. The purpose of the report is to document the annual costs involved in the operation, maintenance and servicing of all improvements, adjust the annual assessments to incorporate any surplus or deficit from the previous year and to determine the actual annual assessment for each assessable parcel within the CBAD.

The City Council will consider the following items for the CBAD:

1. Open and conduct a public hearing to receive public comment regarding the CBAD and/or the assessments for Fiscal Year 2018/2019.
  
2. After any public comment, close the public hearing and consider approval of the Resolution Ordering the Levy and Collection of Assessments.

## FISCAL IMPACT

Assessments are collected for the City of Oroville by the Butte County Tax Collector to reimburse the City for the costs of operating, maintaining and servicing the storm water infrastructure within the CBAD.

### **RECOMMENDATION(S)**

1. Adopt Resolution No. \*\*\*\* - **A RESOLUTION OF THE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO APPROVE THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2018/2019**
2. Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2018/2019 Butte County Tax Roll.
3. Authorize all necessary budget adjustments to the Annual Assessment Report.

### **ATTACHMENT(S)**

Resolution No. \*\*\*\*

Proposition 218 Certification of Tax Bill Levy

**NOTE:** In order to reduce copying costs, only the Executive Summary of the Annual Assessment Report is attached to this staff report. The complete Annual Assessment Report for the CBAD is available for review in the City Clerk's office.

**CITY OF OROVILLE  
RESOLUTION NO. 8722**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2018/2019**

**WHEREAS**, the Oroville City Council, pursuant to the terms of the “Benefit Assessment Act of 1982”, (the 1982 Act”), Division 15, Part 2, Chapter 1, Article 1 of the Streets and Highways Code of the State of California (Section 22645 et seq.) did by previous Resolutions, initiate proceedings and approve the Annual Assessment Report (the “Report”), on a preliminary basis, for the special maintenance district known and designated as “The Oroville Consolidated Benefit Assessment District” (the “District”). The District is comprised of several Zones which are identified below:

<b>ZONE NUMBER AND NAME</b>
Zone 1 – Linkside Place, Phase 1
Zone 2 – Foothill Estates
Zone 3 – Mission Olive Ranch
Zone 4 – Vista Del Oro
Zone 5 – Calle Vista Estates, Unit 2
Zone 6 – Martin Ranch
Zone 7 – Jake Richter Estates
Zone 8 – Acacia Estates

**WHEREAS**, the engineer selected by the City Council has prepared and filed with the City Clerk, the Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within each Zone. The Report has been prepared based on the estimated costs to operate, maintain and service the improvements located within particular Zones of the District; and,

**WHEREAS**, the City Council has carefully examined and reviewed the Report and is satisfied with each of the items and documents as presented therein, and finds that the assessments have been spread to the eligible parcels within each Zone in accordance with the special benefit received from said improvements; and,

**WHEREAS**, the assessments are not based on the assessed value of the properties within the Zones but are based on the special benefit conferred upon said eligible parcels from the improvements, and the maintenance and operation thereof; and,

**WHEREAS**, the assessments are in compliance with all laws pertaining to the levy and collection of assessments, including Proposition 218; and,



**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. Following notice duly given, the City Council has held a full and fair public hearing regarding the Report and the levy and collection of assessments within the District. The City Council received and considered all written and oral statements, including any and all protests or other communications made or filed by any interested persons.
2. Based upon its review (and any applicable amendments) of the Report, a copy of which has been filed with the City Clerk, the City Council hereby finds and determines that:
  - a. The assessable properties within the Zones will receive special benefit from the operation, maintenance and servicing of the landscape and lighting improvements.
  - b. The Zones include all properties receiving such special benefit.
  - c. The net amount to be assessed upon the properties is based on the historical and estimated costs to provide said maintenance and servicing and is apportioned by a formula that fairly distributes the net amount among all assessable parcels in proportion to the estimated special benefit received from the improvements and services.
3. The Report and assessments, as presented and which are on file with the office of the City Clerk, are hereby confirmed as filed.
4. The City Council hereby orders the maintenance and servicing of the improvements to be made in accordance with the Report and the 1982 Act.
5. The maintenance, operation and servicing of the landscape and lighting improvements shall be performed pursuant to the 1982 Act and the County Auditor of Butte County shall enter onto the County Tax Roll, opposite each assessable parcel of land, the assessment amount and such assessments shall be collected at the same time and in the same manner as the County taxes are collected. After collection of the assessments by the County, the net amount of said assessments shall be paid to the City Treasurer.
6. The City Treasurer shall deposit all money representing assessments collected by the County to the credit of a fund especially for the District. Such money shall be expended only for the maintenance, operations and servicing of the landscape and lighting improvements located within the District boundaries.
7. The adoption of this Resolution constitutes the levy of assessments within the Zones for the fiscal year beginning July 1, 2018 and ending June 30, 2019.
8. The City Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.
9. A certified copy of this Resolution shall be filed in the office of the City Clerk and shall remain open for public inspection.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting held on August 7, 2018, by the following vote:

AYES:

NOES:       None

ABSTAIN:

ABSENT:     None

\_\_\_\_\_  
Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

**CITY OF OROVILLE  
RESOLUTION NO. 8723**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2018/2019**

**WHEREAS**, the Oroville City Council, pursuant to the terms of the “Benefit Assessment Act of 1982”, (the 1982 Act”), Division 15, Part 2, Chapter 1, Article 1 of the Streets and Highways Code of the State of California (Section 22645 et seq.) did by previous Resolutions, initiate proceedings and approve the Annual Assessment Report (the “Report”), on a preliminary basis, for the special maintenance district known and designated as “The Oroville Consolidated Benefit Assessment District” (the “District”). The District is comprised of several Zones which are identified below:

<b>ZONE NUMBER AND NAME</b>
Zone 1 – Linkside Place, Phase 1
Zone 2 – Foothill Estates
Zone 3 – Mission Olive Ranch
Zone 4 – Vista Del Oro
Zone 5 – Calle Vista Estates, Unit 2
Zone 6 – Martin Ranch
Zone 7 – Jake Richter Estates
Zone 8 – Acacia Estates

**WHEREAS**, the engineer selected by the City Council has prepared and filed with the City Clerk, the Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within each Zone. The Report has been prepared based on the estimated costs to operate, maintain and service the improvements located within particular Zones of the District; and,

**WHEREAS**, the City Council has carefully examined and reviewed the Report and is satisfied with each of the items and documents as presented therein, and finds that the assessments have been spread to the eligible parcels within each Zone in accordance with the special benefit received from said improvements; and,

**WHEREAS**, the assessments are not based on the assessed value of the properties within the Zones but are based on the special benefit conferred upon said eligible parcels from the improvements, and the maintenance and operation thereof; and,

**WHEREAS**, the assessments are in compliance with all laws pertaining to the levy and collection of assessments, including Proposition 218; and,

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. Following notice duly given, the City Council has held a full and fair public hearing regarding the Report and the levy and collection of assessments within the District. The City Council received and considered all written and oral statements, including any and all protests or other communications made or filed by any interested persons.
2. Based upon its review (and any applicable amendments) of the Report, a copy of which has been filed with the City Clerk, the City Council hereby finds and determines that:
  - a. The assessable properties within the Zones will receive special benefit from the operation, maintenance and servicing of the landscape and lighting improvements.
  - b. The Zones include all properties receiving such special benefit.
  - c. The net amount to be assessed upon the properties is based on the historical and estimated costs to provide said maintenance and servicing and is apportioned by a formula that fairly distributes the net amount among all assessable parcels in proportion to the estimated special benefit received from the improvements and services.
3. The Report and assessments, as presented and which are on file with the office of the City Clerk, are hereby confirmed as filed.
4. The City Council hereby orders the maintenance and servicing of the improvements to be made in accordance with the Report and the 1982 Act.
5. The maintenance, operation and servicing of the landscape and lighting improvements shall be performed pursuant to the 1982 Act and the County Auditor of Butte County shall enter onto the County Tax Roll, opposite each assessable parcel of land, the assessment amount and such assessments shall be collected at the same time and in the same manner as the County taxes are collected. After collection of the assessments by the County, the net amount of said assessments shall be paid to the City Treasurer.
6. The City Treasurer shall deposit all money representing assessments collected by the County to the credit of a fund especially for the District. Such money shall be expended only for the maintenance, operations and servicing of the landscape and lighting improvements located within the District boundaries.
7. The adoption of this Resolution constitutes the levy of assessments within the Zones for the fiscal year beginning July 1, 2018 and ending June 30, 2019.
8. The City Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.
9. A certified copy of this Resolution shall be filed in the office of the City Clerk and shall remain open for public inspection.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting held on August 7, 2018, by the following vote:

AYES:

NOES:       None

ABSTAIN:

ABSENT:     None

\_\_\_\_\_  
Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

### CBAD 2018/19 ASSESSMENT SUMMARY

<b>Zone Name</b>	<b>Total Assessable Units</b>	<b>Total Assessable Costs</b>	<b>Maximum Assessment Rate per Unit</b>	<b>Proposed Assessment Rate per Unit</b>
Zone 1 – Linkside Place, Phase 1	65	\$0.00	\$357.89	\$0.00
Zone 2 – Foothill Estates	25	\$0.00	\$416.31	\$0.00
Zone 3 – Mission Olive Ranch	19	\$0.00	\$362.75	\$0.00
Zone 4 – Vista Del Oro	92	\$0.00	\$292.17	\$0.00
Zone 5 – Calle Vista Estates, Unit 2	44	\$0.00	\$216.19	\$0.00
Zone 6 – Martin Ranch	0	\$0.00	\$0.00	\$0.00
Zone 7 – Jake Richter	8	\$0.00	\$309.39	\$0.00
Zone 8 – Acacia Estates	0	\$0.00	\$215.83	\$0.00
<b>TOTALS:</b>	<b>253</b>	<b>\$0.00</b>		



# **ENGINEER'S REPORT**

## **Consolidated Benefit Assessment District**

**Fiscal Year 2018/19**

For the

**CITY OF OROVILLE**

**Butte County, California**

**August 7, 2018**



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**ENGINEER'S REPORT  
CITY OF OROVILLE  
BENEFIT ASSESSMENT DISTRICT**

The undersigned respectfully submits the enclosed report as directed by the City Council. The undersigned certifies that he is a Professional Engineer, registered in the State of California.



DATED: August 7, 2018

  
BY: K. Dennis Klingelhofer  
Assessment Engineer  
R.C.E. No. 50255

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## INTRODUCTION

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Pursuant to the provisions of the Benefit Assessment Act of 1982, commencing with Section 54703 (the "1982 Act"), and in compliance with the substantive and procedural requirements of the California State Constitution Article XIII D (the "California Constitution") the City Council of the City of Oroville (the "City"), adopted a Resolution Initiating Proceedings for the Levy and Collection of Annual Assessments within the Estates Benefit Assessment District No. 06-1 (the "District") for Fiscal Year 2018/19. Said Resolution called for the preparation and filing of an annual report (the "Report") pursuant to section 54716 of the 1982 Act, presenting plans and specifications describing the general nature, location and extent of the improvements and an estimate of the costs to maintain said improvements within the District.

The word "parcel", for purposes of this Report, refers to an individual property assigned its own Assessor's Parcel Number ("APN") by the Butte County Assessor's Office. The Butte County Auditor/Controller uses APN and specific fund numbers to identify properties to be assessed on the tax roll for special benefit assessments.

This Report consists of five sections and identifies the following items:

- The specific improvements to be maintained within each Zone of the District.
- The proposed assessments to be levied for each Zone for 2018/19 (Please refer table on following page).
- How the Zone costs are allocated and apportioned to the assessable parcels based upon the special benefit received.
- A diagram or map showing the boundaries of each Zone.
- A listing of properties to be assessed, by Zone and APN, and the corresponding assessment amounts.

The District is comprised of the eight (8) residential developments designated as Zones within the District. Zone number 6, Martin Ranch, was formed but never developed. It will therefore, remain un-assessed until such time as development is renewed or another development takes over the project area. Please refer to the table on the next page which details the number of parcels within each Zone as well as the distinct name and number designation. Also included in the table below are the total costs to be assessed, the Proposed Assessment Rate and the Maximum Assessment Rate allowed for Fiscal year 2018/19.

**CBAD 2018/19 ASSESSMENT SUMMARY**

<b>Zone Name</b>	<b>Total Assessable Units</b>	<b>Total Assessable Costs</b>	<b>Maximum Assessment Rate per Unit</b>	<b>Proposed Assessment Rate per Unit</b>
Zone 1 – Linkside Place, Phase 1	65	\$0.00	\$357.89	\$0.00
Zone 2 – Foothill Estates	25	\$0.00	\$416.31	\$0.00
Zone 3 – Mission Olive Ranch	19	\$0.00	\$362.75	\$0.00
Zone 4 – Vista Del Oro	92	\$0.00	\$292.17	\$0.00
Zone 5 – Calle Vista Estates, Unit 2	44	\$0.00	\$216.19	\$0.00
Zone 6 – Martin Ranch	0	\$0.00	\$0.00	\$0.00
Zone 7 – Jake Richter	8	\$0.00	\$309.39	\$0.00
Zone 8 – Acacia Estates	0	\$0.00	\$215.83	\$0.00
<b>TOTALS:</b>	<b>253</b>	<b>\$0.00</b>		

The February Consumer Price Index (“CPI”) is used to determine the Maximum Assessment Rate each year. The February CPI is added to the previous years’ Maximum Assessment Rate to determine the adjusted Maximum Assessment for each Zone for the current year. Please refer to Section II of this Report, “Assessment Range Formula” for a complete description of the CPI tables used for this purpose.

The table on the next page provides the historical increases in the February CPI, beginning in 2006/07. CPI is shown here at 7 decimal points for purposes of accuracy and for calculating the Adjusted Maximum Assessment each year for the Zones.

<b>Fiscal Year</b>	<b>February CPI Adjustment</b>
2006/07	2.9324056%
2007/08	3.1810719%
2008/09	2.7722661%
2009/10	1.1629601%
2010/11	1.7910031%
2011/12	1.6962568%
2012/13	2.9998130%
2013/14	2.4472307%
2014/15	2.4468738%
2015/16	2.5320274%
2016/17	3.0167510%
2017/18	3.4371668%
2018/19	3.5644600%

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## SECTION I – PLANS AND SPECIFICATIONS

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### DESCRIPTION OF THE DISTRICT AND BOUNDARIES

The District was formed for the purpose of ensuring the ongoing maintenance, operation and servicing of certain drainage and storm water improvements within the boundaries of each Zone. Said improvements are detailed below under “Improvements and Services Provided”.

Each Zone was formed and annexed into the District as a condition of development. The Zones are located throughout the City of Oroville.

### IMPROVEMENTS AND SERVICES PROVIDED

The improvements and services for all Zones can be identified as: Drainage improvements within this Zone may include but are not limited to: flood control and storm water facilities, graffiti removal, masonry walls and other appurtenant facilities. The services provided include all necessary service, operations, administration and maintenance required to keep the above mentioned facilities in a proper working condition. The improvements within each individual Zone are:

- **Zone 1 – Linkside Place, Phase 1:** Detention basins, channel fencing, pump station and controller and storm drain pipes.
- **Zone 2 – Foothill Estates:** Detention basins, channel fencing and storm drain pipes.
- **Zone 3 – Mission Olive Ranch:** Detention basins, wood channel fencing and storm drain pipes.
- **Zone 4 – Vista Del Oro:** Detention basin, drainage infrastructure maintenance, storm drain pipes and fencing/gates.
- **Zone 5 – Calle Vista Estates, Phase 2:** Detention basin, drainage infrastructure maintenance, storm drain pipes and fencing/gate.
- **Zone 6 – Martin Ranch:** There are currently no improvements being maintained within this undeveloped Zone and none are currently planned.
- **Zone 7 – Jake Richter:** Detention basins, drainage channels, drainage infrastructure maintenance and storm drain pipes.
- **Zone 8 – Acacia Estates:** Detention basins, drainage channels, drainage infrastructure maintenance and storm drain pipes. This Zone is still undeveloped.

Reference is made to the plans and specifications for the improvements which are on file with the City and are incorporated herein by reference.



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## SECTION II – METHOD OF APPORTIONMENT

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The 1982 Act allows for the establishment of assessment districts, by public agencies, for the purpose of providing certain public improvements as detailed in Section I of this Report. The 1982 Act also complies with the California Constitution which requires the cost of these improvements and services to be assessed based on benefit received rather than by assessed value of the properties being assessed. In accordance with Article XIII D, Section 4 of the California Constitution:

*“An agency which proposes to levy an assessment shall identify all parcels which will have a special benefit conferred upon them and upon which an assessment will be imposed. The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of the public improvement or the cost of the property related service being provided. No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable...”*

The method of apportionment described in this Report for the allocation of special benefit assessments utilizes commonly accepted engineering practices which have been established pursuant to the 1982 Act and the California Constitution. The calculation of assessments is based upon the parcel type and the services and improvements provided to equitably apportion the costs based on the special benefit received by each lot or parcel. The special benefit received by each lot or parcel is over and above any general benefit conferred upon said lots or parcels or to the public at large.

### DESCRIPTION OF BENEFIT

#### ***Special Benefit***

The improvements and associated costs have been carefully allocated to the assessable properties within the District based on the special benefit received by those properties, pursuant to the provisions of the California Constitution. The improvements for which the properties will be assessed have been identified as necessary, were required as a part of the development plans specifically for the tract and are also in compliance with the development plans and General Plan of the City. As such, the improvements and continuing maintenance and servicing are strictly the obligation of the properties within the District.

Although the improvements may be accessible to passersby or to the public at large, the improvements were installed as a requirement of the development of the tract and are for the sole benefit of properties within the District. It has been determined therefore, any access or use by properties or individuals outside the District is completely incidental and the costs of operating, maintaining and servicing said improvements therefore provides no measurable benefit to those outside properties or individuals.

### **Definition of Special Benefit**

The method of apportionment described in this Report, and confirmed by the City Council, utilizes commonly accepted engineering practices which have been established pursuant to the 1982 Act and the California Constitution for the allocation of special benefit assessments. In accordance with Article XIII D, Section 4 of the California Constitution:

*“Special benefit means a particular and distinct benefit over and above general benefits conferred on real property located in the District or the public at large”*

The special benefits associated with the local improvements are specifically:

- Enhanced desirability of properties due to existence of the improvements and the services provided by the District.
- Improved aesthetic appeal provided by a positive representation of the development, neighborhood and the community.
- Improved ingress and egress to property resulting in enhanced traffic flow, reduced traffic accidents and possible property damage.

### **ASSESSMENT RANGE FORMULA**

It is generally recognized that most budgetary items will be impacted by inflation in future years. In accordance with the California Constitution, Section 53739 (b)(1), assessments ***“may be adjusted for inflation pursuant to a clearly defined formula...”*** A formula for an inflationary adjustment is therefore included as part of the maximum assessment for each Zone within this District and was approved by the property owner(s) at the time of formation. The formula, as described below, allows for annual adjustments to the budget and the assessments.

Generally, any new or increased assessment requires certain noticing and meeting requirements by law. The Government Code excludes certain conditions of a new or increased assessment. These conditions include, “An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public...and that was previously adopted by the agency...”

The initial maximum assessment for each Zone was established at the time of annexation into the District. That initial maximum assessment was established at that time and has been adjusted each subsequent fiscal year by the following Assessment Range Formula:

- The Maximum Assessment Rate allowed each fiscal year (the “Adjusted Maximum Assessment Rate”) shall be based on the initial maximum assessment, adjusted annually by the Bureau of Labor Statistics, Consumer Price Index for the month of February, All Urban Consumers, (“CPI”) for the San Francisco/Oakland/San Jose area. Should the Bureau of Labor Statistics revise or discontinue the preparation of such index, the City reserves the right to use such revised index or a comparable system to determine fluctuations in the annual cost of living.
- Each fiscal year, the February CPI amount has been applied to the Maximum Assessment Rate established the previous fiscal year to calculate the appropriate Adjusted Maximum Assessment Rate for the then current fiscal year.
- If the proposed annual assessment rate for the upcoming fiscal year is less than or equal to the Adjusted Maximum Assessment Rate established for that fiscal year then the proposed annual assessment is not considered an increased assessment.

Beginning in the second fiscal year after the annexation of a Zone, and each fiscal year since, the Maximum Assessment Rate has been recalculated and a new Maximum Assessment Rate (Adjusted Maximum Assessment Rate) has been established for each fiscal year using the Assessment Range Formula described above. The Adjusted Maximum Assessment Rate has been calculated independent of the annual budget and proposed assessment rate for the given fiscal year. As stated above, if the proposed annual assessment for any fiscal year does not exceed the Adjusted Maximum Assessment Rate for that year, it is not considered an increased assessment under the terms of Proposition 218 or the Government Code.

The CPI increase for the one year period ending in February 2018 is **3.56%** (rounded). This amount will be applied to the Maximum Assessment for each Zone within the District, which will establish the Adjusted Maximum Assessment for each Zone for Fiscal Year 2018/19.



To impose a new assessment or increased assessment in excess of the Maximum Assessment Rate for the current fiscal year, as provided by the preceding Assessment Range Formula, the City must comply with the provisions of the California Constitution, Article XIII D, Section 4c that requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners must approve the proposed new or increased assessment via a property owner protest balloting process before any such new or increased assessment can be imposed. A protest occurs when, at the public hearing, the returned assessment ballots opposed to the new or increased assessment outweigh the returned ballots in favor of the new or increased assessment, weighting those assessment ballots by the financial obligation of each parcel.

The definition of new or increased assessments includes any assessment which, 1) did not previously exist or, 2) exceeds a previously approved assessment amount or assessment range formula. Any assessment range formula must have been previously adopted by the agency and approved by the property owners in the area where the assessment is imposed.

## **ASSESSMENT METHODOLOGY**

The benefit formula used to determine the financial obligation for each parcel should be based on the improvements benefitting the parcels, as well as the use, or type, of each parcel as compared to other parcels that benefit from said improvements. One of the more common approaches to fairly distributing District costs to the benefitting parcels in maintenance districts such as this utilizes a methodology referred to as the Per Parcel method of apportionment. This method recognizes that each parcel within a particular Zone benefits equally from the improvements. This is typical when all parcels within the Zone are of the same type (all single family dwellings).

Each Zone is comprised of a single parcel type – residential. The residential parcels are single family residential parcels (“SFR”) or condominiums and as such are deemed to benefit equally from the improvements. The “Total Balance to Assessment”, as shown on the Budget pages, is divided equally among each assessable parcel within the Zone which determines the annual assessment rate per parcel for that Zone.

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## SECTION III – ZONE BUDGETS

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The estimated budget for the annual maintenance and servicing of the improvements and the proportionate share of administration costs for each Zone within the District have been prepared based on the estimated and historical costs. The individual Zone budgets are shown on the following pages.

In addition to the Budget Tables, there is another table for each Zone which shows the February CPI for each year, the calculated adjustment to the previous years' assessment and the Adjusted Maximum Assessment for each Zone.

**Zone 1 – Linkside Place, Phase 1 Budget**

<b>DIRECT COSTS</b>	
Detention Pond Maintenance	\$1,000.00
Fencing	250.00
Pump Station Electricity	<u>886.00</u>
<b>Direct Costs Sub-Total</b>	<b>\$2,136.00</b>
<b>INDIRECT COSTS</b>	
Maintenance Repairs & Contingency	\$500.00
City Personnel/Overhead	120.00
CBAD Administration Fee	580.93
Professional Fees	0.00
County Administration Fee – \$0.30 per assessed parcel	0.00
Rounding Adjustment	<u>0.00</u>
<b>Indirect Costs Sub-Total</b>	<b>\$1,200.93</b>
<b>SUB-TOTAL COSTS</b>	<b>\$3,336.93</b>
Contingency Reserve – 20 % of Total Costs	\$667.39
<b>TOTAL COSTS</b>	<b>\$4,004.32</b>
7/1/2018 Beginning Fund Balance	\$9,809.28
<b>2018/19 TOTAL ASSESSMENT</b>	<b>\$0.00</b>
Total Number of Assessable Parcels	65
<b>2018/19 PROPOSED ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>
<b>2017/18 ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>

Annual CPI Calculations for Zone 1 – Linkside Place, Phase 1 are shown in the table below:

<b>Fiscal Year</b>	<b>CPI Increase</b>	<b>Adjusted Max</b>
2005/2006	N/A	\$255.980
2006/2007	2.93%	\$263.486
2007/2008	3.18%	\$271.868
2008/2009	2.77%	\$279.405
2009/2010	1.16%	\$282.654
2010/2011	1.79%	\$287.717
2011/2012	1.70%	\$292.597
2012/2013	3.00%	\$301.374
2013/2014	2.45%	\$308.750
2014/2015	2.45%	\$316.305
2015/2016	2.53%	\$324.313
2016/2017	3.02%	\$334.097
2017/2018	3.44%	\$345.580
2018/2019	3.56%	\$357.898

\*Rounded to 2 decimal points. Calculation is performed at 7 decimal points each year.

**Zone 2 – Foothill Estates Budget**

<b>DIRECT COSTS</b>	
Detention Pond Maintenance	\$450.00
Fencing	500.00
Drainage Pipes	0.00
Pump Station Electricity	<u>275.00</u>
<b>Direct Costs Sub-Total</b>	<b>\$1,225.00</b>
<b>INDIRECT COSTS</b>	
Maintenance Repairs & Contingency	\$500.00
City Personnel/Overhead	120.00
CBAD Administration Fee	312.05
Professional Fees	0.00
County Administration Fee – \$0.30 per assessed parcel	0.00
Rounding Adjustment	<u>0.00</u>
<b>Indirect Costs Sub-Total</b>	<b>\$932.05</b>
<b>SUB-TOTAL COSTS</b>	<b>\$2,157.05</b>
Contingency Reserve – 20 % of Total Costs	\$431.41
<b>TOTAL COSTS</b>	<b>\$2,588.46</b>
7/1/2018 Beginning Fund Balance	\$5,269.20
<b>2018/19 TOTAL ASSESSMENT</b>	<b>\$0.00</b>
Total Number of Assessable Parcels	25
<b>2018/19 PROPOSED ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>
<b>2017/18 ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>

Annual CPI Calculations for Zone 2 – Foothill Estates are shown in the table below:

<b>Fiscal Year</b>	<b>CPI Increase</b>	<b>Adjusted Max</b>
2005/2006	N/A	\$297.760
2006/2007	2.93%	\$306.492
2007/2008	3.18%	\$316.241
2008/2009	2.77%	\$325.008
2009/2010	1.16%	\$328.788
2010/2011	1.79%	\$334.677
2011/2012	1.70%	\$340.354
2012/2013	3.00%	\$350.564
2013/2014	2.45%	\$359.143
2014/2015	2.45%	\$367.930
2015/2016	2.53%	\$377.247
2016/2017	3.02%	\$388.626
2017/2018	3.44%	\$401.984
2018/2019	3.56%	\$416.313

\*Rounded to 2 decimal points. Calculation is performed at 7 decimal points each year.

**Zone 3 – Mission Olive Ranch Budget**

<b>DIRECT COSTS</b>	
Detention Pond Maintenance	\$500.00
Fencing	500.00
Pump Station Electricity	<u>140.00</u>
<b>Direct Costs Sub-Total</b>	<b>\$1,140.00</b>
<b>INDIRECT COSTS</b>	
Maintenance Repairs & Contingency	\$500.00
City Personnel/Overhead	0.00
CBAD Administration Fee	502.40
Professional Fees	0.00
County Administration Fee – \$0.30 per assessed parcel	0.00
Rounding Adjustment	<u>0.00</u>
<b>Indirect Costs Sub-Total</b>	<b>\$1,002.40</b>
<b>SUB-TOTAL COSTS</b>	<b>\$2,142.40</b>
Contingency Reserve – 20 % of Total Costs	\$428.48
<b>TOTAL COSTS</b>	<b>\$2,570.88</b>
7/1/2018 Beginning Fund Balance	\$8,483.37
<b>2018/19 TOTAL ASSESSMENT</b>	<b>\$0.00</b>
Total Number of Assessable Parcels	19
<b>2018/19 PROPOSED ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>
<b>2017/18 ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>

Annual CPI Calculations for Zone 3 – Mission Olive Ranch are shown in the table below:

<b>Fiscal Year</b>	<b>CPI Increase</b>	<b>Adjusted Max</b>
2006/2007	N/A	\$267.060
2007/2008	3.18%	\$275.555
2008/2009	2.77%	\$283.194
2009/2010	1.16%	\$286.488
2010/2011	1.79%	\$291.619
2011/2012	1.70%	\$296.566
2012/2013	3.00%	\$305.462
2013/2014	2.45%	\$312.937
2014/2015	2.45%	\$320.595
2015/2016	2.53%	\$328.712
2016/2017	3.02%	\$338.628
2017/2018	3.44%	\$350.267
2018/2019	3.56%	\$362.752

\*Rounded to 2 decimal points. Calculation is performed at 7 decimal points each year.



**Zone 4 – Vista Del Oro Budget**

<b>DIRECT COSTS</b>	
Detention Pond Maintenance	\$500.00
Fencing	500.00
Drainage Pipes	0.00
Pump Station Electricity	<u>702.00</u>
<b>Direct Costs Sub-Total</b>	<b>\$1,702.00</b>
<b>INDIRECT COSTS</b>	
Maintenance Repairs & Contingency	\$500.00
City Personnel/Overhead	1,000.00
CBAD Administration Fee	758.06
Professional Fees	0.00
County Administration Fee – \$0.30 per assessed parcel	0.00
Rounding Adjustment	<u>0.00</u>
<b>Indirect Costs Sub-Total</b>	<b>\$2,258.06</b>
<b>SUB-TOTAL COSTS</b>	<b>\$3,960.06</b>
Contingency Reserve – 20 % of Total Costs	\$792.01
<b>TOTAL COSTS</b>	<b>\$4,752.07</b>
7/1/2018 Beginning Fund Balance	\$12,800.30
<b>2018/19 TOTAL ASSESSMENT</b>	<b>\$0.00</b>
Total Number of Assessable Parcels	92
<b>2018/19 PROPOSED ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>
<b>2017/18 ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>

Annual CPI Calculations for Zone 4 – Vista Del Oro are shown in the table below:

<b>Fiscal Year</b>	<b>CPI Increase</b>	<b>Adjusted Max</b>
2006/2007	N/A	\$215.100
2007/2008	3.18%	\$221.942
2008/2009	2.77%	\$228.095
2009/2010	1.16%	\$230.748
2010/2011	1.79%	\$234.881
2011/2012	1.70%	\$238.865
2012/2013	3.00%	\$246.030
2013/2014	2.45%	\$252.051
2014/2015	2.45%	\$258.219
2015/2016	2.53%	\$264.757
2016/2017	3.02%	\$272.743
2017/2018	3.44%	\$282.118
2018/2019	3.56%	\$292.174

\*Rounded to 2 decimal points. Calculation is performed at 7 decimal points each year.

**Zone 5 – Calle Vista Estates, Unit 2 Budget**

<b>DIRECT COSTS</b>	
Detention Basin Maintenance	\$500.00
Fencing	500.00
Drainage Pipes	0.00
Pump Station Electricity	<u>349.00</u>
<b>Direct Costs Sub-Total</b>	<b>\$1,349.00</b>
<b>INDIRECT COSTS</b>	
Maintenance Repairs & Contingency	\$500.00
City Personnel/Overhead	120.00
CBAD Administration Fee	453.71
Professional Fees	0.00
County Administration Fee – \$0.30 per assessed parcel	0.00
Rounding Adjustment	<u>0.00</u>
<b>Indirect Costs Sub-Total</b>	<b>\$1,073.71</b>
<b>SUB-TOTAL COSTS</b>	<b>\$2,422.71</b>
Contingency Reserve – 20 % of Total Costs	\$484.54
<b>TOTAL COSTS</b>	<b>\$2,907.25</b>
7/1/2018 Beginning Fund Balance	\$7,661.12
<b>2018/19 TOTAL ASSESSMENT</b>	<b>\$0.00</b>
Total Number of Assessable Parcels	44
<b>2018/19 PROPOSED ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>
<b>2017/18 ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>

Annual CPI Calculations for Zone 5 – Calle Vista Estates, Unit 2 are shown in the table below:

<b>Fiscal Year</b>	<b>CPI Increase</b>	<b>Adjusted Max</b>
2006/2007	N/A	\$159.160
2007/2008	3.18%	\$164.223
2008/2009	2.77%	\$168.776
2009/2010	1.16%	\$170.738
2010/2011	1.79%	\$173.796
2011/2012	1.70%	\$176.744
2012/2013	3.00%	\$182.046
2013/2014	2.45%	\$186.502
2014/2015	2.45%	\$191.065
2015/2016	2.53%	\$195.903
2016/2017	3.02%	\$201.812
2017/2018	3.44%	\$208.749
2018/2019	3.56%	\$216.190

\*Rounded to 2 decimal points. Calculation is performed at 7 decimal points each year.

## **Zone 6 – Martin Ranch Budget**

This Zone was annexed into the District but development never began. Until such time as development begins, there will be no assessment and therefore, no budget for this Zone

The City may also decide to de-annex this Zone from the District in the future. Ground was never broken and the development may never be built. Zone 6 will be left “blank” until such time as this area develops or another area is developed to “replace” Zone 6 within the structure of the District.

**Zone 7 – Jake Richter Estates Budget**

<b>DIRECT COSTS</b>	
Detention Basin Maintenance	\$250.00
Fencing	250.00
Drainage Pipes	0.00
Pump Station Electricity	<u>0.00</u>
<b>Direct Costs Sub-Total</b>	<b>\$500.00</b>
<b>INDIRECT COSTS</b>	
Maintenance Repairs & Contingency	\$500.00
City Personnel/Overhead	0.00
CBAD Administration Fee	192.85
Professional Fees	0.00
County Administration Fee – \$0.30 per assessed parcel	0.00
Rounding Adjustment	<u>0.00</u>
<b>Indirect Costs Sub-Total</b>	<b>\$692.85</b>
<b>SUB-TOTAL COSTS</b>	<b>\$1,192.85</b>
Contingency Reserve – 20 % of Total Costs	\$238.57
<b>TOTAL COSTS</b>	<b>\$1,431.42</b>
7/1/2018 Beginning Fund Balance	\$3,256.35
<b>2018/19 TOTAL ASSESSMENT</b>	<b>\$0.00</b>
Total Number of Assessable Parcels	8
<b>2018/19 PROPOSED ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>
<b>2017/18 ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>

Annual CPI Calculations for Zone 7 – Jake Richter Estates are shown in the table below:

<b>Fiscal Year</b>	<b>CPI Increase</b>	<b>Adjusted Max</b>
2007/2008	N/A	\$235.020
2008/2009	2.77%	\$241.535
2009/2010	1.16%	\$244.344
2010/2011	1.79%	\$248.721
2011/2012	1.70%	\$252.939
2012/2013	3.00%	\$260.527
2013/2014	2.45%	\$266.903
2014/2015	2.45%	\$273.434
2015/2016	2.53%	\$280.357
2016/2017	3.02%	\$288.814
2017/2018	3.44%	\$298.741
2018/2019	3.56%	\$309.390

\*Rounded to 2 decimal points. Calculation is performed at 7 decimal points each year.

**Zone 8 – Acacia Estates Budget**

<b>DIRECT COSTS</b>	
Detention Pond Maintenance	\$0.00
Fencing	0.00
Drainage Pipes	0.00
Pump Station Electricity	<u>0.00</u>
<b>Direct Costs Sub-Total</b>	<b>\$0.00</b>
<b>INDIRECT COSTS</b>	
Maintenance Repairs & Contingency	\$0.00
City Personnel/Overhead	0.00
CBAD Administration Fee	0.00
Professional Fees	0.00
County Administration Fee – \$0.30 per assessed parcel	0.00
Rounding Adjustment	<u>0.00</u>
<b>Indirect Costs Sub-Total</b>	<b>\$0.00</b>
<b>SUB-TOTAL COSTS</b>	<b>\$0.00</b>
Contingency Reserve – 20 % of Total Costs	\$0.00
<b>TOTAL COSTS</b>	<b>\$0.00</b>
7/1/2018 Beginning Fund Balance	\$0.00
<b>2018/19 TOTAL ASSESSMENT</b>	<b>\$0.00</b>
Total Number of Assessable Parcels	20
<b>2018/19 PROPOSED ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>
<b>2017/18 ASSESSMENT PER PARCEL</b>	<b>\$0.00</b>



Annual CPI Calculations for Zone 8 – Acacia Estates are shown in the table below:

<b>Fiscal Year</b>	<b>CPI Increase</b>	<b>Adjusted Max</b>
2008/2009	N/A	\$168.500
2009/2010	1.16%	\$170.460
2010/2011	1.79%	\$173.513
2011/2012	1.70%	\$176.456
2012/2013	3.00%	\$181.749
2013/2014	2.45%	\$186.197
2014/2015	2.45%	\$190.753
2015/2016	2.53%	\$195.583
2016/2017	3.02%	\$201.483
2017/2018	3.44%	\$208.408
2018/2019	3.56%	\$215.837

\*Rounded to 2 decimal points. Calculation is performed at 7 decimal points each year.

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## SECTION IV – DISTRICT/ZONE DIAGRAMS

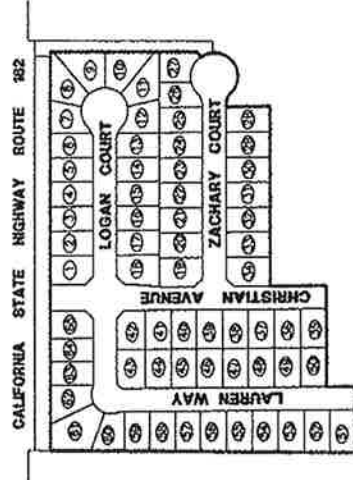
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The following pages show the Assessment Diagram or boundary map for each Zone within the District. The lines and dimensions shown on maps of the Butte County Assessor for the current year are incorporated by reference herein and made part of this Report.

# AMENDED ASSESSMENT DIAGRAM CONSOLIDATED BENEFIT ASSESSMENT DISTRICT ZONE 1 LINKSIDE PLACE - PHASE 1

CITY OF OROVILLE  
COUNTY OF BUTTE  
STATE OF CALIFORNIA

THIS AMENDED ASSESSMENT DIAGRAM SUPERSEDES THE DOCUMENT  
FILED IN BOOK 9, PAGE 74 OF MAPS OF ASSESSMENT DISTRICTS  
IN THE OFFICE OF THE COUNTY RECORDER.



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OROVILLE  
THIS 20th DAY OF September, 2007.

*Sharon S. Atkinson*  
CITY CLERK  
CITY OF OROVILLE  
BUTTE COUNTY, CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN DIAGRAM SHOWING THE PROPOSED FORMATION  
OF CONSOLIDATED BENEFIT ASSESSMENT DISTRICT - LINKSIDE PLACE - PHASE 1,  
CITY OF OROVILLE, COUNTY OF BUTTE, STATE OF CALIFORNIA, WAS APPROVED BY  
THE CITY COUNCIL OF THE CITY OF OROVILLE AT A REGULAR MEETING HEREOF HELD  
ON THE 14th DAY OF September, 2007, BY ITS  
RESOLUTION NO. 083811

*Sharon S. Atkinson*  
CITY CLERK  
CITY OF OROVILLE  
BUTTE COUNTY, CALIFORNIA

FILED THIS 19th DAY OF January, 2007, AT THE HOUR OF 9:01 O'CLOCK A.M.  
IN BOOK 9 AT PAGE 510 OF MAPS OF ASSESSMENT DISTRICTS IN THE OFFICE  
OF THE COUNTY RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA.

*Caroline J. Shuler*  
DEPUTY RECORDER  
COUNTY OF BUTTE

ASSESSMENT ID	Assessment Number	APN
1	030-570-001	030-570-001
2	030-570-002	030-570-002
3	030-570-003	030-570-003
4	030-570-004	030-570-004
5	030-570-005	030-570-005
6	030-570-006	030-570-006
7	030-570-007	030-570-007
8	030-570-008	030-570-008
9	030-570-009	030-570-009
10	030-570-010	030-570-010
11	030-570-011	030-570-011
12	030-570-012	030-570-012
13	030-570-013	030-570-013
14	030-570-014	030-570-014
15	030-570-015	030-570-015
16	030-570-016	030-570-016
17	030-570-017	030-570-017
18	030-570-018	030-570-018
19	030-570-019	030-570-019
20	030-570-020	030-570-020
21	030-570-021	030-570-021
22	030-570-022	030-570-022
23	030-570-023	030-570-023
24	030-570-024	030-570-024
25	030-570-025	030-570-025
26	030-570-026	030-570-026
27	030-570-027	030-570-027
28	030-570-028	030-570-028
29	030-570-029	030-570-029
30	030-570-030	030-570-030
31	030-570-031	030-570-031
32	030-570-032	030-570-032
33	030-570-033	030-570-033

ASSESSMENT ID	Assessment Number	APN
34	030-570-034	030-570-034
35	030-570-035	030-570-035
36	030-570-036	030-570-036
37	030-570-037	030-570-037
38	030-570-038	030-570-038
39	030-570-039	030-570-039
40	030-570-040	030-570-040
41	030-570-041	030-570-041
42	030-570-042	030-570-042
43	030-570-043	030-570-043
44	030-570-044	030-570-044
45	030-570-045	030-570-045
46	030-570-046	030-570-046
47	030-570-047	030-570-047
48	030-570-048	030-570-048
49	030-570-049	030-570-049
50	030-570-050	030-570-050
51	030-570-051	030-570-051
52	030-570-052	030-570-052
53	030-570-053	030-570-053
54	030-570-054	030-570-054
55	030-570-055	030-570-055
56	030-570-056	030-570-056
57	030-570-057	030-570-057
58	030-570-058	030-570-058
59	030-570-059	030-570-059
60	030-570-060	030-570-060
61	030-570-061	030-570-061
62	030-570-062	030-570-062
63	030-570-063	030-570-063
64	030-570-064	030-570-064
65	030-570-065	030-570-065

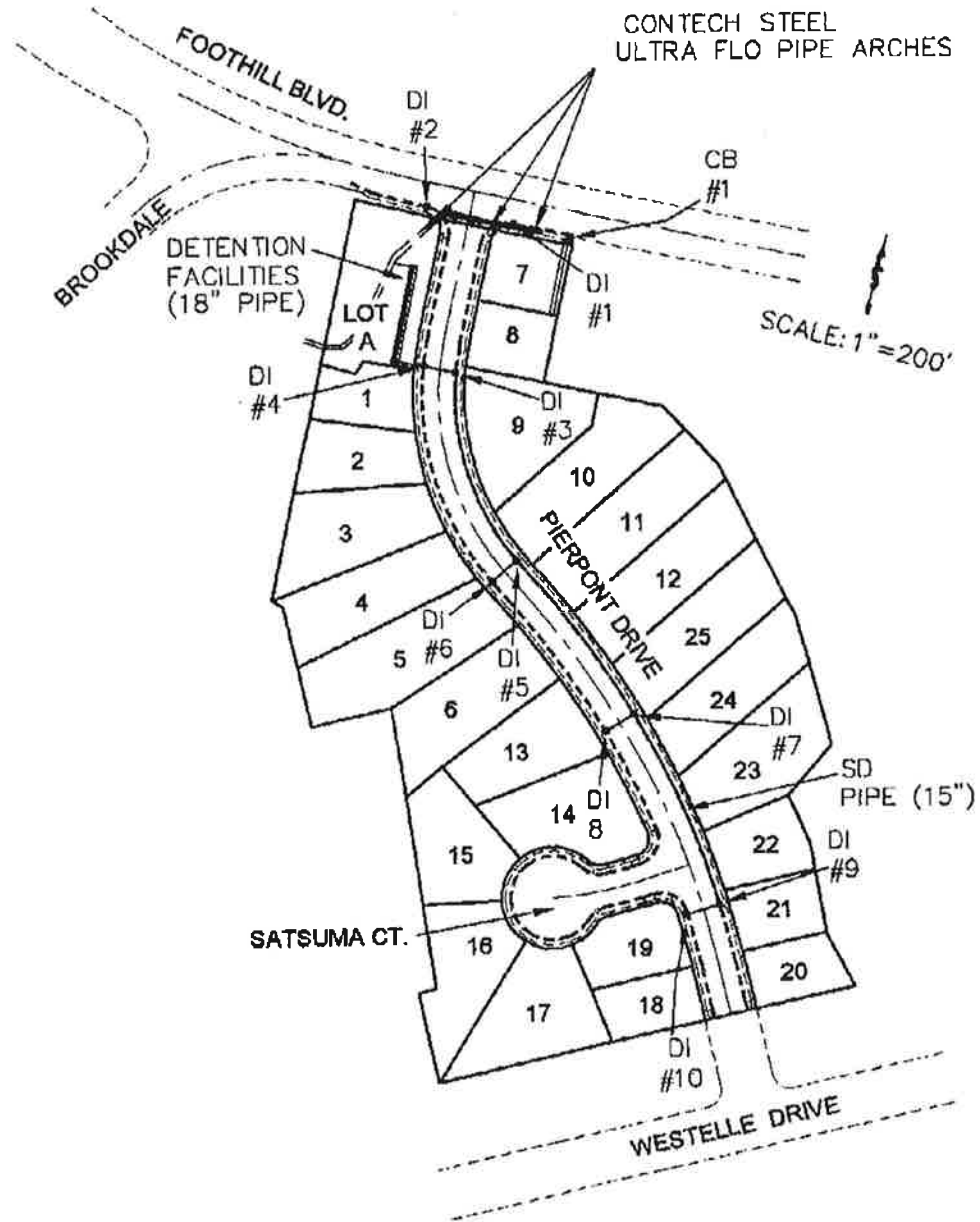
LEGEND  
 \_\_\_\_\_ ASSESSMENT DISTRICT BOUNDARY  
 \_\_\_\_\_ PARCEL LINES  
 ⊕ ASSESSMENT NUMBER

NOTE: FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH PARCEL  
WITHIN THE DISTRICT REFER TO THE COUNTY OF BUTTE ASSESSOR'S MAPS.



**NBS**  
 2005 Nelson & Son, Ltd. Inc.  
 Norwich, CT 06258  
 Local Government Solutions

C:\PROJECTS\02-036\dwg\SD ASSESSMENT.dwg, 11/18/2004 04:10:46 PM

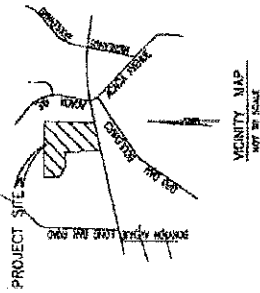


STORM DRAIN  
BENEFIT ASSESSMENT DISTRICT  
FOOTHILL ESTATES SUBDIVISION  
PLAN VIEW DIAGRAM

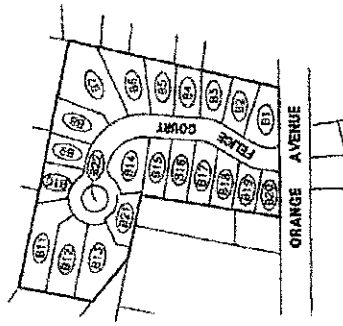
036-390-067 10.06ac

# ANNEXATION DIAGRAM CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT ANNEXATION NO. 2, ZONE 3 (MISSION OLIVE RANCH)

CITY OF OROVILLE  
COUNTY OF BUTTE  
STATE OF CALIFORNIA



Assessment Number	APN
811	035-110-014
812	035-110-014
813	035-110-014
814	035-110-014
815	035-110-014
816	035-110-014
817	035-110-014
818	035-110-014
819	035-110-014
820	035-110-014
821	035-110-014
822	035-110-014



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OROVILLE  
THIS 27th DAY OF FEBRUARY 2008.

*Sharon L. Ottobony*  
CITY CLERK  
BUTTE COUNTY, CALIFORNIA

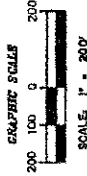
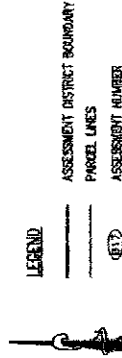
I HEREBY CERTIFY THAT THE MAPS, PLANS, AND THE PROPOSED ANNEXATION NO. 2, ZONE 3, AND CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, CITY OF OROVILLE, COUNTY OF BUTTE, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OROVILLE AT A REGULAR MEETING HELD ON THE 19th DAY OF FEBRUARY 2008, BY ITS RESOLUTION NO. 035-110-014.

*Sharon L. Ottobony*  
CITY CLERK  
CITY OF OROVILLE  
BUTTE COUNTY, CALIFORNIA

FILED THIS 10th DAY OF FEBRUARY 2008, AT THE HOUR OF 9:01 O'CLOCK A.M. IN THE COUNTY RECORDER'S OFFICE OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA.

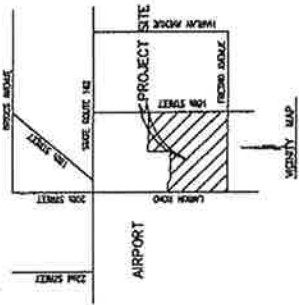
DEPUTY  
COUNTY RECORDER  
COUNTY OF BUTTE

NOTE: FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH PARCEL WITHIN THE DISTRICT REFER TO THE COUNTY OF BUTTE ASSESSOR'S MAPS.



# CITY OF OROVILLE ANNEXATION DIAGRAM CONSOLIDATED BENEFIT ASSESSMENT DISTRICT ANNEXATION NO. 3, ZONE 4 (VISTA DEL ORO)

CITY OF OROVILLE  
COUNTY OF BUTTE  
STATE OF CALIFORNIA



FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OROVILLE  
THIS 22<sup>ND</sup> DAY OF July, 2006.

*Sharon A. McIlhenny*  
CITY CLERK  
CITY OF OROVILLE  
BUTTE COUNTY, CALIFORNIA

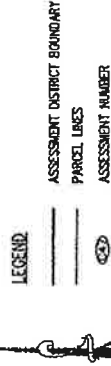
I HEREBY CERTIFY THAT THE WITHIN DIAGRAM SHOWING THE PROPOSED ANNEXATION NO. 3,  
ZONE 4, INTO CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, CITY OF  
OROVILLE, CALIFORNIA, WAS PREPARED AND SUBMITTED TO THE CITY CLERK OF THE  
CITY OF OROVILLE AT A REGULAR MEETING HELD ON THE 18<sup>TH</sup> DAY OF July, 2006,  
BY ITS RESOLUTION NO. 6230

*Sharon A. McIlhenny*  
CITY CLERK  
CITY OF OROVILLE  
BUTTE COUNTY, CALIFORNIA

FILED THIS 18<sup>TH</sup> DAY OF JULY, 2006, AT THE HOUR OF 5:00 O'CLOCK A.M.,  
IN BOOK NO. 10, PAGE 10, OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA.

*Caroline J. Sullivan*  
DEPUTY RECORDER  
COUNTY OF BUTTE

NOTE: FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH PARCEL  
WITHIN THE DISTRICT REFER TO THE COUNTY OF BUTTE ASSESSOR'S MAPS.





# CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT ANNEXATION NO. 4, ZONE 5 (CALLE VISTA PHASE 2)

CITY OF OROVILLE  
COUNTY OF BUTTE  
STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OROVILLE  
THIS 24th DAY OF July, 2006.

*Shirley A. McLaughlin*  
CITY CLERK  
CITY OF OROVILLE  
BUTTE COUNTY, CALIFORNIA

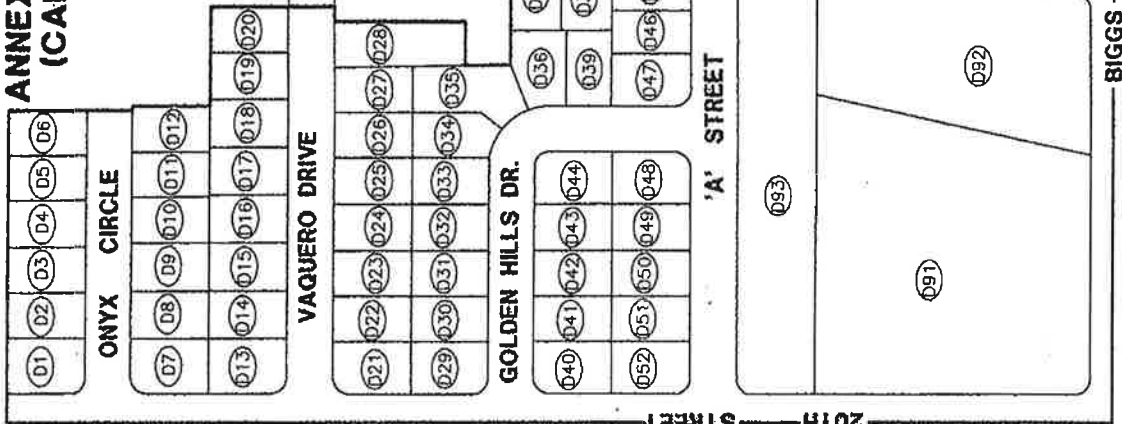
I HEREBY CERTIFY THAT THE WITHIN DIAGRAM SHOWING THE PROPOSED ANNEXATION NO. 4, ZONE 5, INTO THE CITY OF OROVILLE, CALIFORNIA, IS IN ACCORDANCE WITH THE CITY OF OROVILLE, COUNTY OF BUTTE, STATE OF CALIFORNIA, AS APPROVED BY THE CITY COUNCIL OF THE CITY OF OROVILLE AT A REGULAR MEETING THEREOF HELD ON THE 23rd DAY OF July, 2006, BY ITS RESOLUTION NO. 2783.

*Shirley A. McLaughlin*  
CITY CLERK  
CITY OF OROVILLE  
BUTTE COUNTY, CALIFORNIA

FILED THIS 19th DAY OF JANUARY, 2007 AT THE HOUR OF 9:01 O'CLOCK A.M. IN BOOK 9 AT PAGE 98 OF MAPS OF ASSESSMENT DISTRICTS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA.

*Shirley A. McLaughlin*  
DEPUTY COUNTY RECORDER  
COUNTY OF BUTTE

NOTE: FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH PARCEL WITHIN THE DISTRICT REFER TO THE COUNTY OF BUTTE ASSESSOR'S MAPS.

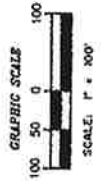


LEGEND

ASSESSMENT DISTRICT BOUNDARY

PARCEL LINES

ASSESSMENT NUMBER



NBS  
2305 Highway 78, Suite 100  
Folsom, CA 95632  
Local Government Solutions





# ANNEXATION DIAGRAM CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT ANNEXATION NO. 6, ZONE 7 (JAKE RICHTER)

CITY OF OROVILLE  
COUNTY OF BUTTE  
STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OROVILLE  
THIS 18<sup>th</sup> DAY OF January, 2007

*Sharon L. McMillan*  
CITY CLERK  
CITY OF OROVILLE  
BUTTE COUNTY, CALIFORNIA

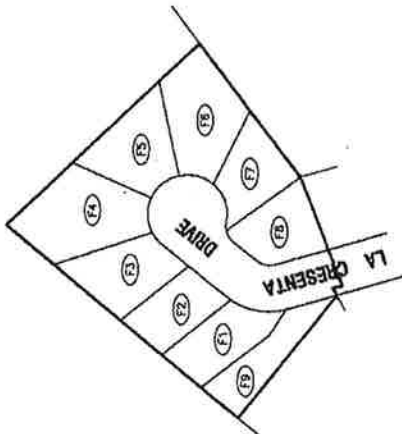
I HEREBY CERTIFY THAT THE WITHIN DIAGRAM SHOWING THE PROPOSED ANNEXATION NO. 6,  
ZONED AND CITY OF OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, CITY OF  
OROVILLE, CALIFORNIA, IS IN ACCORDANCE WITH THE CHARTER OF THE CITY OF OROVILLE,  
AND WAS FILED AT A REGULAR MEETING THEREOF HELD ON THE  
18<sup>th</sup> DAY OF January, 2007 BY RESOLUTION NO. 2880

*Sharon L. McMillan*  
CITY CLERK  
CITY OF OROVILLE  
BUTTE COUNTY, CALIFORNIA

FILED THIS 18<sup>th</sup> DAY OF January, 2007 AT THE HOUR OF 9:01 O'CLOCK A.M.  
IN BOOK 1 AT PAGE 288 OF MAPS OF ASSESSMENT DISTRICTS IN THE OFFICE  
OF THE COUNTY RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA.

*Sharon L. McMillan*  
DEPUTY  
COUNTY RECORDER  
COUNTY OF BUTTE

NOTE: FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH PARCEL  
WITHIN THE DISTRICT REFER TO THE COUNTY OF BUTTE ASSESSOR'S MAPS.



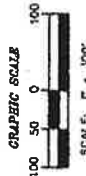
Assessment Number	ASSESSMENT ID	APN
E1	POK OF 031-070-092	031-070-092
E2	POK OF 031-070-092	031-070-092
E3	POK OF 031-070-092	031-070-092
E4	POK OF 031-070-092	031-070-092
E5	POK OF 031-070-092	031-070-092
E6	POK OF 031-070-092	031-070-092
E7	POK OF 031-070-092	031-070-092
E8	POK OF 031-070-092	031-070-092
E9	POK OF 031-070-092	031-070-092

LEGEND

— ASSESSMENT DISTRICT BOUNDARY

— PARCEL LINES

(E) ASSESSMENT NUMBER

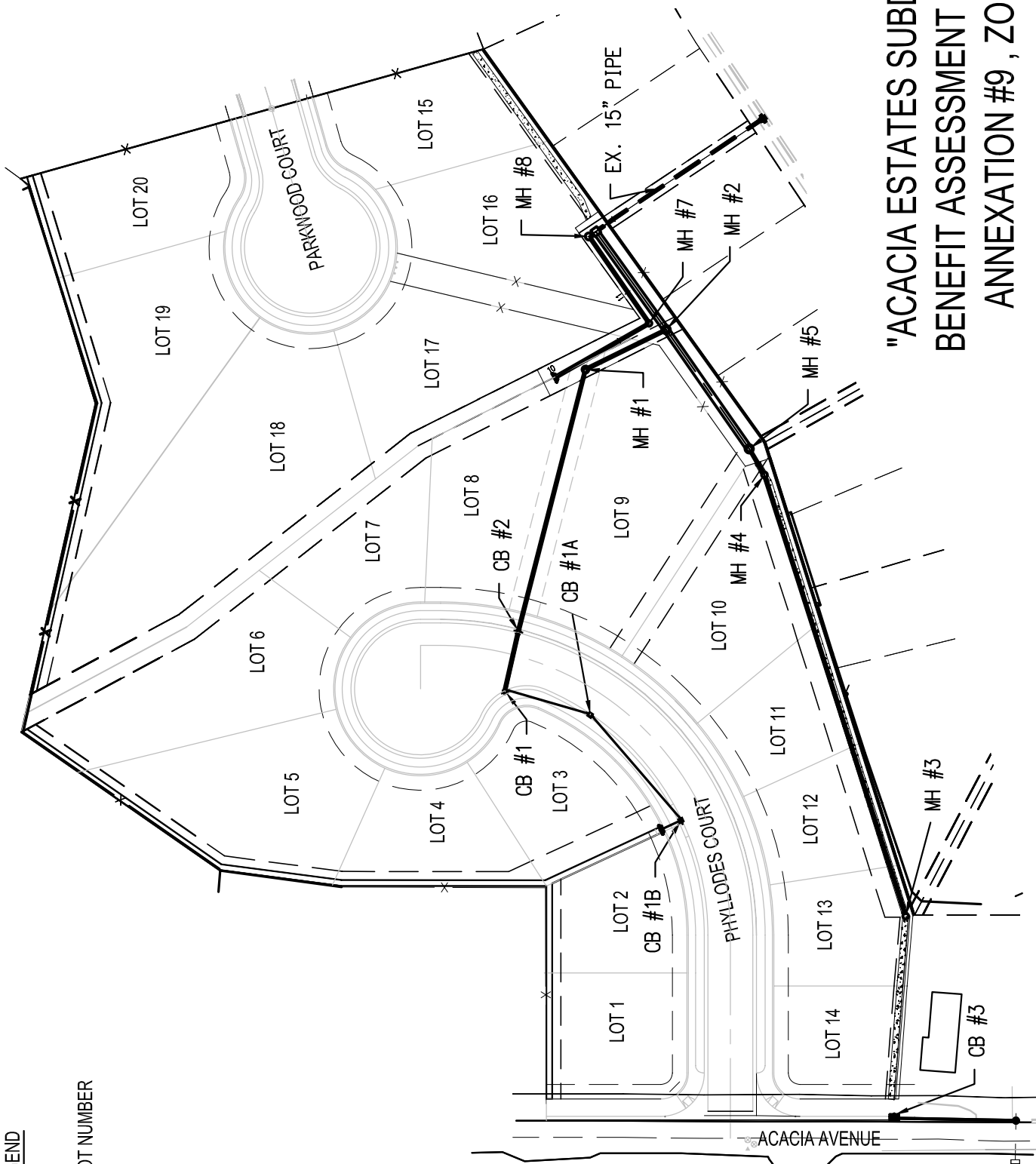


LEGEND

- ② LOT NUMBER

NORTH  
NO SCALE

"ACACIA ESTATES SUBDIVISION"  
BENEFIT ASSESSMENT DISTRICT  
ANNEXATION #9, ZONE #10



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## SECTION V – ASSESSMENT ROLL

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Parcel Identification for each lot or parcel within each Zone of the District shall be based on available parcel maps and other property data from the Butte County Assessor's office as they existed at the time this Report was prepared and adopted by the City Council.

A complete listing of parcels, by Zone, assessed within the District for Fiscal Year 2018/19, along with the corresponding assessment amounts, is included on the following pages. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel(s) shall be based on the method of apportionment and assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amounts applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Non-assessable lots or parcels include areas of public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas and rights-of-way, including public greenbelts and parkways; utility rights-of-way; common areas; landlocked parcels; small parcels vacated by the County, bifurcated lots and any other property that cannot be developed or has specific development restrictions. These types of parcels are considered to receive little or no benefit from the improvements and are therefore, exempted from assessment.

**ZONE 1 – LINKSIDE PLACE, PHASE 1**

<b>APN</b>	<b>Unit/Lot Number</b>	<b>Assessable Units</b>	<b>2018/2018 Maximum Assessment Rate</b>	<b>2018/2019 Proposed Assessment</b>
030-570-001	1	1.00	\$357.90	\$0.00
030-570-002	2	1.00	\$357.90	\$0.00
030-570-003	3	1.00	\$357.90	\$0.00
030-570-004	4	1.00	\$357.90	\$0.00
030-570-005	5	1.00	\$357.90	\$0.00
030-570-006	6	1.00	\$357.90	\$0.00
030-570-007	7	1.00	\$357.90	\$0.00
030-570-008	8	1.00	\$357.90	\$0.00
030-570-009	9	1.00	\$357.90	\$0.00
030-570-010	10	1.00	\$357.90	\$0.00
030-570-011	11	1.00	\$357.90	\$0.00
030-570-012	12	1.00	\$357.90	\$0.00
030-570-013	13	1.00	\$357.90	\$0.00
030-570-014	14	1.00	\$357.90	\$0.00
030-570-015	15	1.00	\$357.90	\$0.00
030-570-016	16	1.00	\$357.90	\$0.00
030-570-017	17	1.00	\$357.90	\$0.00
030-570-018	18	1.00	\$357.90	\$0.00
030-570-019	19	1.00	\$357.90	\$0.00
030-570-020	20	1.00	\$357.90	\$0.00
030-570-021	21	1.00	\$357.90	\$0.00
030-570-022	22	1.00	\$357.90	\$0.00
030-570-023	23	1.00	\$357.90	\$0.00
030-570-024	24	1.00	\$357.90	\$0.00
030-570-025	25	1.00	\$357.90	\$0.00
030-570-026	26	1.00	\$357.90	\$0.00
030-570-027	27	1.00	\$357.90	\$0.00
030-570-028	28	1.00	\$357.90	\$0.00
030-570-029	29	1.00	\$357.90	\$0.00
030-570-030	30	1.00	\$357.90	\$0.00
030-570-031	31	1.00	\$357.90	\$0.00
030-570-032	32	1.00	\$357.90	\$0.00
030-570-033	33	1.00	\$357.90	\$0.00
030-570-034	34	1.00	\$357.90	\$0.00
030-570-035	35	1.00	\$357.90	\$0.00
030-570-036	36	1.00	\$357.90	\$0.00



APN	Unit/Lot Number	Assessable Units	2018/2018 Maximum Assessment Rate	2018/2019 Proposed Assessment
030-570-037	37	1.00	\$357.90	\$0.00
030-570-038	38	1.00	\$357.90	\$0.00
030-570-039	39	1.00	\$357.90	\$0.00
030-570-040	40	1.00	\$357.90	\$0.00
030-570-041	41	1.00	\$357.90	\$0.00
030-570-042	42	1.00	\$357.90	\$0.00
030-570-043	43	1.00	\$357.90	\$0.00
030-570-044	44	1.00	\$357.90	\$0.00
030-570-045	45	1.00	\$357.90	\$0.00
030-570-046	46	1.00	\$357.90	\$0.00
030-570-047	47	1.00	\$357.90	\$0.00
030-570-048	48	1.00	\$357.90	\$0.00
030-570-049	49	1.00	\$357.90	\$0.00
030-570-050	50	1.00	\$357.90	\$0.00
030-570-051	51	1.00	\$357.90	\$0.00
030-570-052	52	1.00	\$357.90	\$0.00
030-570-053	53	1.00	\$357.90	\$0.00
030-570-054	54	1.00	\$357.90	\$0.00
030-570-055	55	1.00	\$357.90	\$0.00
030-570-056	56	1.00	\$357.90	\$0.00
030-570-057	57	1.00	\$357.90	\$0.00
030-570-058	58	1.00	\$357.90	\$0.00
030-570-059	59	1.00	\$357.90	\$0.00
030-570-060	60	1.00	\$357.90	\$0.00
030-570-061	61	1.00	\$357.90	\$0.00
030-570-062	62	1.00	\$357.90	\$0.00
030-570-063	63	1.00	\$357.90	\$0.00
030-570-064	64	1.00	\$357.90	\$0.00
030-570-065	65	1.00	\$357.90	\$0.00
030-570-066	E	0.00	\$357.90	\$0.00
030-570-999	A, B, C & D	0.00	\$357.90	\$0.00
<b>TOTALS:</b>		<b>65.00</b>		<b>\$0.00</b>

**ZONE 2 – FOOTHILL ESTATES**

<b>APN</b>	<b>Unit/Lot Number</b>	<b>Assessable Units</b>	<b>2018/2019 Maximum Assessment Rate</b>	<b>2018/2019 Proposed Assessment</b>
079-410-001	1	1.00	\$416.31	\$0.00
079-410-002	2	1.00	\$416.31	\$0.00
079-410-003	3	1.00	\$416.31	\$0.00
079-410-004	4	1.00	\$416.31	\$0.00
079-410-005	5	1.00	\$416.31	\$0.00
079-410-006	6	1.00	\$416.31	\$0.00
079-410-007	7	1.00	\$416.31	\$0.00
079-410-008	8	1.00	\$416.31	\$0.00
079-410-009	9	1.00	\$416.31	\$0.00
079-410-010	10	1.00	\$416.31	\$0.00
079-410-011	11	1.00	\$416.31	\$0.00
079-410-012	12	1.00	\$416.31	\$0.00
079-410-013	13	1.00	\$416.31	\$0.00
079-410-014	14	1.00	\$416.31	\$0.00
079-410-015	15	1.00	\$416.31	\$0.00
079-410-016	16	1.00	\$416.31	\$0.00
079-410-017	17	1.00	\$416.31	\$0.00
079-410-018	18	1.00	\$416.31	\$0.00
079-410-019	19	1.00	\$416.31	\$0.00
079-410-020	20	1.00	\$416.31	\$0.00
079-410-021	21	1.00	\$416.31	\$0.00
079-410-022	22	1.00	\$416.31	\$0.00
079-410-023	23	1.00	\$416.31	\$0.00
079-410-024	24	1.00	\$416.31	\$0.00
079-410-025	25	1.00	\$416.31	\$0.00
079-410-026	A	0.00	\$416.31	\$0.00
<b>TOTALS:</b>		<b>25.00</b>		<b>\$0.00</b>



**ZONE 3 – MISSION OLIVE RANCH**

<b>APN</b>	<b>Unit/Lot Number</b>	<b>Assessable Units</b>	<b>2018/2019 Maximum Assessment Rate</b>	<b>2018/2019 Proposed Assessment</b>
033-490-006	1	1.00	\$362.75	\$0.00
033-490-007	2	1.00	\$362.75	\$0.00
033-490-008	3	1.00	\$362.75	\$0.00
033-490-009	4	1.00	\$362.75	\$0.00
033-490-010	5	1.00	\$362.75	\$0.00
033-490-011	6	1.00	\$362.75	\$0.00
033-490-012	7	1.00	\$362.75	\$0.00
033-490-013	8	1.00	\$362.75	\$0.00
033-490-014	9	1.00	\$362.75	\$0.00
033-490-015	10	1.00	\$362.75	\$0.00
033-490-016	11	1.00	\$362.75	\$0.00
033-490-017	12	1.00	\$362.75	\$0.00
033-490-018	13	1.00	\$362.75	\$0.00
033-490-019	14	1.00	\$362.75	\$0.00
033-490-020	15	1.00	\$362.75	\$0.00
033-490-021	16	1.00	\$362.75	\$0.00
033-490-022	17	1.00	\$362.75	\$0.00
033-490-023	18	1.00	\$362.75	\$0.00
033-490-024	19	1.00	\$362.75	\$0.00
<b>TOTALS:</b>		<b>19.00</b>		<b>\$0.00</b>





**ZONE 4 – VISTA DEL ORO**

<b>APN</b>	<b>Unit/Lot Number</b>	<b>Assessable Units</b>	<b>2018/2019 Maximum Assessment Rate</b>	<b>2018/2019 Proposed Assessment</b>
030-580-001	92	1.00	\$292.17	\$0.00
030-580-002	91	1.00	\$292.17	\$0.00
030-580-003	90	1.00	\$292.17	\$0.00
030-580-004	89	1.00	\$292.17	\$0.00
030-580-005	88	1.00	\$292.17	\$0.00
030-580-006	87	1.00	\$292.17	\$0.00
030-580-007	86	1.00	\$292.17	\$0.00
030-580-008	85	1.00	\$292.17	\$0.00
030-580-009	80	1.00	\$292.17	\$0.00
030-580-010	81	1.00	\$292.17	\$0.00
030-580-011	82	1.00	\$292.17	\$0.00
030-580-012	83	1.00	\$292.17	\$0.00
030-580-013	84	1.00	\$292.17	\$0.00
030-580-014	74	1.00	\$292.17	\$0.00
030-580-015	75	1.00	\$292.17	\$0.00
030-580-016	76	1.00	\$292.17	\$0.00
030-580-017	77	1.00	\$292.17	\$0.00
030-580-018	78	1.00	\$292.17	\$0.00
030-580-019	79	1.00	\$292.17	\$0.00
030-580-020	68	1.00	\$292.17	\$0.00
030-580-021	69	1.00	\$292.17	\$0.00
030-580-022	70	1.00	\$292.17	\$0.00
030-580-023	71	1.00	\$292.17	\$0.00
030-580-024	72	1.00	\$292.17	\$0.00
030-580-025	73	1.00	\$292.17	\$0.00
030-580-026	61	1.00	\$292.17	\$0.00
030-580-027	62	1.00	\$292.17	\$0.00
030-580-028	63	1.00	\$292.17	\$0.00
030-580-029	64	1.00	\$292.17	\$0.00
030-580-030	65	1.00	\$292.17	\$0.00
030-580-031	66	1.00	\$292.17	\$0.00
030-580-032	67	1.00	\$292.17	\$0.00
030-580-033	54	1.00	\$292.17	\$0.00
030-580-034	55	1.00	\$292.17	\$0.00
030-580-035	56	1.00	\$292.17	\$0.00
030-580-036	57	1.00	\$292.17	\$0.00



APN	Unit/Lot Number	Assessable Units	2018/2019 Maximum Assessment Rate	2018/2019 Proposed Assessment
030-580-037	58	1.00	\$292.17	\$0.00
030-580-038	59	1.00	\$292.17	\$0.00
030-580-039	60	1.00	\$292.17	\$0.00
030-580-040	33	1.00	\$292.17	\$0.00
030-580-041	34	1.00	\$292.17	\$0.00
030-580-042	35	1.00	\$292.17	\$0.00
030-580-043	36	1.00	\$292.17	\$0.00
030-580-044	37	1.00	\$292.17	\$0.00
030-580-045	38	1.00	\$292.17	\$0.00
030-580-046	39	1.00	\$292.17	\$0.00
030-580-047	B	0.00	\$292.17	\$0.00
030-580-048	C	0.00	\$292.17	\$0.00
030-580-049	D	0.00	\$292.17	\$0.00
030-590-001	1	1.00	\$292.17	\$0.00
030-590-002	2	1.00	\$292.17	\$0.00
030-590-003	3	1.00	\$292.17	\$0.00
030-590-004	4	1.00	\$292.17	\$0.00
030-590-005	5	1.00	\$292.17	\$0.00
030-590-006	6	1.00	\$292.17	\$0.00
030-590-007	7	1.00	\$292.17	\$0.00
030-590-008	8	1.00	\$292.17	\$0.00
030-590-009	9	1.00	\$292.17	\$0.00
030-590-010	10	1.00	\$292.17	\$0.00
030-590-011	11	1.00	\$292.17	\$0.00
030-590-012	12	1.00	\$292.17	\$0.00
030-590-013	13	1.00	\$292.17	\$0.00
030-590-014	14	1.00	\$292.17	\$0.00
030-590-015	15	1.00	\$292.17	\$0.00
030-590-016	16	1.00	\$292.17	\$0.00
030-590-017	17	1.00	\$292.17	\$0.00
030-590-018	18	1.00	\$292.17	\$0.00
030-590-019	19	1.00	\$292.17	\$0.00
030-590-020	20	1.00	\$292.17	\$0.00
030-590-021	21	1.00	\$292.17	\$0.00
030-590-022	22	1.00	\$292.17	\$0.00
030-590-023	23	1.00	\$292.17	\$0.00
030-590-024	24	1.00	\$292.17	\$0.00
030-590-025	25	1.00	\$292.17	\$0.00



APN	Unit/Lot Number	Assessable Units	2018/2019 Maximum Assessment Rate	2018/2019 Proposed Assessment
030-590-026	26	1.00	\$292.17	\$0.00
030-590-027	27	1.00	\$292.17	\$0.00
030-590-028	28	1.00	\$292.17	\$0.00
030-590-029	29	1.00	\$292.17	\$0.00
030-590-030	30	1.00	\$292.17	\$0.00
030-590-031	31	1.00	\$292.17	\$0.00
030-590-032	32	1.00	\$292.17	\$0.00
030-590-033	33	1.00	\$292.17	\$0.00
030-590-034	34	1.00	\$292.17	\$0.00
030-590-035	35	1.00	\$292.17	\$0.00
030-590-036	36	1.00	\$292.17	\$0.00
030-590-037	37	1.00	\$292.17	\$0.00
030-590-038	38	1.00	\$292.17	\$0.00
030-590-039	39	1.00	\$292.17	\$0.00
030-590-040	40	1.00	\$292.17	\$0.00
030-590-041	41	1.00	\$292.17	\$0.00
030-590-042	42	1.00	\$292.17	\$0.00
030-590-043	43	1.00	\$292.17	\$0.00
030-590-044	44	1.00	\$292.17	\$0.00
030-590-045	45	1.00	\$292.17	\$0.00
030-590-046	46	1.00	\$292.17	\$0.00
030-590-047	A	0.00	\$292.17	\$0.00
030-590-048	E	0.00	\$292.17	\$0.00
<b>TOTALS:</b>		<b>92.00</b>		<b>\$0.00</b>



**ZONE 5 – CALLE VISTA ESTATES, UNIT 2**

<b>APN</b>	<b>Unit/Lot Number</b>	<b>Assessable Units</b>	<b>2018/2019 Maximum Assessment Rate</b>	<b>2018/2019 Proposed Assessment</b>
030-490-074	1	1.00	\$216.19	\$0.00
030-490-075	2	1.00	\$216.19	\$0.00
030-490-076	3	1.00	\$216.19	\$0.00
030-490-077	4	1.00	\$216.19	\$0.00
030-490-078	5	1.00	\$216.19	\$0.00
030-490-079	6	1.00	\$216.19	\$0.00
030-490-080	7	1.00	\$216.19	\$0.00
030-490-081	8	1.00	\$216.19	\$0.00
030-490-082	9	1.00	\$216.19	\$0.00
030-490-083	10	1.00	\$216.19	\$0.00
030-490-084	11	1.00	\$216.19	\$0.00
030-490-085	12	1.00	\$216.19	\$0.00
030-490-086	13	1.00	\$216.19	\$0.00
030-490-087	14	1.00	\$216.19	\$0.00
030-490-088	15	1.00	\$216.19	\$0.00
030-490-089	16	1.00	\$216.19	\$0.00
030-490-090	17	1.00	\$216.19	\$0.00
030-490-091	18	1.00	\$216.19	\$0.00
030-490-092	19	1.00	\$216.19	\$0.00
030-490-093	20	1.00	\$216.19	\$0.00
030-490-094	21	1.00	\$216.19	\$0.00
030-490-095	22	1.00	\$216.19	\$0.00
030-490-096	23	1.00	\$216.19	\$0.00
030-490-097	24	1.00	\$216.19	\$0.00
030-490-098	25	1.00	\$216.19	\$0.00
030-490-099	26	1.00	\$216.19	\$0.00
030-490-100	27	1.00	\$216.19	\$0.00
030-490-101	28	1.00	\$216.19	\$0.00
030-490-102	29	1.00	\$216.19	\$0.00
030-490-103	30	1.00	\$216.19	\$0.00
030-490-104	31	1.00	\$216.19	\$0.00
030-490-105	32	1.00	\$216.19	\$0.00
030-490-106	33	1.00	\$216.19	\$0.00
030-490-107	34	1.00	\$216.19	\$0.00
030-490-108	35	1.00	\$216.19	\$0.00
030-490-109	36	1.00	\$216.19	\$0.00
030-490-110	37	1.00	\$216.19	\$0.00



<b>APN</b>	<b>Unit/Lot Number</b>	<b>Assessable Units</b>	<b>2018/2019 Maximum Assessment Rate</b>	<b>2018/2019 Proposed Assessment</b>
030-490-111	38	1.00	\$216.19	\$0.00
030-490-112	39	1.00	\$216.19	\$0.00
030-490-113	40	1.00	\$216.19	\$0.00
030-490-114	41	1.00	\$216.19	\$0.00
030-490-115	42	1.00	\$216.19	\$0.00
030-490-116	43	1.00	\$216.19	\$0.00
030-490-117	44	1.00	\$216.19	\$0.00
<b>TOTALS:</b>		<b>44.00</b>		<b>\$0.00</b>



**ZONE 7 – JAKE RICHTER**

<b>APN</b>	<b>Unit/Lot Number</b>	<b>Assessable Units</b>	<b>2018/2019 Maximum Assessment Rate</b>	<b>2018/2019 Proposed Assessment</b>
031-086-013	A	0.00	\$309.39	\$0.00
031-086-014	1	1.00	\$309.39	\$0.00
031-086-015	2	1.00	\$309.39	\$0.00
031-086-016	3	1.00	\$309.39	\$0.00
031-086-017	4	1.00	\$309.39	\$0.00
031-086-018	5	1.00	\$309.39	\$0.00
031-086-019	6	1.00	\$309.39	\$0.00
031-086-020	7	1.00	\$309.39	\$0.00
031-086-021	8	1.00	\$309.39	\$0.00
<b>TOTALS:</b>		<b>8.00</b>		<b>\$0.00</b>



**ZONE 8 – ACACIA ESTATES**

<b>APN</b>	<b>Unit/Lot Number</b>	<b>Assessable Units</b>	<b>2018/2019 Maximum Assessment Rate</b>	<b>2018/2019 Proposed Assessment</b>
033-360-067 & 068	1	1.00	\$215.84	\$0.00
033-360-067 & 068	2	1.00	\$215.84	\$0.00
033-360-067 & 068	3	1.00	\$215.84	\$0.00
033-360-067 & 068	4	1.00	\$215.84	\$0.00
033-360-067 & 068	5	1.00	\$215.84	\$0.00
033-360-067 & 068	6	1.00	\$215.84	\$0.00
033-360-067 & 068	7	1.00	\$215.84	\$0.00
033-360-067 & 068	8	1.00	\$215.84	\$0.00
033-360-067 & 068	9	1.00	\$215.84	\$0.00
033-360-067 & 068	10	1.00	\$215.84	\$0.00
033-360-067 & 068	11	1.00	\$215.84	\$0.00
033-360-067 & 068	12	1.00	\$215.84	\$0.00
033-360-067 & 068	13	1.00	\$215.84	\$0.00
033-360-067 & 068	14	1.00	\$215.84	\$0.00
033-360-067 & 068	15	1.00	\$215.84	\$0.00
033-360-067 & 068	16	1.00	\$215.84	\$0.00
033-360-067 & 068	17	1.00	\$215.84	\$0.00
033-360-067 & 068	18	1.00	\$215.84	\$0.00
033-360-067 & 068	19	1.00	\$215.84	\$0.00
033-360-067 & 068	20	1.00	\$215.84	\$0.00
<b>TOTALS:</b>		<b>20.00</b>		<b>\$0.00</b>



# OROVILLE CITY COUNCIL STAFF REPORT

**TO:** MAYOR AND COUNCIL MEMBERS

**FROM:** RUTH WRIGHT  
FINANCE DIRECTOR

**RE:** ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE  
AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 1-17

**DATE:** AUGUST 7, 2018

## SUMMARY

As a condition of approval for each subdivision identified below, the developer was required to establish or annex into a landscape and lighting maintenance assessment district. Each subdivision represents a Zone within the larger district. Each Zone is financially responsible for the maintenance of the landscaped areas dedicated to the City and for the cost of maintaining the City owned street lights within the subdivision. The particular Zones within the City's Consolidated Landscape and Lighting Maintenance Assessment District ("CLLMAD") are identified below:

<b>ZONE NUMBER AND NAME</b>
Zone 2 – The Buttes
Zone 3 – Deer Creek Estates, Phase 1
Zone 4 – Calle Vista Estates, Unit 1
Zone 5 – Cherokee Estates, Phase 1
Zone 6 – Sherwood Estates, Units 1 & 2
Zone 7 – Grayhawk
Zone 8 – Cherokee Estates, Phase 2
Zone 9 – Linkside Place, Phase 1
Zone 10 – Foothill Estates
Zone 11 – Mission Olive Ranch
Zone 12 – Vista Del Oro
Zone 13 – Calle Vista Estates, Unit 2
Zone 14 – Martin Ranch
Zone 15 – Jake Richter Estates
Zone 16 – Acacia Estates

Pursuant to the Landscape and Lighting Act of 1972, which authorizes the formation and annual assessment of such districts, an Annual Assessment Report was prepared and filed with the



City Clerk prior to the July 10, 2017 City Council meeting. The purpose of the report is to document the annual costs involved in the operation, maintenance and servicing of all improvements, adjust the annual assessments, to incorporate any surplus or deficit from the previous year and to determine the actual annual assessment for each assessable parcel within the CLLMAD.

The City Council will consider the following items for the CLLMAD:

1. Open and conduct a public hearing to receive public comment regarding the CLLMAD and/or the assessments for Fiscal Year 2018/2019.
2. After any public comment, close the public hearing and consider approval of the Resolution Ordering the Levy and Collection of Assessments.

### **FISCAL IMPACT**

Assessments are collected for the City of Oroville by the Butte County Tax Collector to reimburse the City for the costs of operating, maintaining and servicing the landscape and lighting improvements within the CLLMAD.

### **RECOMMENDATION(S)**

1. Adopt Resolution No. \*\*\*\* - **A RESOLUTION OF THE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO APPROVE THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2018/2019**
2. Adopt Resolution No. \*\*\*\* **A RESOLUTION OF THE OROVILLE CITY COUNCIL CERTIFYING TO THE COUNTY OF BUTTE THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY**
3. Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2018/2019 Butte County Tax Roll.
4. Authorize any necessary budget adjustments to the Annual Assessment Report.

### **ATTACHMENT(S)**

Resolution No. \*\*\*\*

Resolution No. \*\*\*\*

Proposition 218 Certification of Tax Bill Levy

**NOTE:** In order to reduce copying costs, only the Executive Summary of the Annual Assessment Report is attached to this staff report. The complete Annual Assessment Report for the CLLMAD is available for review in the City Clerk's office.

# OROVILLE CITY COUNCIL STAFF REPORT

**TO:** MAYOR AND COUNCIL MEMBERS

**FROM:** RUTH WRIGHT  
FINANCE DIRECTOR

**RE:** ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE  
AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 1-17

**DATE:** AUGUST 7, 2018

## SUMMARY

As a condition of approval for each subdivision identified below, the developer was required to establish or annex into a landscape and lighting maintenance assessment district. Each subdivision represents a Zone within the larger district. Each Zone is financially responsible for the maintenance of the landscaped areas dedicated to the City and for the cost of maintaining the City owned street lights within the subdivision. The particular Zones within the City's Consolidated Landscape and Lighting Maintenance Assessment District ("CLLMAD") are identified below:

ZONE NUMBER AND NAME
Zone 1 – Grandview Estates
Zone 17 – Feather River Bluffs

Pursuant to the Landscape and Lighting Act of 1972, which authorizes the formation and annual assessment of such districts, an Annual Assessment Report was prepared and filed with the City Clerk prior to the July 10, 2017 City Council meeting. The purpose of the report is to document the annual costs involved in the operation, maintenance and servicing of all improvements, adjust the annual assessments, to incorporate any surplus or deficit from the previous year and to determine the actual annual assessment for each assessable parcel within the CLLMAD.

The City Council will consider the following items for the CLLMAD:

1. Open and conduct a public hearing to receive public comment regarding the CLLMAD and/or the assessments for Fiscal Year 2018/2019.
2. After any public comment, close the public hearing and consider approval of the Resolution Ordering the Levy and Collection of Assessments.

## **FISCAL IMPACT**

Assessments are collected for the City of Oroville by the Butte County Tax Collector to reimburse the City for the costs of operating, maintaining and servicing the landscape and lighting improvements within the CLLMAD.

## **RECOMMENDATION(S)**

1. Adopt Resolution No. \*\*\*\* - **A RESOLUTION OF THE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO APPROVE THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2018/2019**
2. Adopt Resolution No. \*\*\*\* **A RESOLUTION OF THE OROVILLE CITY COUNCIL CERTIFYING TO THE COUNTY OF BUTTE THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY**
3. Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2018/2019 Butte County Tax Roll.
4. Authorize any necessary budget adjustments to the Annual Assessment Report.

## **ATTACHMENT(S)**

Resolution No. \*\*\*\*

Resolution No. \*\*\*\*

Proposition 218 Certification of Tax Bill Levy

**NOTE:** In order to reduce copying costs, only the Executive Summary of the Annual Assessment Report is attached to this staff report. The complete Annual Assessment Report for the CLLMAD is available for review in the City Clerk's office.

**CITY OF OROVILLE  
RESOLUTION NO. 8724**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2018/2019**

**WHEREAS**, the Oroville City Council, pursuant to the terms of the “Landscaping and Lighting Act of 1972” (the 1972 Act”), Division 15, Part 2, Chapter 1, Article 1 of the Streets and Highways Code of the State of California (Section 22645 et seq.) did by previous Resolutions, initiate proceedings and approve the Annual Assessment Report (the “Report”), on a preliminary basis, for the special maintenance district known and designated as “The Oroville Consolidated Landscape and Lighting Maintenance Assessment District” (the “District”). The District is comprised of several Zones which are identified below:

<b>ZONE NUMBER AND NAME</b>
Zone 1 – Grandview Estates
Zone 2 – The Buttes
Zone 3 – Deer Creek Estates, Phase 1
Zone 4 – Calle Vista Estates, Unit 1
Zone 5 – Cherokee Estates, Phase 1
Zone 6 – Sherwood Estates, Units 1 & 2
Zone 7 – Grayhawk
Zone 8 – Cherokee Estates, Phase 2
Zone 9 – Linkside Place, Phase 1
Zone 10 – Foothill Estates
Zone 11 – Mission Olive Ranch
Zone 12 – Vista Del Oro
Zone 13 – Calle Vista Estates, Unit 2
Zone 14 – Martin Ranch
Zone 15 – Jake Richter Estates
Zone 16 – Acacia Estates
Zone 17 – Feather River Bluffs

**WHEREAS**, the engineer selected by the City Council has prepared and filed with the City Clerk, the Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within each Zone. The Report has been prepared based on the estimated costs to operate, maintain and service the improvements located within particular Zones of the District; and,

**WHEREAS**, the City Council has carefully examined and reviewed the Report and is satisfied with each of the items and documents as presented therein, and finds

that the assessments have been spread to the eligible parcels within each Zone in accordance with the special benefit received from said improvements; and,

**WHEREAS**, the assessments are not based on the assessed value of the properties within the Zones but are based on the special benefit conferred upon said eligible parcels from the improvements, and the maintenance and operation thereof; and,

**WHEREAS**, the assessments are in compliance with all laws pertaining to the levy and collection of assessments, including Proposition 218; and,

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. Following notice duly given, the City Council has held a full and fair public hearing regarding the Report and the levy and collection of assessments within the District. The City Council received and considered all written and oral statements, including any and all protests or other communications made or filed by any interested persons.
2. Based upon its review (and any applicable amendments) of the Report, a copy of which has been filed with the City Clerk, the City Council hereby finds and determines that:
  - a. The assessable properties within the Zones will receive special benefit from the operation, maintenance and servicing of the landscape and lighting improvements.
  - b. The Zones include all properties receiving such special benefit.
  - c. The net amount to be assessed upon the properties is based on the historical and estimated costs to provide said maintenance and servicing and is apportioned by a formula that fairly distributes the net amount among all assessable parcels in proportion to the estimated special benefit received from the improvements and services.
3. The Report and assessments, as presented and which are on file with the office of the City Clerk, are hereby confirmed as filed.
4. The City Council hereby orders the maintenance and servicing of the improvements to be made in accordance with the Report and the 1972 Act.
5. The maintenance, operation and servicing of the landscape and lighting improvements shall be performed pursuant to the 1972 Act and the County Auditor of Butte County shall enter onto the County Tax Roll, opposite each assessable parcel of land, the assessment amount and such assessments shall be collected at the same time and in the same manner as the County taxes are collected. After collection of the assessments by the County, the net amount of said assessments shall be paid to the City Treasurer.
6. The City Treasurer shall deposit all money representing assessments collected by the County to the credit of a fund especially for the District. Such money shall

be expended only for the maintenance, operations and servicing of the landscape and lighting improvements located within the District boundaries.

7. The adoption of this Resolution constitutes the levy of assessments within the Zones for the fiscal year beginning July 1, 2018 and ending June 30, 2019.
8. The City Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.
9. A certified copy of this Resolution shall be filed in the office of the City Clerk and shall remain open for public inspection.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting held on August 7, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

**CITY OF OROVILLE  
RESOLUTION NO. 8726**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2018/2019**

**WHEREAS**, the Oroville City Council, pursuant to the terms of the “Landscaping and Lighting Act of 1972” (the 1972 Act”), Division 15, Part 2, Chapter 1, Article 1 of the Streets and Highways Code of the State of California (Section 22645 et seq.) did by previous Resolutions, initiate proceedings and approve the Annual Assessment Report (the “Report”), on a preliminary basis, for the special maintenance district known and designated as “The Oroville Consolidated Landscape and Lighting Maintenance Assessment District” (the “District”). The District is comprised of several Zones which are identified below:

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Zone 6 – Sherwood Estates, Units 1 & 2
Zone 7 – Grayhawk
Zone 8 – Cherokee Estates, Phase 2
Zone 9 – Linkside Place, Phase 1
Zone 10 – Foothill Estates
Zone 11 – Mission Olive Ranch
Zone 12 – Vista Del Oro
Zone 13 – Calle Vista Estates, Unit 2
Zone 14 – Martin Ranch
Zone 15 – Jake Richter Estates
Zone 16 – Acacia Estates
Zone 17 – Feather River Bluffs

**WHEREAS**, the engineer selected by the City Council has prepared and filed with the City Clerk, the Report in connection with the proposed levy and collection of assessments upon eligible parcels of land within each Zone. The Report has been prepared based on the estimated costs to operate, maintain and service the improvements located within particular Zones of the District; and,

**WHEREAS**, the City Council has carefully examined and reviewed the Report and is satisfied with each of the items and documents as presented therein, and finds



that the assessments have been spread to the eligible parcels within each Zone in accordance with the special benefit received from said improvements; and,

**WHEREAS**, the assessments are not based on the assessed value of the properties within the Zones but are based on the special benefit conferred upon said eligible parcels from the improvements, and the maintenance and operation thereof; and,

**WHEREAS**, the assessments are in compliance with all laws pertaining to the levy and collection of assessments, including Proposition 218; and,

**NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:**

1. Following notice duly given, the City Council has held a full and fair public hearing regarding the Report and the levy and collection of assessments within the District. The City Council received and considered all written and oral statements, including any and all protests or other communications made or filed by any interested persons.
2. Based upon its review (and any applicable amendments) of the Report, a copy of which has been filed with the City Clerk, the City Council hereby finds and determines that:
  - a. The assessable properties within the Zones will receive special benefit from the operation, maintenance and servicing of the landscape and lighting improvements.
  - b. The Zones include all properties receiving such special benefit.
  - c. The net amount to be assessed upon the properties is based on the historical and estimated costs to provide said maintenance and servicing and is apportioned by a formula that fairly distributes the net amount among all assessable parcels in proportion to the estimated special benefit received from the improvements and services.
3. The Report and assessments, as presented and which are on file with the office of the City Clerk, are hereby confirmed as filed.
4. The City Council hereby orders the maintenance and servicing of the improvements to be made in accordance with the Report and the 1972 Act.
5. The maintenance, operation and servicing of the landscape and lighting improvements shall be performed pursuant to the 1972 Act and the County Auditor of Butte County shall enter onto the County Tax Roll, opposite each assessable parcel of land, the assessment amount and such assessments shall be collected at the same time and in the same manner as the County taxes are collected. After collection of the assessments by the County, the net amount of said assessments shall be paid to the City Treasurer.
6. The City Treasurer shall deposit all money representing assessments collected by the County to the credit of a fund especially for the District. Such money shall

be expended only for the maintenance, operations and servicing of the landscape and lighting improvements located within the District boundaries.

7. The adoption of this Resolution constitutes the levy of assessments within the Zones for the fiscal year beginning July 1, 2018 and ending June 30, 2019.
8. The City Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.
9. A certified copy of this Resolution shall be filed in the office of the City Clerk and shall remain open for public inspection.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting held on August 7, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

**CITY OF OROVILLE  
RESOLUTION NO. 8725**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL CERTIFYING TO THE COUNTY OF BUTTE THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY**

**WHEREAS**, the notices and election for special assessment fees to be included on the regular County property tax bill for property owners of the City of Oroville was completed on July 10, 2018; and

**WHEREAS**, the City of Oroville (City) is placing the special assessments on the Butte County secured property tax roll for collection; and

**WHEREAS**, the City has complied with all laws pertaining to the levy of the special assessments, including Proposition 218, to be collected per Streets and Highway Code section 22501, et seq; and

**WHEREAS**, the assessment is being levied without regard to property valuation of the properties involved; and

**WHEREAS**, the City agrees that it shall be solely liable and responsible, and will defend and hold the County of Butte harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the City by the County; and

**NOW THEREFORE BE IT RESOLVED** by the Oroville City Council that the list submitted with parcel numbers and amounts are certified as being correct, the Mayor is hereby authorized to sign any documents required and directed to give the list to the Butte County Auditor on behalf of the City for placement on the secured tax roll for collection:

1. Prop 218 or Compliance Certification and Hold Harmless Statement
2. Property Tax Data Bill Form
3. Authority to Approve Direct Assessment Charges
4. Parcel Listing

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting held on August 7, 2018, by the following vote:

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AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

**CITY OF OROVILLE  
RESOLUTION NO. 8727**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL CERTIFYING TO THE COUNTY OF BUTTE THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY**

**WHEREAS**, the notices and election for special assessment fees to be included on the regular County property tax bill for property owners of the City of Oroville was completed on July 10, 2018; and

**WHEREAS**, the City of Oroville (City) is placing the special assessments on the Butte County secured property tax roll for collection; and

**WHEREAS**, the City has complied with all laws pertaining to the levy of the special assessments, including Proposition 218, to be collected per Streets and Highway Code section 22501, et seq; and

**WHEREAS**, the assessment is being levied without regard to property valuation of the properties involved; and

**WHEREAS**, the City agrees that it shall be solely liable and responsible, and will defend and hold the County of Butte harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the City by the County; and

**NOW THEREFORE BE IT RESOLVED** by the Oroville City Council that the list submitted with parcel numbers and amounts are certified as being correct, the Mayor is hereby authorized to sign any documents required and directed to give the list to the Butte County Auditor on behalf of the City for placement on the secured tax roll for collection:

1. Prop 218 or Compliance Certification and Hold Harmless Statement
2. Property Tax Data Bill Form
3. Authority to Approve Direct Assessment Charges
4. Parcel Listing

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting held on August 7, 2018, by the following vote:

/

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/

/

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

**CLLMAD 2018/19 ASSESSMENT SUMMARY**

<b>Zone Name</b>	<b>Total Assessable Units</b>	<b>Total Assessable Costs</b>	<b>Maximum Assessment Rate per Unit</b>	<b>Proposed Assessment Rate per Unit</b>
Zone 1 – Grandview Estates	21	\$1,617.00	\$238.10	\$77.00
Zone 2 – The Buttes	58	\$3,360.52	\$122.96	\$57.94
Zone 3 – Deer Creek Estates, Phase 1	72	\$2,168.64	\$30.12	\$30.12
Zone 4 – Calle Vista Estates, Phase 1	70	\$995.40	\$76.11	\$14.22
Zone 5 – Cherokee Estates, Phase 1	12	\$948.96	\$79.08	\$79.08
Zone 6 – Sherwood Estates, Units 1 & 2	49	\$2,058.00	\$42.00	\$42.00
Zone 7 – Grayhawk	30	\$886.20	\$197.63	\$29.54
Zone 8 – Cherokee Estates, Phase 2	20	\$295.60	\$453.27	\$14.78
Zone 9 – Linkside Place, Phase 1	65	\$2,826.20	\$471.65	\$43.48
Zone 10 – Foothill Estates	25	\$0.00	\$698.63	\$0.00
Zone 11 – Mission Olive Ranch	19	\$4,965.84	\$524.17	\$261.36
Zone 12 – Vista Del Oro	92	\$0.00	\$205.81	\$0.00
Zone 13 – Calle Vista Estates, Unit 2	44	\$1,309.44	\$286.55	\$29.76
Zone 14 – Martin Ranch	0	\$0.00	\$0.00	\$0.00
Zone 15 – Jake Richter	8	\$1,013.92	\$306.07	\$126.74
Zone 16 – Feather River Bluffs	0	\$0.00	\$52.21	\$0.00
Zone 17 – Acacia Estates	0	\$0.00	\$98.73	\$0.00
<b>TOTALS:</b>	<b>585</b>	<b>\$22,445.72</b>		

# ATTACHMENT #1

## PROPOSITION 218 OR COMPLIANCE CERTIFICATION AND HOLD HARMLESS STATEMENT

The Agency/District: Consolidated Landscape and Lighting Maintenance Assessment District certifies the following:

I have read and am familiar with the requirements of Article XIIC and XIID of the State Constitution as revised by Proposition 218, including the articles cited below, and believe that all of the taxes, assessments, levies and fees accompanying the 2018-2019 submission to the County-Auditor for inclusion on the Secured Property Tax roll are in compliance with the law.

Article XIII C. Sec. 2 (c) *“Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).”*

Article XIII D. Sec. 5 *“...this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article.”*

Article XIII E. Sec. 6 (d) *“Beginning July 1, 1997, all fees or charges shall comply with this section.”*

The Agency/District agrees that it shall be solely liable and responsible, and will defend and hold harmless the County of Butte, the Board of Supervisors, the Auditor-Controller, the Tax Collector, its officers and employees, from litigation over whether the requirements of Proposition 218 were met with respect to such levy (levies).

If any judgment is entered against any indemnified party as a result of not meeting the requirements of Proposition 218 for such special tax(es), fee(s) or assessment(s), the Agency/District agrees that County may offset the amount of any judgment paid by an indemnified party from any moneys collected by County on Agency/District’s behalf, including property taxes, special taxes, fees, or assessments. In addition, the Agency/District shall be solely liable and responsible and will defend and hold the County and the County Auditor harmless from any and all legal fees or other costs incurred related to such a claim.

By: City of Oroville - \_\_\_\_\_

PLEASE ONLY CHECK ONE:

Is This a Compliance Certification \_\_\_\_\_

OR

A Proposition 218 Certification \_\_\_\_\_ X \_\_\_\_\_





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

**June 26, 2018**  
**SPECIAL MEETING MINUTES**

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**CALLED TO ORDER** The meeting was called to order at 9:30 a.m. by Mayor Dahlmeier.

**ROLL CALL**

**PRESENT:** Jack Berry, Marlene Del Rosario, Linda Draper, Art Hatley, Scott Thomson, Vice Mayor Janet Goodson, Mayor Linda Dahlmeier.

**ABSENT:** None.

**STAFF PRESENT:** Interim City Administrator Tom Lando, Assistant City Administrator/Public Safety Chief Bill LaGrone, Finance Director Ruth Wright, City Attorney Scott Huber and Interim City Clerk Joanna Gutierrez.

**PLEDGE OF ALLEGIANCE TO THE FLAG** - Led by Mayor Dahlmeier

**THE COUNCIL CONVENED TO CLOSED SESSION AT 9:31 A.M FOR THE FOLLOWING:**

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: Supplemental Benefits Fund Coordinator
2. Pursuant to Government Code section 54956.9(d)(2), the Council will meet with the Acting City Administrator and City Attorney regarding potential exposure to litigation – one case.

**COUNCIL RECONVENED TO OPEN SESSION**

1. Closed Session Announcement – Mayor Dahlmeier announced that direction was given, no action taken in closed session.

**ADJOURNMENT** – Mayor Dahlmeier adjourned the meeting at 11:30 a.m.

Submitted on: August 7, 2018

Approved:

Attest:

By: \_\_\_\_\_  
Linda Dahlmeier, Mayor

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



**July 6, 2018**  
**SPECIAL MEETING MINUTES**

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**CALLED TO ORDER** The meeting was called to order at 9:30 a.m. by Mayor Dahlmeier.

**ROLL CALL**

**PRESENT:** Jack Berry, Marlene Del Rosario, Linda Draper, Art Hatley, Scott Thomson, Vice Mayor Janet Goodson, Mayor Linda Dahlmeier.

**ABSENT:** None.

**STAFF PRESENT:** Interim City Administrator Tom Lando, Assistant City Administrator/Public Safety Chief Bill LaGrone and City Attorney Scott Huber.

**PLEDGE OF ALLEGIANCE TO THE FLAG** - Led by Mayor Dahlmeier

**THE COUNCIL CONVENED TO CLOSED SESSION AT 9:31 A.M FOR THE FOLLOWING:**

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. 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: Supplemental Benefits Fund Coordinator
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.

**COUNCIL RECONVENED TO OPEN SESSION**

1. Closed Session Announcement – Mayor Dahlmeier announced that direction was given, no action taken in closed session.

**ADJOURNMENT** – Mayor Dahlmeier adjourned the meeting at 11:30 a.m.

Submitted on: August 7, 2018

Approved:

Attest:

By: \_\_\_\_\_  
Linda Dahlmeier, Mayor

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

**OROVILLE CITY COUNCIL  
REGULAR MEETING MINUTES  
JULY 10, 2018**

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1. **CALL TO ORDER-** The meeting was called to order by Mayor Dahlmeier at 5:30pm.

**ROLL CALL-**

**PRESENT:** Jack Berry, Marlene Del Rosario, Linda Draper, Art Hatley, Scott Thomson, Vice Mayor Janet Goodson, Mayor Linda Dahlmeier.

**ABSENT:** None

**STAFF PRESENT-** Interim City Clerk Joanna Gutierrez, Assistant City Clerk Jackie Glover, Interim City Administrator Tom Lando, Assistant City Administrator/Public Safety Chief Bill LaGrone, Finance Director Ruth Wright, Human Resources Manager Liz Ehrenstrom, Building/Planning Official Gary Layman, and City Attorney Derek Cole.

2. **MAYOR DAHLMEIER CONVENED THE MEETING TO CLOSED SESSION AT 5:32 P.M. FOR THE FOLLOWING:**

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

2.2 Pursuant to Government Code section 54956.9(d)(2), the Council will meet with the Acting City Administrator and City Attorney regarding potential exposure to litigation.

2.3 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.

3. **MAYOR DAHLMEIER RECONVENED THE MEETING TO OPEN SESSION (6:30 p.m.)**

3.1 **CLOSED SESSION ANNOUNCEMENT OF ACTION-** Mayor Dahlmeier announced that direction was given and action taken.

**MADE FINDING THAT THE NEED TO ADDRESS A MATTER AROSE AFTER THE POSTING OF THE AGENDA AND APPROVED MOTION TO ADD AGENDA ITEM - OROVILLE CITY COUNCIL RESOLUTION FOR THE CENSURE OF MAYOR LINDA DAHLMEIER-** Motioned by Council Member Draper and Seconded by Council Member Del Rosario. City Attorney Derek Cole read the Resolution. Discussion.

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

**ADOPTED RESOLUTION FOR THE CENSURE OF MAYOR LINDA DAHLMEIER-** Motioned by Council Member Draper, Seconded by Council Member Del Rosario. Discussion.

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

**3.2 PLEDGE OF ALLEGIANCE TO THE FLAG** - Led by Mayor Dahlmeier

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

4.1 Community Choice Aggregation presentation given by Brian Ring from Butte County

4.2 Cal Water Study Presentation comparing all three water companies given by Mark Adams from Northstar Engineering

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

1. Bobby O'Reiley stated that he wants the Council to respect constituents and each other and curb disrespectful behavior
2. Andrew Smith from Sierra Gem stated that he is concerned with there being no enforcement with street parking downtown. Stated that he felt reporting issues is useless. Concerned with customers having to walk too far from public parking lots. He also stated that the sidewalks downtown are in disrepair and need attention before there is a major accident.
3. Bill Speer brought up the last Council meeting regarding the homeless. He mentioned that the Council stated they could not support the Hope Center and the Rescue Mission because they were faith based. Community needs to all work together, utilize resources. Prayed for Hope Center and Rescue Mission.  
Council Member Draper clarified that her comment was regarding receiving Continuum of Care Homeless Coalition Grants. Faith based organizations don't qualify for some of them.
4. John Miller George stated that he is thankful for all the staff. He's put in several information requests and Joanna Gutierrez was extremely helpful. Need to think of more ways to bring money into Oroville. Stop thinking about money as dollar bills and instead think of it as solar, water, etc. Concentrate on things that will grow the local economy.

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

**COUNCIL AGREED TO REMOVE ITEMS 6.2, 6.3, 6.6, 6.7 FROM THE CONSENT CALANDER**

**COUNCIL APPROVED CONSENT CALENDAR ITEMS 6.1, 6.4, 6.5 BY UNANIMOUS VOTE-** Motioned by Vice Mayor Goodson and seconded by Council Member Draper.

**6.1 Approved Minutes** – May 11 Special Meeting; May 15 Regular Meeting; May 22 Special Meeting; June 5 Regular Meeting; and, June 19 Regular Meeting.

**6.4 Adopted Resolution No. 8714** - A Resolution of the Oroville City Council Certifying to the County of Butte the Validity of the Legal Process Used to Place Direct Charges (Special Assessments) on the Secured Tax Roll and Authorizing the Mayor to Execute the Proposition 218 Certification of Tax Bill Levy for Fiscal Year 2017–18 Sewer Service Charges.

**6.5 Adopted Resolution No. 8715** – A Resolution of the Oroville City Council Adopting Direct Assessment for Delinquent Garbage Bills for Fiscal Year 2017-18 on the 2018-19 Property Tax Roll and Authorizing the Mayor to Execute the Proposition 218 Certification of Tax Bill Levy.

**Ayes:** Council Member Berry, Del Rosario, Hatley, Vice Mayor Goodson, Draper, Thompson, Mayor Dahlmeier

**Noes:** None

**Abstain:** None

**Absent:** None

**8:13 P.M. Council Members Hatley, Berry, and Thompson recused themselves from the meeting for Items 6.2 and 6.3**

**6.2 Adopted Resolution No. 8712** - A Resolution Initiating Proceedings, Preliminarily Approving the Annual Assessment Report and Declaring Its Intention to Levy and Collect Assessments For The Oroville Consolidated Benefit Assessment District For Fiscal Year 2018/2019.

**Motioned by Vice Mayor Goodson, Seconded by Council Member Draper, Motion passed unanimously**

**Ayes:** Council Member Del Rosario, Vice Mayor Goodson, Draper, Mayor Dahlmeier

**Noes:** None

**Abstain:** None

**Absent:** Council Member Berry, Hatley, Thompson

**6.3 Adopted Resolution No. 8713** - A Resolution Initiating Proceedings, Preliminarily Approving the Annual Assessment Report and Declaring Its Intention to Levy and Collect Assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District for Fiscal Year 2018/2019

**Motioned by Vice Mayor Goodson, Seconded by Council Member Del Rosario, Motion passed unanimously.**

**Ayes:** Council Member Del Rosario, Vice Mayor Goodson, Draper, Mayor Dahlmeier

**Noes:** None

**Abstain:** None

**Absent:** Council Member Berry, Hatley, Thompson

**8:16 P.M Council Member’s Hatley, Thompson, and Berry re-joined the meeting.**

**6.7 Approved Waiver of General Admission Fees-** Four (4) Events Scheduled at Various Local Museums in the City of Oroville during Calendar Year 2018 and for Use of City

Vehicle (1922 Buick) for Veterans Parade.

**Motioned by Vice Mayor Goodson and seconded by Council Member Draper. Approved unanimously.**

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

**6.6 Adopted Resolution No. 8716**– A Resolution of the Oroville City Council Adopting the Annual Budget for Fiscal Year 2018-19. The proposed budget may be viewed at the City Website at [www.cityoforoville.org](http://www.cityoforoville.org). Key in “budget” into the search bar to view the proposed annual budget for 2018-2019.

**Motioned by Vice Mayor Goodson and seconded by Council Member Thompson. Motion Passed unanimously.**

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

## **7. PUBLIC HEARINGS**

Mayor Dahlmeier informed the public of the hearing procedures. Assistant City Administrator/Public Safety Chief Bill LaGrone requested direction from Council regarding Tax Percent, Duration of Tax, Oversight Committee, and General or Special Tax.

**Mayor Dahlmeier declared a 5 Minute Recess at 8:31 p.m.**  
**Mayor Dahlmeier reconvened the meeting at 8:38 p.m.**

### **Presentation by William Berry Campaigns on the public opinion poll results**

Mayor Dahlmeier opened public hearing relating to ordinance and resolution for local sales tax ballot measure Agenda Item 7.1.

1. Steve Christensen stated that City Council should look at ways to compromise with the public to get the tax passed. Marysville got rid of red light ticket camera.
2. August Lincoln stated that citizens already pay a lot of taxes through property taxes. Raising taxes will not solve problems.
3. Bobby O'Reiley stated the city needs to do education outreach to everyone possible. Remove utility tax, see if a percentage of the 1% could be designated, tax needs to be a general tax.
4. Stephanie Tousley stated it's a great rate and shows commitment to the community. Make sure ballot measure is transparent and easy to read. Don't repeal utility tax.
5. Randy Murphy stated to educate everyone. Asked questions such as how many voters were in the last election for the city, was the 300 polled of those tempted or responded., how many landline vs cell, and age demographics for those polled.

7.1 Motioned by Council Member Draper and Seconded by Vice Mayor Goodson, Council adopted **Resolution 8717 (insert title)** inserting a 1% sales tax, as a general tax, with a citizens oversight committee, no sunset, use the consultants language for the ballot and striking the old language, and fixing a typo of Attorney statement being 500 words instead of 300.

**Introduced Ordinance 1828 (insert title)** striking all language regarding the sunset in both the Resolution and the Ordinance.

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

Council Members Thompson and Vice Mayor Goodson directed staff to put the utility tax on a future agenda.

## 8. REGULAR BUSINESS – Action Calendar

8.1 Council approved the City of Oroville's response to the 2017-2018 Interim Butte County Grand Jury Report and authorize the Mayor and Acting City Administrator to sign the response. Motioned by Council Member Hatley and seconded by Council Member Berry.

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

## 9. COUNCIL ANNOUNCEMENTS/COMMITTEE REPORTS

### 9.1 Counselors would like a Workshop to plan next steps for Cal-Water Report

Council Member Del Rosario attended on June 28<sup>th</sup> Butte County Air Quality Management Board- If citizens have an open fireplace they can receive a free insert if they are low income. Apply to Butte County Air Quality Management Board, Council Member Del Rosario can provide citizens with a number.

Requested by Council Member Del Rosario and Draper to add the position of City Attorney to future agenda.

## 10. CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

1. Interim City Administrator Tom Lando- Agenda Numbering for Council Binders and Agendas- Council Directed staff to go back to previous method.
2. Assistant City Administrator/Public Safety Chief Bill LaGrone -Three trees at Robinson and Myers will be removed. Working with City Arborist to replace the trees with larger size trees then the ones currently there. Will happen over the next 2 years. Wants to take them out strategically and put in larger trees. **and let them take National Night out August 7<sup>th</sup>.** There has been some correspondence about the houses being demolished by the city not having permits. The city has all permits for the demolition of the houses by the Hospital. All proper

processes were followed and permits were issues and fees were collected. The next project will be to demolish half of the Olive Building and all process will be followed and proper permits issued.

## 11. CORRESPONDENCE

- Naveed Paydar – Meet and Greet with California Public Utilities Commission (CPUC) Forums scheduled for July 10, 2018
- Miranda Knight regarding Tobacco Industry Practices that target Youth

## 12. MAYOR DAHLMEIER ADJOURNED THE COUNCIL MEETING TO AUGUST 7, 2018 AT 10:07 P.M.

Submitted on: August 7, 2018

Approved:

Attested:

By: \_\_\_\_\_  
Linda Dahlmeier, Mayor

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





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

**July 18, 2018**  
**SPECIAL MEETING MINUTES**

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**CALL TO ORDER-** The Meeting was Called to Order at 9:30 A.M.

**ROLL CALL**

**PRESENT:** Jack Berry, Marlene Del Rosario, Linda Draper, Art Hatley, Vice Mayor Janet Goodson, Mayor Linda Dahlmeier.

**ABSENT:** Scott Thompson

**STAFF PRESENT:** Assistant City Administrator/Public Safety Chief Bill LaGrone, Interim City Administrator Tom Lando, Interim City Clerk Joanna Gutierrez, Assistant City Clerk Jackie Glover

**PLEDGE OF ALLEGIANCE TO THE FLAG** - Led by Mayor Dahlmeier

**THE COUNCIL CONVENED TO CLOSED SESSION AT 9:31 A.M TO DISCUSS:**

1. 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.

**COUNCIL RECONVENED TO OPEN SESSION AT 9:52 A.M.**

2. Closed Session Announcement – Vice Mayor Goodson announced that the majority of council voted to hold a Special Meeting on Friday, July 20, 2018 at 9:00 A.M. to discuss and take action on a letter they received to rescind the motion to adopt a Resolution to Censure the Mayor.

**ADJOURNMENT** - The Mayor Adjourned the meeting at 9:53 A.M. to the next meeting, a Special Meeting on July 20, 2018 at 9:00 A.M.

Submitted on: August 7, 2018

Approved:

Attested:

By: \_\_\_\_\_  
Linda Dahlmeier, Mayor

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



**July 20, 2018**  
**SPECIAL MEETING MINUTES**

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**CALLED TO ORDER - 9:02** by Vice Mayor Goodson

**ROLL CALL:**

**PRESENT:** Jack Berry, Marlene Del Rosario, Linda Draper, Art Hatley, Vice Mayor Janet Goodson.

**ABSENT:** Mayor Linda Dahlmeier, Scott Thomson

**STAFF PRESENT:** Assistant City Administrator/Public Safety Chief Bill LaGrone, Assistant City Clerk, Jackie Glover

**PLEDGE OF ALLEGIANCE TO THE FLAG-** Led by Council Member Hatley

Assistant City Administrator/Public Safety Chief Bill LaGrone asked the Council to rearrange the order of business to handle the business at hand before moving to closed session. The Council unanimously consented to do so.

**SPECIAL BUSINESS- ACTION CALENDAR**

Assistant City Administrator/Public Safety Chief Bill LaGrone addressed etiquette and decorum at Council meetings for both community members and Council and provided copies of written guidelines. He also reminded Council Members and the community that the City Council follows Rosenberg's Rules of Order rather than Robert's Rules of Order.

- 3. ADOPTED RESOLUTION 8718 WITHDRAWING AND VOIDING THE CENSURE OF MAYOR DAHLMEIER TAKEN ON JULY 10, 2018-** Motioned by Draper, Seconded by Del Rosario, Motion passed unanimously.

**Ayes:** Council Member Berry, Del Rosario, Hatley, Vice Mayor Goodson, Draper

**Noes:** None

**Abstain:** None

**Absent:** Mayor Dahlmeier, Council Member Thompson

- 4. ADOPTED RESOLUTION 8719 TO CENSURE THE MAYOR DAHLMEIER-** Motioned by Berry, Seconded by Hatley, Passed Unanimously.

**Ayes:** Council Member Berry, Del Rosario, Hatley, Vice Mayor Goodson, Draper

**Noes:** None

**Abstain:** None  
**Absent:** Mayor Dahlmeier, Council Member Thompson

**COUNCIL CONVENED TO CLOSED SESSION AT 9:42 A.M.**

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 RECONVENED TO OPEN SESSION AT 10:01 A.M.**

2. **CLOSED SESSION - COUNCIL ANNOUNCEMENT OF ACTION-** Vice Mayor Goodson announced that no action was taken and that direction was given.

**ADJOURNMENT-** Meeting Adjourned to August 7, 2018 by Vice Mayor Goodson at 10:02 A.M.

Approved:

By: \_\_\_\_\_  
Linda Dahlmeier, Mayor

Attest:

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



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

**July 25, 2018**  
**SPECIAL MEETING MINUTES**

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**CALL TO ORDER** – 11:01 AM by Mayor Dahlmeier

**ROLL CALL**

**MEMBERS PRESENT:** Linda Draper, Art Hatley, Vice Mayor Janet Goodson, Mayor Linda Dahlmeier.

**MEMBERS ABSENT:** Jack Berry, Marlene Del Rosario, Scott Thompson

**STAFF PRESENT:** Interim City Administrator Tom Lando, Assistant City Administrator/Chief of Public Safety Bill LaGrone, Assistant City Clerk Jackie Glover

**PLEDGE OF ALLEGIANCE TO THE FLAG** – Led by Mayor Dahlmeier

**SPECIAL BUSINESS- ACTION CALENDAR**

1. **RESCIND RESOLUTION 8700 AND ADOPT RESOLUTION 8720 – RESCIND RESOLUTION 8699 AND ADOPT RESOLUTION 8721-** Council Member Hatley Motioned to rescind both Resolution 8700 and 8699, while adopting resolution 8720 and resolution 8721. Seconded by Council Member Draper.

**Ayes:** Council Member Hatley, Vice Mayor Goodson, Draper. Mayor Dahlmeier

**Noes:** None

**Absent:** Council Member Berry, Del Rosario, Thompson

**Abstain:** None

**ADJOURNMENT** – Mayor Dahlmeier adjourned the meeting at 11:04 AM to the next regularly scheduled meeting August 7, 2018.

Approved:

By: \_\_\_\_\_  
Linda Dahlmeier, Mayor

Attest:

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

**CITY OF OROVILLE  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL  
TOM LANDO, INTERIM CITY ADMINISTRATOR**

**FROM: ROB BUCKHOUT, DEPUTY FIRE CHIEF - INTERIM**

**RE: APPROVE PURCHASE OF WATER RESCUE BOAT, MOTOR,  
TRAILER, AND EQUIPMENT**

**DATE: August 7, 2018**

**SUMMARY**

The Council will consider authorizing the purchase of a Swift/Flood Water Rescue Boat and associated equipment by the Fire Department.

**DISCUSSION**

The purchase of the new equipment with Fire Department Impact Fees will allow the Oroville Fire Department to better serve the community by appropriately equipping our personnel to affect a quick and safe rescue from area waterways.

The current Water Rescue Boat that the Department uses is on loan to the Department by the Butte County Sheriff's Department via a "transfer" of equipment resolution approved by Council in 2012. The equipment in the agreement is outdated and not ideally outfitted for the Departments' needs. Additionally, the agreement is not beneficial for the City or the Department at this point.

The current boat and proposed boat look very similar in appearance but there is a great deal of difference in capabilities and appropriateness for our needs. The proposed boat is designed for rescue while the current boat is designed for open water.

In bullet points, the benefits of the **proposed** boat are as follows:

- Designed for RESCUE rather than open water
- Smaller, lighter, and more maneuverable
- Equipped with a motor more suitable for rescue and local conditions
- Improved safety features compared to dated boat
- Collapsible for transport to less accessible areas if needed
- New construction material less prone to abrasion and popping
- The boat is recognized in the current California O.E.S. resource typing system and could get requested for large incidents statewide much like our engines do during fire season

Another of the distinctions between the two boats is the design of the motor and boat connection. The transom (connection point on the boat) is shorter as well as the shaft of the motor (where the propeller is inserted into the water). This is beneficial for two reasons. First, it increases the speed of the craft which can help when timing of the rescue in fast moving water is important. Secondly, and most importantly, this decreases the depth of the propeller into the water. This is very important to OFD and our immediate response area. The depth of the Feather River varies greatly depending on season and output from the dam. The current boat has both a longer transom and shaft. OFD personnel have damaged the propeller multiple times during incidents and training over the years. This has cost us an average of \$1000 per year to repair (on a boat the City does not own).

## **FISCAL IMPACT**

Expenditure of \$18,387.67 from Fund 131. Fund 131 Fire Suppression Impact Fee Fund has a balance of \$57,966.00. After this expenditure there will be a balance of \$39,578.33.

## **RECOMMENDATION**

Authorize the purchase of a new Water Rescue Boat, motor, trailer, and equipment for the Fire Department from Mauer Marine, in the amount \$18,387.67.

## **ATTACHMENTS**

Product Spec Sheet and Photos  
Quote from IBS - The Boat Specialists  
Quote from Mauer Marine  
Quote from Triad Marine

MAURER MARINE, INC  
 873 W. 17TH STREET  
 COSTA MESA, CA 92627

# Estimate

Date	ESTIMATE #
6/26/2018	7334

Name / Address
OROVILLE FIRE DEPT ISAAC iruiz@orofd.org 530-370-2655



## MILITARY & PROFESSIONAL DIVISION



VETERAN OWNED SMALL BUSINESS	Rep
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Item	Description	Qty	Cost	Total
1A	Z85050 ERB 380 WITH ROLL UP FLOOR- 15" SHAFT TRANSOM (2018 MSRP: 10,950.37- TO CHANGE) DUE TO POSSIBLE BOAT INCREASE IN AUGUST	1	9,254.00	9,254.00T
1A	N45019 SCBA ADAPTOR FOR FAST AIR KIT	1	198.00	198.00T
1A	E-TEC 30HP E30DRS (WHITE) 15" ROPE START -150LBS MOTOR INCLUDES PROP, FUEL LINE AND TANK	1	4,380.00	4,380.00T
1A	E-TEC EXTRA PROP	1	164.00	164.00T
1A	PROP GUARD® 11" SAFETY ORANGE	1	180.00	180.00T
PDI 9.9HP-35HP	PRE-DELIVERY INSPECTION-INCLUDES ADDING OF OIL AND GAS. FOR REMOTE MOTORS, HOOK UP TO CONTROLS TO RUN MOTOR FOR VERIFICATION OF BEING PROBLEM-FREE. ONLINE REGISTRATION AND ACTIVATION OF MANUFACTURER WARRANTY. TBD OF OIL TYPE DEPENDING ON APPLICATION FOR PROGRAMMING.		125.00	125.00
1A	GALVANIZED TRAILER FOR ABOVE BOAT, LED LIGHTING, 12" TIRES, NO EXTRA		1,785.00	1,785.00T
SHIPPING	INBOUND FREIGHT TO MAURER MARINE-		600.00	600.00
FREIGHT	DELIVERY TO CUSTOMER LOCATION - GAS/MILEAGE/LABOR (495 MILES ONE WAY) 55 CENTS/MILE DUE TO FLEXIBLE FUEL COSTS, THIS COULD CHANGE-	990	0.55	544.50
	City of Oroville Fire Dept. 2055 Lincoln St. Oroville CA. 95966 530-370-2655 cell 530-538-2480 ext.# 3028			
<b>www.MaurerMarine.com</b>			<b>Total</b>	



**YAMAHA**

**MERCURY**  
*Outboards*

Page 1

**HONDA**  
**MARINE**



**SUZUKI**  
**MARINE**

MAURER MARINE, INC  
 873 W. 17TH STREET  
 COSTA MESA, CA 92627

# Estimate

Date	ESTIMATE #
6/26/2018	7334

Name / Address
OROVILLE FIRE DEPT ISAAC iruiz@orofd.org 530-370-2655

## MAURER MARINE

INCORPORATED • EST. 1977

### MILITARY & PROFESSIONAL DIVISION



VETERAN OWNED SMALL BUSINESS

Rep

Item	Description	Qty	Cost	Total
	ABOVE QUOTE GOOD FOR 3 MONTHS FROM ABOVE DATE- Sales Tax		7.25%	1,157.17
<b>www.MaurerMarine.com</b>			<b>Total</b>	\$18,387.67



**YAMAHA**

**MERCURY**  
Outboards

Page 2

**HONDA**  
**MARINE**



**SUZUKI**  
MARINE



# ERB 380

## EMERGENCY RESPONSE BOAT

### SHORT SHAFT

HPP Floor : Z85047  
Roll-up Floor : Z85050  
Rigid Floor : Z85053

### SEARCH & RESCUE APPROVED

The Zodiac Milpro™ ERB range has been specifically designed to meet the demanding requirements of Search & Rescue Organisations throughout the World.

Our ERB crafts are highly portable, compact packed size and can be rapidly deployed by means of high pressure inflation systems, within minutes.

These specific features, together with the expertise of Zodiac Milpro™, make the ERB range the ideal partner when quality of design and manufacture count.

Zodiac Milpro™ is proposing the ERB range with High pressure air HPP, roll-up or rigid floorboard option.



#### CAPACITY

. Maximum number of persons (ISO6185) :	6	6
. Maximum payload (ISO6185) :	650 kg	1433 lb
. Floorboard usable area :	2,06 m <sup>2</sup>	22,2 ft <sup>2</sup>
. Buoyancy tube volume :	1,03 m <sup>3</sup>	36,4 ft <sup>3</sup>
. HPP floor volume :	0,17 m <sup>3</sup>	5,9 ft <sup>3</sup>

#### DIMENSIONS

. Overall length :	3,88 m	12' 9"
. Inside length :	2,69 m	8' 10"
. Overall width :	1,68 m	5' 6"
. Inside width :	0,81 m	2' 8"
. Weight empty (with floor) :		
	HPP floor :	54 kg 119 lb
	Roll-up floor :	74 kg 163 lb
	Rigid floor :	86 kg 190 lb
. Floor weight :		
	HPP floor :	9 kg 19 lb
	Roll-up floor :	29 kg 64 lb
	Rigid floor :	40 kg 88 lb
. Buoyancy tube diameter :	0,43 m	17"
. Folded dimensions :	Boat bag :	1,4 x 0,7 x 0,32 m <sup>3</sup> 4' 7" x 2' 4" x 1' 1"

#### ENGINE POWER

. Shaft length :	380 mm	S - 15"
. Transom thickness :	40 mm	1,57"
. Recommended power :	15 HP	11 kW
. Maximum power :	25 HP	19 kW
. Maximum weight :	68 kg	150 lb

#### SAFETY / INFLATION

. Airtight compartments on main tube :		3
. Inflatable keel :		1
. Design category (EC 94/25) :		C
. Tube air pressure :	240 mbar	3,4 PSI
. HPP floor air pressure :	1,1 bar	16 PSI



#### FABRIC

##### CSM / Neoprene Duratane™ fabric

. Main buoyancy tube :	red, 1100 dtx, polyester
. Keel buoyancy tube / Baffle :	black, 1100 dtx, polyester
. Bottom :	black, 1100 dtx, polyester

# THE BOAT SPECIALISTS

QUOTE

# INFLATABLE BOAT SPECIALISTS



2900 Golf Course Drive  
Ventura CA 93003  
805.644.6290

**Customer Info:**  
City of Oroville Fire Dept

Ship To Address:

Order #:  
Salesman: Kevin Schank  
Invoice Date: 04/09/2018  
Promise Date: 04/09/2018

+  
H:  
C: 530-370-2655  
O: 530-538-2480 ext 3028

New/U	Year	Make	Model	Serial No.	MSRP	Discount	Price
New	2018	Zodiac	ERB380 with Slat Floor	TBD - Isaac	\$10,950.37	\$0.00	\$10,950.37
New	1	EVINRUDE	E30DRSAF	05471069	\$5,050.00	\$620.00	\$4,430.00
New	2018	PACIFIC TRAILER	G14-1200 w 13" Wheels	TBD - Oroville	\$2,095.00	\$300.00	\$1,795.00

**Options:**

11" Prop Guard

\$161.95

Major Unit Total	\$17,175.37
Dealer Prep / PDI	\$160.00
Promotion Fees	(\$350.00)
20 Hour Motor Service	\$0.00
100 Hour Motor Service	\$0.00
Shop Supplies	\$0.00
Extended Warranty	\$0.00
<b>Options Total</b>	<b>\$161.95</b>

<b>Cash Price</b>	\$17,147.32
Sales Tax	\$1,328.92
Incoming/Outgoing Freight	\$300.00
Title/License/Registration Fees	\$0.00
Document/Admin Fees	\$0.00

<b>Sub Total</b>	<b>\$18,776.24</b>
Trade Allowance	\$0.00
Down Payment/Deposit	\$0.00

**Amount to Pay** **\$18,776.24**

**Notes:**

Promotion Fees = \$350.00 FD Discount

Trade Information

Draw Schedule Minimums: 20% Deposit / 50% of Balance Upon Start of Build / 100% of Balance Upon Pickup or Delivery. Prices reflect cash/check/wire-transfer discounts. Credit-card-processing/Service-Fee of 3-5% applies, dependent on credit card type. No refunds once buyer takes possession of unit(s). Customer represents all Trade-In units are free of all liens and encumbrances except as noted. Respective manufacturer warranties apply. Used Units have a 30 day warranty. All labor/installations have a 60 day limited warranty from delivery date.

QUOTE NOTICE: Quote valid for 30 days from today's date.

Customer Signature \_\_\_\_\_ Dealer Signature \_\_\_\_\_

Thank You for Your Business!



Triad Marine & Industrial Supply, Inc.  
 1155 FM 518 Rd.  
 Kemah, TX 77565

# QUOTE

Date	QUOTE #
06/27/18	tjlm062718-4

Name / Address
OROVILLE FIRE DEPT ISAAC iruiz@orofd.org 530-370-2655

FOB: FACTORY SHIP POINT TERMS: NET 30 W/GOVERNMENT PO PRICING: 30 DAYS DELIVERY: 4/8 WEEKS ARO	TMILLER
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Item	Description	Qty	Cost	Total
1A	Z85050 ERB 380 WITH ROLL UP FLOOR- 15" SHAFT TRANSOM	1	9950.00	9950.00
1A	N45019 SCBA ADAPTOR FOR FAST AIR KIT	1	235.00	235.00
1A	E-TEC 30HP E30DRS (WHITE) 15" ROPE START -150LBS MOTOR INCLUDES PROP, FUEL LINE AND TANK	1	4870.00	4870.00
1A	E-TEC EXTRA PROP	1	175.00	175.00
1A	PROP GUARD® 11" SAFETY ORANGE	1	211.00	211.00
PDI 9.9HP-35HP	PRE-DELIVERY INSPECTION-INCLUDES ADDING OF OIL AND GAS. FOR REMOTE MOTORS, HOOK UP TO CONTROLS TO RUN MOTOR FOR VERIFICATION OF BEING PROBLEM-FREE. ONLINE REGISTRATION AND ACTIVATION OF MANUFACTURER WARRANTY. TBD OF OIL TYPE DEPENDING ON APPLICATION FOR PROGRAMMING.		150.00	150.00
1A	GALVANIZED TRAILER FOR ABOVE BOAT, LED LIGHTING, 12" TIRES, NO EXTRA		2100.00	2100.00
SHIPPING	INBOUND FREIGHT TO TRIAD MARINE		625.00	625.00
FREIGHT	DELIVERY TO CA. BY BOAT HAULER	1	1750.00	1750.00
<b>www.triadmarine.com</b>			<b>Total</b>	<b>\$20,066.00</b>

**CITY OF OROVILLE  
STAFF REPORT**

**TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS**

**FROM: BILL La GRONE, DIRECTOR OF PUBLIC SAFETY**

**RE: PURCHASE OF TWENTY (20) VIEVUE LE5 BODY WORN VIDEO CAMERAS**

**DATE: July 5, 2018**

**SUMMARY**

The Council may consider the purchase of twenty (20) Viewu LE5 Body Worn Cameras, from Viewu, in an amount not to exceed \$42,531.00 over a three-year period. The amount can be broken down into three annual payments of \$14,177.00 if desired.

**DISCUSSION**

In August 2015, the Oroville Police Department acquired ten (10) Viewu Body Worn Cameras. These cameras were selected after testing many cameras, due to their durability and ease of use. These cameras were purchased in response to the growing mistrust of Law Enforcement in other communities. The department is generally well supported by our community and enjoys a great working relationship with the community. It is our intent to promote transparency whenever possible. It is the feeling of our staff that body worn cameras support the mission of transparency. The ten cameras that are currently deployed have reduced citizen complaints of Officer misconduct and collected numerous pieces of evidence.

Currently, the Department does not have enough cameras to assign a camera to each Officer, forcing some Officers to not have a camera. The average shelf life of body worn camera is three years and several 2015 model Viewu's are broken and in need of repair.

Viewu has provided the Department with a quote for these Body Worn Cameras. Viewu is the sole provider of their product. The quote from Viewu, in the amount of \$499.00 per camera, plus related changes, is

attached. This purchase is permitted pursuant to the "Sale Source" provisions of the government code.

Viewu also provides a 36-month plan that provides a camera, 3-year warranty and access to cloud software storage which is \$55.00 per month, per camera. Having a secure, cloud-based storage no longer requires the Department to purchase and maintain a server to store the video.

Viewu also provided two Docking Stations which allow up to 10 cameras to charge and download content. The Docking Station simply connects to the Department's existing network to automatically download and recharge up to 10 cameras.

The department has previously purchased Viewu cameras for our officers. Based on these prior purchases, this quote is within the normal price parameters.

The Northern California Cities Self Insurance Fund (NCCSIF), the City of Oroville's insurance pool, initially made a grant available to the City for the purchase of body worn cameras. It was the belief that based on the success of body worn cameras, the Federal Government and State Government would financially aid in the future purchases of body worn cameras, but that did not happen, and the cost is at the discretion of the city leaders.

### **FISCAL IMPACT:**

Funding for this project is provided from the Police Department Budget-Special Department Expense, which is provided for in the current year budget. Current year fiscal impact of \$14,177.00.

### **RECOMMENDATION**

Authorize the purchase of twenty (20) Viewu LE5 Body Worn Cameras from Viewu, the sole source provider, in an amount not to exceed \$42,5341.00 over a three-year period.

### **ATTACHMENTS**

Quote from Viewu

# Estimate

**Date** 7/2/2018  
**Estimate #** 14109  
**PO #**



VIEVU  
 645 Elliott Ave. W.  
 Suite 370  
 Seattle WA 98119  
 1.888.285.4548  
 Fax: 206.299.3380

## Bill To

Allen Byers  
 Accounts Payable  
 Oroville Police Department (CA)  
 2055 Lincoln Street  
 Oroville CA 95965

**Expires** 7/31/2018  
**Sales Rep** James G Hillary  
**Shipping Method** FedEx Ground

## Ship To

Tyson Pardee  
 Oroville Police Department (CA)  
 2055 Lincoln Street  
 Oroville CA 95966

Item	Quan...	Serial/Lot Numb...	Description	Units	Rate	Tax	Amount
VIEVU Solution	20		A 36 month plan that provides a camera, 3yr warranty and access to our Microsoft Azure Cloud enabled software (VIEVU Solution). Storage limit is set at 500GB. \$55/month per camera.		1,980.00	Yes	39,600.00
LE5	20		LE5 Body Worn Video Camera		499.00	Yes	0.00
MD2 (LE5)	2		MD2 docking station for LE5 cameras		1,499.00	Yes	0.00
VIEVU Deployment Kit	20		Includes Sample Policies, Pre-Deployment IT Consultation, Remote Implementation and Deployment, Warranty, Onsite Training, 24/7/365 Customer Support.  All VIEVU supplied hardware is refreshed at 30 months with a 2 year contract extension.  Smart Phone App - Included in price and available to all VIEVU licensed users.  Unlimited DA Licenses - included in price.  Automatic Video Redaction available - not included in price.		199.00	Yes	0.00

For consideration identified in this service agreement ("Agreement") between "VIEVU" and "Customer", VIEVU agrees to provide and Customer agrees to pay for services identified in this Agreement. The parties agree VIEVU's terms and conditions found at: <http://www.viewu.com/about-us/terms-and-policies/> govern the responsibilities of the parties and agree to be bound by those terms and conditions.

**Subtotal** 39,600.00  
**Shipping Cost (FedEx Ground)** 60.00  
**Tax (Sales Tax 7.25%)** 2,871.00  
**Total** \$42,531.00

By signing below I am authorizing a 36 month contract with VIEVU.

Please initial to acknowledge:

Customer understands the monthly service fee per unit is \$55  
 Customer understands early termination fees, warranty and liability limitations apply

Customer: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



14109

**SALES REPRESENTATIVE**

Tanner McCormick

Phone: 480-905-2000

Email: tmccormick@axon.com

Fax:

**PRIMARY CONTACT**

Phone:

Email:



**Axon Enterprise, Inc.**  
 17800 N 85th St.  
 Scottsdale, Arizona 85255  
 United States  
 Phone: (800) 978-2737

**SHIP TO**

Oroville Police Dept. - CA  
 2055 Lincoln Street  
 Oroville, CA 95966  
 US

**BILL TO**

Oroville Police Dept. - CA  
 2055 Lincoln Street  
 Oroville, CA 95966  
 US

**Year 1**

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
<b>Axon Plans &amp; Packages</b>					
80082	UNLIMITED BWC BUNDLE: YEAR 1 PAYMENT	20	948.00	948.00	18,960.00
85110	EVIDENCE.COM INCLUDED STORAGE	800	0.00	0.00	0.00
87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	4	216.00	216.00	864.00
80012	BASIC EVIDENCE.COM LICENSE: YEAR 1 PAYMENT	3	180.00	180.00	540.00
85110	EVIDENCE.COM INCLUDED STORAGE	30	0.00	0.00	0.00
<b>Hardware</b>					
74001	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	20	399.00	0.00	0.00
74020	MAGNET MOUNT, FLEXIBLE, AXON RAPIDLOCK	20	0.00	0.00	0.00
74021	MAGNET MOUNT, THICK OUTERWEAR, AXON RAPIDLOCK	20	0.00	0.00	0.00
11553	SYNC CABLE, USB A TO 2.5MM	20	0.00	0.00	0.00
70033	WALL MOUNT BRACKET, ASSY, EVIDENCE.COM DOCK	1	35.00	35.00	35.00
74008	AXON DOCK, 6 BAY + CORE, AXON BODY 2	4	1,495.00	373.75	1,495.00
<b>Services</b>					
85144	AXON STARTER	1	2,500.00	2,500.00	2,500.00
Subtotal					24,394.00
Estimated Shipping					0.00
Estimated Tax					1,729.42
Total					26,123.42

## Year 2

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
<b>Axon Plans &amp; Packages</b>					
87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	4	216.00	216.00	864.00
80083	UNLIMITED BWC BUNDLE: YEAR 2 PAYMENT	20	948.00	948.00	18,960.00
85110	EVIDENCE.COM INCLUDED STORAGE	800	0.00	0.00	0.00
80013	BASIC EVIDENCE.COM LICENSE: YEAR 2 PAYMENT	3	180.00	180.00	540.00
85110	EVIDENCE.COM INCLUDED STORAGE	30	0.00	0.00	0.00
				Subtotal	20,364.00
				Estimated Tax	1,437.24
				Total	21,801.24

## Year 3

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
<b>Axon Plans &amp; Packages</b>					
87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	4	216.00	216.00	864.00
80084	UNLIMITED BWC BUNDLE: YEAR 3 PAYMENT	20	948.00	948.00	18,960.00
85110	EVIDENCE.COM INCLUDED STORAGE	800	0.00	0.00	0.00
80014	BASIC EVIDENCE.COM LICENSE: YEAR 3 PAYMENT	3	180.00	180.00	540.00
85110	EVIDENCE.COM INCLUDED STORAGE	30	0.00	0.00	0.00
				Subtotal	20,364.00
				Estimated Tax	1,437.24
				Total	21,801.24

## Year 4

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
<b>Axon Plans &amp; Packages</b>					
87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	4	216.00	216.00	864.00
80085	UNLIMITED BWC BUNDLE: YEAR 4 PAYMENT	20	948.00	948.00	18,960.00
85110	EVIDENCE.COM INCLUDED STORAGE	800	0.00	0.00	0.00
80015	BASIC EVIDENCE.COM LICENSE: YEAR 4 PAYMENT	3	180.00	180.00	540.00



## Year 4 (Continued)

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
<b>Axon Plans &amp; Packages (Continued)</b>					
85110	EVIDENCE.COM INCLUDED STORAGE	30	0.00	0.00	0.00
				Subtotal	20,364.00
				Estimated Tax	1,437.24
				Total	21,801.24

## Year 5

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
<b>Axon Plans &amp; Packages</b>					
87026	TASER ASSURANCE PLAN DOCK 2 ANNUAL PAYMENT	4	216.00	216.00	864.00
80086	UNLIMITED BWC BUNDLE: YEAR 5 PAYMENT	20	948.00	948.00	18,960.00
85110	EVIDENCE.COM INCLUDED STORAGE	800	0.00	0.00	0.00
80016	BASIC EVIDENCE.COM LICENSE: YEAR 5 PAYMENT	3	180.00	180.00	540.00
85110	EVIDENCE.COM INCLUDED STORAGE	30	0.00	0.00	0.00
				Subtotal	20,364.00
				Estimated Tax	1,437.24
				Total	21,801.24

## Group6

Item	Description	Quantity	List Unit Price	Net Unit Price	Total (USD)
<b>Hardware</b>					
74001	AXON CAMERA ASSEMBLY, ONLINE, AXON BODY 2, BLK	1	0.00	0.00	0.00
11553	SYNC CABLE, USB A TO 2.5MM	1	0.00	0.00	0.00
				Subtotal	0.00
				Estimated Tax	0.00
				Total	0.00

**Grand Total 113,328.38**

## Discounts (USD)

Quote Expiration: 09/30/2018

List Amount	118,315.00
Discounts	12,465.00
<b>Total</b>	<b>105,850.00</b>

*\*Total excludes applicable taxes and shipping*

## Summary of Payments

Payment	Amount (USD)
Year 1	26,123.42
Year 2	21,801.24
Year 3	21,801.24
Year 4	21,801.24
Year 5	21,801.24
Group6	0.00
<b>Grand Total</b>	<b>113,328.38</b>

## Axon's Sales Terms and Conditions

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at [www.axon.com/legal/sales-terms-and-conditions](http://www.axon.com/legal/sales-terms-and-conditions)), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
**Name (Print):** \_\_\_\_\_ **Title:** \_\_\_\_\_  
**PO# (Or write N/A):** \_\_\_\_\_

Please sign and email to Tanner McCormick at [tmccormick@axon.com](mailto:tmccormick@axon.com) or fax to

Thank you for being a valued Axon customer. For your convenience on your next order, please check out our online store [buy.axon.com](http://buy.axon.com)

Quote: Q-149394-43291.691TM

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# Business Proposal

## LensLock, Inc.

"Securing Trust - One Incident at a Time"

PROPOSAL # 18-593

DATE: JULY 3, 2018

10815 Rancho Bernardo Drive, Suite 101  
San Diego, CA 92127 - U.S.A.  
Toll Free - 888-538-0589 - Direct - 858-524-3477  
www.LensLock.com

TO: Chief Bill LaGrone  
Bell Police Department  
2055 Lincoln St.  
Oroville, CA 95966  
Customer ID #593

SHIP TO: TBA

SALES REPRESENTATIVE	PAYMENT TERMS	LENGTH OF SERVICE	START DATE
Sean O'Grady sean.ograde@lenslock.com	30 Days Net	60 Months	09/01/18

QTY	DESCRIPTION	UNIT PRICE	ANNUAL COST
20 Officer's	Customized BWC Svc Offering - Unlimited Data Plan - List Price	\$899.99	\$17,999.80
	Year One of a 5 Year Service Period = 09/01/18 - 08/30/23		
1	On Site Implementation & Training Fee (Waived)	\$1,895.00	<del>\$1,895.00</del>
1	Initial Customization Set-up Fee (Waived)	\$2,495.00	<del>\$2,495.00</del>
1	One Time Shipping & Handling Fees (Waived)	\$295.00	<del>\$295.00</del>
1	Annual Software & Database Maintenance Fee (Waived)	\$495.00	<del>\$495.00</del>
<b>SUBTOTAL</b>			\$17,999.80
<b>SALES TAX</b>			EXEMPT
<b>TOTAL</b>			<b>\$17,999.80</b>

\*\*\*This Proposal is valid until 06/25/18\*\*\*

Make all checks payable to LensLock, Inc.

**THANK YOU SINCERELY FOR YOUR BUSINESS!**

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

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

**SUBJECT: SALE OF CITY-OWNED RESIDENTIAL PROPERTY  
HOUSING ASSETS**

**DATE: AUGUST 7, 2018**

**SUMMARY**

The Council will consider selling the residential City-owned property assets on the open market.

**DISCUSSION**

Over the years, the city has acquired several residential properties and vacant lots due to borrowers defaulting on their Deed of Trust and/or Regulatory Agreement, primary mortgage defaults, deaths and/or Deed In lieu of Foreclosures. The dissolution of the Redevelopment Agency and the enactment of SB341 has hindered staff's ability to sell these properties through the City's Homeownership Program and the former Lease to Purchase Program.

After discussing the City's housing assets and needs with, Rosenow Spevacek Group, Inc. (RSG); the City's consultant for Housing Advisory Services, staff is requesting the authorization to sell the following properties on the open market and to pay a 3% sales commission if a real estate agency is used by the buyer. The escrow, title insurance and sales commission will be deducted from the sales proceeds at the close of escrow and the net amount will be paid to the City of Oroville.

1. 134 Morningstar Avenue (031-340-038)
2. 1289 Robinson Street (012-133-005)
3. 1729 Boynton Avenue (013-083-003)
4. 3027 Florence Avenue (035-520-051)
5. 3085 Florence Avenue (035-520-059)
6. 3555 Argonaut Avenue (033-462-032)
7. 3711 Ashley Avenue (033-452-016)
8. 2420 Baldwin Avenue-pending Deed In Lieu (012-100-015)
9. 1130 Pomona-vacant lot (012-135-040)

10. 1550 & 1560 Veatch Street-vacant lot. (012-133-009)

Council approved to sell previously:

- 11. Oro Dam Blvd (033-232-021) -vacant lot
- 12. Oro Dam Blvd & Highlands (033-232-001)-vacant lot
- 13. 3265 Glen Avenue (068-300-095)

To price these properties, the staff is requesting a market analysis. However, under circumstances where the staff is unable to obtain a market analysis, staff is also requesting authorization to obtain appraisals for each of the properties.

As required by SB341, all revenue from the sale of these properties will be deposited into the Housing Program Fund for future use of providing affordable multi-family housing to low, very-low and extremely-low households, as well as general administration expenses.

## **FISCAL IMPACT**

There is No General Fund Impact

Sufficient funds are available in the Housing Program Fund (221) in the Fiscal Year 2018/19 budget.

Housing Program Fund Expense from account 7011-6340-1418910 and Revenue from the Sale will be deposited in account 7011-4910-1418910. The current unencumbered balance of this fund is \$1,254,031.

### Estimated Costs:

Est. Appraisal Costs: \$6,500.00 (if market analysis cannot be obtained)  
Title & Escrow Fees: (3%) of the sale price of the property

## **RECOMMENDATION**

1. Approve the sale of city-owned properties and expenses associated with the sale of the properties listed on the staff report dated August 7, 2018.
2. Adopt Resolution No. xxxxx, A RESOLUTION OF THE CITY COUNCIL AUTHORIZING AND DIRECTING THE INTERIM CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS RELATING TO THE SALE OF CITY-OWNED PROPERTIES IDENTIFIED AS: ASSESSOR PARCEL NO. 031-340-038, 012-133-005, 013-083-003, 035-520-051, 035-520-059, 068-

300-095, 033-462-032, 033-452-016, 033-232-001, 033-232-021, 012-100-015, 012-135-040 AND 012-133-009

## **ATTACHMENTS**

Resolution No. XXXX  
Parcel Detail Report (13)  
Plot Map (13)

**CITY OF OROVILLE  
RESOLUTION NO. xxxx**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE INTERIM CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS RELATING TO THE SALE OF CITY-OWNED PROPERTY IDENTIFIED AS: ASSESSOR PARCEL NUMBERS 031-340-038, 012-133-005, 013-083-003, 035-520-051, 035-520-059, 068-300-095, 033-462-032, 033-452-016, 033-232-001, 033-232-021, 012-100-015, 012-135-040 AND 012-133-009.**

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

1. The Oroville City Council hereby approves the sale of the City Housing Assets for the appraised value or more.
2. The Mayor or Interim City Administrator is hereby authorized to sign the Deed and escrow documents related to the sale of these properties.
3. The Interim City Clerk shall attest to the adoption of this Resolution.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

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

APPROVED AS TO FORM:

ATTEST:

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

\_\_\_\_\_  
Joanne Gutierrez,  
Interim City Clerk





**City of Oroville**  
Parcel Detail Report

**Property Detail**

Parcel # (APN)\*: **031-340-038**      Use Description:  
 Parcel Status: **ACTIVE**  
 Owner Name\*: **CITY OF OROVILLE**  
 Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**  
 Situs Address: **134 MORNINGSTAR AVE**  
 Legal Description\*: **134 MORNINGSTAR AVE**

**ASSESSMENT**

Total Value*: <b>\$140,121.00</b>	Use Code: <b>MLDR</b>	Zoning: <b>R-1</b>
Land Value*: <b>\$67,901.00</b>	Tax Rate Area*: <b>004004</b>	Census Tract: <b>25</b>
Improved Value*: <b>\$79,220.00</b>	Year Assessed: <b>2017</b>	Property Tax: <b>\$1,985.40</b>
Recording Doc*: <b>2018R0006788</b>		HO Exempt?: <b>1</b>

**PROPERTY CHARACTERISTICS**

Lot Acres: <b>0.14</b>	Year Built*: <b>1954</b>	Fireplace: <b>None</b>
Lot SqFt: <b>6,030.18</b>	Bedrooms*: <b>3</b>	Pool Code:
Bldg SqFt*: <b>1,057.00</b>	Bathrooms*: <b>1</b>	Timber Preserve: <b>0.00</b>
Units: <b>1</b>	Garage SqFt: <b>0.00</b>	Ag Preserve: <b>0.00</b>
Stories*:	Construct:	Has Sewer:
School District: <b>Thermalito Union Ele</b>		Has Septic:
Subdivision:		Has Well: <b>False</b>

**City Sewer Information**

Yearly Sewer Bill = ([EDU] \* 282.72) + ([Weight] \* 142.2)

City Sewer? <b>Yes</b>	EDU: <b>1</b>	Weight: <b>1</b>	Yearly Sewer Bill: <b>\$424</b>
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All Assessors' maps are prepared for local property owners. The Assessor's Office is not responsible for the accuracy of the information shown on any Assessor's map.

07

08

14

Butte County Assessor's Map  
Book 31, Page 34

CREATED BY	DBI CREATED ON 5-29-2002
REVISED BY	DBI REVISED ON 12-15-2005
	EFFECTIVE 2006-07 ROLL
	Previous Book 12, Portion of Page 28
	Compiled By the Butte County Assessor's Office

RANCHO GOLDEN VILLAGE UNIT #3, 19 M.O.R.; 31  
AMENDED MAP OF RANCHO GOLDEN VILLAGE UNIT #3, 20 M.O.R. 28, 2-23-1954.



**City of Oroville**  
Parcel Detail Report

**Property Detail**

Parcel # (APN)\*: **012-133-005**      Use Description:  
 Parcel Status: **ACTIVE**  
 Owner Name\*: **CITY OF OROVILLE**  
 Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**  
 Situs Address: **1289 ROBINSON ST**  
 Legal Description\*: **1289 ROBINSON ST.**

**ASSESSMENT**

Total Value*: <b>\$0.00</b>	Use Code: <b>MLDR</b>	Zoning: <b>R-1</b>
Land Value*:	Tax Rate Area*: <b>004003</b>	Census Tract: <b>28</b>
Improved Value*:	Year Assessed: <b>2009</b>	Property Tax: <b>\$0.00</b>
Recording Doc*: <b>2016R0014646</b>		HO Exempt?: <b>0</b>

**PROPERTY CHARACTERISTICS**

Lot Acres: <b>0.15</b>	Year Built*: <b>1915</b>	Fireplace:
Lot SqFt: <b>6,517.87</b>	Bedrooms*: <b>6</b>	Pool Code:
Bldg SqFt*: <b>1,277.00</b>	Bathrooms*: <b>3</b>	Timber Preserve: <b>0.00</b>
Units: <b>4</b>	Garage SqFt: <b>440,000.00</b>	Ag Preserve: <b>0.00</b>
Stories*:	Construct:	Has Sewer:
School District: <b>Oroville City Elemen</b>		Has Septic:
Subdivision: <b>DOWNTOWN</b>		Has Well: <b>False</b>

**City Sewer Information**

Yearly Sewer Bill = ([EDU] \* 282.72)+([Weight] \* 142.2)

City Sewer?	EDU: <b>0</b>	Weight: <b>0</b>	Yearly Sewer Bill: <b>\$0</b>
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**City of Oroville**  
Parcel Detail Report

**Property Detail**

Parcel # (APN)\*: **013-083-003**      Use Description: **SINGLE-FAMILY RESIDENTIAL**  
 Parcel Status: **ACTIVE**  
 Owner Name\*: **CITY OF OROVILLE**  
 Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**  
 Situs Address: **1729 BOYNTON AVE**  
 Legal Description\*: **1729 BOYNTON AVE**

**ASSESSMENT**

Total Value*: <b>\$0.00</b>	Use Code: <b>MLDR</b>	Zoning: <b>R-1</b>
Land Value*:	Tax Rate Area*: <b>004003</b>	Census Tract: <b>27</b>
Improved Value*:	Year Assessed: <b>2009</b>	Property Tax: <b>\$0.00</b>
Recording Doc*: <b>2016R0014653</b>		HO Exempt?: <b>0</b>

**PROPERTY CHARACTERISTICS**

Lot Acres: <b>0.18</b>	Year Built*: <b>1958</b>	Fireplace: <b>Fireplace</b>
Lot SqFt: <b>7,732.03</b>	Bedrooms*: <b>3</b>	Pool Code:
Bldg SqFt*: <b>1,329.00</b>	Bathrooms*: <b>2</b>	Timber Preserve: <b>0.00</b>
Units: <b>1</b>	Garage SqFt: <b>525,000.00</b>	Ag Preserve: <b>0.00</b>
Stories*:	Construct:	Has Sewer:
School District: <b>Oroville City Elemen</b>		Has Septic:
Subdivision: <b>ORANGE HEIGHTS</b>		Has Well: <b>False</b>

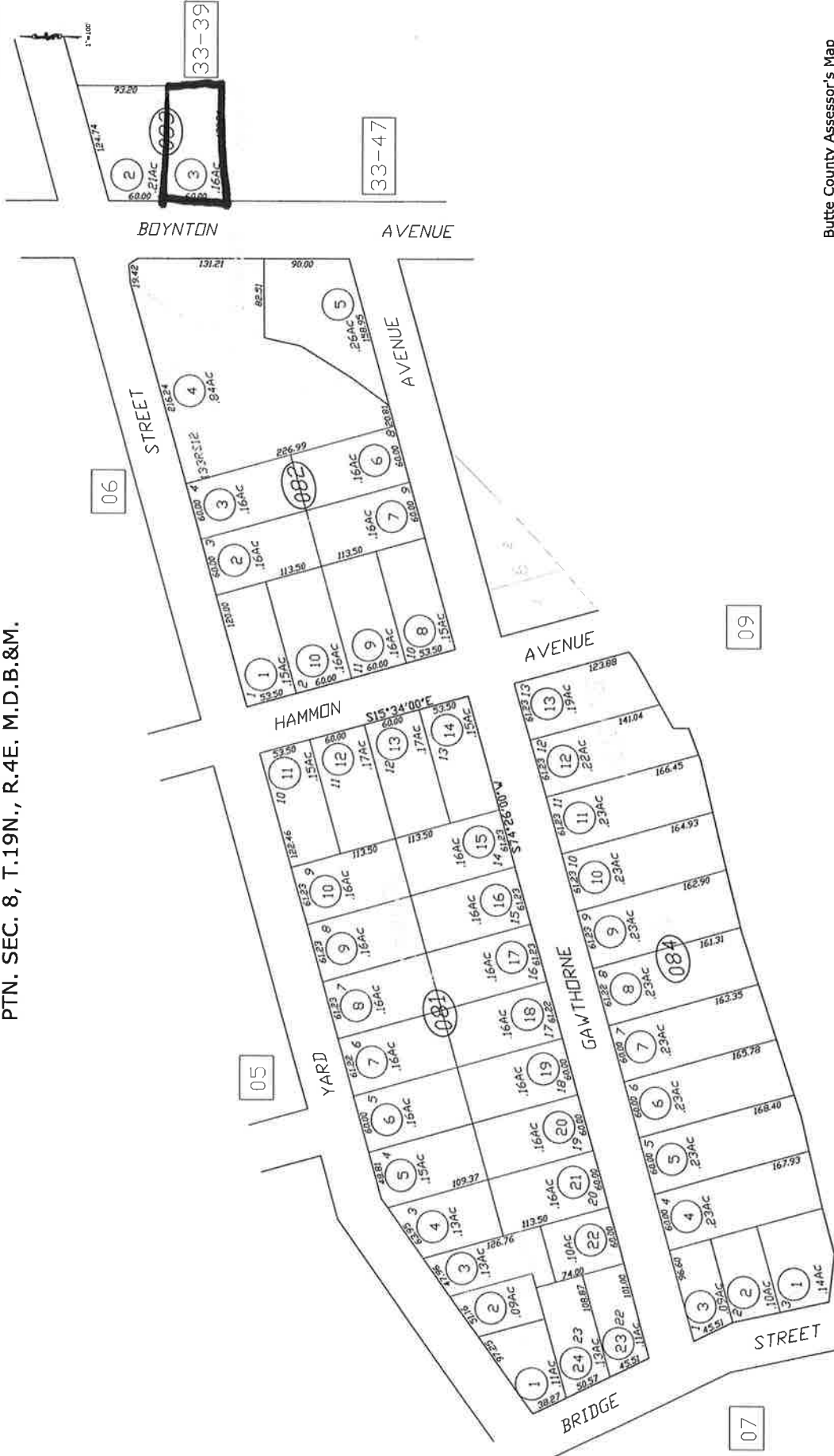
**City Sewer Information**

Yearly Sewer Bill = ([EDU] \* 282.72)+([Weight] \* 142.2)

City Sewer?	EDU: <b>0</b>	Weight: <b>0</b>	Yearly Sewer Bill: <b>\$0</b>
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13-08

PTN. SEC. 8, T.19N., R.4E. M.D.B.&M.



Butte County Assessor's Map  
Book 13, Page 08

Created by:	DJH	Created on:	04-06-2010
Revised by:	DJH	Revised on:	01-18-2012
Effective date:		Effective date:	2012-1-1

All Assessor's maps are prepared for local property assessment purposes only. Parcels shown thereon may not be insured for loss of information shown on any Assessor's map. ALL AREAS APPROXIMATE PER RECORDED INFORMATION.

ORANGE HEIGHTS SUBDIVISION, 8 M.O.R. 41/43, 05-15-1923  
STORMES SUBDIVISION #1, 15 M.O.R. 26, 05-06-1947



# City of Oroville

## Parcel Detail Report

### Property Detail

Parcel # (APN)\*: **035-520-051** Use Description: **SINGLE-FAMILY RESIDENTIAL**

Parcel Status: **ACTIVE**

Owner Name\*: **CITY OF OROVILLE**

Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**

Situs Address: **3027 FLORENCE AVE**

Legal Description\*:

### ASSESSMENT

Total Value*: <b>\$77,879.00</b>	Use Code: <b>MLDR</b>	Zoning: <b>R-1</b>
Land Value*: <b>\$10,609.00</b>	Tax Rate Area*: <b>004003</b>	Census Tract: <b>30.01</b>
Improved Value*: <b>\$74,270.00</b>	Year Assessed: <b>2017</b>	Property Tax: <b>\$1,509.62</b>
Recording Doc*: <b>2017R0040083</b>		HO Exempt?: <b>1</b>

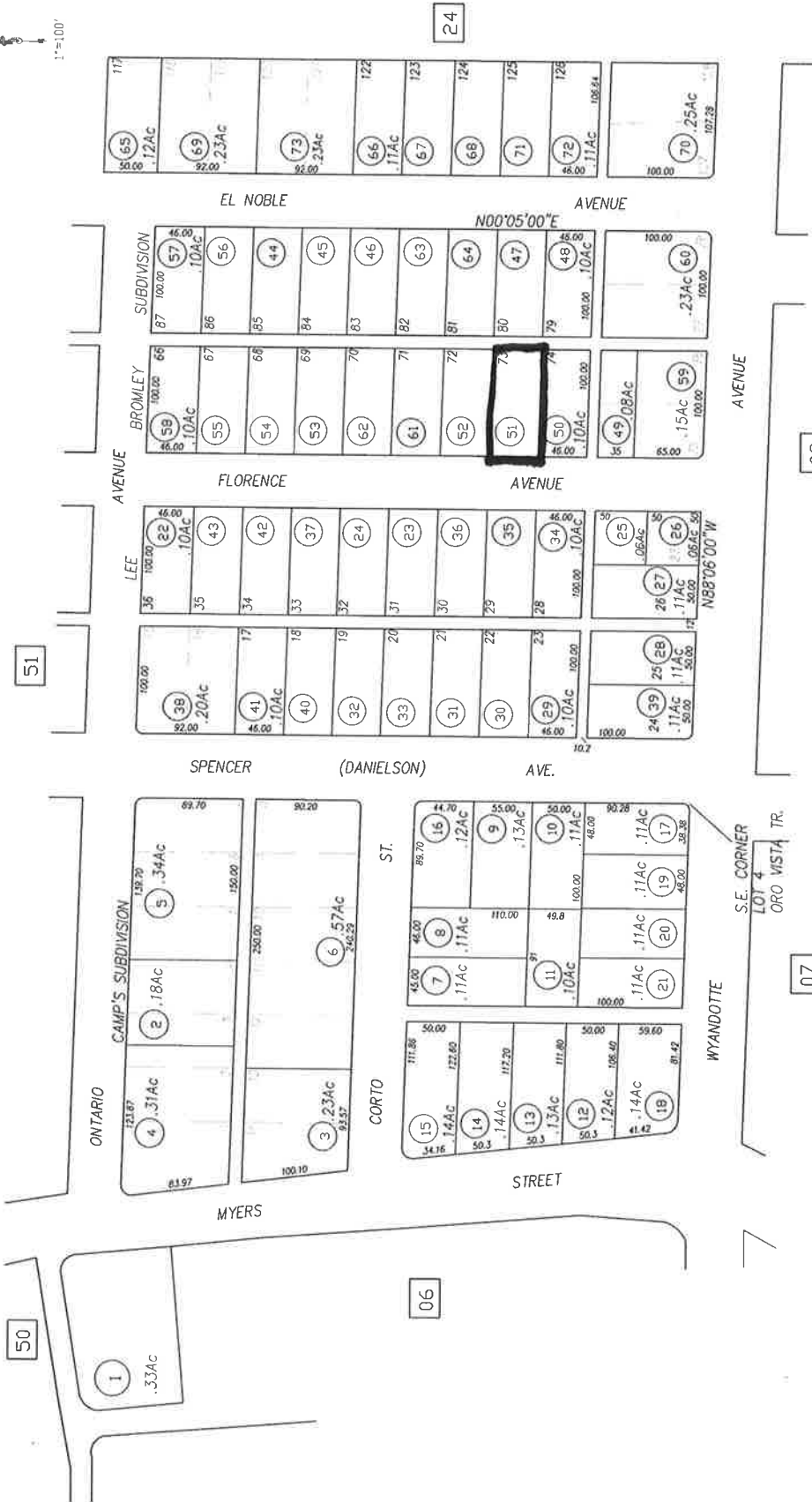
### PROPERTY CHARACTERISTICS

Lot Acres: <b>0.10</b>	Year Built*: <b>1979</b>	Fireplace: <b>None</b>
Lot SqFt: <b>4,401.56</b>	Bedrooms*: <b>3</b>	Pool Code: <b>None</b>
Bldg SqFt*: <b>1,152.00</b>	Bathrooms*: <b>2</b>	Timber Preserve: <b>0.00</b>
Units: <b>1</b>	Garage SqFt: <b>456,000.00</b>	Ag Preserve: <b>0.00</b>
Stories*:	Construct:	Has Sewer: <b>Sewer</b>
School District: <b>Oroville City Elemen</b>		Has Septic:
Subdivision: <b>LEE BROMLEY SUBDIVISION</b>		Has Well: <b>False</b>

### City Sewer Information

Yearly Sewer Bill = ([EDU] \* 282.72) + ([Weight] \* 142.2)

City Sewer? <b>Yes</b>	EDU: <b>1</b>	Weight: <b>1</b>	Yearly Sewer Bill: <b>\$424</b>
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Butte County Assessor's Map  
Book 35, Page 52

CREATED BY	SL	CREATED ON	8-26-2016
REVISED BY	SL	REVISED ON	8-26-2016
FILE NAME	35-52	EFFECTIVE	2017-18 ROLL
Previous Book 13, Page 22			
Compiled By, The Butte County Assessor's Office			

All Assessors' maps are prepared for local property assessment purposes ONLY. Parcels shown thereon may not comply with State and local subdivision ordinances. No liability is assumed for errors or omissions on any Assessor's map. ALL APPLICABLE APPROPRIATE PER RECORDS INFORMATION

CAMP'S SUBDIVISION, 7 M.O.R. 86  
LEE BROMLEY SUBDIVISION, 6 M.O.R. 98





# City of Oroville

## Parcel Detail Report

### Property Detail

Parcel # (APN)\*: **035-520-059**      Use Description: **SINGLE-FAMILY RESIDENTIAL**  
 Parcel Status: **ACTIVE**  
 Owner Name\*: **CITY OF OROVILLE**  
 Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**  
 Situs Address: **3085 FLORENCE AVE**  
 Legal Description\*:

### ASSESSMENT

Total Value\*: **\$230,667.00**      Use Code: **MLDR**      Zoning: **R-1**  
 Land Value\*: **\$73,562.00**      Tax Rate Area\*: **004003**      Census Tract: **30.01**  
 Improved Value\*: **\$164,105.00**      Year Assessed: **2017**      Property Tax: **\$1,284.32**  
 Recording Doc\*: **2017R0030264**      HO Exempt?: **1**

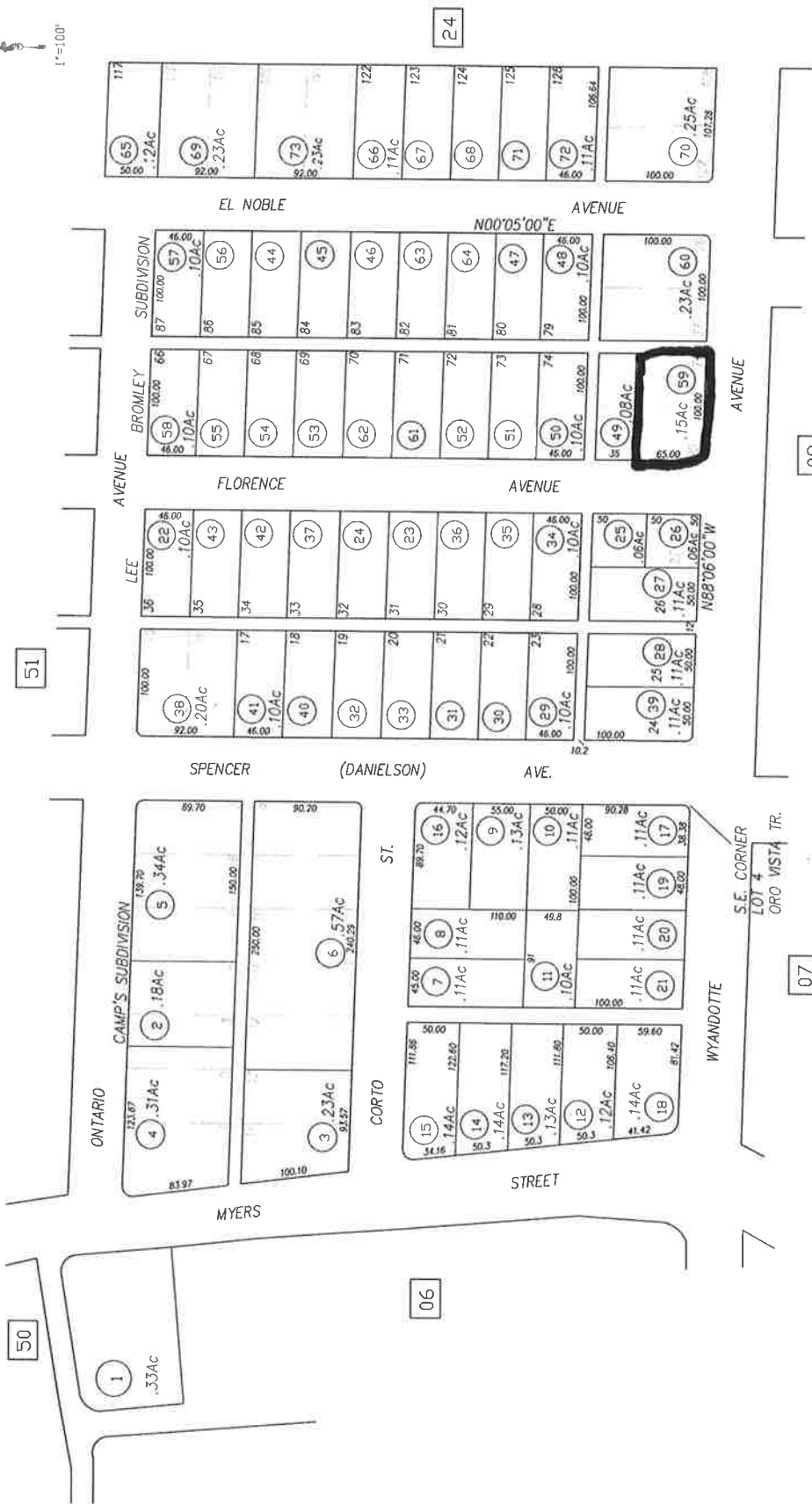
### PROPERTY CHARACTERISTICS

Lot Acres: **0.15**      Year Built\*: **2004**      Fireplace:  
 Lot SqFt: **6,406.17**      Bedrooms\*: **4**      Pool Code:  
 Bldg SqFt\*: **1,326.00**      Bathrooms\*: **2**      Timber Preserve: **0.00**  
 Units: **1**      Garage SqFt: **0.00**      Ag Preserve: **0.00**  
 Stories\*:      Construct:      Has Sewer:  
 School District: **Oroville City Elemen**      Has Septic:  
 Subdivision: **LEE BROMLEY SUBDIVISION**      Has Well: **False**

### City Sewer Information

$$\text{Yearly Sewer Bill} = ([\text{EDU}] * 282.72) + ([\text{Weight}] * 142.2)$$

City Sewer? **Yes**      EDU: **1**      Weight: **1**      Yearly Sewer Bill: **\$424**



Butte County Assessor's Map  
Book 35, Page 52

CREATED BY	SL	CREATED ON	8-26-2016
REVISED BY	SL	REVISED ON	8-26-2016
FILE NAME	35-52 EFFECTIVE 2017-18 ROLL		
Previous Book 13, Page 22			
Compiled By The Butte County Assessor's Office			

All Assessors' maps are prepared for local property assessment purposes ONLY. Parcels shown thereon may not comply with State and local subdivision ordinances. No liability is assumed by the Assessor for the accuracy of the Assessor's map. ALL INTERESTS APPROPRIATELY RECORDED AND RECORDED INFORMATION.

CAMP'S SUBDIVISION, 7 M.O.R., 86  
LEE BROMLEY SUBDIVISION, 6 M.O.R., 98



**City of Oroville**  
Parcel Detail Report

**Property Detail**

Parcel # (APN)\*: **033-462-032**      Use Description: **SINGLE-FAMILY RESIDENTIAL**  
 Parcel Status: **ACTIVE**  
 Owner Name\*: **CITY OF OROVILLE**  
 Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**  
 Situs Address: **3555 ARGONAUT AVE**  
 Legal Description\*: **3555 ARGONAUT AVE**

**ASSESSMENT**

Total Value*: <b>\$0.00</b>	Use Code: <b>MLDR</b>	Zoning: <b>R-1</b>
Land Value*:	Tax Rate Area*: <b>004015</b>	Census Tract: <b>27</b>
Improved Value*:	Year Assessed: <b>2009</b>	Property Tax: <b>\$0.00</b>
Recording Doc*: <b>2016R0038134</b>		HO Exempt?: <b>0</b>

**PROPERTY CHARACTERISTICS**

Lot Acres: <b>0.14</b>	Year Built*: <b>1961</b>	Fireplace: <b>WoodStove</b>
Lot SqFt: <b>6,150.58</b>	Bedrooms*: <b>4</b>	Pool Code: <b>None</b>
Bldg SqFt*: <b>1,632.00</b>	Bathrooms*: <b>2</b>	Timber Preserve: <b>0.00</b>
Units: <b>1</b>	Garage SqFt: <b>0.00</b>	Ag Preserve: <b>0.00</b>
Stories*:	Construct:	Has Sewer:
School District: <b>Oroville City Elemen</b>		Has Septic:
Subdivision: <b>GRAND VIEW SUBDIVISION</b>		Has Well: <b>False</b>

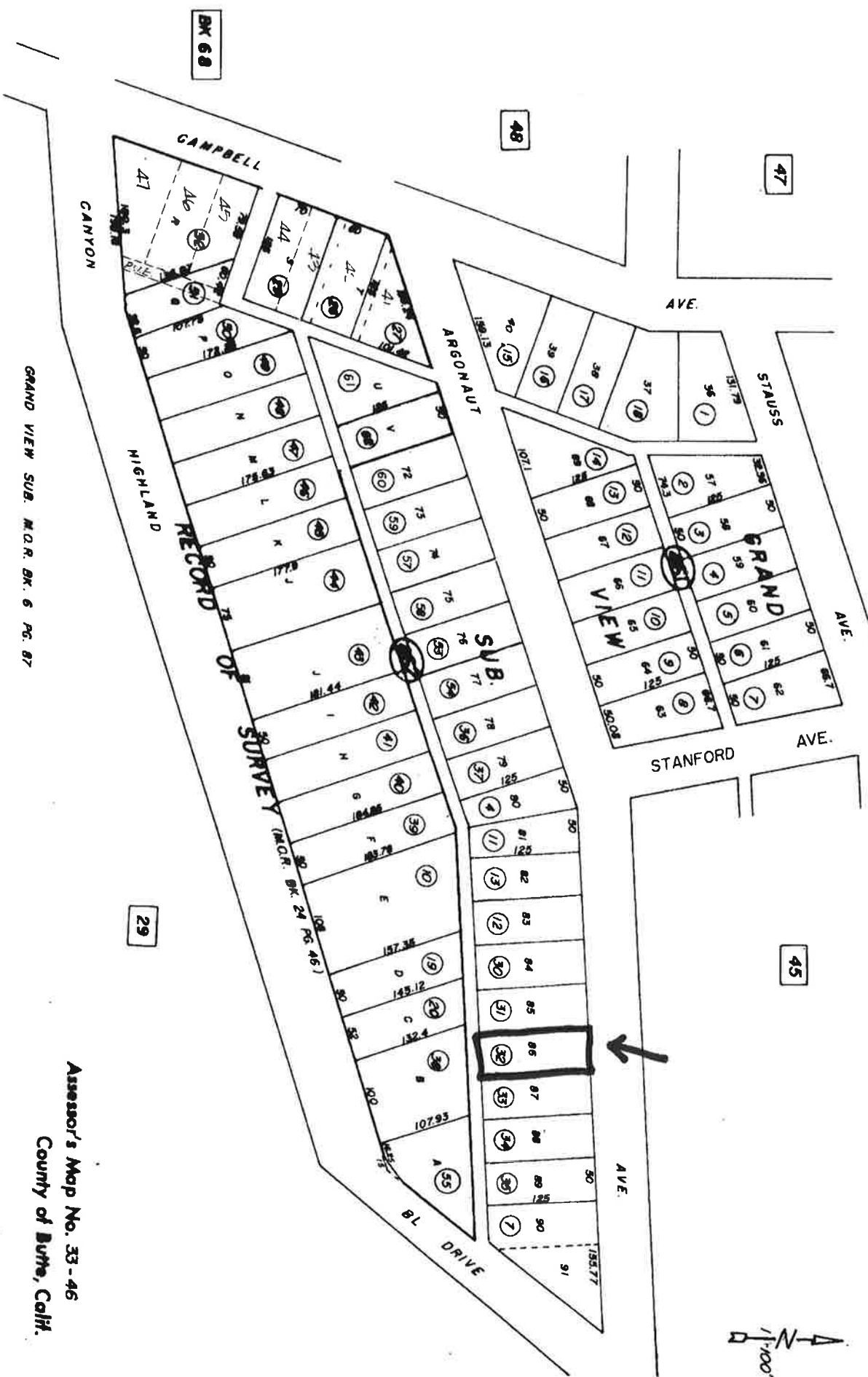
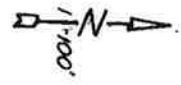
**City Sewer Information**

Yearly Sewer Bill = ([EDU] \* 282.72) + ([Weight] \* 142.2)

City Sewer? <b>Exp</b>	EDU: <b>1</b>	Weight: <b>1</b>	Yearly Sewer Bill: <b>\$424</b>
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CITY OF OROVILLE T19N R4E M.D.B. 8 M.

33-46



GRAND VIEW SUB. M.C.R. BK. 6 PG. 87

Assessor's Map No. 33-46  
County of Butte, Calif.

BK 68

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# City of Oroville

## Parcel Detail Report

### Property Detail

Parcel # (APN)\*: **033-452-016**      Use Description: **SINGLE-FAMILY RESIDENTIAL**  
 Parcel Status: **ACTIVE**  
 Owner Name\*: **CITY OF OROVILLE**  
 Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**  
 Situs Address: **3711 ASHLEY AVE**  
 Legal Description\*: **3711 ASHLEY AVE**

### ASSESSMENT

Total Value*: <b>\$0.00</b>	Use Code: <b>MLDR</b>	Zoning: <b>R-1</b>
Land Value*:	Tax Rate Area*: <b>004015</b>	Census Tract: <b>27</b>
Improved Value*:	Year Assessed: <b>2009</b>	Property Tax: <b>\$0.00</b>
Recording Doc*: <b>2016R0038133</b>		HO Exempt?: <b>0</b>

### PROPERTY CHARACTERISTICS

Lot Acres: <b>0.15</b>	Year Built*: <b>1951</b>	Fireplace: <b>GasStove</b>
Lot SqFt: <b>6,589.97</b>	Bedrooms*: <b>3</b>	Pool Code: <b>None</b>
Bldg SqFt*: <b>1,199.00</b>	Bathrooms*: <b>1</b>	Timber Preserve: <b>0.00</b>
Units: <b>1</b>	Garage SqFt: <b>0.00</b>	Ag Preserve: <b>0.00</b>
Stories*:	Construct:	Has Sewer: <b>Sewer</b>
School District: <b>Oroville City Elemen</b>		Has Septic:
Subdivision: <b>GRAND VIEW SUBDIVISION</b>		Has Well: <b>False</b>

### City Sewer Information

$$\text{Yearly Sewer Bill} = ([\text{EDU}] * 282.72) + ([\text{Weight}] * 142.2)$$

City Sewer? <b>Exp</b>	EDU: <b>1</b>	Weight: <b>1</b>	Yearly Sewer Bill: <b>\$424</b>
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PTN. SEC. 9, T.19N., R.4E. M.D.B.&M.

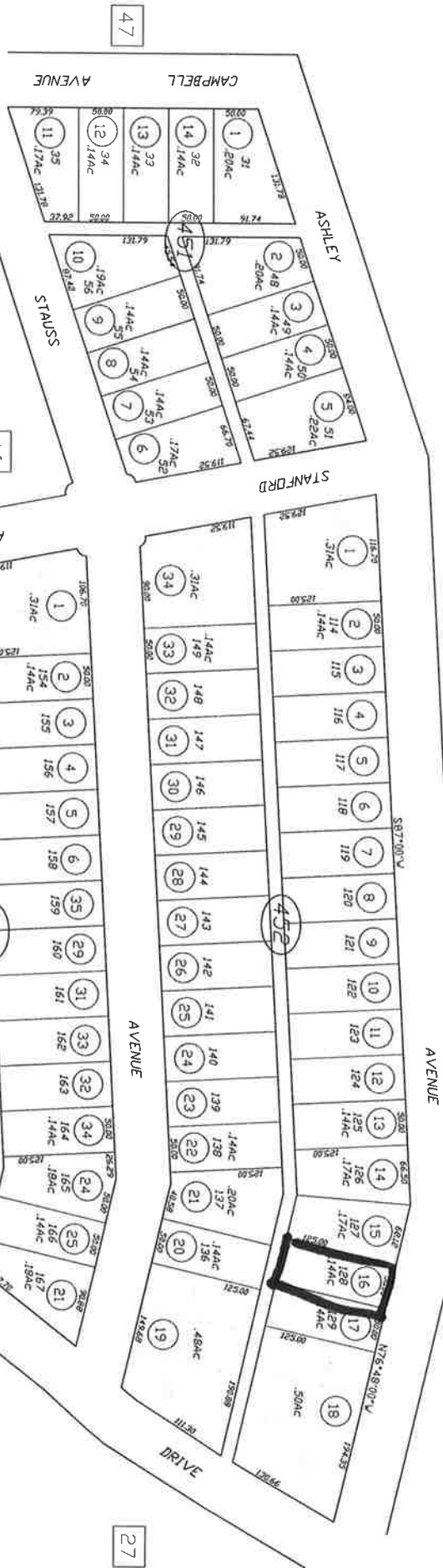
33-45

44

39

26

1"=100'



47

45

46

30

40

27

GRAND VIEW SUBDIVISION, 6 M.O.R. 87, 04-12-1909

All measurements were prepared by local surveyors. The accuracy of the measurements is guaranteed by the Butte County Assessor's Office. The accuracy of the measurements is guaranteed by the Butte County Assessor's Office. The accuracy of the measurements is guaranteed by the Butte County Assessor's Office.

Checked By:	Checked By:	Checked By:
Checked By:	Checked By:	Checked By:
Checked By:	Checked By:	Checked By:
Checked By:	Checked By:	Checked By:

Butte County Assessor's Map  
Book 33, Page 45



**City of Oroville**  
Parcel Detail Report

**Property Detail**

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Parcel # (APN)\*: **012-100-015**      Use Description:  
 Parcel Status: **ACTIVE**  
 Owner Name\*: **2420 BALDWIN FAMILY TRUST**  
 Owner Address\*: **1265 W DEER CREST MERIDIAN, ID 83646**  
 Situs Address: **2420 BALDWIN AVE**  
 Legal Description\*: **2420 BALDWIN AVE**

---

**ASSESSMENT**

Total Value*: <b>\$88,000.00</b>	Use Code: <b>MLDR</b>	Zoning: <b>R-1</b>
Land Value*: <b>\$40,000.00</b>	Tax Rate Area*: <b>004003</b>	Census Tract: <b>28</b>
Improved Value*: <b>\$55,000.00</b>	Year Assessed: <b>2017</b>	Property Tax: <b>\$1,414.02</b>
Recording Doc*: <b>2017R0044391</b>		HO Exempt?: <b>1</b>

---

**PROPERTY CHARACTERISTICS**

Lot Acres: <b>0.14</b>	Year Built*: <b>1948</b>	Fireplace:
Lot SqFt: <b>5,994.27</b>	Bedrooms*: <b>2</b>	Pool Code:
Bldg SqFt*: <b>758.00</b>	Bathrooms*: <b>1</b>	Timber Preserve: <b>0.00</b>
Units: <b>1</b>	Garage SqFt: <b>220,000.00</b>	Ag Preserve: <b>0.00</b>
Stories*:	Construct:	Has Sewer:
School District: <b>Oroville City Elemen</b>		Has Septic:
Subdivision:		Has Well: <b>False</b>

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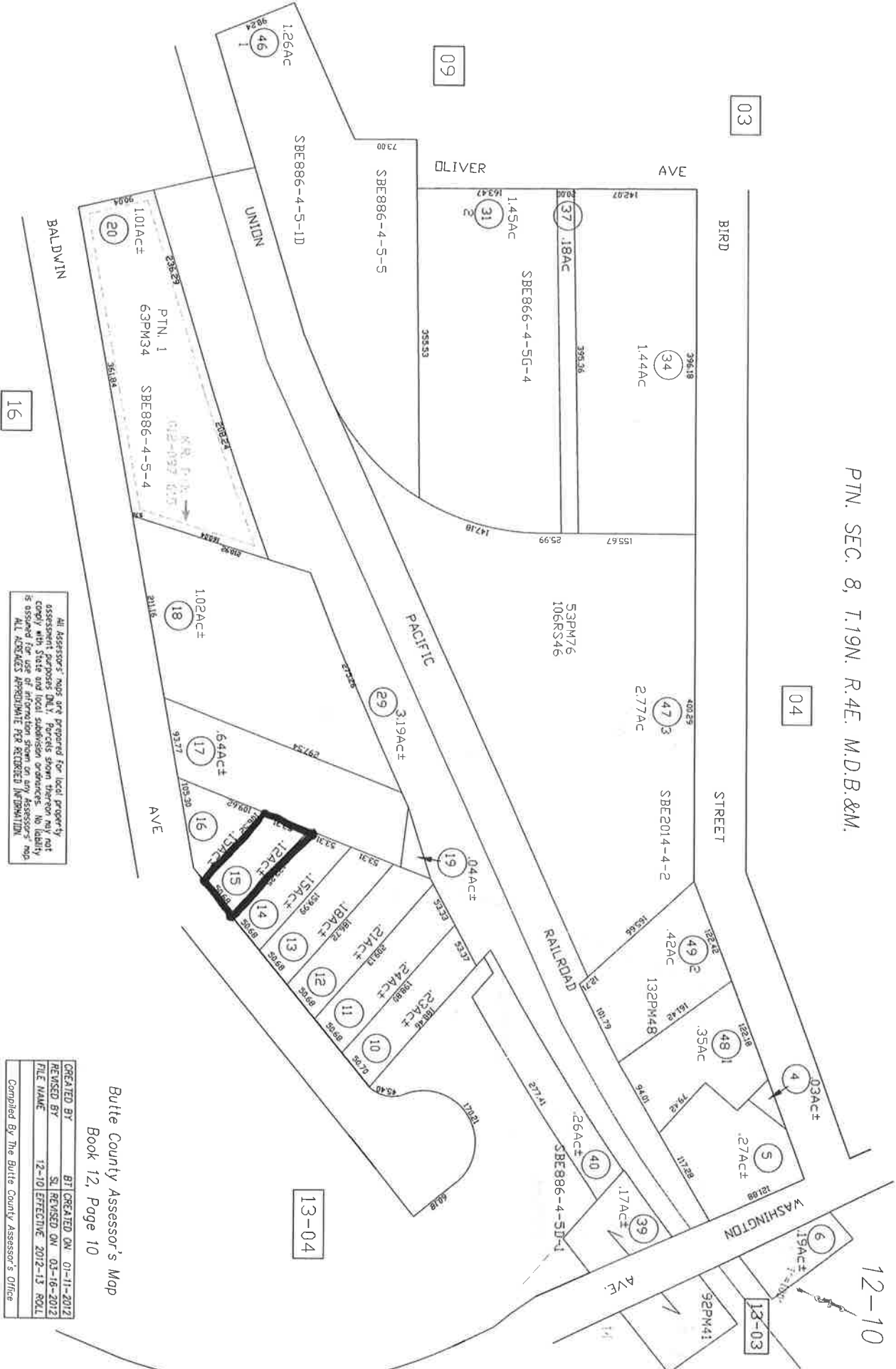
**City Sewer Information**

Yearly Sewer Bill = ([EDU] \* 282.72)+( [Weight] \* 142.2)

City Sewer? <b>Yes</b>	EDU: <b>1</b>	Weight: <b>1</b>	Yearly Sewer Bill: <b>\$424</b>
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PTN. SEC. 8, T.19N. R.4E. M.D.B.&M.



All Assessor's maps are prepared for local property assessment purposes only. Parcels shown thereon may not be copied for use of any other person or entity without the express written approval of the Assessor's Office. ALL RIGHTS RESERVED AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

CREATED BY	BT	CREATED ON	01-11-2012
REVISED BY	SL	REVISED ON	03-16-2012
FILE NAME		EFFECTIVE	12-10-2012
		ROLL	2012-13

Compiled By The Butte County Assessor's Office

Butte County Assessor's Map  
Book 12, Page 10





**City of Oroville**  
Parcel Detail Report

**Property Detail**

Parcel # (APN)\*: **012-135-040**      Use Description:  
 Parcel Status: **ACTIVE**  
 Owner Name\*: **CITY OF OROVILLE**  
 Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**  
 Situs Address: **1130 POMONA AVE**  
 Legal Description\*: **1130 POMONA AVE**

**ASSESSMENT**

Total Value*: <b>\$0.00</b>	Use Code: <b>MLDR</b>	Zoning: <b>R-1</b>
Land Value*:	Tax Rate Area*: <b>004003</b>	Census Tract: <b>28</b>
Improved Value*:	Year Assessed: <b>2009</b>	Property Tax: <b>\$0.00</b>
Recording Doc*: <b>2016R0014648</b>		HO Exempt?: <b>0</b>

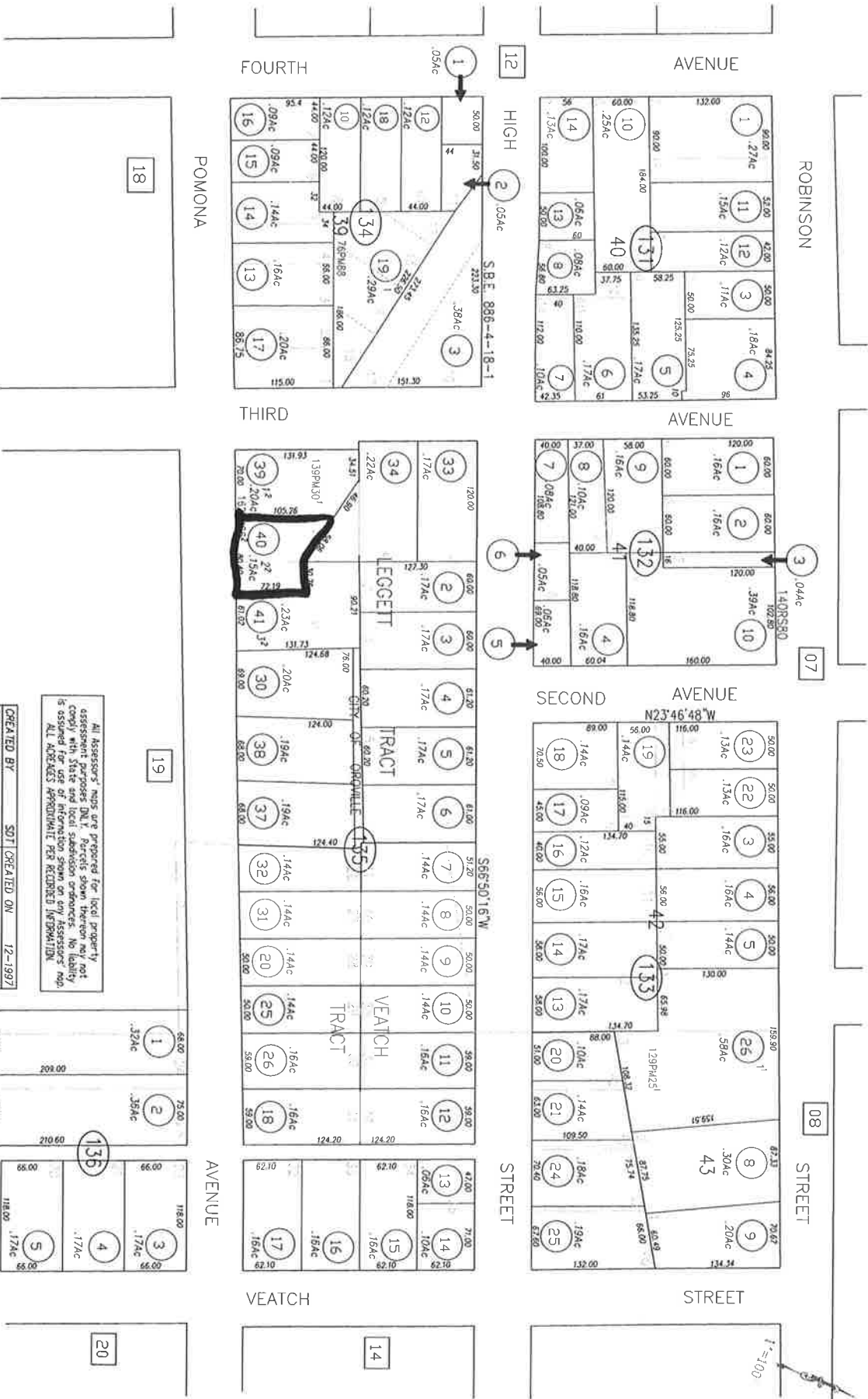
**PROPERTY CHARACTERISTICS**

Lot Acres: <b>0.16</b>	Year Built*:	Fireplace:
Lot SqFt: <b>6,886.62</b>	Bedrooms*:	Pool Code:
Bldg SqFt*: <b>0.00</b>	Bathrooms*:	Timber Preserve: <b>0.00</b>
Units: <b>0</b>	Garage SqFt: <b>0.00</b>	Ag Preserve: <b>0.00</b>
Stories*:	Construct:	Has Sewer:
School District: <b>Oroville City Elemen</b>		Has Septic:
Subdivision: <b>DOWNTOWN</b>		Has Well: <b>False</b>

**City Sewer Information**

Yearly Sewer Bill = ([EDU] \* 282.72) + ([Weight] \* 142.2)

City Sewer?	EDU: <b>0</b>	Weight: <b>0</b>	Yearly Sewer Bill: <b>\$0</b>
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LEGETT TRACT M.O.R. BK. 2 PG. 182  
 VEATCH TRACT M.O.R. BK. 2 PG. 171

All Assessors' maps are prepared for local property assessment purposes ONLY. Parcels shown thereon may not comply with State and local subdivision ordinances. No liability is assumed for use of information shown on any Assessor's map. ALL RIGHTS RESERVED FOR RETURNED INFORMATION.

CREATED BY SDI CREATED ON 12-1997  
 REVISED BY DBI REVISED ON 01-12-2012  
 FILE NAME 12-13 EFFECTIVE 2012-13 ROLL  
 Compiled By The Butte County Assessor's Office

Butte County Assessor's Map  
 BOOK 12, PAGE 13



# City of Oroville

## Parcel Detail Report

### Property Detail

Parcel # (APN)\*: **012-133-009**      Use Description:

Parcel Status: **ACTIVE**

Owner Name\*: **OROVILLE REDEVELOPMENT AGENCY**

Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**

Situs Address:

Legal Description\*: **ROBINSON & VEATCH STS.**

### ASSESSMENT

Total Value*: <b>\$0.00</b>	Use Code: <b>MLDR</b>	Zoning: <b>R-1</b>
Land Value*:	Tax Rate Area*: <b>004003</b>	Census Tract: <b>28</b>
Improved Value*:	Year Assessed: <b>2009</b>	Property Tax: <b>\$0.00</b>
Recording Doc*: <b>2005R0009609</b>		HO Exempt?: <b>0</b>

### PROPERTY CHARACTERISTICS

Lot Acres: <b>0.21</b>	Year Built*: <b>2004</b>	Fireplace: <b>None</b>
Lot SqFt: <b>9,052.68</b>	Bedrooms*: <b>3</b>	Pool Code:
Bldg SqFt*: <b>940.00</b>	Bathrooms*: <b>2</b>	Timber Preserve: <b>0.00</b>
Units: <b>0</b>	Garage SqFt: <b>0.00</b>	Ag Preserve: <b>0.00</b>
Stories*:	Construct:	Has Sewer:
School District: <b>Oroville City Elemen</b>		Has Septic:
Subdivision: <b>DOWNTOWN</b>		Has Well: <b>False</b>

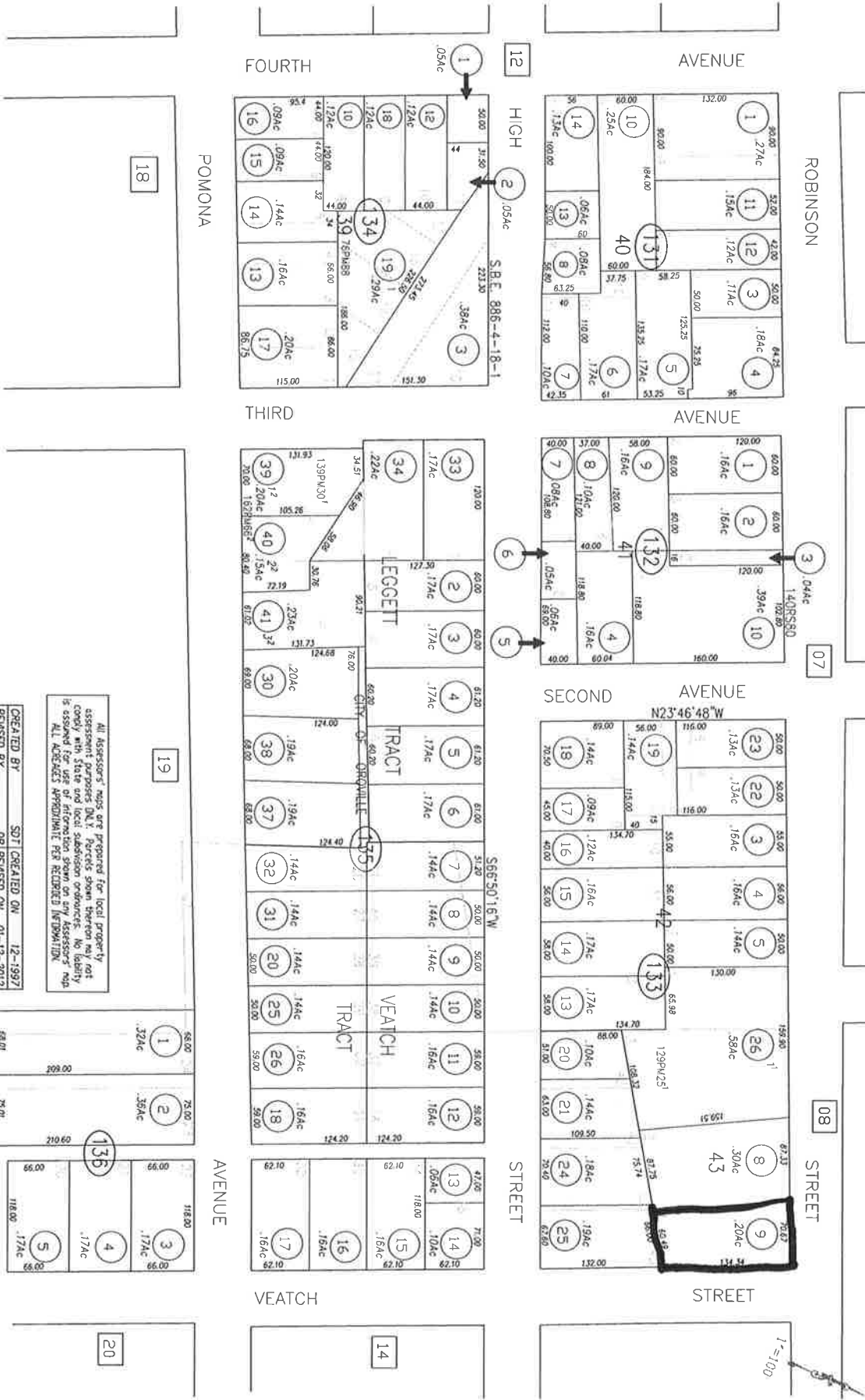
### City Sewer Information

$$\text{Yearly Sewer Bill} = ([\text{EDU}] * 282.72) + ([\text{Weight}] * 142.2)$$

City Sewer?	EDU: <b>0</b>	Weight: <b>0</b>	Yearly Sewer Bill: <b>\$0</b>
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**Data Sources:**

\*Butte County Assessor  
 All other data provided by the City of Oroville



All assessors' maps are prepared for local property assessment purposes only. Parcels shown thereon may not comply with State and local subdivision ordinances. No liability is assumed for use of information shown on any assessors' map. ALL MEASUREMENTS APPROXIMATE. FOR RECORDING PURPOSES ONLY.

CREATED BY	SDI	CREATED ON	12-19-97
REVISION BY	DB	REVISION ON	01-12-2012
FILE NAME	12-13 EFFECTIVE 2012-13 ROLL		

Compiled By The Butte County Assessor's Office

LEGGETT TRACT M.O.R. BK. 2 PG. 182  
 VEATCH TRACT M.O.R. BK. 2 PG. 171

Butte County Assessor's Map  
 BOOK 12, PAGE 13



# City of Oroville

## Parcel Detail Report

### Property Detail

Parcel # (APN)\*: **033-232-021** Use Description: **SINGLE-FAMILY RESIDENTIAL**

Parcel Status: **ACTIVE**

Owner Name\*: **CITY OF OROVILLE**

Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**

Situs Address:

Legal Description\*: **ORANGE AVE**

### ASSESSMENT

Total Value\*: **\$0.00**

Use Code: **MDR**

Zoning: **R-2**

Land Value\*:

Tax Rate Area\*: **004015**

Census Tract: **27**

Improved Value\*:

Year Assessed: **2009**

Property Tax: **\$0.00**

Recording Doc\*: **2016R0014655**

HO Exempt?: **0**

### PROPERTY CHARACTERISTICS

Lot Acres: **0.19**

Year Built\*: **1900**

Fireplace:

Lot SqFt: **8,155.04**

Bedrooms\*: **0**

Pool Code:

Bldg SqFt\*: **0.00**

Bathrooms\*: **0**

Timber Preserve: **0.00**

Units: **0**

Garage SqFt: **0.00**

Ag Preserve: **0.00**

Stories\*:

Construct:

Has Sewer:

School District: **Oroville City Elemen**

Has Septic:

Subdivision: **FEATHER RIVER PORTALS UNIT 1**

Has Well: **False**

### City Sewer Information

Yearly Sewer Bill = ([EDU] \* 282.72) + ([Weight] \* 142.2)

City Sewer?

EDU: **0**

Weight: **0**

Yearly Sewer Bill: **\$0**

PTN. S 1/2 SEC. 9, T.19N. R.4E. M.D.B.&M.

33-23



Butte County Assessor's Map  
Book 33, Page 23

NOTE: These parcels are for assessment purposes only and may not constitute legal parcels.

CREATED BY	PS	CREATED ON	11-26-2001
REVISED BY	DB	REVISED ON	02-20-2004
		EFFECTIVE	2004-05 ROLL

Compiled By The Butte County Assessor's Office

FEATHER PORTALS UNIT NO. 1 M.O.R. BK. A PG. 22-22A



**City of Oroville**  
Parcel Detail Report

**Property Detail**

Parcel # (APN)\*: **033-232-001**      Use Description: **SINGLE-FAMILY RESIDENTIAL**  
 Parcel Status: **ACTIVE**  
 Owner Name\*: **CITY OF OROVILLE**  
 Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**  
 Situs Address:  
 Legal Description\*: **ORANGE & HIGHLANDS BLVD**

**ASSESSMENT**

Total Value*: <b>\$0.00</b>	Use Code: <b>MDR</b>	Zoning: <b>R-2</b>
Land Value*:	Tax Rate Area*: <b>004015</b>	Census Tract: <b>27</b>
Improved Value*:	Year Assessed: <b>2009</b>	Property Tax: <b>\$0.00</b>
Recording Doc*: <b>2016R0014655</b>		HO Exempt?: <b>0</b>

**PROPERTY CHARACTERISTICS**      *Vacant lot*

Lot Acres: <b>0.14</b>	<del>Year Built*: 1961</del>	Fireplace:
Lot SqFt: <b>5,904.40</b>	<del>Bedrooms*: 3</del>	Pool Code:
<del>Bldg SqFt*: 1,344.00</del>	<del>Bathrooms*: 1</del>	Timber Preserve: <b>0.00</b>
Units: <b>0</b>	Garage SqFt: <b>0.00</b>	Ag Preserve: <b>0.00</b>
Stories*:	Construct:	Has Sewer:
School District: <b>Oroville City Elemen</b>		Has Septic:
Subdivision: <b>FEATHER RIVER PORTALS UNIT 1</b>		Has Well: <b>False</b>

**City Sewer Information**

Yearly Sewer Bill = ([EDU] \* 282.72) + ([Weight] \* 142.2)

City Sewer?	EDU: <b>0</b>	Weight: <b>0</b>	Yearly Sewer Bill: <b>\$0</b>
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PTN. S 1/2 SEC. 9, T.19N. R4E. M.D.B.&M.

33-23



Butte County Assessor's Map  
Book 33, Page 23

NOTE: These parcels are for assessment purposes  
only and may not constitute legal parcels.

CREATED BY	PS	CREATED ON	11-28-2001
REVISOR BY	DBI	REVISOR ON	02-20-2004
		EFFECTIVE	2004-05 ROLL
Compiled By The Butte County Assessor's Office			

FEATHER PORTALS UNIT NO. 1 M.O.R. BK. A PG. 22-22A





**City of Oroville**  
Parcel Detail Report

**Property Detail**

Parcel # (APN)\*: **068-300-095**      Use Description:  
 Parcel Status: **ACTIVE**  
 Owner Name\*: **CITY OF OROVILLE**  
 Owner Address\*: **1735 MONTGOMERY ST OROVILLE, CA 95965**  
 Situs Address: **3265 GLEN AVE**  
 Legal Description\*: **3265 GLEN AVE**

**ASSESSMENT**

Total Value*: <b>\$0.00</b>	Use Code: <b>MLDR</b>	Zoning: <b>RL</b>
Land Value*:	Tax Rate Area*: <b>004029</b>	Census Tract: <b>31</b>
Improved Value*:	Year Assessed: <b>2009</b>	Property Tax: <b>\$0.00</b>
Recording Doc*: <b>2016R0030170</b>		HO Exempt?: <b>0</b>

**PROPERTY CHARACTERISTICS**

Lot Acres: <b>0.35</b>	Year Built*: <b>1955</b>	Fireplace: <b>None</b>
Lot SqFt: <b>15,112.32</b>	Bedrooms*: <b>3</b>	Pool Code: <b>None</b>
Bldg SqFt*: <b>1,544.00</b>	Bathrooms*: <b>2</b>	Timber Preserve: <b>0.00</b>
Units: <b>1</b>	Garage SqFt: <b>0.00</b>	Ag Preserve: <b>0.00</b>
Stories*:	Construct:	Has Sewer:
School District: <b>Oroville City Elemen</b>		Has Septic:
Subdivision:		Has Well: <b>False</b>

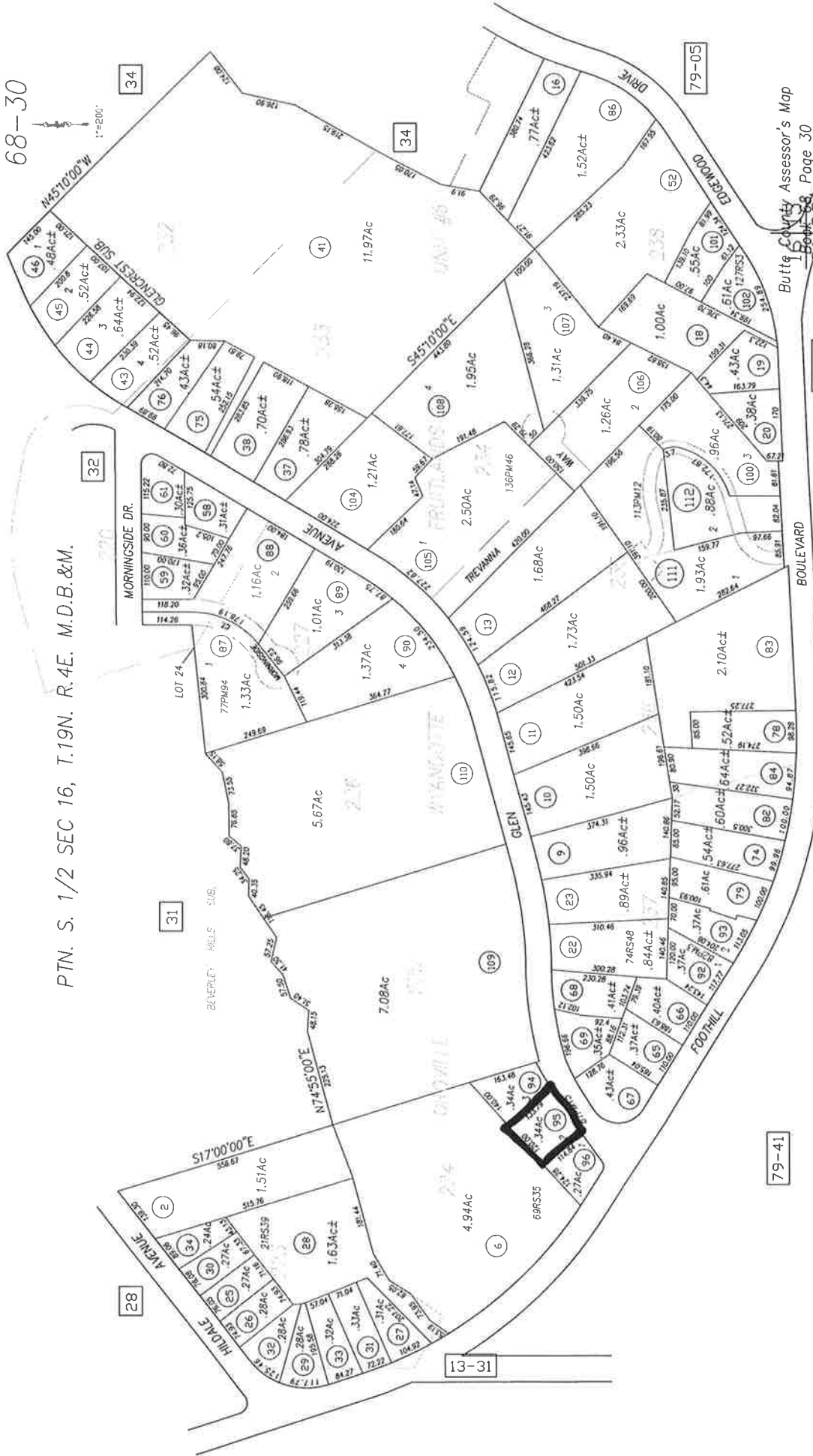
**City Sewer Information**

Yearly Sewer Bill = ([EDU] \* 282.72) + ([Weight] \* 142.2)

City Sewer?	EDU: <b>0</b>	Weight: <b>0</b>	Yearly Sewer Bill: <b>\$0</b>
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68-30

PTN. S. 1/2 SEC 16, T.19N. R.4E. M.D.B.&M.



CREATED BY: [Name]  
 REVISION: 06-13-2003  
 FILE NAME: 68-30 EFFECTIVE: 2013-14 ROLL  
 Previous Book 34, Portion Of Page 36  
 Compiled By: The Butte County Assessor's Office

NOTE: ALL INFORMATION SHOWN ON ASSESSOR'S PARCEL MAPS ARE FOR ASSESSOR'S OFFICE USE AND DO NOT NECESSARILY CONSTITUTE LEGAL ADVICE. BUTTE COUNTY ASSASSOR'S OFFICE ASSUMES NO LIABILITY FOR THE ACCURACY OF THE DATA SHOWN.

79-01

GLENCREST SUB. 23 M.O.R. 1/2  
 OROVILLE WYANDOTTE FRUITLANDS UNIT #6, 10 M.O.R. 3A/5A

79-41

Butte County Assessor's Map  
 Book 38 Page 30

79-04

**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 3461 ASHLEY AVENUE**

**DATE: AUGUST 17, 2018**

**SUMMARY**

The Council may consider the non-foreclosure of City interest on the property located at 3461 Ashley Avenue 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. Due to the fact that there is more owed and the property has been slightly neglected, it would be better for staff not to pursue curing the defaults. Staff is presenting the property below for Council consideration:

<b>PROPERTY DESCRIPTION</b>	<b>APPROXIMATE AMOUNT DUE TO PRIMARY LENDER</b>	<b>AMOUNT OF LOAN</b>	<b>APPROXIMATE REPAIRS NEEDED TO HOME</b>	<b>VALUE BASED ON COMPARABLES</b>
3461 Ashley Avenue	\$92,000	\$85,500.00	\$7,500	\$165,000

**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 3461 Ashley Avenue, Oroville (APN 033-451-002).

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**

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

**RE: AUTHORIZATION TO ACQUIRE PROPERTY LOCATED AT 2420  
BALDWIN AVENUE THROUGH A DEED IN LIEU OF  
FORECLOSURE OR BY INITIATING FORECLOSURE**

**DATE: AUGUST 7, 2018**

**SUMMARY**

The Council may consider authorizing staff to acquire 2420 Baldwin Avenue through either a Deed In lieu of Foreclosure or by initiating foreclosure.

**DISCUSSION**

Staff is seeking authorization from Council to acquire property located at 2420 Baldwin Avenue through either a Deed In lieu of Foreclosure which would entail the property owners granting the property to the City and the City paying off the primary mortgage in the approximate amount of \$82,192.

The property owners have a mortgage subsidy loan with the City of Oroville in the amount of \$59,100, plus interest.

The property owners are currently in default of the Deed of Trust, which requires that the property be their principal place of residence, as well as prohibits them from transferring the property without prior city approval. On August 22, 2017, a Quitclaim Deed was recorded transferring this property from the property owners who have moved out of the property.

According to on-line market data, this home is worth approximately \$125,000. If the City acquires this property, it will be placed on the open market to sell in hopes of recouping the City's loss.

**FISCAL IMPACT**

No General Fund Impact

Sufficient funds are available in the Housing Program Fund (221) in the Fiscal Year 2018/19 budget.

Housing Program Fund Expense in the approximate amount of \$86,692 from account 7011-xxxx-1418910. The balance of this account is \$1,254,031.

Estimated costs:

Approximate Payoff Amount:	\$82,192.00
Title & Escrow Fees: (up to)	<u>\$ 4,500.00</u>
	\$86,692.00

## **RECOMMENDATION**

1. Approve budget adjustment as indicated in the fiscal impact of this staff report, dated August 7, 2018
2. Adopt Resolution No.xxxx – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE CITY TO ACQUIRE PROPERTY LOCATED at 2420 BALDWIN AVENUE, OROVILLE (APN 012-100-015). THROUGH A DEED IN LIEU OF FORECLOSURE OR BY INITIATING FORECLOSURE

## **ATTACHMENTS**

Resolution XXXX

**CITY OF OROVILLE  
RESOLUTION NO. XXXX**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE CITY TO ACQUIRE PROPERTY LOCATED AT 2420 BALDWIN AVENUE (APN 012-100-015) THROUGH A DEED IN LIEU OF FORECLOSURE OR BY INITIATING FORECLOSURE**

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

1. The Council hereby authorizes the City to acquire the property located at 2420 Baldwin Avenue by accepting the Grant Deed from the property owners of 2420 Baldwin Avenue, or by initiating foreclosure. Further, the Council authorizes the City to pay off the primary mortgage plus title insurance and recording fees for a combined amount of approximately \$86,692.
2. The Council hereby authorizes the City Administrator to execute all documents related to the acquisition or foreclosure of 2420 Baldwin Avenue.
3. The City Clerk shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting on August 7, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

APPROVED AS TO FORM:

ATTEST:

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

\_\_\_\_\_  
Joanne Gutierrez, Interim City Clerk

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

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

**RE: PROFESSIONAL SERVICES AGREEMENT WITH R. L. HASTINGS &  
ASSOCIATES, LLC.**

**DATE: AUGUST 7, 2018**

**SUMMARY**

The Council may consider a Professional Services Agreement with R. L. Hastings & Associates, LLC., in the amount of \$4,000, for Labor Standards Monitoring Services relating to the Oroville Municipal Auditorium Flooring Repair Project.

**DISCUSSION**

Staff emailed a Request for Proposal (RFP), to nine (9) companies on May 24, 2018, to provide Labor Standards Monitoring Services for the Municipal Auditorium Flooring Project.

By June 22, 2018, the City received two (2) responses but only one (1) bid. The proposed bid is summarized below:

<b>Bidder</b>	<b>Total Bid Price</b>
R. L Hastings and Associates, LLC Placerville, CA	\$4,000
JoAnne Anders	Declined to bid

Staff is recommending awarding the Professional Services Agreement to R. L. Hastings & Associates, LLC. R. L. Hastings and Associates, LLC has vast labor standards monitoring experience with more than 80 federal and state labor standards projects and their familiarity with the City of Oroville.

**FISCAL IMPACT**

No General Fund Impact

Appropriation is available in the 2018/19 Housing Related Parks Program budget:

Fund: 152 (Planning Grants)	
5226-6360 (Outside Services Balance)	\$15,000

**RECOMMENDATION**

Adopt Resolution No. xxxx – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH R. L. HASTINGS AND ASSOCIATES, LLC, IN THE AMOUNT OF \$4,000, FOR LABOR STANDARDS MONITORING SERVICES RELATING TO THE OROVILLE MUNICIPAL AUDITORIUM FLOORING PROJECT – (Agreement No. xxxx).

**ATTACHMENTS**

Resolution No. xxxx  
Agreement No. xxxx



**CITY OF OROVILLE  
RESOLUTION NO. 8733**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH R. L. HASTINGS AND ASSOCIATES, IN THE AMOUNT OF \$4,000, FOR LABOR STANDARDS MONITORING SERVICES RELATING TO THE OROVILLE MUNICIPAL AUDITORIUM FLOORING PROJECT**

**(Agreement No. 3255)**

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

1. The Mayor is hereby authorized and directed to execute a Professional Services Agreement with R. L. Hastings & Associates, LLC. for Labor Standards Monitoring Services at the Municipal Auditorium Flooring Project in the amount of \$4,000. A copy of the Agreement is attached to this Resolution.
  
2. The City Clerk shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting on August 7, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

APPROVED AS TO FORM:

ATTEST:

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

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

## **AGREEMENT FOR PROFESSIONAL SERVICES**

This Agreement is made and entered into as of **August 7, 2018** by and between the **City of Oroville**, a municipal corporation (“City”) and **R. L. Hastings & Associates, LLC**, (“Consultant”).

### **RECITALS**

- A. Consultant is specially trained, experienced and competent to provide the services as required by this Agreement; and
- B. Consultant possesses the skill, experience, ability, background, license, certification, and knowledge to provide the services described in this Agreement on the terms and conditions described herein; and
- C. City desires to retain Consultant to provide Labor Standards Monitoring services to the City of Oroville for the Housing Related Parks Program funded flooring repairs at the Municipal Auditorium located at 1200 Myers Street, Oroville, CA.

### **AGREEMENT**

- 1. **SCOPE OF SERVICES.** The Consultant shall furnish but are not limited to the following services in a professional manner:
  - A. *Labor Standards Monitoring Process (overview)*
    - 1. *Review bid package for required language*
    - 2. *Ensure Contractor Eligibility and bid award*
    - 3. *Conduct pre-construction conference and meeting with payroll staff*
    - 4. *Monitor weekly payrolls and perform on-site interviews*
    - 5. *Resolve payment issues*
    - 6. *Complete and submit required documentation and reporting to the City of Oroville and the State HCD.*
  - B. *Award Contract and Monitor Contractor’s Compliance*
    - 1. *Verify contractor’s eligibility*
    - 2. *Sign contracts and certifications for prime and subs*
    - 3. *Pre-construction conference/meeting with payroll staff*
  - C. *On-site Monitoring Payroll Reviews*

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1. *Procedures*
2. *Employee interviews and questionnaires*
3. *Weekly payroll review*

*D. Identify and Resolve Problems*

*E. Correct Violations*

1. *Withheld funds*
2. *Payment of wage restitution*
3. *Procedure for disbursement of wages due*
4. *Unfound workers*
5. *Disputes over findings*
6. *Overtime violations and liquidated damages*
7. *Suspensions or withholding of insured draws and advances*

*All information and documentation provided to the City of Oroville shall comply with all California State Labor Standards Laws..*

2. TIME OF PERFORMANCE. The services of Consultant are to commence upon execution of this Agreement and shall be completed by June 30, 2019.
3. COMPENSATION. Compensation to be paid to Consultant is set forth as follows: In no event shall Consultant's compensation exceed the amount of Four Thousand Dollars (\$4,000.00). Payment by City under this agreement shall not be deemed a waiver of defects in Consultant's services, even if such defects were known to the City at the time of payment.
4. METHOD OF PAYMENT. Consultant shall invoice to City describing the work performed. Consultant's invoice shall include a brief description of the services performed, the dates the services were performed, and a description of any reimbursable expenditures. City shall pay Consultant no later than 30 days after approval of the invoice by City staff. When payments made by the City equal 90% of the maximum fee provided for in the Agreement, no further payments shall be made for services until the final work under this Agreement has been accepted by the City.
5. EXTRA WORK. At any time during the term of this Agreement, City may

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request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of Consultant's services, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without prior written authorization from City.

6. TERMINATION. This Agreement may be terminated by the City immediately as provided in section 1 or for cause or by either party without cause upon fifteen days' written notice of termination. Upon termination, Consultant shall be entitled to compensation for services properly performed up to the effective date of termination.
7. OWNERSHIP OF DOCUMENTS. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents, and other writings to City within three (3) days after written request.
8. LICENSING OF INTELLECTUAL PROPERTY. This Agreement creates a nonexclusive and perpetual license for City to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in documents or works of authorship fixed in any tangible medium of expression, including but not limited to, data magnetically or otherwise recorded on computer

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diskettes, which are prepared or caused to be prepared by Consultant under this Agreement (“Documents and Data”). Consultant shall require all subcontractors to agree in writing that City is granted a nonexclusive and perpetual license for any Documents and Data the subcontractor prepares under this Agreement.

Consultant represents and warrants that Consultant has the legal right to license any and all Documents and Data. Consultant makes no such representation and warranty in regard to Documents and Data which may be provided to Consultant by City. City shall not be limited in any way in its use of the Documents and Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at City’s sole risk.

9. CONFIDENTIALITY. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other documents and data either created by or provided to Consultant in connection with the performance of this Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of City, be used by Consultant for any purposes other than the performance of the services under this Agreement. Nor shall such materials be disclosed to any person or entity not connected with the performance of the services under this Agreement. Nothing furnished to Consultant which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential. Consultant shall not use City’s name or insignia, photographs relating to project for which Consultant’s services are rendered, or any publicity pertaining to the Consultant’s services under this Agreement in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of City.

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10. LOBBYING

No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal agreement, grant, loan, or cooperative agreement.

11. CONSULTANT'S BOOKS AND RECORDS.

- a. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, expenditures and disbursements charged to City for a minimum period of five (5) years, or for any longer period required by law, from the date of final payment to Consultant to this Agreement.
  - b. Consultant shall maintain all documents and records which demonstrate performance under this Agreement for a minimum of five (5) years, or for any longer period required by law, from the date of termination or completion of this Agreement.
  - c. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Administrator, City Attorney, City Finance Director, or a designated representative of these officers. Copies of such documents shall be provided to the City for inspection at City Hall when it's practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records
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shall be available at Consultant's address indicated for receipt of notices in this Agreement.

- d. Where City has reason to believe that such records or documents may be lost or discarded due to dissolution, disbandment or termination of Consultant's business, City may, by written request by any of the above named officers, require that custody of the records be given to the City and that the records and documents be maintained by City Hall.

12. INDEPENDENT CONTRACTOR. It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and shall not act as an agent or employee of the City. Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

13. INTEREST OF CONSULTANT. Consultant (including principals, associates, and professional employees) covenants and represents that it does not now have any investment or interest in real property and shall not acquire any interest, direct or indirect, in the area covered by this Agreement or any other source of income, interest in real property or investment which would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further covenants and represents that in the performance of its duties hereunder no person having any such interest shall perform any services under this Agreement.

Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:

1. will conduct research and arrive at conclusions with respect to its rendition

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of information, advice, recommendation, or counsel independent of the control and direction of the City or any City official, other than normal agreement monitoring; and

2. possess no authority with respect to any City decision beyond rendition of information, advice, recommendation or counsel. (FPPC Reg. 18700(a)(2).)
14. PROFESSIONAL ABILITY OF CONSULTANT. City has relied upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. All work under this Agreement shall be performed by Consultant and shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.
15. COMPLIANCE WITH LAWS. Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations.
16. LICENSES. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature which are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are required by the City for its business.
17. INDEMNITY. Consultant agrees to defend, indemnify and hold harmless the City, its officers, officials, agents, employees and volunteers from and against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all costs and expenses in connection

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therein), arising from its performance of this Agreement or its failure to comply with any of its obligations contained in this Agreement, except for any such claim arising from the sole negligence or willful misconduct of the City, its officers, agents, employees or volunteers.

18. INSURANCE REQUIREMENTS. Consultant, is documenting the labor standards compliance and submitting required documentation to Housing and Community Development (HCD, on the city's behalf, therefore the City is waiving the errors an omissions insurance.
19. NOTICES. Any notice required to be given under this Agreement shall be in writing and either served personally or sent prepaid, first class mail. Any such notice shall be addressed to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City:       **Tom Lando, Interim City Administrator**  
                          **City of Oroville**  
                          **1735 Montgomery Street**  
                          **Oroville, CA 95965-4897**

If to Consultant:

**Roy Hastings**  
**R.L. Hastings & Associates LLC**  
**1765 Carson Rd.**  
**Placerville, CA 95667**

20. ENTIRE AGREEMENT. This Agreement constitutes the complete and exclusive statement of agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts, memoranda, and representations are superseded in total by this Agreement.
21. AMENDMENTS. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the **Agreement No. 3255**

City Attorney.

22. ASSIGNMENT AND SUBCONTRACTING. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience and competence of Consultant. Assignments of any or all rights, duties or obligations of the Consultant under this Agreement will be permitted only with the express prior written consent of the City. Consultant shall not subcontract any portion of the work to be performed under this Agreement without the prior written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise required by law.
23. WAIVER. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Agreement.
24. SEVERABILITY. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.
25. CONTROLLING LAW AND VENUE. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in a state court in the County of Butte, or in the United States District Court, Eastern District of California.
26. LITIGATION EXPENSES AND ATTORNEYS' FEES. If either party to this Agreement commences any legal action against the other part arising out of this Agreement commences any legal action against the other part arising out of this Agreement  
**Agreement No. 3255**

Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.

27. EXECUTION. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.
28. AUTHORITY TO ENTER AGREEMENT. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.
29. PROHIBITED INTERESTS. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

30. DISCRIMINATION ACTS AND ASSURANCES The Consultant during the performance of this Agreement assures that no otherwise qualified person, shall be excluded from participation or employ, denied program benefits, or be subjected to discrimination based on race, color, national origin, sex, age, or handicap, under any program or activity funded by this Agreement, as required by Title VI of the Civil Rights Act of 1964, Title I of the Housing and Community Development Act of 1974, as amended, and the Age Discrimination Act of 1975, and all implementing regulations.
31. SECTION 3 REQUIREMENTS If the work to be performed under this Agreement is on a project assisted under a program assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given lower income residents of the project area and agreements for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of this project. The parties to this Agreement will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements. The City at direction from the State, will take appropriate action pursuant to this agreement upon a finding that the

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Consultant or its subcontractor(s) is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135.

32. NONDISCRIMINATION CLAUSE. During the performance of this Agreement, Consultant and its subcontractors shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40) or sex. Consultant shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et. seq.) And the applicable regulations promulgated thereunder (California Code of Regulation, Title 2, Section 7258.0 et. seq.) The applicable regulations of the Fair Housing Commission implementing the California Code of Regulations are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Consultant shall give written notice of their obligation under this clause to labor organizations with which they may have a collective bargaining or other agreement. Consultant shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this Agreement.

33. EQUAL EMPLOYMENT OPPORTUNITY. In rendering the services contemplated by this agreement with CITY, Consultant shall not discriminate against any employee or applicant for employment because of race, color, creed, sex, age, or national origin. Consultant shall comply with Title IV of the Civil Rights Act of 1964 and shall provide such reports as may be required to carry out the intent of this section. Consultant shall also comply with Executive Order 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR, Part 60).

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Furthermore:

- a. Consultant shall take affirmative action to insure that job applicants are employed and that employees are treated during employment without regard to race, religion, sex, color, age, national origin, or physical handicap. The term "affirmative action" shall include, but not be limited to: employment, upgrading, demotion or transfer; recruitment advertisement; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
  - b. Consultant agrees to post such notices, to be provided, setting forth the provisions of this equal employment opportunity and affirmative action program.
  - c. Consultant shall in all solicitations or advertisements for employees placed by or on behalf of the Consultant state that all qualified applicants will receive consideration to employment without regard to race, religion, sex, color, age, national origin, or physical handicap. Notification that Consultant is an "Equal Opportunity Employer" or "EOE" constitutes satisfaction in this notice requirement.
34. FAIR EMPLOYMENT PRACTICES. Consultant will permit access to records of employment, employment advertisements, application forms, and other pertinent data and records by the State Fair Employment Practices Commission, or any other agency of the State of California designated by awarding authority, for the purposes of investigation to ascertain compliance with the Fair Employment Practices Provision. In the event of any violations by the Consultant of state fair employment laws, the State of California shall have the right to terminate this Agreement either in whole or in part. In the event of such termination, any loss
- Agreement No. 3255**

or damage sustained by the State of California and/or the City in securing the goods or services hereunder shall be borne and paid for by the Consultant and by their surety under performance bond, if any, and, in addition to other remedies, the State of California and the City may deduct from any monies due or that thereafter become due to the Consultant the difference between the price named in the particular agreements and the actual cost thereof to the State of California and the City.

35. COMPLIANCE WITH LABOR CODE OF STATE OF CALIFORNIA Pursuant to the provisions of Section 3700 of the Labor Code, Consultant will require every employer to be insured against liability for workman's compensation, or to undertake self-insurance in accordance with the provisions of that code, and will comply with such provisions before commencing the performance of the work of a particular agreement. Furthermore, Consultant shall also provide evidence of workmen's compensation insurance, unemployment insurance and disability insurance to cover all of Consultant's employees.

36. THE CIVIL RIGHTS ACT, HCD, AGE DISCRIMINATION AND REHABILITATION ACTS ASSURANCE During the performance of this Agreement the Consultant assures that no otherwise qualified person shall be excluded from the participation or employment, denied program benefits, or be subject to discrimination based on race, color, national origin, sex, age or handicap, under any program or activity funded by this Agreement, as required by Title VI of the Civil Rights Act of 1964, Title I, of the Housing and Community Development Act of 1974, as amended, the Age Discrimination Act of 1975 and the Rehabilitation Act of 1973, and all implementing programs.

37. THE TRAINING, EMPLOYMENT AND CONTRACTING OPPORTUNITIES FOR  
**Agreement No. 3255**

## BUSINESS AND LOWER INCOME PERSONS ASSURANCE OF COMPLIANCE

- a. The work to be performed under this Agreement is on a project assisted under a program providing direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C., 1701 u. Section 3 requires that to the greatest extent feasible, opportunities for training and employment be given to lower income residents of the project area and agreements for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- b. The parties to this Agreement will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.
- c. The Consultant will send to each labor organization or representative of workers with which there is a collective bargaining agreement or other agreement or understanding, if any, a notice advertising the said labor organization or worker's representative of the commitment under this Section 3 Clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- d. The Consultant will include this Section 3 Clause in every subcontract for **Agreement No. 3255**



work in connection with the project and will, at the direction of the applicant for or recipient of federal financial assistance, take appropriate action pursuant to the subcontract upon finding the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135 and will not let any subcontract unless the subcontractor has first provided a preliminary statement of ability to comply with the requirements of these regulations.

- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, shall be a condition of the federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractor or subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or agreement through which federal assistance is provided, and to such sanctions as are specified by 24 CFR Part 135.

38. STATE NONDISCRIMINATION CLAUSE

- a. During the performance of this Agreement, Consultant and its subcontractors shall not lawfully discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, medical condition, marital status, age (over 40), or sex. Contractors and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free of such discrimination. Contractors and **Agreement No. 3255**

subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Administrative Code Section 12990), set forth in Chapter 5 of Division 4 of Title 2 of the California Administrative Code, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. Consultant and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

- b. This Consultant shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this agreement.

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

**CITY OF OROVILLE**

\_\_\_\_\_  
Linda I. Dahlmeier, Mayor

**CONSULTANT**

\_\_\_\_\_  
Roy L. Hastings, Principal

**APPROVED AS TO FORM:**

**ATTEST:**

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

By: \_\_\_\_\_  
Tom Lando, Interim City Clerk

Attachments:                    Exhibit A – Insurance Requirements

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: RICK FARLEY, AIRPORT MANAGER & RECYCLING  
COORDINATOR**

**RE: RATIFICATION OF THE OROVILLE RECYCLING MARKET  
DEVELOPMENT ZONE - ZONE INCENTIVE FUNDS  
APPLICATION AND AGREEMENT FOR FY 2018-19 THROUGH  
2020-21**

**DATE: AUGUST 7, 2018**

**SUMMARY**

The Council may consider ratifying the submission of a three-year Oroville Recycling Market Development Zone (RMDZ) FY 2018-19 through 2020-21 (ZIF2) - Zone Incentive Funds (ZIF) Funding Application and Agreement in the amount of \$18,000.00.

**DISCUSSION**

Staff is requesting that the Council approve the Oroville RMDZ ZIF **Reimbursable** Grant Funding Application and Agreement for Fiscal Years 2018-19 through 2020-21 (ZIF 2) (three years) in the amount of \$18,000. Staff is also requesting the Council to adopt a resolution authorizing the Mayor to sign the Funding Application and Agreement and the Letter of Designation. CalRecycle, operated by the State of California, has required that an Agreement and Resolution be submitted for these grant funds that will be used to promote the Oroville RMDZ, promote recycling and provide training for the Zone Administrator.

The Funding Agreement funds will reimburse the City for amounts not to exceed \$13,500 for promoting the Oroville RMDZ for three years and \$4,500 will be available for the costs associated with attending the annual Zone Works training for three years, 2018-19, 2019-20 and 2020-21.

**TERM AND PAYMENTS**

Fiscal Year	Funding Allowance
FY 2018-19	<ul style="list-style-type: none"> <li>• <b>Up to \$4,500 for Marketing &amp; Outreach</b></li> <li>• Up to \$1,500 for Zone Works Training (2 people)</li> </ul>
FY 2019-20	<ul style="list-style-type: none"> <li>• <b>Up to \$4,500 for Marketing &amp; Outreach</b></li> <li>• Up to \$1,500 for Zone Works Training (2 people)</li> </ul>
FY 2020-21	<ul style="list-style-type: none"> <li>• <b>Up to \$4,500 for Marketing &amp; Outreach</b></li> <li>• Up to \$1,500 for Zone Works Training (2 people)</li> </ul>
<b>TOTAL</b>	<b>\$18,000</b>

**GUIDANCE FOR ZIF OUTREACH PROJECTS**

The RMDZ provides vital targeted local marketing and outreach activities that may include, but are not limited to, the following: develop marketing materials, research feedstocks, conduct local workshops, attend and participate in RMDZ related events (In-State only), purchase of marketing information and software, and consulting services. ZIF2 funds are also provided to support travel to and from two Zone Works training workshop involving Zone Administrators in FY 2018–19 and for two Zone Works training workshops per year in FY 2019–20 and 2020–21, respectively.

**FISCAL IMPACT**

No fiscal impact to the General Fund.

**RECOMMENDATIONS**

Adopt Resolution No. XXXX – A RESOLUTION OF THE OROVILLE CITY COUNCIL RATIFYING ALL DOCUMENTS RELATING TO FISCAL YEAR 2018 – 19 through Fiscal Year 2020-2021 CALRECYCLE CITY OF OROVILLE RECYCLING MARKET DEVELOPMENT ZONE – ZONE INCENTIVE FUNDS FUNDING APPLICATION AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL PROGRAM DOCUMENTS.

**ATTACHMENT(S)**

Resolution No. XXXX

State of California Department of Resources Recycling and Recovery Zone  
Incentive Funds Application and Agreement

Letter of Designation – Grant and Payment Programs

Zone Incentive Fund Program Guidelines

**CITY OF OROVILLE  
RESOLUTION NO. XXXX**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL RATIFYING ALL DOCUMENTS RELATING TO THE CALRECYCLE FY 2018-19 through FY 2020-21 RECYCLING MARKET DEVELOPMENT ZONE, ZONE INCENTIVE FUND PROGRAM OF \$18,000 AND AUTHORIZES THE MAYOR TO SIGN THE DOCUMENTS**

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

- a. WHEREAS, pursuant to Public Resources Code section 48000 et seq. the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and
- b. WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and
- c. WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program.
- d. WHEREAS, pursuant to Public Resources Code section 42023.1(g) CalRecycle is authorized to make payments to local governing bodies within a recycling market zone for services related to the promotion of the zone; and
- e. NOW, THEREFORE, BE IT RESOLVED that the City of Oroville is authorized to submit an application to CalRecycle for any and all payment programs offered; and
- f. BE IT FURTHER RESOLVED that the Mayor, or his/her designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment; and
- g. BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Signature Authority or this Governing Body; and

The Council hereby ratifies all documents relating to the CalRecycle FY 2018-19 through 2020-21 (ZIF2) Recycling Market Development Zone Zone Incentive Fund Program and authorizes the Mayor to sign the program documents.

The City Clerk shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting on August 7, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

---

Scott E. Huber, City Attorney

---

Joanna Gutierrez, Interim City Clerk





**DISCOVER GOLD . . . DISCOVER OROVILLE**

1735 MONTGOMERY STREET • OROVILLE, CALIFORNIA 95965-4897

DEPARTMENT OF BUSINESS ASSISTANCE/HOUSING DEVELOPMENT  
TELEPHONE: (530) 538-2495 FAX: (530) 538-2539

**Letter of Designation – Grant and Payment Programs**

August 7, 2018

Pursuant to the Resolution authorizing an application for the Zone Incentive Fund Program FY 2018-19 through FY 2020-21 (ZIF2), I am the designated Signature Authority for the City of Oroville. I am authorized by the Resolution to execute on behalf of the City of Oroville all documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure funds and implement the approved project. The Resolution also authorizes me to delegate this authority. Accordingly, I hereby delegate this authority to the Zone Administrator.

This delegation is effective (*Choose only one of the following*)

- as long as the Resolution is in effect.

Signed by the authorized signature authority

---

Signature Authority's name: Linda L. Dahlmeier

Title: Mayor

Address: 1735 Montgomery Street, Oroville, CA 95965

Telephone Number: 530-538-2535r



**Zone Incentive Fund Program**  
**FY 2018–19 through FY 2020–21 (ZIF2)**  
**Zone Incentive Funds Application & Agreement**

**Recipient Information**

1. Recipient Name: City of Oroville

2. RMDZ Name: City of Oroville

3. Agreement Number (assigned by CalRecycle): ZIF2-18-05

**Payment Information**

4. Funding Amount:  
\$18,000

5. Payment:  
Payee Address: 1735 Montgomery Street, Oroville, CA  
95965  
Payment Department: Finance

**Funding Source**

*Fund:* 0281 – Recycling Market  
Development Revolving Loan Subaccount  
*Reference:* 603  
*Enactment Year:* 1996

*CalSTRS Object of Expenditure*  
RMDZ/3970-603-0281/7600-G9000-418

*Fi\$Cal Comparable Expenditure Information*  
39707800/3700000227/5432000

**Contact Information**

6. Primary Contact Name: Rick Farley

7. Primary Contact Title: Zone Administrator

8. Signature Authority Name: Linda L. Dahlmeier

9. Signature Authority Title: Mayor

**Documents**

13. Resolution uploaded

14. Delegation completed, if applicable

**Acceptance of Zone Incentive Fund Program Provisions**

Applicant acknowledges that submittal of this document constitutes acceptance of all provisions as contained in the Zone Incentive Fund Program Guidelines. The Guidelines document is available at: [Chapter 5, Zone Incentive Funds, of the RMDZ SharePoint site.](#)



**Zone Incentive Fund Program  
FY 2018–19 through FY 2020–21 (ZIF2)  
Zone Incentive Funds Application & Agreement**

<b>Penalty of Perjury Statement</b>	
I certify under penalty of perjury, under the laws of the State of California, that I am authorized to sign this document on behalf of the Recipient, that I have read the Zone Incentive Fund Program Guidelines, and that to the best of my knowledge and belief that information in this Agreement is true and correct.	
X	
Signature of Signature Authority (as authorized in the Resolution)	Date August 7, 2018
Linda L. Dahlmeier	Mayor
Print Name	Print Title
SIGNATURE OF CALRECYCLE'S AUTHORIZED SIGNATORY:	
X	
TITLE Deputy Director, CalRecycle	Date

***IMPORTANT! Applicant/Recipient must print out all pages, obtain signature of Signature Authority, upload this document in its entirety to the ZIRS system, and retain the original document in Applicant's cycle file.***



May 2018

Department of Resources Recycling and Recovery

## **ZONE INCENTIVE FUND PROGRAM GUIDELINES**

2nd Three Year Cycle (ZIF2)

Fiscal Year (FY) 2018-19 through FY 2020-21

**The Zone Incentive Application (ZIF Application) and these Guidelines, once signed and approved by CalRecycle, shall constitute the Zone Incentive Fund Agreement (ZIF Agreement). Submittal of a Zone Incentive Fund Program, Cycle 2 (ZIF2) Application constitutes acceptance of these Guidelines as the controlling requirements for receiving, spending, accounting for Zone Incentive Funds and annual reporting.**

### **OVERVIEW AND STATUTORY AUTHORITY**

The Department of Resources Recycling and Recovery (CalRecycle) administers the Recycling Market Development Zone (RMDZ) Program, which provides Zone Incentive Funds (ZIFs) to each zone for local outreach. The objective of this Agreement is to distribute and oversee ZIF funds for fiscal years (FYs) 2018–19, 2019–20, and 2020–21. Total funding for this Agreement is an amount not to exceed \$18,000 (see Terms and Payments section).

The goal of the RMDZ Program is to create a sustainable infrastructure and to enhance local markets for recyclable and compostable materials generated within California. The ZIF Program incentivizes local governments to provide outreach services, and to work closely with local post-consumer processing and manufacturing industries to stimulate the use of recyclable and compostable materials. By doing this, the ZIF program helps create jobs in the post-consumer commodities industry and diverts valuable resources from disposal. The ZIF Program provides targeted financial support to Zones for funding vital to local marketing and outreach activities, and complements CalRecycle's marketing and outreach efforts to promote RMDZ services and activities.

### **California Public Resources Code (PRC) Section 42023.1(g)**

These Guidelines describe the application and administrative processes to implement the Zone Incentive Fund Program, cycle 2 (ZIF2), authorized by PRC section 42023.1(g). ZIF Recipients (Recipients) are responsible and accountable for ensuring that expenditures are appropriate and that proper internal supporting documentation is maintained. To ensure full compliance with Zone Incentive Fund processes and requirements, ZIF2 applicants and Recipients must adhere to these Guidelines.

**TIMELINE AND CYCLE ACTIVITY**

Please note that new Zones that have designated and approved as a new Zone may apply for this program at any time. Please contact your Zone Liaison for information and instructions on how to apply.

Dates	Activity
<p><b>Application Submittal Date for Year One</b></p> <p>To receive funding in July 2018, the application and approved resolution must be submitted by <b>June 18, 2018</b>.</p> <p>Applications are accepted on an ongoing basis, however, in order for the zone to be eligible for year one funds, both the Application and the Resolution must be in place by May 15, 2019. In this instance, Zone Works funding may be reduced. The ZIF activity must not commence prior to approval.</p>	<ul style="list-style-type: none"> <li>• For existing Zones, the application must be uploaded to the Zone Information Reporting System (ZIRS) and an email must be sent to the ZIF Coordinator at <a href="mailto:RMDZZIRSHelp@calrecycle.ca.gov">RMDZZIRSHelp@calrecycle.ca.gov</a> notifying him that this has been done.</li> <li>• Approval will take place as soon as applications and required documents are submitted and approved. The ZIF Coordinator will inform you of approval.</li> <li>• Contact the ZIF Coordinator with any questions.</li> <li>• New Zones may apply as needed; contact the ZIF Coordinator.</li> </ul>
<p><b>Resolution Submittal</b></p> <p>The Resolution can be submitted after the application is submitted, but CalRecycle cannot approve the application until the resolution is received.</p>	<ul style="list-style-type: none"> <li>• If the approved resolution was not submitted with the application, it must be uploaded to the ZIRS.</li> </ul>
<p><b>ZIF Outreach Projects Approved</b></p> <p>Ongoing</p>	<ul style="list-style-type: none"> <li>• See details below under “Guidance for ZIF Outreach Projects”</li> </ul>
<p><b>Application Due Date for Years Two and Three</b></p> <p>FY 2019–20: May 15, 2019  FY 2020–21: May 15, 2020</p>	<ul style="list-style-type: none"> <li>• Zones that did not submit an application in time to receive year one funding may apply for year two and/or three funding. To be eligible for a full year funding an application and approved resolution must be submitted by the due date.</li> <li>• Applications may be approved after the due date at a potentially reduced amount for that fiscal year.</li> </ul>

**DEFINITIONS**

For purposes of the ZIF, the following definitions apply:

**Existing Zone:** A Zone designated prior to July 1, 2018.

**New Zone:** A Zone designated after July 1, 2018.

**Preapproval:** Written, electronically communicated notification through the Zone Information Reporting System (ZIRS) that your ZIF Outreach Project has been preapproved by the ZIF Coordinator.

**Recipient or ZIF Recipient:** The recipient of funds pursuant to PRC § 42023.1(g). The Recipient may be a California local government entity associated with a Recycling Market Development Zone (RMDZ), including a chartered or general law city, a chartered or general law county, a city and county, a special district, or a joint powers authority. The Recipient may also be a non-governmental entity (e.g., a Chamber of Commerce, Economic Development Corporation or Commission, or Council, college, etc.) that has been given authorization to act on behalf of a RMDZ and authority to receive funds by the lead entity of that Zone.

**Signature Authority:** The title of the person authorized by an adopted Resolution or in the Letter of Designation to sign all program-related documents on behalf of the authorizing entity.

**ZIF Agreement:** A ZIF Application & Agreement document that is completed by the Zone Administrator, including concurrence with all provisions in this ZIF Guidelines document and which has been signed and approved by CalRecycle.

**ZIF Application:** A ZIF Application & Agreement document that has been completed and submitted to CalRecycle by the Zone Administrator.

**ZIF Coordinator:** The administrator of CalRecycle's Zone Incentive Fund Program and the Zone Incentive Reporting System (ZIRS).

**ZIF Marketing & Outreach Projects:** Projects designed, proposed, and executed by participating Zone Administrators that use ZIF funds to perform outreach and/or training activities in that particular zone, or a combination of zones. All ZIF outreach projects must be approved by the ZIF Coordinator in ZIRS, and reports on all projects must be filed upon completion in ZIRS, and before costs can be approved for reimbursement.

**Zone Administrator:** RMDZ contact at the local level. The person selected by the RMDZ applicant to administer the activities of the Zone and to report upon its activities to CalRecycle.

**Zone Liaison:** RMDZ contacts at CalRecycle. The CalRecycle staff person who receives the annual report(s) for the jurisdiction(s) where the RMDZ is located.

## **ELIGIBILITY**

Local governing bodies within an RMDZ, and other entities administering a zone when authorized to receive ZIF funds on behalf of the zone, are eligible to apply for funding for marketing & outreach projects through the ZIF Program.

## **APPLICATION PROCESS**

All Zones wishing to receive Zone Incentive Funds must submit an application. Zone Incentive Fund application documents are uploaded in the Zone Information Reporting System (ZIRS).

The application process requires that applicants must:

1. Upload a completed Zone Incentive Funds Application & Agreement document to CalRecycle in the Zone Information Reporting System (ZIRS).
2. The wet signature copy does not need to be submitted to CalRecycle. The original hard copy of the Zone Incentive Funds Application & Agreement document signed by applicant's Signature Authority should be retained in the ZA's file.
3. Submit the Resolution. CalRecycle cannot approve or fund ZIF expenditures for any purpose until BOTH a ZIF Agreement and a funding Resolution are filed and approved.

Approval of the funds is also contingent upon having no outstanding debt(s) owed to CalRecycle.

If you have any questions regarding the application process, please contact your Zone Liaison.

### **AUTHORIZING DOCUMENTATION**

Examples of Zone Renewal Resolutions and resolutions for Zones that use a non-governmental entity, e.g. EDC, Chamber, etc., as the lead can be found in the [ZIF Chapter on the RMDZ SharePoint site](#) webpage.

#### **Governmental Entity with an existing Resolution including Funding Authority**

Some Applicants already have sufficient authority to apply for ZIFs in the form of an existing resolution, including a resolution granting authority to apply for all CalRecycle grant and payment programs. This authority may also have been provided as part of the Zone's resolution of designation or redesignation, and will be assumed to be effective until the end of the designation period, unless otherwise specified. These Applicants will not need to submit a new Resolution for this cycle. However, for those zones with Resolutions allowing delegation, it is highly recommended that you complete a Letter of Designation in order to simplify completion of other ZIF documents filed going forward.

Resolutions must:

- (1) Authorize submittal of Zone Incentive Funds Applications;
- (2) identify the name of the job title (rather than the name of a person) authorized to sign on behalf of the Applicant (Signature Authority);
- (3) (Optional but encouraged) authorize the Signature Authority to delegate his/her signature authority to another person identified by job title.

Resolutions for non-governmental applicants must come from the Zone's lead agency and must also authorize the non-governmental entity to apply for Zone Incentive Funds and to receive funds on behalf of the Zone's lead agency. Resolutions for ZIF can either specify an end date or state that it is effective until rescinded.

#### **Designation Information**

The choice of the Signature Authority is very important because the individual who holds the designated job title is responsible for signing all Zone Incentive Fund documents for the entire cycle, AFTER the initial ZIF Application is completed. When authorized by Resolution, an Applicant's Signature Authority may delegate to another person (identified by job title rather than name) the authority to sign and submit required ZIF documents, such as Applications, Zone Incentive Fund payment requests, or amendments. Signature delegation may be done either at the time of Application or later; however, it must be uploaded (by the Applicant) into the ZIRS and accepted by CalRecycle staff prior to the Designee's exercise of his/her authority.

If the Applicant chooses to make this delegation, then it shall submit a Letter of Designation that must: (1) be prepared on the Applicant's official letterhead; (2) contain a specific end date or state that it is effective until rescinded by the identified Signature Authority; (3) identify the job title of the Designee; (4) identify the scope of the Designee's authority; and (5) be signed by the Signature Authority.

#### **NOTICE OF APPROVED AGREEMENT**

Upon approval of ZIF Agreement, recipients will be notified by email that the approval has occurred and that they are authorized to incur costs and expend funds in furtherance of their programs. Note, however, that using funds for ZIF Marketing & Outreach Projects will require preapproval, as explained in "Guidance for ZIF Outreach Projects" below. Once submitted and approved, the Recipient is contractually bound to carry out the Zone Incentive Fund Program in

accordance with the ZIF2 Guidelines. CalRecycle will provide the ZA with a scanned copy of the completed Agreement that is signed by both parties.

**DENIAL OF APPLICATION**

CalRecycle will notify an applicant and provide the reasons for denial of an application (for example, due to lack of appropriate authorization), and work with that applicant to create a version of the application that can be approved. If an Application is not approved in a timely matter for any particular year, ZIF funds for that year are forfeited and cannot be rolled over to future year(s).

**TERM AND PAYMENTS**

<b>Fiscal Year</b>	<b>Funding Allowance</b>
FY 2018-19	<ul style="list-style-type: none"><li>• Up to \$4,500 for Marketing &amp; Outreach</li><li>• Up to \$1,500 for Zone Works (2)</li></ul>
FY 2019-20	<ul style="list-style-type: none"><li>• Up to \$4,500 for Marketing &amp; Outreach</li><li>• Up to \$1,500 for Zone Works (2)</li></ul>
FY 2020-21	<ul style="list-style-type: none"><li>• Up to \$4,500 for Marketing &amp; Outreach</li><li>• Up to \$1,500 for Zone Works (2)</li></ul>
<b>TOTAL</b>	<b>\$18,000</b>

**GUIDANCE FOR ZIF OUTREACH PROJECTS**

The RMDZ provides vital targeted local marketing and outreach activities that may include, but are not limited to the following: develop marketing materials, research feedstocks, conduct local workshops, attend and participate in RMDZ related events (In-State only), purchase of marketing information and software, and consulting services. ZIF funds are also provided to support travel to and from two Zone Works training workshops involving Zone Administrators in FY 2018–19, FY 2019–20, and 2020–21, respectively.

**Preapproval Request**

Before beginning a particular marketing and outreach project, the Recipient shall use ZIRS to submit a Preapproval Request proposal to CalRecycle, to the assigned Zone Liaison (ZL). The proposal shall include 1) a detailed budget, 2) a brief description of how the funds will be spent, 3) how the marketing or outreach activities will meet individual local marketing or business outreach objectives, and 4) proposed program metrics.

Examples of program metrics include, but are not limited to:

- Number of the public or businesses expected to be contacted or reached with outreach materials
- Number of contacts expected to be initiated as a result of postcard or brochure mailings
- Number of new prospective businesses expected to be identified as a result of the purchase and use of a specialized mailing list or hiring of a specialized consultant

Once submitted, the project proposal will go through the internal review process at CalRecycle, typically requiring 5-7 business days, and including coordination with the LAMD Section Manager and the ZIF Coordinator. Following this review, the ZIF Coordinator will send an e-mail to the ZA, notifying them that either 1) the proposal has been approved and work may begin, or 2) that changes are necessary before the project can be approved. Recipients shall not begin work or incur costs on the proposed project until they receive formal written approval from the CalRecycle ZIF Coordinator.

Once a project has been approved, if the Zone Administrator wishes to modify the approved budget or scope of the project, this should be discussed with the ZIF Coordinator. Projects may



only be modified in ZIRS via written approval from the ZIF Coordinator. Included in this situation would be a proposal by a ZA to extend a project slated for year 1 or year 2 into a later year. The Recipient may also suspend or abandon a project with 30 days' notice for cause or due to unforeseen circumstances, providing that no project funds have been expended.

Note: Sometimes ZAs email Zone Liaisons and others questions about ZIFs outside of ZIRS, e.g. through Outlook, etc. These emails do not constitute ZIF Approval. The only ZIF Approval occurs in ZIRS.

### **Perform Marketing and Outreach Activities**

The Recipient shall perform marketing and outreach activities within the RMDZ. All marketing and outreach activities require prior approval of activities and budget (as described under the "Preapproval Request" heading). See Eligible Costs section for Zone-related marketing and outreach activities.

### **ELIGIBLE COSTS FOR ZIF OUTREACH PROJECTS**

#### **Eligible costs include, but are not limited to:**

- Graphics/Printing/Advertising
  - Advertising design and placement costs in industry and trade publications
  - Customizing brochures (using CalRecycle's template and CARMDZ materials or materials developed by the local ZA, with CalRecycle's approval)
  - Customizing and placement of PSAs (using CalRecycle materials or local ZA materials, with CalRecycle's approval)
  - Duplicating/reprinting brochures, posters, and other program graphics
  - Developing/updating local Zone web pages
- Direct Zone Support/Outreach
  - Distribution expenses for brochures and follow-up letters
  - Creation of localized marketing databases, newsletters, articles
  - Feedstock for sample or test runs
  - Cover costs for zone expansion or re-designation
- Industry Trade Shows, Conferences
  - Creation or upgrades for trade show display graphics and associated hardware (backdrop and lighting, etc.)
  - Exhibitor registration fees for Zone related events
  - Hosting Zone related events
  - Local and In-State travel for Zone related events (subject to the same travel rules that apply to Zone Works Training Workshops)
  - Specialized training related to Zone activities and skills
- Business Leads and Tracking
  - Purchasing costs for lists of leads for marketing
  - Purchasing of business tracking and communication software
  - Hiring a consultant to develop leads and tracking of zone businesses
- Other qualifying projects
  - Unique ZA initiated projects preapproved in writing by the LAMD ZIF Coordinator and Section Manager(s)

### **INELIGIBLE COSTS**

Ineligible costs include any costs not listed above. Food and drink costs are ineligible, except for those costs deemed eligible immediately before, during, and after Zone Works. Costs not authorized in advance under a Preapproval Request are ineligible with the exception that Zone Works does not require pre-approval.

## **ROLLOVER OF ZIF FUNDS**

Should a ZA choose to actively combine more than one year of ZIF funding or defer use of current funds for later use, that ZA must have an approved ZIF Agreement in place and funds will automatically roll over. See details below under PAYMENTS.

## **PAYMENTS**

Please see Chapter 5, Zone Incentive Funds, of the RMDZ SharePoint site, for the Guidelines and Instructions for requesting and receiving payment.

Total funding for this Agreement is an amount not to exceed \$18,000 (eighteen thousand dollars) (See Table above). To accommodate the need of Recipients to support larger, multi-year marketing efforts, an individual Recipient will have four options for using the funding:

1. **Scenario 1:** The Recipient may use \$4,500 in July 2018 - June 2019, \$4,500 in July 2019 - June 2020, and \$4,500 in July 2020 - May 17, 2021.
2. **Scenario 2:** The Recipient may combine the first and second year funding for a total of \$9,000 to be used from July 2019 - June 2020, and separately use \$4,500 from July 2020 - April 17, 2021;
3. **Scenario 3:** The Recipient may use all of year one funding and then combine year two and year three funding; or
4. **Scenario 4:** The Recipient may choose to combine all three fiscal years of funding for a total of \$13,500 to spend on projects during July 2020 - May 17, 2021.
  - Note: If a Recipient chooses this option, they cannot implement a project until July 2020 or after, and they will have to submit invoices by May 17, 2021.
  - If a Recipient chooses this option, it is very important that they carefully assess whether the project can be completed between July 1, 2020, and May 17, 2021 (i.e., the project(s) would need to be initiated, completed, and invoiced in approximately 10 months).

## **Acknowledgement**

Recipients are not required to acknowledge CalRecycle's support when activities or projects funded by this Agreement are publicized in any media.

## **ZIF OUTREACH PROJECT REPORTING REQUIREMENTS**

Upon completion of all marketing and outreach activities, and when program activity metric information is available, the Recipient shall submit the metrics and appropriate back-up documentation into the ZIRS database. The Section Manager for the CalRecycle Section working with that zone will review the metrics and documentation in order to provide a recommendation to the ZIF Coordinator regarding approval of the reimbursement request. The ZIF Coordinator shall review and accept or reject all reimbursement requests. Should a request be rejected, the ZIF Coordinator shall immediately coordinate with the Section Manager to contact the Recipient to address the situation. However, only upon the ZIF Coordinator's written acceptance of the request may the reimbursement be made.

## **ZONE WORKS TRAINING WORKSHOP**

Zone Administrators are strongly encouraged to attend Zone Works training workshops, which offer a unique opportunity for ZAs, CalRecycle ZLs and Loan staff, and valued program partners to convene and discuss current issues and to coordinate business assistance activities. The success of such trainings is dependent on the attendance of the ZAs and the ZLs.

Travel reimbursement is subject to, and shall not exceed, the exempt rates in the California Code of Regulations Title 2, Chapter 3, Article 2, Section 599.615.1, et seq. All travel costs should be minimized wherever possible. In no event may Zone Works travel costs under this Agreement exceed \$750 per Zone Works training workshop. However, unexpended Zone

Works travel costs under \$750 may not be included in the budget for marketing and outreach activities.

With written pre-approval from the ZIF Coordinator, and based on sufficient justification (e.g., the Zone is especially large or an additional Zone Representative is being mentored by the ZA), a Zone may send a second representative to a Zone Works training workshop. If Zone Works travel costs exceed \$750 for an individual Zone Works training workshop due to an additional attendee, then the Recipient may request approval prior to attendance from the ZIF Coordinator for that zone to use Marketing and Outreach and/or unexpended Zone Works travel funds to cover the additional costs.

### **COMPLIANCE**

The Recipient shall comply fully with all applicable federal, state, and local laws, ordinances, regulations, and permits.

### **RECORDS RETENTION AND AUDIT CONSIDERATIONS**

Recipients are responsible and accountable for ensuring that expenditures are appropriate and that proper internal supporting documentation (including, but not limited to, the original signed Zone Incentive Funds Agreement) is maintained to provide clear separate tracking of ZIF funds and related transactions for fiscal program management and audit purposes. To ensure full compliance with ZIF's processes and requirements, Recipients must adhere to these Guidelines.

Recipients must account for all ZIFs in a manner that provides for clear tracking of expenditures in accordance with Generally Accepted Accounting Principles. Proper business procedures dictate that ZIF supporting documentation (including, but not limited to, the original signed Zone Incentive Funds Agreement) be retained in a single file to facilitate review and retention, as well as maintenance of a clear paper/audit trail.

ZIF funds are subject to audit. CalRecycle, the Department of Finance, the Bureau of State Audits, or their designated representative(s) shall have the right to review and to copy any records and supporting documentation pertaining to the use of ZIF funds and shall have the right to interview staff relevant to the audit. Recipients shall include this provision in all contracts and subcontracts funded in whole or in part from ZIF funds.

All such records shall be maintained by the Recipient for possible audit for a minimum of three (3) years after the ZIF term, or until completion of any action and resolution of all issues, which may arise as a result of any litigation, dispute, or audit, whichever is later.

Audit findings against Recipients can result in the need for reimbursement of ZIF funds, and/or ineligibility for future ZIF funds.

### **TERMINATION FOR CAUSE**

In the event the Recipient fails to comply with the requirements of these Guidelines at the time and in the manner herein provided, CalRecycle may terminate the ZIF2 Agreement for that zone.

### **INDEMNITY**

The Recipient agrees to indemnify, defend and save harmless the State and CalRecycle, and their officers, agents, and employees from any and all claims and/or losses accruing or resulting from performance under this agreement or participation in the Zone Incentive Fund Program.

## **CHANGES TO ZIF GUIDELINES**

CalRecycle may make changes to these Guidelines, typically no more than once per year, provided that there is proper notice and consultation with all Zone Administrators, or at a minimum with CARMDZ. Every effort shall be made to achieve mutual agreement on any significant changes to the Guidelines. Effective changes shall then be communicated by CalRecycle to all ZAs.

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: RICK FARLEY, AIRPORT MANAGER**

**RE: PROJECT CONTRACT WITH BALDWIN CONTRACTING COMPANY, INC. DBA KNIFE RIVER CONSTRUCTION**

**DATE: AUGUST 7, 2018**

**SUMMARY**

The Council may consider a Project Contract with the lowest responsive bidder, Baldwin Contracting Company, Inc. dba Knife River Construction in the amount of \$601,787.00, for the Construction of Taxiway K (Project).

**BACKGROUND**

The Project consists of the installation of a new taxiway k north, 50' x 425', that will provide access to Runway 13 from the north side. This Project will include new pavement, taxiway lights, and marking and is designed to enhance safety for the airfield and aircraft using the airport. The construction of Taxiway K North is located on a section of the original Runway 20 pavement. To avoid the confusing intersection of runway and taxiway pavements, the section of pavement on the extended section of Runway 20 will be removed to such an extent that a blast pad to Runway 20 remains as shown on the attached sketch. This Project was approved by the Federal Aviation Administration (FAA) as part of the City's 2016 Airport Capital Improvement Program. Staff anticipates receiving an FAA grant award for the Project by August 15, 2018.

Staff advertised the Project for Bid on April 14th and 16th, 2018, and held a pre-bid meeting on May 2, 2018, with a bid due date of May 23, 2018. Three bids were received by the bid closing date, with the bid results summarized as follows:

<b>CONSTRUCT TAXIWAY K BID SUMMARY</b>	
Knife River Construction	\$601,878
Franklin Construction, Inc.	\$696,160
All-American Construction, Inc.	\$932,670

The low bidder for the Project is Knife River Construction. Staff, Brandley Engineering and the FAA have reviewed the bid submittal and determined that the bid prices are reasonable, competitive and the bid is fully responsive. Knife River expects to complete the project in 40 days from the date of the issuance of the Notice to Proceed from the City.

## **FISCAL IMPACT**

The pending FAA grant will reimburse the City using progress payments for 90% of the total bid ( $\$601,878 \times 90\% = \$541,690$ ). The remaining 10%, or  $\$60,188$  will be paid for using Airport Fund balance. The Airport Fund 4200-1010 cash balance is  $\$524,091$ . In addition, the City will apply for a State 5% matching grant which may further lower the City's cost for the Project by approximately  $\$30,000$ ).

Appropriations are available in the Airport Fund Budget account 4201-4570 of  $\$710,000$ .

No impact to the General Fund.

## **RECOMMENDATIONS**

Adopt Resolution No. XXXX – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROJECT CONTRACT WITH THE LOWEST RESPONSIVE BIDDER, BALDWIN CONTRACTING COMPANY, INC. DBA KNIFE RIVER CONSTRUCTION IN THE AMOUNT OF  $\$601,878$  FOR THE AIRPORT CONSTRUCT TAXIWAY K PROJECT – (Agreement No. XXXX).

## **ATTACHMENTS**

Resolution No. XXXX  
Agreement No. XXXX  
Project Sketch

**CITY OF OROVILLE  
RESOLUTION NO. 8735**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROJECT CONTRACT WITH THE LOWEST RESPONSIVE BIDDER, BALDWIN CONTRACTING COMPANY, INC DBA KNIFE RIVER CONSTRUCTION IN THE AMOUNT OF \$601,878 FOR THE CONSTRUCT TAXIWAY K PROJECT**

**(Agreement No. 3256)**

**WHEREAS**, the City of Oroville has received formal bids for the Construct Taxiway K Project (Project); and

**WHEREAS**, Baldwin Contracting Company, Inc. dba Knife River Construction. Was the lowest responsive bidder for the Project.

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

1. Baldwin Contracting Company, Inc. dba Knife River Construction is awarded the contract for the Project in the amount of \$601,878.
2. The Mayor is hereby authorized and directed to execute a Project Contract with Baldwin Contracting Company, Inc. dba Knife River Construction for the Project. A copy of the Project Contract is attached to this Resolution.
3. The City Clerk shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting on August 7, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

/

/

/

/

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

APPROVED AS TO FORM:

ATTEST:

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

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



## CONTRACT

THIS AGREEMENT, made this 7th day of August, 2018, by and between the City of Oroville, 1735 Montgomery Street, Oroville, California, hereinafter called "City" and Baldwin Contracting Company, Inc. dba as Knife River Construction.

doing business as:                     a Corporation  
     a Partnership  
     an Individual

hereinafter called "Contractor":

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The Contractor will commence and complete:

**OROVILLE MUNICIPAL AIRPORT  
OROVILLE, BUTTE COUNTY, CALIFORNIA  
CONSTRUCT TAXIWAY K  
AIP NO. 3-06-0178-023-2018**

2. The Contractor will furnish all of the materials, supplies, tools, equipment, labor and other services necessary for the construction and completion of the work described in the Contract Documents.

3. The Contractor shall commence the work required by the contract documents by ten (10) calendar days after receipt of the "Notice to Proceed" and will fully complete the project within forty (40) working days, unless the period of completion is extended thereafter as stipulated in the specifications.

If the Contractor refuses or fails to complete the work within the time specified, including authorized extensions, there shall be deducted from monies due the Contractor, not as a penalty, but as liquidated damages the sum of Two Thousand Dollars (\$2,000) for each calendar day subsequent to the time specified for each project and the time the work is actually completed and accepted. Delays caused by adverse weather conditions or conditions for which the Owner is clearly responsible will be added to the contract time.

4. City shall pay Contractor for the full and complete performance of this contract the total quantities constructed at the unit prices bid, subject to adjustments as provided in the Contract Documents.

5. The complete contract between the parties hereto shall consist of the following documents herein referred to as the "Contract Documents":

- a: Invitation for Bids
- b: Information for Bidders
- c: Bid Schedule
- d: Proposal Form
- e: Bidder's Bond
- f: Contract
- g: Federal Provisions
- h. State and Local Provisions
- i: Special Conditions
- j: Technical Provisions
- k: Payment Bond
- l: Performance Bond
- m: Notice of Award
- n: Notice to Proceed
- o: Change Orders
- p: Supplemental Drawings Issued
- q Drawings
- r: Construction Safety and Phasing Plan
- s: Construction Management Plan
- t: All addenda or bulletins issued during the time of bidding or forming a part of the documents loaned to the bidder for preparation of the bid.

Such documents, collectively referred to herein as the Contract Documents, hereby are incorporated herein by this reference and made a part hereof.

6. The City will pay to the Contractor in the manner and at such times as set forth in the general provisions such amounts as required by the contract documents.

7. This agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors and assigns.

8. Notwithstanding any other provisions in the contract documents, disputes of \$375,000 or less between that parties shall be subject to the provisions set forth in California Public Contract Code sections 20104 et seq. A copy of Public Contract Code sections 20104 et seq. are attached to this contract as Exhibit "A".

9. If the parties become engaged in litigation relating to this contract, the prevailing party shall be entitled to recover all reasonable attorney's fees and court costs from the losing party.

10. Federal Contract Provisions - The work to be done under this agreement is being financed in whole or in part by means of a grant made by the United States acting through the Federal Aviation Administration of the Department of Transportation. The Contractor must adhere to the Contract Provision Guidelines for Obligated Sponsors and Airport Improvement Program Projects, included in Section CP of the Federal Provisions, of the specifications.

All mechanics and laborers on the project shall be paid no less than the minimum wage rate established by the U.S. Secretary of Labor. A copy of the Department of Labor Wage Rate Determination applicable to this contract is included in Section WD of the Federal Provisions, of the specifications.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this agreement in three (3) counterparts, each of which shall be deemed an original on the date first written above.

**CITY OF OROVILLE**

BY: \_\_\_\_\_

NAME: Linda L. Dahlmeier

TITLE: MAYOR                      DATE: August 7, 2018

ADDRESS: 1735 Montgomery Street  
Oroville, CA 95965-4897

**CITY SEAL**

ATTEST: \_\_\_\_\_

NAME: Joanna Gutierrez

TITLE: INTERIM CITY CLERK

**APPROVED AS TO FORM**

BY: \_\_\_\_\_

NAME: Scott E. Huber

TITLE: CITY ATTORNEY

**CONTRACTOR**

BY: \_\_\_\_\_

NAME Richard A. Lanier    TITLE: Estimating Manager

COMPANY NAME: Baldwin Contracting Company, Inc.  
dba Knife River Construction

LICENSE NO. 91712

CLASSIFICATION: A, C-8, C-12, HAZ

ADDRESS 1764 Skyway, Chico, CA 95928

# EXHIBIT "A"

CALIFORNIA CODES  
PUBLIC **CONTRACT CODE**  
SECTION **20104-20104.6**

**20104.** (a) (1) This article applies to all public works claims of three hundred seventy-five thousand dollars (\$375,000) or less which arise between a contractor and a local agency.

(2) This article shall not apply to any claims resulting from a **contract** between a contractor and a public agency when the public agency has elected to resolve any disputes pursuant to Article 7.1 (commencing with Section 10240) of Chapter 1 of Part 2.

(b) (1) "Public work" has the same meaning as in Sections 3100 and 3106 of the Civil **Code**, except that "public work" does not include any work or improvement contracted for by the state or the Regents of the University of California.

(2) "Claim" means a separate demand by the contractor for (A) a time extension, (B) payment of money or damages arising from work done by, or on behalf of, the contractor pursuant to the **contract** for a public work and payment of which is not otherwise expressly provided for or the claimant is not otherwise entitled to, or (C) an amount the payment of which is disputed by the local agency.

(c) The provisions of this article or a summary thereof shall be set forth in the plans or specifications for any work which may give rise to a claim under this article.

(d) This article applies only to contracts entered into on or after January 1, 1991.

**20104.2.** For any claim subject to this article, the following requirements apply:

(a) The claim shall be in writing and include the documents necessary to substantiate the claim. Claims must be filed on or before the date of final payment. Nothing in this subdivision is intended to extend the time limit or supersede notice requirements otherwise provided by **contract** for the filing of claims.

(b) (1) For claims of less than fifty thousand dollars (\$50,000), the local agency shall respond in writing to any written claim within 45 days of receipt of the claim, or may request, in writing, within 30 days of receipt of the claim, any additional documentation supporting the claim or relating to defenses to the claim the local agency may have against the claimant.

(2) If additional information is thereafter required, it shall be requested and provided pursuant to this subdivision, upon mutual agreement of the local agency and the claimant.

(3) The local agency's written response to the claim, as further documented, shall be submitted to the claimant within 15 days after receipt of the further documentation or within a period of time no greater than that taken by the claimant in producing the additional information, whichever is greater.

(c) (1) For claims of over fifty thousand dollars (\$50,000) and less than or equal to three hundred seventy-five thousand dollars (\$375,000), the local agency shall respond in writing to all written claims within 60 days of receipt of the claim, or may request, in writing, within 30 days of receipt of the claim, any additional

documentation supporting the claim or relating to defenses to the claim the local agency may have against the claimant.

(2) If additional information is thereafter required, it shall be requested and provided pursuant to this subdivision, upon mutual agreement of the local agency and the claimant.

(3) The local agency's written response to the claim, as further documented, shall be submitted to the claimant within 30 days after receipt of the further documentation, or within a period of time no greater than that taken by the claimant in producing the additional information or requested documentation, whichever is greater.

(d) If the claimant disputes the local agency's written response, or the local agency fails to respond within the time prescribed, the claimant may so notify the local agency, in writing, either within 15 days of receipt of the local agency's response or within 15 days of the local agency's failure to respond within the time prescribed, respectively, and demand an informal conference to meet and confer for settlement of the issues in dispute. Upon a demand, the local agency shall schedule a meet and confer conference within 30 days for settlement of the dispute.

(e) Following the meet and confer conference, if the claim or any portion remains in dispute, the claimant may file a claim as provided in Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of Title 1 of the Government **Code**. For purposes of those provisions, the running of the period of time within which a claim must be filed shall be tolled from the time the claimant submits his or her written claim pursuant to subdivision (a) until the time that claim is denied as a result of the meet and confer process, including any period of time utilized by the meet and confer process.

(f) This article does not apply to tort claims and nothing in this article is intended nor shall be construed to change the time periods for filing tort claims or actions specified by Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of Title 1 of the Government **Code**.

**20104.4.** The following procedures are established for all civil actions filed to resolve claims subject to this article:

(a) Within 60 days, but no earlier than 30 days, following the filing or responsive pleadings, the court shall submit the matter to nonbinding mediation unless waived by mutual stipulation of both parties. The mediation process shall provide for the selection within 15 days by both parties of a disinterested third person as mediator, shall be commenced within 30 days of the submittal, and shall be concluded within 15 days from the commencement of the mediation unless a time requirement is extended upon a good cause showing to the court or by stipulation of both parties. If the parties fail to select a mediator within the 15-day period, any party may petition the court to appoint the mediator.

(b) (1) If the matter remains in dispute, the case shall be submitted to judicial arbitration pursuant to Chapter 2.5 (commencing with Section 1141.10) of Title 3 of Part 3 of the **Code** of Civil Procedure, notwithstanding Section 1141.11 of that **code**. The Civil Discovery Act (Title 4 (commencing with Section 2016.010) of Part 4 of the **Code** of Civil Procedure) shall apply to any proceeding brought under this subdivision consistent with the rules pertaining to judicial arbitration.

(2) Notwithstanding any other provision of law, upon stipulation of the parties, arbitrators appointed for purposes of this article shall be experienced in construction law, and, upon stipulation of the parties, mediators and arbitrators shall be paid necessary and reasonable hourly rates of pay not to exceed their customary rate, and such fees and expenses shall be paid equally by the parties, except in the case of arbitration where the arbitrator, for good cause, determines a different division. In no event shall these fees or expenses be paid by state or county funds.

(3) In addition to Chapter 2.5 (commencing with Section 1141.10) of Title 3 of Part 3 of the **Code** of Civil Procedure, any party who after receiving an arbitration award requests a trial de novo but does not obtain a more favorable judgment shall, in addition to payment of costs and fees under that chapter, pay the attorney's fees of the other party arising out of the trial de novo.

(c) The court may, upon request by any party, order any witnesses to participate in the mediation or arbitration process.



**20104.6.** (a) No local agency shall fail to pay money as to any portion of a claim which is undisputed except as otherwise provided in the **contract**.

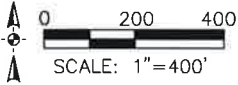
(b) In any suit filed under Section **20104.4**, the local agency shall pay interest at the legal rate on any arbitration award or judgment. The interest shall begin to accrue on the date the suit is filed in a court of law.

**PROJECT SKETCH**  
**TAXIWAY K**



**PROJECT DATA**

KEY	DESCRIPTION	DIMENSIONS
	TAXIWAY K CONSTRUCTION	50' x 425'
	REMOVE EXISTING ASPHALT	25,500 SQ FT



**OROVILLE MUNICIPAL AIRPORT**  
OROVILLE, CALIFORNIA

  
**Reinard W. Brandley**  
CONSULTING AIRPORT ENGINEER

6125 King Road, Suite 201 • Loomis, California 95650 • (916) 652-4725

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: RUTH WRIGHT, FINANCE DIRECTOR**

**RE: ANNUAL AUDIT SERVICES**

**DATE: AUGUST 7, 2018**

**SUMMARY**

The Council may consider the release of a request for proposal for auditing services for the City of Oroville.

**DISCUSSION**

On October 21, 2014 the City of Oroville entered into a contract with Chavan and Associates, LLP after issuing a Request for Proposals for audit services on May 30, 2014. The contract agreement between Chavan and Associates, LLP and the City of Oroville was for up to five years. We are in the fifth year of the annual audits with Chavan, it is now necessary to put out a request for proposal for auditing services.

Staff is requesting any input to attached request to proposal prior to releasing the request for proposal. Any suggestions will be incorporated into the attached request for proposal and it will be released on August 8, 2018. The closing date for responses will be September 14, 2018. Once all proposal are evaluated a recommendation will be brought back to Council for consideration of award.

**FISCAL IMPACT**

None at this time

**RECOMMENDATION**

Authorize staff to release request for proposal for Auditing Services

**ATTACHMENTS**

Request for Proposal





**CITY OF OROVILLE  
REQUEST FOR PROPOSALS  
PROFESSIONAL AUDITING SERVICES**

**Release Date: August 8, 2018**

**Due Date for Proposals: September 14, 2018, 5:00 PM**

**Award Contract: October 16, 2018**

**CITY OF OROVILLE  
REQUEST FOR PROPOSALS  
PROFESSIONAL AUDITING SERVICES**

**I. INTRODUCTION**

The City of Oroville (City) is requesting proposals from qualified firms of certified public accountants for a three (3) year contract to audit its financial statements for the fiscal years ending June 30, 2019, 2020, and 2021, in addition to performing other reviews as specified herein. At the option of the City, the auditing engagement may be extended for two subsequent fiscal years by written amendment. These audits are to be performed in accordance with auditing standards generally accepted in the United States of America, the standards set forth for financial audits contained in Generally Accepted Government Auditing Standards issued by the Comptroller General of the United States, and the U.S. Office of Management and Budget Uniform Grant Guidance/Super Circular Audits of State and Local Governments and Non-Profit Organizations as well as other applicable laws regulations and rules.

**A. Summary: Term of Engagement and Proposal/Evaluation Process**

It is the intent of the City to contract for the services presented herein for a term of three (3) years. At the option of the City, this contract may be extended for two (2) additional one-year terms by written amendment. The proposal package shall present all-inclusive audit fees for each year of the contract term including the two optional years.

To be considered, seven (7) copies of the proposal must be received no later than 5:00 p.m., September 14, 2018, at the address listed below:

Ruth Wright, CPA  
Finance Director  
City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965

All inquiries, technical or otherwise, regarding this proposal process should be directed to Ruth Wright, Finance Director at the address listed above or at [Rwright@cityoforoville.org](mailto:Rwright@cityoforoville.org)

**Contact with personnel of the City other than the above regarding this request for proposal may be grounds for elimination from the selection process.**

During the evaluation process, the City reserves the right, where it may serve the City's best interest, to request additional information or clarification from proposers, or to allow corrections of errors and/or omissions. At the discretion of the City, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

It is anticipated that the selection process will be completed by September 21, 2018. Following the notification of the selected firm and City Council approval, it is expected that a contract will be executed between both parties by October 16, 2018.

## B. Other Information

There is no expressed or implied obligation for the City to reimburse responding firms for any expenses incurred in preparing proposals in response to this request. Proposals will be accepted only from parties that are free from all obligations and interests that might conflict with the best interest of the City and are able to provide services on a timely basis in accordance with the timetable listed herein.

Materials submitted by respondents are subject to public inspection under the California Public Records Act (Government Code Sec. 6250 et seq.), unless exempt.

The City reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposal, unless clearly and specifically noted in the submitted proposal and confirmed in the contract between the City and the firm selected.

The City reserves the right to make such changes in the Request for Proposal as it may deem appropriate. Any changes in the Request for Proposal shall be made by a written addendum, which shall be issued by the City to all prospective firms who have been issued a copy of the Request for Proposal or who have notified the City that a copy of the Request for Proposal has been obtained.

If the evaluation of any proposal indicates minor non-compliance or variance with the Request for Proposal, the City may, but need not, make written request to the firm for a supplement to the submitted proposal. Such request will attempt to identify the non-compliance or variance and will establish a date in which the firm may submit a supplement to the Request for Proposal. If so

requested, the firm may submit a supplement to the Request for Proposal responsive to such request, within the time period established, which the City would evaluate in conjunction with the Request for Proposal. Any supplement to the Request for Proposal will be deemed an integral part of the firm's submittal.

There are no known exceptions to accounting principles generally accepted in the United States or other material accounting problems. The City acknowledges that City management is responsible for the reliability, accuracy, and completeness of financial presentations.

## **II. GENERAL INFORMATION**

### **A. The City of Oroville**

The City of Oroville was incorporated in 1906, as a "Charter" City governed by an elected seven-member city council. The City has a population of approximately 19,600 and encompasses 14.5 square miles.

### **B. Organizational Structure**

The City has a Council-Administrator form of government with seven members on the City Council. The City has approximately 90 full-time employees.

The City provides the following services to its residents: public safety police and fire, maintenance of streets and infrastructure, planning and zoning, building and engineering, and general administration. Enterprise operations include a municipal airport and sewer services.

The City's 2018-19 expenditure budget for all funds combined is approximately \$31.0 million, including \$13.1 million in the General Fund.

### **C. Fund Structure**

For the 2018-19 CAFR, the City reported the following fund types:

- General Fund (26 combined departments)
- Enterprise Funds (2 individual funds)
- Special Revenue Funds (27 individual funds)
- Capital Projects Funds (4 individual funds)
- Debt Service Fund (1 individual fund)
- Internal Service Funds (5 individual funds)

Successor Agency (1 individual fund)

D. Accounting System

The City's financial records are maintained by the Finance Department. The accounting records are currently computerized on a PC network utilizing Superior computer software.

E. Availability of Annual Financial Reports

The City's Comprehensive Annual Financial Reports (CAFR) and budget are available on the City's website at [www.cityoforoville.org](http://www.cityoforoville.org)

F. Workspace and Equipment

The City will provide the auditor with reasonable workspace, desks, and chairs. The auditor will also be provided with access to an internet connection, and photocopying and fax machines.

G. Name of City Contact for Audit Work

The auditor's principal contact with the City will be Ruth Wright, CPA, Finance Director; Ms. Wright will coordinate the day-to-day assistance to be provided by the City to the auditor.

H. Accounting Division and Clerical Assistance

Finance, Accounting and Administrative staff and responsible management personnel will be available during the audit to assist the firm by providing information, documentation and explanations. The preparation of confirmations will be the responsibility of the City, with the assistance of the auditor. City staff will assist the auditors in identifying and locating supporting documentation.

**III. NATURE OF SERVICES REQUIRED**

A. Scope of the Work to be Performed

The City desires a Comprehensive Annual Financial Report (CAFR) to be prepared and audited by the independent auditor for the fiscal year ending June 30, 2019, and each of the subsequent years included in the audit firm's contract with the City. The City submits the CAFR to the Government

Finance Officers' Association (GFOA) for review in their Certificate of Achievement for Excellence in Financial Reporting Program. The selected independent auditor will be required to perform the following tasks. Any exceptions to these requirements should be clearly indicated in the proposal.

1. The audit firm will perform an audit of all funds of the City. The audit will be conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, issued by the Comptroller of the United States. **The City's CAFR will be prepared and word processed by the audit firm.** The audit firm will render their auditors' report on the basic financial statements, which will include both Government-wide Financial Statements and Fund Financial Statements. The audit firm will also apply limited audit procedures to Management's Discussion and Analysis (MD&A) and required supplementary information pertaining to the General Fund and each major fund of the City.

The transmittal letter, management's discussion and analysis, and statistical sections will be prepared by the City and will be provided in electronic format to the auditors for inclusion in the City's CAFR.

2. The audit firm will prepare and perform a single audit on the expenditures of federal grants in accordance with U.S. Office of Management and Budget Grant Guidance/Super Circular and render the appropriate audit reports on the Internal Control over Financial Reporting based upon the audit of the City's financial statements in accordance with Government Auditing

Standards and the appropriate reports on compliance with Requirements Applicable to each Major Program, Internal Control over Compliance and on the Schedule of Expenditures of Federal Awards. The single audit report will include appropriate schedule of expenditures of federal awards, footnotes, findings, and questioned costs, including reportable conditions and materials and weaknesses, and follow up on prior audit findings where required.

3. The audit firm shall perform agreed-upon procedures pertaining to the City's Article XIII B Limit (Appropriations Limit) and render a letter annually to the City regarding compliance.

4. The audit firm shall prepare accounting and reporting schedules to comply with all provisions of GASB reporting requirements. Including but not limited to the following:
  - Proportionate share of net pension liability, NPL sensitivity, and deferral amounts.
  - All employer-specific deferrals and associated amortization schedule.
  - Adjustment to pension expense for the difference in proportions due to CalPERS methodology.
  - Net Pension expense, with all employer-specific amounts.
  - All actuarial amounts required for the note disclosure and RSI.
  - All calculations and journal entries.
  - If the auditor chooses not to include this service, please express this openly in the proposal. Any cost associated with performing the GASB 68 pension calculation should be clearly set apart from all other audit services.
  
5. The Audit firm shall prepare and submit City's Annual State Controller's Report and Street Annual State Controller's Report. If the auditor chooses not to include this service, please express this openly in the proposal. Any cost associated with performing the City's State Controller's Report and Street State Controller's Report should be clearly set apart from all other audit services.
  
6. The auditors shall observe the adequacy of the systems of internal control, accounting procedures and other significant observations. The audit firm shall issue a separate "management letter" that includes recommendations for improvements in internal control, accounting procedures, and other significant observations that are considered non-reportable conditions. Management letters shall be address to the City Administrator and the Finance Director.
  
7. The audit firm may be consulted throughout the year as an information resource and may be asked to provide guidance on implementing Federal and State regulations as they may affect local government accounting. This would not include any task that entails significant research or a formal report.

8. It is expected that the selected firm will keep the City informed of new guidance and developments that may affect municipal accounting and finance.
9. Meetings shall be conducted prior to the commencement of fieldwork at the beginning of the audit and after the first draft of the financial statements have been prepared. The meetings shall be attended by the engagement partner or designated professional staff and City staff.
10. The firm shall be available to the City Council and management to answer questions related to audit findings.
11. Management is not aware of any unusual circumstances warranting an extended scope; however, if in due course of the examination evidence of such circumstances occurs, the auditors shall agree to provide the City with all ascertainable facts relative to such circumstances together with an estimate of additional services required and the additional cost thereof in order that proper contract modifications may be completed before commencing with such extended examination.

#### B. Auditing Standards to be Followed

To meet the requirements of this Request for Proposal, the audit shall be performed in accordance with:

1. Generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants;
2. The standards applicable to financial audits contained in the most recent version of *Government Auditing Standards*, issued by the Comptroller General of the United States;
3. The provisions of the Single Audit Act as amended; and
4. The provisions of U.S. Office of Management and Budget Circular A- 133, *Audits of State and Local Governments and Non-Profit Organizations*; and
5. Guidance for federal awards and agreements as provided in the Code of Federal Regulation (CFR) 2 Part 200, Uniform Administrative Requirement, Cost Principles and Audit Requirements for Federal Awards.



6. Any other applicable standards for conducting examinations of those items outline in the Scope of Services and/or reports to be issued in conjunction therewith outline in the section Reports to be issued.

#### C. Working Paper Retention

All working papers and reports must be retained at the auditor's expense for a minimum of seven (7) years, unless the firm is notified in writing by the City of the need to extend the retention period. The auditor will be required to make working papers available to the City or any government agencies included in the audit of federal grants. In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance.

#### D. Irregularities and Illegal Acts

Auditors shall be required to make an immediate, written report of all irregularities and illegal acts or indications of illegal acts of which they become aware to the following parties: City Administrator and City Attorney.

### **IV. COORDINATION REQUIRED**

- A. All audit work will be coordinated with Ruth Wright CPA, Finance Director, to facilitate staff scheduling and year-end closing.
- B. The auditor shall provide periodic progress reports while performing the audit fieldwork. These reports shall identify problems encountered or foreseen, deficiencies in work performed by City staff, disagreements over the application of accounting principles, and other items that could result in delay of the audit work or additional work.
- C. The City expects that the professional staff provided by the independent audit firm will be fully qualified with the appropriate experience, and that answers and guidance will be provided by audit executives to senior and junior staff.

## V. TIME REQUIREMENTS

### A. Proposal Calendar

The following is a list of key dates, including the date proposals are to be submitted:

August 8, 2018	Request for Proposal Issued
September 14, 2018	Due date for proposals (5:00 p.m. local time)
September 17-21, 2018	Screening of proposals
September 24-27, 2018	Oral interviews of selected audit firms
October 16, 2018	Recommendation to City Council

### B. Audit Schedule

The planning phase of the audit engagement may commence upon award by City Council and execution of the contract. The auditor shall provide the City with an audit plan and list of schedules to be prepared by City personnel at least two weeks prior to the beginning of fieldwork. Interim fieldwork will be expected to be performed in June with the final phase of fieldwork commencing in September each year. The City plans to have the books closed and all agreed-upon schedules available for the auditors by mid-September.

### C. Annual Report Due Dates

November 1	Draft reports due (CAFR, Management Letter, Appropriations Limit Report, Single Audit)
November 30	Final reports due (CAFR, Management Letter, Appropriations Limit Report, Single Audit)

## VI. PROPOSAL AND SUBMISSION REQUIREMENTS

### A. General Requirements

1. Seven (7) copies of proposals must be submitted to the City by 5:00 p.m. on September 14, 2018.
2. The proposal of the successful firm shall be incorporated as part of the contract.
3. All inquiries, technical or otherwise, regarding this proposal process should be directed to:

Ruth Wright, CPA, Finance Director  
1735 Montgomery Street  
Oroville, CA 95965  
[rwright@cityoforoville.org](mailto:rwright@cityoforoville.org)

**Contact with personnel of the City other than the above regarding this request for proposal may be grounds for elimination from the selection process.**

### B. Proposal Format

To achieve a uniform review process and obtain the maximum degree of comparability, proposals shall be organized in the following manner:

#### 1. Title Page

Show the Request for Proposal subject, the name of your firm, local address, telephone number, name of contact person, alternate contact person, e-mail address(es) and the proposal date.

#### 2. Table of Contents

Clearly identify the material by section and page number.

### 3. Signed Letter of Transmittal

Briefly state the proposer's understanding of the work to be done; the commitment to perform the work within the time period; a statement why the firm believes itself to be best qualified to perform the engagement; a statement that the proposal is a firm and irrevocable offer to fiscal years 2018-19, 2019-20, and 2020-21; and signed by the person authorized to represent the audit firm.

### 4. Contents of the Proposal

The purpose of the proposal is to demonstrate the qualifications, competence, and capacity of the firm seeking to undertake an independent audit of the City in conformity with the requirements of this Request for Proposal. As such, the substance of proposals will carry more weight than the form or manner of presentation. The proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify an audit approach that will meet the request for proposal requirements.

The proposal should address all points outlined in the Request for Proposal. The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements. While additional data may be presented, the following subjects must be included. They represent the criteria against which the proposal will be evaluated.

#### a. License to Practice in California

An affirmative statement should be included verifying the firm and all assigned key professional staff are properly licensed to practice in California.

#### b. Business License

The independent auditor selected must possess or obtain a City of Oroville business license while conducting any work under this contract.

#### c. Independence

The firm should provide an affirmative statement that it is independent of the City of Oroville as defined by auditing standards generally accepted in the United States of America and the General Accounting Office's *Government Auditing Standards*.

The firm should also list and describe the firm's professional relationship involving the City for the past five (5) years, together with a statement explaining why such relationship does not constitute a conflict of interest relative to performing the proposed audit.

d. Firm Qualifications and Experience

To qualify, the firm must have extensive experience in governmental audits of cities in the State of California, as well as experience with preparation of Comprehensive Annual Financial Reports.

1. State whether your audit organization is national, regional, or local and indicate the location of the office that has responsibility for the audit.
2. Indicate the number and nature of the professional staff to be employed in this engagement on a full-time basis and the number and nature of the staff to be so employed on a part-time basis. Staff consistency is an important consideration.
3. Describe specialized audit services that the firm has provided for municipalities, such as transient occupancy tax audits, business license audits and franchise fee audits, etc.
4. Describe the firm's formal education programs in the area of municipal accounting and auditing which are available to clients.
5. Submit a copy of the report on its most recent external quality control review (peer review), with a statement whether that quality control review included a review of specific government engagements (required by Government Audit Standards).
6. Provide information on the results of any Federal or State desk reviews or field reviews of its audits during the past three (3) years. In addition, provide information on the circumstances and status of any

disciplinary action taken or pending against the firm during the past three (3) years with State regulatory bodies or professional organizations.

e. Partner, Supervisory, and Staff Qualifications and Experience

Identify the principal supervisory and management staff, including engagement partners, managers, other supervisors, and specialists who would be assigned to this engagement. Include resumes, indicating whether each such person is registered or licensed to practice as a certified public accountant in California. Provide information on the government auditing experience of each person, including information on relevant continuing professional education for the past three (3) years and membership in professional organizations relevant to the performance of this audit.

All supervisory and managerial personnel assigned to the engagement, including the person in charge of the daily fieldwork, must have appropriate significant local government audit experience. The field staff assigned to the City must include one person with at least two years of audit experience, including local government audit experience.

Provide as much information as possible regarding the number, qualifications, experience, and training including relevant continuing education of the specific staff to be assigned to this engagement. Indicate how the quality of staff over the term of the agreement will be assured.

Engagement partners, managers, other supervisory staff, and specialists may be changed if those personnel leave the firm, are promoted, or are assigned to another office. These personnel may also be changed for other reasons with the express prior written permission of the City. In all instances, **the City retains the right to approve or reject replacements.**

Other audit personnel may be changed at the discretion of the proposer, provided that replacements have substantially the same or better qualifications or experience.

f. Similar Engagements with Other Government Entities

For the firm's office that will be assigned responsibility for the audit, list the most significant engagements (maximum of 5) performed in the last five (5) years that are similar to the engagement described herein. These engagements should be ranked on the basis of total staff hours. Indicate the scope of work, date, engagement partners, total hours, and the name and telephone number of the principal client contact. Information should be provided regarding clients that the firm serves that have received the GFOA award.

The City reserves the right to contact any or all of the listed references regarding the audit services performed by the proposer. In addition, the City reserves the right to contact clients who are not listed as references.

g. Specific Audit Approach

The proposal should set forth a work plan, including an explanation of the audit methodology to be followed, to perform the required services as stated within this Request for Proposal. In developing the work plan, reference should be made to such sources of information as the City's budget and related materials, organizational charts, manuals, programs, and financial and other management information systems. Proposers are required to provide the following information on their audit approach:

1. Proposed segmentation for the engagement;
2. Level of staff and number of hours to be assigned to each proposed segment of the engagement;
3. Sample size and the extent to which statistical sampling is to be used in this engagement;
4. Extent of the use of electronic data processing software in this engagement;
5. Type and extent of analytical procedures to be used in this engagement;
6. Approach to be taken to gain and document an understanding of the City's internal control structure;
7. Approach to be taken in determining laws and regulations that will be subject to audit test work and;
8. Approach to be taken in drawing audit samples for purposes of tests of compliance.

#### h. Other Information to Include

1. Why should the City consider hiring your firm?
2. What priority will your firm give the City on this engagement?

#### 5. Fees

The proposal should contain all pricing information relative to performing the audit engagement as described herein. The total all-inclusive maximum price bid is to contain all direct and indirect costs including all out-of-pocket expenses. All expenses, including typing, clerical, printing, and binding costs should be included in the total audit fee. The City is not responsible for expenses incurred in preparing and submitting the proposal. Such costs should not be included in the proposal.

The fee should be allocated to the various required reports of the audit (CAFR and related reports and management letter, Appropriations Limit Report, and Single Audit Report), GASB 68 Pension work and Annual State Controller's Reports with a maximum annual fee for each of the three fiscal years ending June 30, 2019 through 2021, along with a maximum annual fee for each of the optional two subsequent fiscal years. Fees related to a Single Audit will be paid only in years in which a Single Audit is required.

The proposal shall also include a schedule of hourly rates of professional staff by classification and the anticipated distribution of hours per staff classification.

#### 6. Fee Adjustment for Scope Change

The proposal should show how cost increases or decreases would be calculated, should the City subsequently request an adjustment in the scope of the audit.

### **VII. INDEMNIFICATION AND INSURANCE REQUIREMENTS**

Audit firm agrees to protect, indemnify, and hold harmless the City and its officers, officials, employees, and agents from and against all claims,



demands, and causes of action by consultant's employees or third parties on account of personal injuries or death or on account of property damages arising out of the work to be performed by consultant hereunder and resulting from the negligent act or omissions of consultant, consultant's agents, employees, or subcontractors.

A. Without limiting Auditor's indemnification, it is agreed that the Auditor shall procure and maintain for the duration of the contract, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the audit firm, its agents, representatives, or employees. The audit firm shall maintain in force at all times during the performance of the engagement the following policy or policies of insurance covering its operations:

1. Comprehensive General Liability, including contractual liability, business automobile liability, and products and completed operations, all of which shall include coverage for both bodily injury, personal injury, and property damage, with a combined single limit of **\$1,000,000 per occurrence**.
2. Automobile Liability: **\$1,000,000 per occurrence** for bodily injury and property damage.
3. Errors and Omissions Liability/Professional Liability: **\$1,000,000 per occurrence**.
4. Workers' compensation coverage at **statutory limits per the requirements of the State of California**.

Any deductibles or self-insured retention levels must be declared to and approved by the City.

B. Auditor's general liability and automobile liability insurance policies shall contain the following clauses:

1. The City, its officers, officials, employees and volunteers are to be covered as insureds as respects: liability arising out of activities performed by or on behalf of the audit firm; products and completed operations of the consultant; premises owned, occupied or used by the audit firm; or automobiles owned, leased, hired or borrowed by the

audit firm. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officers, officials, employees or volunteers.

2. For any claims related to the work described herein, the audit firm's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the audit firm's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, has been given to the City.

- C. Insurance is to be placed with insurers which are "admitted" in the State of California and have a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

Audit firm shall furnish the City with original endorsements effecting coverage required by this clause. The endorsements are to be on forms provided by the City. All endorsements are to be received and approved by the City before work commences.

## **VIII. EVALUATION OF PROPOSALS**

Proposals will be evaluated by a selection committee consisting of individuals from the City and/or external agencies.

### **A. Evaluation Criteria**

#### **1. Mandatory Elements**

- a. The audit firm is independent and licensed to practice in California.
- b. The firm has no conflict of interest with regard to any of the work performed by the firm for the City.
- c. The firm adheres to the instruction in this Request for Proposal on preparing and submitting the proposal.

- d. The firm's professional personnel have received adequate continuing professional education within the last three years.
- e. The firm submits a copy of its last external quality control review report, and the firm has a record of quality audit work.
- f. The firm includes a response which clearly states the understanding of the work to be performed.

## 2. Technical Quality

### a. Responsiveness of the proposal

### b. Expertise and Experience

- i. The firm's past experience and performance on comparable government engagements.
- ii. The technical qualifications and experience of staff proposed to be assigned to the engagement and the quality of the firm's management support personnel to be available for technical consultation.
- iii. The firm's past experience in meeting GFOA requirements to receive the CAFR award.
- iv. Experience in providing on-going financial consulting services to municipalities.
- v. Firm's past experience and performance with Successor Agencies.
- vi. The reputation of the firms based on current and prior clients contacted by the City.

### c. Audit Approach

- i. Adequacy of proposed staffing plan for various segments of the engagement.

- ii. Thoroughness of approach to conducting the audit of the City and demonstration of the understanding of the objectives and scope of the audit.
- iii. Adequacy of analytical procedures and sampling techniques.
- iv. Commitment to timeliness in the conduct of the audit.
- v. The anticipated support requirements of City staff.

### 3. Fees

- a. Cost will not be the primary factor in the selection of an audit firm.

### B. Selection Process

All proposals will be evaluated using the above criteria. After the top candidates have been selected using these criteria, oral interviews may be arranged to assist in making the final decision. If oral interviews are conducted, it would be desirable that senior audit staff be present for the interview. Not all firms may be asked to participate in an oral interview.

Selection of the successful proposal will be at the sole direction of the City Council. All firms will be notified of the Council's selection following the award of the contract. The successful proposer shall provide all documents required by the agreement (including insurance certificates) in order to fully execute the contract.

### C. Right to Reject Proposals

The City reserves the right without prejudice to reject any or all proposals, and to accept the proposal most favorable to the City's interest and the right to waive irregularities in the procedures described in the Request for Proposal. Furthermore, the City reserves the right to reject the proposal of any proposer who previously failed to perform properly, or complete on time, agreements of a similar nature, or to reject the proposal of a proposer who is not in a position to perform such an agreement satisfactorily.

The City reserves the right to waive any informality or technical defect in a proposal and to accept or reject, in whole or in part, any or all proposals and to advertise for new proposals, as best serves the interest of the City.

The City also reserves the right to make such investigations as it deems necessary to determine the ability of the proposer to perform the work and the proposer shall furnish to the City all such information and data for this purpose as the City may request. The City reserves the right to reject any proposal if the evidence submitted by, or investigation of such proposer, fails to satisfy the City that such proposer is properly qualified to carry out the obligations of the contract and to complete the work contemplated therein.

## **IX. ADDITIONAL INFORMATION**

- A. The City will not be liable for any cost incurred in preparing proposals or associated travel costs.
- B. The City reserves the right to request such additional information as the City may reasonably require for evaluation purposes. The City also reserves the right to conduct pre-contract negotiations with any or all potential firms.
- C. The submission of a proposal shall be evidence that the firm has full knowledge of the scope, nature, quantity and quality of work to be performed, the detailed requirements of the specifications and the conditions under which the work is to be performed.
- D. If the selected certified public accounting firm does not execute an agreement with the City within seven (7) days after notification of selection, the City may give notice to that firm of the City's intent to select from the remaining firms or to call for new proposals, whichever the City deems appropriate.
- E. The total audit staffing should be at a level sufficient to complete the audit in the time scheduled and specified in the Request for Proposal. In addition, the audit staff should remain constant through each year's audit process. At least one staff member from the prior year's audit is to be a member of the subsequent year's audit team.
- F. The auditors shall comply with the provisions of any and all Federal, State, County and City orders, statutes, ordinances, bond covenants,

administrative codes and orders, rules and regulations that may pertain to the work required in the engagement.

- G. Compensation for the auditing services will be paid upon submission of progress billings. A final billing will be paid after receiving the required reports.
- H. It is mutually understood and agreed that the successful bidder shall not assign, transfer, convey, sublet or otherwise dispose of the contract or the right, title, or interest therein, or the power to execute such contract, to any other person, company or corporation without prior written consent of the City Manager.
- I. After the award of the contract has been made by the City Council, all findings and information considered in determining which proposal best meets the needs of the City and will be most advantageous with respect to price, conformity to the specifications and other factors, will be available for public inspection.
- J. Causes for termination of the contract may include the following: failure to promptly and faithfully provide the services required in this Request for Proposal; failure to cooperate upon receiving any reasonable request for information for service; and improper actions of the firm's officers or employees. The City retains the right to cancel this agreement without cause by providing written notification.
- K. The City reserves the right to withdraw this Request for Proposal at any time without prior notice. Further, the City makes no representations that any agreement will be awarded to any bidder responding to this Request for Proposal. The City expressly reserves the right to postpone action regarding this Request for Proposal for its own convenience and to reject any and all proposals in response to this Request for Proposal without indicating reasons for such rejection.

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**  
**FROM: RUTH WRIGHT, FINANCE DIRECTOR**  
**RE: CAPITAL ASSET POLICY**  
**DATE: AUGUST 7, 2018**

**SUMMARY**

The Council may consider the approval of a capital asset policy.

**DISCUSSION**

Staff is gearing up to enter the City's capital assets into the financial software for better tracking and proper classification. The Capital Asset Policy needs to be implemented to provide uniform criteria for identifying these assets.

The policy will provide parameters to establish and maintain a systematic method for capturing capital asset data for internal and external use.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Authorize staff to implement a new capital asset policy

**ATTACHMENTS**

Draft Capital Asset policy

# CAPITAL ASSET POLICY



**City of Oroville**  
**Finance Department**  
**Effective Date: 08/07/18**  
**Last revision date: new**

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## **A. Purpose**

To provide uniform criteria for identifying City expenditures for capitalization, and for the proper asset classification of capital expenditures, including guidelines for the determination of the economic useful lives of assets. To provide policy for the purchases of capital assets, capitalization of construction projects, use of Equipment Replacement Funds, Capital Projects Fund and Capital Improvement Program, and the control of property that falls below the capitalization threshold. Additionally, to partially guide the preparation of financial statements in conformity with generally accepted governmental accounting standards.

## **B. Policy Scope**

This policy sets forth the parameters, on a city-wide basis, to establish and maintain a systematic method for capturing capital asset data for internal and external use. Governmental Accounting Standards Board Statement 34 requires that all capital assets (meeting threshold parameters, per below) be reported in the government-wide balance sheet of the Comprehensive Annual Financial Report (CAFR). This policy provides authority for all elements of capital asset management, including the use of Equipment Replacement Funds, Capital Projects Fund, Capital Improvement Program, and control of property below the capitalization threshold.



## **C. Summary of General Policy**

Capital assets (also referred to as fixed assets) are either tangible or intangible assets of significant value acquired for use in operations that will benefit more than a single fiscal period; and are broadly classified as land, buildings (structures) and improvements, infrastructure, and equipment; and exceed the capitalization thresholds as set forth by the City of Oroville City Council and maintained by the City of Oroville City Administrator or designee. This policy supersedes all prior policies related to Capital Assets and Property Control.

## **D. Policy**

### **I. Responsibility for Capital Asset Record Maintenance**

The City Administrator or designee will ensure that reporting for capital assets is being exercised on a regular and consistent basis, both initially and periodically in subsequent years. The City Administrator or designee will further ensure that capital asset reports and work papers will be updated annually to reflect improvements, additions, retirements, and transfers and to reflect the new, annual capital asset balance for financial reporting purposes and the annual and accumulated depreciation calculations and net book value amounts.

If situations arise whereby a determination is necessary regarding any capitalization issues, discussion shall occur between the City Administrator or designee and respective department(s). Ultimately, the City Administrator or designee will make the final decision as to the outcome.

Day-to-day stewardship of personal property above the capitalization threshold is the express responsibility of the department utilizing the property.

Annually, per Government Code Section 24051, a detail of all City property shall be submitted to the Auditor-Controller by each city officer in charge of a department. The City Administrator or designee shall work in conjunction with the Auditor by compiling the detail of City

property with respect to each department of the City and forwarding to the Auditor to send to each department. The Auditor shall provide any necessary changes to the City Administrator or designee in order to make adjustments in the Capital Assets tracking system.

## II. Capital Assets

### a. Criteria for Capitalization

There are two criteria used in the determination of when the acquisition of an item should be capitalized instead of expensed:

The first criterion is whether the expenditure is expected to provide additional future benefit over what the asset currently provides.

Generally, expenditures that **increase the economic value** of the asset and **increase the useful life beyond the original useful life**, or **increase the productive capability of capacity**, should be capitalized. **NOTE – when it is determined that a purchase is to be capitalized; it is still recorded as an expenditure.** If the expenditures are to be capitalized, the appropriate account in the 8000 account series in the general ledger related to capitalized assets shall be used; Account 8000 – Land; Account 8010 – Buildings and Improvements; Account 8020 – Equipment; Account 8030 – Vehicles; Account 8040 – Infrastructure; (Exceptions are: In the Capital Projects Fund, the total costs of the project are capitalized, so non-8000 accounts could be used and would still be included in the total amount capitalized.)

On the other hand, repairs and maintenance retain value rather than provide additional value. Maintenance expenditures neither materially add to the value of property nor appreciably prolong its life, but merely keep it in an ordinary and efficient operating condition. These costs allow an asset to continue to be used during its originally established useful life. The cost of repairs and maintenance should not be capitalized. These costs should be expensed, for example, in Account 6110 thru 6140-Maintenance and Repairs. Examples of expenditures **not** to be capitalized as building improvements, but rather recorded as repair and maintenance expenditures follow:

- Painting;

- Re-carpeting;
- Replacing the Heating, Ventilation and Air Conditioning (HVAC) system;
- Replacement of a part or component of a building with a new part of the same type and performance capabilities, such as replacement of an old boiler with a new one of the same type and performance capabilities

The second criterion is the minimum levels of capitalization thresholds that are established. The capitalization threshold for the following classes of assets shall be:

a. Buildings and Building Improvements	\$ 125,000
b. Infrastructure	\$ 125,000
c. Land	All
d. Machinery and Equipment	\$ 25,000
e. Vehicles (See Definitions section)	All

Capitalization thresholds are monetary criteria used to determine whether a given asset should be reported on the balance sheet. To be considered a capital asset for financial reporting purposes, an item must be at or above the capitalization threshold. Assets will remain as part of the property record until they are retired or disposed of, sold, traded in, etc. regardless of net book value amount.

**b. Additional Considerations**

Additional information is taken into consideration when capitalizing assets:

**i. Classification of Assets**

Capital assets are personal and real property used in the operations of the City. Capital assets shall include any item that falls into one of the following categories:

- a. Buildings and Building Improvements

Buildings (structures) and improvements are physical property of a permanent nature, examples of which are buildings, structural attachments, and improvements that add value to an existing capital asset either by lengthening its estimated useful life or increasing its service capacity. The cost of buildings and

improvements include all expenditures in connection with their acquisition, such as:

- Architects' fees
- Cost of permits and licenses
- Fixtures attached to the structure \*
- Insurance during construction
- Purchase price of construction cost
- Net interest cost during construction

*\*Fixtures are permanent structural attachments that are not intended to be removed, and that function as part of the structure, such as boilers, lighting fixtures and plumbing.*

NOTE: Leasehold improvements are defined as improvements made to leased property that will revert to the lessor at the expiration of the lease. Leasehold improvements include construction of new buildings or improvements made to existing structures by the lessee, who has the right to use these leasehold improvements over the term of the lease. Moveable equipment and/or office furniture that is not attached to the leased property is not considered a leasehold improvement. For leasehold improvements, the useful life is the estimated service life of the leasehold improvements, or the remaining term of the lease, whichever is shorter.

**NOTE - moveable equipment and/or office furniture shall be capitalized if the item(s) fall within the parameters of this policy (see Section D. Machinery and Equipment, below) even if the total project is below the Building Improvements threshold. Additionally, moveable equipment and/or office furniture included in the total cost of a capitalized project above the Building Improvement threshold may be separated from the project and capitalized as Equipment, depending on the cost of the equipment; not as Building Improvement.**

b. Infrastructure

Infrastructure capital assets are long-lived assets that normally are stationary in nature and normally can be preserved for significantly greater number of years than most capital assets, such as:

- Bridges
- Drainage systems
- Lighting systems
- Roads
- Tunnels
- Water and sewer systems

c. Land

Land, including that associated with infrastructure, shall be reported at cost, estimated cost, or estimated fair market value at date of acquisition. Land is not depreciable. The cost of land includes all expenditures in connection with its acquisition, such as:

- Appraisal and negotiation fees
- Clearing land for use
- Condemnation costs
- Demolishing or removing structures
- Purchase price
- Relocation costs
- Surveying fees
- Title search fees

d. Machinery and Equipment

Costs included in the purchase of equipment are those charges that are directly attributable to the acquisition of the asset, such as:

- Freight or delivery charges
- Installation costs
- Professional fees
- Sales, use and/or transportation tax

- Site preparation costs

If the value of an item purchased is less than the minimum capitalization threshold, and ancillary charges increase the value above the minimum threshold, then the item is considered a capital asset and must be reported as a capital asset.

e. Vehicles

All County vehicles are to be capitalized, whether purchased brand new, purchased used, or donated. Generally, this classification includes construction vehicles, passenger vehicles, trucks, and other mechanized vehicles. Certain items that are considered necessary to place the vehicle in service are considered part of the cost and capitalized as such. Examples of added items to a vehicle that shall be added to the cost and capitalized are as follows:

- Cages
- Decals
- DMV Fees/Taxes/License (Year one, only for DMV fees)
- Freight/Transportation/Delivery
- Gun Mount
- Labor costs for installation of equipment
- Lights/Sirens
- Map Light
- Radio installed in vehicle
- Truck bed cabinets for secured storage

**ii. Valuation Basis**

Capital assets shall be recorded at historical cost – the measure of value used in accounting in which the price of an asset is based on the original cost when acquired. The cost of a capital asset shall include ancillary charges necessary to place the asset into its intended location and condition for use. Capitalized ancillary charges include costs that are directly attributable to asset acquisition, such as freight and transportation charges, site preparation costs, employee wages associated with placing the asset in service, and professional fees. Donated capital assets shall be reported at their estimated fair market value on the date

accepted by the City Council. All donated capital assets *must* be accepted by the City Council prior to being placed in service.

### **iii. Estimated Useful Life and Depreciation Convention**

Capital assets have estimated useful lives extending beyond a single reporting period (one year) and are depreciated using the straight-line method with no allowance for salvage value. The estimated useful lives currently used were developed with the input of knowledgeable staff and reflect the City's experience with these assets:

Buildings and Building Improvements	50 years
Infrastructure	20 to 50 years
Land	non-depreciable
Machinery and Equipment	5 to 20 years
Vehicles	5 to 15 years

### **iv. Retirements**

Retirements apply to all capital assets including land, buildings, machinery and equipment, vehicles, and general infrastructure.

Upon approval by the City Council, an asset shall be disposed of, scrapped, sold, subject to demolition, etc. The asset shall then be removed from the property record and the appropriate reduction will be made to historical cost, accumulated depreciation, and net book value amounts.

Retirements will reflect the actual historical cost of the asset when the amount is ascertainable. When historical cost is not ascertainable, an estimated historical cost will be determined.

### **v. Tools Used to Manage Capital Assets**

Management uses a wide variety of tools to properly account for capital assets:

## **1. Equipment Replacement Funds**

Two distinct funds have been established for the purpose of financing certain capital assets. The Equipment Replacement Fund is used to finance the purchase of equipment for city operations other than internal and support services. The Internal Service Equipment Replacement Fund is used to finance the purchase of equipment for internal and support service operations. Revenue from equipment use allowance charges is received in both funds and used as replacement funds for future purchases.

The City Administrator or designee shall manage both funds, review and approve requests for purchase out of these funds (only with City Council approved appropriation in place), and shall maintain procedures for acquisition and disposition of capital assets purchased through either fund.

## **2. Capital Projects Fund**

The Capital Projects Fund was established to consolidate certain capital projects of the City into a single fund. Separating major capital acquisition and construction from ongoing operating activities helps avoid the distortion in financial trend information that can arise when capital and operating activities are mixed. Generally, if above the established threshold, all capital projects (**not including Roads and Bridge projects and Enterprise Fund projects**) will be in the Capital Projects Fund unless directed otherwise by the City Council.

The City Administrator or designee will maintain procedures for the capitalization of projects in the fund.

## **3. Capital Improvement Program**

The Capital Improvement Program (CIP) is a budgeting plan for The City of Oroville's service and transportation infrastructure needs over the next ten years. Projects identified in the CIP have a cost of at least \$125,000, unless



directed otherwise by the City Council, are nonrecurring, have a multi-year useful life, and result in capital assets.

Annually, or as otherwise updated, the CIP is updated and presented to the City Council for approval. The City Administrator or designee shall maintain procedures for the administration of the CIP.

### **III. Property Control Below the Capitalization Threshold**

A department head may elect to control and inventory property below the capitalization threshold based on the needs or requirements of the department and such election may be different department- to- department. Examples of items that a department head may elect to control are: weapons, radios, personal computers, laptop computers, printers, fax machines, and small power tools. The cost of the property, cost to control and inventory, and materiality may be considered by the Department Head when he/she decides what items, if any, are to be controlled. Stewardship of these minor items that are sensitive or at high risk of theft is the express responsibility of the department head responsible for utilizing these properties.

Personal property below the capitalization threshold which the department head believes warrants control shall be inventoried at the department level and an appropriate list will be maintained. Data elements are to include asset description, location, make, model, serial number, and other information that assists control.

The City Administrator or designee shall have the right to request copies of the inventory and/or updated inventory of controlled items from the responsible department head.

#### **Examples of items that are not capitalized**

The following are items that do not meet either one or both of the two primary criteria for determining when the acquisition of property should be expensed, and not capitalized:

- Adding, removing and/or moving walls relating to renovation projects that are below the \$125,000 threshold
- Improvement projects of minimal or no added life expectancy and/or value to the building;  
For example, a new building is expected to have a useful life of 50 years, but will require a roof replacement in half that time. The cost of the original roof is included in the total cost of the building. If the roof were not replaced, it would appear the useful life of the building is 25 years. In substance, however, the replacement of the roof does not lengthen the original estimated useful life of 50 years, but simply avoids cutting it in half.
- Plumbing or electrical repairs
- Interior decoration, such as draperies, blinds, curtain rods, wallpaper
- Maintenance-type interior renovation, such as touch-up plastering and tile work
- Any other maintenance-related expenditure which does not increase the value of the building
- Items of a like nature that individually fall below the Equipment Threshold; For example, when a purchase of like items is made, and the cost of each individual item is below the capitalization threshold, the total purchase cost shall **not** be capitalized. For example, if 20 modular furniture units are purchased for a total of \$80,000 and each unit is valued at \$4,000, the individual unit is below the capitalization threshold, thus the \$80,000 would not be capitalized. Or, for example, 50 personal computers (Central Processing Unit, screen, keyboard and mouse) are purchased for a total of \$100,000. If each personal computer unit is valued at \$2,000, the total cost of \$100,000 is **not** capitalized, again, because each individual unit is below the capitalization threshold.

In the event that determination whether to capitalize or expense is not clearly dictated in the policy or related procedures, a decision will be made by the City Administrator or designee based on evaluation of the particulars of the item(s). Engineering, physical, and other relevant factors, apart from cost, will be taken into consideration.

#### IV. Definitions

***Accumulated Depreciation*** – the total amount of depreciation for a capital asset that has been expensed in the City Financial Statements since the asset was acquired and placed into service. The amount of accumulated depreciation for an asset will increase over time, as depreciation continues to be charged against the asset.

***Capital Assets*** – tangible and intangible assets acquired for use in operations that will benefit more than a single fiscal period.

***Capital Projects*** – a new construction, expansion, renovation, or replacement project for an existing facility or facilities. The project must have a total cost of at least \$125,000 over the life of the project. Project costs can include the cost of land, infrastructure, right of ways, development rights, engineering, architectural planning, and contract services needed to complete the project.

***Capitalized Interest*** – interest incurred to finance the construction of a long-term asset. The interest is added to the cost of the asset and is included in the depreciation of the asset. Capitalization of borrowing costs terminates once the construction of the asset is complete.

***Depreciation Expense*** – recognition of the pro rata cost of a capital asset over several years as the value of the asset decreases. For example, a government buys a vehicle for \$30,000 that will be depreciated over five years. Each year, one-fifth, or \$6,000 will be depreciated. For Governmental Funds (General Fund, Special Revenue Funds, etc.), depreciation is not recorded in the general ledger. However, for financial statement purposes (the Comprehensive Annual Financial Report, or CAFR), an adjustment is made to show the value of capital assets, depreciation expense, and accumulated depreciation on what are commonly known as “Government-wide Financial Statements” in the CAFR. In contrast, depreciation expense is recorded in the general ledger for Enterprise Funds and Proprietary Funds, and related assets and accumulated depreciation are shown in financial statements.

***Net Book Value*** – the original cost of a capital asset, less any accumulated depreciation of the asset.

***Straight-line method*** – recognition of depreciation expense in equal increments over the life of a capital asset.

***Vehicle*** – A vehicle is described as a mode of transportation that can transport one or more individuals, or convey something, by virtue of a motorized mechanism that is self-propelled. The conveyance, or vehicle, can run on wheels, tracks, runners, or the like. In addition to vehicles running on wheels, other examples include aircraft, (including helicopters), ski mobiles, and pieces of equipment that run on caterpillar tracks. A piece of equipment is not considered a vehicle if it cannot transport at least one individual. For example, a pallet jack is a piece of equipment designed to move pallets from one location to another. Although it is “guided” by an individual, it is not designed to “transport” an individual, thus is considered equipment.

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR**

**RE: ACQUISITION OF ASSETS FROM THE DISSOLUTION OF THE OROVILLE  
MOSQUITO ABATEMENT DISTRICT**

**DATE: AUGUST 7, 2018**

**SUMMARY**

The Council will consider authorizing the purchase of (2) two used trucks and a cargo container from the Oroville Mosquito District

**DISCUSSION**

The Oroville Mosquito Abatement District (OMAD) has been dissolved and absorbed by the Butte County Mosquito Abatement District. As part of the dissolution the assets of the Oroville Mosquito District must be sold. The City of Oroville has expressed an interest to OMAD regarding a 2012 Ford F-150 4X4 and a 1995 Ford Ranger. The City has also expressed interest in an 8' X 20' Conex box (Cargo Container). OMAD and the City have reached a mutually agreed upon price for each of the items listed above, with the caveat of Council approval for purchase.

2012 Ford F-150 4X4 - The Sewer Department Field Supervisor has expressed a need for another truck for the Sewer crew. The truck would be utilized for field operations. This vehicle is valued by Kelly Blue Book at \$12,286.00 to 14,463.00. OMAD is willing to accept \$11,000.00 for the truck.

1995 Ford Ranger – The Airport Manager has expressed the need for a vehicle to support Airport management operations. The truck would be used for inspections, servicing equipment at the Airport and would be equipped with the proper safety equipment to operate on the Airport grounds. This vehicle is valued by Kelly Blue Book at 1,301.00 to 2,518.00. OMAD is willing to accept \$2,000.00

8' x 20' Conex box will be used to store the third-row seats out of the new Police SUV's along with files from various Departments in the City. The basement of City Hall has been utilized in the past for storage. The records stored are often musty, damp and in poor condition due to the conditions in the basement. This Connex box has been equipped with proper ventilation to ensure proper movement of air to prevent mold or mildew. OMAD is willing to accept \$2,550.00.

**FISCAL IMPACT**

Ford F-150	Sewer Fund	4101-8030
Ford Ranger	Airport Fund	4201-8030
Connex Box	Housing / Public Safety	7011-8020

**RECOMMENDATION**

Authorize staff to purchase the equipment listed above in an amount not to exceed \$15,550.00 plus all required taxes and DMV fees

**ATTACHMENTS**

Kelly Blue Book valuation printouts

Home > What's My Car Worth > Style > Options & Condition > Long Bed



**PRIVATE PARTY VALUE**

Leverage this value to set your price and negotiate with private-party buyers.

Average Time to Sell:



**30**  
DAYS

Level of Effort:



**High**

[See Overview of Values](#)

Condition: Good  
Valid for ZIP Code 95966 through 08/02/2018

**Overall Consumer Rating 8.3/10**

★★★★☆ 656 Ratings

[Write a Review](#)

### See How Others Price Your Car

See what others are asking for your car.

[Search Cars for Sale Near You](#)

### Place an Ad

Reach serious car shoppers on both KBB.com and Autotrader.

[Get Started](#)



### Start the Trade-in Process Online

Plus, get a no-obligation quote for your next car.



**1995 Ford Ranger Regular Cab Long Bed**  
Mileage: 93,895

[See Local Dealers](#)

### Trade Up to a New Car

**2018 Nissan Frontier King Cab**

Est. \$293/mo\*



\*Based on the [Blue Book® Fair Purchase Price](#) (click vehicle to see) for 60 months, 3.19% APR, 20% down & 6.5% tax. For illustrative purposes only and not an offer/commitment to provide credit or financing.

Home > What's My Car Worth > Style > Options & Condition > XL Pickup 2D 6 1/2 ft

Private Party Range  
**\$12,286 - \$14,463**  
 Private Party Value  
**\$13,375**



**i** Important info & definitions

Track this car's values

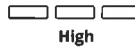
**PRIVATE PARTY VALUE**

Leverage this value to set your price and negotiate with private-party buyers.

Average Time to Sell:



Level of Effort:



[See Overview of Values](#)

Condition: Good

Valid for ZIP Code 95966 through 08/02/2018

**Overall Consumer Rating 8.8/10**

★★★★☆ 857 Ratings

[Write a Review](#)

**See How Others Price Your Car**

Set a competitive price when you know what others are asking.



2012 Ford F150  
**\$39,950**  
 Mileage: 75,810



2012 Ford F150  
**\$26,997**  
 Mileage: 71,308



2012 Ford F150  
**\$22,980**  
 Mileage: 65,754

[Browse more listings](#)

**Place an Ad**

Reach serious car shoppers on both KBB.com and Autotrader.

[Get Started](#)



**Autotrader**

**Start the Trade-in Process Online**

Plus, get a no-obligation quote for your next car.



**2012 Ford F150 Regular Cab XL Pickup 2D 6 1/2 ft**  
 Mileage: **80,847**

[See Local Dealers](#)

**Have You Considered**

presented by **TOYOTA**



**CITY OF OROVILLE  
STAFF REPORT**

**TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS**

**FROM: BILL LA GRONE, DIRECTOR OF PUBLIC SAFETY**

**RE: MEMORANDUM OF UNDERSTANDING WITH OROVILLE  
UNION HIGH SCHOOL DISTRICT, OROVILLE CITY  
ELEMENTARY SCHOOL DISTRICT AND THE THERMALITO  
UNION ELEMENTARY SCHOOL DISTRICT**

**DATE: August 7, 2018**

**SUMMARY**

The Council may consider a Memorandums of Understanding with the Oroville Union High School District (OUHSD), the Oroville City Elementary School District and the Thermalito Union Elementary School District for School Resource Officers (SRO)

**DISCUSSION**

The Oroville Police Department has successfully partnered with the Oroville Union High School District, the Oroville City Elementary School District and the Thermalito Union Elementary School District to establish School Resource Officer (SRO) Programs. This program provides for dedicated full-time Police Officers to serve the Oroville Union High School District Campuses, the Oroville City Elementary School District Campuses and the Thermalito Union Elementary School District Campuses.

The Oroville Union High School District will contribute Eighty-Seven Thousand Five Hundred Dollars (\$87,500) per year for the salary and benefits of an Oroville Police Officers necessary for the role of School Resource Officer for the 2018/19, 2019/20 and 2020/21 school years.

A School Resource Officer will be provided for the Oroville High School Campus, and the two alternative campuses. This contract is for three years and was approved by the Oroville Union High School District at their June 20, 2018 meeting.

The Oroville Police Department will provide the Oroville Union High School District with an invoice quarterly for \$21,875.00 for a total of \$87,500.00 dollars per year. For additional details see attached contract.

The Oroville City Elementary School District will contribute Fifty Thousand Dollars (\$50,000) per year for the salary and benefits of an Oroville Police Officers necessary for the role of School Resource Officer for the 2018/19 school year.

A School Resource Officer will be provided for the Oroville City Elementary School District Campuses. This contract is for one year and was approved by the Oroville City Elementary School District Board at their June 27, 2018 meeting. This funding is year to year due to the funding source being utilized by the School District. The School District has expressed the desire to continue the program for at least the next three years.

The Oroville Police Department will provide the Oroville City Elementary School District with an invoice quarterly for \$12,500.00 for a total of \$50,000.00 dollars per year. For additional details see attached contract.

The Thermalito Union Elementary School District will contribute Fifty Thousand Dollars (\$50,000) per year for the salary and benefits of an Oroville Police Officers necessary for the role of School Resource Officer for the 2018/19, 2019/20 and 2020/21 school years.

A School Resource Officer will be provided for the Thermalito Union Elementary School District Campuses. This contract is for three years and was approved by the Thermalito Union Elementary School District Board at their July 31, 2018 meeting.

The Oroville Police Department will provide the Thermalito Union Elementary School District with an invoice quarterly for \$12,500.00 for a total of \$50,000.00 dollars per year. For additional details see attached contract.

## **FISCAL IMPACT**

Expenditure reimbursement of \$187,500. will be included in the 2018/2019 Budget.

## **RECOMMENDATION**

Adopt Resolution No. XXXX - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A

MEMORANDUM OF UNDERSTANDING WITH THE OROVILLE UNION HIGH SCHOOL DISTRICT FOR FULL-TIME SCHOOL RESOURCE OFFICER FOR THE 2018/2019, 2019/2020, and 2020/2021 SCHOOL YEARS– (Agreement No. XXXX).

Adopt Resolution No. XXXX - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE OROVILLE CITY ELEMENTARY SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICER SERVICES FOR THE 2018/2019 SCHOOL YEAR– (Agreement No. XXXX).

Adopt Resolution No. XXXX - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE THERMALITO UNION ELEMENTARY SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICER SERVICES FOR THE 2018/2019, 2019/2020, and 2020/2021 SCHOOL YEARS– (Agreement No. XXXX).

#### ATTACHMENTS

- Resolution No. XXXX
- Resolution No. XXXX
- Resolution No. XXXX
- Agreement No. XXXX
- Agreement No. XXXX
- Agreement No. XXXX

**CITY OF OROVILLE  
RESOLUTION NO. 8728**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE OROVILLE UNION HIGH SCHOOL DISTRICT FOR FULL-TIME SCHOOL RESOURCE OFFICER SERVICES FOR THE 2018/2019, 2019/2020, 2020/2021 SCHOOL YEARS**

**(Agreement No. 3252)**

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

1. The Mayor is hereby authorized and directed to execute a Memorandum of Understanding with Oroville Union High School District for full-time School Resource Officer Services. A copy of the Agreement is attached hereto.
  
2. The City Clerk shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting on July 10, 2018 by the following vote:

AYES: Council Members

NOES: None

ABSTAIN: None

ABSENT: None

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

APPROVED TO AS FORM:

ATTEST:

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

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

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
OROVILLE POLICE DEPARTMENT  
AND THE  
OROVILLE UNION HIGH SCHOOL DISTRICT**

This Memorandum of Understanding will start on August 15<sup>th</sup>, 2018 will remain in effect until June 10<sup>th</sup>, 2021. The following is agreed to by the Oroville Police Department and the Oroville Union High School District:

- 1. Independent Contractor.** Contractor, in the performance of this Agreement, shall be and act as an independent contractor with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained. Contractor understands and agrees that he/she and all of his/her employees shall not be considered officers, employees, agents, partner, or joint venture of the District, and are not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Contractor shall assume full responsibility for payment of all federal, state and local taxes with respect to Contractor's employees. If Contractor is not a resident of California and is not exempt from withholding, the District shall withhold California income taxes as required by the Revenue & Taxation Code. The Contractor shall still be responsible for payment of all state and federal taxes.
  
- 2. Standard of Care.** Contractor represents that Contractor has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. If any of the Services are performed by any of the Contractor Parties, such work shall only be performed by competent personnel under the supervision of and in the employment of Contractor. Contractor's services will be performed, findings obtained, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.
  
- 3. Equipment and Materials.** Contractor shall furnish, at his/her own expense, all tools, labor, materials, equipment, supplies, transportation services and any other items (collectively, "Equipment") necessary to complete the Services in a manner which is consistent with Generally accepted standards of the profession for similar services. Notwithstanding the foregoing, District shall not be responsible for any damages to persons or property as a result of the use, misuse or failure of any equipment used by Contractor of the Contractor's agents, personal employee(s), and/or subcontractor(s) ("Contractor Parties"), even if such Equipment is furnished, rented or loaned to Contractor or Contractor Parties by District. All original curricular materials provided in conjunction with Contractor services must be authorized for use by the District only and remain exclusively the intellectual property of the authors.

**4. Confidentiality.** The Contractor and all Contractor Parties shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.

**5. Termination.**

**5.1 With Cause by District.** District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:

**5.1.1.** material violation of this Agreement by the Contractor; or

**5.1.2.** any act by Contractor Exposing the District to liability to others for personal injury or property damage; or

**5.1.3.** Contractor is adjudged a bankrupt, Contractor makes a general assignment for the benefit of creditors or a receiver is appointed on account of Contractor's insolvency.

Written notice by the District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Contractor. If the expense, fees, and costs to the District exceed the cost of providing there service pursuant to this Agreement, the Contractor shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

**5.2. Reduction in District Funding.** If the District has an unforeseen reduction in state funding, the District may, at any time, with or without reason, terminate this Agreement upon fifteen (15) days written notice and compensate Contractor only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Contractor. Notice shall be deemed given when received by the Contractor or no later than three days after the day or mailing, whichever is sooner. In the event that District terminates this Agreement pursuant to this section, District shall compensate Contractor for Services completed to date.

**6. Indemnification.** To the furthest extent permitted by California law, Contractor shall, at its sole expense, indemnify, and hold harmless the District, the State of California, and their agents, representatives, officers, Contractors, employees, trustees, and volunteers (the "District Parties") from any and all demands, losses, liabilities, claims, suits, and actions (the "Claims") of any kind, nature, and description, including, but not limited to, personal injury, death, property damage, and Contractors and/or attorneys' fees and costs, directly or

indirectly arising out of, connected with, or resulting from the performance of the Agreement or from any activity, work, or thing done, permitted or suffered by the Contractor under or in conjunction with this agreement, unless the Claims are caused wholly by the sole negligence or willful misconduct of the District Parties. Contractor shall, to the furthest extent permitted by California law, defend the District at the Contractor's own expense, from any and all Claim(s) and allegations relating thereto with counsel approved by District where such approval is not to be unreasonably withheld. Whereas the cost to defend the District Parties charged to the Contractor shall not exceed the Proportionate percentage of Contractor's fault as determined by a court of competent Jurisdiction, any amounts paid in excess of such established fault will be reimbursed by the District. Notwithstanding the previous sentence, in the event one or more defendants is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, such defendant shall meet and confer with other parties regarding unpaid defense costs. The District shall have the right to accept or reject any legal representation that Contractor proposes to defend the indemnified parties.

- 7. Insurance.** The contractor shall procure and maintain at all times it performs any portion of the Services the following insurance:

**7.1. General Liability.** One Million Dollars (\$1,000,000) per occurrence and two Million Dollars (\$2,000,000) general aggregate for bodily injury, personal injury and property damage in the form of Comprehensive General Liability and Contractual Liability.

**7.2. Automobile Liability Insurance.** One Million Dollars (\$1,000,000) per occurrence and One Million Dollars (\$1,000,000) general aggregate for automobile liability insurance that shall protect the Contractor and the District from all claims of Bodily injury, property damage, personal injury, death, and medical payments arising performing any portion of the Services by Contractor.

**7.3. Workers' Compensation and Employers' Liability Insurance.** For all the Contractor's employees who are subject to this Agreement and to the extent required by the applicable state or federal law, Contractor shall keep in full force and effect, a Workers' Compensation policy. That policy shall provide employers' liability coverage with minimum liability coverage of One Million Dollars (\$1,000,000) per accident for bodily injury or disease. Contractor shall provide an endorsement that the insurer waives the right of Subrogation against the District and its respective elected officials, officers, employees, agents, representatives, Contractors, Trustees, and Volunteers.

**7.4. Other Insurance Provisions:**

- 7.4.1.** The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

**7.4.1.1.** The District, its representatives, Contractors, trustees, officers, officials, employees, agents, and volunteers (“Additional Insureds”) are to be covered as additional insureds as respects liability arising out of activities performed by or on behalf of the Contractor; instruments of Service and completed operation of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the contractor. The coverage shall contain no special limitations on the scope of protection afforded to the Additional Insureds.

**7.4.1.2.** For any claims related to the projects, the Contractor’s insurance coverage shall be primary insurance as respects the Additional Insureds. Any insurance or self-insurance maintained by the Additional Insureds shall be in excess of the Contractor’s insurance and shall not contribute with it.

**7.4.1.3.** Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the Additional Insureds.

**7.4.2.** The Contractor’s Insurance shall apply separately to each insured against who claim is made of suit is brought, except with respect to the limits of the insurer’s liability.

**7.4.3.** Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the District.

**7.4.4.** Contractor shall furnish the District with Certificates of insurance showing maintenance of the required insurance coverage and original endorsements affecting general liability and automobile liability coverage. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements are to be received and approved by the District before Services commence.

**8. Limitation of District Liability.** Other than as provided in this Agreement, District’s financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event, shall District be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.



## **EXHIBIT A**

### **Scope of Services**

This agreement is made between the Oroville Police Department and the Oroville Union High School District hereafter to be referred to as the "School District."

The Oroville Police Department and the Oroville Union High School District recognize the need for a School Resource Officer (SRO) to be directly involved with the youth on the campus of Oroville High School and Prospect Alternative Center for Education. The School District is very aware of the potential for violence on school campuses; the widespread drug and alcohol use by students, both on and off school campuses; and the gang mentality sweeping the youth of today toward criminal behavior.

The purpose of the School Resource Officer is to be a liaison between the staff, faculty, students, and parents of the students at Oroville High School and Prospect Alternative Center for Education to promote a safe environment where an orderly educational process can take place.

The School Resource Officer Program will receive support beginning August 15, 2018 through June 10, 2021 or until 30-day written notice of termination is given by either party. This MOU is subject to review upon request by either party. The School Resource Officer will be available to the School District every regular day School is in session. When school is not in regular session, the School Resource Officer will be assigned to the Oroville Police Department.

#### The Oroville Police Department will provide the following services:

Under the Oroville Police Department Supervision, dedicate one full time Officer to Oroville High School and Prospect Alternative Center for Education. The schedules will be coordinated between the Oroville Police Department and Principal of Oroville High School and the Principal of Prospect Alternative Center for Education.

1. The officer will coordinate enforcement details targeting truancy and assist faculty and staff in the development of a proactive truancy enforcement program.
2. The Oroville Police Department will provide all necessary training that would improve the effectiveness of the officer.
3. The officer will participate in home visits to student truants along with outreach workers and monthly meetings of the Truancy Team to Coordinate with other Truancy prevention related services.
4. The officer will coordinate enforcement details with campus staff targeting students and problem areas involving vandalism, narcotics, fighting, reckless driving, loitering etc. The officer will

work with staff and the surrounding business community to target problems on or off campus involving students.

5. The officer will assist school staff with the development of yearly update, practice drills and implementation of the school's safety plan.
6. The officer may participate in the weekly school meetings and have weekly contact with school administrators.
7. The officer may also participate in other activities not specifically covered in the MOU such as the Every 15 Minutes Program that are mutually agreed upon by the Participating Agencies that fall within the total authorized hours/cost.
8. The Officer will provide quarterly reports regarding the number of citations, home visits/Probation sweeps, student and parent contacts, staff and classroom presentations, attend coalition meeting, and other related activities.
9. The term of this contract is (3) three years beginning August 2018.
10. The Oroville Police Department will provide a quarterly invoice to OUHSD for 21,875.00 dollars for a total of 262,500.00 dollars by June 30, 2021 and the final invoice will include the End of Year Report. The billing to OUHSD shall be invoiced reflecting the total number of hours worked by the Officer for duties requested or required as overtime or straight-time assignments.
11. Overtime will be contracted on an as needed basis.

The Oroville Union High School District agree to the following:

1. To provide the officer with office space and the necessary furniture to conduct interviews, write reports, etc. Prepare a work schedule for the SRO that is agreeable to the Oroville Police Department. The schedule may be modified with agreement by both the Oroville Police Department and the Oroville Union High School District.

Financial Commitment:

The Oroville Union High School District will contribute 262,500.00 dollars towards a 3 year contract and the cost of the Oroville Police Officers in the role of School Resource and Truancy Officer.

The Foregoing has been agreed upon by the following:

---

Dr. Corey Willenberg, Superintendent  
Oroville Union High School District

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Date

---

Bill LaGrone, Chief  
Oroville Police Department

---

Date

---

Linda Dahlmeier, Mayor  
City of Oroville

---

Date

**CITY OF OROVILLE  
RESOLUTION NO. 8729**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE OROVILLE CITY ELEMENTARY SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICER SERVICES FOR THE 2018/2019 SCHOOL YEAR**

**(Agreement No. 3253)**

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

1. The Mayor is hereby authorized and directed to execute a Memorandum of Understanding with Oroville City Elementary School District for School Resource Officer Services. A copy of the Agreement is attached hereto.
  
2. The City Clerk shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting on July 10, 2018 by the following vote:

AYES: Council Members

NOES: None

ABSTAIN: None

ABSENT: None

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

APPROVED TO AS FORM:

ATTEST:

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

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

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
OROVILLE POLICE DEPARTMENT  
AND THE  
OROVILLE CITY ELEMENTARY SCHOOL DISTRICT**

This Memorandum of Understanding will start on August 15<sup>th</sup>, 2018 and will remain in effect until June 10<sup>th</sup>, 2019. The following is agreed to by the Oroville Police Department and the Oroville City Elementary School District:

- 1. Independent Contractor.** Contractor, in the performance of this Agreement, shall be and act as an independent contractor with the sole authority for controlling and directing the performance of the details of the Services, District being interested only in the results obtained. Contractor understands and agrees that he/she and all of his/her employees shall not be considered officers, employees, agents, partner, or joint venture of the District, and are not entitled to benefits of any kind or nature normally provided employees of the District and/or to which District's employees are normally entitled, including, but not limited to, State Unemployment Compensation or Worker's Compensation. Contractor shall assume full responsibility for payment of all federal, state and local taxes with respect to Contractor's employees. If Contractor is not a resident of California and is not exempt from withholding, the District shall withhold California income taxes as required by the Revenue & Taxation Code. The Contractor shall still be responsible for payment of all state and federal taxes.
- 2. Standard of Care.** Contractor represents that Contractor has the qualifications and ability to perform the Services in a professional manner, without the advice, control or supervision of the District. If any of the Services are performed by any of the Contractor Parties, such work shall only be performed by competent personnel under the supervision of and in the employment of Contractor. Contractor's services will be performed, findings obtained and, reports and recommendations prepared in accordance with generally and currently accepted principles and practices of his/her profession for services to California school districts.
- 3. Equipment and Materials.** Contractor shall furnish, at his/her own expense, all tools, labor, materials, equipment, supplies, transportation services and any other items (collectively, "Equipment") necessary to complete the Services in a manner which is consistent with Generally accepted standards of the profession for similar services. Notwithstanding the foregoing, District shall not be responsible for any damages to persons or property as a result of the use, misuse or failure of any equipment used by Contractor of the Contractor's agents, personal employee(s), and/or subcontractor(s) ("Contractor Parties"), even if such Equipment is furnished, rented or loaned to Contractor or Contractor Parties by District. All original curricular materials provided in conjunction with Contractor services must be authorized for use by the District only and remain exclusively the intellectual property of the authors.

**4. Confidentiality.** The Contractor and all Contractor Parties shall maintain the confidentiality of all information received in the course of performing the Services. This requirement to maintain confidentiality shall extend beyond the termination of this Agreement.

**5. Termination.**

**5.1 With Cause by District.** District may terminate this Agreement upon giving of written notice of intention to terminate for cause. Cause shall include:

**5.1.1.** material violation of this Agreement by the Contractor; or

**5.1.2.** any act by Contractor Exposing the District to liability to others for personal injury or property damage; or

**5.1.3.** Contractor is adjudged a bankrupt, Contractor makes a general assignment for the benefit of creditors or a receiver is appointed on account of Contractor's insolvency.

Written notice by the District shall contain the reasons for such intention to terminate and unless within three (3) calendar days after that notice the condition or violation shall cease, or satisfactory arrangements for the correction thereof be made, this Agreement shall upon the expiration of the three (3) calendar days cease and terminate. In the event of this termination, the District may secure the required services from another Contractor. If the expense, fees, and costs to the District exceed the cost of providing their service pursuant to this Agreement, the Contractor shall immediately pay the excess expense, fees, and/or costs to the District upon the receipt of the District's notice of these expense, fees, and/or costs. The foregoing provisions are in addition to and not a limitation of any other rights or remedies available to District.

**5.2. Reduction in District Funding.** If the District has an unforeseen reduction in state funding, the District may, at any time, with or without reason, terminate this Agreement upon fifteen (15) days written notice and compensate Contractor only for services satisfactorily rendered to the date of termination. Written notice by District shall be sufficient to stop further performance of services by Contractor. Notice shall be deemed given when received by the Contractor or no later than three days after the day or mailing, whichever is sooner. In the event that District terminates this Agreement pursuant to this section, District shall compensate Contractor for Services completed to date.

**6. Indemnification.** To the furthest extent permitted by California law, Contractor shall, at its sole expense, indemnify, and hold harmless the District, the State of California, and their agents, representatives, officers, Contractors, employees, trustees, and volunteers (the "District Parties") from any and all demands, losses, liabilities, claims, suits, and actions (the "Claims") of any kind, nature, and description, including, but not limited to, personal injury, death, property damage, and Contractors' and/or attorneys' fees and costs, directly or

indirectly arising out of, connected with, or resulting from the performance of the Agreement or from any activity, work, or thing done, permitted or suffered by the Contractor under or in conjunction with this agreement, unless the Claims are caused wholly by the sole negligence or willful misconduct of the District Parties. Contractor shall, to the furthest extent permitted by California law, defend the District at the Contractor's own expense, from any and all Claim(s) and allegations relating thereto with counsel approved by District where such approval is not to be unreasonably withheld. Whereas the cost to defend the District Parties charged to the Contractor shall not exceed the Proportionate percentage of Contractor's fault as determined by a court of competent Jurisdiction, any amounts paid in excess of such established fault will be reimbursed by the District. Notwithstanding the previous sentence, in the event one or more defendants is unable to pay its share of defense costs due to bankruptcy or dissolution of the business, such defendant shall meet and confer with other parties regarding unpaid defense costs. The District shall have the right to accept or reject any legal representation that Contractor proposes to defend the indemnified parties.

**7. Insurance.** The contractor shall procure and maintain at all times it performs any portion of the Services the following insurance:

**7.1. General Liability.** One Million Dollars (\$1,000,000) per occurrence and two Million Dollars (\$2,000,000) general aggregate for bodily injury, personal injury and property damage in the form of Comprehensive General Liability and Contractual Liability.

**7.2. Automobile Liability Insurance.** One Million Dollars (\$1,000,000) per occurrence and One Million Dollars (\$1,000,000) general aggregate for automobile liability insurance that shall protect the Contractor and the District from all claims of Bodily injury, property damage, personal injury, death, and medical payments arising performing any portion of the Services by Contractor.

**7.3. Workers' Compensation and Employers' Liability Insurance.** For all the Contractor's employees who are subject to this Agreement and to the extent required by the applicable state or federal law, Contractor shall keep in full force and effect, a Workers' Compensation policy. That policy shall provide employers' liability coverage with minimum liability coverage of One Million Dollars (\$1,000,000) per accident for bodily injury or disease. Contractor shall provide an endorsement that the insurer waives the right of Subrogation against the District and its respective elected officials, officers, employees, agents, representatives, Contractors, Trustees, and Volunteers.

**7.4. Other Insurance Provisions:**

**7.4.1.** The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

**7.4.1.1.** The District, its representatives, Contractors, trustees, officers, officials, employees, agents, and volunteers (“Additional Insureds”) are to be covered as additional insureds as respects liability arising out of activities performed by or on behalf of the Contractor; instruments of Service and completed operation of the Contractor; premises owned, occupied or used by the Contractor; or automobiles owned, leased, hired or borrowed by the contractor. The coverage shall contain no special limitations on the scope of protection afforded to the Additional Insureds.

**7.4.1.2.** For any claims related to the projects, the Contractor’s insurance coverage shall be primary insurance as respects the Additional Insureds. Any insurance or self-insurance maintained by the Additional Insureds shall be in excess of the Contractor’s insurance and shall not contribute with it.

**7.4.1.3.** Any failure to comply with reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to the Additional Insureds.

**7.4.2.** The Contractor’s Insurance shall apply separately to each insured against who claim is made of suit is brought, except with respect to the limits of the insurer’s liability.

**7.4.3.** Intentionally left blank.

**7.4.4.** Contractor shall furnish the District with Certificates of insurance showing maintenance of the required insurance coverage and original endorsements affecting general liability and automobile liability coverage. The endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. All endorsements are to be received and approved by the District before Services commence.

**8. Limitation of District Liability.** Other than as provided in this Agreement, District’s financial obligations under this Agreement shall be limited to the payment of the compensation provided in this Agreement. Notwithstanding any other provision of this Agreement, in no event, shall District be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including but not limited to, lost profits or revenue, arising out of or in connection with this Agreement for the services performed in connection with this Agreement.



## **EXHIBIT A**

### **Scope of Services**

This agreement is made between the Oroville Police Department and the Oroville City Elementary School District hereafter to be referred to as the “School District.”

The Oroville Police Department and the Oroville City Elementary School District recognize the need for a School Resource Officer (SRO) to be directly involved with the youth on the campus’ of Oroville City Elementary Schools. The School District is very aware of the potential for violence on school campuses; the potential of drug and alcohol use by students, both on and off school campuses; and the gang mentality sweeping the youth of today toward criminal behavior.

The purpose of the School Resource Officer is to be a liaison between the staff, faculty, students, and parents of the students at Oroville City Elementary Schools to promote a safe environment where an orderly educational process can take place.

The School Resource Officer Program will receive support beginning August 15, 2018 through June 10, 2019 or until 30-day written notice of termination is given by either party. This MOU is subject to review upon request by either party. The School Resource Officer will be available to the School District every regular day School is in session. When school is not in regular session, the School Resource Officer will be assigned to the Oroville Police Department.

The Oroville Police Department will provide the following services:

Under the Oroville Police Department Supervision, dedicate one full time Officer to Oroville Elementary School Districts. The schedules will be coordinated between the Oroville Police Department and Administration of the School Districts.

1. The officer will coordinate enforcement details targeting truancy and assist faculty and staff in the development of a proactive truancy enforcement program.
2. The Oroville Police Department will provide all necessary training that would improve the effectiveness of the officer.
3. The officer will participate in home visits to student truants along with outreach workers and monthly meetings of the Truancy Team to Coordinate with other Truancy prevention related services.
4. The officer will coordinate enforcement details with campus staff targeting students and problem areas involving vandalism, narcotics, fighting, reckless driving, loitering etc. The officer will work with staff and the surrounding business community to target problems on or off campus involving students.

5. The officer will assist school staff with the development of yearly update, practice drills and implementation of the school's safety plan.
6. The officer may participate in the weekly school meetings and have weekly contact with school administrators.
7. The officer may also participate in other activities not specifically covered in the MOU that are mutually agreed upon by the Participating Agencies that fall within the total authorized hours/cost.
8. The Officer will provide quarterly reports regarding the number of citations, home visits/Probation sweeps, student and parent contacts, staff and classroom presentations, attend coalition meeting, and other related activities.
9. The term of this contract is (1) one year beginning August 2018.
10. The Oroville Police Department will provide a quarterly invoice to OCESD for 12,500.00 dollars for a total of \$50,000.00 dollars by June 30, 2019 and the final invoice will include the End of Year Report. The billing to OCESD shall be invoiced reflecting the total number of hours worked by the Officer for duties requested or required as overtime or straight-time assignments.
11. Overtime will be contracted on an as needed basis.

The Oroville City Elementary School District agrees to the following:

1. To provide the officer with office space and the necessary furniture to conduct interviews, write reports, etc. Prepare a work schedule for the SRO that is agreeable to the Oroville Police Department. The schedule may be modified with agreement by both the Oroville Police Department and the Oroville City Elementary School District.

Financial Commitment:

The Oroville City Elementary School District will contribute \$50,000.00 dollars toward a 1-year contract and the cost of the Oroville Police Officers in the role of School Resource and Truancy Officer.

The foregoing has been agreed upon by the following:

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Dr. Penny Chennell-Carter, Superintendent  
Oroville City Elementary School District

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Date

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Bill LaGrone, Chief  
Oroville Police Department

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Date

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Linda Dahlmeier, Mayor  
City of Oroville

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Date

**CITY OF OROVILLE  
RESOLUTION NO. 8730**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE THERMALITO UNION ELEMENTARY SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICER SERVICES FOR THE 2018/2019, 2019/2020, AND 2020/2021 SCHOOL YEARS**

**(Agreement No. 3254)**

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

1. The Mayor is hereby authorized and directed to execute a Memorandum of Understanding with Thermalito Elementary School District for School Resource Officer Services. A copy of the Agreement is attached hereto.
  
2. The City Clerk shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting on August 7, 2018 by the following vote:

AYES: Council Members

NOES: None

ABSTAIN: None

ABSENT: None

\_\_\_\_\_  
Janet Goodson, Vice Mayor

APPROVED TO AS FORM:

ATTEST:

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

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

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
OROVILLE POLICE DEPARTMENT  
AND THE  
THERMALITO UNION ELEMENTARY SCHOOL DISTRICT**

This agreement is made between the Oroville Police Department and the Thermalito Union Elementary School District, hereafter to be referred to as the “School District.” This Memorandum of Understanding (MOU) is three pages.

The Oroville Police Department and the Thermalito Union Elementary School District recognize the need for a School Resource Officer (SRO) to be directly involved with the youth on the campus of Heritage Community Day School, Pioneer Community Day School, Nelson Avenue Middle School, Plumas Avenue Elementary, Poplar Avenue Elementary, and Sierra Avenue Elementary. The School District is aware of the risks for violence on school campuses; of drug and alcohol use by students, both on and off school campuses; and the risks of gang mentality / involvement and the accompanying criminal behavior.

The purpose of the School Resource Officer is to be a liaison between the staff, faculty, students, and parents of the students at Heritage Community Day School, Pioneer Community Day School, Nelson Avenue Middle School, Plumas Avenue Elementary, Poplar Avenue Elementary, and Sierra Avenue Elementary and to promote a safe environment where an orderly educational process can take place.

The School Resource Officer Program will receive support beginning August 15, 2018 through June 10, 2021 or until 30-day written notice of termination is given by either party. This MOU is subject to review upon request by either party. The School Resource Officer will be available to the School District every regular day school is in session during school hours. When school is not in regular session, the School Resource Officer will be assigned to the Oroville Police Department.

The Oroville Police Department will provide the following services:

Under the Oroville Police Department Supervision, dedicate a School Resource Officer to Heritage Community Day School, Pioneer Community Day School, Nelson Avenue Middle School, Plumas Avenue Elementary, Poplar Avenue Elementary, and Sierra Avenue Elementary. The schedules will be coordinated between the School Resource Officer and the administrative staffs at Heritage Community Day School, Pioneer Community Day School, Nelson Avenue Middle School, Plumas Avenue Elementary, Poplar Avenue Elementary, and Sierra Avenue Elementary.

1. The officer will coordinate enforcement details targeting truancy and assist faculty and staff in the development of a proactive truancy enforcement program.

2. The Oroville Police Department will provide all necessary training that would improve the effectiveness of the officer.
3. The officer will participate in home visits to student truants along with outreach workers and monthly meetings of the Truancy Team to coordinate with other Truancy prevention related services.
4. The officer will coordinate enforcement details with campus staff targeting students and problem areas involving vandalism, narcotics, weapons on school grounds, fighting, loitering etc. The officer will work with staff and the surrounding business community to target problems on or off campus involving students.
5. The officer will assist school staff with the development of yearly safety updates, practice drills and implementation of the school's safety plan.
6. The officer may participate in the weekly school meetings and have weekly contact with school administrators.
7. The officer will be available to assist staff with issues regarding mandated reporting and referrals to the Children's Services Department.
8. The officer will provide quarterly reports regarding the number of citations, home visits, student and parent contacts, staff and classroom presentations, attend coalition meeting, and other related activities.
9. The term of this contract is (3) three years beginning August 2018.
10. The Oroville Police Department will provide a quarterly invoice to Thermalito Union Elementary School District for 12,500.00 dollars for a total of 150,000.00 dollars by June 30, 2021 and the final invoice will include the End of Year Report. The billing to TUESD shall be invoiced reflecting the total number of hours worked by the Officer for duties requested or required as overtime or straight-time assignments.
11. Overtime will be contracted on an as needed basis.

Thermalito Union Elementary School District agree to the following:

1. To provide the officer with office space and the necessary furniture to conduct interviews, write reports, etc. Prepare a work schedule for the SRO that is agreeable to the Oroville Police Department. The schedule may be modified with agreement by both the Oroville Police Department and the Thermalito Union Elementary School District to meet the need for more flexible hours due to school related events.

Financial Commitment:

The Thermalito Union Elementary School District will contribute 150,000.00 dollars towards a 3-year contract and the cost of the Oroville Police Officers in the role of School Resource and Truancy Officer.

The Foregoing has been agreed upon by the following:

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Gregory Blake, Superintendent  
Thermalito Union Elementary School District

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Date

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Bill LaGrone, Chief  
Oroville Police Department

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Date

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Linda Dahlmeier, Mayor  
City of Oroville

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Date

# OROVILLE CITY COUNCIL STAFF REPORT

**TO:** MAYOR AND COUNCIL MEMBERS

**FROM:** RUTH WRIGHT  
DIRECTOR OF FINANCE

**RE:** ANNUAL SPECIAL TAX FOR THE CITY'S COMMUNITY FACILITIES DISTRICT NO. 2006-1 (WESTSIDE PUBLIC SAFETY FACILITIES) AND DISTRICT NO. 2006-2 (PUBLIC SAFETY SERVICES) FOR FISCAL YEAR 2018/2019

**DATE:** AUGUST 7, 2018

## **SUMMARY**

The City Council will consider the annual special tax relating to the City's Community Facilities Districts ("CFD's").

## **DISCUSSION**

In October 2006, the City completed the formation of two CFD's designed to establish a special tax for subdivision projects in the Thermalito area. CFD No. 2006-1 was formed to fund the design and construction of a fire and police facility to be located at the Oroville Airport. CFD No. 2006-2 was formed to provide ongoing funding to maintain and staff these facilities in perpetuity. Both CFS's are funded through the collection of a special tax attached to the property tax bill issued by the Butte County Tax Collector's Office. Currently, four subdivisions are included in these CFD's. The rate and method of apportionment provides for the collection of certain tax amounts for both final mapped property without building permits issued (final mapped property) and final mapped property that have had a building permit issued (developed property).

Per Senate Bill 165, an annual Report for each CFD must be filed with the City Council. The annual report shall contain all of the following:

- The amount of funds collected and expended.
- The status of any project required or authorized to be funded as identified in subdivision (a) of Section 50075.1 or Section 53410.

The attached Reports fulfill these minimum requirements. No other action is required by the City Council.



The City Council will consider the following items for the CFD's that will:

1. Establish the annual special tax for Fiscal Year 2018/2019 for the two CFD's.
2. Direct the Butte County Auditor-Controller's Office to attach the special tax to the property tax bill of those final mapped and developed parcels within the two CFD's.

## **FISCAL IMPACT**

Funds are collected on the Butte County tax roll and placed into a "Special Fund" account for specified expenses within the two CFD's.

## **RECOMMENDATION(S)**

1. Adopt Resolution No. \*\*\*\* - **A RESOLUTION OF THE CITY COUNCIL ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 2006-1, WESTSIDE PUBLIC SAFETY FACILITIES, FOR FISCAL YEAR 2018/2019**
2. Adopt Resolution No. \*\*\*\* - **A RESOLUTION OF THE CITY COUNCIL ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 2006-2, PUBLIC SAFETY SERVICES, FOR FISCAL YEAR 2018/2019**
3. Adopt Resolution No. \*\*\*\* **A RESOLUTION OF THE OROVILLE CITY COUNCIL CERTIFYING TO THE COUNTY OF BUTTE THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY**
4. Authorize the Mayor to sign the Proposition 218 Certificates for inclusion on the 2018/2019 Butte County Tax Roll.

## **ATTACHMENT(S)**

Resolution No. \*\*\*\*

Resolution No. \*\*\*\*

Resolution No. \*\*\*\*

Proposition 218 Certification of Special Tax Levy No. 1

Proposition 218 Certification of Special Tax Levy No. 2

CFD 2006-1 Annual Report

CFD 2006-2 Annual Report

**CITY OF OROVILLE  
RESOLUTION NO. 8736**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 2006-1, WESTSIDE PUBLIC SAFETY FACILITIES, FOR FISCAL YEAR 2018/2019**

**WHEREAS**, the Oroville City Council (hereafter referred to as the “legislative body”), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a special tax district, all as authorized pursuant to the terms and provisions of the “Mello Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1, Division 2, Title 5 of the California Government Code. Said special tax district is known and designated as Community Facilities District No. 2006-1, Westside Public Safety Facilities (hereafter referred to as “CFD No. 2006-1”) and,

**WHEREAS**, the legislative body, by ordinance and as authorized by Section 53340 of the California Government Code, has authorized the levy of a special tax to pay the costs and expenses related to CFD No. 2006-1 and this legislative body desires to establish the specific special tax rate to be collected for the upcoming fiscal year.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE LEGISLATIVE BODY AS FOLLOWS:**

**Section 1** That the above recitals are true and correct.

**Section 2** The specific special tax rate to be collected for CFD No. 2006-1 for the upcoming fiscal year (2018/2019) is hereby determined and established in the table below. A listing of individual parcels, showing the corresponding special tax rate, is attached hereto as “Exhibit A”.

<b>TYPE</b>	<b>RATE</b>
Developed Property	\$600.00 per Developed Property
Final Mapped Property	\$300.00 per Final Mapped Property

**Section 3** That the special tax rate as set forth above does not exceed the amount as previously authorized by ordinance of this legislative body and is not in excess of that as previously approved by the qualified electors of CFD No. 2006-1, and is in compliance with Proposition 218, Section XIII D of the Constitution of the State of California.

**Section 4** That the proceeds of the special tax shall be used to pay, in whole or in part, the costs of the following:

- A. Preliminary and Incidental Expense and Appurtenant Work and Improvements** – the authorized facilities shall be deemed to include the costs and expenses of mobilization, clearing, grubbing, protective fencing and erosion control, excavation, dewatering, lime treatment, drainage ditches, rock outfalls, curb, gutter and sidewalks, base and finishing pavement, striping, traffic signals, street lights, landscaping, irrigation, soundwalls, retaining walls, barricades and related appurtenant work and facilities, together with the costs and expenses of engineering design, environmental analysis, utility relocation, permits for work in jurisdictional waters, right-of-way acquisition, plan review, project management, construction related surety bonds or like security instruments, construction staking and management, inspection and any like fees and costs incidental to such acquisition, construction and installation.
- B.** Fire station and related fire fighting and suppression equipment, furniture and furnishings.
- C.** Police substation and related furniture, furnishings and equipment.

The proceeds of the special tax shall be used as set forth above and shall not be used for any other purpose.

**Section 5** The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and same procedure and sale in cases of delinquency for ad valorem taxes, and the Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting said special taxes.

**Section 6** All monies collected shall be paid into a fund for CFD No. 2006-1, including any reserve fund amounts.

**Section 7** The County Auditor is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land effected in a space marked “public services” or “special tax” or by any other suitable designation, the installment of the special tax and the exact rate of the special tax as stated above.

**Section 8** The County Auditor shall then, at the close of the tax collection period, promptly render to the City of Oroville, a detailed report showing the amount(s) of such special tax installments, interest, penalties and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making such collection.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting held on August 7, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

**CITY OF OROVILLE  
RESOLUTION NO. 8737**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL ESTABLISHING THE ANNUAL SPECIAL TAX FOR COMMUNITY FACILITIES DISTRICT NO. 2006-2, PUBLIC SAFETY SERVICES, FOR FISCAL YEAR 2018/2019**

**WHEREAS**, the Oroville City Council (hereafter referred to as the “legislative body”), has initiated proceedings, held a public hearing, conducted an election and received a favorable vote from the qualified electors relating to the levy of a special tax in a special tax district, all as authorized pursuant to the terms and provisions of the “Mello Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1, Division 2, Title 5 of the California Government Code. Said special tax district is known and designated as Community Facilities District No. 2006-2, Public Safety Services (hereafter referred to as “CFD No. 2006-2”) and,

**WHEREAS**, the legislative body, by ordinance and as authorized by Section 53340 of the California Government Code, has authorized the levy of a special tax to pay the costs and expenses related to CFD No. 2006-2 and this legislative body desires to establish the specific special tax rate to be collected for the upcoming fiscal year.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE LEGISLATIVE BODY AS FOLLOWS:**

**Section 1** That the above recitals are true and correct.

**Section 2** The specific special tax rate to be collected for CFD No. 2006-2 for the upcoming fiscal year (2018/2019) is hereby determined and established in the table below. A listing of individual parcels, showing the corresponding special tax rate, is attached hereto as “Exhibit A”.

<b>TYPE</b>	<b>RATE</b>
Developed Property	\$600.00 per Developed Property
Final Mapped Property	\$300.00 per Final Mapped Property

**Section 3** That the special tax rate as set forth above does not exceed the amount as previously authorized by ordinance of this legislative body and is not in excess of that as previously approved by the qualified electors of CFD No. 2006-2, and is in compliance with Proposition 218, Section XIII D of the Constitution of the State of California.

**Section 4** That the proceeds of the special tax shall be used to pay, in whole or in part, the costs of the following:

A. Fire protection and suppression.

B. Police protection.

The proceeds of the special tax shall be used as set forth above and shall not be used for any other purpose.

**Section 5** The special tax shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and same procedure and sale in cases of delinquency for ad valorem taxes, and the Tax Collector is hereby authorized to deduct reasonable administrative costs incurred in collecting said special taxes.

**Section 6** All monies collected shall be paid into a fund for CFD No. 2006-2, including any reserve fund amounts.

**Section 7** The County Auditor is hereby directed to enter in the next County assessment roll on which taxes will become due, opposite each lot or parcel of land effected in a space marked "public services" or "special tax" or by any other suitable designation, the installment of the special tax and the exact rate of the special tax as stated above.

**Section 8** The County Auditor shall then, at the close of the tax collection period, promptly render to the City of Oroville, a detailed report showing the amount(s) of such special tax installments, interest, penalties and percentages so collected and from what property collected, and also provide a statement of any percentages retained for the expense of making such collection.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting held on August 7, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

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Scott E. Huber, City Attorney

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Joanna Gutierrez, Interim City Clerk

**CITY OF OROVILLE  
RESOLUTION NO. 8738**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL CERTIFYING TO THE COUNTY OF BUTTE THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY**

**WHEREAS**, the notices and election for special assessment fees to be included on the regular County property tax bill for property owners of the City of Oroville was completed on August 7, 2018; and

**WHEREAS**, the City of Oroville (City) is placing the special assessments on the Butte County secured property tax roll for collection; and

**WHEREAS**, the City has complied with all laws pertaining to the levy of the special assessments, including Proposition 218, to be collected per Streets and Highway Code section 22501, et seq; and

**WHEREAS**, the assessment is being levied without regard to property valuation of the properties involved; and

**WHEREAS**, the City agrees that it shall be solely liable and responsible, and will defend and hold the County of Butte harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the City by the County; and

**NOW THEREFORE BE IT RESOLVED** by the Oroville City Council that the list submitted with parcel numbers and amounts are certified as being correct, the Mayor is hereby authorized to sign any documents required and directed to give the list to the Butte County Auditor on behalf of the City for placement on the secured tax roll for collection:

1. Prop 218 or Compliance Certification and Hold Harmless Statement
2. Property Tax Data Bill Form
3. Authority to Approve Direct Assessment Charges
4. Parcel Listing

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting held on August 7, 2018, by the following vote:

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/

/



AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Janet Goodson, Vice Mayor

APPROVED AS TO FORM:

ATTEST:

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

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

# ATTACHMENT #1

## PROPOSITION 218 OR COMPLIANCE CERTIFICATION AND HOLD HARMLESS STATEMENT

The Agency/District: Westside Community Facilities District No. 2006-1 certifies the following:

I have read and am familiar with the requirements of Article XIII C and XIII D of the State Constitution as revised by Proposition 218, including the articles cited below, and believe that all of the taxes, assessments, levies and fees accompanying the 2018-2019 submission to the County-Auditor for inclusion on the Secured Property Tax roll are in compliance with the law.

Article XIII C. Sec. 2 (c) *“Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).”*

Article XIII D. Sec. 5 *“...this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article.”*

Article XIII E. Sec. 6 (d) *“Beginning July 1, 1997, all fees or charges shall comply with this section.”*

The Agency/District agrees that it shall be solely liable and responsible, and will defend and hold harmless the County of Butte, the Board of Supervisors, the Auditor-Controller, the Tax Collector, its officers and employees, from litigation over whether the requirements of Proposition 218 were met with respect to such levy (levies).

If any judgment is entered against any indemnified party as a result of not meeting the requirements of Proposition 218 for such special tax(es), fee(s) or assessment(s), the Agency/District agrees that County may offset the amount of any judgment paid by an indemnified party from any moneys collected by County on Agency/District’s behalf, including property taxes, special taxes, fees, or assessments. In addition, the Agency/District shall be solely liable and responsible and will defend and hold the County and the County Auditor harmless from any and all legal fees or other costs incurred related to such a claim.

By: City of Oroville - \_\_\_\_\_

PLEASE ONLY CHECK ONE:

Is This a Compliance Certification \_\_\_\_\_

OR

A Proposition 218 Certification \_\_\_\_\_ X \_\_\_\_\_

# ATTACHMENT #1

## PROPOSITION 218 OR COMPLIANCE CERTIFICATION AND HOLD HARMLESS STATEMENT

The Agency/District: Public Safety Services Community Facilities District No. 2006-2 certifies the following:

I have read and am familiar with the requirements of Article XIIC and XIID of the State Constitution as revised by Proposition 218, including the articles cited below, and believe that all of the taxes, assessments, levies and fees accompanying the 2018-2019 submission to the County-Auditor for inclusion on the Secured Property Tax roll are in compliance with the law.

Article XIII C. Sec. 2 (c) *“Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).”*

Article XIII D. Sec. 5 *“...this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article.”*

Article XIII E. Sec. 6 (d) *“Beginning July 1, 1997, all fees or charges shall comply with this section.”*

The Agency/District agrees that it shall be solely liable and responsible, and will defend and hold harmless the County of Butte, the Board of Supervisors, the Auditor-Controller, the Tax Collector, its officers and employees, from litigation over whether the requirements of Proposition 218 were met with respect to such levy (levies).

If any judgment is entered against any indemnified party as a result of not meeting the requirements of Proposition 218 for such special tax(es), fee(s) or assessment(s), the Agency/District agrees that County may offset the amount of any judgment paid by an indemnified party from any moneys collected by County on Agency/District’s behalf, including property taxes, special taxes, fees, or assessments. In addition, the Agency/District shall be solely liable and responsible and will defend and hold the County and the County Auditor harmless from any and all legal fees or other costs incurred related to such a claim.

By: City of Oroville - \_\_\_\_\_

PLEASE ONLY CHECK ONE:

Is This a Compliance Certification \_\_\_\_\_

OR

A Proposition 218 Certification \_\_\_\_\_ X \_\_\_\_\_

## ANNUAL REPORT FOR COMMUNITY FACILITIES DISTRICT 2006-1 WESTSIDE PUBLIC SAFETY FACILITIES

Senate Bill 165, filed with the Secretary of State on September 19, 2000, enacted the Local Agency Special Tax and Bond Accountability Act (the "Act"). This Act requires that any local special tax/local bond measure subject to voter approval contain a statement indicating the specific purposes of the special tax, require that the proceeds of the special tax be applied to those purposes, require the creation of an account into which the proceeds shall be deposited and require an annual report containing specific information concerning the use of the proceeds. The Act only applies to any local special tax measure or local bond measure adopted on or after January 1, 2001, in accordance with Section 50075.1 of the California Government Code (the "Code").

Some of the requirements of the Act are handled at the formation of the special tax district and others are handled through annual reports. This report intends to comply with Section 50075.3 or Section 53411 of the Code that states:

*"The chief financial officer of the issuing local agency shall file a report with the governing body no later than January 1, 2002 and at least once a year thereafter".*

The annual report shall contain all of the following:

- The amount of funds collected and expended.
- The status of any project required or authorized to be funded as identified in subdivision (a) of Section 50075.1 or Section 53410.

The requirements of the Act apply to the Improvement Fund for Community Facilities District No. 2006-1 (the "CFD"). The appropriate information is displayed in the table below:

<b>CFD 2006-1 WESTSIDE PUBLIC SAFETY FACILITIES CONSTRUCTION OF FIRE AND POLICE FACILITY</b>				
Formation Date	2017/2018 Annual Levy	7/1/2018 Balance	Amount Expended to Date	Project Status
9/19/2006	\$60,600.00	\$478,848	\$0.00	No activity due to insufficient revenue to begin project

## ANNUAL REPORT FOR COMMUNITY FACILITIES DISTRICT 2006-2 PUBLIC SAFETY SERVICES

Senate Bill 165, filed with the Secretary of State on September 19, 2000, enacted the Local Agency Special Tax and Bond Accountability Act (the "Act"). This Act requires that any local special tax/local bond measure subject to voter approval contain a statement indicating the specific purposes of the special tax, require that the proceeds of the special tax be applied to those purposes, require the creation of an account into which the proceeds shall be deposited and require an annual report containing specific information concerning the use of the proceeds. The Act only applies to any local special tax measure or local bond measure adopted on or after January 1, 2001, in accordance with Section 50075.1 of the California Government Code (the "Code").

Some of the requirements of the Act are handled at the formation of the special tax district and others are handled through annual reports. This report intends to comply with Section 50075.3 or Section 53411 of the Code that states:

*"The chief financial officer of the issuing local agency shall file a report with the governing body no later than January 1, 2002 and at least once a year thereafter".*

The annual report shall contain all of the following:

- The amount of funds collected and expended.
- The status of any project required or authorized to be funded as identified in subdivision (a) of Section 50075.1 or Section 53410.

The requirements of the Act apply to the Improvement Fund for Community Facilities District No. 2006-2 (the "CFD"). The appropriate information is displayed in the table below:

<b>CFD 2006-2 PUBLIC SAFETY SERVICES STAFFING OF FIRE AND POLICE FACILITY</b>				
Formation Date	2017/2018 Annual Levy	7/1/2018 Balance	Amount Expended to Date	Project Status
9/19/2006	\$60,600.00	\$516,345	\$0.00	No activity due to insufficient revenue to begin project

**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS**

**FROM: BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR  
ADMINISTRATION DEPARTMENT**

**RE: HAVEN OF HOPE ON WHEELS**

**DATE: AUGUST 7, 2018**

**SUMMARY**

The Council may consider the Oroville Southside Community Improvement Association program to address homelessness in the Oroville area.

**DISCUSSION**

On May 15, 2018 the Oroville City Council heard a presentation from the Oroville Southside Community Improvement Association (OSCIA), regarding the Haven Of Hope On Wheels (HOHOW) project.

HOHOW is a program established through the Oroville Southside Community Improvement Association (OSCIA), a 501c (3) nonprofit corporation. OSCIA was founded in 2009 with the focus of helping the underserved with resources: healthcare, health education, employment and training needs of residents, and their relationship with local government.

The mission of Haven of Hope on Wheels (HOHOW) is to provide the homeless access to showers, laundry & grooming services in the most convenient way possible, which in turn they will be able to seek and hold jobs, make medical appointments and in general have a sense of personal pride.

The OSCIA has asked for our support and partnership in the project. The OSCIA is ready to take the next step in the project. The largest barrier to bring this service to the community is funding. The OSCIA has worked many hours raising money and working on a sustainability plan once funding is available to purchase the hygiene trailer.

The proposal that Haven of Hope is presenting seeks to work collaboratively with key stakeholders in the City of Oroville to address the issues of homelessness by providing adequate hygiene services to the affected individuals. It is our endeavor to provide Haven of Hope on Wheels (HOHOW) a mobile, self-contained hygiene shower and laundry trailer reaching out to homeless encampments and areas where the homeless congregate.

In collaboration with the City of Oroville, health care facilities & organizations, as well as county and local government, Faith-based organizations, and community members, Haven of Hope proposes utilizing its Haven of Hope on Wheels mobile hygiene trailer to serve the disenfranchised in Butte County 5-6 days a week for a total of 10 -12 weekly sessions.

It is Haven of Hope's desire to come alongside & partner with both City & County officials & organizations to support the initiatives already in place that are assisting those that are homeless and at-risk individuals and families who need that extra guidance while on the road to self-sufficiency.

### **Haven of Hope Resource Center:**

Along with the mobile shower unit we are anticipating the opening of our Haven of Hope Resource Center which will supply the basic needs, programs & services to eligible individuals & families. As we are serving the homeless population with the mobile unit, this will reinforce our goals of helping our target population towards becoming self-sufficient. Our mission will be to focus on these low-income & marginalized community members.

The programs offered through our Center will be to help the disenfranchised will be counseling, intake & evaluations to help meet the physical, mental & spiritual needs of the men, women & children. We will offer life skills classes, job training & placement & case management services to the unhoused individuals.

The case management team will assist clients with goal settings, health services, dental care, job training & placement, housing assistance & transportation, as an extension of our services, Haven of Hope Resource Center will collaborate with Butte County, to identify & provide services to our community homeless population.

Our goal is to hire 7 staff members to run the Resource Center. These staff members include: A Director of the Haven of Hope programs (HOHOW & HOHRC), Director of Nursing, Licensed Clinician, Case Manager, Intake Specialist, Office Manager and a Receptionist.

We will require participation from key groups including:

- Butte County, City and County Agencies servicing the homeless population, Faith based organizations, and community outreach programs such as food banks and mobile medical units.
- Haven of Hope to provide technical expertise, personnel and services through Haven of Hope Resource Center
- Private and public donors for funding from both individuals & groups

Haven of Hope proposes using sites for Haven of Hope on Wheels that are chosen by the key stakeholders in the City of Oroville to target the greatest areas of need in the City.

Haven of Hope on Wheels will provide showers, toilets, laundry services and case management. We also provide hygiene kits and flip flops, and when donated, socks, t-shirts, and sweats.

Our hours of operation for Haven of Hope on Wheels will be Mondays – Saturdays from 7:00 am to 6:00 pm. This time is divided into 4-hour sessions allowing us to provide up to 2 sessions per day. The mobile hygiene shower trailer can give up to 42 showers and 24 loads of laundry per session.

Haven of Hope on Wheels will utilize a program coordinator, fleet manager, one case manager, one driver and one intake specialist. Additionally, Haven of Hope will provide job search assistance & some training through our Haven of Hope Resource Center as well as other supportive services.

### **Key Results Metrics**

- # of individuals who utilize the showers, toilets, and laundry services
- #of individuals who are connected to case management (Resource Center) to help with medical services and permanent housing

### **Financial Costs Analysis for HOHOW & HOHRC:**

#### **Initial Costs:**

The initial cost of purchasing both the truck (a flatbed 350 1-ton diesel) & trailer (hygiene unit) is \$160,000.

#### **Operational Costs:**

Haven of Hope would like to provide up to 12 services a week to Butte County in addition to the services that we are providing to the City of Oroville. The annual cost to successfully run Haven of Hope on Wheels will be \$148,560.

To effectively run our Resource Center, we are looking at an annual cost of \$287,364. This will roughly break down to \$23,947 per month to provide the necessary services at the Center to effectively collaborate with our efforts in outreach through Haven of Hope on Wheels.

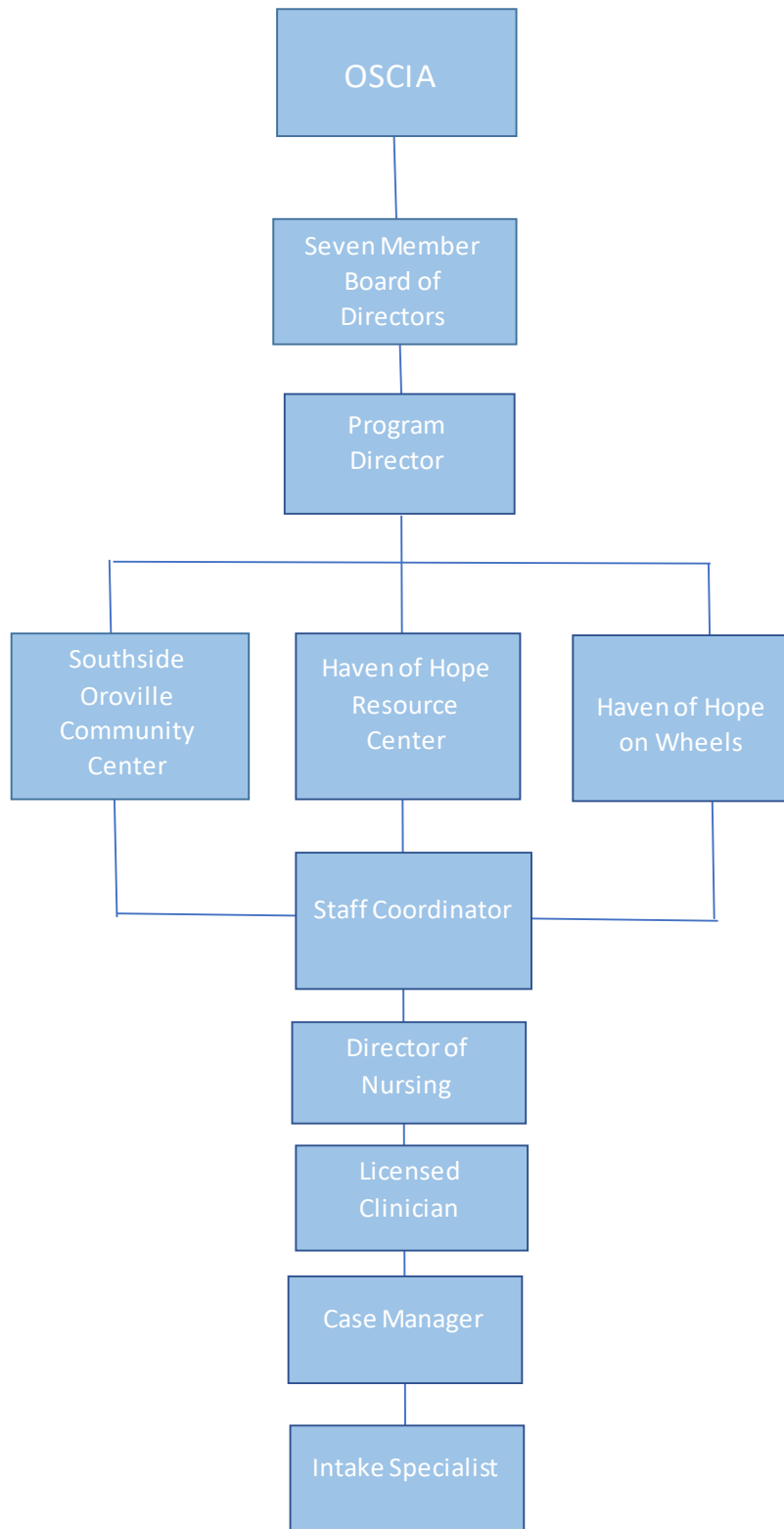
To successfully run both Haven of Hope on Wheels & Haven of Hope Resource Center, we are looking at an annual operational budget of \$435,924.

### **Reporting**

Haven of Hope utilizes Salesforce to evaluate and monitor our metrics. We will provide quarterly reporting to demonstrate our program effectiveness.



**Organizational Chart:**



The transient population of Oroville is a regular source of quality of life complaints received from other community members. To help address the issues that surround the transient population it will be necessary to partner with these types of providers. The traditional methods of incarceration no longer have any effect due to limited ability to incarcerate individuals. Changes in the current law does not afford enough space in correction facilities to house minor offenses. However, these minor offenses have led to the deterioration of the quality of life for a large segment of our community. To better address these issues, it will take none traditional thinking and courage to make the necessary changes.

The City is currently partnering with the Hope Center to address this issue. The Hope Center has been a very successful with the limited program the City has been able to provide. It will be necessary to fund not only the Haven of Hope on Wheels but also the Hope Center to address the issue holistically.

### **FISCAL IMPACT**

None at this time

### **RECOMMENDATIONS**

Direct staff to identify potential internal funding source and schedule meeting to present funding source and receive further direction on how to proceed with the project.

### **ATTACHMENTS**

Haven of Hope on Wheels Financial matrix

**Haven of Hope - On Wheels Project --- FINANCIAL PROJECTION**

	6/2018->6/2019	6/2019 -> 6/2020	6/2020-> 6/2021	6/2021 -> 6/2022	6/2022 -> 6/2023
<b>INCOME:</b>					
Income A	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Income B	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Sub-Total Income</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>EXPENSES:</b>	Annual	5% Growth	+ 5%	+ 5%	+ 5%
<b>General &amp; Administration Expenses</b>					
Fleet Manager (\$2,480. mo.)	\$29,760.00	\$31,248.00	\$32,810.00	\$34,451.00	\$36,174.00
Case Manager (\$2,480. mo.)	\$29,760.00	\$31,248.00	\$32,810.00	\$34,451.00	\$36,174.00
Driver (\$2480. mo.)	\$29,760.00	\$31,248.00	\$32,810.00	\$34,451.00	\$36,174.00
Intake Specialist (\$2,440. mo.)	\$29,280.00	\$30,744.00	\$32,281.00	\$33,895.00	\$35,590.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Sub-Total Expenses</b>	<b>\$118,560.00</b>	<b>\$124,488.00</b>	<b>\$130,711.00</b>	<b>\$137,248.00</b>	<b>\$144,112.00</b>
<b>Fleet Expenses:</b>					
Equipment Operational Expenses (\$2,500. mo.)	\$30,000.00	\$31,500.00	\$33,075.00	\$34,729.00	\$36,465.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Sub-Total Facility Expenses</b>	<b>\$30,000.00</b>	<b>\$31,500.00</b>	<b>\$33,075.00</b>	<b>\$34,729.00</b>	<b>\$36,465.00</b>
	0				
<b>Total Operating Expenses</b>	<b>\$148,560.00</b>	<b>\$155,988.00</b>	<b>\$163,786.00</b>	<b>\$171,977.00</b>	<b>\$180,577.00</b>



**OROVILLE CITY COUNCIL  
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS**

**FROM: BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR**

**RE: UTILITY USER TAX**

**DATE: AUGUST 8, 2018**

**SUMMARY**

The Council may consider amending section 3.28 Oroville Municipal Code, Telephone, Gas, Water, Electricity, and Television cable user tax.

**DISCUSSION**

At the July 6, 2018 meeting of the Oroville City Council meeting, the Council expressed the desire to review the Utility user tax, 3.28 of the Oroville Municipal Code.

Currently all electrical, gas, water are taxed at 5%. Telephone and Cable are taxed at 4.5%. Each year the Utility User Tax generates approximately 1.8 million dollars in revenue. The monies generated by this tax are not restrict dollars and are currently being used to fund a portion of each City Department.

The elimination of this tax will reduce the City revenue and with no new money will exacerbate the City's negative financial position. If the Council were to obtain a new funding source to replace these dollars, the Council must examine the impact and determine if the benefit of a new funding source is diminished by the elimination of this tax.

The City is currently in a position of having to use one-time money (savings) to make our budget balance. The shortfall this year is approximately \$274,000.00. This amount is growing each year due to increased cost. This hole in our budget will grow and eventually cause the failure of the City if it is not addressed with new revenue.

The City has reduced the workforce from 147 employees to 90 employees. Reduction of staffing is no longer a consideration without the reduction or complete loss of some services the City is currently providing.

The Council can take the action to reduce the tax rates or eliminate this tax completely. If that action is taken the Council cannot simply go back and raise the rate. If the rate was lowered or eliminated it would become necessary to have a vote of the people of Oroville to reinstate the old rate or reapprove the rate if eliminated.

The Council has the prerogative to add rebates for low income seniors or any other group that the Council identifies, or other changes as directed. To do this the Council would have to direct staff to return to Council with proposed changes to the Municipal Code, adopt those change, and then conduct a public hearing.

### **FISCAL IMPACT**

Elimination of User Tax would result in a loss of approximately 1.8 million dollars of general fund money per year

Reduction or rebate would result in a loss proportionate to the percentage of reduction per year

### **RECOMMENDATION**

Due to the precarious financial situation of the City, Staff recommends no reduction or elimination of the Utility User Tax at this time. Staff further recommends that this item come back to Council in January of 2019 for further consideration.

### **ATTACHMENTS**

None

**OROVILLE CITY COUNCIL  
MONTHLY REPORT  
JUNE**

**TO: MAYOR AND CITY COUNCIL MEMBERS  
TOM LANDO, INTERIM CITY ADMINISTRATOR**

**FROM: BILL LAGRONE, POLICE AND FIRE CHIEF**

**RE: POLICE DEPARTMENT MONTHLY REPORT FOR JUNE, 2018  
FIRE DEPARTMENT MONTHLY REPORT FOR JUNE, 2018**

**DATE: AUGUST 7, 2018**

**SUMMARY**

The Council will receive a monthly report regarding the activities, revenues, and general information for the Police and Fire Departments.

**Staffing:**

<b>Positions</b>	<b>Total staffed</b>	<b>Total Authorized</b>	<b>Total Vacant/Frozen</b>
Police Officer	19.5	19.5	1
Dispatcher	9	9	0
Community Service Officers / Evidence	4	8	4
Administrative Personnel	2	3	1

<b>Positions</b>	<b>Total staffed</b>	<b>Total Authorized</b>	<b>Total Vacant/Frozen</b>
Firefighters	0	1	1/0
Fire Engineer	8	9	1/0
Fire Captain	3	3	0/0
Administrative Personnel	3	3	0/0

**Police Revenue Update:**

Account Number and Description	JUNE 2017 Revenues <i>*Comparison Purposes only</i>	JUNE 2018 Revenues	Fiscal 16/17 Year to Date Revenues <i>*Comparison Purposes only</i>	Fiscal 17/18 Year to Date Revenues	Percentage of Projected Revenue
4310 / Vehicle Fines	\$3,303.75	\$ 964.20	\$18,238.93	\$ 6,645.44	40%
4320 / Parking Fines	\$0.00	\$ 0.00	\$ 3,652.00	\$ 0.00	0%
4330 / Other Fines	\$0.00	\$ 85.00	\$ 5,155.91	\$ 2,493.69	100%
4740 / Other Fees	\$0.00	\$ 534.00	\$ 929.00	\$ 871.09	87%

\*Revenues for JUNE 2016

Projected Yearly Revenues	Actual year to date Revenue	Percentage
\$414,025.00	\$329,961.80	79%

\*Estimation only

**Police Overtime YTD:**

Overtime Budgeted	Overtime Expended YTD	Percentage Expended
\$285,000.00	\$366,986.27	129%

**Fire Overtime YTD:**

Overtime Budgeted	Overtime Expended YTD	Percentage Expended
\$250,000.00	\$232,974.00	93%

**Department Activity:**

Events Year to Date 2018	Average Response Time for Crimes against persons <i>*Priority 1 crimes</i>	Average Response Time for all types of calls for Service	National Average Response Time
18,470	5:94	9:25 minutes	8 - 11 minutes

**Downtown Foot and Park Patrols:**

	Park Patrols	Downtown Patrols
JUNE 2018	49	1
Year to Date	207	5



**Parking Enforcement Citations Issued:**

JUNE 2018	Year to Date 2018	JUNE 2017	Year to date 2017
4	9	1	33

**Police Activity:**

	JUNE 2017	JUNE 2018	Year to date 2017	Year to date 2018
<b>Arrest</b>				
<b>Misdemeanor</b>	291	198	1,460	1,229
<b>Felony</b>	79	49	429	304

	JUNE 2017	JUNE 2018	Year to date 2017	Year to date 2018
<b>Citations</b>				
	125	60	712	357

\*2016 = Leap Year (29 days)

**Uniform Crime Reporting:**

Crimes of Violence	JUNE 2018	Year to Date
Homicide	0	3
Rape	1	6
Robbery	3	17
Aggravated Assault	6	32

Population per 2010 Census 18,985  
 Violent Crimes YTD 58  
 Violent Crime Rate 0.0033

## Fire Department Activity:

INCIDENT TYPE	# INCIDENTS	% of TOTAL
<b>Not Specified</b>		
	3	0.75%
111 - Building fire	3	0.75%
113 - Cooking fire, confined to container	1	0.25%
118 - Trash or rubbish fire, contained	2	0.50%
130 - Mobile property (vehicle) fire, other	1	0.25%
131 - Passenger vehicle fire	1	0.25%
140 - Natural vegetation fire, other	21	5.28%
150 - Outside rubbish fire, other	1	0.25%
300 - Rescue, EMS incident, other	1	0.25%
321 - EMS call, excluding vehicle accident with injury	277	69.60%
322 - Motor vehicle accident with injuries	2	0.50%
324 - Motor vehicle accident with no injuries.	16	4.02%
400 - Hazardous condition, other	1	0.25%
412 - Gas leak (natural gas or LPG)	4	1.01%
422 - Chemical spill or leak	1	0.25%
444 - Power line down	1	0.25%
511 - Lock-out	1	0.25%
554 - Assist invalid	16	4.02%
600 - Good intent call, other	1	0.25%
611 - Dispatched & cancelled en route	9	2.26%
651 - Smoke scare, odor of smoke	33	8.29%
700 - False alarm or false call, other	2	0.50%
Zone: Not Specified Total Incident:	398	100.00%
<b>TOTAL INCIDENTS FOR ALL ZONES:</b>	<b>398</b>	<b>100%</b>

## FIRE DEPARTMENT ACTIVITY

### TOTAL CALLS:

JUNE 2018	2018 Year to Date	JUNE 2017	2017 Year to Date
398	2,220	463	2,322

### RESPONSE TIME (CODE 3):

JUNE 2018	2018 Year to Date	JUNE 2017	2017 Year to Date
4:44	4:59	4:51	4:48

### RESPONSE TIME (CODE 2):

JUNE 2018	2018 Year to Date	JUNE 2017	2017 Year to Date
8:17	7:23	5:11	6:12

## TRAINING HOURS:

JUNE 2018	2018 Year to Date	JUNE 2017	2017 Year to Date
75.5	695	18	265

## Fire Marshall Inspections:

	JUNE 2018	2018 Year to Date	JUNE 2017	2017 Year to Date
Occupancy	18	38	18	62
Fire Inspections	270	370	270	335

## SPCA Statics:

### Service Calls by Priority:

Priority Level	Number of Calls	Total Minutes per call type	Average response times
Urgent	20	113	5.64
Priority	55	325	5.90
At Officer Convenience	27	145	5.38
After Hours	22	137	6.22

## Animal Intake and Outcome Stats:

Total Animals taken in from City	Total Animals outgoing	Cats	Dogs	Other	Bird	Livestock
127	143	72	52	1	2	0

\*The remaining difference from intakes to outcome total represents animals that have not yet had an outcome and are still in the facility.

## Animal Outcomes:

Outcome Type	Totals	Dogs	Cats	Livestock	Birds	Other
Adoption	6	5	1	0	0	0
Died	8	3	3	0	1	1
Disposal	7	1	4	0	0	2
Euthanasia	97	25	70	0	1	1
Foster	3	1	2	0	0	0
RTO	22	22	0	0	0	0

\*Others are wild animals such as bats, skunks, snakes, possums, etc....

**SPCA After-hours call outs:**

JUNE 2018
22

**Shoes for Kids:**

Shoes Provided	Socks Provided
0	0

This program provides shoes and socks for children of our Community. This program is funded by Department member donations and community donations.

**Volunteers:**

**Total Number of V.I.P.S. Volunteer Hours for 2018:**

**Volunteer Hours converted to dollar amount:**

Value of Volunteer hour in California \$26.87

$$980.7 \times 26.87 = \mathbf{\$26,351.40}$$

**Total Number of Staff Volunteer Hours for 2018:**

**Volunteer Hours converted to dollar amount:**

Value of Volunteer hour in California \$26.87

$$806.7 \times \$26.87 = \mathbf{\$21,676.02}$$

**FISCAL IMPACT**

No impact to the General Fund.

**RECOMMENDATIONS**

Receive and file the JUNE, 2018, monthly report regarding the activities, revenues, and other general information of the Public Safety Department.