



OROVILLE CITY COUNCIL
***OROVILLE SUCCESSOR AGENCY**

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

August 21, 2018
REGULAR MEETING
CLOSED SESSION 5:30 P.M.
OPEN SESSION 6:30 P.M.
AGENDA

CLOSED SESSION (5:30 P.M.)

ROLL CALL

Council Members/Successor Agency Directors: Berry, Del Rosario, Draper, Hatley, Thomson, Vice Mayor Goodson, Mayor Dahlmeier

CONVENE TO CLOSED SESSION

The Council will hold a Closed Session on the following:

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

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

PLEDGE OF ALLEGIANCE

PROCLAMATION / PRESENTATION

PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

This is the time for members of the public to address the Council on matters not listed on the agenda. The City Council has established time limitations of three minutes per speaker and an overall time limit of thirty minutes. In the event that more than 10 speaker cards are submitted for non-agenda items, the time limitation will be reduced to two minutes per speaker, thus allowing up to 15 speakers. If more than 15 speaker cards were submitted for non-agenda items, the first 15 speakers would be randomly selected to speak at the beginning of the meeting. The Mayor or presiding chair will call the names of persons who have submitted a speaker card to the City Clerk. 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 Mayor or Presiding Chair after which the public discussion will be closed for Council debate and decision. Speaker cards are to be presented to the City Clerk prior to roll call.

CONSENT CALENDAR - AGENDA ITEMS 1 - 5: 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.

1. **MINUTES:** Approval of minutes from August 7, 2018 Joint City Council and Planning Commission Meeting.

2. **PLANNING CONSULTANT SERVICES**

- a. **ADOPT RESOLUTION 8739** - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH ECORP CONSUSLTING, INC., FOR CONTRACT PLANNING SERVICES IN AN AMOUNT NOT TO EXCEED \$25,000 – (Agreement No. 3257).

and

- b. Authorize staff to enter into an agreement with ECORP to process the Sidenglance Industrial Park Annexation and direct staff to negotiate for full reimbursement from applicant for this annexation.

3. **AMENDMENT TO INTERIM CITY ADMINISTRATOR CONTRACT**

- a. **ADOPT RESOLUTION 8740** - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND TOM LANDO TO SERVE AS INTERIM CITY ADMINISTRATOR. (Agreement No. 3246-3). Approval will extend services through June 30, 2019.

4. **THE 2018 HOME INVESTMENT PARTNERSHIPS PROGRAM APPLICATION**

- a. **Adopt Resolution No. 8741** - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING, IN THE AMOUNT OF \$1,000,000, UNDER THE 2018 HOME INVESTMENT PARTNERSHIPS PROGRAM; AND IF SELECTED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND ANY OTHER RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE 2018 HOME INVESTMENT PARTNERSHIPS PROGRAM.

***Successor Agency Action:**

- b. **Adopt Successor Agency Resolution No. 18-01** - A RESOLUTION OF THE OROVILLE SUCCESSOR AGENCY COMMITTING SUCCESSOR AGENCY HOUSING PROGRAM FUNDS, IN THE AMOUNT OF \$50,000, TO BE USED AS LEVERAGE MATCH FOR THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT 2018 HOME INVESTMENT PARTNERSHIPS PROGRAM.

5. SUB-RECIPIENT AGREEMENT WITH CATALYST DOMESTIC VIOLENCE SERVICES

- a. **Adopt Resolution No. 8742** - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SUB-RECIPIENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND CATALYST DOMESTIC VIOLENCE SERVICES - (Agreement No. 3133-1).

PUBLIC HEARINGS – None

REGULAR BUSINESS- Action Calendar

6. **REVIEW OF PRIORITY LIST FOR THE USE OF EXCESS BOND PROCEEDS** – Council is requested to review project list and provide direction, as necessary.

COUNCIL ANNOUNCEMENTS/DISCUSSIONS/FUTURE AGENDA ITEMS

7. **PLANNING COMMISSION SCHEDULE REGARDING ORDINANCE 1830** – Council is requested to provide direction, as necessary.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS (A verbal or written report may be given)

CORRESPONDENCE

- League of California Cities Conference Resolutions and Letters of Support
 - o Note: City Council appointed Vice Mayor Goodson to represent the city at the League of California Cities Conference.

ADJOURNMENT

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, September 4, 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.

Recordings - All meetings are recorded and broadcast live on YouTube.



August 7, 2018
JOINT MEETING MINUTES
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.

CALL TO ORDER AT 5:30 PM BY JANET GOODSON

CITY COUNCIL ROLL CALL

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

ABSENT: Mayor Dahlmeier

STAFF PRESENT: Interim City Administrator Tom Lando, Chief of Public Safety/Assistant City Administrator Bill LaGrone, Interim City Clerk Joanna Gutierrez, Assistant City Clerk Jackie Glover, Finance Director Ruth Wright, City Attorney Scott Huber, Chief Building Official Gary Layman, Police Lieutenant Chris Nicodemus, Fire Battalion Chief Isaac Ruiz, Human Resource Manager Elizabeth Ehrenstrom, Housing Management Analyst III Amy Bergstrand, Treasurer Karolyn Fairbanks.

APPROVAL OF AGENDA – Motioned by Council Member Del Rosario and seconded by Council Member Draper to approve the agenda. Approved unanimously.

AYES: Council Member Hatley, Thompson, Berry, Vice Mayor Goodson, Del Rosario, Draper
NOES: None
ABSTAIN: None
ABSENT: Mayor Dahlmeier

COUNCIL CONVENED TO CLOSED SESSION AT 5:30 PM

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 RECONVENED TO OPEN SESSION AT 6:00 PM

CLOSED SESSION ANNOUNCEMENT: Direction Given No Action Taken

PLEDGE OF ALLEGIANCE- Led by Council Member Thompson

ACKNOWLEDGEMENT OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS:

Bill Speer – Item 1, 2, 3, 5, 21
Stephanie Tousley – Item 1, 2, 3, 21
Pamela L. – Item 3
Susan Webber-Brown – Item 3
Jessica MacKenzie – Item 3
Rose Hunt – Item 3
Brad White – Item 1, 2
Chuck Reynolds – 1, 2, 3
James Townsend – Item 2
Bobby O'Reiley – Item 1, 2

Don Fultz – Item 1, 2, 3
John Miller-George – Item 1, 2, 3
Candy Grubbs – Item 1, 2, 3
David Pittman Item 1, 2, 3, 5
Luke Wilson – Item 1, 2
Annie Terry – Item 1
Stephen Terry – Item 1
Eric Smith – Item 1, 2, 3
Fred Spenger – Item 1, 2, 3
William Bynum – Item 1, 2, 3

Chief LaGrone requested that the council move non-agenda public comment and Proclamations/Presentations to after the public hearing and to move consent calendar and any items of regular business that time allowed to the front of the agenda to fill the time between 6 and 6:30pm before the public hearing. Council unanimously consented.

CONSENT CALENDAR – AGENDA ITEMS 6 - 17 - Motioned by Council Member Draper and seconded by Thompson to adopt the consent calendar. Approved Consent Calendar Items 6-17 unanimously.

AYES: Council Member Hatley, Thompson, Berry, Vice Mayor Goodson, Del Rosario, Draper
NOES: None
ABSTAIN: None
ABSENT: Mayor Dahlmeier

6. APPROVED 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.

7. APPROVED PURCHASE OF WATER RESCUE BOAT, MOTOR, TRAILER, AND EQUIPMENT

Authorized 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. APPROVED PURCHASE OF TWENTY (20) VIEVUE LE5 BODY WORN VIDEO CAMERAS – Authorized 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.

9. APPROVED THE SALE CITY-OWNED RESIDENTIAL PROPERTY HOUSING ASSETS

Approved the sale of city-owned properties and expenses associated with the sale of the properties listed on the staff report dated August 7, 2018 and adopted 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. APPROVED THE 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. AUTHORIZED STAFF TO ACQUIRE PROPERTY LOCATED AT 2420 BALDWIN AVENUE THROUGH A DEED IN LIEU OF FORECLOSURE OR BY INITIATING FORECLOSURE

Approved budget adjustment as indicated in the fiscal impact of this staff report, dated August 7, 2018 and adopted 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. APPROVED PROFESSIONAL SERVICES AGREEMENT WITH R. L. HASTINGS & ASSOCIATES, LLC.

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

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

Adopted 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)

15. APPROVED RFP FOR ANNUAL AUDIT SERVICES - Authorized staff to release request for proposal for Auditing Services

16. APPROVED CAPITAL ASSET POLICY - Authorized staff to implement a new capital asset policy

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

REGULAR BUSINESS- Items 18-20

20. HAVEN OF HOPE ON WHEELS – Council concurred to direct staff to set up a meeting to discuss funding sources and partnership.

At 6:16pm Council Member Thompson and Hatley recused themselves from the meeting due to a conflict of interest.

19. APPROVED 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

Motioned by Draper and seconded by Del Rosario to 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.

And authorized the Mayor to sign the Proposition 218 Certificates for inclusion on the 2018/2019 Butte County Tax Roll. Passed with three ayes and one nay.

AYES: Council Member Del Rosario, Draper and Vice Mayor Goodson
NOES: Council Member Berry
ABSTAIN: None
ABSENT: Mayor Dahlmeier, Council Member Hatley and Thompson

Council member Hatley and Thompson rejoined the meeting at 6:22pm

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

Motioned by Council Member Hatley and seconded by council member Berry to adopted 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).

Adopted 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).

Adopted 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).

AYES: Council Member Hatley, Thompson, Berry, Vice Mayor Goodson, Del Rosario, Draper
NOES: None
ABSTAIN: None
ABSENT: Mayor Dahlmeier

CITY COUNCIL RECESSED AT 6:27 PM

COUNCIL RECONVIENED AT 6:30 PM

CALL TO ORDER OF PLANNING COMMISSION – By Vice Mayor Goodson

ROLL CALL

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

ABSENT: Commissioner Michael Britton

PUBLIC HEARINGS – AGENDA ITEM 1 - 5

Public Hearing opened for public comment for Items 1 and 2 by Vice Mayor Goodson at 6:32pm

- Stephanie Tousley - Asked a question about the selection committee
- Luke Wilson - Asked for clarification regarding guidelines for greenhouses

**Against Zoning Ordinance or
Against as Written**

- Annie Terry
- Steven Terry
- Fred Spenger
- Eric Smith
- Bill Speer
- David Pittman (suggested changes)
- Candy Grubbs
- John Miller-George (against all over regulation)
- Bobby O'Reiley (suggested changes)
- James Townsend
- Chuck Reynolds
- Brad White

In Favor of Zoning Ordinance

- William Bynum
- Don Fultz (Suggested changes)

Public Hearing for Item #1 and #2 was closed at 7:10pm by Vice Mayor Goodson

Public Hearing opened for public comment for Item 3 by Vice Mayor Goodson at 7:11pm

In Favor of Regulations

- Rose Hunt
- Stephanie Tousley (Suggested Changes)
- Pamela L.
- Jessica MacKenzie (Suggested Changes)
- Susan Webber-Brown
- William Bynum

Against Regulations

- Chuck Reynolds
- Susan Webber-Brown
- Candy Grubbs
- David Pittman
- Bill Speer
- Eric Smith

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

Commissioners discussed various aspects of the ordinance including the 600' buffer, signage, impacts to water, greenhouse design and discussed the options to approve deny or continue.

Motion was made by Durling and seconded by Brand to continue the discussion of this zoning ordinance related to cannabis for one month to allow time for the commissioners to meet with staff and gather more information.

AYES: Commissioner Brand, Chapman, Jenkins, McDavitt, Vice Chair Durling, and Chairperson Robison.
NOES: None
ABSTAIN: None
Absent Michael Britton

PLANNING COMMISSION ADJORNED, COUNCIL TOOK A 5 MINUTE RECESS 7:44 PM

COUNCIL RECONVEND AT 7:55 PM

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

Council discussed various aspects of the ordinance and concurred to strike the phrase that allows minors in dispensaries. City Attorney Huber informed council that the ordinance could be introduced subject to the action of the planning commission.

Motioned by Del Rosario and seconded by Draper to introduce ordinance 1830 as amended - Amending Title 17 (Zoning) of the Oroville Municipal Code to Establish Zoning for Commercial Cannabis Activities in the City of Oroville.

AYES: Council Member Hatley, Berry, Del Rosario, Draper and Vice Mayor Goodson
NOES: Council Member Thompson
ABSTAIN: None
ABSENT: Mayor Dahlmeier

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

Motioned by Berry and seconded by Del Rosario to introduce ordinance 1831 - 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.

AYES: Council Member Hatley, Berry, Del Rosario, Draper and Vice Mayor Goodson
NOES: Council Member Thompson
ABSTAIN: None
ABSENT: Mayor Dahlmeier

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

Motioned by Draper and Seconded by Berry to 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 and authorize all necessary budget adjustments to the Annual Assessment Report.

AYES: Council Member Hatley, Thompson, Berry, Vice Mayor Goodson, Del Rosario, Draper
NOES: None
ABSTAIN: None
ABSENT: Mayor Dahlmeier

Council Member Hatley and Thompson recused themselves from the meeting at 8:13pm due to conflict of interest.

b. Hearing Number Two –

Motioned by Del Rosario and seconded by Berry to 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 and authorize all necessary budget adjustments to the Annual Assessment Report.

AYES: Council Member Del Rosario, Berry, Draper and Vice Mayor Goodson
NOES: None
ABSTAIN: None
ABSENT: Mayor Dahlmeier, Council Member Hatley and Thompson

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

a. Hearing Number One –

PUBLIC HEARING PUBLIC COMMENT OPENED

David Pitman – Districts are being charged but not maintained.

PUBLIC HEARING PUBLIC COMMENT CLOSED

Motioned by Del Rosario and seconded by Draper to 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 and authorize any necessary budget adjustments to the Annual Assessment Report.

AYES: Council Member Del Rosario, Berry, Draper and Vice Mayor Goodson

NOES: None

ABSTAIN: None

ABSENT: Mayor Dahlmeier, Council Member Hatley and Thompson

Council Member Hatley and Thompson returned at 8:17pm and Council Member Berry recused himself due to a conflict of interest.

b. Hearing Number Two –

PUBLIC HEARING PUBLIC COMMENT OPENED

Bill Speer – Too many regulations and only enforce certain ones, need to reduce regulations

PUBLIC HEARING PUBLIC COMMENT CLOSED

Motioned by Draper and Seconded by Del Rosario to 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 and authorize any necessary budget adjustments to the Annual Assessment Report.

AYES: Council Member Del Rosario, Draper, Hatley, Thompson and Vice Mayor Goodson
NOES: None
ABSTAIN: None
ABSENT: Mayor Dahlmeier, Council Member Berry

Council Member Berry returned at 8:23pm

REGULAR BUSINESS- ITEMS 18 – 21 Action Calendar

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

Discussion of the Utility User Tax, no action taken.

PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

- Stephanie Tousley – Had a problem with Greenwave and PG&E asked if city can help
- Stephen Terry – Berating people is not appropriate, Invited Council Members to tour Rescue Mission to see the effects of cannabis first hand.
- Bill Speer – Solution to the city problems is prayer, prayed.
- Bobby O’Reiley – Excited to spread the word about sliding scale taxes for new businesses as soon as the Cannabis Ordinances goes through.
- Steve Christensen – Heard through a third party what he perceived as a threat and filed a complaint with OPD
- Lorena Christensen – Over heard what she perceived as a threat; felt intimidated by someone with a Billy club.
- Chuck Reynolds – He has a different mindset excluding Council Member Thompson because the rest have all worked for someone else and had someone else writing their pay checks and he has not
- Cheri Bunker – President of the Exchange Club, they voted to send one of the School Resource Officers to attend a class on cyber bullying at schools.

Del Rosario left the meeting 9:03pm

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

- Council Member Thompson informed the public that he gave a tour of the council chambers to YMCA kids, introduced them to government, held an election and mock debate.
- Council Member Draper attended the SBF meeting and the Housing Loan Advisory Meeting
- Vice Mayor Goodson attended the Housing Loan Advisory Meeting and commended Rick Farley on his effort to secure a grant in the amount of \$657,000 for the Airport.

PROCLAMATION / PRESENTATION

- Artist of Rivertown- Chief Bill LaGrone informed council that he would be working with Freda Flint, a volunteer, to update the art displays in the council chambers.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

- Chief LaGrone provided written reports for Police and Fire, and all other departments
- Reported on the progress of the Annexation of Industrial Area
- Distributed information received from Amy Jernigan about the upcoming Fair and BBQ to the council members.

CORRESPONDENCE

- Butte County Health Department – Butte County Model Ordinance: Regulating Local Cannabis Retail Sales and Marketing

ADJOURNMENT- Meeting Adjourned by Vice Mayor Goodson at 9:08pm to the next council meeting on August 21, 2018 at 5:30pm.

Submitted on: August 21, 2018

Approved:

Attested:

By: _____
Linda Dahlmeier, Mayor

Joanna Gutierrez, Interim City Clerk

OROVILLE CITY COUNCIL STAFF REPORT

TO: MAYOR AND COUNCIL MEMBERS

FROM: TOM LANDO, INTERIM CITY ADMINISTRATOR

RE: AGREEMENT WITH ECORP CONSULTING, INC. FOR PLANNING CONSULTING SERVICES

DATE: AUGUST 21, 2018

SUMMARY

The Council will consider an agreement with ECORP Consulting, Inc., for contract planning services, in the amount of \$25,000.

DISCUSSION

ECORP Consulting Inc, previously PMC has previously provided the City with contract planning services. The City has no planning staff, the Chief Building Official has been covering this area and doing an excellent job. However, there are several projects which require specific planning expertise and in addition with the other duties, time constraints make it difficult for the Chief Building Official to address these issues in a timely fashion.

ECORP performs planning work for numerous cities around the state and for several local cities. The firm has years of experience and a large staff to draw on. The planner assigned to Oroville would bill out at \$110.00 per hour. This cost is within budgeted amounts. Most work under this contract will be completed under a cost recovery model.

FISCAL IMPACT

Funding in the amount of \$25,000 is available in Account No. 2201-5110

RECOMMENDATION

Adopt Resolution No. 8739– A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH ECORP CONSUSLTING, INC., FOR CONTRACT PLANNING SERVICES IN AN AMOUNT NOT TO EXCEED \$25,000 – (Agreement No. 3257).

Authorize staff to enter into an agreement with ECORP to process the Sidengance Industrial Park Annexation. Authorize Staff to negotiate for full reimbursement from applicant for this annexation.

ATTACHMENTS

Resolution No. 8739

Agreement No. 3257

**CITY OF OROVILLE
RESOLUTION NO. 8739**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND
DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH Ecorp
CONSULTING, INC., FOR CONTRACT PLANNING SERVICES**

(Agreement No. 3257)

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

The Mayor is directed and authorized to execute an Agreement with Ecorp Consulting, Inc., for contract planning services for the Planning Division.

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 21, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott Huber, City Attorney

Jackie Glover, Assistant City Clerk



August 15, 2018

City of Oroville
Attn: Mr. Tom Lando, Interim City Administrator
1735 Montgomery Street
Oroville, CA 95965

Subject: Request for Proposal – for Planning and Environmental Support Services

Dear Mr. Lando:

ECORP Consulting, Inc. (ECORP) is pleased to submit an electronic copy of our statement of qualifications and rate sheet to provide professional planning and environmental services to the City of Oroville (City) via email as per your request. With this proposal we are proposing the assignment of an experienced, enthusiastic, and highly-trained Senior Land Use Planner to the City for normal and customary planning tasks and we have assembled an outstanding team of supporting planning and environmental professionals that will be available to the City for specific project work to ensure the efficient and successful completion of projects under this contract. ECORP has a proven management team that has successfully completed projects for the City and that has provided on-call services of this type in Oroville, elsewhere in Butte County and the north State, and across California. ECORP's project team is composed solely of full-time or contracted ECORP staff members and ECORP's Program Manager will have primary responsibility for the completion of all appropriately assigned tasks under this contract.

ECORP's staff are experienced specialists in their respective disciplines, are experts in the issues and resources that might arise or be impacted by a project's implementation, are locally based, and have worked for public agencies. We have established strong professional working relationships with representatives of federal and state regulatory agencies based on technical excellence, a thorough understanding of regulatory processes, and a long history of successful project completion. Our team offers a level of history and experience working in and for the City, the County and the region that is virtually unmatched, and, are knowledgeable of local and regional projects currently in progress (e.g. Butte HCP, Feather River West Levee Project, Oroville Dam Spillway Reconstruction project, Butte Regional Transportation Plan, Riverbend Park reconstruction project, and others). ECORP proposes to assign **Bob Summerville**, a member of the American Institute of Certified Planners (AICP), as the primary person servicing the contract. Mr. Summerville is locally-based, responsive, and experienced. He has worked for city governments for more than two decades, is skilled at working with local, regional and state officials, knows and understands California codes and statutes, has a thorough understanding of the California Environmental Quality Act (CEQA), and he

thrives in complex and dynamic environments. Mr. Summerville is an experienced professional and will be the primary ECORP staff member assigned to the City for day-to-day planning tasks resulting from this contract.

We are committed to assisting the City with needed planning and environmental support services required for the City's projects and are confident that we will deliver the highest level of service and value through our local knowledge, responsiveness, diligent project management, and technical excellence. The combination of small business efficiency, technical expertise, local knowledge, and experience in the City and across northern California will ensure that tasks assigned under the contract will be completed in a time- and cost-efficient manner and be legally defensible.

We commit the City the following:

- Open communication and personalized attention
- Awareness of the need to balance schedules and cost
- Technically and legally sound services
- No substitution of key staff with junior or underqualified staff
- A positive and collaborative working relationship, and, a commitment to excellence

I declare that the only person, persons, company or parties interested in the proposal as principals are named therein; that the proposal is made without collusion with any other person, persons, company or parties submitting a proposal; that it is in all respects fair and in good faith without collusion or fraud; and, that I have full authority to bind the principal proposer. Thank you for this opportunity to present our qualifications. If you have questions or would like to discuss our proposal further, please contact me or Scott Friend (Program Manager) at:

David Krolick, Vice President
ECORP Consulting, Inc.
2525 Warren Drive
Rocklin, CA 95677
Phone: (916) 782-9100
Fax: (916) 782-9134
Email: dkrolick@ecorpconsulting.com

Scott Friend, Program Manager
ECORP Consulting, Inc.
55 Hanover lane, Suite A
Chico, CA 95973
Phone: (530) 809-2585
Fax: (530) 809-4149
Email: sfriend@ecorpconsulting.com

Sincerely,



Scott Friend, AICP
Senior Land Use Planner/Project Manager

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Attachment A – Resumes of Key Personnel

PROJECT UNDERSTANDING

ECORP Consulting, Inc. (ECORP) understands that the City is seeking assistance for staff support services in the areas of planning including entitlement review and processing, site plan checks, zoning administration, General Plan administration, annexation application processing and project management (on-call planning services), and environmental including preparation of environmental documentation in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA) and associated technical studies and regulatory/permitting assistance (on-call environmental review services). Our team is capable of providing the necessary local staff to fulfill and manage the City's workload in these areas. As described in this submittal, ECORP proposes to provide staffing assistance to the City using an as-needed, as-requested, on-call contract staffing model with primary assistance occurring both onsite and offsite depending on the needs of the City and project applicants. ECORP staff proposed under this arrangement are based in our Chico office, and can be available to engage in weekly office hours, onsite project meetings, hearings, and/or field work as appropriate to advance projects through the City's planning, environmental, and project review processes.

ECORP understands that our role will be to act as an extension of City staff to provide professional planning, environmental, and regulatory services. We are confident that we will provide the City with the highest level of service and value by providing responsiveness, diligent project management, and technical excellence.

ECORP's experience managing numerous on-call contracts with public agencies, including work in the City of Oroville, provides us with a deep understanding of the importance of the project initiation process to the successful completion of individual task orders. As one example of our recent experience, Mr. Scott Friend, ECORP's proposed Program Manager for the City of Oroville, has provided planning services to the City for over a decade and currently provides contract planning and environmental services to the cities of Orland, Red Bluff, and Yreka.

Client Comment Regarding Success with On-Call Contracts

"ECORP has provided reliable services and was very responsive throughout the duration of the project. I was very pleased with how ECORP consistently provided the appropriate attention to the technical needs of the various projects at the County. ECORP's staff interacted effectively with County personnel in their roles on the project. I greatly appreciate the flexibility they have exhibited with their schedule, and accommodations they have made for the project, several times on very short notice. ECORP provided quality services in a time and cost-effective manner and I would highly recommend ECORP Consulting, Inc."

— Mindy Davis
San Bernardino County Department of Public Works

Planning Expertise

ECORP and ECORP staff have provided planning and contract staffing to public agencies for more than 30 years. ECORP staff are adept at working as both onsite and offsite extensions of agency staff; supplying full-department planning and management services; or providing on-call, as-needed services based upon the dynamic and changing needs of the client. Currently, ECORP staff serve as contract planning staff for more than 10 public agencies in northern California and together our staff has provided contracted planning and planning services to more than 30 of the cities and counties in the region.

Working in this capacity, our staff handle all manner of projects and project entitlement requests:

- Preparation and management of major planning policy documents, including the preparation of General and Specific Plans, Design Review programs and City and County Code text amendments;
- Processing of land use entitlements consisting of General Plan Amendments, Rezoning, Subdivision Maps, Variances, Use Permits, and minor land divisions; and
- Providing technical agency support for the preparation and management of critical planning support documents, including fee studies, sphere of influence amendment plans and administrative policy guidelines, as well as less visible but equally important documents such as General Plan and Housing Element Annual Reports; Floodplain Administration and project staff reports.

ECORP works as both direct on-site Planning staff as well as off-site planning staff depending on the needs of our clients. Whether it is functioning as a full-service Planning Department to the cities of Red Bluff and Orland; providing on-call, as-needed full-service planning to the City of Sonora in the Central Sierra Nevada Mountains; or providing remote contract staff support to the cities of Yreka, Plymouth, and Oakdale, we tailor our level and type of support to match the needs of our clients. We are experienced and comfortable using remote access communications; working directly with clients and project applicants independently; facilitating multi-party communications; working and engaging key outside departments and personnel in the planning process; and, engaging and understanding the needs and desires of agency management, the public and public officials.

Approach

As planning professionals with years and in some cases decades of experience working in the public-sector setting, we understand the various functions of a planning staff and why they are so critical to the successful operation of an agency planning department. Our approach to providing on-call planning services for the City will consist of the following:

- We will participate in department meetings as assigned or requested, either on-site, or through the use of conference calls to reduce the cost to the City for participation in these meetings.

- Staff will process planning applications as requested by the City and will undertake special planning and/or environmental analysis projects on an on-call, task order basis. ECORP will provide a minor proposal and task order budget for each discrete planning and/or environmental project as requested by the City. The proposal will include the cost for processing the project, environmental review if necessary, and permitting.
- If the City has determined through review of a proposed project that extensive environmental review may be required such as an Environmental Impact Report (EIR) to process the project and the City would like ECORP to complete the environmental review, ECORP will provide a full proposal including all necessary components required by the City.
- ECORP's Program Manager/Planning Director, **Scott Friend, AICP**, will act as the responding manager and coordinator for each task order and for the overall project, and report project invoicing and status of task orders to the City as directed at least monthly. ECORP's Planning Director will monitor incoming project and task orders and work with the assigned project planner to ensure successful completion of the assignment. This level of coordination and supervision will ensure that the City's management is kept abreast of the status of the overall program, while allowing close communication and coordination among ECORP's Team members and the City.
- In servicing the City's on-call contract, ECORP will keep an ongoing account of the time spent and task orders issued, documenting the total time spent or amount awarded, the date of the award, and the status of each separate project and/or task order. In addition, as additional projects are assigned or task orders added, ECORP will maintain an ongoing and updated accounting record of how much of the work has been completed, the budget that has been used, the amount invoiced, the budget that is remaining, and how much has been paid by the City.
- ECORP understands that work issued by the City may sometimes be requested on short notice, with little time to complete work. We strive to complete projects as quickly as possible, will ensuring that all documentation is conducted correctly; that technical studies are comprehensive, appropriate and done in a timely manner; and, ensuring that sufficient and required public review times are observed.

Scope of Work

We have separated the various planning processes below as an individual review. However, ECORP understands that many projects require multiple processes and any assistance requested of us by the City may involve multiple procedures.

General Plan Amendments

ECORP planning staff has processed General Plan amendments for numerous types of requests, whether it be text amendments such as a general plan/zoning consistency or map amendments for a change in land use designation. ECORP staff are familiar with the City's General Plan requirements

and have participated in numerous General Plan updates in both the public and private sphere. This experience provides us with the ability to anticipate how a proposed amendment may affect the City and its service providers. ECORP staff will provide review and processing of proposed General Plan amendments if desired by the City.

Zone Changes

ECORP staff has processed zone change requests for various cities in northern California. ECORP will provide review and processing of requests for rezones, or, in the case of annexations, prezones for the City if it is a necessary part of a particular development project or for a City-desired zone change.

Specific Plan Review and Processing

ECORP staff will provide review and processing of proposed specific plans if desired by the City. ECORP will review the specific plan and provide comments and suggest changes that would improve the plan. ECORP could also provide overall management of the plan if requested by the City.

General Development Plans

ECORP staff has processed development plans from start to finish for a variety of different development types and sizes such as large subdivisions to smaller commercial centers. ECORP will review the plan and provide feedback to the City and developer as well as process the plan according to state and city requirements. ECORP will provide this service to the City if so desired.

Tentative Subdivision

ECORP staff have processed subdivisions ranging from five-lot infill projects to developments involving thousands of lots, multiple phases, and diverse vesting schedules and resource issues.

Use Permits

If a project requires the approval of a use permit, ECORP will provide review and processing of the project from application review to use permit approval.

Specific Plan Development

ECORP staff have both written specific plans and worked with them. Whether the task involves aligning competing policy document goals and objectives, facilitating and achieving specific plan-focused outcomes, processing projects using unique or location-specific regulatory guidelines, using tiering and streamlining provisions associated with specific plan compliance, or simply acknowledging specific location requirements, ECORP staff can use specific plans as a key tool in the land use and planning process.

Design Review Approval

ECORP staff have experience writing, engaging, and creating informative design review elements. ECORP staff proposed for this project have authored numerous design review programs, prepared design review implementation policies, and incorporated design review elements for projects.

ECORP understands the goals and objectives of the design review process as well as the competing need to ensure timely review and cost-efficient solutions to achieve agency program goals.

Entitlement Review

ECORP will provide assistance to the City for projects that would require entitlements, such as a variances, use permits, parcel maps, and subdivision maps. This may include a complete processing of the project, from initial review and determination of completeness to final approval and implementation of the project. While most of this work could be completed offsite, ECORP will attend the various meetings/hearings as required by the City for this task.

Annexation Application Processing

ECORP staff have and are currently processing annexation requests involving both known specific development applications and unknown and future projects. We understand both the program and project nature of annexation actions as well as the need to program and plan for both known, potential and unforeseen opportunity inside of them. ECORP staff is well-versed in the requirements of Local Agency Formation Commissions (LAFCO), have implemented and used the Cortese-Knox-Hertzberg Act for as long as it has been in existence, and routinely engage with LAFCO staff to ensure efficient communication and timely resolution to multi-agency issues.

Project Management

As noted in other sections of this proposal, ECORP staff currently function in daily department management and project management roles for many agencies in northern California. Whether as Program Managers for CEQA/NEPA compliance, handling the processing of application-requested entitlements, or, for agency initiated policy, personnel, or compliance actions, ECORP is both experienced and comfortable with acting in the capacity of project, program, or task managers and can efficiently and effectively provide management services to the City under this contract.

Proposed Work Schedule

ECORP will be responsive to City requests. Our work plan includes proactive planning and delegation of responsibilities to team members at the initiation of a project as well as ongoing internal communication opportunities to ensure both timeliness and quality of service. We will complete a project as quickly as possible, while ensuring that all technical analyses are conducted correctly. To this end, we will create a master calendar for each project so that each staff member knows the schedule, responsibilities, and important deliverables timelines.

PROJECT EXPERIENCE

City of Orland Community Development / Planning Director. Mr. Friend provides regular on-call, onsite and offsite planning services to the City of Orland. Mr. Friend has been serving in the capacity of City Planner on a regular basis for the past seven years and in the capacity of on-call, as-needed contract City Planner for the past 13 years. Mr. Friend staffs the Planning Department and the

Planning Commission, handles all project public contacts for the department, processes all development applications and entitlement requests. and manages all planning department functions.

City of Red Bluff Community Development Department. Mr. Friend serves the City of Red Bluff as the contract Community Development Director. Mr. Friend oversees all activities of the Department including Planning, Building and Code Enforcement. In addition to Mr. Friend, Mr. Michael Martin provides direct on-site staffing for the City. Mr. Friend and Mr. Martin solely staff the Planning Department and the Planning Commission, handle all project public contacts for the department, process all development applications and entitlement requests, and manages all planning department functions.

City of Biggs City Planner. While employed elsewhere, Mr. Friend served as the City Planner for the City of Biggs. While in this role, he managed the General Plan Update and EIR and a comprehensive review and update of the project application and processing fee program for the City. He also managed the preparation of CEQA and NEPA compliance documents for several projects within the City.

Client	Project Name	Services Provided
Current and Recent Contract Planning Services for Cities in Northern California		
City of Orland	Planning Director and contract planning staff	All planning related actions including, general plan and zoning ordinance updates, lot line adjustments, annexations, CEQA/NEPA, use permits, parcel and subdivision maps, specific plan reviews, permit processing, project processing, staff reports, Planning Commission and City Council meetings, etc.
City of Red Bluff	Community Development Director and contract planning staff	All planning related actions including, general plan and zoning ordinance updates, lot line adjustments, annexations, CEQA/NEPA, use permits, parcel and subdivision maps, specific plan reviews, permit processing, project processing, staff reports, Planning Commission and City Council meetings, etc.
City of Yreka	Contract Planning and environmental consulting staff	All planning related actions including, general plan and zoning ordinance updates, lot line adjustments, annexations, CEQA/NEPA, use permits, parcel and subdivision maps, specific plan reviews, permit processing, project processing, staff reports, Planning Commission and City Council meetings, etc.
Siskiyou County	Contract planning and environmental staff	Planning related actions including, lot line adjustments, annexations, CEQA/NEPA, use permits, parcel and subdivision maps, specific plan reviews, permit processing, project processing, staff reports, as requested by County.
City of Sonora*	Contract planning staff	All planning related actions including, general plan and zoning ordinance updates, lot line adjustments, annexations, CEQA/NEPA, use permits, parcel and subdivision maps, specific plan reviews, permit processing, project processing, staff reports, Planning Commission and City Council meetings, etc.
City of Montague*	Contract planning staff	Planning related actions including, lot line adjustments, annexations, CEQA/NEPA, use permits, parcel and subdivision maps, permit processing, project processing, staff reports, as requested by City.

Client	Project Name	Services Provided
Client	Project Name	Services Provided
Current and Recent Contract Planning Services for Cities in Northern California		
City of Etna*	Contract planning staff	Planning related actions including, lot line adjustments, annexations, CEQA/NEPA, use permits, parcel and subdivision maps, permit processing, project processing, staff reports, as requested by City.
City of Doris*	Contract planning staff	Planning related actions including, lot line adjustments, annexations, CEQA/NEPA, use permits, parcel and subdivision maps, permit processing, project processing, staff reports, as requested by City.
City of Biggs*	City Planner and Code Enforcement Officer	Full-service planning department functions; on-call, as-needed, on- and off-site.
City of Mt. Shasta*	City Planner	Full-service contract planning services. Primarily off-site services with on-site meeting services.
City of Dunsuir*	City Planner and Environmental Consultant	On-call, an-needed contract planning services. Primarily off-site.
City of Live Oak*	City Planning Manager	Full-service planning department functions; on-call, on- and off-site.
City of Yuba City*	Senior Planner	Full-service planning department functions; on-call, on- and off-site.
County of Yuba*	Task Manager/Supervisor – On-call Planning Staff	Full-service planning department functions; on-call, on- and off-site.
County of Lassen*	Task Manager/Supervisor – On-call Planning Staff	Full-service planning department functions; on-call, on- and off-site.
County of Sutter*	Task Manager/Supervisor – On-call Planning Staff	Full-service planning department functions; on-call, on- and off-site.
City of Oroville*	Contract planning staff and Task Manager/Supervisor for On-call and on-site Planning Staff	Full Planning Department functions including on-site and on-call staffing, project processing, meeting involvement, annexations, and, special projects.

Notes: * Under separate firm provided by current ECORP staff

CLIENT REFERENCES

- Nash Gonzalez, Director, Planning and Building Services, Mendocino County Phone: (707) 234-6650
- Peter Carr, City Manager, City of Orland, Phone: (530) 865-1603
- Rick Crabtree, City Manager, City of Red Bluff, Phone: (530) 527-2605
- Liz Casson, Assistant City Manager/City Clerk, City of Yreka, Phone: (530) 841-2686

KEY PERSONNEL

Full resumes can be found in Attachment A. Brief qualifications of key team members are detailed below.

Scott Friend, AICP, Program Manager. As a senior environmental planner for ECORP, Mr. Friend is a vital member of the ECORP team in the subject areas of land use planning and environmental analysis. He oversees the activities and work of ECORP's Chico office with a practice-area focus on the northern California area. He oversees all work in the office and provides senior-level planning, environmental, contract staffing, and project management services. Prior to working for ECORP, Mr.

Friend managed and oversaw the operations of the Chico office of Michael Baker International. He has obtained professional planning experience in both local government planning and private sector consulting and has managed numerous public and private sector planning agencies, activities, and programs.

For more than 20 years, Mr. Friend has gained a variety of local government experience in both current and advance planning, including serving as a contract staff planner/department director for various northern California counties, cities and towns. Mr. Friend's professional experience includes projects ranging from the processing of site plan, land division and design review applications; land use and zone change projects; preparation and management of annexation requests; management and primary authorship of numerous General Plans, Specific Plans, and City Codes; preparation of all manner of environmental analysis documents for both CEQA and NEPA projects; and, oversight, management, and operations of public agency and private sector organizations. Primary clients have included private land owner and land development interests, public planning agencies, school districts, local agency formation commissions, and special districts.

Bob Summerville, AICP, Contract City Planner. Mr. Summerville has been a public land use planner, predominantly in Chico, California, since 1992 and an AICP member since 1995. He also served in private sector planning consulting for two years from 1994 through 1996, as well as seven prior years in private sector construction management. With his comprehensive experience, Mr. Summerville provides an effective balance between the priorities of public and private sector development, lending mediation skills to keep projects moving in positive directions for a wide range of clients or applicants. While the focus of Mr. Summerville's planning career has been in current development and parallel environmental review, he has more than 10 years of experience in long range planning management including General Plan and comprehensive zoning code updates. An equal focus of his experience has been managing Chico's architectural review processes, including coordination of the City's first Design Guidelines Manual. Mr. Summerville's passion in historic preservation culminated in his management of the City's first historic preservation program, his designation as the City's first Certified Local Government coordinator, and liaison to the local Mechoopda Indian Tribe of the Chico Rancheria. An avid cyclist and bicycle commuter, Mr. Summerville maintains experience in transportation planning issues, including grant programs that serve to reduce greenhouse gas emissions, complete streets, and bicycle/pedestrian facilities.

Michael Martin, Senior Environmental Planner. Mr. Martin's responsibilities include environmental planning, policy document preparation, and contract planning services for client agencies. As a project manager and assistant project manager with 15 years of experience, he has completed environmental impact reports for large-scale residential developments, multi-use developments, commercial developments, and general plan updates. Mr. Martin has written numerous initial studies/negative declarations for a variety of development types. He has also provided contract planning staff for various jurisdictions in northern California and has written zoning code and subdivision code updates, municipal service reviews, development impact fee updates, housing elements, and general plan updates. Mr. Martin has also written housing condition

and income surveys and housing needs assessments, Community Development Block Grant (CDBG) P/TA and General Allocation grants, and more than 35 Affordable Housing Feasibility studies throughout the United States.

Seth Myers, Air Quality/Greenhouse Gas Emissions/Noise Analyst. With 12 years of experience as an environmental planner and air quality/noise analyst, Mr. Myers is involved in the preparation of a full range of CEQA and NEPA environmental compliance and review documents including environmental impact reports. He has extensive expertise conducting air quality, greenhouse gas emissions, and noise analyses and has a comprehensive working knowledge of the associated regulatory environment. He is proficient in the use of CalEEMod, EMFAC2014, AERMOD, the Roadway Construction Model, the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model, and other industry standard emissions and noise modeling tools. In addition, Mr. Myers prepares implementation documents and programs such as zoning ordinance updates, design review programs, and planning program guidelines. As a certified arborist (ISA #WE-7501A), Mr. Myers also provides landscape and irrigation plan review for development and public works projects and performs hazardous tree assessments.

CURRENT METHODOLOGY

ECORP's experience and successful completion of work requests, special projects and task orders under numerous on-call contracts with public agencies provides us with a keen understanding of the importance of having a formalized and structured project review and consideration process while recognizing the need for flexibility. An example of this is reflected in our ability to provide dynamic, efficient and accurate contract planning and environmental services to multiple different public agencies (e.g. Orland, Red Bluff, Yreka, Ione, Plymouth).

For each on-call assigned task where it is identified as being either necessary or beneficial, ECORP will hold a kick-off meeting (phone or in-person) with appropriate City staff to discuss the project scope, required tasks, estimated project budget, and responsibilities. Outcomes of these meetings will be summarized and distributed to all parties working and involved in the completion of the task. During the early stages of each significant project, ECORP's assigned Program Manager will maintain contact with the key City staff member(s) as well as project applicants to help ensure that necessary work tasks are occurring as needed and as described. We believe that efficient and frequent communication is of key importance to achieving positive outcomes for projects and we attempt to ensure this happens on all ECORP on-call contracts and individual projects.

When requested, ECORP will use its proprietary cost calculator to prepare a project-specific task proposal, itemized by task, staff position, and hours, and sub-contract work, if applicable. For 'normal, routine or standard' planning tasks assigned to Mr. Summerville under this contract, an agreed-upon hourly service rate will apply.

When scheduling larger and more complex projects, ECORP routinely uses Microsoft Project™ to plan the various tasks and milestones required and, at the City's request, can provide a task order project schedule using this tool.

OTHER INFORMATION

ECORP assists our public and private clients with a wide range of environmental services including technical studies for biological, cultural, and water resources; land use planning; and regulatory compliance with CEQA, NEPA, Clean Water Act, federal and state Endangered Species Acts, National Historic Preservation Act (NHPA), and other laws and regulations. ECORP can provide support over the life of a project from initial baseline field surveys, special studies, and environmental planning; to environmental review, permit negotiation, liaison with resource agencies, and mitigation design; and through to construction monitoring and compliance reporting.

Client Comment on Meeting Aggressive Deadlines for On-Call Clients

"I'm happy to tell you that the Initial Study/Mitigated Negative Declaration and Environmental Assessment for the CA Central Coast Veterans Cemetery has been finalized ahead of scheduled...Thanks to all your hard work, dedication and teamwork we completed the environmental review on this challenging and important project in record time. I especially want to thank our environmental consultant, ECORP, for their flexibility and proactive problem-solving."

— Valerie Namba
California Department of General Services

ECORP brings to our clients an experienced team of CEQA and NEPA specialists, environmental permitting specialists, environmental analysts, terrestrial and aquatic biologists, wetland specialists, archaeologists, cultural resource specialists, architectural historians, and geographic information system (GIS) analysts. ECORP has five locations including Chico, Rocklin, Redlands, San Diego, and Santa Ana. Additionally, ECORP has over 100 environmental analysts, cultural resources specialists, water quality specialists, biologists, botanists, wetlands specialists, GIS technicians, and a full document production staff available to provide the environmental services as described in the RFQ.

Founded in 1987, ECORP is committed to excellent service and client satisfaction. To ensure the success of our clients' projects, we use a combination of well tested practices. We build the best team for the job, drawing from our own professionals and a large network of relationships with other technical and scientific experts. We use a carefully honed project management approach based on a client-focused, responsive, and results-driven philosophy. We implement real quality control provided by seasoned technical professionals as peer reviewers and editors.

ECORP's environmental documentation and compliance experience includes the full range of CEQA and NEPA documents and experience with the regulatory requirements of Sections 401, 402, and 404 of the Clean Water Act; Sections 7 and 10 of the Endangered Species Act (ESA); California Endangered Species Act (CESA); Sections 106 and 110 of the NHPA; Section 1600-1616 of the

California Fish and Game Code; Porter-Cologne Water Quality Control Act; California Coastal Act; and Coastal Zone Management Act. We have well established working relationships with regulatory agency staff including the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Boards (RWQCB), and California Office of Historic Preservation. These agencies recognize our permit application documents to be of the highest quality based on our consistent technical excellence and thorough understanding of regulatory processes.

ECORP is experienced in the preparation of Preliminary Environmental Study (PES) forms for projects per Caltrans' Local Assistance Procedures Manual (LAPM). ECORP has used the PES form to consult with Caltrans/FHWA to determine the appropriate NEPA and CEQA document for a project. ECORP staff have prepared Categorical Exclusions/Exemptions (CE/CEs), Environmental Assessments (EA), joint Initial Study/Environmental Assessments (IS/EAs), and Mitigated Negative Declaration/Finding of No Significant Impacts (MND/FONSI) for a series of projects with Caltrans involvement.

In addition, ECORP has prepared technical studies in support of the PES and NEPA/CEQA documents per the requirements from Caltrans' Standard Environmental Reference (SER) and FHWA. These include, but are not limited to: Section 106 National Historic Preservation Act (NHPA) compliance, Natural Environment Studies, Community Impact Assessments, Section 4(f), and Clean Air Act compliance. Based on our experience with similar projects with Caltrans involvement and federal funding, ECORP understands the added level of effort for NEPA documentation and coordination, including public participation, which needs to be factored into the overall schedule for a successful project. We have experience working on CEQA/NEPA, biological resources, and cultural resources projects for several districts of Caltrans.

A partial list of our services includes:

Biological Resources

- Threatened, Endangered, and Special-Status Species Surveys and Permitting
- Wetland Delineations
- Terrestrial and Aquatic Species Surveys and Habitat Assessments
- Botanical Services
- Bat Surveys and Bat Exclusion Management
- Stream Bioassessment Studies (including Benthic Macroinvertebrate Sampling)
- Preparation and Implementation of Natural Community Conservation Plans (NCCPs) and Habitat Conservation Plans (HCPs)
- Support of In-formal and Formal Consultation under Section 7 of the Endangered Species Act
- California Rapid Assessment Method (CRAM) for Wetland, Riparian, and Stream Habitats

CEQA and NEPA Documentation

- Preliminary Project Assessments/Constraints Analyses
- CEQA Review and Compliance (Categorical Exemptions, Initial Studies, Mitigated Negative Declarations, Environmental Impact Reports)
- NEPA Review and Compliance (Categorical Exclusions, Environmental Assessments, Environmental Impact Studies)
- Third-Party Review of Applicant-Prepared Documents
- Public Participation, Including English-Spanish Translation of Public Notices and Public Information Materials
- Environmental Justice

Noise Monitoring and Analysis

- Noise Impact Modeling
- CEQA/NEPA Noise Analysis
- Baseline Noise Establishment
- Groundborne Vibration Assessments
- Event Noise Monitoring
- Mobile- and Stationary-Source Projections

Air Quality and Greenhouse Gas Emissions Modeling

- Emissions Modeling Services (CalFFMod)
- Health Risk Assessments
- EMFAC 2014 Analysis (Mobile Emissions Modeling)
- Dispersion Modeling (AERMOD)
- CEQA/NEPA Air Quality/GHG Support Services
- SB/AB32, Newhall Ranch, CAP Analysis, and Reduction Support
- Air Basin Compliance Analysis

Interpretation and Aesthetics

- Visual Impact Analysis
- Interpretive and Educational Projects
- Native Habitat Interpretive Centers

Arboricultural Services

- Tree Surveys
- Tree Tagging
- Planting Recommendations
- Development Plan Review Services (Trees)

Cultural Resources

- Cultural Resources Management
- Archaeological Services
- Architectural History Services
- Cultural Resources Consultation and Agreement Documents
- Native American Consultation
- Memoranda of Agreement/Programmatic Agreements
- Geoarchaeology

Permitting, Restoration, and Land Management

- Wetland Assessment and Delineation
- Environmental Permits under Clean Water Act Sections 401, 402, and 404; Fish and Game Code Section 1602; and Porter-Cologne Act
- Federal Energy Regulatory Commission Licensing Support
- Mitigation and Compensation Planning
- Mitigation Banking Support
- Habitat Restoration, Planning, and Design
- Open Space Management
- Storm Water Pollution Prevention Plans (SWPPP)
- Long-term Monitoring and Management

Geographic Information Systems and Cartography

- Project-Specific and Regional Resource Mapping Services
- Geographic Information Systems (GIS) Data Capture and Spatial Analysis
- Lidar Data Acquisition and Analysis
- Image Processing and Land Cover Analysis
- Computer-Based Cartography

Unmanned Aerial Systems (UAS) Services

- Rapid Collection of Aerial Photographs
- Repeated Site Visits for Monitoring and Change Detection
- Development of Digital Surface Models, 3D Data, and Other Topographic Information
- Aerial Videography

Construction Monitoring

- Mitigation Development and Monitoring
- Preconstruction Surveys
- Biological Resources Monitoring
- Cultural Resources Monitoring
- Coordination with Native American Monitors
- English-Spanish Translation

Water Resources

- Hydrologic Modelling and Assessment
- Stream Surveys and Monitoring
- Stream Gaging and Related Services
- Water Resources Management
- Watershed Planning and Management
- Water Rights Determination and Accounting
- Hydropower Project Economics and Operations

Land Use Planning

- Land Use Entitlement Planning
- Development Feasibility Studies
- Agency Staffing/Contract Planning Services
- Policy and Strategic Planning
- LAFCO Services (Annexations; Municipal Service Reviews; Sphere of Influence Plans)

FEE SCHEDULE

ECORP's current hourly rate schedule is shown below:

Key Personnel

Bob Summerville, Senior Planner (proposed primary staff member for contract)	\$110.00
Scott Friend, Program Manager	\$155.00
Seth Myers, Air Quality/Greenhouse Gas Emissions/Noise Analyst	\$145.00
Michael Martin, Senior Environmental Planner	\$140.00

Other

Project Principal	\$250.00
Project Managers	\$190.00
Cultural Resources	\$150.00
Engineer/Biologist/ Ecologist/Scientist.....	\$150.00
Environmental Specialist/Planner.....	\$150.00
Construction Monitoring.....	\$145.00
CAD / GIS / Software Specialist	\$145.00
QAQC/Technical Editor	\$145.00
Air Quality/GHG/Noise Analyst.....	\$145.00
Staff Engineer/Biologist/Ecologist/Scientist	\$130.00
Assistant/Associate/Staff Project Manager	\$130.00
Project Assistant/Project Administrator/Project Accountant/Controller	\$115.00
Lab Technician	\$90.00
Word Processing / Production Coordinator	\$90.00

Expense Reimbursement/Other:

1. Computer, facsimile, and telephone are included in the billing rates, and there is no additional charge.
2. Copies (color and black and white), equipment and other direct expenses are reimbursed with a 14% administrative handling charge (excluding per diem).
3. Subcontractor expenses are reimbursed with a 5% administrative handling charge.
4. Mileage is reimbursed at current IRS rate with a 14% administrative handling charge.
5. Per Diem, depending upon location, may be charged where overnight stays are required.
6. Expert Witness Testimony, including Depositions, is billed at time and a half.
7. When non-standard billing is requested, time spent by office administrative personnel in invoice preparation is a cost to the project and charged as technical labor.

LIST OF ATTACHMENTS

Attachment A – Resumes of Key Personnel

ATTACHMENT A

Resumes of Key Personnel

Order of Presentation:

1. Bob Summerville, AICP, Contract City Planner
 2. Scott Friend, AICP, Program Manager
 3. Michael Martin, Senior Environmental Planner
 4. Seth Myers, Air Quality/Greenhouse Gas Emissions/Noise Analyst
-



Scott Friend, AICP

Program Manager

Mr. Friend manages the planning and environmental services activities of ECORP Consulting, Inc.'s (ECORP) Chico office. With more than 23 years of professional planning and environmental analysis experience, he is responsible for project preparation and management activities, provides technical review and oversight of office staff and projects, and provides direct management of client projects. He specializes in current and long-range contract planning activities as well as the preparation and review of general plans, municipal codes and California Environmental Quality Act (CEQA) environmental compliance documents. Mr. Friend has provided principal direction and project management on projects ranging from policy documents such as general and specific plans to implementation documents and programs such as zoning ordinance updates, design review programs, and planning program guidelines. He also manages and prepares the full range of CEQA and National Environmental Policy Act (NEPA) environmental compliance and review documents. His experience includes long-range and current planning activities for both public and private sector clients. He regularly provides direct staff support to various boards, councils, and commissions and has extensive experience in the preparation and presentation of visual and oral presentations to citizens, citizen bodies, and appointed and elected officials.

Education

Graduate Studies – Masters of Environmental Planning Program (M.E.P.), Arizona State University, Tempe
BA, Political Science, California State University, Chico

Registrations, Certifications, Permits and Affiliations

- American Institute of Certified Planners (AICP)
- American Planning Association
- California Planning Association
- Association of Environmental Professionals (AEP)

Professional Experience

Agency/Contract Staffing. Serves as the off-site, contract City Planner/Planning Department for the City of Yreka, contract staff planning advisor to Siskiyou County, and as the contract Community Services Director overseeing the Planning, Building and Code Enforcement functions for the Cities of Orland and Red Bluff. Additionally, Mr. Friend has served as the interim City Planner for the City of Mount Shasta, the City Planner for the City of Biggs, and oversaw the Planning Department functions of the City of Live Oak, Sutter County, Yuba County and City of Oroville. Has provided principal oversight of direct on- and off-site contract planning staff for the Counties of Butte, Sutter, Yuba, Plumas and Lassen and the Cities of Chico, Orland, Oroville, Yuba City, Live Oak, Red Bluff, Mount Shasta, and Willows.

City of Biggs, Planning Application Fee Program Update. Project Manager. The project comprehensively reviewed and updated the project application and processing fee program for the City. The project

included a detailed review of each of the City's application review processes and the preparation of a nexus study, a fee justification analysis, and required resolutions and reports.

City of Biggs, General Plan Update and EIR. Project Manager. The project included a Background Report and a substantially revised General Plan policy document. The project also included the preparation of a programmatic EIR with technical studies in support of the update effort and a public outreach and involvement component. The update effort included the incorporation of regional planning components, including a Sustainable Communities Strategy and Habitat Conservation/Natural Communities Conservation Plan.

City of Biggs, Treated Wastewater Land Discharge Project and EIR. Project Manager. Managed preparation of CEQA and NEPA compliance documents for a project to convert the City's wastewater treatment plant from a direct point-source discharge facility to a land application discharge facility. The project included detailed biological, cultural, and engineering studies and included consultation with the California Department of Fish and Wildlife, the State Office of Historic Preservation, local tribal entities, and the US Fish and Wildlife Service. The project was funded by state and federal grants and loans and included close coordination with the State Water Resources Control Board and the US Department of Agriculture Rural Development office.

City of Biggs, Sixth Street Bridge Replacement Project. Project Manager. Managed the preparation of CEQA and NEPA compliance documents for a project to replace a seismically deficient bridge in Biggs. The project included detailed biological, cultural, and engineering studies and included consultation with Caltrans, the California Department of Fish and Wildlife, the State Office of Historic Preservation, local tribal entities, and the US Fish and Wildlife Service. The project involved the management of two subconsultants and the preparation of technical studies including the ASR, HRER, HPSR, Biological Assessment, Wetlands Delineation, and Natural Environment Study.

City of Biggs Municipal Services Review (MSR) Update. Project Manager. Managed the preparation of an update to the City's Municipal Services Review (MSR) document which supported a request by the City to expand the City's Sphere of Influence (SOI) in support of the City's recently adopted General Plan.

City of Biggs, Annexations/Sphere of Influence Amendments. Project Manager. Managed annexation of multiple properties into the city. Projects included the preparation of municipal service reviews in support of requests to the Local Agency Formation Commission to amend the existing Sphere of Influence. The various projects involved the annexation of non-applicant intervening parcels of land and the preparation of supporting General Plan amendments, rezoning actions, and environmental reviews.

City of Biggs, Development Impact Fee Program. Project Manager. Established a Development Impact Fee Program for the City. The project included a major revision to the City's Capital Improvement Program project list, preparation of a nexus study, and preparation and publication of a fee justification analysis.

Samuel Robert (Bob) Summerville, AICP

Contract City Planner

Education

Master's Degree, Rural and Town Planning, California State University, Chico

Bachelor of Science, Building Science Construction Management, Auburn University, Alabama

Associate of Arts, Liberal Arts, Oxford College of Emory University, Georgia

Registrations, Certifications, Permits and Affiliations

- Member of American Institute of Certified Planners (AICP), Certificate No. 011797

Professional Experience

Planner I (semi-retired), City of Smyrna Georgia, Community Development Department, 2017

- Implement local zoning code in review of development and business proposals prior to issuing building permits.
- Provide staff support to planning and engineering consultants at public meetings in preparation of the City of Smyrna 2040 Comprehensive Plan and road corridor improvements studies.
- Lead staff to City of Smyrna Tree Board regular meetings and special events.

Senior Planner, City of Chico California Community Development Department, 2006 – 2016

Current Planning

- Manager of the Architectural Review and Historic Preservation Board processes including agendas, reports, presentations, and Board member training.
- Zoning Administrator (2007 - 2009).
- Manager of complex development applications including large subdivisions, General Plan amendments, rezones, planned developments, and all levels of related CEQA review.
- Presented project staff reports at City Council, Planning Commission, and ARHPB meetings.
- Represented the Planning Division at neighborhood meetings.
- Provided management of Assistant and Associate Planners, including review of staff reports.

Long Range Planning

- Manager of City Zoning Code Update (2010 – 2013).
 - Managing team member of 2030 General Plan Update.
 - Manager and lead author of the City's Historic Preservation Program.
 - Coordinator for Certified Local Government (CLG) to State Office of Historic Preservation.
 - Manager of the City of Chico Design Guidelines Manual.
 - Liaison to the Mechoopda Indian Tribe of the Chico Rancheria.
-

Associate Planner, City of Chico Planning Division, January 2001 - September 2006.

- Processed development applications, focusing on subdivisions and planned developments.
- Conducted all levels of related CEQA review, including EIR contracts.
- Presented project staff reports to City Council, Planning Commission, and neighborhood groups.
- Lead staff of Development Review Committee and Architectural Review Board.

Assistant Planner, City of Chico Planning Division, April 1997 - January 2001

- Processed all types of development applications and related CEQA review.
- Lead staff of Architectural Review Board, administrative architectural review, and sign permits.

Planner II, Merced County Planning Department, May 1996 - April 1997

- Processed all types of urban and agricultural-based development applications and presented staff reports to Planning Commission and Board of Supervisors.
- Represented department as lead planner to town Municipal Advisory Councils.
- Assisted department in implementation of new GIS programs.

Land Use Planning Consultant, (Self-employed), Chico, June 1995 - May 1996.

- Provided development consultation and CAD mapping services to public and private entities.

Planner/Project Manager, Heritage Partners (Planning and Development Consultants), Chico, June 1994 - June 1995

- Conducted research for clients at public and private agencies, and assimilated data in deliverable reports. Participated in client, subconsultant, and public meetings to assimilate data in deliverable reports. Assisted Principals in environmental constraint analysis, site design, and processing development applications. Prepared CAD maps and graphics for project analysis, presentations, and product deliverables.

Planning Aide/Interim Assistant Planner, City of Chico, June 1992 - June 1994

- Provided routine support duties of Planning Division and prepared presentation graphics. Processed various development applications and related CEQA review. Presented reports to Planning Commission and Architectural Review Board. Supervised and assigned activities of student interns.

Technical Supervisor (USA Market), Soprema Roofing and Waterproofing, Inc., Atlanta, GA December 1986 - June 1990

- Coordinated product code approvals (including Underwriters Laboratory and Factory Mutual) for international roofing and waterproofing products manufacturer. Designed and drafted construction details for roofing and waterproofing systems. Presented company policy at national, state, and local job conferences. Presented technical presentations to architects, contractors, and college engineering students. Supervised application of products on large construction projects throughout the United States, with focus on the southeast region.

Assistant Project Manager, Metro Development and Construction, Atlanta, GA, August 1984 - August 1986

- Prepared job cost estimates for national apartment developer. Managed job cost expenditures including material purchases, ordering, and subcontractor draw requests as member of on-site management team.
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Scott Friend, AICP

Program Manager

Mr. Friend manages the planning and environmental services activities of ECORP Consulting, Inc.'s (ECORP) Chico office. With more than 23 years of professional planning and environmental analysis experience, he is responsible for project preparation and management activities, provides technical review and oversight of office staff and projects, and provides direct management of client projects. He specializes in current and long-range contract planning activities as well as the preparation and review of general plans, municipal codes and California Environmental Quality Act (CEQA) environmental compliance documents. Mr. Friend has provided principal direction and project management on projects ranging from policy documents such as general and specific plans to implementation documents and programs such as zoning ordinance updates, design review programs, and planning program guidelines. He also manages and prepares the full range of CEQA and National Environmental Policy Act (NEPA) environmental compliance and review documents. His experience includes long-range and current planning activities for both public and private sector clients. He regularly provides direct staff support to various boards, councils, and commissions and has extensive experience in the preparation and presentation of visual and oral presentations to citizens, citizen bodies, and appointed and elected officials.

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City of Biggs, Development Impact Fee Program. Project Manager. Established a Development Impact Fee Program for the City. The project included a major revision to the City's Capital Improvement Program project list, preparation of a nexus study, and preparation and publication of a fee justification analysis.

Michael Martin

Senior Environmental Planner

Current responsibilities include environmental planning, policy document preparation, and contract planning services for client agencies. As a project manager and assistant project manager with 15 years of experience, Mr. Martin has completed environmental impact reports for large-scale residential developments, multi-use developments, commercial developments, and general plan updates. In addition, Mr. Martin has written numerous initial studies/negative declarations for a variety of development types. He has also provided contract planning staff for various jurisdictions in northern California and has written zoning code and subdivision code updates, municipal service reviews, development impact fee updates, housing elements, and general plan updates.

Education

B.A., Environmental Studies with Urban Planning minor | San Jose State University

Professional Experience

City of Biggs, Municipal Service Review, Project Manager. The project included complete analysis and identification of area in need of improvement. The analysis encompassed all existing services provided by the City including police protection, fire protection, water, sewer, storm drainage, parks and recreation, and electric service.

City of Biggs, Sphere of Influence Plan, Project Manager. The Sphere of Influence Plan was used to support of the City of Biggs' application for a SOI amendment. The Plan included an analysis of the present and probable need for public facilities and services in the sphere area, the present capacity of public facilities, the existing and projected population and an identification of relevant social or economic factors in the community.

City of Biggs, Housing Element Update, Project Manager. As with many small cities, funding for affordable housing, adequate sites for residential development, and infrastructure development were areas of concern. Programs were developed to address these concerns, such as second unit development, infill housing, removal of legal nonconforming residential conditional use permit requirements, and financing sources for infrastructure development.

City of Biggs, Development Impact Fee Update, Planner. The City's new impact fee program included development impact fees for existing city services such as fire, general government, circulation, wastewater, electric, storm drainage, and recreation.

Town of Paradise, Paradise Youth Sports and Family Center, Project Manager. The project consisted of 35 single-family lots, 90 workforce multi-family housing units, 20,900 square feet of commercial uses, two multi-field soccer complexes, a Boys and Girls Club complex, a community center, a middle school, and a wastewater treatment plant. The project had impacts associated with traffic, noise, air quality, biological resources, and land use.

City of Yreka, Yreka Creek Greenway Master Plan and Flood Reduction Project Environmental Impact Report and Environmental Assessment, Senior Planner. The project involves the environmental analysis for the Greenway Master Plan as well as three separate flood reduction projects within the Yreka Creek watershed. This project includes an EIR program and project level analysis as well as an Environmental Assessment for portions of the project within the Klamath National Forest properties. The project has impacts associated with cultural and biological resources, and water quality.

City of Temecula, Temecula Gateway Environmental Impact Report, Senior Planner. The project involves a General Plan amendment and rezone to allow for a Planned Development Overlay. Approval of the project would result in the development of eight acres of commercial uses including fast food restaurants, retail shopping, office space, a gas station with adjoining car wash, and a 37,000 square foot athletic club.

City of Delano, Vineyards at Delano and West Pavilion Project Environmental Impact Report, Senior Planner. The project involves the construction of 872 multi-family units and 340,000 square feet of commercial/retail uses. The project has impacts associated with traffic, noise, air quality, and biological resources.

Orland, Pilot Flying J Travel Center and West Side Annexation Area Environmental Impact Report, Senior Planner. The project involves the construction of a truck and auto fueling station including three restaurants, a convenience store, truck scales, and a driver lounge. The project has impacts associated with traffic, noise, and air quality.

Lassen County, Housing Element, Senior Planner. Sparsely settled counties such as Lassen County have much different issues than cities in the development of a Housing Element. The lack of public services and infrastructure, the lack of available affordable housing funding, and employment were all concerns addressed in the Housing Element programs.

City of Yreka, Housing Element Update, Senior Planner. The City was concerned with providing services and housing for its homeless population, providing new housing affordable to lower-income households, maintaining the character of the city, and environmental constraints to housing. Several public meetings addressed residents' desires for residential development in the city.

City of Calexico/Imperial County, Calexico-County Enterprise Zone Environmental Impact Report, Environmental Planner. The enterprise zone combined resources from the City of Calexico and the County of Imperial. It was determined that the proposed enterprise zone would not introduce any environmental impacts other than those identified in the City and County General Plan EIRs. This determination was mainly based on the fact that the project would not introduce any land uses or intensities beyond those analyzed in the General Plans.

Cities of San Diego, Chula Vista, and National City, South Bay Enterprise Zone EIR, Environmental Planner. This enterprise zone was originally adopted in 1992 by the Cities of San Diego, National City, and Chula Vista. The EIR consisted of the identification of environmental impacts associated with re-adoption of an existing enterprise zone.

Seth Myers

Air Quality/Greenhouse Gas Emissions/Noise Analyst

With 11 years of experience as an environmental planner and air quality/noise analyst, Mr. Myers is involved in the preparation of a full range of CEQA and NEPA environmental compliance and review documents including environmental impact reports. He has extensive expertise conducting air quality, greenhouse gas emissions, and noise analyses and has a comprehensive working knowledge of the associated regulatory environment. He is proficient in the use of CalEEMod, EMFAC2014, AERMOD, the Roadway Construction Model, the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model, and other industry standard emissions and noise modeling tools. In addition, Mr. Myers prepares implementation documents and programs such as zoning ordinance updates, design review programs, and planning program guidelines. As a certified arborist (ISA #WE-7501A), Mr. Myers also provides landscape and irrigation plan review for development and public works projects and performs hazardous tree assessments.

Professional Experience

City of Biggs, General Plan EIR. Air Quality/Greenhouse Gas Emissions Analyst. Prepared an EIR for the General Plan as the sole environmental writer. Responsible for drafting all sections of the environmental document, responding to public comments as part of the Final EIR process, and analyzing greenhouse gas emissions and air quality.

Wastewater Treatment Plant Enhancement EIR, City of Biggs. Analyst for all relevant environmental issue topics as the sole environmental writer of this EIR. The project consisted of the development of a new effluent disposal process consisting of a reclamation/land disposal system (effluent land disposal system). The net effect of the proposed project is the cessation of all effluent discharged to Lateral K, which drains into Butte Creek, which in turn connects with the Sacramento River. The key outcome is compliance with National Pollutant Discharge Elimination System (NPDES) Permit No. CA0078930 and dissolution of the permit. The use of a land disposal system allows the City to eliminate the surface discharge of wastewater effluent, which would release the City from the NPDES permit and convert the facility to a waste discharge requirements permit facility.

City of Biggs. Conducted an evaluation of the existing City of Biggs "Tree List," as included in the City's Municipal Code and intended to inform City residents and business owners of the allowed tree species for planting on properties within the City. The evaluation included all of the specific tree species contained on the List for their appropriateness in the urban interface. Comments were provided consisting of the beneficial and negative characteristics of each species, and additional tree species were recommended for inclusion onto the Tree List.

Gridley Farm Labor Housing Rehabilitation Mitigated Negative Declaration/ Categorical Exclusion, Housing Authority of the County of Butte. Prepared the air quality and greenhouse gas analysis for this project, which included a substantial number of truck trips for the export of demolition material. The

project consists of the rehabilitation and modernization of various existing dwelling units and nonresidential buildings along with upgrades to the on-site utility systems. In addition, the project will result in the demolition of 24 existing structures that are not feasible to rehabilitate or are deemed unsafe for occupation. The project will result in the reduction of the total number of dwelling units in the project area from 130 to 86. Key environmental issue areas associated with this project included impacts to air quality, biological resources, hazardous materials, and traffic.

Rehabilitation Environmental Assessment (Project 43-3), Butte County. Prepared an EA for a rehabilitation project consisting of site improvements, the installation of new shrubs and plants, removal and repair of sidewalks and driveways, exterior painting, and HVAC replacement, as well as emergency repairs. The rehabilitation project proposed to utilize existing buildings, improving the interior and exterior of 46 duplexes, 8 single-family dwellings, and 5 maintenance shops.

5-Year Plan Rehabilitation Project NEPA Review, Housing Authority of the County of Butte. Prepared Housing and Urban Development air quality analysis documentation for all projects scheduled for completion during the term of the Housing Authority's Five-Year Plan. Projects included maintenance and modernization activities at 13 separate multi-family project sites throughout Butte County.

Feather River West Levee Project Construction Mitigation Compliance, Sutter-Butte Flood Control Agency. Air Quality Mitigation Liaison. On-going coordination with Project construction contractors and Feather River Air Quality Management District staff to ensure proper compliance with required mitigation measures during levee construction activities. Mr. Myers monitors specific construction equipment use and calculates construction-generated emissions consistent with District protocols. He also reconciles construction-related nitrogen oxide (NOX) emissions associated with the Feather River West Levee Project and total offset fees payable to the District.

Palisades at Squaw Project EIR, Placer County. Emissions/Noise Analyst. Mr. Myers analyzed the environmental issue topics of air quality and greenhouse gas emissions for the development of 63 residential lots on 3.51 acres. The analysis was prepared consistent with the requirements and recommended methodology provided by the Placer County Air Quality Management District in conjunction with recent case law (Newhall Ranch) regarding greenhouse gas emissions.

Clay Street Realignment and Bridge Replacement Project, City of Placerville, Emissions/Noise Analyst. The purpose of the proposed project is to remove the functionally obsolete existing concrete bridge and replace it with a new concrete bridge designed to current structural and geometric standards that will provide adequate, reliable, and safe service for traffic. The new bridge will maintain access and improve safety for vehicular, pedestrian, emergency response, and bicycle traffic. In conjunction with the bridge replacement, the City of Placerville proposes to realign Clay Street, which would allow conformance to the existing adjacent grade and geometrically tie into the Cedar Ravine Road/Main Street intersection.

City of Wildomar, General Plan EIR, Air Quality/Greenhouse Gas Emissions Analyst. The Wildomar General Plan embodies several guiding principles that include supporting the city's transition from a small rural city to a more populous community while also ensuring the city's long-term economic viability.

Lindsay Taylor

Air Quality/Greenhouse Gas/Noise Associate

Ms. Taylor is an Air Quality/ Greenhouse Gas/ Noise Associate working out of ECORP's Chico office. She is involved with the preparation of initial studies/negative declarations and the provision of contract staffing services, as well as providing project management support. She is proficient in the use of CalEEMod, AERMOD, EMFAC2014, the Roadway Construction Model, the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model, and other industry standard emissions and noise modeling tools.

Education

BA, Biology and Environmental Studies, Gonzaga University, Washington

MPH, Environmental and Occupational Health, University of Colorado

Professional Experience

Loop Road Service Station Project, Placer County. Emissions/Noise Analyst. The proposed Project includes development of a 16-position gasoline station, a 1,056-square foot car wash, a 3,700-square foot convenience store, and a 7,040-square foot retail store. The project would provide 70 parking stalls. Ms. Taylor analyzed the environmental issue topics of air quality, greenhouse gas emissions, and noise. The analysis was prepared consistent with the requirements and recommended methodology provided by the Placer County Air Quality Management District in conjunction with recent case law (Newhall Ranch) regarding greenhouse gas emissions.

Contract Staff Assistance, City of San Mateo. Air Quality/Greenhouse Gas Emissions Analyst. Serves as a contract planner for the City of San Mateo, preparing air quality and greenhouse gas emissions impact analysis for CEQA requirements. Project examples include the Hillsdale Shopping Center project, a redevelopment proposal to demolish 97,894 square feet of building space for replacement with retail shops, food vendors, a fitness center, a cinema, and office space; totaling 278,361 square feet.

Clay Street Realignment and Bridge Replacement Project, City of Placerville. Emissions/Noise Analyst. The purpose of the proposed project is to remove the functionally obsolete existing concrete bridge and replace it with a new concrete bridge designed to current structural and geometric standards that will provide adequate, reliable, and safe service for traffic. The new bridge will maintain access and improve safety for vehicular, pedestrian, emergency response, and bicycle traffic. In conjunction with the bridge replacement, the City of Placerville proposes to realign Clay Street, which would allow conformance to the existing adjacent grade and geometrically tie into the Cedar Ravine Road/Main Street intersection.

Hare Creek Center EIR, City of Fort Bragg. Air Quality/ Greenhouse Gas/ Noise Emissions Analyst. The emissions analysis evaluated the potential effects related to air quality, greenhouse gas, and noise emissions resulting from the proposed project, which includes the construction of a 29,500-square foot

shopping center, anchored by Grocery Outlet. The project would occupy an existing 2.24-acre lot and would add an additional 1.68 acres to the lot, for a total of 3.92 acres upon approval of a lot line adjustment.

Rio Mesa Boulevard Project, Madera County. Emissions/Noise Analyst. The Rio Mesa Boulevard Project would construct a new north-south roadway consistent with a secondary arterial (4-lane undivided). The proposed roadway would include: two northbound and two southbound asphalt concrete lanes with six-foot-wide asphalt concrete bike lanes, curbs and gutters, landscaping, and separated sidewalks between Avenue 12 and Avenue 14 (the southernmost portion of the Tesoro Viejo Development). The Proposed Project will also construct utility improvements for water, sewer, recycled water, fire hydrants, streetlights, drainage, roadway signage, and roadway striping.

Wildomar Master Drainage Plan Lateral C IS/MND, Riverside County Flood Control and Water Conservation District. Air Quality/Greenhouse Gas Emissions Analyst. Analyzed the proposal to revise the Wildomar Master Drainage Plan (MDP) Lateral C facility. Stage 1 and Stage 2 of the Lateral C facility have already been constructed and the remaining components are proposed to be constructed under a revised alignment.

John Glenn High School Athletic Fields Improvement Project IS/MND, La Mirada Unified School District. Air Quality/ Greenhouse Gas/ Noise Emissions Analyst. The Proposed Project involved the replacement of a grass field with synthetic turf and development of new athletic facilities for football, soccer, baseball, softball and track and field. The Proposed Project would include a new 5,000 seat lighted football/soccer and track and field stadium (stadium or football field); a practice soccer field; a lighted baseball field; a lighted softball field; a practice baseball field, and a practice softball field. Approximately 9,780 square feet of support buildings would be constructed, including concession stands, team rooms, restrooms and storage facilities. In addition, the project would result in approximately 62,190 square feet of open space within the athletic field footprint.

El Centro Town Center Village Apartments IS/MND, City of El Centro. Air Quality/ Greenhouse Gas/ Noise Emissions Analyst. The project involved the subdivision of 41 acres of vacant land into five parcels. Three of the parcels would be developed with a 247-unit apartment complex, while the remaining two parcels would remain as open space. The project also includes the expansion of an existing detention basin (from 5.3 acres to 8.6 acres) and related stormwater conveyance infrastructure. Other site improvements include roadways, bicycle lanes, street trees, curbs, gutters and ADA access ramps, relocation of gas lines, and extension of other utility lines. Air quality-related issues included the exposure of future project receptors to air toxics from existing sources.

Sonoma School Redevelopment IS/MND, City of Livermore. Air Quality & Greenhouse Gas Emissions Analyst. The project, which is located on an 8.98-acre infill site, involved demolishing the existing buildings, underground utilities, and paved areas associated with the existing school and redeveloping the site with 54 single-family residences.

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

FROM: BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR

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

DATE: AUGUST 21, 2018

SUMMARY:

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

DISCUSSION:

In March, Council approved a professional services agreement with Tom Lando for his service as Interim City Administrator through June 30, 2018, while the City searches for a candidate for City Administrator.

As of August 13, 2018, the City has not been able to reach agreeable terms with an external candidate and has not identified a qualified internal candidate. It will be necessary to extend the term of this contract until June 30, 2019, the end of fiscal year 2018/2019, or to the successful hiring of a new full time City Administrator whichever occurs first. Lando's compensation will remain the same and no additional changes are requested. Lando will be paid every two weeks in equal payments for the duration of this contract. Funding is currently in the 2018/19 budget for a City Administrator

FISCAL IMPACT:

Total cost for Interim City Administrator 2018/2019	\$91,200.00
Expended to August 4, 2018	<u>-\$11,400.00</u>
Total remaining on Contract	\$79,800.00
Budgeted funding for salary and benefit 2018/2019	\$261,490.00
Appropriations needed r contract	<u>\$91,200.00</u>
Total Budgeted Appropriation remaining June 30,2019	\$170,290.00

RECOMMENDATIONS

1. Adopt Resolution No. 8740 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN

THE CITY OF OROVILLE AND TOM LANDO TO SERVE AS INTERIM CITY ADMINISTRATOR.

ATTACHMENTS

- Resolution No. 8740
- Amendment to Professional Services Agreement

**OROVILLE CITY COUNCIL
RESOLUTION NO. 8740**

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

**(Agreement No. 3246)
Amendment 3**

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, Amendment 3 between the City of Oroville and Tom Lando for service as Interim City Administrator. A copy is attached hereto as Exhibit "A".
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on August 21, 2018 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Joanna Gutierrez, Interim City Clerk

**AMENDMENT TO THE PROFESSIONAL SERVICES
AGREEMENT BETWEEN THE CITY OF OROVILLE AND TOM LANDO**

(Agreement No. 3246-3)

This Amendment, dated August 21, 2018, is to the Professional Services Agreement between the City of Oroville ("City") and Tom Lando. ("Lando").

In consideration of the terms and conditions herein, the City and Lando agree that the amendment to the agreement is effective August 4, 2018, and shall be amended as follows:

1. SECTION 1 IS REPLACED WITH THE FOLLOWING:

Scope of Services

The Consultant shall furnish management consultant services in a professional manner. Consultant shall perform the scope of services described as Interim City Administrator of City to perform the functions and duties specified for the position in the Oroville City Charter, The Code of the City of Oroville and such other legally permissible and proper duties and functions as the Council shall from time to time assign to him. Consultant shall have the rights and responsibilities of the City Administrator during the term of this Agreement. Consultant shall provide all services as need for Management Consulting Services to the City during the time this Agreement is in effect.

2. SECTION 2 IS REPLACED WITH THE FOLLOWING:

Time of Performance

The services shall commence July 1, 2018 and shall continue through June 30, 2019, or until the City has hired a full time City Administrator. Under no circumstance will this agreement be extended without City Council approval.

3. Conflicts between this Amended Agreement and Agreement No. 3246 shall be controlled by this Amendment. All other provisions within Agreement No. 3246 shall remain in full force and effect.

This Amendment to Agreement 3246 is approved by the City Council of the City of Oroville at a regular meeting held on August 21, 2018.

CITY OF OROVILLE

TOM LANDO

By: _____
Linda L. Dahlmeier, Mayor

By: _____
Tom Lando, Interim City
Administrator

APPROVED AS TO FORM:

By: _____
Scott E. Huber, City Attorney

**OROVILLE CITY COUNCIL
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS
CHAIRPERSON AND COMMISSIONERS**

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

RE: 2018 HOME INVESTMENT PARTNERSHIPS PROGRAM APPLICATION

DATE: AUGUST 21, 2018

SUMMARY

The Council may consider the submittal of an Application to the State Department of Housing and Community Development for 2018 Home Investment Partnerships (HOME) Program funding in the amount of \$1,000,000.

In addition, the Council, serving as the Successor Agency (SA) to the former Oroville Redevelopment Agency, may consider committing Housing Program funds, equaling \$50,000, for additional administrative support for HOME program activities.

DISCUSSION

The State Department of Housing and Community Development released a Notice of Funding Availability (NOFA) on June 5, 2018, requesting applications for funding from the Home Investment Partnerships Program 2018 HOME NOFA. The final date for application submittal is no later than 5:00 p.m. on August 23, 2018.

The HOME Program offers a broad range of eligible activities as follows:

1. Multifamily (new construction; moderate or substantial rehabilitation; or acquisition);
2. Owner-occupied rehabilitation;
3. First time home buyer (acquisition only; acquisition and rehabilitation; or new construction);
4. Tenant-based rental assistance.

Upon authorization by the Council, staff will submit an application requesting \$1,000,000 in HOME funds to be used to provide first-time home buyer mortgage assistance.

Supplemental funding for general administration and activity delivery is necessary to ensure the successful implementation of the proposed activities. Therefore, staff is proposing that SA Housing Program funds be used to fund a portion of the administration and activity delivery expenses associated with the proposed HOME grant funds as follows:

- General Administrative expense \$25,000
- Activity Delivery expense \$25,000

The costs generally span a three-year period. The following is the HOME Program budget, illustrating the breakdown between HOME funds and Housing Program Funds:

Funding Source	Use of Funds	Amount
HOME Program	General Administration	\$25,000.00
HOME	FTHB Program Loans	\$911,625.00
HOME	FTHB Activity Delivery	\$63,375.00
Housing Program Funds(SA)	Administration (Gen.)	\$25,000.00
Housing Program Funds SA)	Activity Delivery	\$25,000.00
TOTAL		\$1,050,000.00

The 25% cash match requirement for HOME Program activities has been waived for the 2018 funding round.

Following are the primary activity components associated with this HOME program application:

First Time Home Buyer Down Payment Assistance

1. Down payment and closing cost assistance
2. To reduce monthly debt service on a first mortgage originated by a private lender
3. Activity delivery costs.

The program will include varying amounts of mortgage subsidy assistance, based on household income, up to a maximum \$75,000 or 45% of the value of the home.

Income Limits

Household income will be restricted to 80% or less of Butte County area median income as established by the Department of Housing and Urban Development.

The 2018 HOME Application will be available for review in the Business Assistance and Housing Development Department.

FISCAL IMPACT

No impact to the General Fund

Should this grant be awarded the fiscal impact will be addressed when the budget is established for this activity.

RECOMMENDATIONS

1. Adopt Resolution No. 8741 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING, IN THE AMOUNT OF \$1,000,000, UNDER THE 2018 HOME INVESTMENT PARTNERSHIPS PROGRAM; AND IF SELECTED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND ANY OTHER RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE 2018 HOME INVESTMENT PARTNERSHIPS PROGRAM.
2. Adopt Resolution No. 18-01 - A RESOLUTION OF THE OROVILLE SUCCESSOR AGENCY COMMITTING SUCCESSOR AGENCY HOUSING PROGRAM FUNDS, IN THE AMOUNT OF \$50,000, TO BE USED AS LEVERAGE MATCH FOR THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT 2018 HOME INVESTMENT PARTNERSHIPS PROGRAM.

ATTACHMENTS

- A - Resolution No. 8741
- B - Resolution No. 18-01

**CITY OF OROVILLE
RESOLUTION NO. 8741**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING, IN THE AMOUNT OF \$1,000,000, UNDER 2018 THE HOME INVESTMENT PARTNERSHIPS PROGRAM; AND IF SELECTED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND OF ANY OTHER RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE 2018 HOME INVESTMENT PARTNERSHIP PROGRAM

WHEREAS,

- A. The California Department of Housing and Community Development (“the Department”) is authorized to allocate HOME Investment Partnership Program (“HOME”) funds made available from the U.S. Department of Housing and Urban Development (“HUD”). HOME funds are to be used for the purposes set forth in Title II of Cranston-Gonzalez National Affordable Housing Act of 1990, in federal implementing regulation set forth in Title 24 of the Code of Federal Regulations, Part 92, and in Title 25 of the California Code of Regulations commencing with section 8200.
- B. On June 5, 2018, the Department issued a Notice of Funding Availability announcing the availability of funds under the HOME program (the “NOFA”).
- C. In response to the 2018 HOME NOFA, the City of Oroville, a municipal corporation, of the State of California, (the “Applicant”), wishes to apply to the Department for, and receive an allocation of, HOME funds.

IT IS NOW THEREFORE RESOLVED THAT:

- 1. In response to the 2018 HOME NOFA, the applicant shall submit an application to the Department to participate in the HOME Program and for an allocation of funds not to exceed One Million Dollars (\$1,000,000.00) for the following activities and/or programs.

To provide gap financing to low-income, first-time homebuyers to assist with the acquisition of single-family homes within the city-limits of Oroville.

- 2. If the application for funding is approve, then the Applicant hereby agrees to the use of HOME funds for eligible activities in the manner presented in it's application as approved by the Department in accordance with the statutes and regulations cited above. The Applicant may also execute a standard agreement, any amendments thereto, and any and all other documents of

instruments necessary or required by the Department of HUD for participation in the HOME program (collectively, the required documents).

3. The applicant authorizes the Mayor or the Interim City Administrator or his designee(s) to execute, in the name of the applicant, the required documentation. The applicant further authorized the Finance Director or the Management Analyst III to execute in the name of the applicant, drawdown requests, quarterly and annual performance reports and amendments thereto.
4. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on August 21, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Jackie Glover, Assistant City Clerk

**OROVILLE SUCCESSOR AGENCY
RESOLUTION NO. 18-01**

A RESOLUTION OF THE OROVILLE SUCCESSOR AGENCY COMMITTING OROVILLE SUCCESSOR AGENCY HOUSING PROGRAM FUNDS, IN THE AMOUNT OF \$50,000, TO BE USED AS LEVERAGE MATCH FOR THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT 2018 HOME INVESTMENT PARTNERSHIPS PROGRAM

BE IT RESOLVED by the Oroville Successor Agency Commission as follows:

1. The Home Investment Partnerships Program Application will be submitted to the California State Department of Housing and Community Development; and
2. The City of Oroville Business Assistance/Housing Division has recommended that the City Council apply for funds in the amount of \$1,000,000 for First Time Home Buyer (FTHB) acquisition, general administration, and activity delivery.
3. The Commission hereby approves the use of Successor Agency Housing Program funds in the amount of \$50,000 as follows:
 - \$ 25,000 for general administration
 - \$ 25,000 for activity delivery
4. The Secretary shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville Successor Agency at a regular meeting on August 21, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Chairperson

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, Agency Counsel

Jackie Glover, Assistant Secretary

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

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

**RE: SUB-RECIPIENT AGREEMENT FOR COMMUNITY DEVELOPMENT
BLOCK GRANT PUBLIC SERVICE CATALYST**

DATE: AUGUST 21, 2018

SUMMARY

The Council may consider Sub-Recipient Agreements with Catalyst Domestic Violence Services, in the amount of \$186,047 through the Community Development Block Grant Standard Agreement No. 17-CDBG-12014.

DISCUSSION

On July 18, 2018, the City was notified that the State Department of Housing and Community Development (HCD) approved the city's Community Development Block Grant Application requesting funding for Homeownership Assistance and public services that include Code Enforcement and Catalyst Domestic Violence.

In order to clear general conditions and receive authorization for the City to incur costs, HCD requires an executed Sub-Recipient Agreement. Therefore, staff is requesting that City Council approve Sub-Recipient Agreements for Catalyst Domestic Violence. Funding for this public service benefits the citizens of Oroville. Catalyst proposed to use the funding for increased services through advocacy, counseling and operational support.

FISCAL IMPACT

The budget for Catalyst will be established when the Grant Agreement has been received.

RECOMMENDATION

1. Adopt Resolution No. 8742 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A SUB-RECIPIENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND CATALYST DOMESTIC VIOLENCE SERVICES - (Agreement No. 3133-1).

ATTACHMENTS

Resolution No. 8742
Agreement No. 3133-1

**CITY OF OROVILLE
RESOLUTION NO. 8742**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND
DIRECTING THE MAYOR TO EXECUTE A SUB-RECIPIENT AGREEMENT
BETWEEN THE CITY OF OROVILLE AND CATALYST DOMESTIC VIOLENCE
SERVICES**

(Agreement No. 3133-1)

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

1. The Mayor is authorized and directed to execute a Sub-Recipient Agreement between the City of Oroville and Catalyst Domestic Violence Services for \$186,047 to supplement costs associated with the ongoing operations. A copy of the Agreement is attached hereto as Exhibit "A"; and
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 21, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Jackie Glover, Assistant City Clerk

SUBRECIPIENT AGREEMENT
AGREEMENT BETWEEN CITY OF OROVILLE
AND
CATALYST DOMESTIC VIOLENCE SERVICES
FOR
DOMESTIC VIOLENCE SERVICES

THIS AGREEMENT, entered this 21 day of August 2018 by and between the City of Oroville (herein called the "Grantee") and CATALYST DOMESTIC VIOLENCE SERVICES (herein called the "Sub-recipient").

WHEREAS, the Grantee has applied for and received funds from the State of California, Department of Housing and Community Development, State Community Development Block Grant Program ("the Department") originating from the United States Government under Title I of the Housing and Community Development Act of 1974, as amended (HCD Act), Public Law 93-383; and

WHEREAS, the Grantee wishes to engage the Sub-recipient to assist the Grantee in utilizing such funds for its Community Development Block Grant (CDBG) No. 17-CDBG-12014, Public Service activity;

NOW, THEREFORE, it is agreed between the parties hereto that;

I. SCOPE OF SERVICE

A. Activities

The Sub-recipient will be responsible for administering CDBG Grant No. 17-CDBG-12014 Public Service in a manner satisfactory to the Grantee and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the Community Development Block Grant program:

Program Delivery

Catalyst Domestic Violence Services include:

Activity #1: Advocacy (Legal, crisis, etc.) will fund 2 FTE

Activity #2: Counseling (adult and child therapy) will fund .60FTE

Activity #3: Operational Support (rent, Ins., Supplies, Utilities, etc)

B. National Objectives

All activities funded with CDGB funds must meet one of the CDBG program's National Objectives: benefit low- and moderate-income persons; aid in the

prevention or elimination of slums or blight; or meet community development needs having a particular urgency, as defined in 24 CFR 570.208.

The Sub-recipient certifies that the activities carried out under this Agreement will meet the National Objective to benefit low- and moderate-income persons. The National Objective will be met because CDBG program funds will be used to provide services to a limited clientele of victims of domestic violence.

C. Levels of Accomplishment – Goals and Performance Measures

The levels of accomplishment may include such measures as number of victims of domestic violence assisted.

The Sub-recipient agrees to provide the following levels of program services:

<u>Activity</u>	<u>Units per year</u>	<u>Total Units/Grant</u>
Activity #1	2 FTE	6 FTE
Activity #2	.60 FTE	1.8FTE

D. Staffing

E. Performance Monitoring

The Grantee will monitor the performance of the Sub-recipient against goals and performance standards as stated above. Substandard performance as determined by the Grantee will constitute noncompliance with this Agreement. If action to correct such substandard performance is not taken by the Sub-recipient within a reasonable period of time after being notified by the Grantee, contract suspension or termination procedures will be initiated.

II. TIME OF PERFORMANCE

Services of the Sub-recipient shall start on the 21st day of August, 2018 and end on the date outlined in the Standard Agreement (which will become part of this agreement when it's available) The term of this Agreement and the provisions herein shall be extended to cover any additional time period during which the Sub-recipient remains in control of CDBG funds or other CDBG assets, including program income.

III. BUDGET

The following is a 3-year budget.

Expense Category	Oroville
Personnel	150,000.00
Operating Costs	36,047.00
TOTALS	\$186,047.00

Any indirect costs charged must be consistent with the conditions of Paragraph VIII (C)(2) of this Agreement. In addition, the Grantee may require a more detailed budget breakdown than the one contained herein, and the Sub-recipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the Grantee. Any amendments to the budget must be approved in writing by both the Grantee and the Sub-recipient.

IV. PAYMENT

It is expressly agreed and understood that the total amount to be paid by the Grantee under this Agreement shall not exceed \$186,047. Drawdowns for the payment of eligible expenses shall be made against the line item budgets specified in Paragraph III herein and in accordance with performance. Expenses for general administration shall also be paid against the line item budgets specified in Paragraph III and in accordance with performance.

Payments may be contingent upon certification of the Sub-recipient's financial management system in accordance with the standards specified in 24 CFR 84.21.

V. NOTICES

Notices required by this Agreement shall be in writing and delivered via mail (postage prepaid), commercial courier, or personal delivery or sent by facsimile or other electronic means. Any notice delivered or sent as aforesaid shall be effective on the date of delivery or sending. All notices and other written communications under this Agreement shall be addressed to the individuals in the capacities indicated below, unless otherwise modified by subsequent written notice.

Communication and details concerning this contract shall be directed to the following contract representative.

Grantee

City of Oroville
Attn: BAHD
1735 Montgomery St.
Oroville, CA 95965

Subrecipient

Catalyst Domestic Violence Services
Attn: Anastacia Snyder
P.O. Box 4184
Chico, CA 95927

VI. SPECIAL CONDITIONS

None.

VII. GENERAL CONDITIONS

A. General Compliance

The Sub-recipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)) including subpart K of these regulations, except that (1) the Sub-recipient does

not assume the recipient's environmental responsibilities described in 24 CFR 570.604 and (2) the Sub-recipient does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR Part 52. The Sub-recipient also agrees to comply with all other applicable Federal, state and local laws, regulations, and policies governing the funds provided under this contract. The Sub-recipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

B. "Independent Contractor"

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Sub-recipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. The Grantee shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance, as the Sub-recipient is an independent contractor.

C. Hold Harmless

The Sub-recipient shall hold harmless, defend and indemnify the Grantee from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the Sub-recipient's performance or nonperformance of the services or subject matter called for in this Agreement.

D. Workers' Compensation

The Sub-recipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this Agreement.

E. Insurance & Bonding

The Sub-recipient shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud and/or undue physical damage, and as a minimum shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the Grantee.

The Sub-recipient shall comply with the bonding and insurance requirements of 24 CFR 84.31 and 84.48, Bonding and Insurance.

F. Grantee Recognition

The Sub-recipient shall insure recognition of the role of the Grantee in providing services through this Agreement. All activities, facilities and items utilized pursuant to this Agreement shall be prominently labeled as to funding source. In addition, the Sub-recipient will include a reference to the support provided herein in all publications made possible with funds made available under this Agreement.

G. Amendments

The Grantee or Sub-recipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of each organization, and approved by the Grantee's governing body. Such amendments shall not invalidate this Agreement, nor relieve or release the Grantee or Sub-recipient from its obligations under this Agreement.

The Grantee may, in its discretion, amend this Agreement to conform with Federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both Grantee and Sub-recipient.

H. Suspension or Termination

In accordance with 24 CFR 85.43, the Grantee may suspend or terminate this Agreement if the Sub-recipient materially fails to comply with any terms of this Agreement, which include (but are not limited to) the following:

1. Failure to comply with any of the rules, regulations or provisions referred to herein, or such statutes, regulations, executive orders, and HUD guidelines, policies or directives as may become applicable at any time;
2. Failure, for any reason, of the Sub-recipient to fulfill in a timely and proper manner its obligations under this Agreement;
3. Ineffective or improper use of funds provided under this Agreement; or
4. Submission by the Sub-recipient to the Grantee reports that are incorrect or incomplete in any material respect.

In accordance with 24 CFR 85.44, this Agreement may also be terminated for convenience by either the Grantee or the Sub-recipient, in whole or in part, by setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if in the case of a partial termination, the Grantee determines that the remaining portion of the award will not accomplish the purpose for which the award was made, the Grantee may terminate the award in its entirety.

VIII. ADMINISTRATIVE REQUIREMENTS

A. Financial Management

1. Accounting Standards

The Sub-recipient agrees to comply with 24 CFR 84.21–28 and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

2. Cost Principles

The Sub-recipient shall administer its program in conformance with OMB Circulars A-122, "Cost Principles for Non-Profit Organizations," or A-21, "Cost Principles for Educational Institutions," as applicable. These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.

B. Documentation and Record Keeping

1. Records to be Maintained

The Sub-recipient shall maintain all records required by the Federal regulations specified in 24 CFR 570.506, that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:

- a) Records providing a full description of each activity undertaken;
- b) Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG program;
- c) Records required to determine the eligibility of activities;
- d) Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
- e) Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
- f) Financial records as required by 24 CFR 570.502, and 24 CFR 84.21–28; and
- g) Other records necessary to document compliance with Subpart K of 24 CFR Part 570.

2. Retention

The Sub-recipient shall retain all financial records, supporting documents, statistical records, and all other records pertinent to the Agreement for a period of five (5) years. The retention period begins on the date of the submission of the Grantee's annual performance and evaluation report to HUD in which the activities assisted under the Agreement are reported on for the final time. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the four-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the four-year period, whichever occurs later.

3. Client Data

The Sub-recipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to Grantee monitors or their designees for review upon request.

Disclosure

The Sub-recipient understands that client information collected under this contract is private and the use or disclosure of such information, when not directly connected with the administration of the Grantee's or Sub-recipient's responsibilities with respect to services provided under this contract, is prohibited by the [insert applicable State or Federal law] unless written consent is obtained from such person receiving service and, in the case of a minor, that of a responsible parent/guardian.

4. Closeouts

The Sub-recipient's obligation to the Grantee shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable to the Grantee), and determining the custodianship of records. Notwithstanding the foregoing, the terms of this Agreement shall remain in effect during any period that the Sub-recipient has control over CDBG funds, including program income.

5. Audits & Inspections

All Sub-recipient records with respect to any matters covered by this Agreement shall be made available to the Grantee, grantor agency, and the Comptroller General of the United States or any of their authorized representatives, at any time during normal business hours, as often as deemed necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Sub-recipient within 30 days after receipt by the Sub-recipient. Failure of the Sub-recipient to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments. The Sub-recipient hereby agrees to have an annual agency audit conducted in accordance with current Grantee policy concerning sub-recipient audits and OMB Circular A-133.

C. Reporting and Payment Procedures

1. Program Income

The Sub-recipient shall report semi-annually all program income (as defined at 24 CFR 570.500(a)) generated by activities carried out with CDBG funds made available under this Agreement. A copy of each report shall be provided by the Sub-recipient to the Grantee in a timely fashion.

The use of program income by the Sub-recipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Sub-recipient may use such income during the contract period for activities permitted under this contract and shall reduce requests for additional funds by the amount of any such program income balance on hand. All unexpended program income shall be returned to the Grantee at the end of the contract period. Any interest earned on cash advances from the U.S. Treasury and from funds held in a revolving fund account is not program income and shall be remitted promptly to the Grantee.

2. Indirect Costs

If indirect costs are charged, the Sub-recipient will develop an indirect cost allocation plan for determining the appropriate Sub-recipient's share of administrative costs and shall submit such plan to the Grantee for approval, in a form specified by the Grantee.

3. Payment Procedures

The Grantee will pay to the Sub-recipient funds available under this Agreement based upon information submitted by the Sub-recipient and consistent with any approved budget and Grantee policy concerning payments., payments will be made for eligible expenses actually incurred by the Sub-recipient, and not to exceed actual cash requirements. Payments will be adjusted by the Grantee in accordance with program income balances available in Sub-recipient accounts. In addition, the Grantee reserves the right to liquidate funds available under this contract for costs incurred by the Grantee on behalf of the Sub-recipient.

4. Progress Reports

The Sub-recipient shall submit regular Progress Reports to the Grantee in the form, content, and frequency as required by the Grantee.

5. State CDBG Report(s)

The Sub-recipient shall submit any required status reports to the State. A copy of each report shall be provided by the Sub-recipient to the Grantee in a timely fashion.

D. Procurement

1. Compliance

The Sub-recipient shall comply with current Grantee policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the Grantee upon termination of this Agreement.

2. OMB Standards

Unless specified otherwise within this agreement, the Sub-recipient shall procure all materials, property, or services in accordance with the requirements of 24 CFR 84.40–48.

3. Travel

The Sub-recipient shall obtain written approval from the Grantee for any travel outside the Town’s municipal boundary with funds provided under this Agreement.

E. Use and Reversion of Assets

The use and disposition of real property and equipment under this Agreement shall be in compliance with the requirements of 24 CFR Part 84 and 24 CFR 570.502, 570.503, and 570.504, as applicable, which include but are not limited to the following:

1. The Sub-recipient shall transfer to the Grantee any CDBG funds on hand and any accounts receivable attributable to the use of funds under this Agreement at the time of expiration, cancellation, or termination.
2. Real property under the Sub-recipient’s control that was acquired or improved, in whole or in part, with funds under this Agreement in excess of \$25,000 shall be used to meet one of the CDBG National Objectives pursuant to 24 CFR 570.208 until five (5) years after expiration of this Agreement [or such longer period of time as the Grantee deems appropriate]. If the Sub-recipient fails to use CDBG-assisted real property in a manner that meets a CDBG National Objective for the prescribed period of time, the Sub-recipient shall pay the Grantee an amount equal to the current fair market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. Such payment shall constitute program income to the Grantee. The Sub-recipient may retain real property acquired or improved under this Agreement after the expiration of the five-year period [or such longer period of time as the Grantee deems appropriate].
3. In all cases in which equipment acquired, in whole or in part, with funds under this Agreement is sold, the proceeds shall be program income (prorated to reflect the extent to that funds received under this Agreement were used to acquire the equipment). Equipment not needed by the Sub-recipient for activities under this Agreement shall be (a) transferred to the Grantee for the CDBG program or (b) retained after compensating the Grantee [an amount equal to the current fair market value of the equipment less the percentage of non-CDBG funds used to acquire the equipment].

IX. RELOCATION, REAL PROPERTY ACQUISITION AND ONE-FOR-ONE HOUSING REPLACEMENT

The Sub-recipient agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606(b); (b) the requirements of 24 CFR 570.606(c) governing the Residential Anti-displacement and Relocation Assistance Plan under section 104(d) of the HCD Act; and (c) the requirements in 24 CFR 570.606(d) governing optional relocation policies. [The Grantee may preempt the optional policies.] The Subrecipient shall provide relocation assistance to displaced persons as defined by 24 CFR 570.606(b)(2) that are displaced as a direct result of acquisition, rehabilitation, demolition or conversion for a CDBG-assisted project. The Sub-recipient also agrees to comply with applicable Grantee ordinances, resolutions and policies concerning the displacement of persons from their residences.

X. PERSONNEL & PARTICIPANT CONDITIONS

A. Civil Rights

1. Compliance

The Sub-recipient agrees to comply with local and state civil rights ordinances and with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and Executive Order 11246 as amended by Executive Orders 11375, 11478, 12107 and 12086.

2. Nondiscrimination

The Sub-recipient agrees to comply with the non-discrimination in employment and contracting opportunities laws, regulations, and executive orders referenced in 24 CFR 570.607, as revised by Executive Order 13279. The applicable non-discrimination provisions in Section 109 of the HCDA are still applicable.

3. Land Covenants

This contract is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P. L. 88-352) and 24 CFR 570.601 and 570.602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this contract, the Sub-recipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the Grantee and the United States are beneficiaries of and entitled to enforce such covenants. The Sub-recipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

4. Section 504

The Sub-recipient agrees to comply with all Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination against the individuals with disabilities or handicaps in any Federally assisted program. The Grantee shall provide the Sub-recipient with any guidelines necessary for compliance with that portion of the regulations in force during the term of this Agreement. The 504 Coordinator is designated as Jennifer Halferty, Executive Director, Mammoth Lakes Housing, Inc.

B. Affirmative Action

1. Approved Plan

The Sub-recipient agrees that it shall be committed to carry out pursuant to the Grantee's specifications an Affirmative Action Program, including marketing, in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1966. The Grantee shall provide Affirmative Action guidelines to the Sub-recipient to assist in the formulation of such program. The Sub-recipient shall submit a plan for an Affirmative Action Program for approval prior to the award of funds.

2. Women- and Minority-Owned Businesses (W/MBE)

The Sub-recipient will use its best efforts to afford small businesses, minority business enterprises, and women's business enterprises the maximum practicable opportunity to participate in the performance of this contract. As used in this contract, the terms "small business" means a business that meets the criteria set forth in section 3(a) of the Small Business Act, as amended (15 U.S.C. 632), and "minority and women's business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and American Indians. The Sub-recipient may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

3. Access to Records

The Sub-recipient shall furnish and cause each of its own sub-recipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the Grantee, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

4. Notifications

The Sub-recipient will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the Sub-recipient's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. Equal Employment Opportunity and Affirmative Action (EEO/AA) Statement

The Sub-recipient will, in all solicitations or advertisements for employees placed by or on behalf of the Sub-recipient, state that it is an Equal Opportunity or Affirmative Action employer. Additional State of California Requirements regarding the State Equal Opportunity provisions are contained in Attachment A.

6. Subcontract Provisions

The Sub-recipient will include the provisions of Paragraphs X.A, Civil Rights, and B, Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own sub-recipients or subcontractors.

C. Employment Restrictions

1. Prohibited Activity

The Sub-recipient is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; inherently religious activities; lobbying; political patronage; and nepotism activities.

2. Labor Standards

The Sub-recipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act (40 U.S.C. 327 *et seq.*) and all other applicable Federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this Agreement. The Sub-recipient agrees to comply with the Copeland Anti-Kick Back Act (18 U.S.C. 874 *et seq.*) and its implementing regulations of the U.S. Department of Labor at 29 CFR Part 5. The Sub-recipient shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the Grantee for review upon request.

The Sub-recipient agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all

contractors engaged under contracts in excess of \$2,000.00 for construction, renovation or repair work financed in whole or in part with assistance provided under this contract, shall comply with Federal requirements adopted by the Grantee pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journey workers; provided that, if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Sub-recipient of its obligation, if any, to require payment of the higher wage. The Sub-recipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

3. “Section 3” Clause

- a) Compliance: Compliance with the provisions of Section 3 of the HUD Act of 1968, as amended, and as implemented by the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this contract, shall be a condition of the Federal financial assistance provided under this contract and binding upon the Grantee, the Sub-recipient and any of the Sub-recipient’s sub-recipients and subcontractors. Failure to fulfill these requirements shall subject the Grantee, the Sub-recipient and any of the Sub-recipient’s sub-recipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which Federal assistance is provided. The Sub-recipient certifies and agrees that no contractual or other disability exists that would prevent compliance with these requirements.

The Sub-recipient further agrees to comply with these “Section 3” requirements and to include the following language in all subcontracts executed under this Agreement:

“The work to be performed under this Agreement is a project assisted under a program providing direct Federal financial assistance from HUD 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). Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to low- and very low-income residents of the project area, and that contracts for work in connection with the project be awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located.”

The Sub-recipient further agrees to ensure that opportunities for training and employment arising in connection with a housing

rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

The Sub-recipient certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.

- b) Notifications: The Sub-recipient agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.
- c) Subcontracts: The Sub-recipient will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the grantor agency. The Sub-recipient will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

D. Conduct

1. Assignability

The Sub-recipient shall not assign or transfer any interest in this Agreement without the prior written consent of the Grantee thereto; provided, however, that claims for money due or to become due to the Sub-recipient from the Grantee under this contract may be assigned to a bank, trust company, or

other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Grantee.

2. Subcontracts

- a) Approvals: The Sub-recipient shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the Grantee prior to the execution of such agreement.
- b) Monitoring: The Sub-recipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.
- c) Content: The Sub-recipient shall cause all of the provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.
- d) Selection Process: The Sub-recipient shall undertake to insure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis in accordance with applicable procurement requirements. Executed copies of all subcontracts shall be forwarded to the Grantee along with documentation concerning the selection process.

3. Hatch Act

The Sub-recipient agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V of the U.S.C.

4. Conflict of Interest

The Sub-recipient agrees to abide by the provisions of 24 CFR 84.42 and 570.611, which include (but are not limited to) the following:

- a) The Sub-recipient shall maintain a written code or standards of conduct that shall govern the performance of its officers, employees or agents engaged in the award and administration of contracts supported by Federal funds.
- b) No employee, officer or agent of the Sub-recipient shall participate in the selection, or in the award, or administration of, a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.
- c) No covered persons who exercise or have exercised any functions or responsibilities with respect to CDBG-assisted activities, or who are in a position to participate in a decision-making process or

gain inside information with regard to such activities, may obtain a financial interest in any contract, or have a financial interest in any contract, subcontract, or agreement with respect to the CDBG-assisted activity, or with respect to the proceeds from the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for a period of one (1) year thereafter. For purposes of this paragraph, a “covered person” includes any person who is an employee, agent, consultant, officer, or elected or appointed official of the Grantee, the Sub-recipient, or any designated public agency.

5. Lobbying

The Sub-recipient hereby certifies that:

- a) 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, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
- b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions; and
- c) It will require that the language of paragraph (d) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all Sub-recipients shall certify and disclose accordingly:
- d) Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

6. Copyright

If this contract results in any copyrightable material or inventions, the Grantee and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for governmental purposes.

7. Religious Activities

The Sub-recipient agrees that funds provided under this Agreement will not be utilized for inherently religious activities prohibited by 24 CFR 570.200(j), such as worship, religious instruction, or proselytization.

XI. ENVIRONMENTAL CONDITIONS

A. Air and Water

The Sub-recipient agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:

- Clean Air Act, 42 U.S.C. , 7401, *et seq.*;
- Federal Water Pollution Control Act, as amended, 33 U.S.C., 1251, *et seq.*, as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder; and
- Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50, as amended.

B. Flood Disaster Protection

In accordance with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001), the Sub-recipient shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

C. Lead-Based Paint

The Sub-recipient agrees that any construction or rehabilitation of residential structures with assistance provided under this Agreement shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35, Subpart B. Such regulations pertain to all CDBG-assisted housing and require

that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures may be undertaken. The regulations further require that, depending on the amount of Federal funds applied to a property, paint testing, risk assessment, treatment and/or abatement may be conducted.

D. Historic Preservation

The Sub-recipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this agreement.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a Federal, state, or local historic property list.

E. NEPA Compliance

The Sub-recipient shall prepare the required National Environmental Policy Act (NEPA) documentation consistent with 42 USC 4321-4347 and the implementing regulations at 24 CFR 50 and 58. The Sub-recipient shall provide the required NEPA documentation to the State and the original documentation to the Grantee.

XII. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

XIII. SECTION HEADINGS AND SUBHEADINGS

The section headings and subheadings contained in this Agreement are included for convenience only and shall not limit or otherwise affect the terms of this Agreement.

XIV. WAIVER

The Grantee's failure to act with respect to a breach by the Subrecipient does not waive its right to act with respect to subsequent or similar breaches. The failure of the Grantee to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.

XV. ENTIRE AGREEMENT

This agreement constitutes the entire agreement between the Grantee and the Sub-recipient for the use of funds received under this Agreement and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the Grantee and the Sub-recipient with respect to this Agreement.

Date _____

IN WITNESS WHEREOF, the Parties have executed this contract as of the date first written above.

City of Oroville:

Catalyst Domestic Violence Services

By _____
Linda L. Dahlmeier, Mayor

By _____
Anastacia Snyder, Director

Approved as to Form:

Attest:

By _____
Scott E. Huber, City Attorney

By _____
Bill LaGrone, Assistant City Administrator

EXHIBIT "A"

**18/19 FISCAL YEAR THROUGH CONTRACT EXTENSION
STATEMENT OF SERVICES FOR USE OF CITY OF OROVILLE FUNDS**

NAME OF Grantee: Catalyst Domestic Violence Services
ADDRESS: 1931 Arline Rhine Memorial Drive
Oroville, CA 95965
TELEPHONE: 530.343.7844

CONTACT PERSON/TITLE: Anastacia Snyder, Executive Director
ALLOCATION: \$186,047
TERM: July 18, 2018 to expiration date on the CDBG
Standard Agreement

SERVICES TO BE PROVIDED TO CITY RESIDENTS FROM CITY FUNDING AS
STIPULATED IN SUBRECIPIENT AGREEMENT.

TOTAL ALLOCATION: \$186,047

In no event shall the City's total payments to Grantee under the Agreement exceed the total allocation shown above without amending the Agreement as authorized by the City Council.

Funding Use Exclusions: Travel, training, meals, entertainment, contributions to other agencies, consultant services, political activities. Equipment requires approval by majority of City Council.

FUND DISBURSEMENT SCHEDULE FOR CDBG FUNDS

1. Apportionment of Funds: \$186,047, as needed
2. Fiscal Reports Due:
January-June reports are due to the City by July 15th
July-December reports are due to the City by January 15th

Exhibit “B”

INSURANCE REQUIREMENTS FOR GRANTEE

Grantee shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Grantee, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 0001).
2. Insurance Services Office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.
4. Errors and Omission Liability Insurance appropriate to the Grantee's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability. **(Waived per Item 15 of Sub-Recipient Agreement dated date.)**

Minimum Limits of Insurance

Grantee shall maintain limits no less than:

- | | |
|---|--|
| 1. General Liability:

(Including operations products and completed operations, as applicable.) | \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/ location or the general aggregate limit shall be twice the required occurrence limit. |
| 2. Automobile Liability: | \$1,000,000 per accident for bodily injury and property damage. |
| 3. Employer's Liability: | \$1,000,000 per accident for bodily injury or disease. |

Deductible and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City of Oroville. At the option of the City, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City, its officers, officials, employees and volunteers; or the Grantee shall provide a financial guarantee satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its officers, officials, employees and volunteers are to be covered as insureds as respects: liability arising out of work or operations performed by or on behalf of the Grantee; or automobiles owned, leased, hired or borrowed by the Grantee.
2. For any claims related to this project, the Grantee'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 Grantee'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 canceled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII unless otherwise acceptable to the City.

Verification of Coverage

Grantee shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

**CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

FROM: BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR

RE: REVIEW OF PRIORITY LIST FOR THE USE OF EXCESS BOND PROCEEDS

DATE: AUGUST 21, 2018

SUMMARY

The Council may provide direction for the review of a priority list for the approximately \$3,477,527 of excess bond proceeds to the City of Oroville for implementation of projects consistent with the original bond covenants.

DISCUSSION

Pursuant to AB 1484, the amended state legislation dissolving redevelopment agencies, Health and Safety Code Section 34191.4(c), successor agencies are allowed to spend so-called “excess bond proceeds”, which are pre-2011 tax allocation bond proceeds that are otherwise not obligated for a project, once a Finding of Completion has been received from the Department of Finance (“DOF”). The expenditure of these excess bond proceeds must still comply with the bond covenants for which the bonds were issued.

As of the last accounting of the bond revenue funds that were originally issued for project implementation, there is approximately \$3,477,527 in excess bond proceeds from the Series 1995, Series 2002 and Series 2004 tax allocation bonds that remain unspent. The amount is approximate due to accruing interest, and the total amount to be transferred to the City may be adjusted after the execution of the Agreement to the actual amount on the day of the transfer.

While a Bond Expenditure Agreement was previously executed for the reimbursement of previously funded projects, because that action was denied by DOF, a revised Bond Expenditure Agreement (see Attachment 3) has been drafted as the Master Agreement authorizing the City to use excess bond proceeds transferred from the Successor Agency, consistent with bond covenants, on projects and programs indicated in the original bond documents.

The official statements for the bond issuances (previously provided and available upon request), state the bonds were originally issued for projects for the Oroville Redevelopment Project No. 1 including public facility improvements, private development projects, rehabilitation projects, revitalization of the Oroville Riverfront and downtown areas, parking and road improvements, purchase of land and buildings for resale to private developers, loans to private developers and a revolving loan fund, and other projects allowed under the Redevelopment Plan. Allowing the City to implement these projects with the excess bond proceeds would help to revitalize the Oroville Redevelopment Project No. 1 area which would in turn help improve property values in the area.

Attachment 1 provides a list of potential projects that were approved by the City Council at the April 4, 2016 meeting. Most of the projects no longer are feasible or meet the Citizens need or desire currently. The potential projects include the Gateway Project, streetscape improvements, implementation of revitalization plans, parking lot, capital improvement projects, revitalization of the Oroville Riverfront and downtown areas, and others; all of which are consistent with the purpose of the original bond issuance. It has become necessary to review the list and verify which projects the Council wishes to pursue and which items should be removed at this time. Staff is prepared to move forward on some of the projects once the Council reaffirms the desire to do so.

FISCAL IMPACT

Approved projects will reduce the available fund balance of \$3,477,527.00

RECOMMENDATION

Review project list and provide direction, as necessary.

ATTACHMENTS

Attachment 1 - Previous Project Priority List
Attachment 2 - Revised Project Priority list
Attachment 3 - Bond Expenditure Agreement
Attachment 4 - Exhibit G
Attachment 5 - Exhibit J
Attachment 6 - Exhibit O

Potential Projects April 2016 for the Excess Bond Proceeds

Exhibit	List of Projects	Estimated
A	Gateway Project Development Project <i>Purchase property from the former RDA.</i>	\$ 1 million
B	Lincoln St. & Huntoon St. Streetscape Improvement Plan	\$ 1.5 million
C	Feather River Boulevard Revitalization Plan	\$ 500,000
D	711/750 Montgomery - parking lot and land acquisition	\$ 400,000
E	Municipal Auditorium - MIDAS Project	\$ 5 million
F	AC&E District - Revitalization of 29 acres of the Oroville Waterfront and Downtown area (concept plan already exists): <ul style="list-style-type: none"> • Signage and Wayfinding Improvements throughout the Historic Downtown. • Land Acquisition within ACE District (29 acres) boundaries • Public-Private Partnership to create residential development Projects 	\$ 100,000 \$250,000 \$ 1 million
G	Affordable Housing Project and Partnerships	\$ 400,000
H	Myers Street Underground Project (Rule 20A)	\$ 200,000
I	City Museum Improvement (Bolts AHTM - Expansion)	\$260,000
J	Corporation Yard Improvements	\$550,000
K	Fire Station / Heliport at the Airport	\$950,000
L	Alley Improvement Projects (Downtown Oroville)	\$ 1 million
M	Veteran's Memorial Park	\$ 1.2 million
N	PG&E – Parking Lot A	\$250,000
O	Dispatch Center capital improvement	\$ 525,000
	TOTAL	\$16,560,000

Potential Projects for the Excess Bond Proceeds

Exhibit	List of Projects	Estimated
G	Affordable Housing Project and Partnerships	\$ 400,000
J	Corporation Yard Improvements	\$ 550,000
O	Dispatch Center capital improvement	\$ 525,000
	TOTAL	\$1,475,000

Total Bond Proceeds Available

\$3,477,527

BOND EXPENDITURE AGREEMENT

This Bond Expenditure Agreement (the "Agreement") is entered into effective December 1, 2015, by and between the City of Oroville, a municipal corporation (the "City"), and the Oroville Redevelopment Successor Agency, successor agency to the Redevelopment Agency of the City of Oroville under Health and Safety Code Section 34173 ("Oroville SA") pursuant to City Council Resolution No. 8447, Oroville SA Resolution No. 15-16, and the Oroville Oversight Board Resolution No. 08-15.

Recitals

A. Oroville SA received its Finding of Completion under Health and Safety Code Section 34179.7 from the California Department of Finance on May 6, 2014.

B. Health and Safety Code Section 34191.4(c) allows a successor agency that has received a finding of completion to use bond proceeds from bonds issued prior to 2011 for purposes for which the bonds were sold, provides that such proceeds in excess of amounts needed to satisfy approved enforceable obligations shall be expended in a manner consistent with the original bond covenants, and further provides that such expenditures shall constitute "excess bond proceeds obligations" that shall be listed separately on the successor agency's Recognized Obligation Payment Schedule ("ROPS").

C. Oroville SA has so so-called "excess bond proceeds," i.e., pre-2011 tax allocation bond proceeds that are not otherwise obligated for a project or other enforceable obligation from the 1995, 2002 and 2004 Series A and Series B Tax Allocation Revenue Bonds for the Oroville Redevelopment Project No.1. Oroville SA wishes to use such proceeds for redevelopment purposes consistent with applicable bond covenants.

D. The California Community Redevelopment Law (Health and Safety Code Section 33000, et seq.) provides for a cooperative relationship between cities and their redevelopment agencies, as well as their successor agencies who have assumed the duties and obligations of the former redevelopment agencies. Under Health and Safety Code Section 33220, a city may aid and cooperate in the planning, undertaking, construction, or operation of redevelopment projects. Health and Safety Code Section 33220(e) specifically authorizes a city to enter into an agreement with its redevelopment agency or any other public entity to further redevelopment purposes. Health and Safety Code Section 34178 allows a successor agency and its sponsoring city to enter into agreements with the approval of the Oversight Board.

E. Oroville SA desires to provide excess bond proceeds to the City to enable the City to use such funds, in a manner consistent with the original bond covenants, for improvement projects for which these bonds were issued, as shown in Exhibit A. The transfer of these funds to the City would advance the City's community development goals while maximizing fiscal and social benefits flowing to the taxing entities. The City Council has found that the use of excess bond proceeds to fund projects is in accordance with Health and Safety Code Sections 33445,

33445.1, and 33679, the bond covenants, and other applicable law. The Oroville Oversight Board has determined that the expenditure of excess bond proceeds in accordance with this Agreement will benefit the affected taxing entities, are consistent with the original bond covenants, and has therefore approved the execution of this Agreement and the provision of excess bond proceeds to the City for the purposes described herein.

F. In order to facilitate the use of excess bond proceeds consistent with the bond covenants, Oroville SA and the City have negotiated this Agreement requiring the transfer of current excess bond proceeds by Oroville SA to the City, and the City's use of such proceeds as shown in Exhibit A and consistent with bond covenants. The parties intend that this Agreement shall constitute an excess bond proceeds obligation within the meaning of Health and Safety Code Section 34191.4(c)(2)(A) to be paid from excess bond proceeds. With Oversight Board approval, Oroville SA will list this Agreement, and the requirement to transfer excess bond proceeds herein, on its Recognized Obligation Payment Schedule ("ROPS") for July 1, 2016 through June 30, 2017 ("ROPS 16-17") as an obligation to be funded with excess bond proceeds.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. RECITALS

The recitals above are an integral part of this Agreement and set forth the intentions of the parties and the premises on which the parties have decided to enter into this Agreement.

2. Oroville SA'S OBLIGATIONS

Oroville SA shall have the following obligations under this Agreement:

2.1. CURRENT EXCESS BOND PROCEEDS. Oroville SA shall transfer to the City Excess Bond Proceeds currently held by Oroville SA in an amount of \$3,368,183 (said amount may be adjusted, increased or decreased after the date of this Agreement to the actual amount on the date of transfer).

2.2. FUTURE EXCESS BOND PROCEEDS. Oroville SA shall transfer to the City all future Excess Bond Proceeds held or received by Oroville SA. Such future Excess Bond Proceeds shall include, without limitation, (1) Bond Proceeds previously obligated to a project or other Enforceable Obligation that become unobligated for any reason, (2) Bond Proceeds that become available in the form of rents, sale proceeds, loan repayments, or other revenues that are generated by properties or other assets acquired and/or improved with Bond Proceeds and that are not otherwise obligated to a project or other Enforceable Obligation, and (3) any other funds held by Oroville SA that qualify as Excess Bond Proceeds under this Agreement.

The parties intend that payments of future Excess Bond Proceeds be made to the City as soon as possible after such Excess Bond Proceeds become available. The transfer of future Excess Bond Proceeds shall be made pursuant to an approved ROPS within 30 days of the commencement of the relevant ROPS period. Oroville SA shall be responsible for ensuring that payments of future Excess Bond Proceeds, as such funds become available, are included on the next possible ROPS.

2.3. PROJECTS FUNDED BY EXCESS BOND PROCEEDS. Oroville SA assigns to the City all responsibilities in relation to the administration of any projects or programs funded by Excess Bond Proceeds. Oroville SA assigns to the City all contracts entered into by Oroville SA or the former Redevelopment Agency of the City of Oroville related to activities to be funded by Excess Bond Proceeds, with the exception of those contracts retained by Oroville SA relating to Enforceable Obligations.

3. CITY'S OBLIGATIONS

The City shall have the following obligations under this Agreement:

3.1. RETENTION OF EXCESS BOND PROCEEDS. The City shall accept, hold, and disburse Excess Bond Proceeds transferred to the City by Oroville SA under this Agreement, including current Excess Bond Proceeds and future Excess Bond Proceeds. The City shall retain any Excess Bond Proceeds that it receives, such as revenue generated from properties acquired or improved with Excess Bond Proceeds or payments on loans funded from Excess Bond Proceeds, without any obligation to return such funds to Oroville SA, and shall use such funds to reimburse for projects as identified in Exhibit A, consistent with applicable bond covenants.

3.2. USE OF EXCESS BOND PROCEEDS. The City may spend Excess Bond Proceeds received or retained under this Agreement on any project, program, or activity consistent with the original bond covenants applicable to the particular Excess Bond Proceeds, and must comply with all requirements of federal tax law and all applicable requirements of the California Community Redevelopment Law as to the use of such funds. The City shall be solely responsible for ensuring that Excess Bond Proceeds are maintained and spent in accordance with bond covenants and other applicable laws. The City may transfer funds between approved projects, programs and activities, as long as the transfer is within a single project area if applicable bond covenants restrict such funds to a particular project area.

The City shall indemnify and defend Oroville SA, and its officers and agents, against, and shall hold Oroville SA, and its officers and agents, harmless from, any claims, causes of action, or liabilities arising from the misuse of Excess Bond Proceeds by the City or the failure of the City to ensure that Excess Bond Proceeds are used in accordance with bond covenants, federal tax law, and the California Community Redevelopment Law.

The City assumes all contracts entered into by Oroville SA or the former Redevelopment Agency of the City of Oroville related to activities to be funded by Excess Bond Proceeds, with the exception of those contracts retained by Oroville SA relating to Enforceable Obligations. The City shall perform its obligations hereunder, and under such assumed contracts, in accordance with the applicable provisions of federal, state and local laws, including the obligation to comply with environmental laws such as CEQA, and shall timely complete the work required for each project.

4. ENTIRE AGREEMENT; WAIVERS; AND AMENDMENTS

4.1. This Agreement constitutes the entire understanding and agreement of the parties with respect to the transfer and use of Excess Bond Proceeds. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties with respect to the subject matter of this Agreement.

4.2. This Agreement is intended solely for the benefit of the City and Oroville SA. Notwithstanding any reference in this Agreement to persons or entities other than the City and Oroville SA, there shall be no third party beneficiaries under this Agreement.

4.3. All waivers of the provisions of this Agreement and all amendments to this Agreement must be in writing and signed by the authorized representatives of the parties.

5. SEVERABILITY

If any term, provisions, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall continue in full force and effect unless the rights and obligations of the parties have been materially altered or abridged by such invalidation, voiding or unenforceability. In addition, the parties shall cooperate in good faith in an effort to amend or modify this Agreement in a manner such that the purpose of any invalidated or voided provision, covenant, or condition can be accomplished to the maximum extent legally permissible.

6. DEFAULT

If either party fails to perform or adequately perform an obligation required by this Agreement within thirty (30) calendar days of receiving written notice from the non-defaulting party, the party failing to perform shall be in default hereunder. In the event of default, the non-defaulting party will have all the rights and remedies available to it at law or in equity to enforce the provisions of this contract, including without limitation the right to sue for damages for breach of contract or to seek specific performance. The rights and remedies of the non-defaulting party enumerated in this paragraph are cumulative and shall not limit the non-defaulting party's rights under any other provision of this Agreement, or otherwise waive or deny any right or remedy, at law or in equity, existing as of the date of the Agreement or hereinafter enacted or established, that may be available to the non-defaulting party against the defaulting party.

7. BINDING ON SUCCESSORS

This Agreement shall be binding on and shall inure to the benefit of all successors and assigns of the parties, whether by agreement or operation of law.

8. FURTHER ASSURANCES

Each party agrees to execute, acknowledge and deliver all additional documents and instruments, and to take such other actions as may be reasonably necessary to carry out the intent of this Agreement.

[SIGNATURES ON NEXT PAGE]

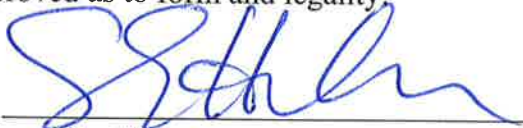
In witness whereof, the undersigned parties have executed this Bond Expenditure Agreement effective as of the date first above written.

“CITY”

THE CITY OF OROVILLE,
a municipal corporation

By: 
City Administrator

Approved as to form and legality:


By: 
City Attorney

“OROVILLE SA”

THE OROVILLE REDEVELOPMENT SUCCESSOR AGENCY, successor agency to the
Redevelopment Agency of the City of Oroville under Health and Safety Code Section 34173

By: 
Oroville SA Administrator

Approved as to form and legality:

By: 
Oroville SA Counsel



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2401 – FAX (530) 538-2426
www.cityoforoville.org

EXHIBIT G

TO: MAYOR AND COUNCIL MEMBERS

**FROM: DONALD L. RUST, DIRECTOR (530) 538-2433
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES
PROGRAM – AFFORDABLE FAMILY HOUSING DEVELOPMENT**

DATE: APRIL 12, 2016 (CONTINUED FROM MARCH 29, 2016)

SUMMARY

The Council may consider prioritizing various funding related actions for the assembling of a competitive grant application for the Affordable Housing and Sustainable Communities (AHSC) Grant Program.

DISCUSSION

On January 29, 2016, HCD issued a notice of funding availability (NOFA) for approximately \$320 million in funding for the AHSC Grant Program. On March 16, 2016, Jamboree Housing submitted a Concept Proposal application for a 70 unit affordable family housing project behind the Starbucks/Panda Express development (**site plan found in power point**). The preliminary budget for the project and sources of funds are identified below.

Sources of Funds	%	Total
Net Investor Equity	61.8%	\$14,706,030
Permanent Loan	4.4%	\$1,039,271
City of Oroville – Land Purchase	1.7%	\$400,000
Section 515 Loan	4.2%	\$1,000,000
AHSC – Cap and Trade	14.1%	\$3,354,766
Deferred Developer Fee	1.3%	\$300,000
City of Oroville – Impact Fee Waiver/Deferral and other sources	12.6%	\$3,004,172
Total		\$23,804,239

The numbers identified above are approximations for the preliminary budget. As seen above, flexibility on when payment of the City's impact fees are collected and/or waiver of development impact fees would be required and City will have to gain control of the property through its purchase. Additionally, in order to have a competitive application for the AHSC Program, staff is proposing an expenditure of approximately \$500,000, from existing traffic impact fees that have been collected, for the installation of sustainable transportation infrastructure as identified in the Feather River Boulevard Revitalization Plan adopted by the City Council on December 3, 2013 **(plan found in power point)**.

At their March 31, 2015 meeting, the Oroville City Council reviewed and adopted new planning documents, amended the Oroville Municipal Code and amendments to other existing planning documents to provide consistency throughout the design, planning and building process and the guiding documents (i.e. updates to the 2030 General Plan, Zoning Code, Zoning Map, Climate Action Plan, California Building Code). The proposed Jamboree Housing project is consistent with all the new City adopted documents and the AHSC Grant Program requires (public) transit-orientated-development project to meet the overall goal of the grant program.

Additionally, the City of Oroville's Housing Element of the General Plan for the 2014-2022 planning period, identifies the total housing growth need for the City of Oroville during the 2014-2022 projection period to be 1,793 units. This total is distributed by income category as follows:

Very Low*	Moderate	Moderate	Above Moderate	Total
491**	284	306	784	1,793
23%	16%	17%	44%	100%

Source: BCAG 2013

* Includes the Extremely-Low Category

** 210 of these are assumed to be extremely-low units

FISCAL IMPACT

The City's requested contributions for a competitive grant application are as follows:

1. Purchase of the property in an amount up to \$400,000 (RDA Excess Bond Proceeds) or an exchange of City owned property of comparative value for the project site; and
2. An expenditure of approximately \$500,000, from existing traffic impact fees that have been collected (Account #: 108-8195-7400), for new curb/gutter/sidewalk, bike lanes, sidewalks improvements, landscaping, and other multi-modal transportation infrastructure on the east side of Feather River Boulevard from Oro Dam Boulevard to Bedrock Park.

PROJECT FUNDING SOURCES

G – Affordable Housing	Cost		
Cost Estimate	\$400,000		
\$3.4 million RDA Bond Proceeds			
Development Impact Fees			
Other Funding Sources			
City-Owned Properties			
Proceeds from RDA Properties Sold			
Total Cost	\$400,000		

RECOMMENDATIONS

Provide directed as necessary

ATTACHMENTS

None

APPROVED



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2401 – FAX (530) 538-2426

www.cityoforoville.org

EXHIBIT J

TO: MAYOR AND COUNCIL MEMBERS

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
GARY LAYMAN, CHIEF BUILDING OFFICIAL
ALEX BROWN, ASSOCIATE CIVIL ENGINEER
COMMUNITY DEVELOPMENT DEPARTMENT**

RE: CITY CORPORATION YARD BUILDING PROJECT

DATE: APRIL 12, 2016 (CONTINUED FROM MARCH 29, 2016)

SUMMARY

The Council may consider including a new Corporation Yard Building project as one of the projects from the list of potential projects from the Excess Bond Proceeds shown in exhibit A and the rough plan design in exhibit B.

DISCUSSION

The City of Oroville Sewer Crew currently utilizes a forty foot (40') by sixty foot (60') steel structure that has reached the end of its useful life. This existing structure, located in the Corporation Yard, would be replaced with a one hundred foot (100') by forty foot (40') foot steel building as part of this project. The new building would increase the square footage from twenty-four hundred square feet (2,400sq') to four thousand square feet (4,000sq'). This increase in area would allow for more than double the office space, crew locker rooms, breakrooms, restrooms and computer stations. It would address the security concerns of the corporation yard which have been alleviated since the recent thieves and burglaries. The increased space would allow for the storage and increased longevity of heavy equipment. The new facility would be designed to accommodate both Sewer and Public Works crews with the ability to be used as an emergency shelter if needed. The combined crew facility would allow for joint meetings and trainings and coordination between the divisions. The approximate cost of the project is five hundred and fifty-eight thousand dollars (\$558,000). The preliminary budget for the project are identified below:

Phase of Construction	Total
Approximate cost of metal building	\$85,000.00
Approximate cost of Existing slab removal	\$35,000.00
Approximate cost of foundation	\$50,000.00
Approximate cost of interior framing	\$30,000.00
Approximate cost of interior finishing	\$45,000.00
Approximate cost of mechanical/electrical	\$95,000.00
Approximate cost of plumbing	\$35,000.00
Approximate cost of civil site preparation	\$40,000.00
Approximate cost of retaining wall	\$58,000.00
Mezzanine for Storage	\$10,000.00
Approximate labor cost for Building	\$75,000.00
Approximate Total Project Cost	\$558,000.00

This project is approximately 16% of the Excess Bond Proceeds.

FISCAL IMPACT

Funds are not available in the FY 2016/2017 General Fund budget but could be available in the Excess Bond Proceeds.

PROJECT FUNDING SOURCES

J – Corp Yard	Cost		
Cost Estimate	\$558,000		
\$3.4 million RDA Bond Proceeds		(\$558,000)	
Development Impact Fees			
Other Funding Sources			
City-Owned Properties			
Proceeds from RDA Properties Sold			
Total Cost	\$558,000	(\$558,000)	

RECOMMENDATIONS

Provide direction as necessary.

ATTACHMENTS

NONE



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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Oroville, CA 95965-4897
(530) 538-2401 – FAX (530) 538-2426
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EXHIBIT O

TO: MAYOR AND COUNCIL MEMBERS

**FROM: BILL LAGRONE
DIRECTOR OF PUBLIC SAFETY**

RE: DISPATCH CENTER AND CAPITAL IMPROVEMENT PROJECT

DATE: APRIL 12, 2016 (CONTINUED FROM MARCH 29, 2016)

SUMMARY

The Council may consider prioritizing to remodel and update the existing dispatch center located within the Public Safety Center.

DISCUSSION

The existing dispatch center was originally built in 1982, has been used 24 hour a day for the last 34 years and is in need of a remodel and updating. The proposed cost to do so is presented below.

O – Dispatch Center Reconstruction	Cost
Demolition	\$35,000
Records Floor	\$50,000
Ceiling	\$15,000
Rough Plumbing	\$75,000
Wall Reconstruction	\$20,000
Electrical	\$30,000
Air Conditioning	\$20,000
Computer Wiring	\$20,000
Window	\$50,000
Finish Plumbing	\$10,000
Flooring	\$15,000
Cabinets	\$20,000
Work Stations	\$125,000
Lighting	\$15,000
Finish Work	\$25,000
Total Cost	\$525,000

FISCAL IMPACT

PROJECT FUNDING SOURCES

O – Dispatch Center Reconstruction	Cost		
Cost Estimate	\$525,000		
\$3.4 million RDA Bond Proceeds		(\$525,000)	
Development Impact Fees			
Other Funding Sources			
City-Owned Properties			
Proceeds from RDA Properties Sold			
Total Cost	\$525,000	(\$525,000)	

RECOMMENDATION

Provide direction as necessary

ATTACHMENT(S)

None

APPROVED



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

City of Oroville

AUG 13 2018

Administration

August 1, 2018

TO: Mayors, City Managers and City Clerks
League Board of Directors

RE: Annual Conference Resolutions Packet
Notice of League Annual Meeting

Enclosed please find the 2018 Annual Conference Resolutions Packet.

Annual Conference in Sacramento. This year's League Annual Conference will be held September 12 - 14 in Long Beach. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at www.cacities.org/ac. We look forward to welcoming city officials to the conference.

Closing Luncheon/General Assembly - Friday, September 14, 12:30 p.m. The League's General Assembly Meeting will be held at the Long Beach Convention Center.

Resolutions Packet. At the Annual Conference, the League will consider two resolutions introduced by the deadline, Saturday, July 14, 2018, midnight. The resolutions are included in this packet. Resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. These letters of concurrence are included with this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on the resolution. A copy of the resolution packet is posted on the League's website for your convenience: www.cacities.org/resolutions.

The resolutions packet contains additional information related to consideration of the resolutions at the Annual Conference. This includes the date, time and location of the meetings at which the resolutions will be considered.

Voting Delegates. Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the General Assembly Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. If your city has not yet appointed a voting delegate, please contact Meg Desmond at (916) 658-8224 or email: mdesmond@cacities.org.

**Please Bring This Packet to the Annual Conference
September 12 - 14, Long Beach**



*Annual Conference
Resolutions Packet*

2018 Annual Conference Resolutions



Long Beach, California

September 12 – 14, 2018

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Five policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality, Governance, Transparency & Labor Relations; Housing, Community & Economic Development; Revenue and Taxation; and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, September 12, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, September 13, at the Hyatt Long Beach, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:30 p.m. on Friday, September 14, at the Long Beach Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, September 13. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, September 12, 9:00 – 11:00 a.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

The following committees will be meeting:

1. Environmental Quality
2. Governance, Transparency & Labor Relations
3. Housing, Community & Economic Development
4. Revenue & Taxation
5. Transportation, Communication & Public Works

General Resolutions Committee

Thursday, September 13, 1:00 p.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

Annual Business Meeting and General Assembly Luncheon

Friday, September 14, 12:30 p.m.

Long Beach Convention Center

300 East Ocean Boulevard, Long Beach

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
 2 - General Resolutions Committee
 3 - General Assembly

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
2	Repeal Preemption of Regulating Pesticides			

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

REVENUE & TAXATION POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Local Municipal Authority, Control, and Revenue			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|-----|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE LEAGUE TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE AND EXPLORE THE PREPARATION OF A BALLOT MEASURE AND/OR CONSTITUTIONAL AMENDMENT THAT WOULD FURTHER STRENGTHEN LOCAL DEMOCRACY AND AUTHORITY

Source: City of Beverly Hills

Concurrence of five or more cities/city officials: Cities: Arcadia, Burbank, Cupertino; Duarte; Oceanside; Ontario; Palo Alto; Redondo Beach; Santa Cruz; Sunnyvale; Torrance; West Hollywood

Referred to: Governance, Transparency & Labor Relations; Housing, Community & Economic Development; Revenue and Taxation; and Transportation, Communication & Public Works Policy Committees

WHEREAS, the State of California is comprised of diverse communities that are home to persons of differing backgrounds, needs, and aspirations; yet united by the vision that the most accessible, responsive, effective, and transparent form of democratic government is found at the local level and in their own communities; and

WHEREAS, subsidiarity is the principle that democratic decisions are best made at the most local level best suited to address the needs of the People, and suggests that local governments should be allowed to find solutions at the local level before the California Legislature imposes uniform and overreaching measures throughout the State; and

WHEREAS, the California Constitution recognizes that local self-government is the cornerstone of democracy by empowering cities to enact local laws and policies designed to protect the local public health, safety and welfare of their residents and govern the municipal affairs of charter cities; and

WHEREAS, over recent years there have been an increasing number of measures introduced within the Legislature or proposed for the state ballot, often sponsored by powerful interest groups and corporations, aimed at undermining the authority, control and revenue options for local governments and their residents; and

WHEREAS, powerful interest groups and corporations are willing to spend millions in political contributions to legislators to advance legislation, or to hire paid signature gatherers to qualify deceptive ballot proposals attempting to overrule or silence the voices of local residents and their democratically-elected local governments affected by their proposed policies; and

WHEREAS, powerful interest groups and corporations propose and advance such measures because they view local democracy as an obstacle that disrupts the efficiency of implementing corporate plans and increasing profits and therefore object when local residents—either through their elected city councils, boards of supervisors, special district boards, or by action of local voters—enact local ordinances and policies tailored to fit the needs of their individual communities; and

WHEREAS, public polling repeatedly demonstrates that local residents and voters have the highest levels of confidence in levels of government that are closest to the people, and thus would be likely to strongly support a ballot measure that would further strengthen the ability of communities to govern themselves without micromanagement from the state or having their authority undermined by deep-pocketed and powerful interests and corporations.

RESOLVED that the League of California Cities should assess the increasing vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and/or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy to best preserve their local quality of life.

Background Information on Resolution No. 1

Source: City of Beverly Hills

Background:

The relationship between the state and cities functions best as a partnership where major policy issues are approached by the state with careful consideration of the varied conditions among the state's 482 cities and 58 counties. There should be an appreciation of the importance of retaining local flexibility to tailor policies to reflect the needs and circumstances of the local community. Still, cities have had to respond to state legislation that undermines the principle of "local control" over important issues such as land use, housing, finance, infrastructure, elections, labor relations and other issues directly affecting cities.

Alexis de Tocqueville's "Democracy in America" examined the operation of the principle of subsidiarity in the early 19th century. Subsidiarity is an organizing principle that states matters should be handled by the smallest, lowest or least centralized competent authority. Tocqueville wrote that "Decentralization has not only an administrative value, but also a civic dimension, since it increases the opportunities for citizens to take interest in public affairs; it makes them get accustomed to using freedom." Tocqueville's works were first published in 1835 with a second volume published in 1840. The United States had a population of just 17 million people in 1840, less than 50% of the population of California today and yet there was value found in decentralization.

Another consideration is to examine how the European Union ("EU") operates. There are two prime guiding principles for the EU. The first is principle of conferral, which states that the EU should act only within the limits of the competences conferred on it by the treaties. The second, which is relevant to this resolution, is the principle of subsidiarity, which states that the EU should act only where an objective cannot be sufficiently achieved by the member states acting alone. Sacramento should operate in a similar manner and only govern when objectives need to be achieved at a much larger level than a local government.

For years, Governor Jerry Brown himself has spoken on the principle of "subsidiarity." Governor Brown has asserted for numerous years that local officials should have the flexibility to act without micromanagement from Sacramento.

Legislation introduced in both 2017 and 2018 by the state legislature has continually threatened local control in flagrant opposition to the principle of subsidiarity. This has included, but not been limited to, Senate Bill 649 (Hueso) Wireless Telecommunications Facilities ("SB 649") in 2017; AB 252 (Ridley-Thomas) Local government: taxation: prohibition: video streaming services ("AB 252") in 2017; and Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus ("SB 827") in 2018.

SB 649 would have applied to all telecommunications providers and the equipment they use, including "micro-wireless," "small cell," and "macro-towers," as well as a range of video and cable services. The bill would have allowed the use of "small cell" wireless

antennas and related equipment without a local discretionary permit in all zoning districts as a use by-right, subject only to an administrative permit. Additionally, SB 649 provided a de facto CEQA exemption for the installation of such facilities and precluded consideration by the public for the aesthetic, nuisance, and environmental impacts of these facilities. SB 649 would have also removed the ability for cities to obtain fair and reasonable compensation when authorizing the use of public property and rights of way from a “for profit” company for this type of use.

SB 649 passed out of the State Assembly by a vote of 46-16-17 and out of the State Senate by a vote of 22-10-8 despite over 300 cities and 47 counties in California providing letters of opposition. Ultimately, Governor Brown vetoed the bill as he believed “that the interest which localities have in managing rights of way requires a more balanced solution than the one achieved in this bill.” It is strongly believed that the issue of wireless telecommunications facilities is not over and it is anticipated that legislation will be introduced on this topic in January 2019.

Another example of an incursion into local control was AB 252, which would have prohibited any tax on the sale or use of video streaming services, including sales and use taxes and utility user taxes. Over the last two decades, voters in 107 cities and 3 counties have adopted measures to modernize their Utility User Tax (“UUT”) ordinances. Of these jurisdictions, 87 cities and 1 county approved ordinances to allow a UUT on video providers. Prior to its first Committee hearing, AB 252 received opposition letters from 37 cities, the League of California Cities, South Bay Council of Governments, California Contract Cities Association, and nine other organizations. This bill failed in the Assembly Revenue and Taxation Committee 8-0-2, which the author of the Committee chaired.

More recently, SB 827 would have overridden local control on housing development that was within ½ mile of a major transit stop or ¼ mile from a high-quality bus corridor as defined by the legislation with some limitations. On April 17, 2018, SB 827 failed in the Senate Transportation and Housing Committee 4-6-3 but was granted reconsideration. State legislators have indicated they will continue to introduce legislation that will override local zoning ordinances for the development of affordable housing in conjunction with mixed use and/or luxury condominium/apartment housing.

These are just three examples of the increasing attempts by Sacramento to supersede local control. Presently, there are discussions occurring in Sacramento to ban cities from creating their own municipal broadband or to prohibit local ordinances over the regulation of shared mobility devices such as dockless electric scooters. These decisions should remain with each individual jurisdiction to decide based on the uniqueness of their community and the constituents that live in each city.

Often fueled by the actions of special interest groups, Sacramento is continually attempting to overreach their authority with various incursions on local control. The desire in Sacramento to strip communities of their ability to make decisions over issues which should remain at the local level seems to intensify each state legislative cycle. Increasingly, legislation is being introduced with a “one-size-fits-all” approach which is detrimental in a

state with over 40 million residents that have extremely diverse communities from the desert to the sea, from the southern to the northern borders.

Loren King in the book "Cities, Subsidiarity and Federalism" states, "Decisions should be made at the lowest feasible scale possible". The proposed resolution directs the League of California Cities to assess the increasing vulnerabilities to local authority, control and revenue. It also directs the League of California Cities to explore the preparation of a ballot measure and/or constitutional amendment which would aim to ensure that decisions are made as close to home as possible.

Local government, when done right, is the best form of democracy precisely because it is closest to home. A ballot measure and/or constitutional amendment would provide the state's voters an opportunity to further strengthen local authority and maintain the role of local democracy to best preserve their local quality of life while still leaving the appropriate issues at the county, regional or state legislature depending on the topic. Any ballot measure and/or constitutional amendment should institutionalize the principle of subsidiarity, while encouraging inclusive regional cooperation that recognizes the diversity of California's many individual communities. The time has come to allow the residents of California's voters to decide if they prefer top down governance from Sacramento or bottom up governing from their own locally elected officials.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Dan Carrigg, Johnnie Pina
Committees: Governance, Transparency and Labor Relations
Housing, Community & Economic Development
Revenue & Taxation
Transportation, Communication and Public Works

Summary:

This Resolution states that the League of California Cities should assess the vulnerabilities to local authority, control and revenue and explore the preparation of a ballot measure and or constitutional amendment that would give the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

Background:

The City of Beverly Hills is sponsoring this resolution in reaction to their concerns over measures coming from the Legislature and the initiative process attempting to roll back local control and hinder cities from providing optimal services to their residents.

As examples, the city cites the 2017-2018 legislative cycle, the Legislature introduced bills such as Senate Bill 649 (Hueso) Wireless Telecommunications Facilities, and AB 252 (Ridley-Thomas) proposing to prohibit taxes on video streaming services, and more recently Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing. SB 649 was vetoed by the Governor and SB 827 died in policy committee, however if these measures had been signed into law they would have impinged on the ability of a local government to be responsive to the needs of their constituents.

The city maintains that "local government, when done right, is the best form of democracy precisely because it is closest to home. A ballot measure and/or constitutional amendment would provide the state's voters an opportunity to further strengthen local authority and maintain the role of local democracy to best preserve their local quality of life while still leaving the appropriate issues at the county, regional or state legislature depending on the topic."

Fiscal Impact:

By requesting the League to "assess" vulnerabilities and "explore" the preparation of a ballot measure that would further protect local authority, there are no proposals to be quantified. But it is presumed that the League would not pursue a measure that did not have positive impacts of further protecting local authority.

For the League as an organization, however, the fiscal impact of sponsoring a ballot measure can be very expensive. It can take several million dollars to qualify a measure via signature gathering, and much more to fund an effective campaign and overcome organized opposition.

Comments:

- 1) Ballot measure advocacy is a settled aspect of California's political process. This year's November ballot is an example of that, with proposals ranging from dividing California

into three states, restoring rent control, repealing transportation funding, to funding housing and water bonds. Three other measures are not on the November ballot after their sponsors spent millions gathering signatures to qualify measures, then leveraged last-minute legislative deals in exchange for pulling them from the ballot.

- 2) Most major stakeholder organizations in Sacramento have realized that they cannot rely on legislative advocacy alone to protect their interests, but must develop and maintain the capacity to protect their interests in the ballot process as well.
- 3) The League has been engaged in ballot advocacy for nearly 20 years. In the early 2000's, city officials were angered by repeated state raids of local revenues. These concerns led to the League --for the first time in its then 100-year history--developing a ballot advocacy infrastructure that included forming and fundraising for an issues political action committee (PAC), establishing a network of regional managers, and building a coalition with other organizations that ultimately led to the passage of Prop. 1A of 2004. Over the years, the League's successful campaigns include the passage of Proposition 1A and Proposition 99 and the defeat of Propositions 90 and 98.

a. Yes on Proposition 1A (2004)

As a result of the passage of Prop 1A, local government revenues that otherwise would have been raided by the state legislature were kept in local coffers. This resulted in increased funding for public safety, health, libraries, parks and other locally delivered services. Proposition 1A PASSED WITH 83.7% OF THE VOTE.

b. No on Proposition 90 (2006)

Prop. 90 was a well-financed special interest-backed initiative that sought to eliminate most of local governments' land use decision making authority. Led by the League, the opposition educated voters on how this measure's far reaching provisions would have cost taxpayers billions of dollars by driving up the cost of infrastructure projects, prevented voters and state and local agencies from enacting environmental protections, jeopardized public safety services and more. Proposition 90 FAILED WITH 52.4% OF THE VOTERS VOTING NO.

c. No on Proposition 98 Yes on Proposition 99 (2008)

Given the hidden agendas within Prop 98, our message was not always an easy one to communicate to the electorate. The No on 98/ Yes on 99 campaign was able to educate voters on the important differences between both measures. As a result, important eminent domain reforms were enacted and both land use decision making and rent control were preserved within our communities. Proposition 98 FAILED WITH 61.6% OF THE VOTERS VOTING NO. Proposition 99 PASSED BY 61% OF THE VOTE.

d. Yes on Proposition 22 (2010)

As a result of the passage, local governments have been able to pay for infrastructure investment, create local jobs and avoid devastating cuts in our communities. Proposition 22 APPROVED BY 60.7% OF VOTERS.

- 4) While the League has been able to recently defeat several major legislative proposals aimed at undermining local authority, and avoid a battle over the Business Roundtable's measure in November due to the "soda tax" deal, the threats to local authority and revenue remain a constant concern. Other interest groups may be emboldened by some of the recent "deals" cut by ballot proponents and seek to implement similar strategies for the 2020 ballot. The next Governor may also have different philosophies than Governor Jerry Brown on "subsidiarity."
- 5) The League's President opted to send this resolution to four policy committees for several reasons: (a) the recent major threats to local control covered broad policy areas: telecom, land use, contracting, and revenue; and (b) having this issue vetted broadly within the League policy process will provide a better assessment of the depth of concern for the vulnerability to local control within the membership
- 6) If the membership chooses to approve this measure, it is strongly advisable to retain continued flexibility for the League to "assess" vulnerabilities and "explore" options. Any ballot initiative consideration must be approached very carefully by the organization. It is a difficult and very expensive endeavor that can have additional political ramifications. For 120 years the League's core mission has been to protect local control - and it has gone to the ballot successfully before to do so -- but any such effort must be approached thoughtfully, prudently and cautiously.

Existing League Policy:

Related to this Resolution, existing policy provides:

- The League of California Cities' Mission Statement is, "To expand and protect local control for cities through education and advocacy. To enhance the quality of life for all Californians"
- The League of California Cities' Summary of Existing Policy and Guidelines states, "We Believe
 - Local self-governance is the cornerstone of democracy.
 - Our strength lies in the unity of our diverse communities of interest.
 - In the involvement of all stakeholders in establishing goals and in solving problems.
 - In conducting the business of government with openness, respect, and civility.
 - The spirit of public service is what builds communities.
 - Open decision-making that is of the highest ethical standards honors the public trust.
 - Cities are the economic engine of California.
 - The vitality of cities is dependent upon their fiscal stability and local autonomy.
 - The active participation of all city officials increases the League's effectiveness.
 - Focused advocacy and lobbying is most effective through partnerships and collaboration.
 - Well-informed city officials mean responsive, visionary leadership, and effective and efficient
 - city operations."
- [Click here to view the Summary of Existing Policy and Guiding Principles 2018.](#)

Support:

The following letters of concurrence were received: Steven Scharf, Cupertino City Council Member; Michael S. Goldman, Sunnyvale City Council; Lydia Kou, Palo Alto City Council Member; David Terrazas, Mayor of Santa Cruz; Peter Weiss, Mayor of Oceanside; Alan D. Wapner, Mayor pro Tem of Ontario; Patrick Furey, Mayor of Torrance; Lauren Meister, West Hollywood Council Member; Liz Reilly, Duarte Mayor Pro Tem; Bill Brand, Mayor of Redondo Beach; Sho Tay, Mayor of Arcadia; Emily Gabel-Luddy, Mayor of Burbank.

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Source: City of Malibu

Concurrence of five or more cities/city officials: Cities: Agoura Hills; Calabasas; Davis; Menlo Park; Moorpark; Ojai; Oxnard; Richmond; West Hollywood

Referred to: Environmental Quality

WHEREAS, anticoagulant rodenticides are poisonous bait products that are poisoning 80 to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals, including pets, that accidentally ingest the products. Approximately 10,000 children under the age of six are accidentally poisoned by anticoagulant rodenticides each year nationwide; and

WHEREAS, in response to these harms, the California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides; and

WHEREAS, the state of California currently only recognizes the harm posed by second-generation anticoagulant rodenticides, which are prohibited in state wildlife habitat areas but are still available for agricultural purposes and by certified applicators throughout the state of California; and

WHEREAS, first-generation anticoagulant rodenticides are still available to the public and used throughout California without limitation; and

WHEREAS, nonpoisonous rodent control methods, such as controlling trash, sealing buildings, setting traps, erecting raptor poles and owl boxes, and removing rodent nesting areas are also effective rodent control methods; and

WHEREAS, the state of California preempts cities from regulating pesticides; and

WHEREAS, many cities across California have passed resolutions restricting pesticide use on city property and have expressed the desire to ban the use of pesticides within their jurisdictions.

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the League of California Cities, assembled in Long Beach, California on September 14, 2018, to do as follows:

1. Encourage the state of California to fund and sponsor further research into the negative impacts of anticoagulant rodenticides to determine whether the use of these products should be further restricted or banned statewide.

2. Direct the League of California Cities staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impact of anticoagulant rodenticides;
3. Encourage cities throughout California to eliminate use of anticoagulant rodenticides as part of their maintenance program in city-owned parks, lands, and facilities and to report on the effectiveness of other rodent control methods used in their maintenance program;
4. Encourage property owners throughout California to eliminate use of anticoagulant rodenticides on their properties;
5. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of anticoagulant rodenticides;
6. Endorse a repeal of California Food and Agriculture Code § 11501.1 to end local preemption of regulating pesticides; and
7. Call for the Governor and the Legislature to work with the League of California Cities and other stakeholders to consider and implement this reform.

Background Information on Resolution

Source: City of Malibu

Background:

A. Anticoagulant rodenticides are unnecessarily destructive and dangerous

Anticoagulant rodenticides contain lethal agents that disrupt the normal blood clotting or coagulation process causing dosed rodents to die from uncontrolled bleeding or hemorrhaging. Deaths typically occur between four days and two weeks after rodents begin to feed on the bait. Animals commonly targeted by anticoagulant rodenticides include rats, mice, gophers and squirrels. Non-target predator wildlife victims, which are exposed to an 80-90% risk of poisoning, include owls, hawks, bobcats, bears, foxes, coyotes, and mountain lions. The endangered species at risk of poisoning include fishers, spotted owls, and San Joaquin foxes. The use of anticoagulant rodenticides not only harms rodents, but it commonly harms pets, such as dogs, cats, and bunnies, and other wildlife that mistakenly eat the bait through primary poisoning or that unknowingly consume animals that have ingested the anticoagulant rodenticide through secondary poisoning. Children also suffer poisoning by mistakenly ingesting anticoagulant rodenticides.

California recognizes the grave harm that can be caused by anticoagulant rodenticides and has partially restricted access to second-generation anticoagulant rodenticides by the public:

Because of documented hazards to wildlife, pets and children, the California Department of Pesticide Regulation has restricted public access to some of these materials in California. As of July 1, 2014, rodenticide products containing the active ingredients brodifacoum, bromadiolone, difethialone and difenacoum are only to be used by licensed applicators (professional exterminators).¹

California has also prohibited the use of these ingredients in any “wildlife habitat area,” which is defined as “any state park, state wildlife refuge, or state conservancy.”²

The United State Environmental Protection Agency³ and the California Department of Pesticide Regulation⁴ have both documented in detail the damage to wildlife from second-generation anticoagulant rodenticides in support of the 2014 consumer ban on the purchase and use of the products. While first-generation anticoagulant rodenticides are less toxic, they are far more abundant due to their continued availability to all members of public.⁴ The California Department of Fish & Wildlife was tasked with collecting data on poisoning incidents to ascertain the effectiveness of the restrictions on second-generation anticoagulant rodenticides. After almost four years of collecting data, there was no evidence supporting a reduction in the number of poisonings.

¹ <https://www.wildlife.ca.gov/living-with-wildlife/rodenticides>.

² Cal. Food and Agric. Code § 12978.7.

³ <https://www.epa.gov/rodenticides/restrictions-rodenticide-products>

⁴ https://www.cdpr.ca.gov/docs/registration/reevaluation/chemicals/brodifacoum_final_assess.pdf

Recent studies by the University of California, Los Angeles and the National Park Service on bobcats have shown that first-generation anticoagulant rodenticide poisoning levels similar to the second-generation anticoagulant rodenticides poisoning levels.⁵ A comprehensive study of 111 mountain lions in 37 California counties found first-generation anticoagulant rodenticides in the liver tissue of 81 mountain lions (73% of those studied) across 33 of the 37 counties, and second-generation anticoagulant rodenticides in 102 mountain lions (92% of those studied) across 35 of the 37 counties.⁶ First-generation anticoagulant rodenticides were identified as contributing to the poisoning of Griffith Park mountain lion, P-22, (who was rescued), and the deaths of Newbury Park mountain lion, P-34, and Verdugo Hills mountain lion, P-41.

This data demonstrates the inadequacy of current legislative measures to ameliorate the documented problem caused by both second-generation and first-generation anticoagulant rodenticides.

B. State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides

A general law city may not enact local laws that conflict with general state law.⁷ Local legislation that conflicts with state law is void.⁸ A local law conflicts with state law if it (1) duplicates, (2) contradicts, or (3) enters a field that has been fully occupied by state law, whether expressly or by implication. A local law falling into any of these categories is “preempted” and is unenforceable.

State law expressly bars local governments from regulating or prohibiting pesticide use. This bar is codified in the California Food and Agricultural Code § 11501.1(a):

This division and Division 7 . . . are of statewide concern and occupy the whole field of regulation regarding the registration, sale, transportation, or use of pesticides to the exclusion of all local regulation. Except as otherwise specifically provided in this code, no ordinance or regulation of local government, including, but not limited to, an action by a local governmental agency or department, a county board of supervisors, or a city council, or a local regulation adopted by the use of an initiative measure, may prohibit or in any way attempt to regulate any matter relating to the registration, transportation, or use of pesticides, and any of these ordinances, laws or regulations are void and of no force or effect.

State law also authorizes the state to take action against any local entity that promulgates an ordinance or regulation that violates § 11501.1(a).⁹ The statute was specifically adopted to overrule a 30 year old court decision in *People v. County of Mendocino*,¹⁰ which had held that a

⁵ L. E. K. Serieys, et al, “Anticoagulant rodenticides in urban bobcats: exposure, risk factors and potential effects based on a 16-year study,” *Ecotoxicology* (2015) 24:844–862.

⁶ J. Rudd, et al, “Prevalence of First-Generation and Second-Generation Rodenticide Exposure in California Mountain Lions,” Proceeding of the 28th Vertebrate Pest Conference, February 2018.

⁷ Cal. Const. art. XI § 7.

⁸ *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal. 4th 729, 743.

⁹ Cal. Food and Agric. Code § 11501.1, subd. (b).

¹⁰ *People ex rel. Deukmejian v. County of Mendocino* (1984) 36 Cal. 3d 476.

local regulation prohibiting aerial application of phenoxy herbicides was not then preempted by state or federal law.¹¹

The use of pesticides is broadly regulated by state law. In the language of preemption law, the state “occupies the field,” leaving no room for additional local law on the subject. Accordingly, a city’s ban on the use of anticoagulant rodenticides would be unenforceable.

C. California should repeal the preemption in Cal. Food and Agric. Code § 11501.1 to provide cities with the authority to decide how to regulate pesticides within their own jurisdictions based on local concerns

The state of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

Recognizing that cities’ power to “make and enforce within its limits all local, police, sanitary, and other ordinances and regulations” is presently preempted by the general laws of the state, cities throughout California request that the state provide cities with the authority to decide how to deal with rodents based on their land use.

Depending on such land use, cities may decide to allow the use of nonpoisonous control methods, non-anticoagulant rodenticides, or anticoagulant rodenticides, if necessary. Nonpoisonous methods to control rodent pests, include sealing entrances to buildings, sanitizing property, removing rodent habitats, such as ivy or wood piles, setting traps, and erecting raptor poles or owl boxes. For example, a recent landmark study by Ventura County established that installing raptor poles for hawks and owls was more effective than anticoagulant rodenticides in reducing the damage to water control levees caused by ground squirrel burrows. Burrows decreased by 66% with the change.¹²

The ultimate goal is to allow cities to address their local concerns with the input of community members at open and public meetings. Presently, cities are unable to adequately address local concerns; they are limited to encouraging or discouraging behavior.

D. Conclusion

The negative effects from the use of anticoagulant rodenticides across California has garnered the interest of cities and community members to remedy the problem. By presenting this resolution to the League of California Cities, the City of Malibu hopes to organize support and gain interest at the state level to repeal the preemption in Cal. Food and Agric. Code § 11501.1 to provide cities with the authority to regulate pesticides based on individual, local concerns.

¹¹ *IT Corp. v. Solano County Bd. Of Supervisors* (1991) 1 Cal. 4th 81, fn. 9; *Turner v. Chevron USA Inc.*, 2006 WL 1314013, fn. 14 (unpublished).

¹² <http://vcportal.ventura.org/BOS/District2/RaptorPilotStudy.pdf>

League of California Cities Staff Analysis on Resolution No. 2

Staff: Erin Evans-Fudem
Committee: Environmental Quality

Summary:

This resolution seeks to have the state and the League study the negative impacts of anticoagulant rodenticides and address the inability of cities to regulate the use of rodenticides and pesticides.

Specifically related to anticoagulant rodenticides, the resolution would encourage the state to fund research into the negative impacts and a potential restriction or ban; direct the League to consider creating a task force to study and report on the unintended negative consequences; encourage cities and property owners to eliminate use; and encourage cities to join advocacy efforts. In addition, the resolution would direct the League to endorse repeal of a statute that preempts local regulation of pesticides.

Background:

The City of Malibu is sponsoring this resolution out of concern about the effect of a certain type of rodent control (anticoagulant rodenticides) has on other wildlife. According to the City, anticoagulant rodenticides disrupt the blood clotting process and therefore cause rodents to die from bleeding or hemorrhaging. This rodenticide is commonly used on rats, mice, gophers, and squirrels. Predator animals that eat rodents can be exposed to anticoagulant rodenticides if they consume animals that have eaten the bait. These animals include owls, hawks, bobcats, bears, foxes, coyotes, and mountain lions. Furthermore, pets can also be exposed to anticoagulant rodenticides if they eat the bait or consume animals that have eaten the bait.

Some cities have passed “ceremonial resolutions” locally. For example, the City of Malibu has two ordinances in place to discontinue use of rodenticides and traps in city-owned parks, roads, and facilities, as well as encourage businesses and property owners not to use anticoagulant rodenticides on their property.

Fiscal Impact:

Costs to cities would include using alternative methods of rodent control and studying the efficacy. Since the resolution encourages, but does not mandate action by cities, city costs would be taken on voluntarily.

Fiscal impact to the League would include costs associated with the task force, scientific research, and educating League staff and members. For the task force, the League may incur costs associated with staffing, convening, and educating a task force to study anticoagulant rodenticides, as well as the cost of writing a report. This could include a need for outside experts with knowledge of pesticides and their ecological impacts. League resources would also be utilized to support proposals to repeal the statute preempting local regulation of pesticides; however, this cost may be absorbed with existing staff resources.

Comments:

Pesticides are regulated by federal and state governments. The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) reserves for the federal government authority over pesticide labeling. States can adopt stricter labeling requirements and can effectively ban sale and use of pesticides that do not meet state health or safety standards.¹ For 51 years, California has reserved regulation of pesticides for the state only, preempting local regulation.² This preemption has been ratified and confirmed in subsequent court decisions and legislation. However, County Agricultural Commissioners work to enforce the state laws. Local governments may regulate or restrict pesticide use in their own operations, including use in municipal buildings or parks.³⁴

Broad direction. This resolution would direct the League to take a position allowing broad local discretion over pesticide regulation in general. Because the regulation of anticoagulant rodenticides is largely based in science, additional or outside expertise may be needed to ensure full understanding of the science behind rodent control methods. The resolution itself is not limited to allowing local governments to regulate anticoagulant rodenticides, which this resolution otherwise targets.

Rodent control methods. There are numerous methods of controlling rodents, including lethal traps, live traps, and poison baits. There are two generations of rodenticide poisons because after rodents became resistant to the first generation, the second was developed. The U.S. Environmental Protection Agency (U.S. EPA) provides the following information below related to the science and use of anticoagulant rodenticides:

Most of the rodenticides used today are anticoagulant compounds that interfere with blood clotting and cause death from excessive bleeding. Deaths typically occur between four days and two weeks after rodents begin to feed on the bait.

First-generation anticoagulants include the anticoagulants that were developed as rodenticides before 1970. These compounds are much more toxic when feeding occurs on several successive days rather than on one day only. Chlorpophacinone, diphacinone and warfarin are first-generation anticoagulants that are registered to control rats and mice in the United States.

Second-generation anticoagulants were developed beginning in the 1970s to control rodents that are resistant to first-generation anticoagulants. Second-generation anticoagulants also are more likely than first-generation anticoagulants to be able to kill after a single night's feeding. These compounds kill over a similar course of time but tend to remain in animal tissues longer than do first-generation ones. These properties mean that second-generation products pose greater risks to nontarget species that might feed on bait only once or that might feed upon animals that have eaten the bait. Due to these

¹ California Department of Pesticide Regulation (CDPR), *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 9, <https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf>.

² California Food and Agriculture Code § 11501.1 (1967).

³ CDPR, *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 9, <https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf>.

⁴ County Agricultural Commissioners work with CDPR to enforce state laws. CDPR, *A Guide to Pesticide Regulation in California: 2017 Update*, pg. 13, <https://www.cdpr.ca.gov/docs/pressrls/dprguide/dprguide.pdf>.

risks, second-generation anticoagulant rodenticides no longer are registered for use in products geared toward consumers and are registered only for the commercial pest control and structural pest control markets. Second-generation anticoagulants registered in the United States include brodifacoum, bromadiolone, difenacoum, and difethialone.

Other rodenticides that currently are registered to control mice include bromethalin, cholecalciferol and zinc phosphide. These compounds are not anticoagulants. Each is toxic in other ways.⁵

Legislative attempts to ban. Several legislative measures have been introduced to ban the use of certain anticoagulant rodenticides (AB 1687, Bloom, 2017. AB 2596, Bloom, 2016). However, neither of these measures were heard and failed to pass key legislative deadlines.

Existing League Policy:

The League does not have policy related to pesticides or rodenticides.

Related to federal regulation, League policy states:

- The League supports flexibility for state and local government to enact environmental and other standard or mandates that are stronger than the federal standards. However, the League reserves the right to question or oppose stronger standards on the merits. The League also opposes legislation that prohibits state and local governments from enacting stricter standards.

Support:

The following letters of concurrence were received: William Koehler, Mayor of Agoura Hills; Fred Gaines, Mayor of Calabasas; Brett Lee, Mayor Pro Tem of Davis; Catherine Carlton, Menlo Park City Council Member; Janice Parvin, Mayor of Moorpark; Suza Francina, Ojai City Council Member; Carmen Ramirez, Oxnard City Council Member; Tom Butt, Mayor of Richmond; Lindsey Horvath, West Hollywood City Council Member

⁵ U.S. EPA, Restrictions on Rodenticide Products, <https://www.epa.gov/rodenticides/restrictions-rodenticide-products>

LETTERS OF CONCURRENCE

Resolution No. 1

Local Municipal Authority, Control and Revenue



City of Arcadia

Office of the City Council

Sho Tay
Mayor

April A. Verlato
Mayor Pro Tem

Peter M. Amundson
Council Member

Tom Beck
Council Member

Roger Chandler
Council Member

July 10, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING
VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE**

Dear Committee:

As the Mayor of the City of Arcadia, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that prohibits constituents in local jurisdictions from passing a soda tax for twelve years; trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by the state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons, I strongly support this resolution.

Sincerely,

Sho Tay
Mayor, City of Arcadia

cc: City of Arcadia City Council
Vice Mayor John Mirisch, City of Beverly Hills

CITY OF BURBANK

OFFICE OF THE MAYOR

July 11, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING
VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE**

Dear Committee:

As the Mayor of the City of Burbank, on my own behalf, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned on constituents in local jurisdictions from passing a soda tax for twelve years; trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by the state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

A handwritten signature in black ink that reads "Emily Gabel-Luddy". The signature is written in a cursive, flowing style.

Emily Gabel-Luddy
Mayor, City of Burbank

cc: Vice Mayor John Mirisch, City of Beverly Hills
Jennifer Quan, League Regional Public Affairs Manager (via email)

From: Steven Scharf <scharf.steven@gmail.com>
Sent: Sunday, July 08, 2018 8:34 PM
To: Cindy Owens
Subject: Letter of Support for California League of Cities Resolution

Dear Ms. Cowens,

I was forwarded your email requesting support for a resolution in support of "the preparation of a ballot measure and/or state constitutional amendment that would strengthen local authority and preserve the role of local democracy at the local level as the state legislature is continually attempting to override the local authority of cities."

Speaking only for myself, and not on behalf of the City of Cupertino or other Cupertino City Council Members, I hereby give my support for such a measure. You may use my name as a supporter.

Sincerely,
Steven Scharf
Cupertino City Council Member



City of Duarte

1600 Huntington Drive | Duarte, CA 91010 | Bus. 626.357.7931 | Fax 626.358.0018 | www.accessduarte.com

July 10, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING
VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL,
AND REVENUE**

Mayor
John Fasana

Mayor Pro Tem
Liz Reilly

Councilmembers
Margaret E. Finlay
Samuel Kang
Tzeitel Paras-Caracci

City Manager
Darrell J. George

Dear Committee:

The City of Duarte supports the League of California Cities (“League”) Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure that would provide the State’s voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) (Wireless Telecommunications Facilities) or the more recently introduced Senate Bill 827 (Wiener) (Planning and Zoning: Transit-Rich Housing Bonus) that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a State ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned constituents in local jurisdictions from passing a soda tax for twelve years, trumping the will of the people should they wish to support such a measure. However, as a result of the passage of that Assembly Bill, the State ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by the State legislature and powerful interest groups should be prohibited in areas where it is unwarranted, and does not best serve the unique communities that make up the State of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons, the City of Duarte strongly supports this resolution.

Sincerely,

Liz Reilly
Mayor Pro Tem

cc: Vice Mayor John Mirisch, City of Beverly Hills



CITY OF OCEANSIDE

MAYOR
PETER WEISS

July 10, 2018

COUNCIL MEMBERS
JACK FELLER
JEROME KERN
CHARLES "CHUCK" LOWERY
ESTHER SANCHEZ

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE
INCREASING VULNERABILITIES TO LOCAL MUNICIPAL
AUTHORITY, CONTROL AND REVENUE**

Dear Committee:

I'm writing on behalf of the City of Oceanside to support the League of California Cities' ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the State's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities, or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned constituents in local jurisdictions from passing a soda tax for twelve years, trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by the state legislature and powerful interest groups should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons, I strongly support this resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Weiss". The signature is written in a cursive, flowing style.

Peter Weiss
MAYOR

cc: Vice Mayor John Mirisch, City of Beverly Hills



PAUL S. LEON
MAYOR

ALAN D. WAPNER
MAYOR PRO TEM

JIM W. BOWMAN
DEBRA DORST-PORADA
RUBEN VALENCIA
COUNCIL MEMBERS

SCOTT OCHOA
CITY MANAGER

SHEILA MAUTZ
CITY CLERK

JAMES R. MILHISER
TREASURER

July 10, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**Re: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING
VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND
REVENUE**

Dear Committee Members,

As Mayor pro Tem for the City of Ontario, I support the Annual Conference Resolution proposed by the City of Beverly Hills calling for the League of California Cities to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

In recent years, the state legislature has aggressively ramped up its efforts to wrestle authority away from local government. In the past session alone, we saw egregious and unprecedented attacks on local control with several bills that strike at the heart of local government. These bills, including Senate Bill 649 (Hueso – Wireless Telecommunications Facilities) and Senate Bill 827 (Wiener – Planning and Zoning: Transit-Rich Housing Bonus) show a blatant contempt for the ability of local governments to meet the needs of the local community.

Unfortunately, these bills are likely only the beginning. As such, there is a need for a ballot measure and/or constitutional amendment to clearly enshrine the role of local government in regulating local issues. The passage of the proposed resolution by the City of Beverly Hills recognizes that it is local government, not the state legislature, that best understands the local community and is therefore best-situated to regulate and respond to local issues. For these reasons, I strongly support this resolution.

Sincerely,

Alan D. Wapner
Mayor pro Tem – City of Ontario

cc: Vice Mayor John Mirisch, City of Beverly Hills

July 11, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Re: EXPLORING A RESOLUTION TO RESPOND TO INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY

Dear Committee Members:

As one Councilmember of the City of Palo Alto, and in my individual capacity and not on behalf of the Council as a body, or the City, I write to support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills. This resolution asks the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide voters an opportunity to further strengthen local authority and preserve the role of local democracy. If the resolution passes, I encourage the League to ensure any potential measure includes both charter and general law cities.

State legislation introduced in both 2017 and 2018 has continually threatened to erode local control. Whether this was SB 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced SB 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned on constituents in local jurisdictions from passing a soda tax for twelve years; trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continual incursions into local control by state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I support this resolution.

Sincerely,

Digitally signed by
Lydia Kou
02E1B1825F4F43D

Lydia Kou
Councilmember, City of Palo Alto

cc:
Palo Alto City Council
Mayor John Mirisch, City of Beverly Hills
James Keene, Palo Alto City Manager

P.O. Box 10250
Palo Alto, CA 94303
650.329.2477
650.328.3631 fax



Bill Brand
Mayor

415 Diamond Street, P.O. BOX 270
Redondo Beach, California 90277-0270
www.redondo.org

tel 310 372-1171
ext. 2260
fax 310 374-2039

July 9, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND REVENUE

Dear Committee:

As Mayor of Redondo Beach, I support the League of California Cities Annual Conference Resolution proposed by the City of Beverly Hills calling for the LCC to explore the preparation of a ballot measure and/or constitutional amendment that would provide the State's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the Legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities, or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, The State Legislature is continuing to introduce proposals that impinge on the ability of local governments to institute discretionary legislation that is responsive to the needs of their communities.

These continual incursions into local control by the State Legislature, and powerful special interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the State of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

Bill Brand

cc: Vice Mayor John Mirisch, City of Beverly Hills



MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • citycouncil@cityofsantacruz.com

July 9, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING
VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL, AND REVENUE**

Dear General Resolutions Committee Members:

As Mayor of the City of Santa Cruz, I support the League of California Cities (“League”) Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the State’s voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the Legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hucso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a State ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned constituents of local jurisdictions from passing a soda tax for twelve years, trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the State ballot initiative was pulled from the November 2018 Ballot.

These continual incursions into local control by the State Legislature and powerful interest groups should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the State of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

David Terrazas
Mayor

cc: Vice Mayor John Mirisch, City of Beverly Hills

From: Michael Goldman <miklg@yahoo.com>
Sent: Saturday, July 07, 2018 4:37 PM
To: Cindy Owens
Subject: Letter of Support for California League of Cities Resolution

Dear Ms. Cowens,

I was forwarded your email requesting support for a resolution in support of "the preparation of a ballot measure and/or state constitutional amendment that would strengthen local authority and preserve the role of local democracy at the local level as the state legislature is continually attempting to override the local authority of cities."

Speaking solely on my own behalf, I hereby give my whole-hearted support for such a measure. The essence of democracy is the control by the people of their community. As public servants, we elected officials serve the democratically expressed will of the public.

Sincerely,

Michael S. Goldman

Sunnyvale City Council, Seat 7



CITY OF TORRANCE

PATRICK J. FUREY
MAYOR

July 5, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE INCREASING
VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY, CONTROL AND
REVENUE**

Dear Committee:

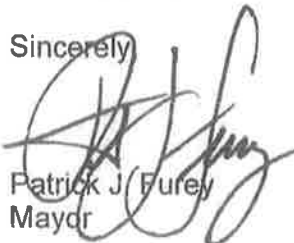
As Mayor of the City of Torrance, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

State legislation introduced in both 2017 and 2018 by the legislature has continually threatened to erode local control. Whether this was Senate Bill 649 (Hueso) Wireless Telecommunications Facilities or the more recently introduced Senate Bill 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus that was defeated in Committee, legislatures are continually introducing proposals that impinge on the ability of a local government to institute discretionary legislation that is responsive to the needs of their constituents.

More recently, a state ballot initiative was introduced that would have made increasing fees and passing taxes more onerous on local jurisdictions due to the interest of powerful interest groups. This interest group successfully negotiated an Assembly Bill that banned on constituents in local jurisdictions from passing a soda tax for twelve years; trumping the will of the people should they wish to support such a measure. However, as a result the passage of that Assembly Bill, the state ballot initiative was pulled from the November 2018 ballot.

These continually incursions into local control by the state legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely

Patrick J. Furey
Mayor

cc: Vice Mayor John Mirisch, City of Beverly Hills



CITY OF WEST HOLLYWOOD

CITY HALL
8300 SANTA MONICA BLVD.
WEST HOLLYWOOD, CA
90069-6216
TEL: (323) 848-6460
FAX: (323) 848-6562

TTY: For hearing impaired
(323) 848-6496

CITY COUNCIL

JOHN J. DURAN
Mayor

JOHN D'AMICO
Mayor Pro Tempore

JOHN HEILMAN
Councilmember

LINDSEY P. HORVATH
Councilmember

LAUREN MEISTER
Councilmember

July 11, 2018

General Resolutions Committee
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**SUBJECT: 2018 CONFERENCE RESOLUTION TO RESPOND TO THE
INCREASING VULNERABILITIES TO LOCAL MUNICIPAL AUTHORITY,
CONTROL AND REVENUE**

Dear Committee:

As a Councilmember of the City of West Hollywood, I support the League of California Cities ("League") Annual Conference Resolution proposed by the City of Beverly Hills calling for the League to explore the preparation of a ballot measure and/or constitutional amendment that would provide the state's voters an opportunity to further strengthen local authority and preserve the role of local democracy.

During the current 2017-2018 regular session of the California Legislature, legislators introduced several pieces of legislation that have attempted to erode local control. Whether this was Senate Bill (SB) 649 (Hueso) Wireless Telecommunications Facilities, or more recently SB 827 (Wiener) Planning and Zoning: Transit-Rich Housing Bonus, which was defeated in Committee, legislators continue to introduce proposals that impinge on the ability of local governments to self-determine.

Another good example of how the Legislature takes actions that are detrimental to local governments' control is the legislative compromise between the Legislature and beverages' manufacturers who agreed to withdraw their ballot initiative in exchange for the approval of Assembly Bill (AB) 1838 (Committee on Budget): Local government: taxation: prohibition: groceries, (Chapter 61, Statutes of 2016). As you know, AB 1838 basically prohibited the adoption of a local "soda tax" by any municipality for the next twelve years.





General Resolutions Committee
League of California Cities
July 11, 2018
Page two of two

These incursions into local control by the Legislature, and powerful interest groups, should be prohibited in areas where it is unwarranted and does not best serve the unique communities that make up the state of California.

The passage of the proposed resolution by the City of Beverly Hills would provide direction to the League to pursue a ballot measure and/or constitutional amendment that would strengthen local democracy and authority. For these reasons I strongly support this resolution.

Sincerely,

Lauren Meister,
Councilmember

cc: Vice Mayor John Mirisch, City of Beverly Hills



LETTERS OF CONCURRENCE

Resolution No. 2

Repeal Preemption of Regulating Pesticides



"Gateway to the Santa Monica Mountains National Recreation Area"

July 10, 2018

The Honorable Rich Garbarino
League of California Cities
1400 K Street
Sacramento, CA 95814

Re: RESOLUTION OF LEAGUE OF CALIFORNIA CITIES DECLARING ITS CONTRACT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE §11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino:

The City of Agoura Hills supports the proposed above referenced resolution that supports the repeal of preemption in California Food and Agriculture Code §11501.1 that prevents local Governments from regulating pesticides.

Accordingly, we concur in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on September 14, 2018.

As the gateway to the Santa Monica Mountains we have been witness to the harmful effects of anticoagulant rodenticides on wildlife in our community, and surrounding areas.

For this reason, the City of Agoura Hills is supportive of this resolution, and requests the league's support.

Sincerely,

WILLIAM D. KOEHLER
Mayor - City of Agoura Hills

cc: Ms. Meg Desmond - mdesmond@cacities.org
Ms. Mary Linden - mlinden@malibucity.org
Mr. Greg Ramirez - gramirez@ci.agoura-hills.ca.us



CITY of CALABASAS

FRED GAINES
Mayor

July 9, 2018

ORIGINAL BY U.S. MAIL

VIA EMAIL mdesmond@cacities.org

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Re: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS
COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA
FOOD AND AGRICULTURE CODE §11501.1 THAT PREVENTS LOCAL
GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino:

The City of Calabasas supports the proposed resolution to support the repeal of the preemption clause in California Food and Agriculture Code Section 11501.1 regarding pesticide use and regulation so that each city in the State of California is able to decide how to regulate pesticides within their own jurisdiction to adequately address local concerns.

Accordingly, we concur in the submission by the City of Malibu of the above-referenced resolution for consideration by the League of Cities General Assembly at its annual meeting on September 14, 2018.

The City of Calabasas has identified the devastating effect of anticoagulant rodenticides on wildlife in our community and on the ecosystem in our native Santa Monica Mountains. While our City has adopted resolutions and implemented programs to discourage the use of the pesticides by our residents and businesses, we are limited by State law from taking more effective actions.

100 Civic Center Way
Calabasas, CA 91302
(818) 224-1600
Fax (818) 247-7324



The Honorable Rich Garbarino, President
League of California Cities
July 9, 2018
Page 2

The City of Calabasas is in strong support of providing cities across the State of California with the authority to regulate pesticides based on local concerns in the communities and supports the proposed Resolution.

Sincerely,


Fred Gaines
Mayor

cc: Mary Linden (MLinden@malibucity.org)



July 13, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: A Resolution of the League of California Cities Declaring Its Commitment to Support the
Repeal of Preemption in California Food and Agriculture Code § 11501.1 That Prevents
Local Governments from Regulating Pesticides

Dear President Garbarino:

Anticoagulant rodenticides poison unintended targets, including predator wildlife in California and pets that ingest the products. These poisons cause painful, internal hemorrhaging in non-target animals. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. In my official capacity as a city councilmember I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,

Brett Lee
Mayor Pro Tem

July 5, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO
SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE §
11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino,

Anticoagulant rodenticides are products that are poisoning 80% to 90% of predator wildlife in our cities and throughout California. These poisons cause painful, internal hemorrhaging in non-target animals - including pets - that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

My own mother lost a dearly loved pet dog, who was poisoned when it ate a poisoned rat!

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

State law now preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,

Catherine Carlton

Environmental Committee Vice Chair for the League of California Cities



CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021

Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 12, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino:

The City of Moorpark supports the above referenced resolution being brought to a vote at the upcoming League of California Cities Conference on September 14, 2018.

As a community surrounded by the beauty of the Santa Monica Mountains and its wildlife, the City adopted a resolution in 2013 urging Moorpark residents and businesses to not use anticoagulant rodenticides in Moorpark. In 2014, the City applauded passage of AB 2657, which removed many second generation anticoagulant rodenticides from the state.

However, as we are all unfortunately aware, scientific research continues to find anticoagulant rodenticides in non-target animals, including the natural predators that help regulate rodent populations and endangered species throughout California. Accordingly, the City has supported subsequent legislative proposals to ban all anticoagulant rodenticides statewide, including AB 2422, which is currently stalled in the state legislature.

The City further believes that local governments should have the opportunity to regulate pesticide usage within their jurisdictions if the communities they represent desire to do so. Therefore, the City supports the above referenced resolution being brought to a vote.

Yours truly,

Janice Parvin
Mayor

cc: City Council
City Manager
Assistant City Manager
Assistant to the City Manager
League of California Cities, Meg Desmond (mdesmond@cacities.org)
City of Malibu, Mary Linden (MLinden@malibucity.org)

Councilmember Suza Francina
City of Ojai
401 South Ventura Street, Ojai, CA 93023
Email: Suzaojacitycouncil@gmail.com
Cell: 805 603 8635

July 9, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS
COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA
FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL
GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino,

Anticoagulant rodenticides are products that are poisoning 80 to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals including pets that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. In my official capacity as a city councilmember I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,
Suza Francina
Councilmember, City of Ojai

July 12, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, California 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES DECLARING ITS
COMMITMENT TO SUPPORT THE REPEAL OF PREEMPTION IN CALIFORNIA
FOOD AND AGRICULTURE CODE § 11501.1 THAT PREVENTS LOCAL
GOVERNMENTS FROM REGULATING PESTICIDES

Dear President Garbarino,

I write as one council member of the City of Oxnard regarding the state law that preempts general law cities such as ours from regulating the use of pesticides. Our city is heavily impacted with environmental burdens associated with pesticide use as well as other industrial toxins, which affect the health of the people, wildlife and our environment. Oxnard residents are requesting that the use of pesticides in our public spaces be curtailed and restricted. This would include anticoagulant rodenticides, products that are poisoning 80 to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals including pets that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Despite collecting data for almost four years after this ban, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to this partial restriction of the supply.

Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides. In my official capacity as a city councilmember I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

Letter to President Garbarino
July 12, 2018
Page two

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018. Thank you very much for your attention to this.

Sincerely,

A handwritten signature in black ink that reads "Carmen Ramirez". The signature is written in a cursive style with a large, looped initial "C".

Carmen Ramirez



Bay Front. Home Front. Out Front.

July 6, 2018

The Honorable Rich Garbarino
President, League of California Cities
1400 K Street
Sacramento, California 95814

Re: In Support to Repeal the Preemption in California Food and Agriculture Code § 11501.1 that Prevents Local Governments from regulating pesticides

Dear President Garbarino,

Anticoagulant rodenticides poison 80% to 90% of predator wildlife in California. These poisons cause painful, internal hemorrhaging in non-target animals including pets that ingest the products either directly or from consuming poisoned rodents. In addition, approximately 10,000 children under the age of six are accidentally poisoned each year nationwide.

The California Department of Pesticide Regulation banned the consumer purchase and use of second-generation anticoagulant rodenticides in July 2014. Currently, State law preempts general law cities from regulating the use of pesticides, including anticoagulant rodenticides, which has minimized the impact of the State's ban. Despite collecting data for almost four years, the Department of Fish and Wildlife found no evidence supporting a decrease in poisonings by anticoagulant rodenticides due to the partial restriction of the supply.

As a member of the League of California Cities' Environmental Quality Policy Committee, I support the proposed resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 to provide cities across the state of California with the authority to regulate pesticides based on the local concerns in their communities. The State of California should provide cities with the authority to regulate the use of pesticides in their own jurisdictions based on their own individual local needs.

I concur with the submission of this resolution at the League of California Cities General Assembly at its annual meeting in Long Beach on September 14, 2018.

Sincerely,

Mayor Tom Butt
Richmond, California



CITY OF WEST HOLLYWOOD

CITY HALL
8300 SANTA MONICA BLVD.
WEST HOLLYWOOD, CA
90069-6216
TEL: (323) 848-6460
FAX: (323) 848-6562

TTY: For hearing impaired
(323) 848-6496

CITY COUNCIL

JOHN J. DURAN
Mayor

JOHN D'AMICO
Mayor Pro Tempore

JOHN HEILMAN
Councilmember

LINDSEY P. HORVATH
Councilmember

LAUREN MEISTER
Councilmember

July 13, 2018

The Honorable Rich Garbarino, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: A Resolution of the League of California Cities Declaring its Commitment to Support the Repeal of Preemption in California Food and Agriculture Code § 11501.1 that Prevents Local Governments from Regulating Pesticides

Dear President Garbarino,

I am writing to express my support for the above-mentioned resolution to repeal the preemptive clause in California Food and Agriculture Code Section 11501.1 in order to give cities across California the authority to regulate and/or prohibit the use of pesticides in their local communities. I concur with the submission of the proposed resolution to the League of California Cities General Assembly annual meeting on September 14, 2018.

Granting local governments the ability to self-regulate pesticide use better enables cities to protect the health and safety of the public, animals, and the environment. Given that no two cities are identical, local governments must have the power to take a systematic approach to pesticide use and regulation that fits the specific needs of their city. Repealing this section of the code will provide cities the opportunity to act in the best interest of their jurisdiction to set a standard of regulation that offers comprehensive protection, better formulated to protect a community's individual needs.

The City of West Hollywood is in strong support of environmentally-sensitive pest management practices that minimize risk to people, companion and wild animals, resources, and the environment. As the proposed resolution explains, anticoagulant rodenticides have devastating effects on wildlife. The City of West Hollywood has implemented an Integrated Pest Management Program that supports environmentally-sensitive pest management while protecting the health and safety of the public. This policy is in compliance with the State and Federal regulations while catering to and prioritizing the needs of the City of West Hollywood.

Sincerely,

Lindsey Horvath
Councilmember

cc: Meg Desmond, League of CA Cities
Councilmember Laura Z. Rosenthal, City of Malibu
Elizabeth Shavelson, Assistant to the City Manager, City of Malibu
Mary Linden, Executive Assistant, City of Malibu

