



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Regular Meeting

JULY 15, 2014
CLOSED SESSION 5:00 P.M.
OPEN SESSION 6:00 P.M.
AGENDA

"Oroville - California's best opportunity for a safe and diverse quality of life"

CLOSED SESSION (5:00 P.M.)

ROLL CALL

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

CONVENE TO CLOSED SESSION (ITEMS LISTED ON PAGE NO. 6)

RECONVENE TO OPEN SESSION

OPEN SESSION (6:00 P.M.)

PLEDGE OF ALLEGIANCE

PROCLAMATION / PRESENTATION

A New Business Acknowledgement and Welcome to Oroville for The Italian Kitchen.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter that is on the agenda to state your name and the agenda item on which you wish to speak. When that item comes up on the agenda, you will be asked to step to the podium, repeat your name for the record, and make your presentation or ask questions regarding the agenda item. Following your remarks, Council and/or staff may respond to your comments or questions. **Presentations are limited to three minutes per person.** Under Government Code Section 54954.3 the time allotted for presentations may be limited.

CONSENT CALENDAR

1. **APPROVAL OF THE MINUTES OF THE JULY 1, 2014 REGULAR MEETINGS OF THE OROVILLE CITY COUNCIL** – minutes attached

2. **LEASE AND SALE OF CITY-OWNED PROPERTY LOCATED AT 33 CANYON HIGHLANDS DRIVE** – staff report

The Council may consider the lease and sale of City-owned property located at 33 Canyon Highlands Drive, Oroville (APN 033-462-049), to a qualified City of Oroville Lease to Purchase Home Ownership Program applicant. **(Randy Murphy, City Administrator and Amy Bergstrand, Management Analyst III)**

Council Action Requested: **Adopt Resolution No. 8233 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE LEASE AND SALE OF 33 CANYON HIGHLANDS DRIVE, OROVILLE, TO DENISE JOHNSON AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS RELATING TO THE LEASE AND SALE OF THE ABOVE-MENTIONED PROPERTY, INCLUDING ANY AMENDMENTS THERETO.**

3. **MODIFICATIONS TO HOME INVESTMENT PARTNERSHIP FIRST TIME HOME BUYER LOAN PROGRAM GUIDELINES** – staff report

The Council may consider proposed modifications to the City of Oroville's Home Investment Partnership First Time Home Buyer Program Guidelines. **(Randy Murphy, City Administrator and Amy Bergstrand, Management Analyst III)**

Council Action Requested: **Authorize the modifications to the City of Oroville's Home Investment Partnership First Time Home Buyer Program Guidelines, as indicated in the July 15, 2014 staff report.**

4. **ZONING CODE AMENDMENT - DIGITAL DISPLAY SIGNS** – staff report

The Council may consider amending the City's Municipal Code Sections 26-04.020, 26-19.030 and 26-19.045 regarding digital display signs. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Council Action Requested: **Waive the second reading and adopt by title only, Ordinance No. 1806 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL AMENDING THE OROVILLE MUNICIPAL CODE SECTIONS 26-04.020, 26-19.030 AND 26-19.045 REGARDING DIGITAL DISPLAY SIGNS.**

5. **SUPPLEMENTAL BENEFITS FUND FUNDING AGREEMENT WITH FEATHER RIVER RECREATION AND PARK DISTRICT** – staff report

The Council, serving as the Supplemental Benefits Fund Administrator, may consider approving a Funding Agreement, in the amount of \$30,000, with Feather River Recreation and Park District for installation of irrigation well at the Nelson Sports Complex. **(Randy Murphy, City Administrator and Bob Marciniak, SBF Program Specialist)**

Council Action Requested: **Adopt Resolution No. 8234 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A FUNDING AGREEMENT BETWEEN THE CITY OF OROVILLE, SERVING AS FUND ADMINISTRATOR OF THE SUPPLEMENTAL BENEFITS FUND, AND FEATHER RIVER RECREATION AND PARK DISTRICT, IN THE AMOUNT OF \$30,000, FOR INSTALLATION OF AN IRRIGATION WELL AT NELSON SPORTS COMPLEX – (Agreement No. 3076).**

6. **STRONG MOTION INSTRUMENTATION AND SEISMIC HAZARD MAPPING FEE INCREASE** - staff report

The Council may consider adopting a fee increase on building permits for the strong motion instrumentation and seismic hazard mapping required for all cities and counties within the State of California. (**Donald Rust, Director of Community Development and Gary Layman, Chief Building Official**)

Council Action Requested: **Adopt Resolution No. 8235 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING THE FEE INCREASE ON BUILDING PERMITS FOR THE STRONG MOTION INSTRUMENTATION AND SEISMIC HAZARD MAPPING REQUIRED FOR ALL CITIES AND COUNTIES WITHIN THE STATE OF CALIFORNIA AS INDICATED IN SENATE BILL 861, CHAPTER 35, SECTION 2705.**

7. **PLACEMENT OF DELINQUENT GARBAGE BILLS ON THE 2014/15 PROPERTY TAX ROLL** – staff report

The Council may consider the placement of delinquent garbage bills to Recology on the 2014/15 property tax roll. (**Glenn Lazof, Interim Director of Finance**)

Council Action Requested: **Adopt Resolution No. 8236 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING DIRECT ASSESSMENTS FOR DELINQUENT GARBAGE BILLS FOR FISCAL YEAR 2013/14 ON THE 2014/15 PROPERTY TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY.**

8. **REVISION AND APPOINTMENTS TO BUILDING CODE AND DISABLED ACCESSIBILITY APPEALS BOARD** – staff report

The Council may consider a revision of the Building Code and Disabled Accessibility Appeals Board and the appointment of a new Chairperson and Vice Chairperson with one (1) temporary appointment until staff has advertised for application submittals from interested parties to fill the one (1) position available for the 2014 – 2017 term. (**Donald Rust, Director of Community Development and Gary Layman, Chief Building Official**)

Council Action Requested: **Adopt Resolution No. 8237 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE IMPLEMENTATION OF THE BUILDING CODE AND DISABLED ACCESSIBILITY APPEALS BOARD AND APPOINTING SCOTT GIBSON AS THE CHAIRPERSON, AND NEIL GRABER AS VICE CHAIRPERSON TO THE BOARD AND APPROVING THE PROPOSED LIST OF EXPERTS APPROVED BY THE CHIEF BUILDING OFFICIAL.**

PUBLIC HEARINGS - None

REGULAR BUSINESS

9. **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME USE POLICY** – staff report

The Council will receive a report outlining the required changes, effective July 1, 2014, to the Program Income and Revolving Loan Account policies in the State of California's Community Development Block Grant Program. (**Randy Murphy, City Administrator and Amy Bergstrand, Management Analyst III**)

Council Action Requested: **Direct staff, as necessary, including reflecting any known changes to the Business Assistance and Housing Development budget relating to the Final City Budget.**

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

The Council may consider the annual assessments for the City's Consolidated Landscape and Lighting Maintenance Assessment District, Zones 1-17. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested:

- 1. Adopt Resolution No. 8238 - A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2014/2015.**
- 2. Direct staff to make any changes and/or amendments to the Annual Assessment Report.**

11. ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, ZONES 1 – 8 – staff report

The Council may consider the annual assessments for the City's Consolidated Benefit Assessment District, Zones 1-8. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested:

- 1. Adopt Resolution No. 8239 - A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2014/2015**
- 2. Authorize any necessary budget adjustments to the Annual Assessment Report.**

12. PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING FOR PUBLIC WORKS INSPECTION SERVICES – staff report

The Council may consider a Professional Services Agreement, in an amount not to exceed \$20,000, for Public Works Construction Inspection Services. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested: **Adopt Resolution No. 8240 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING, IN AN AMOUNT NOT TO EXCEED \$20,000, FOR PUBLIC WORKS CONSTRUCTION INSPECTION SERVICES – (Agreement No. 3077).**

13. U.S. DEPARTMENT OF JUSTICE ASSET FORFEITURE PROGRAM EQUITABLE SHARING AGREEMENT AND CERTIFICATION- staff report

The Council may consider an U.S. Department of Justice Equitable Sharing Agreement and Certification allowing the Oroville Police Department to participate in the Asset Forfeiture Program. **(Bill LaGrone, Director of Public Safety)**

Council Action Requested: **Adopt Resolution No. 8241 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A U.S. DEPARTMENT OF JUSTICE EQUITABLE SHARING AGREEMENT AND CERTIFICATION ALLOWING THE OROVILLE POLICE DEPARTMENT TO PARTICIPATE IN THE ASSET FORFEITURE PROGRAM – (Agreement No.**

3078).

14. AUTHORIZATION TO PREPARE AND RELEASE A REQUEST FOR PROPOSAL FOR FIRE PROTECTION SERVICES FOR THE CITY OF OROVILLE – staff report

The Council may provide direction to the Director of Public Safety to prepare and release a Request for Proposal for Fire Protection Services for the City of Oroville. **(Randy Murphy, City Administrator and Bill LaGrone, Director of Public Safety)**

Council Action Requested: **Adopt Resolution No. 8242– A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO PREPARE AND RELEASE A REQUEST FOR PROPOSALS TO INVESTIGATE THE POSSIBILITY OF CONTRACTING WITH BUTTE COUNTY/CALFIRE, OR WITH ANOTHER DULY AUTHORIZED FIRE SERVICES PROVIDER TO PROVIDE CITY FIRE SERVICES AND TO REPORT BACK TO THE CITY COUNCIL FOR ACTION.**

15. AUTHORIZATION TO PREPARE AND RELEASE A REQUEST FOR PROPOSAL FOR LAW ENFORCEMENT SERVICES FOR THE CITY OF OROVILLE – staff report

The Council may provide direction to the Director of Public Safety to prepare and release a Request for Proposal for the proposed consolidation of Police Services with the Butte County Sheriff's Department, or another duly authorized law enforcement provider. **(Randy Murphy, City Administrator and Bill LaGrone, Director of Public Safety)**

Council Action Requested: **Adopt Resolution No. 8243– A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO PREPARE AND RELEASE A REQUEST FOR PROPOSALS FOR THE PROPOSED CONSOLIDATION OF POLICE SERVICES WITH THE BUTTE COUNTY SHERIFF'S DEPARTMENT, OR OTHER DULY AUTHORIZED LAW ENFORCEMENT PROVIDER AND TO REPORT BACK TO THE CITY COUNCIL FOR ACTION.**

16. MONTHLY SUMMARY OF INVESTMENTS AND MONTHLY FINANCIAL REPORTS FOR JUNE 2014 – reports attached

The Council will receive a copy of the Monthly Summary of Investments and the Monthly Financial Reports for June 2014. **(Randy Murphy, City Administrator)**

Council Action Requested: **Acknowledge receipt of the June 2014 Monthly Summary of Investments and Monthly Financial Reports.**

SUCCESSOR AGENCY - None

MAYOR/ COUNCIL REPORTS

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

- Appointments to Shay Locomotive restoration Ad hoc Committee
- Discussion – Rescheduling of July 17, 2014 Special Meeting - Budget Workshop

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

- Public Safety Department – activity report

CORRESPONDENCE

- Butte Local Agency Formation Commission, received July 7, 2014
- World Strides Discover Now Programs, received July 8, 2014
- Pacific Gas & Electric Company, received July 9, 2014

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter not listed on the agenda to step to the podium, state your name for the record and make your presentation. **Presentations are limited to 3 minutes.** Under Government Code Section 54954.2, The Council is prohibited from taking action except for a brief response by the Council or staff to a statement or question relating to a non-agenda item.

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 City Employee's Association, Oroville Fire Fighter's Association, Oroville Police Officers' Association, Oroville City Confidential Association, and Oroville Mid-Manager's Association.
2. Pursuant to Government Code Section 54957(b), the Council will meet with Labor Negotiators and City Attorney to consider the appointment, employment, evaluation of performance, discipline, and/or dismissal of a public employee related to the following position: Director of Finance.
3. Pursuant to Government Code section 54956.9(b), the Council will meet with the City Administrator and the City Attorney regarding potential litigation – two cases

ADJOURNMENT

The meeting will be adjourned. The next regular meeting of the Oroville City Council will be held on Tuesday, August 5, 2014 at 5:00 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.

**CITY COUNCIL MEETING MINUTES
JULY 1, 2014 – 5:00 P.M.**

The agenda for the July 1, 2014 regular meeting of the Oroville City Council was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at www.cityoforoville.org on Friday, June 25, 2014, at 4:14 p.m.

The July 1, 2014 regular meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 5:03 p.m.

ROLL CALL

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

Absent: None

Staff Present:

Randy Murphy, City Administrator
Bill La Grone, Director of Public Safety
Donald Rust, Director of Planning & Development Services
Luis Topete, Associate Planner
Dean Hill, Battalion Chief
Gary Layman, Building Official

Scott Huber, City Attorney
Karolyn Fairbanks, City Treasurer
Dawn Nevers, Administrative Assistant
Glenn Lazof, Interim Director of Finance
Allen Byers, Police Lieutenant

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Dahlmeier.

PROCLAMATION / PRESENTATION

Vince Carano, President of the Oroville Downtown Business Association, made a presentation to the Council in appreciation of City of Oroville employees.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

Alice Tidwell – Item No. 10
Stu Shaner – Item No. 10
Jim Lenhoff – Item no. 10
David Jewell – Item No. 10
Joe Hottuiger – Item No. 10
Jared Cooley – Item No. 12

Bill Williams – Item No. 10
Ron Strong – Item No. 10
Victoria Coots – Item No. 10 and 12
Celia Hirschman – Item No. 10 and 12
Don Batten - Item No. 10
Skip George - Item No. 16

CONSENT CALENDAR

A motion was made by Council Member Bunker, seconded by Council Member Pittman, to approve the following Consent Calendar:

1. **APPROVAL OF THE MINUTES OF THE JUNE 17, 2014 REGULAR MEETING AND JUNE 24, 2014 SPECIAL MEETING OF THE OROVILLE CITY COUNCIL** – minutes attached
2. **APPLICATION TO PLACE THE LOTT HOME ON THE NATIONAL REGISTER OF HISTORIC PLACES** – staff report

The Council considered directing staff to work with the Friends of the Parks to process the required paperwork to place the Lott Home on the National Register of Historic Places. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Council Action Requested: **Direct staff to work with the Friends of the Parks to process the required paperwork to place the Lott Home on the National Register of Historic Places.**

3. **SETTING FORTH A CHARGE OF \$277 FOR CANDIDATE'S STATEMENT** – staff report

The Council considered setting forth a \$277 deposit to be levied against each candidate wishing to include a candidate's statement in the 2014 General Municipal Election pamphlet. **(Randy Murphy, City Administrator)**

Council Action Requested: **Adopt Resolution No. 8226 – A RESOLUTION OF THE OROVILLE CITY COUNCIL DETERMINING THAT A CHARGE OF \$277 IS LEVIED AGAINST EACH CANDIDATE FOR THE CANDIDATE'S STATEMENT SENT TO THE VOTERS FOR THE CITY OF OROVILLE'S GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 4, 2014.**

4. **MODIFICATIONS TO THE LEASE TO PURCHASE PROGRAM** – staff report

The Council considered modifications to the Lease to Purchase Program guidelines. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Authorize the modifications to the Lease to Purchase Program guidelines.**

5. **MODIFICATIONS TO THE AUTHORIZED SIGNATURES FOR VARIOUS HOUSING AND ECONOMIC DEVELOPMENT GRANTS** – staff report

The Council considered modifications to the authorized signatures for various housing and economic development housing grants. **(Pat Clark, Director of Business Assistance and Housing Development)**

Council Action Requested: **Adopt Resolution No. 8227 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING MODIFICATIONS TO THE AUTHORIZED SIGNATURES FOR VARIOUS HOUSING AND ECONOMIC DEVELOPMENT GRANTS.**

6. **ITEM WAS REMOVED FROM THE CENSENT CALENDAR (SEE BELOW)**

7. **ACCEPTANCE OF A UNITED STATES ENVIRONMENTAL PROTECTION AGENCY COMMUNITY-WIDE BROWNFIELD ASSESSMENT GRANT RELATING TO PROPERTIES WITHIN THE INDUSTRIAL AREA (IU2) PROJECT AREA** – staff report

The Council considered the acceptance of a \$400,000 United States Environmental Protection Agency Grant to conduct a community-wide brownfield assessment of properties within the Industrial Area (IU2) project area. **(Donald Rust, Director of Community Development)**

Council Action Requested:

1. **Adopt Resolution No. 8228 - A RESOLUTION OF THE OROVILLE CITY COUNCIL ACCEPTING \$400,000 FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S FOR A COMMUNITY-WIDE BROWNFIELD ASSESSMENT GRANT PROGRAM AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO THE GRANT.**
2. **Direct staff to reflect the necessary appropriations in the City's final budget for Fiscal Year 2014/2015 on August 12, 2014.**

8. **ACCEPTANCE OF A UNITED STATES ENVIRONMENTAL PROTECTION AGENCY SITE-SPECIFIC BROWNFIELD ASSESSMENT GRANT – staff report**

The Council considered the acceptance of a \$350,000 United States Environmental Protection Agency Grant to conduct a site-specific brownfield assessment of a 39-acre property located at the intersection of Oro Dam Boulevard (east) and Veatch Street (APN 035-270-016). **(Donald Rust, Director of Community Development)**

1. **Adopt Resolution No. 8229 - A RESOLUTION OF THE OROVILLE CITY COUNCIL ACCEPTING \$350,000 FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S 2014 SITE-SPECIFIC BROWNFIELD ASSESSMENT GRANT PROGRAM AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATING TO THE GRANT.**
2. **Direct staff to reflect the necessary appropriations in the City's final budget for Fiscal Year 2014/2015 on August 12, 2014.**

The motion to approve the above Consent Calendar was passed by the following vote:

Ayes:	Council Members Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes:	None
Abstain:	None
Absent:	None

ITEMS REMOVED FROM THE CONSENT CALENDAR

6. **SERVICE AGREEMENT WITH ARAMARK FOR UNIFORM CLEANING SERVICES – staff report**

The Council considered a three (3) year Service Agreement with Aramark for uniform cleaning services. **(Donald Rust, Director of Community Development)**

At the request of Council Member Bunker, this item was removed from the Consent Calendar for clarification.

Following discussion, a motion was made by Council Member Bunker, seconded by Council Member Pittman, to:

1. **Approve the three (3) year Service Agreement with Aramark for uniform cleaning services.**
2. **Authorize staff to continue using Ameripride for uniform cleaning services until August 1, 2014, or until the services begin with Aramark.**

The motion was passed by the following vote:

Ayes: Council Member Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

PUBLIC HEARING

9. ZONING CODE AMENDMENT - DIGITAL DISPLAY SIGNS – staff report

The Council held a public hearing and considered amending the City's Municipal Code Sections 26-04.020, 26-19.030 and 26-19.045 regarding digital display signs. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Mayor Dahlmeier opened the public hearing. Hearing no comments or questions from the audience the public hearing was closed.

Following discussion, a motion was made by Vice Mayor Wilcox, seconded by Council Member Bunker, to:

Waive the first reading and introduce by title only, Ordinance No. 1806 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL AMENDING THE OROVILLE MUNICIPAL CODE SECTIONS 26-04.020, 26-19.030 AND 26-19.045 REGARDING DIGITAL DISPLAY SIGNS.

The motion was passed by the following vote:

Ayes: Council Member Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

REGULAR BUSINESS

10. LIMA SHAY LOCOMOTIVE WITHIN HEWITT PARK – staff report

The Council considered the potential sale of the Lima Shay Locomotive currently located in Hewitt Park. **(Donald Rust, Director of Community Development)**

Community members and supporters of keeping the Shay Locomotive, including: Alice Tidwell, Bill Williams, Stu Shaner, Ron Strong, Jim Lenhoff, Victoria Coots, Celia Hirschman, David Jewell, Joe Hottuiger, and Don Batten. All spoke in support of the City keeping the Shay Locomotive to preserve the City's history.

Following discussion, a motion was made by Council Member Bunker, seconded by Council Member Berry, to:

- 1. Direct staff not to sell the Shay Locomotive currently located in Hewitt Park.**
- 2. Form an Ad hoc Committee to work with City staff on the potential restoration of the Shay Locomotive currently located in Hewitt Park.**

The motion was passed by the following vote:

Ayes: Council Member Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

11. AMENDMENT TO LEGAL AGREEMENT WITH COTA COLE, LLP –staff report

The Council considered an amendment to the Legal Services Agreement with Cota Cole, LLP, for City Attorney Services. **(Randy Murphy, City Administrator)**

Following discussion, a motion was made by Vice Mayor Wilcox, seconded by Council Member Pittman, to:

Adopt Resolution No. 8230 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE LEGAL SERVICES AGREEMENT WITH COTA COLE, LLP, FOR CITY ATTORNEY SERVICES – (Agreement No. 2004-3).

The motion was passed by the following vote:

Ayes: Council Member Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

12. COLLABORATION BETWEEN FEATHER RIVER RECREATION AND PARK DISTRICT AND THE CITY OF OROVILLE FOR SHARING RESOURCES – staff report

The Council received information and relating to the collaboration between Feather River Recreation and Park District and the City for the use of the Municipal Auditorium for their sports programs, the return of Bedrock Park to the City, and the funding of a Reserve Police Officer. **(Randy Murphy, City Administrator)**

Oroville Police Department, Detective, Jared Cooley, spoke in opposition to the use of funding of a Reserve Police Officer.

Victoria Coots and Celia Hirschman spoke in support of collaboration between the, Feather River Recreation and Park District and the City funding of the Reserve Police Officer.

Following discussion, a motion was made by Council Member Andoe, seconded by Council Member Pittman, to:

Authorize staff to continue the negotiations with Feather River Recreation and Park District and return this item to next regular City Council meeting on July 15, 2014.

The motion was passed by the following vote:

Ayes: Council Member Andoe, Bunker, Pittman, Simpson, Mayor Dahlmeier
Noes: Council Member Berry
Abstain: None
*Absent: Vice Mayor Wilcox

*Vice Mayor Wilcox excused herself briefly from the meeting.

13. DISCUSSION OF GAS TAX REVENUES FOR THE CITY – staff report

The Council received a report on how gas taxes are distributed to the City. **(Randy Murphy, City Administrator)**

14. EMPLOYMENT AGREEMENT FOR ASSISTANT CHIEF OF POLICE – staff report

The Council considered an Employment Agreement between the City of Oroville and Allen W. Byers for the position of Assistant Chief of Police. **(Randy Murphy, City Administrator)**

Following discussion, a motion was made by Council Member Simpson, seconded by Council Member Bunker, to:

- 1. Adopt Resolution No. 8231 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND ALLEN W. BYERS FOR THE POSITION OF ASSISTANT CHIEF OF POLICE – (Agreement No. 3073).**
- 2. Authorize staff to perform the necessary personnel and budgetary actions in order to activate and fund the position of Assistant Chief of Police.**

The motion was passed by the following vote:

Ayes: Council Member Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor
Wilcox, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

15. EMPLOYMENT AGREEMENT FOR DEPUTY FIRE CHIEF/FIRE MARSHAL – staff report

The Council considered an Employment Agreement between the City of Oroville and Dean J. Hill, Jr. for the position of Deputy Fire Chief/Fire Marshal. **(Randy Murphy, City Administrator)**

A motion was made by Council Member Simpson, seconded by Council Member Bunker, to:

1. **Adopt Resolution No. 8232 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND DEAN J. HILL, SR. FOR THE POSITION OF DEPUTY FIRE CHIEF/FIRE MARSHALL – (Agreement No. 3074).**
2. **Authorize staff to perform the necessary personnel and budgetary actions in order to activate and fund the position of Deputy Fire Chief/Fire Marshall.**

The motion was passed by the following vote:

Ayes: Council Member Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor
Wilcox, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

16. CITY'S FINAL OFFER TO THE OROVILLE FIREFIGHTERS' ASSOCIATION REGARDING STAFFING STRUCTURE – staff report

The Council considered imposing the City's final offer to the Oroville Firefighters' Association regarding the staffing structure at the Oroville Fire Department. **(Randy Murphy, City Administrator)**

Oroville Firefighters' Association President, Skip George, spoke in opposition of the proposed Fire Department staffing structure.

Following discussion, a motion was made by Council Member Berry, seconded by Council Member Bunker, to:

Implement the Fire Department staffing structure and order its implementation July 2, 2014, or as soon as practicable thereafter, but not later than the onset of the next 24 day cycle.

The motion was passed by the following vote:

Ayes: Council Member Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor
Wilcox, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

17. ADOPTION OF FISCAL YEAR 2015 BUDGET – staff report

The Council considered the adoption of the preliminary budget, as revised, to be the Fiscal year 2015 working budget. **(Randy Murphy, City Administrator and Glenn Lazof, Interim Director of Finance)**

Following discussion, a motion was made by Council Member Bunker, seconded by Vice Mayor Wilcox, to:

Adopt the revised budget for Fiscal Year 2015.

The motion was passed by the following vote:

Ayes: Council Member Andoe, Berry, Bunker, Pittman, Simpson, Vice Mayor
Wilcox, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

MAYOR/ COUNCIL REPORTS

Council Member Pittman gave a brief update on the upcoming 2014 Lake Oroville Dam Veteran's 4th of July Fireworks Show coordinated by the Rotary Club of Oroville.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

Bill LaGrone, Director of Public Safety, gave an update on the progress of patrolling the community parks and transit stations.

Donald Rust, Director of Community Development, announced the award of two (2) grants, and updated the Council of the resolved issue with local contractor, Malcom Hall.

Glenn Lazof, Interim Director of Finance, gave an update in regards to the progress in the Finance Department:

- The new customer window for bus pass purchases is now operating
- A Request For Proposals has been posted for a new Auditor, with a deadline of August 29th, 2014
- Cost accounting for participating City departments has begun

Randy Murphy, City Administrator, presented the correspondence from the Butte County Fair regarding donation requests for the awards program.

CORRESPONDENCE

- Pacific Gas & Electric Company, received June 16, 2014
- Butte County Fair, received June 23, 2014

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON NON-AGENDA ITEMS - None

CLOSED SESSION

The Council held a Closed Session on the following:

1. Pursuant to Government Code section 54957.6, the Council met with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville City Employee's Association, Oroville Fire Fighter's Association, Oroville City Confidential Association, and Oroville Mid-Manager's Association.
2. Pursuant to Government Code Section 54957(b), the Council met with the City Administrator and City Attorney to consider the appointment, employment, evaluation of performance, discipline, and/or dismissal of a public employee related to the following position: Assistant Fire Chief.
3. Pursuant to Government Code Section 54957(b), the Council met with Labor Negotiators, City Attorney and Director of Public Safety to consider the appointment, employment, evaluation of performance, discipline, and/or dismissal of a public employee related to the following position: Assistant Chief of Police.
4. Pursuant to Government Code Section 54957(b), the Council met with Labor Negotiators, City Attorney and Director of Public Safety to consider the appointment, employment, evaluation of performance, discipline, and/or dismissal of a public employee related to the following position: Director of Finance.
5. Pursuant to Government Code section 54956.9(b), the Council met with the City Administrator and the City Attorney regarding potential litigation – two cases

Mayor Dahlmeier announced that no actions had been taken in Closed Session and direction had been given to staff.

ADJOURNMENT

The meeting was adjourned at 9:16 p.m. A regular meeting of the Oroville City Council will be held on Tuesday, July 15, 2014, at 5:00 p.m.

Randy Murphy, City Clerk

Linda L. Dahlmeier, Mayor

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

**FROM: RANDY MURPHY, CITY ADMINISTRATOR
AMY BERGSTRAND, MANAGEMENT ANALYST III**

**RE: LEASE AND SALE OF CITY-OWNED PROPERTY LOCATED AT
33 CANYON HIGHLANDS DRIVE**

DATE: JULY 15, 2014

SUMMARY

The Council may consider the lease and sale of City-owned property located at 33 Canyon Highlands Drive, Oroville, (APN 033-462-049), to a qualified City of Oroville Lease to Purchase Home Ownership Program (LPP) applicant.

DISCUSSION

On May 5, 2009, the Council approved the Lease to Purchase Home Ownership Program (Program) for the purpose of creating additional home ownership opportunities to a broader range of individuals. The Program requires a lease period of approximately 36 months resulting with the lessee purchasing the property at the end of the lease.

At the July 8, 2014 Loan Advisory Committee (LAC) meeting, staff presented the LPP applicant information and received LAC approval to move forward and ask the Commission to enter into a Lease and Mandatory Purchase Agreement for the following:

Denise Johnson – 33 Canyon Highlands Drive

Approx. Lease Start Date: 8/1/14

Lease Payment: \$789.55

Sale Price: \$139,000.00

Expected Purchase Date: 8/1/17

The City will provide a fully amortized loan with a market interest rate in the amount of \$91,750 and a loan subsidy of \$46,250.

*15% of all lease payments will be applied towards the closing costs upon the purchase of the home. If the Lessee fails to comply with all program guidelines, the 15% will return to the City.

CC-2

FISCAL IMPACT

The fiscal impact includes future revenue from lease payments and the fully amortized primary loan funded by Housing Program Funds.

RECOMMENDATION

Adopt Resolution No. 8233 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE LEASE AND SALE OF 33 CANYON HIGHLANDS DRIVE, OROVILLE, TO DENISE JOHNSON AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS RELATING TO THE LEASE AND SALE OF THE ABOVE MENTIONED PROPERTY, INCLUDING ANY AMENDMENTS THERETO.

ATTACHMENTS

Resolution No. 8233

**CITY OF OROVILLE
RESOLUTION NO. 8233**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE LEASE AND SALE OF 33 CANYON HIGHLANDS DRIVE, OROVILLE, TO DENISE JOHNSON, AND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS RELATING TO THE LEASE AND SALE OF THE ABOVE MENTIONED PROPERTY, INCLUDING ANY AMENDMENTS THERETO

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

1. The Oroville City Council hereby authorizes the lease and sale of 33 Canyon Highlands Drive to Denise Johnson, qualified Lease to Purchase Applicant. The purchase price is \$139,000 and the City of Oroville will provide a fully amortized primary loan at the time of purchase with a loan subsidy.
2. The City Administrator is authorized to execute all documents relating to the Lease and Mandatory Purchase Agreement, the sale and escrow, including any amendments thereto.
3. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the City of Oroville at a regular meeting on July 15, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Randy Murphy, City Clerk

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: RANDY MURPHY, CITY ADMINISTRATOR
AMY BERGSTRAND, HOUSING MANAGEMENT ANALYST III**

**RE: MODIFICATIONS TO THE HOME INVESTMENT PARTNERSHIP
FIRST TIME HOME BUYER LOAN PROGRAM GUIDELINES**

DATE: JULY 15, 2014

SUMMARY

The Council may consider proposed modifications to the City of Oroville's Home Investment Partnership (HOME) First Time Home Buyer Program Guidelines.

DISCUSSION

The City's State HOME Program representative recently contacted staff to outline the required modifications to the City of Oroville's HOME, First Time Home Buyer Program Guidelines. A few of the major modifications are:

1. The reason of "not a reasonable inventory of home in this size" has been removed from the "modest" housing description. It is no longer applicable.
2. The maximum loan-to-value has changed to allow the total indebtedness not to exceed 100% of the sales price plus a maximum of 5% of the sales price to cover closing costs/prepaid items.
3. Revised the section titled "Lead Based Paint Requirements" to reflect HOME's verbiage.
4. Added to the Section titled "Acquisition Notice"
5. The Housing Expense Ratio (front-end ratio) will now be between 25% and 35%
6. The Total Debt to Income Ratio (back-end ratio) will now be between 28% and 42%. This reduces the maximum allowable from 44%.
7. Income qualifications will now be based on two (2) full month's pays stubs regardless of how often they are paid. (this used to be 6 most recent)
8. Permitted transfers section has been revised.

FISCAL IMPACT

None

CC-3

RECOMMENDATION

Authorize the modifications to the City of Oroville's HOME First Time Home Buyer Program Guidelines, as indicated in this staff report, dated July 15, 2014.

ATTACHMENTS

HOME FTHB Program Guidelines

CITY OF OROVILLE

HOME Investment Partnerships Program

First Time Home Buyer (FTHB)

PROGRAM GUIDELINES

revise

CITY OF OROVILLE

FIRST TIME HOME BUYER

PROGRAM GUIDELINES

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ATTACHMENTS

ATTACHMENT #1: HOMEBUYER PROGRAM LEAD COMPLIANCE DOCUMENT CHECKLIST

EXHIBIT "A": HUD HOME PROGRAM INCOME LIMITS & 2010 HOME PROGRAM MAXIMUM
PURCHASE PRICE AND SUBSIDY LIMITS PER UNIT

EXHIBIT "B": APPEALS BOARD

EXHIBIT "C": LOAN SERVICING PLAN

INTRODUCTION

The HOME Program was created under Title II (the Home Investment Partnership Act) of the National Affordable Housing Act of 1990. Funds provided under the HOME Program will be a useful tool to expand the availability of affordable housing for low- and very low-income families.

The First Time Home Buyers Program (FTHB) is designed to seek new and creative ways to make home ownership a reality for low- and very low-income Oroville residents.

Ultimate FTHB Program goals are to provide local residents with an affordable housing opportunity that would not otherwise be available and to establish a pool of revolving loan funds to assist future low-income Oroville residents seeking assistance to purchase their first home. Funds available for this project may come from various funding sources. All loan repayments will be used to assist other first-time home buyers. FTHB will seek out additional sources of funds that may become available to further promote affordable housing activities.

I. PURPOSE

The City of Oroville's "City" First Time Home Buyer Program (FTHB) is ~~designed~~ designed to assist low-and very low-income families achieve home ownership. The FTHB Program is designed to help first-time home buyers purchase a home and qualify for long-term financing from a conventional lender of their choice. The mortgage subsidy provides assistance that enables families to achieve home ownership and directly assists in reducing monthly payments through down payment assistance and monthly debt service reductions on a mortgage originated by private lenders.

II. CONFLICT OF INTEREST

When the City's First Time Home Buyer Program (FTHB) program contains Federal funds, the applicable Conflict of Interest requirements of 24 CFR Section 570.611 shall be followed for CDBG assistance, and Section 92.356 of the HOME Final Rule shall be followed for HOME assistance.

Specifically, any person who is an employee, agent, consultant, officer, or elected official or appointed official of the City of Oroville who exercises or exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision-making process or gain inside information with respect to these activities, may not obtain financial interest or benefit from a HOME-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties during their tenure and for one year thereafter.

III. POLICY

A. ELIGIBILITY

1. Location

- a. Loans will be made only for property located in residentially zoned areas within the City limits of Oroville.

2. Types of Housing

- a. The First Time Home Buyer Program was designed to provide mortgage subsidies for borrowers purchasing existing single-family homes located within the Oroville City limits. Therefore, mortgage subsidies are available for existing homes only. Existing homes include newly constructed homes never lived in and homes that the foundation has been poured and the permit

for the foundation has been finalized prior to the submittal of a first-time home buyer application to the City and prior to a sales agreement and an escrow being opened. The home construction must be completed and the house ready to occupy prior to the close of escrow and prior to any FTTHB assistance being released.

- b. A single-family manufactured home (including a mobile home) that was manufactured no more than ten (10) years prior to the date of the application for the issuance of a permit to install the manufactured home (in accordance with Government Code §65852.3(a)), provided it is placed on a permanent foundation and siding is extended to the foundation in a manner that is consistent with conventional homes.
- c. Existing multi-family units which provide individual ownership of the units, (i.e., condominiums or townhouses)

3. Property Standards for Existing Units

- a. Housing units must meet all applicable State and local codes and ordinances, and zoning ordinances.
 - 1. Before transfer, qualified City Housing Staff and /or City Building Inspector will inspect the property for any defects that pose a danger to health and will notify the prospective purchaser of work needed to cure defects. The building code compliance inspection is performed on behalf of the City for its security interest in the property as the Lender. The time in which defects must be cured and applicable property standards to be met are as follows:
 - i. Housing must be free from all noted health and safety defects before the close of escrow.
 - ii. Housing must meet all applicable local codes prior to the close of escrow.
- c. Property must be used as principal residence of applicant.
- d. Housing must be "modest", so it may not exceed three bedrooms and two bathrooms, ~~unless there are documented extenuating circumstances (e.g. it would create an overcrowding situation, there is not a reasonable inventory of~~

homes of this size, etc.) and the Loan Advisory Committee (LAC) approves the exception request.

4. Maximum Loan to Value

The loan-to-value ratio for a Program loan, when combined with all other indebtedness to be secured by the property, shall not exceed 100 percent of the sales price plus a maximum of up to 5 percent of the sales price to cover actual closing costs. An amount that, when added to the primary loan amount relating to the property, creates a total indebtedness that does not exceed 100% of the appraised value or market value estimate. More specifically, the primary loan amount plus the City loan subsidy amount may not exceed 100% of the appraised value with the exception of the one-time, upfront financed mortgage insurance.

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5. Property Value

In the case of acquisition of newly constructed housing or standard housing, the purchase price for a single-family home must be lower than the annual maximum purchase price/value limit amount established by the City (see Exhibit "A").

6. Floodplain Restrictions

Housing units located within a 100-year flood zone will be required to provide proof of flood insurance in order to close escrow.

7. Lead-Based Paint Requirements Hazards

HOME-assisted properties constructed prior to 1978 will meet lead-based paint requirements prior to purchase as follows: All housing units built prior to 1978 for which HOME or CDBG funding is anticipated are subject to requirements of this section 7. Such homes must undergo a visual assessment by a person who has taken HUD's online Visual Assessment course. Deteriorated paint must be stabilized, using work safe methods. Clearance must be obtained after paint stabilization by a DHS certified LBP Risk Assessor/Inspector. HOME and CDBG general administrative and activity delivery funds may be used to pay for lead based paint visual assessments, and if lead mitigation and clearance costs are incurred, these programs may incorporate the costs into the calculation of Program assistance.

The following requirements must be met:

a) **Notification:** 1) Prior to homebuyer's obligation to purchase a pre-1978 home, the Buyer will be given the most recent copy of and asked to read the EPA pamphlet "Protect Your Family From Lead in Your Home" (EPA 747-K-94-001). A signed receipt of the pamphlet will be kept in the City's homebuyer file.; 2) A notice to residents is required following a risk assessment/inspection using form DHS 8522 which is provided by the DHS-certified Risk Assessor/Inspector; 3) a notice to residents is required following lead-based paint mitigation work using Visual Assessment and Lead-based Paint Notice of Presumption and Hazard Reduction form, LBP-1 (Attachment xx).

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b) **Disclosure:** Prior to the homebuyer's obligation to purchase a pre-1978 housing unit, the HUD disclosure (Attachment xx), "Seller's Lead-based Paint Disclosure" notice must be provided by the seller to the homebuyer.

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c) **Inspections:** The Inspector shall conduct a "Visual Assessment" of all the dwelling unit's painted surfaces in order to identify deteriorated paint. All deteriorated paint will be stabilized in accordance with CFR 35.1330 (a) and (b); and a Clearance shall be made in accordance with CFR 35.1340.

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d) **Mitigation:** If stabilization is required, the contractor performing the mitigation work must use appropriately trained workers. Prior to the contractor starting mitigation work the City shall obtain copies of the contractor's and workers' appropriate proof of LBP training, as applicable to the job in order to assure that only qualified contractors and workers are allowed to perform the mitigation.

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a. ~~Lead-based paint notifications "Protect your Family from Lead in your Home" are given to purchasers;~~

b. ~~Housing Staff or another City staff person certified in Lead-Based Paint Visual Assessments will inspect the property for defective paint surfaces; and~~

c. ~~If defective paint surfaces are found, they will be properly abated in accordance with State and Federal regulations prior to any FTHB funding being provided.~~

- d. ~~In addition to the City's Lead-Based Paint Visual Assessment, any deficiencies noted in the appraisal must be reviewed and approved by the City (or required to be cured), including chipped and peeling paint. If chipped and peeling paint is noted on the appraisal, the City will require further review that will include testing by a certified specialist, abatement and subsequent clearance before any FTHB funding can be provided.~~
- e. ~~The Home Buyer Program Lead Document Checklist for Homebuyer Assistance shall be included in the FTHB Assistance file. See Attachment 1a.~~

8. Acquisition Notice (see HOME best practices 1.3 B)

Acquisition notice containing the items listed below will be provided to the seller prior to making the purchase offer. A housing unit selection process will be conducted by the homebuyers. Prior to making an offer to purchase an eligible housing unit, homebuyer shall provide seller with a disclosure containing the following provisions.

- a. ~~The purchaser homebuyer~~ has no power of eminent domain and, therefore, will not acquire the property if negotiations fail to result in an amicable agreement;
- b. The homebuyer's offer is An estimate of the fair market value of the housing unit property, to be finally determined by a state licensed appraiser
- c. The housing unit will be subject to inspection. The property must comply with local codes at the time of construction and local health and safety standards.
- d. All housing units built prior to January 1, 1978 will require lead paint disclosure to be signed by both the homebuyer and Seller;
- e. Since the purchase would be voluntary, the seller would not be eligible for relocation payments or other relocation assistance;
- f. The seller understand that the housing unit must be either: currently owner-occupied, newly constructed, or vacant for 90 days prior to submission of the purchase offer;
- g. If the seller is not provided with a statement of the above six provisions prior to the purchase offer, the seller may withdraw

from the agreement after this information is provided.

~~c. If an acquisition notice is not provided prior to the purchase offer, a provision that the seller may withdraw from the agreement after this information is provided.~~

9. Relocation Requirements

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Tenant-occupied properties will not be eligible for HOME assistance. Therefore, a property must be free of tenants ninety (90) days prior to having a purchase offer sales agreement in place and prior to an open escrow. See Attachment 2.

10. Applicant Characteristics

"First Time Home Buyer" means an individual or individuals or an individual and his or her spouse who have not owned a home during the three year period before the purchase of a home with HOME assistance, except that the following individual or individuals may not be excluded from consideration as a first-time home buyer under this definition:

a. A displaced homemaker who, while a homemaker, owned a home with his or her spouse or resided in a home owned by the spouse. A displaced homemaker is an adult who has not, within the preceding two years, worked on a full-time basis as a member of the labor force for a consecutive twelve-month period or who has been unemployed or underemployed, or experienced difficulty in obtaining or upgrading employment or worked primarily without remuneration to care for his or her home and family; or

4.

b. A single parent who, while married, owned a home with his or her spouse or resided in a home owned by the spouse. A single parent is an individual who is unmarried or legally separated from a spouse and has one or more minor children for whom the individual has custody or joint custody or is pregnant; or

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2.

c. An individual or individuals who owns or owned, as a principal residence during the three-year period before the purchase of a home with HOME assistance, a dwelling unit whose structure is:

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i. Not permanently affixed to a permanent

foundation in accordance with local or state regulations; or

- ii. Not in compliance with State, local, or model building codes and cannot be brought into compliance with such codes for less than the cost of constructing a permanent structure.

- d. Any individual(s) who has participated in any of the City's Home Ownership Programs in the past (including the CalHome, HOME, RDA and Lease to Purchase Program) are not eligible to participate again in the City of Oroville's Home Ownership Programs, no matter how much time has passed. The City of Oroville's Home Ownership Programs are a once-in-a-lifetime opportunity. Therefore, such individuals are excluded from eligibility in the Programs. An exception to this exclusionary clause might be granted if the applicant is eligible in all other categories and meets the definition of a "displaced homemaker" and/or the definition of a "single-parent" as described above in Applicant Characteristics (Section 10, a and b) ~~as described above in Applicant Characteristics (Section 10, a and b)~~:

- c. The applicant's gross annual income shall not exceed 80% of Butte County Area Median Family Income (by family size) as established by the State of California Department of Housing and Community Development on an annual basis. The Director of Business Assistance and Housing Development Department will incorporate the revised income limits as they become available. (See Exhibit "A" -- HUD HOME Program Income Limits.)

- d. In the event a loan is not approved within six months of the date of eligibility determination, the applicant's current monthly gross income shall be updated every six months from the date of eligibility determination until the applicant receives a FTHB loan.

- e. Applicant must have a credit profile that enables them to a credit profile ability to qualify for a primary mortgage ~~a positive credit profile to qualify for a mortgage loan with a private lender~~

- f. Definition of dependent for household size determination:
 - 1. A dependent shall be a member of the household who is 18 years of age or less and is related to the family pursuant to the IRS rules, adopted, or under legal guardianship

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established for custody.

2. An unborn child to the applicant.
 3. An individual 18 years of age or older shall be considered a dependent when the individual is enrolled as a full-time student. A 3rd party verification is required. Earnings in excess of \$480 shall be excluded from the family's income.
 4. A household member who is disabled and is related, adopted, or under legal guardianship shall be considered a dependent regardless of the individual's age if claimed as a dependent on the Head of Household's Federal tax return. The income of a disabled dependent shall be included in the household's gross income.
 5. All persons in the residence are considered household members for the purpose of income eligibility unless stipulated otherwise in HUD's "Income Calculation and Determination Guide for Federal Programs". All adults over 18 years, related or non-related, residing in the same household must be included in the household size for eligibility determination. The income of a non-dependent shall be included in the household's gross income.
- g. All Applicants are required to attend a First Time Homebuyer Workshop and obtain a certification covering the following topics: 1) Preparing for Home ownership 2) Available financing and credit analysis 3) Loan Closing and Homebuyer's responsibilities 4) Home maintenance and budgeting and 5) Loan Servicing and the impact of refinancing.
- h. The amount of the loan will be based upon the gross income of the family, family size, purchase price, and the income/debt ratio.

B. MAXIMUM CITY MORTGAGE SUBSIDY ASSISTANCE AMOUNT

The amount of City mortgage subsidy assistance will be based upon the applicant's household income level and the purchase price of the unit. The maximum financial assistance allowed families making varying incomes that are less than 80% of area median income (by family size), is \$100,000 not to exceed 45% of the purchase price of the home.

C. MORTGAGE SUBSIDY ASSISTANCE LIMITS

Within the Maximum Loan Amount, as set forth in Section III.B. above, the level of Mortgage Subsidy assistance shall be determined by the applicant's household income level, the purchase price of the unit and the family's housing expense ratio. Each borrower shall receive only the subsidy needed to allow them to become homeowners ("the Gap") while keeping their housing costs affordable. The primary lender will use the "~~minimum housing expense ratio~~Front-end Ratio" along with the "~~maximum debt-to-income~~Back-end Ratio" ~~ratio~~ for the First Time Home Buyer Program to determine the amount of the primary loan and, ultimately, the Program subsidy amount required, bridging the gap between the purchase price (less down payment) and the amount of the primary loan.

D. HOUSING EXPENSE and OVERALL FIXED DEBT RATIOS QUALIFYING RATIOS

~~The housing expense ratio is the sum of monthly principal and interest payments on the first Deed of Trust, property taxes, hazard insurance, and where applicable homeowner's association dues and mortgage insurance, as a percent of the household's monthly gross income. The housing expense ratio shall be limited as follows:~~

~~Minimum Housing Expense Ratio~~Front-end (housing) Debt-to-Income Ratio (DTI)

~~The front-end DTI ratio shall be between 25% and 35% and is the percentage of the borrower's gross monthly income (before deductions) that would cover the cost of the loan principal and interest payment, property taxes, property insurance, mortgage insurance, and HOA dues, if any.~~

~~The minimum housing expense ratio shall not be less than 25% of the household gross monthly income.~~

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~~Maximum Overall Debt to Income~~Back-end (total) Debt to Income Ratio ~~Ratio~~

~~The back-end (total) DTI ratio shall be between 28% and 42% and is the percentage of the borrower's gross monthly income that would cover the cost of housing as described in the paragraph above, plus any other monthly debt payments like car or personal loans and credit card debt, as well as child support and alimony payments. The maximum overall~~

**SUBSIDY CALCULATION
FOR A FAMILY OF FOUR EARNING \$2,730 PER MONTH**

Purchase Price of Property	\$ 200,000 124,500
Plus closing cost	3,500
Less \$1,000.00 down payment	- 1,000
Less primary lender loan amount	<u>- 109,000</u> 67,475
Equals Total Subsidy (Which is 45%)	\$ 90,00056,025

***Closing Costs are the borrower's responsibility**

- b. The housing unit selection process will be conducted by the homebuyer.
- c. Prior to making an offer to purchase an eligible housing unit, homebuyer shall provide the seller with a disclosure containing the following provisions (Depending on the HCD Program):
 - 1. Homebuyer has no power of eminent domain and, therefore, will not acquire the property if negotiations fail to result in an amicable agreement; and
 - 2. Homebuyer's offer is an estimate of the fair market value of the housing unit, to be finally determined by a state licensed appraiser; check where previously stated Section ~~4~~3, 8. Acquisition Notice
 - 3. The housing unit will be subject to inspection. The housing unit must comply with local codes at the time of construction and local health and safety standards.
 - 4. All housing units built prior to January 1, 1978 will require a lead paint disclosure to be signed by both the homebuyer and Seller (Attachment 2).

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~~3-5.~~ Since the purchase will be voluntary, the seller will not be eligible for relocation payments or other relocation assistance;

~~4-6.~~ The seller understands that the housing unit must be: currently owner-occupied, newly constructed, a renter purchasing the unit, or vacant for three months prior to submission of the purchase offer.

~~5-7.~~ If the seller is not provided with the Tenant Declaration and Notice to Seller forms, the seller may withdraw from the agreement after this information is provided.

~~6-~~ 8. Applicant submits an executed standard form Purchase and Sale Agreement and a primary lender pre-qualification letter. The Purchase and Sale Agreement will be contingent on the household and housing unit meeting Program eligibility requirements and receiving program loan approval.

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~~7-~~ 9. Recommendations will be submitted to the LAC. LAC determines applicant's approval or denial, and instructs Staff to notify the applicant. Staff provides written notification to applicant or agent of the applicant of approval or denial with reason and, if denied, a copy of the Program's appeal procedures. See Exhibit "B" for Appeal Procedures.

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~~8-~~ 10. Once the Primary Lender requirements are met, Program funds are deposited into the escrow account and the required escrow instructions and loan documents are provided to the title company.

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~~9-~~ 11. At the time of escrow, the City of Oroville shall be named as an additional loss payee on fire and flood, if required and extended coverage insures for the length of the loan and in an amount sufficient to cover all encumbrances or full replacement cost of the housing unit.

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2. THE PRIMARY LOAN

- a. Prior to obtaining a loan from the City, a homebuyer must provide evidence of financing for the maximum amount the Primary Lender is willing to loan (the "principal loan")

3. **QUALIFYING RATIOS**

- a. Principal loans underwritten by FHA, USDA Rural Development, Fannie Mae, Freddie Mac, or CalHFA, CalVet will be acceptable to establish creditworthiness, repayment ability, and dependability of income.

4. **LOAN TERM**

- a. The principal loan shall be a fixed rate (Fannie Mae), be fully amortized, and have a term "all due and payable" of no less than the primary loan, which can't be less than 30 years.

1. The first mortgage interest rate can not be more than 100 basis points higher than the Fannie Mae published rate. Published rate can be found at <https://www.efanniemae.com/sf/refmaterials/hrny/index.jsp> (published rate can be found at wallstreetjournal.com or Bloomberg.com)

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- b. The following are some examples of various types loans NOT ALLOWED in conjunction with the loan subsidy programs: Stated Income, Balloon Payments, ARMS, Interest Only, etc.

5. **IMPOUND ACCOUNT**

- a. All households will be required to have impound accounts for the payment of taxes and insurance for the life of the loan.

G. **TERMS OF MORTGAGE SUBSIDY ASSISTANCE**

1. Loan Term

The primary loan shall be fully amortized and have a term "all due and payable" in no fewer than 30 years. There shall not be a balloon payment due before the maturity date of the Program loan. The term of the mortgage assistance loan runs concurrently with the principal mortgage with a term no less than 30 years and is deferred until the end of the term or until sale, transfer, or rental of the property, or at such time the property is no longer the borrower's primary residence.

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2. Interest

~~The primary loan must have a fixed interest rate that does not exceed the current market rate, as established by an index identified in the most recent NOFA. No temporary interest rate buy-downs are permitted.~~

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The interest rate on the subsidy loan is three percent (3%) simple interest per annum for the first 15 years of the term. On the fifteenth year following the date of loan execution, three percent simple interest will stop accruing and 50% of the interest accrued thus far shall be forgiven. On the twentieth (20th) year following the date of loan execution, all interest shall be forgiven and only the principal loan amount shall be due.

~~Upon sale, title transfer, rental of the property, or the residence is no longer the borrower's principal residence; the borrower will be required to pay back the principal loan amount plus interest determined by the year of repayment.~~

3. Security

The City's loan is secured by a Deed of Trust and shall be subordinated only to a first deed of trust to the principal lender.

4. Payments

~~Payments of principal and interest are deferred for the term of the loan or until the sale or transfer of the property; or when the homeowner ceases to occupy the property as his/her principal residence. If the loan should become due and payable, then the whole principal loan amount plus any interest accrued shall be due and payable in full.~~

The borrower may choose to make payments at any time during the loan term and the City shall accept such payments with no penalty to the borrower for early payment or payoff of the loan.

5. Recapture & Affordability Periods

Under this option, where the City of Oroville is not imposing its own resale controls, the entire amount of the HOME loan ~~may~~ must be recaptured by the City of Oroville. The amount of accrued interest recaptured may be reduced as permitted under the State HOME Regulations. However, pursuant to 24 CFR 92.254, when the recapture requirement is triggered by a sale (voluntary or involuntary) of the housing unit, and there are no net proceeds or the net proceeds

are insufficient to repay the HOME investment due, only the net proceeds can be recaptured, if any. The net proceeds are the sales price minus superior loan repayments (other than HOME funds) and any closing costs. HOME loans made under the recapture option may also be assumed by subsequent HOME-eligible purchasers.

~~All HOME loans must use the recapture method unless the property is in a Community Land Trust or in a co-operative ownership form.~~

~~Homeownership units assisted with HOME funds shall meet the requirements of 24 CFR Sections 92.254, 92.255 and 92.258. Except for owner-occupied units being rehabilitated with HOME funds, all assistance shall be made available only to first-time homebuyers. No Additional HOME assistance may be provided during the period starting one year following the filing of the Project Completion Report through end of affordability period.~~

The HOME Period of Affordability as it pertains to recapture funds must be used when a loan is paid off. The recapture method is as follows:

Loan Subsidy under \$15,000	5 years
Loan Subsidy \$15,000-\$40,000.....	10 years
Loan Subsidy over \$40,000.....	15 years

IV. PROCEDURES

A. PROGRAM OUTREACH AND MARKETING

1. All outreach efforts will be done in accordance with State and Federal fair lending regulations to assure non-discriminatory treatment, outreach and access to the Program. No person shall, on the grounds of age, ancestry, color, creed, physical or mental disability or handicap, marital or familial status, medical condition, national origin, race, religion, gender or sexual orientation be excluded, denied benefits or subjected to discrimination under the Program. The City of Oroville will ensure that all persons, including those qualified individuals with handicaps have access to the Program.

The initial marketing activity will be directed toward the following organizations:

- a. Oroville Board of Realtors,

separately, all applications given out and those receiving assistance) and an explanation of any underserved segments of the population. This information is used to show that protected classes (age, gender, ethnicity, race and disability) are not being excluded from the Program. Flyers or other outreach materials, in English and any other language that is the primary language of the significant portion of the area residents, will be widely distributed in the Program-eligible area and will be provided to any local social service agencies. The Program may sponsor home-buyer classes to help educate home buyers about the home-buying process and future responsibilities. Persons who have participated in local home-buyer seminars will be notified about the Program.

- g. Retain a mailing list for each event or advertisement piece documenting outreach. Additionally, copies of Public Hearings will be mailed to special interest groups.
- g. Work closely with local real estate agents and primary lenders to explain the Program requirements for eligible housing units and homebuyers, and to review the Program processes. Local real estate agents and primary lenders will also be encouraged to have their customers participate in the Program.

B. APPLICANT PROCESSING

1. Applicant Pre-screening-The following are required to be completed with the submittal of an application for funding:
 - a. Copies of the last three years' tax returns and ~~six (6) most~~two (2) full months current pay stubs and/or current copy of Social Security award letter or copy of an award letter from financial aide, disability benefits or other evidence of income for the previous 12 months for all applicants. If the applicant has assets such as stocks, etc. they shall provide their most recent statement.
 - b. Copies of the last two months of bank statements for each open account. (Checking, savings)
 - c. Address (es), landlord name(s) and phone number(s) for the immediate past 3 years year (copies of lease agreements, rental agreements or other evidence of local tenancy).

- b. Local lending institutions,
 - c. Residential building contractors working in the City of Oroville, and
 - d. Local non-profit organizations that provide housing assistance to City residents.
 - e. Local non-profit organizations that provide housing assistance to the disabled residents.
2. City staff will direct market through the following methods:
- a. Publicize notice and hold public meetings in familiar, well-known locations.
 - b. Distribute program fliers to social service organizations, employers, and other referral agencies coming in contact with low-income families including: churches, health clinics, distribution centers, senior citizen centers, libraries, utility companies, local businesses, Legal Service of Northern California, California Human Development Corporation, Butte Community Partnership Coalition, the NAACP, Southeast Asian Task Force, Community Action Agency, Butte County Behavioral Health, ARC of Butte County, Butte County Public Guardian, Far Northern Regional Center, Independent Living Services of Northern California, Work Training Center, Butte County Housing Authority, etc.
 - c. Distribute program fliers to tenants of public and manufactured housing.
 - d. Make presentations to appropriate community groups that serve potential participants.
 - e. Prepare press releases for local media, such as newspaper, radio, cable television.
 - f. Place both the Fair Housing Lender logo and the Disabled wheel-chair and Accessibility symbol will be placed on all outreach materials. Fair Housing marketing actions will be based upon a characteristic analysis comparison (census data may be used) of the Program's eligible area compared to the ethnicity of the population served by the program (includes,

- d. Applicant's must attend a mandatory budgeting workshop offered through the City of Oroville. Also, a mandatory First Time Home Buyer workshop certification is required.
- e. Pre-qualification letter from a qualified lender stating the amount of mortgage in the borrower's price range. (The City maintain a list of both Lenders and Real Estate Agents who have attended the Annual Lender/Real Estate Agents Workshop) Applicants are not required to use the banks or brokerages listed and are encouraged to seek out their best deal. The City will assist with any questions or concerns that applicants may have.

2. Purchase and Primary Financing

- a. Upon securing a lender and providing an address for the purchase, an escrow account shall be opened and a tentative date for closing shall be established. The applicant is required to place a minimum \$1,000.00 deposit in the escrow account at the time they open escrow and provide a receipt to the CITY as documentation of their deposit and opened escrow. The \$1,000.00 must be applied towards the purchase price of the property. The \$1,000.00 deposit shall not be refunded to the buyer at the close of escrow; however, the purchase agreement should be written in such a way that if the sale of the home does not come to completion, the deposit will be returned to the applicant in full. The title company is to provide a copy of a Preliminary Title Report. A copy of lender's commitment should be received upon an opened escrow. A full sixty- day escrow is required for all FTHB loans. It is the responsibility of the borrower/lender to notify the City staff that escrow has opened.
- b. The value of the property as well as the sales price cannot exceed the annual maximum purchase price/value limit amount established by HUD under Section 203(b) (see attachment "B").
- c. When all items have been received, the Business Assistance and Housing Development Department staff will prepare the loan request and present a summary of information to the LAC. Full lender packets (excluding appraisal information) will be required by the agenda cutoff dates in order to be scheduled for a meeting. Lender packets not received by agenda cut-off dates will be held until the next scheduled meeting date. Lender packets will be returned if incomplete. Lender Packets

should contain a Mortgage Credit Analysis Worksheet or an Underwriter's transmittal summary, the Loan Application, verifications, income calculation, and the truth in lending disclosure, credit report and / or alternative credit documentation and supporting documents as needed.

- d. A Deed of Trust, Note, Truth in Lending, Request for Notice of Default and any other document the City may request will be signed in escrow by the buyers. This transaction shall be consecutive with the signing of the first mortgage lender's loan documents.
- e. Upon close of escrow, a policy of Title Insurance will be issued and a certified copy of closing statements shall be required for the file.
- f. All properties must be inspected and cleared by the City prior to the close of escrow. It is the responsibility of the borrower/lender/real estate agent to schedule an appointment with the City's Building Department.

3. Referral by Private Lender

- a. Lender will determine the eligibility of an applicant based on family size and income. City will verify eligibility based on "Income Calculation and Determination Guide for Federal Programs."
- b. Lender performs all underwriting criteria on the loan and provides credit reports to the City for each applicant. City verifies that there are no collections or charge-offs on credit report. If collections or charge-offs appear on the credit report, City will ensure the applicant has either paid or disputed and cleared these prior to close of escrow.
- c. The one-time, upfront financed mortgage insurance may be allowed as an includable cost in the primary loan. One-time, upfront financed mortgage insurance is the only cost that may be included in the primary loan amount and is the only exception for the outstanding total indebtedness (the primary loan and City or RDA loan subsidy) on the property to exceed appraised value. Otherwise, the total outstanding indebtedness may not exceed 100% appraised value or market value estimate.

All out-of-pocket costs such as appraisal, credit report, private lender fees and points, title costs, recordation fees, building permits, legal fees, and etcetera shall be the responsibility of the borrower.

- d. Lender transmits to City a current (within 90 days) Title Report and appraisal.
- e. Lender advises the City of preliminary loan approval and the applicant's need for a mortgage subsidy in relation to its credit analysis. The applicant's housing expense ratio shall not be less than 25% of the applicant's household income, as determined by the City. The City will verify the amount of a subsidy consistent with the FTHB policies, and ensure the principal mortgage is the maximum the principal lender will lend.
- f. All loans must be FHA approved, or equivalent (Cal Vet, Fannie Mae, Freddie Mac, USDA Rural Development).

4. Property Inspections

- a. Property must be inspected by the City Housing Staff and/or Building Inspector prior to approval. If the property is in need of repairs, A list of corrections or deficiencies will be submitted to the seller, real estate agents, and/or lender. It will be the responsibility of the parties involved to make the necessary corrections prior to the close of escrow. The property will also be inspected for lead-based paint hazards.
- b. Prior to the close of escrow, property must be free from health and safety defects.

5. Loan Approval

- a. Loans will be approved by the LAC established by the City Council of the City of Oroville. Loan requests requiring exceptions to these policies shall be considered by the LAC. The LAC may approve a loan application or may recommend City Council consideration. Loans that have been approved by LAC, including the information from the primary lender, must remain as it was approved by LAC upon close of escrow. Any changes to the loan amount, term, rate, etc. on the primary loan shall have to be approved by LAC. An exception to this rule would be if the interest rate should change before escrow

closes due to an unforeseen reason. If this should occur, the Director of the Business Assistance and Housing Development Department shall have the authority to accept minor changes on the primary loan, including a minor change in interest rate on the primary loan as long as the applicants still meets the minimum housing expense of 25% and falls under the total debt to income ratio 424% and everything else complies with Program Guidelines.

6. Loan Closing

- a. City deposits a mortgage subsidy with loan documents and appropriate instructions in escrow. The City Administrator is authorized to execute loan agreements on behalf of the City for loans approved as set forth in Section III.A.2.
- b. Loan documents are signed by the applicant and recorded concurrently with loan documents from a primary lender.
- c. No additional HOME assistance may be provided during the period starting one year following the filing of the Project Completion Report through the end of the affordability period.

10. Loan Advisory Committee Purpose and Composition

- a. Loan Advisory Committee Purpose--The function of the LAC will be to review and act on applications for financing recommended by Housing staff.. The LAC shall specifically review funding proposals and base their recommendations on eligibility, compliance with all program requirements, consistency of staff recommendations regarding terms and type(s) of assistance provided.
- b. Composition--The Committee will consist of three (3) members of the City Council to be appointed by majority vote of the City Council for a maximum two year term; two (2) individuals that reside in the Oroville City limits and/or own a business or work within the Oroville City limits, to be appointed by majority vote of the City Council for a maximum two year term; two (2) individual alternates, to be appointed by the City Council; and the Director of the Business Assistance and Housing Development exofficio member without a vote. Council member terms and terms for representatives of the City of Oroville may

be extended by a majority vote of the City Council.

C. FEDERAL OVERLAY REQUIREMENTS

The City of Oroville will comply with all Federal Overlay Requirements for the First Time Home Buyers Program.

1. Equal Opportunity and Fair Housing – The program will be implemented in ways consistent with the commitment to non-discrimination. No person shall be excluded from participation in, denied the benefit of, or be subject to discrimination under any program or activity funded in whole or in part with State funds on the basis of his or her religion or religious affiliation, age, race, color, creed, gender, sexual orientation, marital status, familial status (children), physical or mental disability, national origin, or ancestry, or other arbitrary cause.
 - a. The City will track all applicants and their demographics on an excel spreadsheet. The information from this spreadsheet will then be transferred onto the "HOME Demographic Analysis of HOME Program/Project" form.
 - b. The City will conduct outreach to inform Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) of opportunities to become a Participating Lender with the City of Oroville's FTHB Program by holding an annual Lender/Real Estate Agent Workshop to teach local lenders (loan officers, mortgage brokers, etc.) and real estate agents how the City of Oroville's FTHB Program works. Further, all lenders and Real Estate agencies are welcome to pick up a "Lender/Real Estate Agent" packet, any time of the year, that provides them with the necessary information to work with the City's Program.
2. Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination in federally-assisted programs on the basis of handicap - the City has substantially implemented Section 504. The City has altered existing facilities to be readily accessible and useable by individuals with disabilities and adopted procedures to insure interested persons can obtain information through the City's Personnel Coordinator. Additionally the city has implemented an outreach program that targets special interest groups.

3. Environmental Review Requirements - the City's environmental reviews are completed in accordance to the guidelines established by NEPA/CEQA.
4. Lead-Based Paint - See III.A.9., a, b, c, d (Page 7).
5. Labor Standards - The City shall comply with the Davis-Bacon wage determination and other Federal labor laws and regulations when applicable to construction contracts on all projects with 12 or more assisted units, regardless of whether HOME funds are used for construction or other costs.
6. The City has adopted relocation policies and procedures. Since tenants are not allowed, no benefits will be paid through the HOME program
7. The City shall comply with all procurement procedures and requirements of 24 CFR, Part 85.36 when purchasing and contracting supplies, equipment, construction, and other services acquired with HOME funds.
8. The City will comply with Conflict of Interest Provisions 24 CFR 92.356 Federal Regulations, 24 CFR 85.26 State Recipients and 24 CFR 84.42 Sub-Recipients.

Attachment 1a

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City of Oroville

Department of Business Assistance and Housing Department

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2495 FAX (530) 538-2539
www.cityoforoville.org

Pat Clark
DIRECTOR

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VISUAL ASSESSMENT FORM LEAD BASED PAINT

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Property Owner: _____

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Project Address: _____

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Year Built: _____

Location of LBP	Building Component	Paint Condition	Deterioration due to impact	Deterioration due to moisture	Other
Exterior	Good	Good			
Kitchen	Good	Good			

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Living Room	Good	Good			
Master bedroom	Good	Good			
Bedroom #2	Good	Good			
Bedroom #3	Good	Good			
Bedroom #4	Good	Good			
Bathroom #1	Good	Good			
Bathroom #2	Good	Good			
Family Room	N/A				
Office	N/A				
Garage	N/A				
Windows	Good	Good			
Hallway	Good	Good			
Other					

Additional Comments:

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Condition Terms

Good = Intact - no deteriorated paint

Fair = 2sq. ft. or less deteriorated paint on large interior components (doors, walls, etc);

10 sq. ft. or less on exterior surfaces.

Poor/ Needs Repair = More than 2sq. ft. deteriorated paint on large interior components (doors, walls, etc); more than 10 sq. ft. on exterior surfaces.

Lead Based Paint Visual Assessment Specialist

Brian Frenger

Date

Lead Based Paint Exemptions

The Lead Based Paint requirements do not apply to the following;

- Dwellings completed on or after 1978
- Housing exclusively for the elderly, persons with a disability, children over 6 years old.
- Zero bedroom dwellings
- Efficiency dwelling apartment's/dormitories
- Single room occupancies
- Housing inspected by a certified lead based paint inspector.
- Unoccupied buildings that will be demolished the foundation
- Non-residential property
- Rehab that does not disturb the paint surface
- Emergency repair
- Historical sites

ATTACHMENT I

Homebuyer Program Lead Compliance Document Checklist

The following documents should be in each Homebuyer unit file to document compliance with the lead requirements:

Document Name	Purpose	<input checked="" type="checkbox"/>
Lead Safe Housing Rule Screening Sheet	Documents exemptions	<input type="checkbox"/>
Physical inspection form (HQS or equivalent)	Documents visual assessment results	<input type="checkbox"/>
Seller Certification	Seller certifies that paint was stabilized by qualified workers and that safe work practices were followed during paint stabilization	<input type="checkbox"/>
Clearance Report and Clearance Review Worksheet	Documents that unit passed clearance	<input type="checkbox"/>
Disclosure Form	Documents that buyer received disclosure and pamphlet	<input type="checkbox"/>
Lead Hazard Reduction Notice	Documents that buyer received required lead hazard reduction notification.	<input type="checkbox"/>

This was taken from the HUD Website at

<http://www.hud.gov/offices/cpd/affordablehousing/training/leadsafe/usefulforms/index.dfm#crosscutting>

ATTACHMENT 2

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Disclosure to Seller with Voluntary, Arm's Length Purchase Offer

DECLARATION

This is to inform you that _____ would like to purchase the property, located at _____, if a satisfactory agreement can be reached. We are prepared to pay \$ _____ for a clear title to the property under conditions described in the attached proposed contract of sale.

Because Federal funds may be used in the purchase, however, we are required to disclose to you the following information:

1. The sale is voluntary. If you do not wish to sell, the buyer, _____, thru the agency, _____ will not acquire your property. The buyer does not have the power of eminent domain to acquire your property by condemnation (i.e. eminent domain) and the agency/Sponsor _____ will not use the power of eminent domain to acquire the property.
2. The estimated fair market value of the property is \$ _____ and was estimated by _____, to be finally determined by a professional appraiser prior to close of escrow.

Since the purchase would be a voluntary, arms length, transaction you would not be eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or any other law or regulation. Also, as indicated in the contract of sale, this offer is made on the condition that no tenant will be permitted to occupy the property before the sale is completed.

Again, please understand that if you do not wish to sell your property, we will take no further action to acquire it. If you are willing to sell the property under the conditions described in the attached contract of sale, please sign the contract and return it to us at:

_____. If you have any questions about this matter, please contact _____ at _____.

Sincerely,

Title

Buyer _____ Date

Buyer _____ Date

Form continues on next page with Seller's Acknowledgment

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Disclosure to Seller with Voluntary, Arm's Length Purchase Offer (Page 2)

Acknowledgement

As the Seller I/we understand that the _____ will inspect the property for health and safety deficiencies. I/we also understand that public funds may be involved in this transaction and, as such, if the property was built before 1978, a lead-based paint disclosure must be signed by both the buyer and seller, and that a Visual Assessment will be conducted to determine the presence of deteriorated paint.

As the Seller, I/we understand that under the City of Oroville homebuyer program, the property must be currently owner-occupied, vacant for three months at the time of submission of purchase offer, new (never occupied), or renter purchasing the unit. I/we hereby certify that the property is:

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Vacant at least 3 months; Owner-occupied; New; or Being Purchased by Occupant

I/we hereby certify that I have read and understand this "Declaration" and a copy of said Notice was given to me prior to the offer to purchase. If received after presentation of the purchase offer, I/We choose to withdraw or not to withdraw, from the Purchase Agreement.

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Seller Date

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Seller Date

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EXHIBIT A *

Exhibit A

HOME FTHB PROGRAM Income Limit Guidelines

The California Department of Housing and Community Development has advised our office of the income guidelines for 2011.

Part 5 (Section *) method for income determination will be used as described in the "Income Calculation and Determination Guide for Federal Programs".

Please use the following Income Guidelines to determine FTHB eligibility:

FAMILY SIZE	80% OF AREA MEDIUM
1	\$32,900
2	\$37,600
3	\$42,300
4	\$46,950
5	\$50,750
6	\$54,500
7	\$58,250
8	\$62,000

HOME 2011

SUBSIDY LIMITS PER UNIT				
0-BDR	1-BDR	2-BDR	3-BDR	4-BDR
\$128,698	\$147,531	\$179,398	\$232,080	\$254,753

NOTE: The above value limits can and do change periodically. If there is a discrepancy between any limit in this table and a limit obtained from the HCD please use HCD's income and susidy limits. Updated: August 1, 2011

MAXIMUM PURCHASE LIMIT

Single Family Residence Purchase Price Limit	\$200,000.00
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*NOTE: This limit is set by the City of Oroville and will not exceed the acquisition price in the NOFA or as approved by HUD.

- **MAXIMUM ELIGIBLE SQUARE FOOTAGE ALLOWED** FOR HOMES BEING PURCHASED THROUGH THE CITY OF OROVILLE'S FTHB PROGRAM IS **2,400 SQUARE FEET** - Any housing units greater than 2,400 sq. ft. is not deemed modest housing and shall not be eligible under this first-time home buyer's program. This rule is in addition to all of the "Property Standards for Existing Units" stated within the HOME Investment Partnership Program Guidelines.

EXHIBIT "C"

Loan Servicing Plan

The City of Oroville, here after called "Lender" has adopted this Loan Servicing Plan "Plan" in order to preserve its financial interest in properties, who's "Borrowers" have been assisted with public funds. The Lender will to the greatest extent possible, follow this Plan, but each loan will be evaluated and handled on a case-by-case basis. The Lender has formulated this Plan to comply with State and Federal regulations regarding the use of these public funds and any property restrictions, which are associated with them. Loan Servicing includes: Loan Monitoring and Compliance, Payments and Pay-off, Defaults and Foreclosures, Transfer and Subordination Requests.

~~A. Payments—The Lender shall process payments and late notices in the following manner:~~

- ~~1. On the date received, all payments will be posted to the Grant Management System.~~
- ~~2. A copy of all payment receipts shall be given to the Housing Department each month for the loan file.~~
- ~~3. The Finance Department shall deliver to the Housing Department an "Aging" Report each month. This report lists the current status of each loan (including late payments, days late, etc.)~~
- ~~4. Monthly, the Housing Department shall send out Late Payment Notices per the Aging Report.~~
- ~~5. There are no prepayment penalties.~~
- ~~6. For Notes, which are deferred payment loans; the Lender may accept voluntary payments on the loan. Loan payments will be credited to the interest first and then to principal.~~

B. Payment of Property Taxes and Insurance-

1. As part of keeping the loan from going into default, borrower must maintain property insurance coverage naming the Lender as loss payee in first position or additionally insured if the loan is a junior lien. Verification will be completed annually.
2. If the Borrower fails to maintain the necessary insurance, the Lender may take out forced place insurance to cover the property while the Borrower puts a new insurance policy in place.
3. All costs for installing the necessary insurance will be added to the loan balance at

EXHIBIT "B"

APPEALS PROCEDURES

Applicants Denied Financial Assistance - Applicants denied First-Time Home Buyer financial assistance or dissatisfied with financing decisions may request a review hearing with a three (3) member Appeals Board consisting of the Mayor and two (2) City Council members to be appointed by the Mayor. The 2 council members appointed by the mayor cannot be the same as the LAC members. A request for review must be submitted, in writing within fifteen (15) days following notification to the applicant of the Loan Advisory Committee's decision by the Housing Program staff. The request must detail the disputed Loan Committee decision, the reason given for any denial of assistance, and the action desired by the applicant to resolve the problem.

If the problem cannot otherwise be resolved by Housing Program staff (obtaining further applicant information and re-presenting the proposed loan to the LAC), then the Director of Business Assistance/Housing Development will request the City Administrator to arrange for a meeting of the Appeals Board. The meeting or review hearing must be held within 30 days of receipt of the applicant's written request to the Director of Business Assistance and Housing Development. Other than by members of the Appeals Board, the hearing will be attended by at least one Loan Advisory Committee member, the applicant, the City Administrator, and the Director of Business Assistance and Housing Development. The Appeals Board will determine if reconsideration should be given to the applicant by Program Officials and will specify the guidelines to be used in the re-evaluation.

Field Code Changed

Field Code Changed

Field Code Changed

the time of installation of Borrower's new insurance.

4. When a property is located in a 100 year flood plain, the Borrower will be required to carry the necessary flood insurance. A certificate of insurance for flood and for standard property insurance will be required at the close of escrow.
 5. Upon receipt of notice of non-payment of taxes from Butte County Tax Collector's office, the Lender shall send via certified mail, a notice stating that property taxes must be kept current during the term of the loan. If the Borrower fails to maintain payment of property taxes then the Lender may pay the taxes current and add the balance of the tax payment plus any penalties to the balance of the loan or call the loan immediately due and payable.
 6. All Homebuyer loans are required to hold impound accounts with their primary mortgagor.
- C. Require Request for Notice of Default- When a Borrower's loan is in second position behind an existing first mortgage, it is the Lender's policy to prepare and record a "Request for Notice of Default, for each senior lien in front of the Lender's loan. This document requires any senior lien holder listed in the notice to notify the lender of initiation of a foreclosure action. The lender will then have time to contact the Borrower and assist them in bringing the first loan current. The Lender can also monitor the foreclosure process and to through the necessary analysis to determine if the loan can be made whole or preserved. When the Lender is in a third position and received notification of foreclosure from only one senior lien holder, it is in their best interest to contact any other senior lien holders regarding the status of their loans.
- D. Annual Occupancy-All properties assisted with public funding are required to be owner-occupied.
1. An "Owner Occupancy Declaration" shall be mailed to Borrowers once per year to ensure continued owner-occupancy. The borrower will be required to submit a utility bill and/or other documentation annually to prove occupancy during the term of the loan.
 2. City Housing staff will drive by the property at a minimum of once per year to visually verify that the property is being maintained appropriately.
 3. Additionally, City Code Enforcement will notify City Housing Staff of any code violations or issues regarding properties within the loan portfolio.
- E. Payoffs- The City of Oroville's Finance and Housing Departments shall handle requests for payoffs as follows:
1. Once the Housing Department receives a payoff request, the Housing Department

shall send Finance a request for the payoff figures that contain all of the loan information. The Housing Department is responsible for verifying all information provided by the Finance Department with the information contained in the loan file.

2. The Housing Department will mail or email the Payoff Statement to the requesting party. Upon receipt of a payoff check, the Housing Department will complete Payoff Instructions for Finance, copy the check and Payoff Instructions for the loan file and then submit to Finance for processing.
3. A substitution of Trustee and Deed of Full Reconveyance will be signed by the City Administrator and delivered to the appropriate title company for recording.

F. Permitted Loan Transfers-In all cases where there is a change in title or occupancy or use, the Borrower must notify the Lender in writing of any change. Lender and Borrower will work together to ensure the property is kept in compliance with the original terms of the loan such that it remains available as an affordable home for low-income families.— These types of changes are typical when Borrowers do estate planning (adding a relative to title) or if a Borrower dies and the property is transferred to heirs or when the property is sold or transferred as part of a business transaction. In some cases the Borrower may move and turn the property into a rental unit without notifying the City. Changes in title or occupancy must be in keeping with the objective of benefit to low-income households (below 80 percent of AMI)Loans are not assumable except under the following limited circumstances:

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1. Change from owner-occupant to owner-occupant occurs at a sale. When a new owner-occupant is not low-income, the loan is not assumable and the loan balance is immediately due and payable. If the new owner-occupant qualifies as low-income, the purchaser may either pay the loan in full or assume all loan repayment obligations of the original owner-occupant, subject to the approval of the City's LAC. (depends upon HCD program).Homeowner (an original borrower) dies and the heir was part of the original household. The household stays unchanged from the original program application (except the deceased borrower). The income does not need to be verified, and as long as the surviving household member(s) continues to occupy the unit as their principal residence the loan would not be due and payable.

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2. If a transfer of the property occurs through inheritance, the heir (as owner-occupant) may be provided the opportunity to assume the loan at an interest rate based on household size and household income, provided the heir is income eligible. If the heir intends to occupy the property and is not low-income, the balance of the loan is due and payable. If the heir intends to act as an owner-investor, the balance of the loan may be converted to an owner/investor interest rate and loan term and rent limitation agreement is signed and recorded on title. All such changes are subject to review and approval of the LAC. Homeowner (an original borrower) dies and the heir (who was not part of the original household) is living in the unit. If the heir continues to live in the

~~unit and is income qualified (income verification is required), the loan would not be due and payable.~~

~~3. Changes from owner-occupant to owner-investor occurs when an owner-occupant decided to move out and rent the assisted property, or if the property is sold to an investor. If the owner converts any assisted unit from owner-occupied to rental, the loan is due in full. Homeowner (an original borrower) dies and the heir (not part of the original household) does not live in the home. If the heir agrees to live in the unit and is income qualified (income verification is required), the loan would not be due and payable.~~

~~4. Conversion to use other than residential use is not allowable where the full use of the property is changed from residential to commercial or other. In some cases, Borrowers may request that the City allow for a partial conversion where some of the residence is used for a business but the household still resides in the property. Partial conversion can be allowed if it is reviewed and approved by any and all agencies required by local statute. If the use of the property is converted to a fully non-residential use, the loan balance is due and payable.~~

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Examples of Loan Transfers that are not assumable are:

1. The Heir does not agree to live in the home and/or is not income qualified verification is needed), the loan is due and payable. The loan is not assumable.
 2. Conversions to non-residential use is not allowable. In some cases, borrowers may request that the City allow for a partial conversion where some of the residence is used for business purposes but the household still resides on the property. Partial Conversions can be allowed if reviewed and approved by any and all agencies required by local statute. If the property is converted to a fully non-residential use, the loan balance is due and payable.
- G. Request for Subordination- When a Borrower wishes to refinance the property, they must request a subordination request to the Lender. The Director of Business Assistance and Housing Development will review for approval.
1. The Lender will only subordinate their loan when there is no "cash out" as part of the refinance. This means, no additional charges on the transaction above loan and escrow closing fees.
 2. There can be no third party debt payoffs or additional encumbrances on the property above traditional refinance transaction costs.

3. The refinance should lower the housing cost of the household with a lower interest rate and the total indebtedness on the property should not exceed the current market value.

H. Lender as Senior Lien Holder

When the Lender is in first position as a senior lien holder, active collection efforts will begin on any loan that is 31 or more days in arrears. Attempts will be made to assist the homeowner in bringing and keeping their loan current. These attempts will be conveyed in an increasingly urgent manner until loan payments have reached 90 days in arrears, at which time the Lender may consider foreclosure. Lender staff will consider the following factors before initiating foreclosure.

1. Can the loan be cured and can the rates and terms be adjusted to allow for affordable payments that foreclosure is not necessary?
2. Can the Borrower refinance with a private lender and pay off the Lender?
3. Can the Borrower sell the property and pay off the Lender?
4. Does the balance warrant foreclosure? (if the balance is under \$5,000, the expense to foreclose may not be worth pursuing)
5. Will the sales price of the home "as-is" cover the principal balance owing, necessary advances, (maintain fire insurance, maintain or bring current delinquent property taxes, monthly yard maintenance, periodic inspections of property to prevent vandalism, etc.) foreclosure, and marketing costs?

If the balance is substantial and all of the above factors have been considered, the Lender may opt to initiate foreclosure. The Borrower must receive, by certified mail, a thirty-day notification of foreclosure initiation. This notification must include the exact amount of funds to be remitted to the lender to prevent foreclosure.

At the end of thirty (30) days, the Lender should contact a reputable title company to prepare and record foreclosure documents and make all necessary notification to the owner and junior lien holders. The title company will advise the lender of all required documentation to initiate foreclosure. (Note and Deed of Trust, usually) and funds required from the owner to cancel foreclosure proceedings. The title company will keep the lender informed of the progress of the foreclosure proceedings. When the process is completed, and the property had "reverted to the beneficiary" at the foreclosure sale, the lender could sell the home themselves under a homebuyer program or other eligible use. The Lender could sell the home or use it in the Lease to Purchase Program.

- I. Default and Foreclosure- the Lender is authorized to declare, at its option, all or any part of such indebtedness immediately due and payable should any of the following occur:**
- 1. Failure to pay the amount of any installment of principal and interest, or any other charge payable on the note which will have become due, prior to the due date of the next installment.**
 - 2. Non-performance by the borrower of any of the terms and conditions of the Deed of trust, Promissory Note, and/or Loan Repayment Agreement, or any other agreement made by the Borrower with the City of Oroville.**
 - 3. Failure of the Borrower to perform any covenant, agreement, term or condition in any instrument creating a lien upon the conveyed property, or any part thereof, which will have priority over the lien of the Deed of Trust. A request for Notice of Default will be recorded against the property.**
 - 4. If the City discovers that the borrower has failed in any application to disclose any fact deemed by the City to be material, or in making that would have prevented the borrower from being eligible for the loan, or any of the agreements entered into by the borrower with the City (included but not limited to, the Note, Deed of Trust and Loan Repayment Agreement) of any misrepresentation by, on behalf of or all for the benefit of the borrower.**
 - 5. Upon default by the borrower in payment of any indebtedness secured, or in performance of any agreement the City may declare all sums secured immediately due and payable, after the City has provided written notice of declaration and of election to cause the property to be sold**
 - 6. After a lapse of time required by law, and following the recordation of the Notice of Default and Notice of Sale, the borrower will sell the property at the time and place filed in the Notice of Sale, at a public auction to the highest bidder, for cash in lawful money of the United States, payable at the time of sale. Any person, including the borrower and City, may purchase at the sale. The proceeds of the sale will be applied as follows:**
 - a) The expenses of such sale, together with reasonable expenses, which include legal fees if any are incurred;**
 - b) Cost of any evidence of title procured in connection with such sale and revenue stamps on the Trustee's Deed;**
 - c) All sums expended under the terms; not repaid, with accrued interest at the rate provided on the principal debt;**

d) All other sums then secured hereby;

e) The remainder, if any, to the person or persons legally entitled thereto.

J. Process for Loan Foreclosure- Upon any condition of loan default: nonpayment; lack of insurance of property tax payment; violation of rent limitation agreement; change in title or use without approval; default on senior loans, the Lender will send out a letter to the Borrower notifying them of the default. If the default situation continues then the Lender may start a formal process of foreclosure.

- 1. When a senior lien holder starts a foreclosure process the Lender is notified via a Request for Notice of Default, the Lender, who is the junior lien holder, may cancel the foreclosure proceedings by "reinstating" the senior lien holder. The reinstatement amount of payoff amount must be obtained by contacting the senior lien holder. This amount will include all delinquent payments, late charges and fees to date. Lender must confer with Borrower to determine if, upon paying the senior lien holder current, the Borrower can provide future payments. If this is the case then the Lender may cure the foreclosure and add the costs to the balance of the loan with a Notice of Additional Advance on the existing note.**
- 2. If the Lender determines, based on information on the reinstatement amount the status of borrower that bring the loan current will not preserve the loan, then staff must determine if it is cost effective to protect their position by paying off the senior lien holder in total and restructure the debt such that the unit is made affordable to the Borrower. If the Lender does not have sufficient funds to pay the senior lien holder in full, then they may choose to cure the senior lien holder and foreclose on the property themselves. As long as there is sufficient value in the property, the Lender can afford to pay for the foreclosure process and pay off the senior lien holder and retain some or all of their investment.**
- 3. If the Lender decides to reinstate, the senior lien holder will accept the amount to reinstate the loan up until five (5) days prior to the set "foreclosure sale date." This "foreclosure sale date" usually occurs about four (4) to six (6) months from the date of recording the "Notice of Default". If the Lender fails to reinstate the senior lien holder before five (5) days prior to the foreclosure sale date, the senior lien holder would then require a full pay off of the balance, plus costs, to cancel foreclosure. If the Lender determines the reinstatement and maintenance of the property not be cost effective and allows the senior lien holder to complete the foreclosure, the Lender's lien may be eliminated to insufficient sale proceeds.**

Revised

08/15/00	02/15/05	1/20/09
03/06/01	09/13/05	5/5/09
10/02/01	10/04/05	3-2-10
03/19/02	03/21/06	6-7-11
10/15/02	09/05/06	
11/19/02	11/21/06	
03/04/03	03/20/07	
02/03/04	04/03/07	
10/05/04	11/18/08	

**OROVILLE CITY COUNCIL
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS
RANDY MURPHY, CITY ADMINISTRATOR**

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
LUIS A. TOPETE, ASSOCIATE PLANNER (530) 538-2408
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: ZONING CODE AMENDMENT (ZC 13-04): DIGITAL DISPLAY SIGNS
(2ND READING)**

DATE: JULY 15, 2014

SUMMARY

The Council may consider amending the City's Municipal Code Sections 26-04.020, 26-19.030 and 26-19.045 regarding digital display signs.

BACKGROUND

The current Zoning Code allows for "Video Display Signs" along Highway 70 only and requires a spacing of at least one mile between such signs. Although the current Zoning Code allows for "Video Display Signs," true "video" display signs, in regards to the display of actual videos, are not allowed within the City limits. Thus, the existing language creates a misunderstanding between the intent and interpretation of the Zoning Code regarding these signs. Additionally, section 26-19.045 "Video Display Signs," has other ambiguities that require clarification. The proposed amendments corrects these ambiguities, renames video display signs to digital display signs, and more clearly defines their design standards and sign use regulations and allows such signs to be placed on any state route within City limits, subject to certain spacing requirements which includes doubling the existing spacing requirement on Highway 70 from one mile to two miles. These changes create an avenue to allow a limited number of digital display signs within the City limits with appropriate regulations to protect the general health, safety and public welfare of the surrounding area and of the City as a whole.

DISCUSSION

At the June 9, 2014 Special Planning Commission meeting, this proposed amendment to the City's Zoning Code was reviewed simultaneously with an amendment to Use Permit No. 10-05 for the purpose of converting a 12' X 24' double sided off premise/outdoor advertising sign structure (billboard) located at 555 Oro Dam Blvd (APN: 035-030-067) into a 12' X 24' double sided digital display sign. After a lengthy

discussion, the Planning Commission adopted Resolution No. P2014-10 (**Attachment B**) making findings and conditionally approving the proposed amendment to Use Permit No. 10-05 and forwarding a recommendation to the City Council to adopt the proposed Zoning Code amendments subject to the following two additions/modifications to the proposed Code amendments:

- 1) All digital display signs shall be permitted to operate only between the hours of 5:00 a.m. and 12:00 a.m.; and
- 2) All digital display signs placed along California State Route 162 shall be spaced by a minimum of 1.25 miles

The first modification originated out of a comment submitted by the management at Holiday Inn Express regarding lighting concerns of the proposed sign. Rather than specifying the hours the digital display sign is permitted to operate as a condition of approval, the Planning Commission believed it would be more equitable to place it as a requirement for all approved digital displays in the City's Code. The second modification was made to ensure that an avenue for the placement of digital display signs existed while ensuring that at maximum build-out, per the minimum spacing requirements, the number of digital display signs would be at a level appropriate for the City of Oroville. The approval of Use Permit No. 10-05 by the Planning Commission is subject to the approval of the proposed Codes amendments as specified in Ordinance No. 1806 (**Attachment C**).

ENVIRONMENTAL REVIEW

The proposed Code amendments have been determined to be exempt from CEQA review pursuant to Title 14, CCR, §15061(b)(3), commonly known as the "general rule." A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It has been determined that there is no possibility that the proposed Code amendments will have a significant effect on the environment. Thus, this action is exempt from CEQA review.

FISCAL IMPACT

Item	Price	Tech Fee	Total	Paid
Use Permit Amendment/Modification	\$1,000.00	\$60.00	\$1,060.00	Yes
Code Amendments	\$3,031.00	\$181.86	\$3,212.86	Yes
Filing of Notice of Exemption				
Butte County Clerks Filing Fee	\$50.00	-	\$50.00	No

RECOMMENDATIONS

Waive the second reading and adopt by title only, Ordinance No. 1806 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL AMENDING THE OROVILLE MUNICIPAL CODE SECTIONS 26-04.020, 26-19.030 AND 26-19.045 REGARDING DIGITAL DISPLAY SIGNS.

ATTACHMENTS

- A – Picture of Existing Sign
- B – Resolution No. P2014-10
- C – Ordinance No. 1806
- D – Newspaper Notice



RESOLUTION NO. P2014-10

A RESOLUTION OF THE OROVILLE PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING AN AMENDMENT TO USE PERMIT NO. 10-05 FOR THE PURPOSE OF MODIFYING AN EXISTING 12' X 24' DOUBLE SIDED OFF PREMISE SIGN LOCATED AT 555 ORO DAM BLVD (APN: 035-030-067) INTO A 12' X 24' DOUBLE SIDED DIGITAL DISPLAY SIGN AND RECOMMENDING THE CITY COUNCIL APPROVE THE AMENDMENTS TO THE CITY'S ZONING CODE §26-04.020, §26-19.030, AND §26-19.045 REGARDING DIGITAL DISPLAY SIGNS

WHEREAS, the property located at 555 Oro Dam Blvd (APN: 035-030-067) is zoned Intensive Commercial (C-2) and has a General Plan land use designation of Mixed Use; and

WHEREAS, the current Zoning Code allows for "Video Display Signs" along Highway 70 only and requires a spacing of at least one mile between such signs; and

WHEREAS, although the current Zoning Code allows for "Video Display Signs," true "video" display signs, in regards to displaying actual videos, are not allowed within the City limits, thus the existing language creates a misunderstanding between the actual intent and interpretation of the Zoning Code regarding these signs; and

WHEREAS, the proposed amendments correct these ambiguities, renames "Video Display Signs" to "Digital Display Signs," and more clearly defines their design standards and sign uses and allows such signs to be placed on any state route within City limits, subject to certain spacing requirements which includes doubling the existing spacing requirement on Highway 70 from one mile to two miles; and

WHEREAS, Use Permit No. 10-05 shall remain in substantial conformance with the Conditions of Approval as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission; and

WHEREAS, the Zoning Administrator has determined that the proposed changes to the existing use permit (UP 10-05) is considered to be a substantive change to what was approved by the Planning Commission at the time the original use permit was approved, thus requiring discretionary review by the Planning Commission; and

WHEREAS, the proposed substantive change to UP 10-05 may be approved by the Planning Commission only upon making all of the following findings as found in section 26-50.010(E)(4) of the City Code, based on substantial evidence:

- a. The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole.

The characteristics of the proposed sign are compatible with the surrounding area. Oro Dam Boulevard is the City's main commercial corridor and the properties adjacent to Oro Dam Blvd are primarily zoned Intensive Commercial (C-2), which is the most intensive zoning designation for commercial uses. This portion of Oro Dam Boulevard is classified as an arterial, which are roadways designed to move large volumes of traffic and are intended to provide a high level of mobility between freeways/highways, other arterials and local/collector roadways and provide non-freeway/highway connections between major residential, employment, and activity centers. Thus, Oro Dam Blvd is an ideal location for the placement of Digital Display Signs.

The Outdoor Advertising Association of America (OAAA) is the lead trade association representing the Out of Home advertising industry, of which Stott Outdoor Advertising is a member. With nearly 800 member companies, OAAA represents more than 90 percent of industry revenues. In addition to adhering to external laws and regulations, as a member of OAAA, Stott Outdoor Advertising adheres to a set of voluntarily adopted industry principles by the OAAA. These principles include ensuring that the ambient light conditions associated with standard-size digital billboards are monitored by a light sensing device at all times and that display brightness will be appropriately adjusted as ambient light levels change.

The Federal Highway Administration (FHWA) contracted the Science Applications International Corporation to study the effects of digital billboards on driver attention and distraction in 2007. The study was completed in early 2010, and a draft report was subjected to peer review in 2012. On December 30, 2013, FHWA released its final report. Findings included a determination that the presence of digital billboards does not appear to be related to a decrease in looking toward the road ahead, which is consistent with earlier industry sponsored field research studies, and that the longest fixation to a digital billboard was 1.34 seconds, and to a standard billboard it was 1.28 seconds, both of which are well below the accepted standard (According to the National Highway Traffic Safety Administration, safety concerns arise when a driver's eyes are diverted from the roadway by glances that continue for more than 2.0 seconds). All Digital Display Signs within the City of Oroville are required to fully comply with all requirements applicable to the proposed project, including applicable federal standards.

The proposed sign will replace an existing 12' X 24' double sided Off Premise/Outdoor Advertising Sign structure with the same area per side of 288 sq. ft., which is in compliance with the City's requirement of no more than 300 sq. ft. on each face. The new digital sign faces will be an upgrade in sign technology but will have the same purpose as the structure replaced. City Code section 26-19.045 specifies the regulations applying to Digital Display Signs which are in place for the purpose of providing an avenue for the placement of such signs and ensuring the general health, safety and public welfare are protected in the process. The sign will

be required to comply with all requirements of this section.

Additionally, per City Code section 26-50.010(F)(2), the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted if any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law, including any requirement in the Zoning Code, has been violated in connection with the permit, or if the permit was obtained by fraud.

- b. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

In conformance with City Code section 26-19.045(B), the proposed Digital Display Sign will be located within 150 feet of a State Route right of way (Highway 162), will not exceed 300 sq. ft. of sign area on each face and will be separated by a distance of at least 1.25 miles (6,600 feet) from another Digital Display Sign along Highway 162 (Oro Dam Boulevard). The sign will be required, as part of the Conditions of Approval, to comply with all other requirements of City Code section 26-19.045(B), including, but not limited to lighting, maintenance, and safety requirements.

Before issuing building permits, the construction plans for the sign will be sent to Caltrans for review and will be required to meet all Caltrans regulations and other applicable standards. Additionally, as mentioned above, Oro Dam Boulevard is the main commercial corridor within the Oroville City limits, and as a result of the large traffic volumes experienced daily, it is an ideal location for the placement of Digital Display Signs within City limits. Oro Dam Boulevard is primarily zoned C-2 and the ideal location for the most intensive types of commercial uses.

- c. Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use or will be made adequate prior to the establishment of the proposed use.

At the time the applicant submits a building permit application, the City's Building Division will require complete electrical plans showing that the proposed electrical needs will be adequately supplied. The applicant will be required to identify the location, type, amperage, and voltage of the electrical service and any related sub-panels, as well as a panel schedule/load calculations for any electrical panels. As part of the building permit, the applicant is required to obtain a City inspection from the Building Division prior to final approval. If at the time of inspection any inadequacies in the utility supply to the site are found, the applicant will be required to meet the minimum standards prior to the issuance of the final approval.

- d. The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.

The surrounding neighborhood is developed with commercial uses and the existing sign does not adversely affect the abutting properties. The proposed sign will simply replace the existing sign faces with a digital technology and will continue to be consistent with these uses and not adversely affect the surrounding properties. Additionally, the proposed Digital Display Sign will be required to comply with all location, height, design, and operating characteristics required by the City Code and any other applicable agencies.

Outdoor Advertising Association of America (OAAA) and the International Sign Association (ISA) have recommended criteria for brightness standards for outdoor LED signs. The guidelines highlight the importance of ensuring appropriate brightness settings, which the applicant shall comply with as specified in the Conditions of Approval.

- e. The subject site is physically suitable for the type and intensity of land use being proposed.

The subject property is currently developed with an existing Off Premise/Outdoor Advertising Sign structure (traditional billboard). The proposed Digital Display Sign will be located on the same property of the existing Off Premise/Outdoor Advertising Sign structure and will have the same area available for advertising. This sign change will not increase the height, size, or general type of sign (static off premise sign), but will simply utilize technology to more efficiently change the message on the sign face through digital means. The sign being displayed will continue to be a static, off premise sign.

- f. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.

As stated previously, this section of Oro Dam Boulevard serves as the City's main commercial corridor and experiences a large volume of daily traffic. Per the City's 2030 General Plan vision statement and guiding principles, a guiding principle is to create a vibrant local economy. The proposed Digital Display Sign will provide businesses with an opportunity to better market themselves. As a result of better marketing opportunities, businesses may be more inclined to pay for advertisements that may increase their business activities which will benefit not only themselves but the City as the business environment within the City improves.

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, of this chapter and of the City Code.

This permit complies with the applicable laws and regulations of the City's General Plan and Zoning Code, including section 26-19.045(B) and 26-50.010. Before the issuance of building permits, any DDS will be reviewed for compliance with applicable laws and regulations, including any applicable development standards

and Building Code standards. Additionally, Caltrans review and approval is required prior to the issuance of building permits.

WHEREAS, the approval by the Planning Commission to amend UP 10-05 as specified herein is subject to the approval of the Zoning Code amendments (ZC 13-04) by the City Council regarding Digital Display Signs; and

WHEREAS, at a noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by approval of the project described herein, and also considered City staff's report regarding the project.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION as follows:

1. The Planning Commission finds that the amendment to UP 10-05 is exempt from CEQA via a Categorical Exemption as found in Title 14, CCR, §15302, Replacement or Reconstruction, and the amendments to the Zoning Code (ZC 13-04) regarding Digital Display Signs are exempt from CEQA via a General Rule Exemption as found in Title 14, CCR, §15061(b)(3).
2. The Planning Commission adopts the findings required by §26-50.010 of the City Code, as those findings are described in this Resolution, based upon the following facts:
 - A. The granting of the use permit amendments will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole.
 - B. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.
 - C. Public utilities and facilities, including streets and highways, water and sanitation, are adequate to serve the proposed use.
 - D. The location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.
 - E. The subject site is physically suitable for the type and intensity of land use being proposed.
 - F. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.

- G. The use permit amendments comply with all applicable laws and regulations, including the requirements of the General Plan and City's Municipal Code.
3. The attached conditions of approval have been deemed necessary to achieve the purposes of the Zoning Code, and also promote the general health, safety and public welfare of the City.

CONDITIONS OF APPROVAL

Approved project: The Commission hereby approves amending UP 10-05 for the purpose of modifying an existing 12' X 24' double sided off-premise sign (traditional billboard) at 555 Oro Dam Blvd (APN: 035-030-067) into a 12' X 24' double sided digital display sign, subject to the following conditions:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this project. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the City of Oroville Planning Commission.
3. All private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.
4. All graffiti and vandalism shall be removed and repaired on a regular basis.
5. The applicant shall ascertain and comply with the requirements of all Federal, State, County and Local agencies as applicable to the proposed use and project area.
6. Applicant shall comply with the recommended criteria for brightness standards for outdoor LED signs from the Outdoor Advertising Sign Association of America and the International Sign Association.

7. All costs of operation and maintenance of private facilities, improvements, infrastructure, systems, equipment, common areas, etc. shall be the responsibility of the applicant.
8. The applicant shall annually pay for and obtain a City of Oroville business license.
9. Pursuant to Section 26-13.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any negative impacts that the use may have on the surrounding uses.
10. Pursuant to Section 26-50.010(F), a use permit may be evaluated for revocation if the use permit has not been used within one year of its approval.
11. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project.
12. The applicant may be required to provide a pole cover for the sign. Once a sign face has been converted into a digital display, the Zoning Administrator shall assess the aesthetics of the site and determine if a pole cover would substantially contribute to the overall attractiveness of the property and surrounding area. If so, a pole cover would be required. In the event the applicant disapproves with the determination of the Zoning Administrator, the decision may be appealed to the Planning Commission. A pole cover, if required, shall not substantially deviate from the design of the pole cover required for the digital display sign approved under Use Permit #12-06.
13. The approval of this use permit amendment is subject to the City Council's approval of the Zoning Code amendments regarding Digital Display Signs (ZC 13-04).

--- End of Conditions ---

A recommendation shall be forwarded to the Oroville City Council that the City's Municipal Code should be amended in the following manner, with all additions shown in an underlined format and all deletes shown in a ~~strikethrough~~ format:

26-04.020 Definitions.

O. Definitions, "O".

Official Sign. A sign erected by a governmental agency, public utility or service, or one of their designee, setting forth information pursuant to law.

S. Definitions, "S".

Sign, digital display. An off-premise advertising sign/billboard that can be automated,

by digital means, to change its message. The duration of each message shall be displayed for a minimum of 8 seconds. Signs displaying messages for a duration of less than 8 seconds shall be considered a video display sign.

~~Sign, off-premise. A sign that contains a message chosen by a person other than the person who controls the premises on which the sign is located. A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually on the premises and/or property upon which the sign is located, excluding directional or official signs authorized by law and real estate signs.~~

Sign, video display. A sign that changes its message or background in a manner or method of display characterized by continuous motion or pictorial imagery, which may or may not include text, and depicts action or a special effect to imitate continuous movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns, or bands of light, or expanding or contracting shapes.

26-19.030 General provisions.

E. Prohibited Signs. The following types of signs shall be prohibited:

1. Signs that bear or contain statements, words or pictures of an obscene, indecent or immoral character that offends public morals or decency.
2. Roof signs.
3. Rotating signs.
4. Wind-driven signs, "A" frame signs, sandwich boards and portable signs except as specifically permitted in Section 26-19.090 of this chapter.
5. ~~Pole signs where more than 5 feet of the pole's length is visible.~~
6. Video or any other electronic display signs with continuous motion.
7. Signs affixed to structures in the public right-of-way, such as telephone poles, light standards poles, utility fixtures, posts and fences; provided, however, as follows:
 - a. Temporary signs may be posted on any public kiosk that provides space intended for the posting of signs.
 - b. Official signs posted or required by a government agency, or a public utility or service, may be affixed to structures in the public right-of-way.
8. Vehicle signs that advertise a business, service or product, whether that business, service or product is located on the same site or a different site. This prohibition shall not apply to standard identification practices where these signs are painted on or permanently attached to a commercial vehicle used to conduct a land use located on the site, or to bumper stickers.

9. Signs that attempt or appear to attempt to direct traffic, or that interfere with, imitate or resemble any official traffic device.

26-19.045 Signs Requiring a Use Permit

B. Video-Digital Display Signs.

Except as otherwise provided in this section, all ~~video display signs~~ digital display signs (~~VDS~~) (DDS) shall comply with the requirements of this section.

1. Area: The maximum sign area for a ~~VDS~~ DDS shall not exceed three hundred (300) square feet on each face.
2. Height: A ~~VDS~~ DDS shall not exceed a maximum height of forty (40) feet measured from ground surface to the top of the sign.
3. Location: ~~The sign shall not be used to provide advertisement for any businesses located on the same property as the sign. Therefore these signs shall be considered off-premise signs.~~ VDS's DDS's shall only be allowed to be located within 150 feet of the a State Route 70 right of way within the City limits. All ~~VDS's~~ DDS's shall be located such that no part of the ~~VDS~~ DDS encroaches into any public right of way. ~~VDS's~~ DDS's shall not be placed within any legal easements, unless such easements were specifically created for the placement of signs. The applicant for a ~~VDS~~ DDS shall demonstrate that the proposed ~~VDS~~ DDS location is free of any legal such easements.
 - a. All proposed signs adjacent to state highways 70 shall meet the requirements of the State of California Department of Transportation Outdoor Advertising standards for outdoor signs.
4. ~~Setbacks~~ Spacing from other ~~VDS~~ DDS: Signs of this type must be separated from other ~~video~~ digital display signs ~~by a distance of at least 1 mile.~~ as follows:

<u>State Route</u>	<u>Distance (miles)</u>
<u>Highway 70</u>	<u>2.0</u>
<u>Highway 162 (Oro Dam Boulevard)</u>	<u>1.25</u>
<u>Highway 162 (Olive Highway)</u>	<u>1.25</u>

5. Lighting: ~~Signs of this type must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum brightness.~~ Signs shall be required to meet all Caltrans regulations and other applicable standards. Signs which contain, include, or are illuminated by flashing, intermittent, or moving light or lights are prohibited. A DDS that utilizes lighting technologies (such as light emitting diodes) to create digital messages shall be equipped with a light sensor that automatically adjusts the lighting of the sign face as ambient lighting changes. In no event shall a digital display sign face

increase ambient illumination by more than 0.3 footcandles when measured perpendicular to the message sign face at a distance based on the sign face size as follows:

<u>Changeable message sign face size (sq. ft.)</u>	<u>Measurement Distance (ft.)</u>
50 ft ²	71
100 ft ²	100
150 ft ²	122
200 ft ²	141
250 ft ²	158
300 ft ²	173

** For signs with an area in square feet other than those specifically listed in the table, the measurement distance shall be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$*

6. Safety: The Community Development Director, or his/her designee, shall approve the location of all videe digital display signs to ensure that they do not introduce unsafe driving conditions to the roadway system.
7. Maintenance: All structures shall be properly maintained, kept in good repair and kept clean. The area occupied by such structure shall be kept free of weeds, and debris, and graffiti. If violations of this paragraph occur, the Planning Commission may start proceedings to revoke the permit.
8. Permits: A use permit will be required for all VDS DDS. All requests for building permits for these signs shall be accompanied by construction and design plans stamped by a California registered civil engineer, in addition, a lighting plan shall be required showing the brightness of the proposed sign and the message intervals between individual advertisements.
9. Hours of Operation: All DDS shall be permitted to operate only between the hours of 5:00 a.m. to 12:00 a.m.
10. Messages shall be displayed for a minimum of 8 seconds.
11. Transition during messages shall be two seconds or less and shall either be instantaneous or fade out/in. Flashing is prohibited.
12. Signs shall be required to meet all Caltrans requirements, permits and other applicable standards.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 9th of June, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

**CITY OF OROVILLE
ORDINANCE NO. 1806**

AN ORDINANCE OF THE OROVILLE CITY COUNCIL AMENDING THE OROVILLE MUNICIPAL CODE SECTIONS 26-04.020, 26-19.030 AND 26-19.045 REGARDING DIGITAL DISPLAY SIGNS

WHEREAS, the current Zoning Code allows for "Video Display Signs" along Highway 70 only and requires a spacing of at least one mile between such signs; and

WHEREAS, although the current Zoning Code allows for "Video Display Signs," true "video" display signs, in regards to displaying actual videos, are not allowed within the City limits, thus the existing language creates a misunderstanding between the actual intent and interpretation of the Zoning Code regarding these signs; and

WHEREAS, the proposed amendments correct these ambiguities, renames "Video Display Signs" to "Digital Display Signs," and more clearly defines their design standards and sign uses and allows such signs to be placed on any state route within City limits, subject to certain spacing requirements which includes doubling the existing spacing requirement on Highway 70 from one mile to two miles; and

WHEREAS, at a noticed public hearing on June 9, 2014, the Planning Commission reviewed the proposed Zoning Code amendments and forwarded a recommendation to the Oroville City Council to approve the proposed amendments as specified herein.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OROVILLE DO ORDAIN AS FOLLOWS:

SECTION I. Environmental Assessment:

The proposed Code amendments have been determined to be exempt from CEQA review pursuant to Title 14, CCR, §15061(b)(3), commonly known as the "general rule." A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It has been determined that there is no possibility that the proposed Code amendments will have a significant effect on the environment. Thus, this action is exempt from CEQA review.

SECTION II. Sections 26-04.020, 26-19.030 and 26-19.045 of the Oroville Municipal Code are hereby amended as follows, with all additions shown in an underlined format and all deletes shown in a ~~strikethrough~~ format:

26-04.020 Definitions.

O. Definitions, "O".

Official Sign. A sign erected by a governmental agency, public utility or service, or one of their designee, setting forth information pursuant to law.

S. Definitions, "S".

Sign, digital display. An off-premise advertising sign/billboard that can be automated, by digital means, to change its message. The duration of each message shall be displayed for a minimum of 8 seconds. Signs displaying messages for a duration of less than 8 seconds shall be considered a video display sign.

Sign, off-premise. ~~A sign that contains a message chosen by a person other than the person who controls the premises on which the sign is located.~~ A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually on the premises and/or property upon which the sign is located, excluding directional or official signs authorized by law and real estate signs.

Sign, video display. A sign that changes its message or background in a manner or method of display characterized by continuous motion or pictorial imagery, which may or may not include text, and depicts action or a special effect to imitate continuous movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns, or bands of light, or expanding or contracting shapes.

26-19.030 General provisions.

E. Prohibited Signs. The following types of signs shall be prohibited:

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2. Roof signs.
3. Rotating signs.
4. Wind-driven signs, "A" frame signs, sandwich boards and portable signs except as specifically permitted in Section 26-19.090 of this chapter.
5. ~~Pole signs where more than 5 feet of the pole's length is visible.~~
6. Video or any other electronic display signs with continuous motion.
7. Signs affixed to structures in the public right-of-way, such as telephone poles, light ~~standards poles~~, utility fixtures, posts and fences; provided, however, as follows:
 - a. Temporary signs may be posted on any public kiosk that provides space intended for the posting of signs.
 - b. Official signs posted or required by a government agency, or a public utility or service, may be affixed to structures in the public right-of-way.

8. Vehicle signs that advertise a business, service or product, whether that business, service or product is located on the same site or a different site. This prohibition shall not apply to standard identification practices where these signs are painted on or permanently attached to a commercial vehicle used to conduct a land use located on the site, or to bumper stickers.
9. Signs that attempt or appear to attempt to direct traffic, or that interfere with, imitate or resemble any official traffic device.

26-19.045 Signs Requiring a Use Permit

B. Video Digital Display Signs.

Except as otherwise provided in this section, all ~~video display signs~~ digital display signs (~~VDS~~) (DDS) shall comply with the requirements of this section.

1. Area: The maximum sign area for a ~~VDS~~ DDS shall not exceed three hundred (300) square feet on each face.
2. Height: A ~~VDS~~ DDS shall not exceed a maximum height of forty (40) feet measured from ground surface to the top of the sign.
3. Location: ~~The sign shall not be used to provide advertisement for any businesses located on the same property as the sign. Therefore these signs shall be considered off-premise signs.~~ VDS's DDS's shall only be allowed to be located within 150 feet of the a State Route 70 right of way within the City limits. All VDS's DDS's shall be located such that no part of the VDS DDS encroaches into any public right of way. VDS's DDS's shall not be placed within any legal easements, unless such easements were specifically created for the placement of signs. The applicant for a VDS DDS shall demonstrate that the proposed VDS DDS location is free of any legal such easements.
 - a. All proposed signs adjacent to state highways 70 shall meet the requirements of the State of California Department of Transportation Outdoor Advertising standards for outdoor signs.

4. ~~Setbacks Spacing~~ from other VDS DDS: Signs of this type must be separated from other video digital display signs by a distance of at least 1 mile. as follows:

<u>State Route</u>	<u>Distance (miles)</u>
<u>Highway 70</u>	<u>2.0</u>
<u>Highway 162 (Oro Dam Boulevard)</u>	<u>1.25</u>
<u>Highway 162 (Olive Highway)</u>	<u>1.25</u>

5. Lighting: ~~Signs of this type must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits between dusk to dawn as measured from the sign's face at maximum~~

brightness. Signs shall be required to meet all Caltrans regulations and other applicable standards. Signs which contain, include, or are illuminated by flashing, intermittent, or moving light or lights are prohibited. A DDS that utilizes lighting technologies (such as light emitting diodes) to create digital messages shall be equipped with a light sensor that automatically adjusts the lighting of the sign face as ambient lighting changes. In no event shall a digital display sign face increase ambient illumination by more than 0.3 footcandles when measured perpendicular to the message sign face at a distance based on the sign face size as follows:

<u>Changeable message sign face size (sq. ft.)</u>	<u>Measurement Distance (ft.)</u>
50 ft ²	71
100 ft ²	100
150 ft ²	122
200 ft ²	141
250 ft ²	158
300 ft ²	173

** For signs with an area in square feet other than those specifically listed in the table, the measurement distance shall be calculated with the following formula: Measurement Distance = $\sqrt{\text{Area of Sign Sq. Ft.} \times 100}$*

6. Safety: The Community Development Director, or his/her designee, shall approve the location of all ~~videe~~ digital display signs to ensure that they do not introduce unsafe driving conditions to the roadway system.
7. Maintenance: All structures shall be properly maintained, kept in good repair and kept clean. The area occupied by such structure shall be kept free of weeds, and debris, and graffiti. If violations of this paragraph occur, the Planning Commission may start proceedings to revoke the permit.
8. Permits: A use permit will be required for all ~~VDS~~ DDS. All requests for building permits for these signs shall be accompanied by construction and design plans stamped by a California registered civil engineer, in addition, a lighting plan shall be required showing the brightness of the proposed sign and the message intervals between individual advertisements.
9. Hours of Operation: All DDS shall be permitted to operate only between the hours of 5:00 a.m. to 12:00 a.m.
10. Messages shall be displayed for a minimum of 8 seconds.
11. Transition during messages shall be two seconds or less and shall either be instantaneous or fade out/in. Flashing is prohibited.

12. Signs shall be required to meet all Caltrans requirements, permits and other applicable standards.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting held this 15th day of July, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Randy Murphy, City Clerk



CITY OF OROVILLE
OFFICE OF THE CITY CLERK
1735 MONTGOMERY STREET • OROVILLE, CA 95965-4897

530-538-2535
Fax 530-538-2468

PUBLIC NOTICE
CITY OF OROVILLE
ORDINANCE NO. 1806
AMENDMENT TO ORDINANCE

On July 1, 2014, the City of Oroville City Council considered amending Chapter 26 of the City of Oroville Municipal Code regarding digital display signs.

The amendments clarify language within the ordinance and doubles the existing spacing requirement on Highway 70 from one mile to two miles.

Additional information regarding the Amendment described in this notice can be obtained from the Oroville City Clerk at 1735 Montgomery Street, Oroville, CA.

Posted/Published: July 5, 2014

**CITY OF OROVILLE
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: RANDY MURPHY, CITY ADMINISTRATOR
BOB MARCINIAK, SBF PROGRAM SPECIALIST**

**RE: SUPPLEMENTAL BENEFITS FUND FUNDING AGREEMENT
WITH FEATHER RIVER RECREATION AND PARK DISTRICT**

DATE: JULY 15, 2014

SUMMARY

The Council, serving as the Supplemental Benefits Fund Administrator, may consider approving a Funding Agreement, in the amount of \$30,000, with Feather River Recreation and Park District (FRRPD) for installation of an irrigation well at the Nelson Sports Complex.

DISCUSSION

At a Special meeting of the SBF Steering Committee on May 14, 2014, the Committee approved to provide funds in the amount of \$30,000, for installation of irrigation well at the Nelson Sports Complex. The approval was in response to an application made by FRRPD for consideration of funds being made available by the SBF in the 2014 Notice of Funds Available.

FISCAL IMPACT

There is no impact to the General Fund.

Fund 190 (SBF) expenditures are already reflected in the proposed FY 2015 budget.

RECOMMENDATION

Adopt Resolution No. 8234 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A FUNDING AGREEMENT BETWEEN THE CITY OF OROVILLE, SERVING AS FUND ADMINISTRATOR OF THE SUPPLEMENTAL BENEFITS FUND, AND FEATHER RIVER RECREATION AND PARK DISTRICT, IN THE AMOUNT OF \$30,000, FOR INSTALLATION OF AN IRRIGATION WELL AT NELSON SPORTS COMPLEX – (Agreement No. 3076).

CC-5

ATTACHMENTS

Resolution No. 8234
Agreement No. 3076
FRRPD Resolution 1242-14

**CITY OF OROVILLE
RESOLUTION NO. 8234**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF OROVILLE, AS FUND ADMINISTRATOR OF THE SUPPLEMENTAL BENEFITS FUND, AND FEATHER RIVER RECREATION AND PARK DISTRICT, IN THE AMOUNT OF \$30,000 FOR AN IRRIGATION WELL AT THE NELSON SPORTS COMPLEX

(Agreement No. 3076)

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

1. The Mayor is hereby authorized and directed to execute a Funding Agreement with Feather River Recreation and Park District in the amount of \$30,000.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on July 15, 2014, by the following vote:

AYES:

NOES: None

ABSTAIN: None

ABSENT: None

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Randy Murphy, City Clerk

**AGREEMENT BETWEEN CITY OF OROVILLE AND THE FEATHER RIVER
RECREATION AND PARK DISTRICT**

THIS AGREEMENT is entered into as of the 1st day of July 1, 2014, between the City of Oroville (City) and the Feather River Recreation and Park District (Grantee). City and Grantee hereby agree as follows:

RECITALS

- A. Pursuant to the provisions of Standard Agreement No. 4600007302 between the California Department of Water Resources (DWR) and City, the Supplemental Benefits Fund Steering Committee has awarded the Grantee with a grant not to exceed \$30,000 for installation of an irrigation well at the Nelson Complex (Project) as described in Exhibit A attached to this Agreement; and
 - B. In order to implement the grant award, City, as the Supplemental Benefits Fund Administrator, and Grantee are entering into this Agreement.
1. **Purpose.** The purpose of this Agreement is to provide a Supplemental Benefits Fund (SBF) grant to Grantee for installation of an irrigation well at the Nelson Complex Grantee agrees to use the grant funds received from City in accordance with the terms of this Agreement. Except as expressly provided in this Agreement, City shall have no obligation to reimburse or otherwise pay for any assistance or cooperation relating to the implementation of the Project.
 2. **Grant Amount.** City shall provide a grant in the amount not to exceed \$30,000.00 to Grantee to assist in installation of an irrigation well at the Nelson Complex in Oroville, California.
 3. **Term of Agreement.** The term of this Agreement will begin on July 1, 2014 and terminate on July 1, 2015, or upon completion of the Project, whichever occurs

first. The term may be amended only in writing by City and Grantee with the approval of the Supplemental Benefits Fund Steering Committee.

4. **Incorporation of Provisions.** This Agreement incorporates the following exhibits as if fully set forth herein :

Exhibit A. Project

Exhibit B. Standard Provisions

Exhibit C. Work Plan and Budget

Exhibit D. Payment Request Transmittal

5. **Grantees Responsibilities:** Grantee shall implement work on the Project as specified in a Work Plan and Budget set forth in Exhibit C.

6. **Project Manager:**

The Project Manager for Grantee is:

Ann Willmann, General Manager FRRPD

Grantee hereby delegates authority to the Project Manager to manage performance under the Agreement and to delegate authority to others to provide management and support services required for performance of the work and administration of the Agreement. The delegation of authority to submit invoices requires written consent by Grantee which will be provided to the City.

Grantee may change the foregoing delegation by a thirty (30) day prior written notice to City.

City of Oroville

SBF Fund Administrator

1735 Montgomery Street

Oroville, California 95965

Notices by Grantee's Project Manager shall be sent to:

City of Oroville
SBF Fund Administrator
1735 Montgomery Street
Oroville, California 95965

Notices by City shall be sent to:

Ann Willmann, General Manager
Feather River Recreation and Parks District
1875 Feather River Blvd.
Oroville, California 95965

7. **CEQA Compliance.** Prior to implementation of the Project, *if appropriate*, Grantee shall comply with all applicable requirements of the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000-21177) and other applicable federal, State and local laws, rules and regulations.

8. **Quarterly Reports.** Grantee shall submit detailed quarterly progress reports relating to the Project for review and approval by City. The quarterly reports shall be provided to the Supplemental Benefits Fund Steering Committee for information purposes and comments, as appropriate. The quarterly progress reports shall summarize expenditures, personnel hours and itemize completed activities, on-going activities, and problems to be resolved. Expense reports shall include a detailed description of work performed on the Project and an accounting of expenses incurred for each activity. The Project expense reports shall also include, but not be limited to, contractors and vendor invoices, employee time sheets, receipts for equipment and supplies, and true-up of actual

expenses versus projected expenses.

9. **Method of Payment.** All payments from City to Grantee shall be as reimbursement for actual expenditures by Grantee relating to carrying out the Project in accordance with this Agreement. City shall make payments to Grantee with funds on deposit with the City from DWR in accordance with Standard Agreement No. 4600007302. In order to process Grantee's request for reimbursement, Grantee shall deliver proof of completion, or progress of the work, proof of payment and an original invoice for the work. Within fifteen (15) days after receipt of a reimbursement request from Grantee, City shall determine whether the request satisfies all the requirements for reimbursement under the Agreement. If City determines that the request meets all such requirements, City shall provide the amount requested by Grantee within fifteen (15) days thereafter. In no event shall City be obligated to make reimbursement payments to Grantee from any City funds as a result of this Agreement.

Grantee may submit invoices to City no more than once every thirty (30) days.

10. **Final Written Report.** Upon completion of the Project, Grantee shall provide a final written report in a format as directed by City that includes (but is not limited to) the following: (1) a description of conditions before the Project was executed, (2) a summary of the planning work and techniques used, (3) a description of the completed Project, (4) an analysis of the techniques used, and (5) a description of planned long-term monitoring and maintenance of the Project.

The report shall include a complete list of all the costs of the Project and proof of payment of such costs, photographs of restoration activities and techniques and shall include photographs of community participation in planning activities of the Project. Grantee shall provide Project photos showing the monthly progress of the Project.

11. **Work Plan and Budget.** If appropriate, a Work Plan and Budget will be established and provided to the SBF Administrator.
12. **Maintenance.** Not applicable.
13. **Insurance.** Before and during construction, if applicable, of the Project, Grantee or Grantee's contractor shall obtain and maintain. If appropriate, insurance coverage.
14. **Funding Acknowledgement.** The Grantee agrees to post in a prominent place the SBF plaque containing the SBF logo and acknowledging that funding for the project was provided by the State Water Contractors (SWC) and the Department of Water Resources (DWR).
15. **Public Accessibility.** Not applicable.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF OROVILLE

**FEATHER RIVER RECREATION
AND PARKS DISTRICT**

By: _____
Linda L. Dahlmeier, Mayor

By: _____
Victoria Coots, Chairperson FRRPD

SUPPLEMENTAL BENEFITS FUND

By: _____
Loren Gill, SBF Chairperson

By: _____
Ann Willmann, General Manager
FRRPD

APPROVED AS TO FORM:

By: _____
Scott E. Huber, City Attorney

ATTEST:

By: _____
Randy Murphy, City Clerk

- Attachments:**
- Exhibit A – Project
 - Exhibit B – Standard Provisions
 - Exhibit C – Work Plan and Budget
 - Exhibit D – Payment Request Transmittal

**EXHIBIT A
PROJECT DESCRIPTION**

Feather River Recreation & Park District will be installing an irrigation well at the Nelson Complex which is located in Nelson Park at 2255 6th Avenue, Oroville, CA 95965. The well is intended to improve irrigation of the park facility as well as reducing the cost of water which is now paid for.

The actual location of the well has not been determined; however a condition of the SBF grant approval will require well location specifics and production capacity as well as a planned maintenance program.

**EXHIBIT B
STANDARD PROVISIONS**

AMENDMENT: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties. No oral understanding or agreement not incorporated in the agreement is binding on either party.

ASSIGNMENT: This Agreement is not assignable by Grantee either in whole or in part. Any attempted assignment shall be void.

AUDIT: City shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Grantee agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Grantee agrees to allow City's auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Grantee agrees to include a similar right of City to audit records and interview staff in any subcontract related to performance of this Agreement.

INDEMNIFICATION: Grantee agrees to indemnify, defend and save harmless City, its officers, agents and employees from any and all liability, lawsuits, claims and losses or costs, including attorney's fees, resulting from the actions, negligence or omissions of Grantee, its officers, employees, agents, contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with this Agreement.

DISPUTES: Grantee shall continue with the responsibilities under this Agreement during any dispute with the City.

TERMINATION FOR CAUSE: The City may terminate this Agreement and be relieved

of any payments to Grantee if the Grantee fails to perform the requirements of this Agreement at the time and in the manner herein provided.

INDEPENDENT CONTRACTOR: In carrying out this Agreement, Grantee and its agents, employees, and contractors shall act as independent contractors and not as officers, employees or agents of the City.

TIMELINESS: Time is of the essence in this Agreement.

GOVERNING LAW: This Agreement is governed by and shall be interpreted in accordance with the laws of the State of California.

UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, the parties agree that all other provisions of this Agreement shall continue in full force and effect.

COMPLIANCE WITH LAWS: Grantee shall be responsible for all environmental compliance for the Project.

Grantee shall observe and comply with all federal, state, city, and county laws, rules or regulations applicable to the Project, including, without limitation, storm water pollution prevention plan laws, public bidding laws, California Government Code Section 4450 et seq. relating to disability access laws, Americans with Disabilities Act (ADA), and California Labor Code sections 1720 et seq. requiring the payment of prevailing wage rates. Any work done that does not comply with any laws, rules or regulations shall be remedied solely at the Grantee's expense.

NOTICE OF DEFAULT: Subject to any extension of time permitted by this Agreement, a failure or delay by Grantee or City to perform any material term or provision of this Agreement constitutes a material default of this Agreement. In the event of a material

default of this Agreement by Grantee or City, either party shall give written notice to the other party of such default specifying the details of the default.

CURE AND REMEDIES: In the event Grantee or City fails to perform any material obligation as set forth in this Agreement, that party shall be in default of this Agreement. In the event that Grantee or City receives written notice of default from the other party, thereafter, that party shall have thirty (30) days within which to cure such default to the reasonable satisfaction of the other party. If the default is not cured within thirty (30) days, Grantee and City shall submit the default to nonbinding mediation. Within thirty (30) days, Grantee and City shall mutually select a disinterested third person with some professional experience related to the subject matter of the default as mediator, and commence mediation. If mediation fails to resolve the default within fifteen (15) days, the non-defaulting party may elect to terminate this Agreement.

UNAVOIDABLE DELAYS: Neither Grantee nor City shall be considered in breach or default in its obligations, nor shall there be deemed a failure to satisfy conditions, with respect to the beginning or completion of obligations under this Agreement, or progress with respect thereto, in the event of "unavoidable delay" in the performance of such obligations, or satisfaction of such conditions, due to unforeseeable causes beyond its control and without its fault or negligence, including, but not limited to, acts of God or of the public enemy, acts of government agencies, acts of other parties, fires, floods, drought, epidemics, quarantine restrictions, strikes, freight embargoes and unusually severe weather or delays of subcontractors due to such causes; it being the purpose and intent of this provision that in the event of the occurrence of any such unavoidable delay, the time or times for the satisfaction of conditions to this Agreement shall be extended for the period of the unavoidable delay.

**EXHIBIT C
WORKPLAN AND BUDGET**

To be provided once the well location has been determined, the budget should include information about the required 25% (\$7,500) FRRPD match to the grant.

**EXHIBIT D
PAYMENT REQUEST TRANSMITTAL
SBF GRANT APPROVED 06/11/2014
NOT TO EXCEED \$30,000.00**

Submit at: Completion or as a progress payment request

Date:

To: City of Oroville
SBF Fund Administrator
1735 Montgomery Street
Oroville, CA 95965

From: Feather River Recreation & Park District
1875 Feather River Blvd.
Oroville, CA 95965

Subject: Request for Reimbursement

Project: Irrigation Well at Nelson Complex

Amount Requested: \$

Summary of Reimbursement Request:

(The summary should include progress, to date and any or all applicable invoices, canceled checks to substantiate the reimbursement request)



RESOLUTION 1242-14

A RESOLUTION OF THE FEATHER RIVER RECREATION AND PARK DISTRICT BOARD OF DIRECTORS APPROVING THE AGREEMENT BETWEEN CITY OF OROVILLE AND THE FEATHER RIVER RECREATION AND PARK DISTRICT

WHEREAS, this agreement is entered into as of the 1st day of July 1, 2014, between the City of Oroville (City) and the Feather River Recreation and Park District (Grantee).

WHEREAS, City and Grantee hereby agree as follows:

- A. Pursuant to the provisions of Standard Agreement No. 4600007302 between the California Department of Water Resources (DWR) and City, the Supplemental Benefits Fund Steering Committee has awarded the Grantee with a grant not to exceed \$30,000 for installation of an irrigation well at the Nelson Complex (Project) as described in Exhibit A attached to this Agreement; and
- B. In order to implement the grant award, City, as the Supplemental Benefits Fund Administrator, and Grantee are entering into this Agreement

WHEREAS, the term of this Agreement will begin on July 1, 2014 and terminate on July 1, 2015, or upon completion of the Project, whichever occurs first. The term may be amended only in writing by City and Grantee with the approval of the Supplemental Benefits Fund Steering Committee,

WHEREAS, Grantees Responsibilities shall include implementing work on the Project as specified in a Work Plan and Budget,

WHEREAS, the Project Manager is Ann Willmann, General Manager FRRPD,

THEREFORE, BE IT RESOLVED, this RESOLUTION will ratify an agreement between the City of Oroville and The Feather River Recreation and Park District,

PASSED AND ADOPTED, at a regular meeting of the Board of Directors of the Feather River Recreation & Park District on the 24th day of June 2014 by the following vote:

Ayes: 4 (Vice-Chairperson Gil, Director Hill, Director Carter, Director Noble)

Noes:

Absent: 1 (Chairperson Coats)

Abstain:

Attest: Victoria Coats
Victoria Coats, Chairperson

Ann Willmann
Ann Willmann, General Manager

**OROVILLE CITY COUNCIL
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS
RANDY MURPHY, CITY ADMINISTRATOR**

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
GARY D. LAYMAN, CHIEF BUILDING OFFICIAL (530) 538-2428
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: STRONG MOTION INSTRUMENTATION AND SEISMIC HAZARD
MAPPING FEE INCREASE**

DATE: JULY 15, 2014

SUMMARY

The Council may consider adopting a fee increase on building permits for the strong motion instrumentation and seismic hazard mapping required for all cities and counties within the State of California.

DISCUSSION

On June 24, 2014, a letter from the Department of Conservation was sent out informing the passage of Senate Bill 861, Chapter 35, section 2705 for a required fee increase on building permits for the strong motion instrumentation and seismic hazard mapping. These fees are required to be passed on to the State for each permit. In the event that the City does not increase the fees, the City will be required to subsidize this expense.

FISCAL IMPACT

Based upon last year's collections, failure to approve will cost the General Fund \$900.

RECOMMENDATIONS

Adopt Resolution No. 8235 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING THE FEE INCREASE ON BUILDING PERMITS FOR THE STRONG MOTION INSTRUMENTATION AND SEISMIC HAZARD MAPPING REQUIRED FOR ALL CITIES AND COUNTIES WITHIN THE STATE OF CALIFORNIA AS INDICATED IN SENATE BILL 861, CHAPTER 35, SECTION 2705.

ATTACHMENTS

A – Resolution No. 8235
B – SMIF Fee Increase

CC-b

**OROVILLE CITY COUNCIL
RESOLUTION NO. 8235**

A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING THE FEE INCREASE ON BUILDING PERMITS FOR THE STRONG MOTION INSTRUMENTATION AND SEISMIC HAZARD MAPPING REQUIRED FOR ALL CITIES AND COUNTIES WITHIN THE STATE OF CALIFORNIA AS INDICATED IN SENATE BILL 861, CHAPTER 35, SECTION 2705.

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

1. The Council hereby approves the State of California mandated fee increase for the Strong Motion Instrumentation and Seismic Mapping, Senate Bill 861, Chapter 35, section 2705.

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 July 15, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Randy Murphy, City Clerk



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF ADMINISTRATION – ACCOUNTING OFFICE

801 K STREET • MS 22-15 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 322-5998 • FAX 916 / 445-0433 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

Date: June 24, 2014

IMPORTANT NOTICE - FEE INCREASE AS OF JULY 1, 2014

To: ALL CITIES AND COUNTIES

Strong Motion Instrumentation and Seismic Hazard Mapping

This is to inform you that legislation under SB 861 (Chapter 35, Statutes of 2014) has amended Section 2705 of the Public Resources Code to increase the seismic fee for building permits **effective July 1, 2014** to provide for increased mapping of faults. The increased fee will be as follows:

\$10.00 per \$100,000 for 1-3 story residential buildings will increase to \$13.00 per \$100,000

\$21.00 per \$100,000 for commercial and over 3-story residential buildings will increase to \$28.00 per \$100,000.

Revised fee schedules are enclosed to assist you in computing the new fees. The 5% retention of fees collected will also be correspondingly increased. If you have any questions, or need additional information, please contact Karla Rasmussen at (916) 322-2856 or e-mail Karla.rasmussen@conservation.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Clayton Haas", written over a horizontal line.

Clayton Haas
Assistant Director,
Division of Administration

Enclosures

**Fee Schedule
Strong-Motion Instrumentation and Seismic Hazard Mapping Fee**

Category 1 Construction * (1 to 3 Story Residential)

Method 1

The fee amount can be calculated from the permit valuation amount using the formula:

$$(\text{Valuation Amount}) \times 0.00013 = \text{Fee Amount}$$

As an example, the fee for a \$128,580 valuation is \$128,580 x 0.00013 or \$16.72

Method 2

As an alternative to Method 1, the fee for a given valuation can be calculated using the following table, as illustrated below:

Valuation	Fee	Valuation	Fee	Valuation	Fee	Valuation	Fee	Valuation	Fee
\$ 0 - 100	\$ 0.01	\$ 1,000	\$ 0.13	\$ 10,000	\$ 1.30	\$ 100,000	\$ 13.00	\$ 1,000,000	\$ 130.00
\$ 200	\$ 0.03	\$ 2,000	\$ 0.26	\$ 20,000	\$ 2.60	\$ 200,000	\$ 26.00	\$ 2,000,000	\$ 260.00
\$ 300	\$ 0.04	\$ 3,000	\$ 0.39	\$ 30,000	\$ 3.90	\$ 300,000	\$ 39.00	\$ 3,000,000	\$ 390.00
\$ 400	\$ 0.05	\$ 4,000	\$ 0.52	\$ 40,000	\$ 5.20	\$ 400,000	\$ 52.00	\$ 4,000,000	\$ 520.00
\$ 500	\$ 0.07	\$ 5,000	\$ 0.65	\$ 50,000	\$ 6.50	\$ 500,000	\$ 65.00	\$ 5,000,000	\$ 650.00
\$ 600	\$ 0.08	\$ 6,000	\$ 0.78	\$ 60,000	\$ 7.80	\$ 600,000	\$ 78.00	\$ 6,000,000	\$ 780.00
\$ 700	\$ 0.09	\$ 7,000	\$ 0.91	\$ 70,000	\$ 9.10	\$ 700,000	\$ 91.00	\$ 7,000,000	\$ 910.00
\$ 800	\$ 0.10	\$ 8,000	\$ 1.04	\$ 80,000	\$ 10.40	\$ 800,000	\$ 104.00	\$ 8,000,000	\$ 1,040.00
\$ 900	\$ 0.12	\$ 9,000	\$ 1.17	\$ 90,000	\$ 11.70	\$ 900,000	\$ 117.00	\$ 9,000,000	\$ 1,170.00

The fee amount can be obtained by breaking the Evaluation amount into parts and using the entries in This table. An example for a permit valuation of \$128,580 is shown at the right:

\$100,000	\$13.00
20,000	2.60
8,000	1.04
500	0.07
80	.01
<u>\$128,580</u>	<u>\$16.72</u> Fee Amount

* Notes:

- 1) The minimum fee is 50 cents, so the fee for any valuation up to \$3850 is simply \$.50.
- 2) Category 1 construction includes residential buildings 1 to 3 stories in height, except hotels and motels. Single family houses, duplexes and quadruplexes are in Category 1. Condominiums and apartment buildings are in Category 1 only if they are 3 stories or less in height.
- 3) A "building" is defined as a structure built for the support, shelter or enclosure of people, animals or property.

**Fee Schedule
Strong-Motion Instrumentation and Seismic Hazard Mapping Fee**

Category 2 Construction * (Over 3 story Residential and all Commercial)

Method 1

The fee amount can be calculated from the permit valuation amount using the formula:

$$(\text{Valuation Amount}) \times 0.00028 = \text{Fee Amount}$$

As an example, the fee for a \$1,231,890 valuation is \$1,231,890 x 0.00028 or \$344.93

Method 2

As an alternative to Method 1, the fee for a given valuation can be calculated using the following table, as illustrated below:

Valuation	Fee	Valuation	Fee	Valuation	Fee	Valuation	Fee	Valuation	Fee
\$ 0 - 100	\$ 0.03	\$ 1,000	\$ 0.28	\$ 10,000	\$ 2.80	\$ 100,000	\$ 28.00	\$ 1,000,000	\$ 280.00
\$ 200	\$ 0.06	\$ 2,000	\$ 0.56	\$ 20,000	\$ 5.60	\$ 200,000	\$ 56.00	\$ 2,000,000	\$ 560.00
\$ 300	\$ 0.08	\$ 3,000	\$ 0.84	\$ 30,000	\$ 8.40	\$ 300,000	\$ 84.00	\$ 3,000,000	\$ 840.00
\$ 400	\$ 0.11	\$ 4,000	\$ 1.12	\$ 40,000	\$ 11.20	\$ 400,000	\$ 112.00	\$ 4,000,000	\$ 1,120.00
\$ 500	\$ 0.14	\$ 5,000	\$ 1.40	\$ 50,000	\$ 14.00	\$ 500,000	\$ 140.00	\$ 5,000,000	\$ 1,400.00
\$ 600	\$ 0.17	\$ 6,000	\$ 1.68	\$ 60,000	\$ 16.80	\$ 600,000	\$ 168.00	\$ 6,000,000	\$ 1,680.00
\$ 700	\$ 0.20	\$ 7,000	\$ 1.96	\$ 70,000	\$ 19.60	\$ 700,000	\$ 196.00	\$ 7,000,000	\$ 1,960.00
\$ 800	\$ 0.22	\$ 8,000	\$ 2.24	\$ 80,000	\$ 22.40	\$ 800,000	\$ 224.00	\$ 8,000,000	\$ 2,240.00
\$ 900	\$ 0.25	\$ 9,000	\$ 2.52	\$ 90,000	\$ 25.20	\$ 900,000	\$ 252.00	\$ 9,000,000	\$ 2,520.00

The fee amount can be obtained by breaking the evaluation amount into parts and using the entries in this table. An example for a permit valuation of \$1,231,890 is shown at the right:

\$1,000,000	\$280.00	
200,000	56.00	
30,000	8.40	
1,000	0.28	
800	0.22	
90	.03	
<u>\$1,231,890</u>	<u>\$344.93</u>	Fee Amount

* Notes:

- 1) The minimum fee is 50 cents, so the fee for any valuation up to \$1786 is simply \$.50.
- 2) Category 2 includes all buildings not in Category 1. For example, Category 2 includes residential buildings over 3 stories, all office buildings, warehouses, factories and other manufacturing or processing facilities, restaurants, and other non-residential buildings.
- 3) A "building" is defined as a structure built for the support, shelter or enclosure of people, animals or property.

**OROVILLE CITY COUNCIL
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS
RANDY MURPHY, CITY ADMINISTRATOR**

FROM: GLENN LAZOF, INTERIM FINANCE DIRECTOR

**RE: PLACEMENT OF DELINQUENT GARBAGE BILLS ON THE
2014/15 PROPERTY TAX ROLL**

DATE: JULY 15, 2014

SUMMARY

The Council may consider the placement of delinquent garbage bills to Recology on the 2014/15 property tax roll.

DISCUSSION

The City's Franchise Agreement with Recology and City Ordinance 1562 provide that the City must place delinquent garbage bills on the tax roll of property owners.

Recology is required to send two notices prior to turning their delinquent garbage bills over to the City to be placed on the tax roll. The first notice is to the service recipient who may or may not be the property owner as well as the property owner of record. The second notice states that if the payment is not received in fifteen days, a delinquency fee will be added to the bill when the City places the lien on the property.

Occasionally, the former property owner is notified in error because the list which Recology receives from the County has not been updated. In those cases the charge is immediately deleted and the correct property owner is notified. These procedures are all in accordance with Ordinance 1562 and Resolutions 4486 and 4929. In turning these delinquent tax bills over to the City to be placed on the tax roll of the property owner, Recology has certified that it has complied with all required procedures.

In order to ensure the proper funding for the refuse removal and disposal service, the City, like many other cities, has a provision for delinquent bills to be placed on the owner's property tax bill.

The City receives a small fee for each delinquent bill on which is lien is placed.

CC-7

FISCAL IMPACT

None.

RECOMMENDATION

Adopt Resolution No. 8236 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING DIRECT ASSESSMENT FOR DELINQUENT GARBAGE BILLS FOR FISCAL YEAR 2013/14 ON THE 2014/15 PROPERTY TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY.

ATTACHMENTS

Resolution No. 8236
List of Assessments
Proposition 218 Certification

**CITY OF OROVILLE
RESOLUTION NO. 8236**

A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING DIRECT ASSESSMENT FOR DELINQUENT GARBAGE BILLS FOR FISCAL YEAR 2013/14 ON THE 2014/15 PROPERTY TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY

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

SECTION 1. The City of Oroville has complied with all laws pertaining to the levy including Proposition 218.

SECTION 2. The charge being levied is in accordance with the benefit conferred to each parcel without regard to the valuation of the property.

SECTION 3. The charge is being added to the property tax bills of the owner of the parcel receiving the services because the bill is delinquent. The authority to add the charge to the tax bill comes from: City Ordinance 1562 and the California law as stated in Government Code Section 38790.1 and 25831.

SECTION 4. The garbage collection charges contained in the magnetic media are hereby ordered levied.

SECTION 5. The Mayor is hereby authorized to sign the Proposition 218 Certification of Tax Bill Levy.

SECTION 6. 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 July 15, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Randy Murphy, City Clerk

ORO FINAL LIEN REPORT sent to city 06082014 Event 7876 (2)

TYPE	Owner Name	Assessor Parcel #	Lien \$	Lien + Fees	From Date	To Date
R	SCRUBY,DAVID M & VICKIE TRUST	012-010-016-000	150.36	190.36	8/8/2013	3/31/2014
R	FLEMING,TIM & AMY	012-023-008-000	318	358	4/1/2013	3/31/2014
C	GURLEY,MARIRUTH D LIVING TRUST	012-032-012-000	1438.59	1478.59	4/1/2013	3/31/2014
R	SMITH,SHILO	012-034-004-000	48.77	88.77	4/1/2013	9/26/2013
C	LUCAS,MICHAEL D & CHERYL A	012-034-005-000	184.83	224.83	4/1/2013	3/31/2014
C	REVELES,JOSE ETAL	012-042-005-000	555.48	595.48	4/8/2013	3/31/2014
R	SAYEGH,ZAHER & TANIA	012-042-014-000	628.31	668.31	4/1/2013	3/31/2014
C	BARNES,TODD A & GAIL J DBA COR	012-050-024-000	449.99	489.99	4/1/2013	3/31/2014
R	JENSEN,REGINA TERESA	012-062-004-000	78.5	118.5	4/1/2013	3/31/2014
R	HUNTER,MINA L	012-062-009-000	318	358	4/1/2013	3/31/2014
R	HEARN,RONALD & APRIL	012-064-003-000	88.8	128.8	4/1/2013	3/31/2014
R	HOLLAND,JEFFREY D	012-065-013-000	264.76	304.76	5/16/2013	3/31/2014
R	ALVES,DAVID A REVOC TRUST	012-066-009-000	26.4	66.4	4/1/2013	5/1/2013
R	ALVES,DAVID A REVOC TRUST	012-066-010-000	168	208	4/1/2013	3/31/2014
R	CIESLA,ANNA LAURA	012-071-004-000	318	358	4/1/2013	3/31/2014
R	GIRDLER,ROBB C	012-072-001-000	318	358	4/1/2013	3/31/2014
R	MURRAY,JASON T & JAN K ETAL	012-072-010-000	49.58	89.58	4/1/2013	3/31/2014
R	CIESLA,ANNA L	012-072-011-000	150.36	190.36	4/1/2013	3/31/2014
R	HOLMAN,PATRICIA M	012-072-012-000	318	358	4/1/2013	3/31/2014
R	GREGORY & KIMBERLY FEIDER	012-073-013-000	318	358	4/1/2013	3/31/2014
R	VEIRA,ARON	012-082-008-000	299.58	339.58	4/1/2013	3/31/2014
R	ZIBURTOVICZ,ALEXANDER	012-084-010-000	299.58	339.58	4/1/2013	3/31/2014
R	NIELSEN,STEVE & DAWNA	012-085-001-000	299.58	339.58	4/1/2013	3/31/2014
R	OPPENHEIM,PATRICIA J G TRUST	012-085-002-000	53.41	93.41	4/25/2013	3/31/2014
C	NOLASCO,IGNACIO B & CRISTINA D	012-093-011-000	53.69	93.69	4/1/2013	3/31/2014
C	STOCKS,JAMES E ETAL	012-100-034-000	500.44	540.44	4/1/2013	3/31/2014
C	JOHNSON,RICHARD W SR	012-111-004-000	46.53	86.53	4/1/2013	3/31/2014
R	RUVALCABA,RAUL	012-111-007-000	318	358	4/1/2013	3/31/2014
R	EQUITY TRUST COMPANY CUSTODIAN	012-113-014-000	44.55	84.55	4/18/2013	3/31/2014
R	MORENO,FELIPE D	012-121-002-000	158.8	198.8	4/1/2013	3/31/2014
R	OLSON,CHRISTOPHER & SHANNON	012-121-014-000	318	358	4/1/2013	3/31/2014
R	ARMSTRONG,BETTY J	012-124-010-000	75.75	115.75	4/1/2013	3/31/2014
R	CHAIT,PAUL N	012-126-003-000	52.8	92.8	4/1/2013	5/30/2013
R	SHARKEY,KATHLEEN	012-126-006-000	175.36	215.36	4/1/2013	3/31/2014
R	NORRIS FAMILY TRUST	012-129-007-000	65.99	105.99	4/1/2013	6/13/2013
R	NORRIS FAMILY TRUST	012-129-007-000	252.01	292.01	6/20/2013	3/31/2014

ORO FINAL LIEN REPORT sent to city 06082014 Event 7876 (2)

R	LEWIS,SCOTT & DEBRA	012-129-010-000	259.04	299.04	4/1/2013	1/29/2014
R	MCAFFEE,KAREN D	012-131-014-000	318	358	4/1/2013	3/31/2014
R	KRAUSE,DON III	012-132-004-000	318	358	4/1/2013	3/31/2014
R	EIDEN,STEPHAN H SR	012-133-013-000	82.99	122.99	4/1/2013	8/18/2013
C	SWEET,MARY	012-133-019-000	46.37	86.37	4/1/2013	3/31/2014
R	BAXTER,OKYAN BUCHANAN MACMILLA	012-133-020-000	79.2	119.2	4/1/2013	3/31/2014
R	PETERSON,HEATHER	012-135-006-000	306	346	4/1/2013	3/31/2014
R	GILBERT,SCOTT R	012-135-010-000	33.48	73.48	4/1/2013	3/31/2014
R	MOREY,COLLIN & TERRIL	012-135-013-000	80.4	120.4	4/1/2013	3/31/2014
R	DOWNEY,DACQUES & BETSEY	012-135-017-000	75.75	115.75	4/1/2013	3/31/2014
R	HOLLAND,JEFFREY D	012-135-034-000	299.58	339.58	4/1/2013	3/31/2014
R	HOLLAND,JEFFREY D	012-135-034-000	113.4	153.4	11/28/2013	3/31/2014
R	WATKINS,CLIFTON & BARBARA ETAL	012-136-005-000	77.6	117.6	4/1/2013	3/31/2014
R	VALVERDE,FILEMON A	012-141-005-000	137.91	177.91	4/1/2013	3/31/2014
R	VALVERDE,FILEMON A	012-141-005-000	130.47	170.47	10/31/2013	3/31/2014
R	DAYOAN,PACIFICO & FELISA	012-145-006-000	318	358	4/1/2013	3/31/2014
R	NATIONSTAR MTG LLC	012-145-008-000	299.58	339.58	4/1/2013	3/31/2014
R	HITT,JAMES M JR & TAMARA	012-160-063-000	159.6	199.6	4/1/2013	3/31/2014
R	POTTS,DEBORAH L & MICHAEL	012-172-009-000	318	358	4/1/2013	3/31/2014
R	ALBRECHT,BRIAN K	012-172-017-000	92.39	132.39	4/4/2013	7/11/2013
R	MEYER,SHARON ROSE	012-173-004-000	77.4	117.4	5/30/2013	3/31/2014
R	CURRENT,RICHARD & TERESA MARIE	012-181-007-000	471.45	511.45	4/1/2013	3/31/2014
R	WOJCIK,DARLA J FAMILY TRUST	012-190-004-000	34	74	4/1/2013	3/31/2014
R	DOMINGUEZ,DIANNA R TR	012-190-018-000	176.84	216.84	4/1/2013	3/31/2014
R	SMITH,LINDA J	012-201-020-000	318	358	4/1/2013	3/31/2014
R	GARWOOD,JEREANN L	012-201-021-000	318	358	4/1/2013	3/31/2014
R	CUNNINGHAM,SAMUEL F & DEBORAH	012-201-025-000	184.8	224.8	4/1/2013	10/31/2013
R	RUTHERFORD,CYNTHIA LEE	012-203-009-000	633	673	4/1/2013	3/31/2014
C	TORRI,BARBARA CHAPMAN	012-203-010-000	652.58	692.58	4/1/2013	3/31/2014
R	JACKSON,BRAXTON	012-203-017-000	318	358	4/1/2013	3/31/2014
R	PARKER,JOHN MANVILLE ETAL	012-203-018-000	318	358	4/1/2013	3/31/2014
R	PARKER,JOHN MANVILLE ETAL	012-203-018-000	318	358	4/1/2013	3/31/2014
R	FEDERAL NATL MTG ASSN FNMA	012-212-056-000	299.58	339.58	4/1/2013	3/31/2014
R	FEDERAL NATL MTG ASSN FNMA	012-212-056-000	299.58	339.58	4/1/2013	3/31/2014
R	STANLEY,ERIC	012-221-011-000	145.38	185.38	10/10/2013	3/31/2014
R	SOUDAN,JUDI	012-222-014-000	265.2	305.2	6/6/2013	3/31/2014
R	LUCAS,DENNIS	012-251-005-000	318	358	4/1/2013	3/31/2014

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R	MCINNIS,ALISA M	012-251-017-000	84.85	124.85	4/1/2013	11/11/2013
R	DELONG,STANLEY J & RITA J	012-251-026-000	75.18	115.18	4/1/2013	3/31/2014
R	WILSON,JOHNNIE E	012-252-005-000	318	358	4/1/2013	3/31/2014
R	WADE,ROBERT E	012-252-012-000	318	358	4/1/2013	3/31/2014
R	GLASSGOW INTER VIVOS TRUST ETA	012-254-006-000	108.91	148.91	4/1/2013	3/31/2014
C	JONES GEORGE A JR ETAL	012034003000	153.77	193.77	4/1/2013	3/31/2014
C	GREENWALD WARREN C JR	012063009000	420.89	460.89	4/1/2013	3/31/2014
C	OROVILLE MASONIC LDG ASSN	012092006000	276.75	316.75	4/1/2013	3/31/2014
R	LOBO ANNA ELIZABETH SS	012222013000	318	358	4/1/2013	3/31/2014
R	GARWOOD,DENNIS	013-010-016-000	165	205	4/1/2013	10/7/2013
R	JATKO,KEVIN W & DEBRA A	013-010-024-000	306	346	4/1/2013	3/31/2014
R	SOSSAMAN,JESSE & BARBARA	013-024-001-000	318	358	4/1/2013	3/31/2014
R	CHARMBURY,DIANA	013-025-002-000	54.66	94.66	4/1/2013	3/31/2014
R	JENSEN,REGINA T	013-026-004-000	157.6	197.6	4/1/2013	3/31/2014
R	RUTHERFORD,SHARON K	013-027-004-000	49.74	89.74	4/1/2013	11/30/2013
R	BASHERINI,CHERI	013-028-008-000	318	358	4/1/2013	3/31/2014
R	RODRIGUEZ,HECTOR HUIZAR CO-T	013-031-011-000	180.72	220.72	9/9/2013	3/31/2014
R	MCCURRY,JOYCE & LINDA JOYCE 93	013-032-003-000	590.97	630.97	4/1/2013	3/31/2014
R	SLACK,GLADYS	013-032-020-000	318	358	4/1/2013	3/31/2014
R	IELATI,EUGENE C	013-033-015-000	318	358	4/1/2013	3/31/2014
R	BROWN,BRYAN W & DENISE S	013-041-011-000	318	358	4/1/2013	3/31/2014
R	BANNON,JANA TRUST	013-041-020-000	64.32	104.32	4/1/2013	3/16/2014
R	SMALL,LEWIS E JR	013-042-008-000	299.58	339.58	4/1/2013	3/31/2014
R	MITCHELL MARCEL M	013-042-011-000	318	358	4/1/2013	3/31/2014
R	LEE,WAH CHEAN & HUI LIN	013-042-017-000	318	358	4/1/2013	3/31/2014
R	HARDEN,CHRISTY	013-042-029-000	318	358	4/1/2013	3/31/2014
R	HANSON,TIFFANY ANN	013-051-012-000	99.58	139.58	4/1/2013	3/31/2014
R	RODRIGUEZ,HECTOR HUIZAR CO-T	013-053-005-000	80.88	120.88	4/1/2013	3/31/2014
R	ITHURRALDE,JEAN PIERRE ETAL	013-053-008-000	75.75	115.75	4/1/2013	3/31/2014
R	HALVORSON,TAMMY GAINES	013-053-012-000	168.06	208.06	4/1/2013	3/31/2014
R	ROLON,LUIS ARMANDO MACIEL	013-061-012-000	318	358	4/1/2013	3/31/2014
R	STEELE,JOANN	013-065-013-000	318	358	4/1/2013	3/31/2014
R	RESSO,LINDSAY & KIM	013-066-005-000	35.71	75.71	4/1/2013	3/31/2014
R	MAXWELL MHP LLC	013-070-003-000	318	358	4/1/2013	3/31/2014
R	UNDERWOOD,EUGENE H REVOC TRUST	013-071-006-000	217.38	257.38	4/1/2013	3/31/2014
R	HILL,RUDY CHARLES LIVING TRUST	013-071-012-000	125.4	165.4	4/1/2013	8/25/2013
R	JELLISON,CHAD D	013-071-014-000	150.36	190.36	4/1/2013	3/31/2014

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R	JELLISON,CHAD DAMEIN & JENNIFE	013-071-034-000	299.58	339.58	4/1/2013	3/31/2014
R	JOHNSTON,GARY P	013-072-004-000	318	358	4/1/2013	3/31/2014
R	JELLISON,CHAD D	013-072-007-000	147.84	187.84	4/1/2013	9/16/2013
R	STERN,ALAN E & SUSAN J	013-073-008-000	218	258	4/1/2013	3/31/2014
R	GILL,MANDEEP K	013-073-024-000	47.26	87.26	5/6/2013	3/31/2014
R	MORTON,ASHLEY M	013-081-002-000	299.58	339.58	4/1/2013	3/31/2014
R	NOBLE,DONALD O & JEAN A LIV TR	013-081-013-000	75.45	115.45	4/1/2013	3/31/2014
R	ANDERSON,JAMES N & JODI L	013-081-014-000	37.6	77.6	9/2/2013	3/31/2014
R	CASTLEBERRY,LONA	013-082-004-000	58.02	98.02	4/1/2013	3/31/2014
R	ANDERSON,KEN & ANNETTE	013-084-001-000	19.34	59.34	3/3/2014	3/31/2014
R	GALVIN,ANNEMARIE	013-084-010-000	80.4	120.4	4/1/2013	3/31/2014
R	ALLISON,JOSEPHINE	013-084-011-000	219.58	259.58	4/1/2013	3/31/2014
R	KING,BONNIE L ETAL	013-093-007-000	62.15	102.15	4/1/2013	3/31/2014
R	KING,BONNIE L ETAL	013-093-007-000	150.36	190.36	4/1/2013	3/31/2014
R	NELSON,VANCE E & MARJORIE TRUS	013-093-016-000	317.2	357.2	4/1/2013	3/31/2014
R	JONES,MICHAEL DENNIS & KATHY	013-121-001-000	318	358	4/1/2013	3/31/2014
R	RUMSEY,NORMAN J	013-121-003-000	172.26	212.26	4/1/2013	3/31/2014
R	SHAULIS,RANDY	013-121-012-000	299.58	339.58	4/1/2013	3/31/2014
R	SOU DAN,GARYE	013-121-015-000	25.25	65.25	3/3/2014	3/31/2014
R	SWANSICK,WILLIAM	013-121-026-000	99.58	139.58	4/1/2013	3/31/2014
R	ALLEN FAMILY TRUST	013-121-030-000	229.38	269.38	4/1/2013	3/31/2014
R	SITTMAN,THOMAS	013-122-005-000	250.66	290.66	4/1/2013	3/31/2014
R	YZAGUIRRE,MARTIN A	013-123-002-000	299.58	339.58	4/1/2013	3/31/2014
R	OROURKE,ELINOR D	013-123-004-000	318	358	4/1/2013	3/31/2014
R	DELABY FAMILY TRUST	013-123-005-000	299.58	339.58	4/1/2013	3/31/2014
R	SAWTELLE,ERIC & KAREN M	013-130-012-000	238.8	278.8	5/27/2013	3/31/2014
R	REED,RONALD L	013-130-014-000	72.6	112.6	4/1/2013	6/17/2013
R	REED,RONALD L	013-130-014-000	120.01	160.01	11/18/2013	3/31/2014
R	VELAZQUEZ,RODOLFO & ESTHER	013-130-039-000	211.19	251.19	7/8/2013	3/31/2014
R	VELAZQUEZ,JESUS & ARACELI	013-130-042-000	318	358	4/1/2013	3/31/2014
R	ALCAREZ,MARIANO G	013-130-048-000	199.58	239.58	4/1/2013	3/31/2014
C	PARSONS,DAVID D & JENNIFER A	013-160-013-000	230.79	270.79	4/1/2013	3/31/2014
C	DROST,WILLIAM A JR & INEZ T	013-160-038-000	135.39	175.39	5/30/2013	3/31/2014
C	DANDREA,JOSEPH D & KARI	013-160-043-000	409.59	449.59	4/1/2013	10/17/2013
C	DROST,WILLIAM A JR & INEZ DBA	013-160-055-000	1427.34	1467.34	4/1/2013	3/31/2014
C	DROST,WILLIAM A JR & INEZ DBA	013-160-055-000	258.24	298.24	4/1/2013	3/31/2014
C	DROST,WILLIAM A JR & INEZ DBA	013-160-055-000	138.87	178.87	4/1/2013	3/31/2014

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C	DROST,WILLIAM A JR & INEZ DBA	013-160-055-000	188.01	228.01	4/1/2013	3/31/2014
C	DROST,WILLIAM A JR & INEZ DBA	013-160-055-000	23.77	63.77	2/20/2014	3/31/2014
C	CURRIER SQUARE SHOPPING CENTER	013-170-057-000	276.75	316.75	4/1/2013	3/31/2014
R	BUMP,DENNIS M ETAL	013-190-010-000	192.6	232.6	8/26/2013	3/31/2014
R	HOLLAND,JEFFREY DON	013-190-011-000	318	358	4/1/2013	3/31/2014
R	JIMENEZ,RAUL A	013-190-037-000	318	358	4/1/2013	3/31/2014
R	WATSON,ELEANOR L	013-190-049-000	145.4	185.4	6/24/2013	3/31/2014
R	KRAFT,JAMES K	013-190-053-000	318	358	4/1/2013	3/31/2014
R	VERNON C & REMEYA BURRUSS	013-200-010-000	151.8	191.8	4/1/2013	9/26/2013
R	VERNON C & REMEYA BURRUSS	013-200-010-000	125.99	165.99	9/27/2013	2/20/2014
R	NORRIS FAMILY TRUST	013-201-005-000	299.58	339.58	4/1/2013	3/31/2014
R	NORRIS FAMILY TRUST	013-201-007-000	344.4	384.4	4/1/2013	3/31/2014
R	SIMS,JAY D & CLAUDETTE JOYCE	013-202-019-000	149.58	189.58	4/1/2013	3/31/2014
R	SCHNEIDER,NELLIE B & KARL JON	013-202-023-000	318	358	4/1/2013	3/31/2014
R	NORRIS FAMILY TRUST	013-211-005-000	318	358	4/1/2013	3/31/2014
R	NORRIS FAMILY TRUST	013-211-006-000	318	358	4/1/2013	3/31/2014
R	NORRIS FAMILY TRUST	013-211-008-000	29.85	69.85	4/1/2013	5/3/2013
R	NORRIS FAMILY TRUST	013-211-015-000	53.71	93.71	4/1/2013	6/13/2013
R	NORRIS FAMILY TRUST	013-211-015-000	158.6	198.6	6/14/2013	3/31/2014
R	LEONIS,JAMES ETAL	013-213-004-000	425.75	465.75	4/1/2013	3/31/2014
R	MASON,STELLA SIMPSON	013-213-011-000	318	358	4/1/2013	3/31/2014
R	CARVER,THOMAS PAUL & SALLY ANN	013-214-005-000	80	120	4/1/2013	3/31/2014
R	OROVILLE ECONOMIC & COMMUNITY	013-214-006-000	75.75	115.75	4/1/2013	3/31/2014
R	WEST,ROBERT N & MISTELL L	013-214-021-000	318	358	4/1/2013	3/31/2014
R	THOMPSON-TAYLOR,LAWANDA CHERIS	013-214-023-000	318	358	4/1/2013	3/31/2014
R	RICKEY,JON LOGAN	013-215-003-000	318	358	4/1/2013	3/31/2014
R	OQUINN,JOHN R	013-215-010-000	84.71	124.71	4/1/2013	1/10/2014
R	OQUINN,JOHN R	013-215-013-000	80.4	120.4	7/19/2013	3/31/2014
R	THOMPSON-TAYLOR,LAWANDA	013-215-015-000	318	358	4/1/2013	3/31/2014
R	HARRISON,TIMOTHY EDWIN	013-216-005-000	153.6	193.6	4/1/2013	3/31/2014
R	SMITH,DENNIS H & WEBBER PATRIC	013-216-008-000	318	358	4/1/2013	3/31/2014
R	VASQUEZ,SALVADOR	013-222-005-000	318	358	4/1/2013	3/31/2014
R	MARGOLATI,DAVID B & MICHELLE E	013-224-020-000	224.97	264.97	4/1/2013	3/31/2014
R	HILLS,MONIQUE AKA RIVERS,KIRST	013-224-026-000	118	158	4/1/2013	3/31/2014
R	MOORE,EVA	013-225-004-000	287.58	327.58	4/1/2013	3/31/2014
R	ASTON,DEBRA A	013-225-012-000	318	358	4/1/2013	3/31/2014
R	ORUGEN INCORPORATED	013-225-022-000	57.66	97.66	4/1/2013	3/31/2014

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R	OQUINN,JOHN RUFUS & ROSE MARIE	013-226-004-000	208	248	4/1/2013	3/31/2014
R	KIMBLE,IRENE L	013-226-008-000	299.58	339.58	4/1/2013	3/31/2014
R	CASIMIR,TONY	013-250-002-000	65.99	105.99	4/1/2013	6/16/2013
C	TORRI,BARBARA CHAPMAN	013-250-059-000	692.58	732.58	4/1/2013	3/31/2014
C	KING,A M FAMILY REVOC TRUST ET	013-260-025-000	65.89	105.89	4/1/2013	3/31/2014
C	KING,A M FAMILY REVOC TRUST ET	013-260-025-000	143.47	183.47	8/29/2013	3/31/2014
R	FEGAN,ROB	013-280-015-000	111.54	151.54	1/25/2013	3/31/2014
R	SMITH,DEBORAH J	013-280-035-000	279.41	319.41	4/22/2013	3/31/2014
R	COWAN,WILLIAM WAYNE & FRANCES	013-280-039-000	154.97	194.97	4/1/2013	3/31/2014
C	PIERCE-MONSON REVOC TRUST	013-290-024-000	188.01	228.01	4/1/2013	3/31/2014
C	ELKINS,JOHN W	013-300-075-000	241.79	281.79	4/1/2013	3/31/2014
R	DESANTO,CHARISE	013-310-004-000	205.18	245.18	4/1/2013	12/6/2013
R	BRAMLAGE ROBERT ETAL	013130017000	299.58	339.58	4/1/2013	3/31/2014
R	HASSLER BEVERLEY J ETAL	013200016000	55.17	95.17	4/1/2013	3/31/2014
C		030-260-059-000	755.27	795.27	4/1/2013	3/31/2014
R	PASCUAL,GREGORY C & LUZVIMINDA	030-490-001-000	306	346	4/1/2013	3/31/2014
R	KEPUS,JOHN E JR & ANDREA	030-490-051-000	318	358	4/1/2013	3/31/2014
R	LOPEZ,FERNANDO A	030-550-004-000	318	358	4/1/2013	3/31/2014
R	MARLOW,NICHOLAS J ETAL	030-550-014-000	199.58	239.58	4/1/2013	3/31/2014
R	MC MULLEN,WILLIAM B & TIFFANY A	030-550-023-000	52.92	92.92	4/1/2013	3/31/2014
R	LEVIN,BRENT K & PAMELA L	030-580-045-000	627.81	667.81	4/1/2013	3/31/2014
R	STANWICH MTG LN SR 2012-9 TRUS	031-051-013-000	318	358	4/1/2013	3/31/2014
R	YANG KOUA NENG	031-053-044-000	208.14	248.14	4/1/2013	3/31/2014
R	BOESEN,SARAH A & CHEYENNE	031-053-097-000	318	358	4/1/2013	3/31/2014
C	COLBY TRUST	031-070-081-000	267.53	307.53	4/1/2013	3/31/2014
R	ULREY,WILLIAM HUGH	031-081-002-000	318	358	4/1/2013	3/31/2014
R	BURRIS,DEBRA A ETAL	031-081-007-000	318	358	4/1/2013	3/31/2014
R	NOOR,STACIE A	031-081-010-000	318	358	4/1/2013	3/31/2014
R	NORTON,MARY LOUISE	031-081-011-000	318	358	4/1/2013	3/31/2014
R	MADDEN,DIANA LEE	031-081-016-000	33.42	73.42	4/1/2013	3/31/2014
R	NICHOLS,WILLIAM M SS	031-082-002-000	97.26	137.26	4/1/2013	3/31/2014
R	DOANE,DARRELL E & EVELYN M FAM	031-083-007-000	75.36	115.36	4/1/2013	3/31/2014
R	MEYER,ELAINE J & GERALD	031-084-003-000	228.6	268.6	4/1/2013	1/1/2014
R	MEYER,ELAINE J & GERALD	031-084-003-000	72.29	112.29	1/2/2014	3/31/2014
R	LITTLETON,MARK A	031-084-007-000	318	358	4/1/2013	3/31/2014
R	CUMBERLAND,DANIEL L & MARY F	031-084-010-000	318	358	4/1/2013	3/31/2014
R	SYLVA,BRADLEY K & TONI LYNN ET	031-085-001-000	294.39	334.39	4/1/2013	3/31/2014

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R	REYNOLDS,LESLIE	031-085-006-000	158.4	198.4	4/1/2013	3/31/2014
R	PLO,GREGORY PAUL	031-085-007-000	147.48	187.48	4/1/2013	3/31/2014
R	BUTTERFIELD,ED & JOAN	031-086-009-000	229.38	269.38	4/1/2013	3/31/2014
R	MURRAY,BENJAMIN O & RUTH C LIV	031-090-003-000	229.38	269.38	4/1/2013	3/31/2014
R	MURRAY,BENJAMIN O & RUTH C LIV	031-090-003-000	229.38	269.38	4/1/2013	3/31/2014
R	CLAWSON,EDWARD A & DEBRA	031-120-031-000	318	358	4/1/2013	3/31/2014
R	STATEN,SHANE & DAREN P	031-130-033-000	49.58	89.58	4/1/2013	3/31/2014
R	G & G PROPERTIES	031-130-040-000	299.58	339.58	4/1/2013	3/31/2014
R	G & G PROPERTIES	031-130-040-000	299.58	339.58	4/1/2013	3/31/2014
R	G & G PROPERTIES	031-130-040-000	299.58	339.58	4/1/2013	3/31/2014
R	G & G PROPERTIES	031-130-040-000	299.58	339.58	4/1/2013	3/31/2014
R	ABELL,BRENDA J	031-130-053-000	75.75	115.75	4/1/2013	3/31/2014
R	URQUHART,WILLIAM LEE & JUDITH	031-140-053-000	318	358	4/1/2013	3/31/2014
R	HA,DEN CONG	031-140-074-000	318	358	4/1/2013	3/31/2014
R	HA,DEN CONG	031-140-074-000	124.97	164.97	4/4/2013	3/31/2014
R	ODOR,VICKI	031-140-079-000	627.81	667.81	4/1/2013	3/31/2014
R	DINWIDDIE,LAURUS K TRUST	031-140-092-000	149.58	189.58	4/1/2013	3/31/2014
R	COBURN REVOC INTERVIVOS TRUST	031-140-101-000	135.66	175.66	4/1/2013	3/31/2014
R	YANG,JOEY & TRACY	031-140-105-000	80.4	120.4	4/1/2013	3/31/2014
R	TORRI,BARBARA CHAPMAN	031-140-118-000	238.8	278.8	4/1/2013	3/31/2014
R	LOZANO KATHLEEN	031-150-018-000	75.58	115.58	9/26/2013	3/31/2014
R	KINSER,ANTHONY R & STACY L DBA	031-150-036-000	159.6	199.6	4/1/2013	3/31/2014
R	ROOT,LYNN M ETAL	031-150-059-000	159.63	199.63	4/1/2013	3/31/2014
R	NORCAL REDEV CORP ETUX	031-150-092-000	318	358	4/1/2013	3/31/2014
R	SIMON,RACHAEL	031-150-107-000	268	308	4/1/2013	3/31/2014
R	LEPPER,ALLEN W & DOROTHY J	031-150-109-000	80.4	120.4	4/1/2013	3/31/2014
R	LEAL,CATHERINE	031-161-046-000	318	358	4/1/2013	3/31/2014
R	CASTO,TONI E	031-226-018-000	234.9	274.9	4/1/2013	3/31/2014
R	KJELMYR,LEO SCOTT	031-310-015-000	116.56	156.56	8/22/2013	3/31/2014
R	PHILLIPS,CURTIS N	031-310-018-000	318	358	4/1/2013	3/31/2014
R	WILLIAMS,CORRINE R	031-310-019-000	318	358	4/1/2013	3/31/2014
R	CATBAGAH,EDUARDO L & LUZMINDA	031-310-030-000	127.7	167.7	4/1/2013	2/12/2014
R	CATBAGAH,EDUARDO L & LUZMINDA	031-310-030-000	46.9	86.9	2/13/2014	3/31/2014
R	WEBB,BRIAN	031-310-031-000	299.58	339.58	4/1/2013	3/31/2014
R	HESLA,LISA	031-310-046-000	318	358	4/1/2013	3/31/2014
R	LARA,GARY & MICHELLE	031-310-050-000	318	358	4/1/2013	3/31/2014
R	JONES,PATRICIA	031-310-052-000	318	358	4/1/2013	3/31/2014

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R	WULBERN,RICHARD H III & GERRYA	031-310-059-000	229.38	269.38	4/1/2013	1/16/2014
R	WYMAN,ALBERT THEODORE III	031-310-061-000	318	358	4/1/2013	3/31/2014
R	FOURSHA,ARCHIE A & MARILYN J	031-320-017-000	318	358	4/1/2013	3/31/2014
R	WEINREICH,MICHAEL J	031-320-022-000	299.58	339.58	4/1/2013	3/31/2014
R	GRAVES,PATRICE	031-330-003-000	300.72	340.72	4/1/2013	3/31/2014
R	STEEDMAN,SHARON LOUISE	031-340-007-000	318	358	4/1/2013	3/31/2014
R	LYKES,ROBERT N JR & MELISSA M	031-340-010-000	318	358	4/1/2013	3/31/2014
R	WARD,JACQUIE J	031-340-011-000	229.38	269.38	4/1/2013	3/31/2014
R	NELSON,WILLIAM R & PATRICIA L	031-340-016-000	318	358	4/1/2013	3/31/2014
R	MCDONALD,KYLE	031-340-020-000	150.67	190.67	4/1/2013	3/31/2014
R	WILSON,ROBERT	031-340-022-000	318	358	4/1/2013	3/31/2014
R	WILKES,WARREN M	031-340-044-000	294.39	334.39	4/1/2013	3/31/2014
R	KELLEY,MARK	031-340-050-000	139.58	179.58	4/1/2013	3/31/2014
C	TAGGART,BRADLEY D & BARBARA J	031-340-062-000	2094.57	2134.57	4/1/2013	3/31/2014
R	BUSS,NORA	031-340-064-000	80.4	120.4	4/1/2013	3/31/2014
R	MUNAFO,STACEY L	031-340-065-000	118	158	4/1/2013	3/31/2014
R	TIFFANY,SUSAN L	031-370-003-000	306	346	4/1/2013	3/31/2014
R	MACLEODS TRUST	031-370-010-000	108.23	148.23	4/16/2013	8/13/2013
R	MACLEODS TRUST	031-370-011-000	299.58	339.58	4/1/2013	3/31/2014
R	SIMPSON,MITCHELL D & NICOLE R	031-370-050-000	318	358	4/1/2013	3/31/2014
R	HENDRIX,K C & CATHY	031-380-010-000	142.72	182.72	8/1/2013	1/9/2014
R	HENDRIX,K C & CATHY	031-380-010-000	69.68	109.68	1/16/2014	3/31/2014
R	FINDLAY,BRENDAN	031-380-034-000	299.58	339.58	4/1/2013	3/31/2014
R	MAGANA,PETER ARIAS SR	031-390-005-000	154.4	194.4	9/12/2013	3/31/2014
R	THOMAS,STEPHEN & MOLLY	031-390-028-000	318	358	4/1/2013	3/31/2014
R	ALFONSO,ANTHONY P	031-390-035-000	318	358	4/1/2013	3/31/2014
R	LOBO,ROBERT W & KAMBRIA	031-400-025-000	299.58	339.58	4/1/2013	3/31/2014
R	ALLEN JOHN G & IMOGENE F	031150113000	187.58	227.58	4/1/2013	3/31/2014
R	HORNE,STEVEN J & ROSALIND C	033-110-063-000	200.66	240.66	4/1/2013	3/31/2014
R	DALEY,DOUGLASS ROGER OT & SALA	033-160-004-000	178.5	218.5	4/1/2013	3/31/2014
R	GILMORE,JESSE	033-170-007-000	318	358	4/1/2013	3/31/2014
R	SILVEIRA,SUSAN	033-210-012-000	318	358	4/1/2013	3/31/2014
R	BROWN,VINCE DEAN	033-210-016-000	217.38	257.38	4/1/2013	3/31/2014
R	WARNER,THOMAS E & MISTY D	033-210-019-000	159.6	199.6	4/1/2013	3/31/2014
R	WALLACE,GEORGE W JR	033-210-027-000	74.15	114.15	4/1/2013	3/31/2014
R	SWAN INVESTMENTS INC	033-222-010-000	192.3	232.3	4/1/2013	2/3/2014
R	SNODGRASS,KASEY J	033-222-015-000	318	358	4/1/2013	3/31/2014

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R	SAWYER, GERALD C & PATRICIA J	033-222-035-000	318	358	4/1/2013	3/31/2014
R	HOWARD, SHAWN ETAL	033-232-011-000	318	358	4/1/2013	3/31/2014
R	MACLEODS, SPOUSES	033-233-016-000	208.45	248.45	4/1/2013	3/31/2014
R	MCCOOL, JOANNE	033-233-032-000	318	358	4/1/2013	3/31/2014
R	CAPLES, GREGORY A REVOC TRUST	033-234-010-000	238.8	278.8	4/1/2013	3/31/2014
R	RIVERA, DAVID K & CHENOA S ETAL	033-241-004-000	229.38	269.38	4/1/2013	3/31/2014
R	FISHMAN, JON R & JOYCE	033-241-012-000	206	246	4/1/2013	3/31/2014
R	PRALL, RICHARD H & MARI RENEE	033-242-009-000	149.58	189.58	4/1/2013	3/31/2014
R	MORGAN, JAMES D & AMANDA	033-242-013-000	150.36	190.36	4/1/2013	3/31/2014
R	WOOD, TERRI L CB	033-243-013-000	318	358	4/1/2013	3/31/2014
R	SAWYER, GERALD C & PATRICIA J	033-260-030-000	318	358	4/1/2013	3/31/2014
R	FABBRO, GLENDA	033-271-029-000	199.58	239.58	4/1/2013	3/31/2014
R	AUTAGNE, ELIZABETH JO	033-280-001-000	306	346	4/1/2013	3/31/2014
R	CURRENT, RICHARD & TERESA M	033-293-001-000	312.72	352.72	4/8/2013	3/31/2014
R	MILLS, DAVID ANDERSON	033-293-009-000	137.58	177.58	4/1/2013	3/31/2014
R	LAVOYE, LINDA J	033-310-004-000	150.36	190.36	4/1/2013	3/31/2014
R	HAVENS, JESSE O	033-310-018-000	249.58	289.58	4/1/2013	3/31/2014
R	OROZCO, ALFREDO & CONSUELO	033-320-001-000	299.58	339.58	4/1/2013	3/31/2014
R	MCGRATH, JAMES EVERETT JR	033-320-011-000	321.75	361.75	4/1/2013	3/31/2014
C	FEVURLY, WILLIAM J	033-320-027-000	276.75	316.75	4/1/2013	3/31/2014
R	GREENWALD, WARREN C & DONNA L	033-320-029-000	318	358	4/1/2013	3/31/2014
R	ABC 123 INC	033-331-004-000	218	258	4/1/2013	3/31/2014
R	HOLDEN, LISA	033-332-012-000	199.2	239.2	4/1/2013	3/31/2014
R	TEAGUE, ARVADA & WAYNE	033-340-010-000	80.4	120.4	4/1/2013	3/31/2014
R	HARDING, FRANCES P	033-340-015-000	318	358	4/1/2013	3/31/2014
R	COMBS, ANTHONY	033-350-015-000	177.62	217.62	4/1/2013	3/31/2014
R	DECKER, JESSE M & THERESA	033-360-018-000	253.02	293.02	4/1/2013	3/31/2014
R	RAMSEY, ROYCE M & MARY J	033-370-021-000	77.4	117.4	4/1/2013	3/31/2014
R	SORIA, MYRNA & JESUS	033-400-002-000	313.08	353.08	4/1/2013	3/31/2014
R	OSBORN, JOSH	033-410-011-000	221.76	261.76	4/1/2013	12/9/2013
R	IDILBI, JANA M	033-420-008-000	318	358	4/1/2013	3/31/2014
R	SMITH, ELLIS L	033-430-049-000	238.8	278.8	4/1/2013	3/31/2014
R	CLEMENTI, TRISHA	033-440-008-000	318	358	4/1/2013	3/31/2014
R	DIOSZEGHY, MARILYN Y & JOHN	033-440-009-000	318	358	4/1/2013	3/31/2014
R	BOLING, CARL D & APRIL	033-440-010-000	318	358	4/1/2013	3/31/2014
R	GAINES, TIMOTHY	033-440-012-000	133.6	173.6	4/1/2013	3/31/2014
R	BREWER, TANYA	033-440-031-000	627.81	667.81	4/1/2013	3/31/2014

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R	APODACA,DONNA LEE	033-451-004-000	229.38	269.38	4/1/2013	3/31/2014
R	WEISS,CHRIS	033-451-005-000	138.8	178.8	4/1/2013	3/31/2014
R	FLETCHER,BARBARA LOU LIVING TR	033-451-009-000	163.8	203.8	4/1/2013	3/31/2014
R	HALTERMAN,GERALD W	033-452-007-000	318	358	4/1/2013	3/31/2014
R	SMITH,DANIEL E SS	033-452-008-000	238.8	278.8	4/1/2013	3/31/2014
R	VANDERLAAN,LYDIA C TR	033-452-013-000	232.32	272.32	4/1/2013	12/23/2013
R	PEARCE,JOE	033-452-014-000	237.6	277.6	4/1/2013	12/31/2013
R	HINDMAN,DARRELL L II & DANA	033-452-027-000	238	278	4/1/2013	3/31/2014
R	BUSS,CLAUDE	033-452-030-000	318	358	4/1/2013	3/31/2014
R	GUILLEN,LUIS II	033-453-003-000	229.38	269.38	4/1/2013	3/31/2014
R	JAMISON,JEREMY & RACHEL	033-461-001-000	328.38	368.38	4/1/2013	3/31/2014
R	MARTIN,MARY J ETAL	033-461-018-000	63.6	103.6	4/1/2013	3/31/2014
R	LEONARD,IAN & MARGARITA	033-462-004-000	118	158	4/1/2013	3/31/2014
R	MERCHANT,JORDAN A ETAL	033-462-032-000	268	308	4/1/2013	3/31/2014
R	WOODSON,KARLA MARIE	033-462-060-000	318	358	4/1/2013	3/31/2014
R	29 SAC INCU LP	033-470-018-000	318	358	4/1/2013	3/31/2014
R	BINDER,STEVEN JOHN	033-480-016-000	318	358	4/1/2013	3/31/2014
R	JAMESTOWN STORAGE LLC	033-490-024-000	105.6	145.6	4/1/2013	7/29/2013
R	BEVERAGE MARJORIE RIHM	033233024000	318	358	4/1/2013	3/31/2014
R	MEAKIN RICHARD DAVID & MISSY D	033462055000	157.2	197.2	4/1/2013	3/31/2014
C	TURK FAMILY TRUST	035-030-082-000	188.01	228.01	4/1/2013	3/31/2014
C	BEADLES,JAMES R	035-050-068-000	586.09	626.09	4/1/2013	3/31/2014
C	OROVILLE PLAZA SHOPPING CENTER	035-050-098-000	607.35	647.35	6/3/2013	3/9/2014
C	EDWARDS,TYLER & JENNIFER	035-061-004-000	573.88	613.88	4/1/2013	9/25/2013
R	KNISS,LESLIE A & WANDA J	035-062-005-000	318	358	4/1/2013	3/31/2014
R	CONWAY,ERNEST DALE TRUST	035-141-006-000	141.03	181.03	4/1/2013	3/31/2014
R	SOUDAN FAMILY LIVING TRUST	035-143-019-000	82.05	122.05	4/1/2013	3/31/2014
R	SOUDAN,GARY & JUDI	035-143-024-000	393.24	433.24	5/1/2013	3/31/2014
R	LAFONTAINE,KIRK	035-145-006-000	27.59	67.59	4/1/2013	3/31/2014
R	SORIA,JESUS & MYRNA	035-145-012-000	80.4	120.4	4/1/2013	3/31/2014
R	LOVE,DON G SS	035-145-021-000	55.63	95.63	10/18/2013	3/31/2014
R	LOVE,DONALD GENE	035-145-022-000	132.87	172.87	4/1/2013	3/31/2014
C	ENTRUST,GROUP INC FBO CUNNINGH	035-240-015-000	89.67	129.67	4/1/2013	5/6/2013
C	NICOLAS,CHARLES	035-250-069-000	276.75	316.75	4/1/2013	3/31/2014
C	HARTSHORN,ROBERT H DBA FIFTH A	035-260-087-000	348.15	388.15	4/1/2013	3/31/2014
C	GROUNDS,SUMMER SMART	035-350-006-000	276.75	316.75	4/1/2013	3/31/2014
C	SHAULIS,RANDY	035-350-012-000	47.52	87.52	4/1/2013	3/31/2014

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R	CARTER,MICHAEL A & TORRIE G	036-390-034-000	138.8	178.8	4/1/2013	3/31/2014
R	CARTER,MICHAEL A & TORRIE G	036-390-054-000	138.8	178.8	4/1/2013	3/31/2014
R	PARKER,CHARLIE E	036-402-004-000	109.14	149.14	4/1/2013	3/31/2014
R	BATTAGLIA,FRANK	036-590-014-000	224.97	264.97	4/1/2013	3/31/2014
R	DONOFRIO,JOHN	036-590-015-000	64.83	104.83	4/1/2013	3/31/2014
R	STEELE,TYRONE JR	036-590-021-000	318	358	4/1/2013	3/31/2014
R	CANTU,JOHN S & LIZ P	036-590-032-000	306	346	4/1/2013	3/31/2014
R	VELASCO,ENRIQUE	036-590-035-000	229.38	269.38	4/1/2013	3/31/2014
R	THAO,SHAWN C & PATTY B	036-590-037-000	69.6	109.6	4/1/2013	3/31/2014
R	COLLINS,MELLONIE	036-590-038-000	199.58	239.58	4/1/2013	3/31/2014
R	CAMPER,H W LIVING TRUST	036-590-042-000	306	346	4/1/2013	3/31/2014
R	MCGRATH,JOHN T & VIRGINITA	036-820-028-000	318	358	4/1/2013	3/31/2014
R	SOLOMON FAMILY TRUST	036-820-044-000	318	358	4/1/2013	3/31/2014
R	BURKE,JAMES J	068-050-023-000	34.6	74.6	4/1/2013	3/31/2014
R	PARADIS,MICHAEL J ETAL	068-060-005-000	299.58	339.58	4/1/2013	3/31/2014
R	SORIA,SERGIO R	068-070-026-000	59.6	99.6	4/1/2013	3/31/2014
R	BOSWELL,MICHAEL & DEANNE	068-090-020-000	318.87	358.87	4/1/2013	3/31/2014
R	HOUSE,ANITA C ETAL	068-100-031-000	159.6	199.6	4/1/2013	3/31/2014
R	ENNIS,ROBERT L	068-110-009-000	627.81	667.81	4/1/2013	3/31/2014
R	SORIA,SERGIO	068-170-007-000	124.97	164.97	4/1/2013	3/31/2014
R	KUCZLER,KAREN S ETAL	068-170-025-000	53.34	93.34	4/1/2013	3/31/2014
R	BERT,RONALD L & TERRY M	068-170-030-000	299.58	339.58	4/1/2013	3/31/2014
R	BANK OF NEW YORK MELLON	068-170-033-000	80.4	120.4	4/1/2013	3/31/2014
R	DOW,PATRICK & NICOL	068-170-041-000	318	358	4/1/2013	3/31/2014
R	NIEMELA,EDWARD & CHRISTINA	068-190-013-000	158.8	198.8	4/1/2013	3/31/2014
R	ARMSTRONG,BETTY J	068-190-021-000	229.38	269.38	4/1/2013	3/31/2014
R	WEBER,ROY A & KYLE C	068-190-024-000	159.6	199.6	4/1/2013	3/31/2014
R	MCINTOSH,CHESTER & JULIE	068-190-027-000	75.75	115.75	4/1/2013	3/31/2014
R	JOHNSTONE,ANNA M	068-190-063-000	249.08	289.08	4/1/2013	2/4/2014
R	PERRUCCI,MARY JANE	068-190-079-000	306	346	4/1/2013	3/31/2014
R	US BK NA SERIES 2005-8 TR	068-190-083-000	318	358	4/1/2013	3/31/2014
R	SYSTEMA MEDICAL CORP 401K PROF	068-190-085-000	318	358	4/1/2013	3/31/2014
R	ELEAZER,MATHEW B & DAYNA	068-190-086-000	318	358	4/1/2013	3/31/2014
R	FEDERAL NATL MTG ASSN FNMA	068-240-015-000	299.58	339.58	4/1/2013	3/31/2014
R	BOULANT,FRANK	068-240-018-000	318	358	4/1/2013	3/31/2014
R	HABE,JAMES R & DIANE	068-300-002-000	318	358	4/1/2013	3/31/2014
R	SAELEE,KAO & MEUY	068-300-027-000	80.4	120.4	4/1/2013	3/31/2014

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R	ACEBO,ANGELO	068-300-075-000	219.58	259.58	4/1/2013	3/31/2014
R	HOLLADAY,DONALD ELLIS & SUZANN	068-300-087-000	306	346	4/1/2013	3/31/2014
R	FEDERAL HOME LOAN MTG CORP	068-310-008-000	318	358	4/1/2013	3/31/2014
R	BEAIRD,MICHAEL E & TARA F	068-310-014-000	318	358	4/1/2013	3/31/2014
R	HUTTON,ERIC E & TIFFANY N	068-320-026-000	278	318	4/1/2013	3/31/2014
R	CUNNINGHAM,SAMUEL F & DEBORAH	068-320-028-000	72.49	112.49	4/1/2013	3/31/2014
R	WILSON FAMILY TRUST	079-010-025-000	80.4	120.4	4/1/2013	3/31/2014
R	BROWNING,RUSSELL D	910-000-184-000	153.6	193.6	4/1/2013	3/31/2014
R	ROSALES AMAREL E & FRANCISCA J	910021765000	99.58	139.58	4/1/2013	3/31/2014
R	SKJERPING GREGORY D	990141009000	299.58	339.58	4/1/2013	3/31/2014
R	WATSON CONNIE H	990141219000	75.75	115.75	4/1/2013	3/31/2014
C	DAMICO HAZEL T ESTATE OF	990142030000	69.93	109.93	4/1/2013	3/31/2014
R	SCOTT L SCHULMAN	995-087-043-000	300.72	340.72	4/1/2013	3/31/2014

PROPOSITION 218 CERTIFICATION - CLLMAD

CERTIFICATION OF TAX BILL LEVY

The Agency/District hereby certifies that the special tax(es), fee(s) and assessment(s) listed below that are to be placed on the 2012/2013 Secured Property Tax bill by the Agency/District meet the requirements of Proposition 218 that added Articles XIII C and XIII D to the State Constitution.

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

Article XIII D. Sec. 5 "...this article shall become effective the day after the election unless otherwise provided. Beginning July 1, 1997, all fees or charges shall comply with this section."

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

If any judgment is entered against any indemnified party as a result of not meeting the requirements of Proposition 218 for such special tax(es), fee(s) or assessment(s), the Agency/District agrees that the County may offset the amount of any judgment paid by an indemnified party from the monies collected by the County of Agency/District behalf, including property taxes, special taxes, fees or assessments.

Agency/District: CITY OF OROVILLE

By: _____
Linda L. Dahlmeier, Mayor

DIRECT ASSESSMENT FOR DELINQUENT GARBAGE BILLS FOR FISCAL YEAR 2013/14 ON THE 2014/15 PROPERTY TAX RILL (SEE ATTACHED)

**OROVILLE CITY COUNCIL
STAFF REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS
RANDY MURPHY, CITY ADMINISTRATOR**

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
GARY D. LAYMAN, CHIEF BUILDING OFFICIAL (530) 538-2428
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: REVISION AND APPOINTMENTS TO BUILDING CODE AND
DISABLED ACCESSIBILITY APPEALS BOARD**

DATE: JULY 15, 2014

SUMMARY

The Council may consider a revision of the Building Code and Disabled Accessibility Appeals Board and the appointment of the new Chairperson and Vice Chairperson with one temporary appointment until staff has advertised for application submittals from interested parties to fill the one position available for the 2014-2017 term.

DISCUSSION

At their August 7, 2012, Council meeting the Council passed and adopted Resolution No. 7967, authorizing the implementation of the Building Code and Disabled Accessibility Appeals Board and appointing David Fuentes as the Chairperson and Scott G. Gibson as Vice Chairperson to such Board and approving the proposed list of experts appointed by the Chief Building Official. The Council adopted Resolution No. 7967 unanimously.

This proposal has been triggered from the relocation and request for removal and for lack of contact from two previously approved and appointed members. David Fuentes (chair Person) and Ted Ryan (volunteer member).

The Building Code and Disabled Accessibility Appeals Board is comprised of a Chairperson, a Vice Chairperson and three (3) listed experts that are familiar with the content subject of the specific appeal. The Chairperson and Vice Chairperson are appointed by the City Council and the three (3) listed experts are taken from an approved list by the Building Official; these individuals are appointed for each specific appeal in coordination with the Chairperson and Vice Chairperson. The Chairperson and Vice Chairperson shall be chosen from the Architectural, Building Code, and/or Legal (Attorney) professions. The three listed experts shall be chosen from Licensed Contractors, Engineers, Architects, Attorneys, Building Code Professionals, etc.

CC-8

The appeal process is only for review of the jurisdictional interpretation of the technical building codes and does not apply to the adopted jurisdictional administrative sections of the code. The board shall have no authority to waive the requirements of the technical codes. The appeals board procedures are shown and adopted as part of Chapter 6 of the Oroville Municipal Code, Section 6-1.7, Subsection 113 and the 2014 California Building Code.

The one (1) change and three (3) applicants for the positions as an expert are shown below:

- Scott G. Gibson has volunteered to move into the Chairperson position for the Building Code and Disabled Accessibility Appeals Board. Scott has been a licensed California Architect for over 28 years and holds licenses in 13 other states. He is a building code and project design expert that serves major retail and development clients throughout Northern California, Nevada, and Oregon. Some of Scott's most recent work is demonstrated with the complete design and renovation of the new Marshall's retail store located in Oroville's Currier Square on Mitchell and Myers Streets.
- Neil Graber is a licensed engineer and is familiar with the City of Oroville, the current applicable building codes and accessibility. Neil has volunteered to take the Vice Chair position for the appeals board.
- Cris Vaughan is an attorney specializing in accessibility litigation for over 13 years. Cris has been a Certified Access Specialist tested by the State of California since 2009. Chris has also been involved with retrofits to existing and historic buildings throughout the State of California.
- John Starr has volunteered for the Building Code and Disabled Accessibility Appeals Board. John has over 40 years of experience in contracting, construction and building code applications. He is also a licensed contractor and familiar with retrofits of existing construction and historic buildings in the City of Oroville. John is also quite familiar in all types of materials and methods of construction.

The term of the Chairperson and Vice Chairperson shall be for three (3) years or for the length of the current California Code Cycle. There is no limit in the number of terms that any board member may serve. A list of proposed approved experts that have volunteered to be on an approved list by the Building Official is attached for reference.

Staff recommends that the Council appoint Scott Gibson as the Chairperson, Neil Graber as the Vice Chairperson, and John Starr as a listed expert of the Building Code and Disabled Accessibility Appeals Board.

FISCAL IMPACT

The Building Code and Disabled Accessibility Appeals Board are volunteer positions and the use of the Council Chambers for the appeal hearings will have minimal impact to the General Fund.

RECOMMENDATIONS

Adopt Resolution No. 8237 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE IMPLEMENTATION OF THE BUILDING CODE AND DISABLED ACCESSIBILITY APPEALS BOARD AND APPOINTING SCOTT GIBSON AS THE CHAIRPERSON, AND NEIL GRABER AS VICE CHAIRPERSON TO THE BOARD AND APPROVING THE PROPOSED LIST OF EXPERTS APPROVED BY THE CHIEF BUILDING OFFICIAL.

ATTACHMENTS

- A – Resolution No. 7967
- B – Resolution No. 8237
- C – Appeals Board Expert Appointment List
- D – City of Oroville Municipal Code Chapter 6, Section 6-1.7, Subsection 113
- E – Applications for Appointment

EXHIBIT - A

OROVILLE CITY COUNCIL RESOLUTION NO. 7967

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE IMPLEMENTATION OF THE BUILDING CODE AND DISABLED ACCESSIBILITY APPEALS BOARD AND APPOINTING DAVID FUENTES AS THE CHAIRPERSON, AND SCOTT G. GIBSON AS VICE CHAIRPERSON TO SUCH BOARD AND APPROVING THE PROPOSED LIST OF EXPERTS APPOINTED BY THE CHIEF BUILDING OFFICIAL.

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

1. The Council hereby approves the implementation of the Building Code and Disabled Accessibility Appeals Board and appointing David Fuentes as the Building Code and Disabled Accessibility Appeals Board Chairperson, Scott G. Gibson as the Building Code and Disabled Accessibility Appeals Board Vice Chairperson and the proposed list of experts appointed by the Building Official; 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 held on August 7, 2012 by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Pat Clark, Interim City Clerk

EXHIBIT - B

OROVILLE CITY COUNCIL RESOLUTION NO. 8237

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE REVISION OF THE BUILDING CODE AND DISABLED ACCESSIBILITY APPEALS BOARD AND APPOINTING SCOTT G. GIBSON AS THE CHAIRPERSON, AND CRIS VAUGHAN AS VICE CHAIRPERSON TO SUCH BOARD AND APPROVING THE PROPOSED LIST OF EXPERTS APPROVED BY THE CHIEF BUILDING OFFICIAL

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

1. The Council hereby approves the implementation of the Building Code and Disabled Accessibility Appeals Board and appointing Scott G. Gibson as the Building Code and Disabled Accessibility Appeals Board Chairperson, Neil Graber as the Building Code and Disabled Accessibility Appeals Board Vice Chairperson and the proposed list of experts appointed by the Building Official; 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 held on July 15, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Randy Murphy, City Clerk



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

Building Code & Disabled Accessibility Appeals Board Members

Chairperson:

SCOTT G. GIBSON
SGA - Scott Gibson Architects, Inc.
Licensed California Architect
2540 Zanella Way, Suite 60
Chico, CA 95928
Cell: (530)-591-7544
Bus: (530) 343-7557
Fax: (530) 343-7447
scott@sgarchitect.net
www.sgarchitect.net

Vice Chairperson

Neil Graber RCE 45194
Civil Department Senior Engineer, VP
NorthStar Engineering
111 Mission Ranch Blvd, Ste. 100
Chico, CA 95926
Cell:
Bus: (530) 893-1600 ext. 206

Approved List of Volunteer Members (three (3) members will be asked to serve based on each specific appeal)

RANDY CHAPMAN
Table Mountain Realty, Inc.
Real Estate Agent, City of Oroville Planning Commissioner, & President of Butte County
Multiple Listing Services (MLS)
rcchapman@sbcglobal.net , (530) 370-5519

KEVIN ROBERTSON
Licensed California Architect
(530) 990-5749
Robertson@nrmrdesign.com

CHUCK REYNOLDS
Reynolds Masonry
Licensed California Contractor
Chuck.reynolds@comcast.net, (530) 533-8310

MIKE MAYES
North Star Engineering
Licensed California Engineer/Land Surveyor
mmays@northstareng.com, (530) 533-2068

July 10, 2014

JIM TIEHM
Licensed Contractor & Property Manager
(530) 591-7694

John Starr
Better Builders Construction, Licensed Contractor
5263 Royal Oaks Dr.
Oroville CA, 95966
(530) 589-2574
bbcinc1@comcast.net

Cris C. Vaughan (Accessibility Expert)
Vaughan And Associates
Licensed Attorney, California & Nevada
6207 S. Walnut Street, Suite 800
Loomis, CA, 95650-8930
Bus: (916) 660-9401
ccvaughan@sbcglobal.net

Exhibit "D"

is complete, an additional and final inspection shall be made. Building service equipment regulated by the technical codes shall not be connected to the water, fuel, or power supply or sewer system until authorized by the Building Official.

Section 112.1.2 "Operation of Building Service Equipment" is added as follows:

112.1.2 Operation of Building Service Equipment. Inspection of replacement building service equipment must be scheduled within 48 hours after installation; building service equipment replaced on an emergency basis may be operated during this time. No work may be covered prior to approval of the Building Official.

Section 112.2 "Temporary Connection" is amended as follows:

112.2 Temporary Connection. The Building Official may authorize the temporary connection of the building service equipment to the source of energy fuel, or power for the purpose of testing building service equipment or for the use under a temporary Certificate of Occupancy.

Section 112.3 "Authority to Disconnect Service Utilities" is amended as follows:

112.3 Authority to Disconnect Service Utilities. The Building Official or an authorized representative shall have the authority to disconnect any utility service or energy supplied to any building, structure, or building service equipment therein regulated by this Code or the technical codes when either:

1. The building owner/occupant knowingly fails to comply with a notice or order.
2. In case of emergency where necessary to eliminate an immediate hazard to life or property.

The Building Official shall, whenever possible, notify the serving utility, the owner and the occupant of the building, structure, or building service equipment of the decision to disconnect prior to taking such action and shall notify such serving utility, owner, and occupant of the building structure, or building service equipment, in writing, of such disconnection immediately thereafter.

Section 113 "Board of Appeals" is amended and added as follows:

113.1 General (amended).

The appeal process is only for review of the jurisdictional interpretation of the technical building codes and does not apply to the adopted jurisdictional administrative section of the code.

In order to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the technical codes, there shall be and is hereby created a building Inspection board

of appeals. The board of appeals Chairperson and Vice Chairperson shall be appointed by the Building Official and approved by the City Council and shall hold office at its pleasure. The Board of Appeals shall adopt rules of procedure for conducting its business.

113.1.1 Informal Appeal (added).

Prior to the convening of a formal session of appeals before this board, an informal appeal shall be convened for review and determination of the issue by the Building Official and building inspection personnel who possess the specific inspection discipline expertise. Discipline trade or engineering and construction experts may also participate in this first step appeal. This appeal request must be made to the Building Official in writing. Should the appellant disagree with the interpretation by the informal board of appeals, a written request for the formal appeals process may be made.

113.1.2 Appeals in Violation Cases (added).

For violation cases, the informal appeal process shall be used to appeal issued notices and orders. This appeal request must be made to the Building Official in writing within ten calendar days of the issuance date of the notice or order. Violation case notices and orders shall not be elevated to the second level formal Board of Appeals which is reserved for technical provisions of the Code.

113.2 Limitations on authority (amended).

An application for appeal shall be based on a claim that the true intent of the technical codes or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of the technical codes do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive the requirements of the technical codes.

113.3 Qualifications and Members (amended).

The board of appeals shall consist of a Chairperson, a Vice Chairperson approved by the City Council who will be present at each appeal and three listed experts that are familiar with the content subject of the specific appeal. The Chairperson and Vice Chair shall be chosen from the Architectural, Building Code and/or Legal (Attorney) professions. The additional three members shall be chosen from a list to meet the needs of each specific appeal. Chosen members shall possess the experience and training to pass on matters pertaining to building construction. Appointments shall not be employees of the jurisdiction for the specific appeal at hand and shall consist of members who are qualified and specifically knowledgeable in the California Building Standards Code and applicable local ordinances.

The board of appeals shall consist of five members, three of which are chosen to serve based upon their expertise and availability for any single appeal matter. The Chairperson and Vice Chairperson of the board shall be approved by the City Council and shall be present at each appeal. A list of available members shall be reviewed by the Building Official and appointed through agreement of the Chairperson and Vice Chairperson for membership. These two primary members shall further choose the member experts for each appeal request. The list of potential board members shall be derived from a typical group of representative experts such as: Residential or Commercial General Contractors; Electrical contractors; Mechanical contractors; Plumbing contractors; Electrical engineers; Mechanical engineers; Civil or structural engineers; Architect; Fire service representative; Attorney; Utility representative; and a Code expert/professional from outside of the jurisdiction.

113.5 Terms (added).

Terms for Chairperson and Vice Chairperson shall be for three years or for the length of the current California Code cycle. Other listed members shall be chosen and appointed to individual appeal board sessions at the pleasure of the Chairperson and Vice Chairperson. There is no limit in the number of terms that any board member may serve.

113.6 Vacancies (added).

Vacancies for the Chairperson and Vice Chairperson shall be filled and appointment by the Building Official for the un-expired portion of the term.

113.7 Secretary (added).

The secretary shall be the Building Official or his designee. The secretary shall have no vote except in the case of a tie vote.

113.8 Meetings (added).

The Board of Appeals shall meet as determined by the Building Official or as determined by the Chairperson and/or by the Vice Chairperson of the board.

113.9 Rules, Regulations, Decisions and Findings (added).

The Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations. The Board of Appeals shall render all decisions and findings in writing to the Building Official and provide a copy to the applicant; the Board of Appeals may recommend to the City Council or jurisdictional governing board such new legislation as is consistent therewith. Decisions and findings are final and shall be filed in the office of the Building Official, for public inspection.

EXHIBIT "E"
APPLICATIONS FOR APPOINTMENT

**WILL BE RECEIVED UNDER
SEPARATE COVER**

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: RANDY MURPHY, CITY ADMINISTRATOR
AMY BERGSTRAND, MANAGEMENT ANALYST III**

**RE: STATUS ON COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM INCOME USE POLICY**

DATE: JULY 15, 2014

SUMMARY

The Council will receive a PowerPoint presentation outlining required changes, effective July 1, 2014, to the Program Income (PI) and Revolving Loan Account (RLA) policies in the State Community Development Block Grant (CDBG) Program.

DISCUSSION

On June 16, 2014, the staff received CDBG Management Memorandum Number 14-05 outlining significant changes to policies and procedures of CDBG Program Income and Revolving Loan Accounts. Based on the direction from Housing and Urban Development (HUD) and State Housing and Community Development (HCD) and technical assistance from HUD contractors, HCD had determined that the State department's rules on Program Income and Revolving Loan Accounts are out of compliance with CDBG federal statute and regulations. Policy and procedure changes must be made to resolve existing programmatic compliance issues related to the CDBG Final Rule (effective May, 2012), and with the State's current PI/RLA rules.

The changes that are necessary to operate in compliance are significant and range from changes in policy, to fully restructuring CDBG PI accounting and reporting practices both at the State and local levels.

Due to the extensive changes, HCD has scheduled a series of informational Webinars for jurisdictions where there was also a question and answer period.

FISCAL IMPACT

None. There is no General Fund impact.

RECOMMENDATION

Direct staff as necessary, including reflecting any known changes to the Business Assistance and Housing Development budget relating to the Final City Budget.

CC-9

ATTACHMENTS

Program Income PowerPoint
CDBG Management Memorandum

Business Assistance and Housing Development

CDBG Program Income (PI) Rule Changes

Effective July 1, 2014

CDBG Program Income Rule Changes

- Present CDBG Program Income Policies are out of compliance with CDBG Final Rule.
- Changes are necessary for the State and Local jurisdictions to operate within compliance
- Changes are significant

CDBG Program Income Rule Changes

Significant Changes

- As of July 1, 2014 all funds on-hand determined to be PI must be used prior to drawing down any awarded grant funds.
- As of July 1, 2014, all RLAs are cancelled.
- All PI Reuse plans must be voided as they are not in compliance with HUD.

CDBG Program Income Rule Changes

- City has the option to establish RLFs under two (2) definitions only:
 - Housing RLF: Activities are limited to Homebuyer Assistance, Owner Occupied Rehab, and Tenant Occupied Rehab, and are limited to 1-4 Units.
 - Economic Development RLF: Activities are limited to Microenterprise Financial Assistance (no grants), and Business Assistance.

RLF Rules

- RLFs must revolve. Therefore, RLFs cannot fund Projects that are solely grants or forgivable loans.
- Funds within an RLF can only be from activities defined by the RLF. Funds received cannot be diverted. (RLF monies must go out as loans and come back as payments for the same activity)

RLF Rules

- Once an RLF has been established and approved by HCD, no funds can be used for any other CDBG activity, committed to any contract or supplement a grant funded project, or transferred to another RLF.
- Cannot calculate 17% General Administration from any RLF Funds

RLF Rules

- Associated Activity Delivery (AD) costs can only be reported when a loan has been made.
- Cannot "bank" RLF monies.
- Cannot have more than \$100,000 on hand in an RLF w/in a FY, without making at least one loan.
- Additionally, cannot have more than \$500,000 on hand each fiscal year, even if making loans.

New PI Rules

- Program Income must be used prior to requesting a draw of grant funds from any contract.
- Cannot commit (or set aside) PI to an active contract; PI funding must be applied to the next CDBG cost to be paid.

New PI Rules

- PI Waiver Projects (set aside PI funds) can only be approved if there is no active contract. When there is no active contract, the PI Waiver process will be the same.
- If revenue cannot be associated with an approved, defined RLF, the funds will be considered PI, and therefore must be used first.

Active 2012 Contract 12-CDBG-8405

- As of July 1, 2014, HCD will allow City to amend current 2012 contract to add "Supplemental Activities".
- This will allow awarded grant funds allocated PI to be used for programs and projects identified by the City.
- This will allow "left over" grant funds to be used for Supplemental Activities.

2014 Contracts

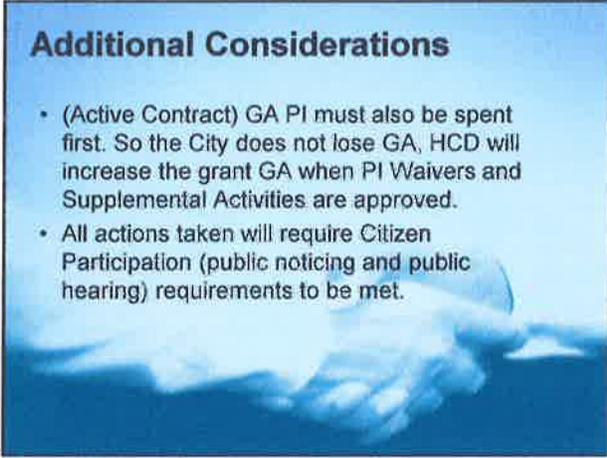
- If/when City receives an award letter for the 2014 grant the same steps must be taken to add any Supplemental Activities and/or existing PI Waiver projects that have not been fully expended and are not identified in the 2012 contract.

2015 Contract

- When the City applies for the 2015 NOFA, Supplemental Activities must be identified in order to use PI.
- From 2015 forward, PI Waivers will not be added to active contracts.

Additional Considerations

- (Active Contract) GA PI must also be spent first. So the City does not lose GA, HCD will increase the grant GA when PI Waivers and Supplemental Activities are approved.
- All actions taken will require Citizen Participation (public noticing and public hearing) requirements to be met.



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF FINANCIAL ASSISTANCE****Community Development Block Grant Program**

2020 W. El Camino Ave, Suite 500

Sacramento, CA 95833

P. O. Box 952054, MS 500

Sacramento, CA 94252-2054

(855) 333-CDBG (2324) / FAX (916) 263-2762

**CDBG MANAGEMENT MEMORANDUM
Community Development Block Grant Program - Memorandum Number 14-05**

June 16, 2014

MEMORANDUM FOR: Non-Entitlement Jurisdictions Eligible for the State Community Development Block Grant (CDBG) Program**FROM: Thomas Brandeberry, CDBG Section Chief****SUBJECT: Program Income (PI) Rule Changes**

This Management Memo (Memo) supersedes the following Program Income Memos: 10-03, 11-04 and 12-03. However, Memo 14-02 is still applicable.

Note: *The applicability of this memo also includes cities and counties that have gained entitlement status and cities within urban county agreements which have elected to continue to report their State CDBG PI to the State. See, "Jurisdictions Leaving or Entering the State CDBG Program with Program Income," page 11, for specific requirements/limitations.*

REGULATORY/STATUTE CITATIONS

- Section 104(j) Housing and Community Development Act (HCDA)
- §570.489 (e) Program Income
- §570.489 (f) Revolving funds

Introduction

This Memo outlines changes, **effective July 1, 2014**, to PI and RLA policies in the State CDBG Program.

Based on direction from HUD and technical assistance from HUD contractors, the Department has determined the State's present rules on Program Income (PI) and Revolving Loan Accounts (RLA) are out of compliance with CDBG federal statute and regulations. Policy and procedure changes must be made to resolve existing programmatic compliance issues related to the CDBG Final Rule (effective May, 2012), and with the State's current PI/RLA rules.

The changes that are necessary for the Department to operate in compliance are significant and range from changes in policy, to fully restructuring CDBG PI accounting and reporting

practices at both the State and local levels. These changes will impact all of our grantees in varying degrees, grantee with large PI balances most significantly.

For this reason, the Department completed six Roundtable meetings and two Advisory Committee meetings which: 1) discussed the significance of the changes; 2) gathered feedback on corrective options, and; 3) discussed how the options may be implemented so the HUD required Department policy can be formulated. The Department has also been in extensive consultation with HUD and HUD TA providers to ensure the policy will be in compliance and to make certain our grantees have the best available options to continue to complete valuable CDBG activities with their CDBG PI and RLA funds.

HUD understands the Department has a very large task to complete and that we cannot create the PI policy retroactively. Therefore, any changes in policies and procedures herein will have a **July 1, 2014 effective date**.

NOTE: The most significant rule change, effective July 1, 2014, is:

- ***Funds on-hand determined to be PI must be used prior to drawing down any awarded grant funds.***

Also Note: Based on the CDBG federal Final Rule change, all PI/RLF expenditures, along with activity accomplishments, must be entered into the Integrated Disbursements & Information System (IDIS) beginning July 1, 2011.

NEW POLICY - Revolving Loan Fund

REVOLVING LOAN FUND - HUD uses the term Revolving Loan *Fund* (RLF), not Revolving Loan *Account* (RLA), (which is a State term). The Department, to distinguish between past practices and those implemented with this Management Memo, effective July 1, 2014, is now using the HUD term "RLF."

As of July 1, 2014, all State RLAs are cancelled since HUD has determined the State's RLAs do not meet the RLF definition. This means that until a grantee follows the steps to create an eligible RLF outlined below *and receives the Department's approval for the RLF*, ***all funds on hand and within the grantee's loan portfolio are considered PI*** and, therefore, must be used prior to drawing down grant funds from any CDBG contracts.

REVOLVING LOAN FUNDS:

Grantees have the option to establish RLFs under these two RLF definitions only:

1. **Housing RLF:** Activities are limited to Homebuyer Assistance (13), Owner Occupied Rehab (14A), and Tenant Occupied Rehab (14B), and are limited to 1-4 Units. (Multi-family activities, or those with 5 or more units, are *not* considered part of the Housing RLF activities.)

-
- 2. Economic Development RLF:** Activities are limited to Microenterprise Financial Assistance (18C) (no grants), and Business Assistance (18A) (limited to Special ED).

The above defined RLFs will allow grantees the maximum number of activities to capitalize the RLF and ensure the RFL will have sufficient funds to revolve.

RLF RULES:

- a. RLFs can only use financing instruments that revolve. Therefore, RLFs cannot fund **projects** that are **solely** grants or forgivable loans.
- b. A grantee cannot establish a RLF unless:
 - 1) the grantee has made loans in the past for the same RLF activity; **and**,
 - 2) the grantee has received loan payments from the same RLF activity.
- c. Funds within a RLF can only be from activities defined by the RLF, as listed above. This means RLF monies must go out in loans and come back as payments for the same RLF activity. Funds received for RLF activities cannot be "diverted."
- d. Once a RLF has been established and approved by the Department, no funds can be used for any other CDBG activity, committed to any contract to supplement a grant funded project, or transferred to another RLF(except as noted below).
- e. Moving funds out of an RLF requires Department approval and will only be allowed under limited circumstances (for a natural disaster, for example). Once approved, the funds will be considered PI; and, therefore, must be used prior to drawing down grant funds. Additionally, this action could result in the Department cancelling the grantee's RLF due to a lack of ability to revolve (insufficient funding).
- f. When calculating the 17% General Admin (21A) funds on the received PI in a given year, funds received for an RLF may not be included in this calculation.
- g. Associated Activity Delivery (AD) costs can only be reported and included in the definition of "revolving" when actual accomplishments are reported within the fiscal year. This means no AD may be charged to the RLF within a fiscal year if no loans were made within that fiscal year.
- h. When a grantee has been approved for an RLF, those funds must be placed within a separate set of accounts (grantee will be required to create a separate fund/ transaction number) for each approved RLF. *This will also require all other CDBG funds received from CDBG activities be accounted for as PI.*
- i. If a grantee has awarded grant funds for the same activity as their approved RLF and there are insufficient RLF monies to fund an entire activity, the grantee can "split-fund" a project (RLF funds first) when the project needs additional funds beyond the amount of RLF monies on-hand.

-
- j. *Projects funded solely with grants are not considered RLF and, therefore, can be funded with awarded grant funds. To qualify as an RLF eligible activity, there must be the possibility of repayment, so only deferred loans and performing loans are eligible.*
- k. Grantees cannot “bank” RLF monies. To remain eligible, a RLF must revolve. Thus, a grantee cannot have more than \$100,000 on hand in a RLF within a given fiscal year, without making at least one loan. Additionally, grantees may not have more than \$500,000 on hand even if making loans, each fiscal year. The Department will address these issues by issuing finding letters to the grantee which could result in the Department cancelling the grantee’s RLF, which immediately converts the funds to PI; and, therefore, must be used prior to drawing down grant funds.

Note: The Department reserves the right to cancel the grantee’s RLF and require the funds to be returned to the Department as a corrective action for significant, ongoing non-compliance with RLF rules.

STEPS: MOVING FROM RLA TO RLF

As of July 1, 2014, grantees do not have Revolving Loan Funds until the following has been completed. Thus, as of July 1, 2014, all funds on hand are considered PI and must be used prior to drawing down any grant funds.

As of July 1, 2014, the following steps must be followed to establish an RLF:

1. Grantee must decide if they wish to create one or both of the RLFs as replacement for their present RLAs. If not, the grantee must begin the new process of accounting for all current RLA funds and PI on hand as PI.
2. If the grantee decides to create one or both of the RLFs, they must:
 - a. Certify the amount of funds currently on hand which are from the same activity that the grantee wishes to fund each RLF;
 - b. Certify the amount of funds in their loan portfolio which have come from the same activity and will continue within the RLF when payments are received; and,
 - c. Certify the amount of funds, both on hand and within the loan portfolio, which are not from the same activity. This includes funds on hand, funds within the **RLA**, or funds within the loan portfolio where the grantee cannot identify the activity that generated the funds; these funds will be considered PI and must be accounted for as such.
3. The grantee must have approved guidelines for each activity within the RLF, as listed below. These RLFs are consistent with the CDBG Program’s “Combo” Activities:

Housing RLF:

- Owner Occupied Rehabilitation
- Tenant Occupied Rehabilitation (if allowed in the grantee’s program)

➤ Homebuyer Assistance

Economic Development RLF:

- Microenterprise Financial Assistance
- Special Economic Development Business Assistance

Note: Once the grantee has identified portfolio loans as being within an RLF, the loans must be individually coded to indicate they are part of the RLF, which will ensure any payments are correctly accounted for and reported into the RLF.

4. Complete all needed Board Resolutions and Citizen Participation requirements.

Note: Certification must be made, in writing on the grantee's letterhead, be signed by the Authorized Representative, and must be submitted to the Department with all supporting documentation.

5. The Department will provide a written decision on the RLF request. Until grantees receive the Department's written approval, the RLF does not exist and all CDBG revenue is considered PI and must be spent prior to requesting a draw of grant funds.

<i>NEW POLICY - Program Income When the Grantee has an <u>Active Contract</u></i>
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For the purpose of this section, an Active Contract means the grantee has an executed Standard Agreement (contract) for CDBG activities and the expenditure deadline has not passed.

ANNUAL PROGRAM INCOME RECEIVED THAT IS LESS THAN \$35,000

In May 2012 the CDBG federal Final Rule changed this amount from \$25,000 on all funds received by the grantee to \$35,000, *but clarified that it only applies to PI*. Any RLF funds must stay RLF and cannot be included in the \$35,000 calculation. The \$35,000 rule is found in the CDBG federal regulations defining when proceeds received from a CDBG activity are *not* considered PI. The \$35,000 is based on a fiscal year and since it applies only to PI, the rule now requires that grantees certify at the beginning of each fiscal year whether or not they intend to utilize the \$35,000 rule.

If a grantee does intend to use the \$35,000 rule, they must:

- a. When requesting grant funds, certify the amount of PI on hand that have been received during that fiscal year;
- b. Not expend any of these funds until the fiscal year is over, unless they received greater than \$35,000, at which point the grantee must expend the PI first prior to requesting any grant funds Use all PI carried over from the prior year;
- c. Use the PI once the amount of PI received reaches \$35,000 within the fiscal year; and,

- d. Have adequate accounting records to verify, to the Department's satisfaction, they received less than \$35,000 in CDBG PI in a given fiscal year. This must be reported on the semi-annual PI Reports.

If a grantee does not intend to use the \$35,000 rule, all revenue received (even if under the \$35,000 limit) is CDBG PI and must be used prior to requesting any grant funds.

Revised Funds Request forms are necessary to document the grantee's certification regarding the \$35,000 rule. Therefore, the Department will be releasing the Revised Funds Request forms under a separate Memo.

PI RETURNED TO THE STATE

Jurisdictions that have PI on hand and have not applied for or been awarded CDBG funds with the past three NOFAs will be required to submit a PI Expenditure Plan for their PI on hand. The plan must be submitted via the CDBG PI Waiver process, and if they do not initiate the request, the Department will send the grantee a letter requiring submission within a set time frame. If the grantee does not respond to the Department's letter, the grantee will be required to return all PI on hand to the Department, regardless of the amount of PI.

NEW PI RULES – *(PI Revenue; not revenue from an approved RLF)*

1. Program Income must be used prior to requesting a draw of grant funds from any contract. For example, if a grantee incurs costs on a grant funded project *and* has PI on hand, the PI must be used first and the grantee cannot request grant funds until all PI has been paid out.
2. Grantees cannot "commit" (or set aside) PI to an active contract; PI funding must be applied to the next CDBG cost to be paid.
3. PI Waiver projects (set aside PI funds) can only be approved if there is no active contract.
4. If the revenue cannot be associated with an approved, defined RLF, the funds will be considered PI and, therefore, must be used first.

STEPS: ACTIVE 2012 OR 2013 CONTRACTS

Approving PI waivers when a grantee has an active contract is out of compliance with CDBG federal regulations because PI Waivers are funded with PI and PI must be spent first.

As of July 1st, the Department will allow grantees to amend their current active contracts to add "Supplemental Activities." This will allow awarded grant funds that have been supplanted by PI to be used for programs and projects identified by the grantee. Since the

requirement of using PI first will likely result in contract funds being “left over” in the contract, “left over” funding will roll to the grantee’s Supplemental Activities, allowing the grantee an opportunity to complete additional CDBG eligible activities so that they do not lose the awarded funds due to having PI.

To initiate Supplemental Activities

- a. The grantee must complete and submit to the Department a “Supplemental Activity Inquiry Form,” signed by the Authorized Representative, along with any necessary supporting documentation.
- b. The Department will review the Supplemental Activity Inquiry Form for eligibility and meeting National Objective.
- c. If approved, the grantee will be required to complete the citizen participation process and submit a final resolution approving:
 - 1) the submission of the PI Supplemental Activity(ies); and,
 - 2) the amending of the grantee’s contract.
- d. Any approved waiver activities that have not been fully expended by July 1, 2014 must be added as “Supplemental Activities” through a contract amendment.

2014 CONTRACTS

Once a jurisdiction receives an award letter, the above steps must be taken to add any Supplemental Activities and/or existing waiver projects that have not been fully expended and are not identified as being added to an active 2012 or 2013 contract.

STEPS: FOR 2015 CONTRACTS

When a jurisdiction applies for funding under the 2015 CDBG NOFA, “Supplemental Activities” will be identified in the application if the jurisdiction wishes to have grant funds (if awarded) available to complete activities that would have been funded with PI . Including these activities in the contract will allow grant funds (if awarded) to roll to the Supplemental Activities, since if a jurisdiction has any PI on hand it must be used to complete the active contract activities before grant funds can be drawn. The amount of grant funds equal to the PI paid funds can be rolled into funding the Supplemental Activities. The 2015 NOFA will include the steps necessary to add “Supplemental Activities” to the application.

From 2015 and forward, PI waivers will not be added to active contracts. This means any PI waiver projects must be completed prior to drawing down grant funds since waivers are funded by PI, and PI must be expended first.

NEW POLICY - Program Income When the Grantee Does Not Have an Active Contract

When a jurisdiction does not have an active contract, the PI Waiver process will remain as it is. However, if a jurisdiction has an open PI Waiver and is awarded a contract, going forward after the CDBG 2015 NOFA, the PI Waiver will need to be completed **prior to** drawing down grant funds.

However, grantees must have an approved Reuse Plan to expend PI and/or RLF monies if the grantee has no active CDBG contract.

NEW POLICY – Additional Considerations

Note: The Department reserves the right, for any significant on-going non-compliance with RLF and/or Program Income rules, to cancel any RLFs and require the funds, both RLF and PI, to be returned to the Department.

GENERAL ADMINISTRATION (GA)

As of July 1, 2014:

Grantee can carry forward the GA balance from Fiscal Year PI Report covering Fiscal Year 2013-2014. The balance forwarded will be used to determine the **maximum available GA** funding cap in the next step below.

For PI funds received after July 1, 2014, grantees may calculate 17% of PI received (again, excluding RLF monies). This amount can be added to the amount on hand as of July 1, 2014 and will be considered as part of the **maximum available GA** funding cap.

No Active Contract

The grantee can expend the funds calculated above, with an approved Reuse Plan, up to the established **maximum available GA** funding cap, and may roll over this amount between fiscal years.

Active Contract

While grantees can continue to have a **maximum available GA** funding cap balance, they will not be able to “set-a-side” the funds as GA since PI must be used first. So that the grantee doesn’t lose this calculated GA, the Department will increase the grant GA when PI Waivers (being added to 2012-2014 contracts) and Supplemental Activities are approved.

While the grantee may continue to maintain a **maximum available GA** funding cap with active contracts, these funds may not be set aside to remain on hand given that all PI must be spent first.

Note: Planning (PTA) Studies cannot be funded with PI GA, Supplemental Activities or Waivers, because Planning and Technical Assistance (PTA) funding is included in the federal 20% Administration Cap and must meet a National Objective to be eligible. Thus, PTA studies can only be done through an awarded contract.

AGREEMENTS BETWEEN THE STATE AND THE GRANTEE

Per the CDBG Final Rule, no funds (PI, RLF or grant funds) may be spent unless an agreement (contract) has been established and executed. All PI Reuse Plans, effective immediately, must be voided since they are not in compliance with HUD PI and RLF rules. The following actions are being implemented to permit the expenditure of PI and RLF monies.

- For grantees amending 2012 and 2013 contracts: with the addition of Waivers and/or Supplemental Activities, all PI and RLF rules and requirements will be added to the contract during the amendment process.
- For 2014 Contract and forward: all PI and RLF rules and requirements will be included prior to contract execution.
- For jurisdictions with no Active Contracts: the Department will make available an updated PI Reuse Plan by July 30, 2014, which must be fully executed in order to spend any PI or RLF monies outside of an Active Contract.

CITIZEN PARTICIPATION

Federal regulations require grantees to address all projected activities for the upcoming NOFA application submission during the pre-submission Public Hearing. This includes all grant funded activities and PI/RLF activities and expenditures. All Public Notices and Agendas for the hearings must include PI and RLF proposed activities and expenditures, in addition to all proposed grant and Supplemental activities.

- For active 2012, 13 and 14 contracts where Waivers and Supplemental Activities will be added/included, a separate Public Hearing must be held for the projected activities and expenditures being added to the contract, and documentation of such must be submitted to the Department to complete the contract amendment process.
- Beginning with the 2015 NOFA and going forward, the pre-application submission Public Hearing must include all proposed activities and expenditures including grant funded activities, PI and RLF activities, and Supplemental Activities.

PROGRAM INCOME REPORTING

For fiscal 2013/14, the current PI Report Form, along with Grant Performance Reports (GPR) must be used. The reporting changes reflected in this memo will begin concurrent with the 2014/15 fiscal year.

The current PI Report Form will be used to close out this fiscal year (2013/14), along with a GPR that reports the PI/RLF accomplishments.

Beginning with fiscal 2014/15 new Setup/Completion Reports will be incorporated into the PI/RLF and Grant reporting requirements, as well as into the 2014 Standard Agreement. A Management Memo will be released separately on this subject in the near future.

All of the above will be will be addressed in trainings.

NEW POLICY – Jurisdictions Leaving or Entering the State CDBG Program with Program Income

Pursuant to 24 CFR 570.489(e)(3)(iii) and (iv) the Department is implementing the following policy and procedures for jurisdictions that have State CDBG PI.

24 CFR 570.489(e)(3)(iii) *Transfer of program income to Entitlement program.*

Jurisdictions that are entitlement communities or part of an urban agreement, or grantees that at a later date become an entitlement community or join a urban agreement, have the following options for PI and RLFs:

PI not associated with a RLF, the jurisdiction must:

1. Complete the process to certify they will be reporting the State PI into the Entitlement Programs process, including receipting the CDBG proceeds into IDIS, or,
2. Return all State CDBG Program Income to the Department, the amounts on hand as of July 1, 2014 and as it is received until all PI generated by State CDBG funding has been returned.

PI in an approved RLF:

Entitlement jurisdictions and those who are part of an urban agreement may keep their RLF(s) and monies within an RLF as long as the following is met:

1. They have a State Reuse Plan (agreement) signed by the Department and the City/County Authorized Representative.
2. Agree to immediately implement the RLF rules within this Memo and execute updated the Reuse Plan, as provided by the Department.

Note: the above must be complete prior to October 31, 2014 or all funds on-hand and within the loan portfolio that is from State CDBG activities will be consider PI and must be returned to the Department.

24 CFR 570.489(e)(3) (iv) *Transfer of program income of grantees losing Entitlement status.*

Upon entry into the State CDBG program, a unit of general local government that has lost or relinquished its Entitlement status must submit a letter to the department, signed by the Authorized Representative stating which of the following options the jurisdiction will be implementing. Keep in mind, that retaining Entitlement PI while participating in the State CDBG program will require PI reporting for both sets of funding. Entitlement PI and any PI generated by State CDBG fund cannot be comingled.

Within 90 days of leaving the Entitlement Program to join the State CDBG program, the jurisdiction must certify that it will either:

1. Retain program income generated under Entitlement grants and continue to comply with Entitlement program requirements for program income, including reporting it into IDIS or the urban county; or
2. Retain the program income and transfer it to the State CDBG program, in which case the jurisdiction must comply with the State's rules for PI and RLF address within this Memo, the Reuse Plan and Chapter 14 of the Grant Management Memo.

Establishing a RLF Decision Flow

Decision Making

With a number of choices and decisions to make, the Department has a one page document that allows grantees to walk through the process. Please see Establishing a RLF Decision Flow, below.

Additionally, it is recommended that grantees contact the CDBG Representative with any questions regarding their particular circumstances:

<http://www.hcd.ca.gov/fa/cdbg/ContactUs.html>

**OROVILLE CITY COUNCIL
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS
RANDY MURPHY, CITY ADMINISTRATOR**

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
RICK WALLS, INTERIM CITY ENGINEER
COMMUNITY DEVELOPMENT DEPARTMENT**

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

DATE: JULY 15, 2014

SUMMARY

The Council may consider the annual assessments for the City's Consolidated Landscape and Lighting Maintenance Assessment District, Zones 1-17.

DISCUSSION

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

ZONE NUMBER AND NAME
Zone 1 – Grandview Estates
Zone 2 – The Buttes
Zone 3 – Deer Creek Estates, Phase 1
Zone 4 – Calle Vista Estates, Unit 1
Zone 5 – Cherokee Estates, Phase 1
Zone 6 – Sherwood Estates, Units 1 & 2
Zone 7 – Grayhawk
Zone 8 – Cherokee Estates, Phase 2
Zone 9 – Linkside Place, Phase 1
Zone 10 – Foothill Estates
Zone 11 – Mission Olive Ranch
Zone 12 – Vista Del Oro
Zone 13 – Calle Vista Estates, Unit 2

CC-10

Zone 14 – Martin Ranch
Zone 15 – Jake Richter Estates
Zone 16 – Acacia Estates
Zone 17 – Feather River Bluffs

Pursuant to the Landscape and Lighting Act of 1972, which authorizes the formation and annual administration of such districts, an Annual Assessment Report was prepared and filed with the City Clerk prior to tonight's meeting. The purpose of the report is to document the annual costs involved in the operation, maintenance and servicing of all improvements, adjust the annual assessments to incorporate any surplus or deficit from the previous year and to determine the actual annual assessment for each assessable parcel within the CLLMAD. These assessments were disclosed to purchasers of properties within the CLLMAD zones listed above prior to their purchase. As such, these assessments are not new fees to the property owners.

The City Council will consider the following items for all seventeen Zones within the CLLMAD:

1. Preliminarily approve the Annual Assessment Report and the proposed levy and collection of assessments for the CLLMAD for Fiscal Year 2014/2015.
2. Approve the Resolution of Intent which sets the date for a public hearing for the August 5, 2014 City Council Meeting. At that time, the City Council will conduct a public hearing on these matters and may confirm the Annual Levy Report and Assessments.

FISCAL IMPACT

There is no net cost. Assessments are collected for the City of Oroville by the Butte County Tax Collector to reimburse the City for the costs of operating, maintaining and servicing the landscape and lighting improvements within the CLLMAD.

RECOMMENDATION(S)

1. Adopt Resolution No. 8238 - A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2014/2015
2. Direct staff to make any any changes and/or amendments to the Annual Assessment Report.

ATTACHMENT(S)

Resolution No. 8238

2014/2015 Assessment Summary from the CLLMAD Annual Assessment Report.

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

**CITY OF OROVILLE
RESOLUTION NO. 8238**

A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DELCARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2014/2015

WHEREAS, the Oroville City Council has, by previous resolutions, formed and levied annual assessments for a special maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972" (the 1972 Act"), being Division 15, Part 2 of the Streets and Highways Code of the State of California (commencing with Section 22500). Said special maintenance district is known and designated as "The Oroville Consolidated Landscape and Lighting Maintenance Assessment District" (the "District"). The District is comprised of several Zones which are identified below:

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

WHEREAS, the City Council has retained Special District Services, Inc. for the purpose of assisting with the annual levy of the District and to prepare and file with the City Clerk, an Annual Assessment Report (the "Report") for the District in accordance with the 1972 Act; and,

WHEREAS, there has now been presented to this City Council the Report as required by the 1972 Act; and,

WHEREAS, the City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the District, each of the budget items and documents therein, and is satisfied that the assessment amounts, on a preliminary basis, have been spread to the assessable parcels in accordance with the special benefit received from the improvements and services provided.

NOW, THEREFORE, the Oroville City Council does resolve as follows:

Section 1 That the above recitals are true and correct.

Section 2 **Annual Assessment Report:** The City hereby orders Special District Services, Inc. to prepare and file with the City Clerk, the Report concerning the annual levy and collection of assessments for the District. Said levy and collection shall be for the fiscal year commencing July, 1, 2014 and ending June 30, 2015 in accordance with *Chapter 3, Section 22622* of the 1972 Act. The Report details the improvements, any substantial changes to the improvements, the annual budgets for each Zone and the proposed assessment amounts for each parcel.

Section 3 **Proposed Improvements:** The improvements within the District may include, but are not limited to: turf, shrubs, plants and trees, landscaping, street lighting, irrigation and drainage systems, graffiti removal, pedestrian walkways, landscape lighting, masonry walls, and associated appurtenances within the public right-of-ways or specific easements. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a healthy, vigorous and/or satisfactory operating condition. The specific improvements within each Zone are detailed in the Report.

Section 4 **Intention:** The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the 1972 Act, in order to pay for the costs of maintaining and servicing the above referenced improvements. The City Council finds that the public's best interests will be served by such levy and collection.

Section 5 **Public Hearing:** The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the Districts in accordance with Chapter 3, Section 22626 of the 1972 Act.

Section 6 **Notice:** The City Council shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the City for the posting of notices. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a

description sufficient to identify the property owned by such property owner. All interested persons shall be afforded the opportunity to hear and be heard.

Section 7 Notice of Public Hearing: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, August 5, 2014 at 6:00 p.m. at the City Council Chambers, located at 1735 Montgomery Street, Oroville.

Section 8 The City Clerk shall certify to the adoption of this Resolution by the City Council and is hereby authorized and directed to give notice of said Public Hearing as provided by the 1972 Act.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on July 15, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSTENT:

Linda Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott Huber, City Attorney

Randy Murphy, City Clerk

CLLMAD 2014/2015 ASSESSMENT SUMMARY

Zone Name	Total Assessable Units	Total Assessable Costs 2014/2015	Maximum Assessment Rate per Unit	Assessment Rate per Unit 2013/2014	Proposed Assessment Rate per Unit 2014/2015
Zone 1 – Grandview Estates	21	\$2,721.60	\$238.10	\$92.88	\$129.60
Zone 2 – The Buttes	58	\$5,057.60	\$122.96	\$66.46	\$87.20
Zone 3 – Deer Creek Estates, Phase 1	72	\$740.16	\$30.12	\$30.12	\$10.28
Zone 4 – Calle Vista Estates, Phase 1	70	\$4,859.40	\$76.11	\$68.22	\$69.42
Zone 5 – Cherokee Estates, Phase 1	12	\$948.96	\$79.08	\$79.08	\$79.08
Zone 6 – Sherwood Estates, Units 1 & 2	49	\$1,535.66	\$42.00	\$42.00	\$31.34
Zone 7 – Grayhawk	30	\$1,584.60	\$197.63	\$158.84	\$52.82
Zone 8 – Cherokee Estates, Phase 2	20	\$2,703.20	\$400.59	\$0.00	\$135.16
Zone 9 – Linkside Place, Phase 1	65	\$8,559.20	\$416.83	\$23.80	\$131.68
Zone 10 – Foothill Estates	25	\$1,153.00	\$602.99	\$189.88	\$46.12
Zone 11 – Mission Olive Ranch	19	\$384.94	\$463.25	\$74.92	\$20.26
Zone 12 – Vista Del Oro	92	\$6,322.24	\$181.89	\$124.08	\$68.72
Zone 13 – Calle Vista Estates, Unit 2	44	\$762.08	\$253.24	\$156.12	\$17.32
Zone 14 – Martin Ranch	0	\$0.00	\$0.00	\$0.00	\$0.00
Zone 15 – Jake Richter	8	\$0.00	\$270.50	\$98.34	\$0.00
Zone 16 – Feather River Bluffs	0	\$0.00	\$46.14	\$0.00	\$0.00
Zone 17 – Acacia Estates	0	\$0.00	\$87.26	\$0.00	\$0.00
TOTALS:	585	\$37,332.64			

**OROVILLE CITY COUNCIL
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS
RANDY MURPHY, CITY ADMINISTRATOR**

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
RICK WALLS, INTERIM CITY ENGINEER
COMMUNITY DEVELOPMENT DEPARTMENT**

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

DATE: JULY 15, 2014

SUMMARY

The Council may consider the annual assessments for the City's Consolidated Benefit Assessment District, Zones 1-8.

DISCUSSION

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

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

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

parcel within the CBAD. These assessments were disclosed to purchasers of properties within the CBAD zones listed above prior to their purchase. As such, these assessments are not new fees to the property owners.

The City Council will consider the following items for all eight Zones within the CBAD:

1. Preliminarily approve the Annual Assessment Report and the proposed levy and collection of assessments for the CBAD for Fiscal Year 2014/2015.
2. Approve the Resolution of Intent which sets the date for a public hearing for the August 5, 2014 City Council Meeting. At that time, the City Council will conduct a public hearing on these matters and may confirm the Annual Levy Report and Assessments.

FISCAL IMPACT

There is no net cost. Assessments are collected for the City of Oroville by the Butte County Tax Collector to reimburse the City for the costs of operating, maintaining and servicing the storm water infrastructure within the CBAD.

RECOMMENDATION(S)

1. Adopt Resolution No. 8239 - A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2014/2015
2. Direct staff to make any changes and/or amendments to the Annual Assessment Report.

ATTACHMENT(S)

Resolution No. 8239
2014/2015 Assessment Summary from the CBAD Annual Assessment Report.

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

**CITY OF OROVILLE
RESOLUTION NO. 8239**

A RESOLUTION OF THE CITY COUNCIL INITIATING PROCEEDINGS, PRELIMINARILY APPROVING THE ANNUAL ASSESSMENT REPORT AND DELCARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE OROVILLE CONSOLIDATED BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2014/2015

WHEREAS, the Oroville City Council has, by previous resolutions, formed and levied annual assessments for a special maintenance district pursuant to the terms of the "Benefit Assessment Act of 1982" (the "1982 Act"), Part 1, Division 2, Title 5 of the California Government Code (commencing with Section 54703). Said special maintenance district is known and designated as "The Oroville Consolidated Benefit Assessment District" (the "District"). The District is comprised of several Zones which are identified below:

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

WHEREAS, the City Council has retained Special District Services, Inc. for the purpose of assisting with the annual levy of the District and to prepare and file with the City Clerk, an Annual Assessment Report (the "Report") for the District in accordance with the 1982 Act; and,

WHEREAS, there has now been presented to this City Council the Report as required by the 1982 Act; and,

WHEREAS, the City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the District, each of the budget items and documents therein, and is satisfied that the assessment amounts, on a preliminary basis, have been spread to the assessable parcels in accordance with the special benefit received from the improvements and services provided.

NOW, THEREFORE, the Oroville City Council does resolve as follows:

Section 1 That the above recitals are true and correct.

Section 2 **Annual Assessment Report:** The City hereby orders Special Services, Inc. to prepare and file with the City Clerk, the Report concerning the annual levy and collection of assessments for the District. Said levy and collection shall be for the fiscal year commencing July, 1, 2014 and ending June 30, 2015 in accordance with *Section 54716* of the 1982 Act. The Report details the improvements, any substantial changes to the improvements, the annual budgets for each Zone and the proposed assessment amounts for each parcel.

Section 3 **Proposed Improvements:** The improvements within the District may include, but are not limited to: drainage control, flood control and associated appurtenances within the public right-of-ways or specific easements. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a satisfactory operating condition. The specific improvements within each Zone are detailed in the Report.

Section 4 **Intention:** The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the 1982 Act, in order to pay for the costs of maintaining and servicing the above referenced improvements. The City Council finds that the public's best interests will be served by such levy and collection.

Section 5 **Public Hearing:** The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the Districts in accordance with Article 4, Section 54718 of the 1982 Act.

Section 6 **Notice:** The City Council shall give notice of the time and place of the Public Hearing to all property owners within the District by causing the publishing of this Resolution once in the local newspaper not less than ten (10) days before the date of the Public Hearing and by posting a copy of this Resolution on the official bulletin board customarily used by the City for the posting of notices. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. All interested persons shall be afforded the opportunity to hear and be heard.

Section 7 **Notice of Public Hearing:** Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, August 5, 2014 at 6:00 p.m. at the City Council Chambers, located at 1735 Montgomery Street, Oroville.

Section 8 The City Clerk shall certify to the adoption of this Resolution by the City Council and is hereby authorized and directed to give notice of said Public Hearing.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on July 15, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSTENT:

Linda Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott Huber, City Attorney

Randy Murphy, City Clerk

CBAD 2014/2015 ASSESSMENT SUMMARY

Zone Name	Total Assessable Units	Total Assessable Costs	Maximum Assessment Rate per Unit	Proposed Assessment Rate per Unit
Zone 1 – Linkside Place, Phase 1	65	\$0.00	\$316.30	\$0.00
Zone 2 – Foothill Estates	25	\$0.00	\$367.93	\$0.00
Zone 3 – Mission Olive Ranch	19	\$0.00	\$320.59	\$0.00
Zone 4 – Vista Del Oro	92	\$0.00	\$258.21	\$0.00
Zone 5 – Calle Vista Estates, Unit 2	44	\$0.00	\$191.06	\$0.00
Zone 6 – Martin Ranch	0	\$0.00	\$0.00	\$0.00
Zone 7 – Jake Richter	8	\$0.00	\$273.43	\$0.00
Zone 8 – Acacia Estates	0	\$0.00	\$190.75	\$0.00
TOTALS:	253	\$0.00		

**OROVILLE CITY COUNCIL
STAFF REPORT**

**TO: MAYOR DAHLMEIER, COUNCIL MEMBERS AND
RANDY MURPHY, CITY ADMINISTRATOR**

**FROM: DONALD RUST, DIRECTOR (530) 538-2433
RICK WALLS, INTERIM CITY ENGINEER
COMMUNITY DEVELOPMENT DEPARTMENT**

**RE: PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN
ENGINEERING FOR PUBLIC WORKS INSPECTION SERVICES**

DATE: JULY 15, 2014

SUMMARY

The Council may consider a Professional Services Agreement with Willdan Engineering (Willdan), in an amount not to exceed \$20,000, for Public Works Construction Inspection Services.

DISCUSSION

The City's Public Works Construction Inspector (CI) is out and is not expected to return to duty until September or October 2014. In order to continue providing the needed level of service, the CI's duties have been delegated to the Interim City Engineer and the GIS Specialist. However, the delegation of the CI duties as described is impacting the ability of the Engineering Division to meet other project deadlines, and goals. Staff desires to retain a qualified public works construction inspector from Willdan to assist the Engineering Division until the City's CI returns. The contract inspector would report to the Interim City Engineer and would be used only on an as needed basis. The City would be billed \$118.00 per hour for these services. Staff assumes that no more than 41.5 hours per month would be required for this assignment.

FISCAL IMPACT

The cost for a contract inspector can be paid out of salary savings for the City's Construction Inspection.

RECOMMENDATION

Adopt Resolution No. 8240 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING, IN AN AMOUNT NOT TO EXCEED

CC-12

\$20,000, FOR PUBLIC WORKS CONSTRUCTION INSPECTION SERVICES –
(Agreement No. 3077).

ATTACHMENTS

Resolution No. 8240

Agreement No. 3077

**CITY OF OROVILLE
RESOLUTION NO. 8240**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH WILDAN ENGINEERING FOR PUBLIC WORKS CONSTRUCTION INSPECTION SERVICES, IN AN AMOUNT NOT TO EXCEED \$20,000

(Agreement No. 3077)

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

1. The Mayor is hereby authorized and directed to execute a Professional Services Agreement with Wildan Engineering to provide on call (as needed) public works construction inspection services. A copy of the Professional Services Agreement is attached to this Resolution.

2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on July 15, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Randy Murphy, City Clerk

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made and entered into as of July 15, 2014 by and between the **City of Oroville** ("City") and Willdan Engineering ("Consultant").

RECITALS

- A. The Consultant is specially trained, experienced and competent to provide services relating to public works construction inspection as required by this Agreement; and
- B. The Consultant possesses the skill, experience, ability, background, license, certification, and knowledge to provide the services described in this Agreement on the terms and conditions described herein.
- C. City desires to retain Consultant to render professional services as set forth in this Agreement.

AGREEMENT

- 1. Scope of Services. The Consultant shall furnish the City with public works construction inspection services in a professional manner.
- 2. Time of Performance. The services of Consultant shall commence upon execution of this Agreement and shall continue until terminated by the City.
- 3. Compensation. Compensation to be paid to Consultant shall be \$100.00 per hour for on call (as needed) public works construction inspection services. Consultant's on call hours shall be limited to 48 hours per month

from salary savings for work completed other than the City's upcoming road repair project. For the road repair project only, there is no limit to the number of hours needed for inspection services. Inspection services for the road repair project shall be paid for using Regional Surface Transportation Program (RSTP) Funds. **In no event shall Consultant's compensation exceed \$30,000 without additional written authorization from the City.** Payment by City under this Agreement shall not be deemed a waiver of defects in Consultant's services, even if such defects were known to the City at the time of payment.

4. Method of Payment. Consultant shall submit monthly billings to City describing the work performed during the preceding month. Consultant's bills shall include a brief description of the services performed, the date the services were performed, the number of hours spent and by whom, and a description of any reimbursable expenditures. City shall pay Consultant no later than 30 days after approval of the monthly invoice by City staff.
5. Extra Work. At any time during the term of this Agreement, City may request that Consultant perform Extra Work. As used herein, "Extra Work" means any work which is determined by City to be necessary for the proper completion of Consultant's services, but which the parties did not reasonably anticipate would be necessary at the execution of this Agreement. Consultant shall not perform, nor be compensated for, Extra Work without prior written authorization from City.

6. Termination. This Agreement may be terminated by the City immediately for cause or by either party without cause upon fifteen days' written notice of termination. Upon termination, Consultant shall be entitled to compensation for services properly performed up to the effective date of termination.
7. Ownership of Documents. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees and agents and subcontractors in the course of implementing this Agreement, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents, and other writings to City within three (3) days after written request.
8. Licensing of Intellectual Property. This Agreement creates a nonexclusive and perpetual license for City to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in documents or works of authorship fixed in any tangible medium of expression, including but not limited to, data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Agreement ("Documents and Data"). Consultant shall require all subcontractors to agree in writing that City is granted a nonexclusive and perpetual license for any Documents and

Data the subcontractor prepares under this Agreement. Consultant represents and warrants that Consultant has the legal right to license any and all Documents and Data. Consultant makes no such representation and warranty in regard to Documents and Data which may be provided to Consultant by City. City shall not be limited in any way in its use of the Documents and Data at any time, provided that any such use not within the purposes intended by this Agreement shall be at City's sole risk.

9. Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents and Data either created by or provided to Consultant in connection with the performance of this Agreement shall be held confidential by Consultant. Such materials shall not, without the prior written consent of City, be used by Consultant for any purposes other than the performance of the services under this Agreement. Nor shall such materials be disclosed to any person or entity not connected with the performance of the services under this Agreement. Nothing furnished to Consultant which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential. Consultant shall not use City's name or insignia, photographs relating to project for which Consultant's services are rendered, or any publicity pertaining to the Consultant's services under this Agreement in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent

of City.

10. Consultant's Books and Records.

- a. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, expenditures and disbursements charged to City for a minimum period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant to this Agreement.
- b. Consultant shall maintain all documents and records which demonstrate performance under this Agreement for a minimum of three (3) years, or for any longer period required by law, from the date of termination or completion of this Agreement.
- c. Any records or documents required to be maintained pursuant to this Agreement shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Administrator, City Attorney, City Finance Director, or a designated representative of these officers. Copies of such documents shall be provided to the City for inspection at City Hall when its practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Agreement.
- d. Where City has reason to believe that such records or documents

may be lost or discarded due to dissolution, disbandment or termination of Consultant's business, City may, by written request by any of the above named officers, require that custody of the records be given to the City and that the records and documents be maintained by City Hall.

11. Independent Contractor. It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and shall not act as an agent or employee of the City. Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.

12. Interest of Consultant. Consultant (including principals, associates, and professional employees) covenants and represents that it does not now have any investment or interest in real property and shall not acquire any interest, direct or indirect, in the area covered by this Agreement or any other source of income, interest in real property or investment which would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further covenants and represents that in the performance of its duties hereunder no person having any such interest shall perform any services under this Agreement. Consultant is not a designated employee within the meaning of the Political Reform Act because Consultant:
 - a. will conduct research and arrive at conclusions with respect to its rendition of information, advice, recommendation, or counsel

independent of the control and direction of the City or any City official, other than normal agreement monitoring; and

b. possesses no authority with respect to any City decision beyond rendition of information, advice, recommendation or counsel.

(FPPC Reg. 18700(a)(2).)

13. Professional Ability of Consultant. City has relied upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Agreement. All work performed by Consultant under this Agreement shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.
14. Compliance with Laws. Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations.
15. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature which are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this Agreement, any licenses, permits, insurance and approvals which are required by the City for its business.
16. Indemnity. Consultant agrees to defend, indemnify and hold harmless the City, its officers, officials, agents, employees and volunteers from and

against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all costs and expenses in connection therein), arising from its performance of this Agreement or its failure to comply with any of its obligations contained in this Agreement, except for any such claim arising from the sole negligence or willful misconduct of the City, its officers, agents, employees or volunteers.

17. Insurance Requirements. Consultant, at Consultant's own cost and expense, shall procure and maintain, for the duration of the Agreement, the insurance coverage and policies as set forth in Exhibit "A" attached hereto.

18. Notices. Any notice required to be given under this Agreement shall be in writing and either served personally or sent prepaid, first class mail. Any such notice shall be addressed to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section.

If to City: **Rick Walls, Interim City Engineer
City of Oroville
1735 Montgomery Street
Oroville, CA 95965-4897**

If to Consultant: **Mort August, Deputy Director
Willdan Engineering
2240 Douglas Boulevard, Suite 270
Roseville, CA 95661**

19. Entire Agreement. This Agreement constitutes the complete and exclusive statement of Agreement between the City and Consultant. All prior written and oral communications, including correspondence, drafts,

memoranda, and representations are superseded in total by this Agreement.

20. Amendments. This Agreement may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.
21. Assignment and Subcontracting. The parties recognize that a substantial inducement to City for entering into this Agreement is the professional reputation, experience and competence of Consultant. Assignments of any or all rights, duties or obligations of the Consultant under this Agreement will be permitted only with the express prior written consent of the City. Consultant shall not subcontract any portion of the work to be performed under this Agreement without the prior written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Agreement shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise required by law.
22. Waiver. Waiver of a breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Agreement.
23. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the

remaining provisions of this Agreement shall continue in full force and effect.

24. Controlling Law Venue. This Agreement and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Agreement shall be held exclusively in Butte County Superior Court or the United States District Court, Eastern District of California.
25. Litigation Expenses and Attorney's Fees. If either party to this Agreement commences any legal action against the other part arising out of this Agreement, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.
26. Execution. This Agreement may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.
27. Authority to Enter Agreement. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Agreement. Each party warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective party.

28. Prohibited Interests. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

29. Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, disability, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY OF OROVILLE

WILLDAN

By: _____
Linda L. Dahlmeier, Mayor

By: _____
Mort August, Deputy Director

APPROVED AS TO FORM:

ATTEST:

By: _____
Scott E. Huber, City Attorney

By: _____
Randy Murphy, City Clerk

Attachments: Exhibit A - Insurance Requirements

EXHIBIT A

INSURANCE REQUIREMENTS FOR CONSULTANTS

Consultant 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 Consultant, 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 Employee's Liability Insurance.
4. Errors and Omissions Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability.

Minimum Limits of Insurance

Consultant shall maintain limits no less than:

1. General Liability: \$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 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.
4. Errors and Omissions Liability: \$1,000,000 per occurrence.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the City. 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 Consultant shall provide a financial guarantee

satisfactory to the City guaranteeing payment of losses and related investigations, claim administration and defense expenses.

Other Insurance Provisions

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 additional insured's as respects: liability arising out of work or operations performed by or on behalf of the Consultant; or automobiles owned, leased, hired or borrowed by the Consultant.
2. For any claims related to this project, the Consultant'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 Consultant'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

Consultant 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 OF OROVILLE
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS
RANDY MURPHY, CITY ADMINISTRATOR**

FROM: BILL LA GRONE, DIRECTOR OF PUBLIC SAFETY

**RE: U.S. DEPARTMENT OF JUSTICE ASSET FORFEITURE PROGRAM
EQUITABLE SHARING AGREEMENT AND CERTIFICATION**

DATE: JULY 15, 2014

SUMMARY

The Council may consider an U.S. Department of Justice Equitable Sharing Agreement and Certification allowing the Oroville Police Department to participate in the Asset Forfeiture Program.

DISCUSSION

The U.S. Department of Justice Asset Forfeiture Program is a nationwide law enforcement initiative that removes the tools of crime from criminal organizations, deprives wrongdoers of the proceeds of their crimes, recovers property that may be used to compensate victims, and deters crime. Federal law authorizes the sharing of forfeited property with participating local law enforcement agencies. Any local law enforcement agency that directly participates in an investigation or prosecution that results in a federal forfeiture may request an equitable share of the net proceeds of the forfeiture. The proceeds may only be used for law enforcement purposes.

To begin participating in the Asset Forfeiture Program, an Equitable Sharing Agreement and Certification must be signed and filed with the U.S. Department of Justice.

FISCAL IMPACT

This funding will potentially reduce the impact of the Police Department on the General Fund.

RECOMMENDATION

Adopt Resolution No. 8241 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A U.S. DEPARTMENT OF JUSTICE EQUITABLE SHARING AGREEMENT AND CERTIFICATION ALLOWING THE OROVILLE POLICE DEPARTMENT TO PARTICIPATE IN THE ASSET FORFEITURE PROGRAM – (Agreement No. 3078).

ATTACHMENTS

Resolution No. 8241
Agreement No. 3078

**CITY OF OROVILLE
RESOLUTION NO. 8241**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A U.S. DEPARTMENT OF JUSTICE EQUITABLE SHARING AGREEMENT AND CERTIFICATION ALLOWING THE OROVILLE POLICE DEPARTMENT TO PARTICIPATE IN THE ASSET FORFEITURE PROGRAM

(Agreement No. 3078)

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

1. The Mayor is hereby authorized and directed to execute an Equitable Sharing Agreement and Certification for the U.S. Department of Justice Asset Forfeiture Program.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on July 15, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED TO AS FORM:

ATTEST:

Scott E. Huber, City Attorney

Randy Murphy, City Clerk

Table D: Other Law Enforcement Expenses

Description of Expense	Justice Funds	Treasury Funds

Table E: Expenditures in Support of Community-Based Programs

Recipient	Justice Funds	

Table F: Windfall Transfers

Recipient	Justice Funds	Treasury Funds

Table G: Matching Grants

Matching Grant Name	Justice Funds	Treasury Funds

Table H: Other Non-Cash Assets Received

Source	Description of Asset
Justice <input type="radio"/>	
Treasury <input type="radio"/>	

Table I: Civil Rights Cases

Name of Case	Type of Discrimination Alleged			
		<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin
	<input type="checkbox"/> Disability	<input type="checkbox"/> Age	<input type="checkbox"/> Other _____	

Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section, 1400 New York Avenue, N.W., Washington, DC 20005.

Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the above-stated law enforcement agency ("Agency"), and (3) the governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited cash, property, proceeds, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By its signatures, the Agency agrees that it will be bound by the statutes and guidelines that regulate shared assets and the following requirements for participation in the federal Equitable Sharing Program. Receipt of the signed Equitable Sharing Agreement and Certification (this "Document") is a prerequisite to receiving any equitably shared cash, property, or proceeds.

1. **Submission.** This Document must be submitted to aca.submit@usdoj.gov within 60 days of the end of the Agency's fiscal year. This Document must be submitted electronically with the Affidavit/Signature submitted by fax. This will constitute submission to the Department of Justice and the Department of the Treasury.
2. **Signatories.** This agreement must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, chairperson, secretary, city attorney, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body's head is the person who allocates funds or approves the budget for the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, director, secretary, administrator, commissioner, and governor.
3. **Uses.** Any shared asset shall be used for law enforcement purposes in accordance with the statutes and guidelines that govern the federal Equitable Sharing Program as set forth in the current edition of the Department of Justice's *Guide to Equitable Sharing for State and Local Law Enforcement (Justice Guide)*, and the Department of the Treasury's *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies (Treasury Guide)*.
4. **Transfers.** Before the Agency transfers cash, property, or proceeds to other state or local law enforcement agencies, it must first verify with the Department of Justice or the Department of the Treasury, depending on the source of the funds, that the receiving agency is a current and compliant Equitable Sharing Program participant.
5. **Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury. Funds from state and local forfeitures and other sources must not be commingled with federal equitable sharing funds. The Agency shall establish a separate revenue account or accounting code for state, local, Department of Justice, and Department of the Treasury forfeiture funds. Interest income generated must be accounted for in the appropriate federal equitable sharing account.

The Agency agrees that such accounting will be subject to the standard accounting requirements and practices employed for other public funds as supplemented by requirements set forth in the current edition of the *Justice Guide* and the *Treasury Guide*, including the requirement in the *Justice Guide* to maintain relevant documents and records for five years.

The misuse or misapplication of shared resources or the supplantation of existing resources with shared assets is prohibited. Failure to comply with any provision of this agreement shall subject the recipient agency to the sanctions stipulated in the current edition of the *Justice or Treasury Guides*, depending on the source of the funds/property.

6. **Audit Report.** Audits will be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Circular A-133. The Department of Justice and Department of the Treasury reserve the right to conduct periodic random audits.

Affidavit - Existing Participant

Before you can print this form, you must correct the following errors:

Enter the first name of the Finance Contact on page 1.

Enter the last name of the Finance Contact on page 1.

Enter the e-mail address for the Finance Contact on page 1.

Enter the phone number for the Finance Contact on page 1.

Bill LaGrone Jr
Chief of Police

Linda Dahlmeier
Mayor

Subscribe to Equitable Sharing Wire:

The Equitable Sharing Wire is an electronic newsletter that gives you important, substantive, information regarding Equitable Sharing policies, practices, and procedures.

Final Instructions:

- Step 1: Click to save for your records
- Step 2: Click to save in XML format

- Step 3: Email the XML file to aca.submit@usdoj.gov
- Step 4: Scan & email this Affidavit to aca.affidavit@usdoj.gov
(Email subject line must include Agency NCIC/ORI Code)

FOR AGENCY USE ONLY	
Entered by _____	
Entered on _____	
<input type="radio"/> FY End: 06/30/2014	
<input checked="" type="radio"/> NCIC: CA0040404	
<input type="radio"/> State: CA	Date Printed: July 10, 2014 10:21
Preparer: Bill LaGrone	Agency: Oroville Police Department
	Phone: (530)538-2451
	E-mail: blagrone@oropd.org

**CITY OF OROVILLE
STAFF REPORT**

TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS

**FROM: RANDY MURPHY, CITY ADMINISTRATOR
BILL LA GRONE, DIRECTOR OF PUBLIC SAFETY**

**RE: AUTHORIZATION TO PREPARE AND RELEASE A REQUEST
FOR PROPOSAL FOR FIRE PROTECTION SERVICES FOR THE
CITY OF OROVILLE**

DATE: JULY 15, 2014

SUMMARY

The Council may provide direction to the Director of Public Safety to prepare and release a Request for Proposal (RFP) for Fire Protection Services for the City of Oroville.

DISCUSSION

The City of Oroville continues to face serious financial challenges that threaten its current financial stability and long-term fiscal solvency. The City of Oroville has already implemented various actions to address these financial challenges and is presently exploring possible alternative means of delivering various City services and programs

The staff of the Oroville Public Safety Department has been tasked with examining any and all ways to reduce the operational cost of the Police and Fire Departments. One potential area to examine is the amount the City is currently paying for Fire Protection Services. At this time it is unknown if it would be less expensive to contract with another agency for these services than it would be to continue providing the services within the City.

One option to reduce the cost of Fire Protection Service is to consolidate with the Butte County / Cal Fire or with another duly authorized fire services provider. On the surface, this proposal sounds like a good opportunity to improve efficiency, maintain local control and deliver our public safety services more rapidly with greater depth.

Fires, Medical Aids and traffic collisions do not occur at any one specific time of day, or any one specific day of the week. The need for first responders to become more efficient along with immediate availability is becoming increasingly important. Unfortunately, resources have continued to diminish and the demand

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for Fire Services has continued to increase, so the need for cooperative agreements has become essential to ensure that the best possible public safety service is being provided to the community.

The Oroville Fire Department works out of one station and is among the busiest Stations in the County. The City of Oroville has seen all of the aforementioned calls for service increase over the last several years. Unfortunately, the financial situation of the City has not allowed for growth of the Fire Department.

The Oroville Fire Department staffing is at the same level it was in 1990's; however, the community it protects has significantly grown.

The objective of this project is to improve the levels of service to the City of Oroville, to attempt to lower the cost of these services, while still ensuring local control of our local Fire Protection Services. The only foreseeable way to accomplish these objectives would be regionalization of service.

The Oroville Public Safety Department requests permission to prepare and release an RFP for Fire Protection Services for the City of Oroville.

The Oroville Public Safety Department will return with the results of this RFP and present the findings to the Council and ask for additional direction at that time.

FISCAL IMPACT

No impact at this time. Potential of future savings to the General Fund

RECOMMENDATION

Adopt Resolution No. 8242 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO PREPARE AND RELEASE A REQUEST FOR PROPOSALS TO INVESTIGATE THE POSSIBILITY OF CONTRACTING WITH BUTTE COUNTY/CALFIRE, OR WITH ANOTHER DULY AUTHORIZED FIRE SERVICES PROVIDER TO PROVIDE CITY FIRE SERVICES AND TO REPORT BACK TO THE CITY COUNCIL FOR ACTION.

ATTACHMENTS

Resolution No. 8242

**CITY OF OROVILLE
RESOLUTION NO. 8242**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO PREPARE AND RELEASE A REQUEST FOR PROPOSALS TO INVESTIGATE THE POSSIBILITY OF CONTRACTING WITH BUTTE COUNTY/CAL FIRE, OR WITH ANOTHER DULY AUTHORIZED FIRE SERVICES PROVIDER TO PROVIDE CITY FIRE SERVICES AND TO REPORT BACK TO THE CITY COUNCIL FOR ACTION

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

1. The Director of Public Safety is hereby authorized to prepare and release a Request for Proposals to investigate the possibility of contracting for City Fire services with Butte County / CAL FIRE, or another authorized fire services provider, and to report back to the City Council for potential action.
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on July 15, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED TO AS FORM:

ATTEST:

Scott E. Huber, City Attorney

Randy Murphy, City Clerk

**CITY OF OROVILLE
STAFF REPORT**

TO: MAYOR DAHLMEIER AND COUNCIL MEMBERS

**FROM: RANDY MURPHY, CITY ADMINISTRATOR
BILL LA GRONE, CHIEF OF POLICE**

**RE: AUTHORIZATION TO PREPARE AND RELEASE A REQUEST
FOR PROPOSAL FOR CONSOLIDATED POLICE SERVICES
WITH THE BUTTE COUNTY SHERIFFS OFFICE FOR THE CITY
OF OROVILLE**

DATE: JULY 15, 2014

SUMMARY

The Council may provide direction to the Director of Public Safety to prepare and release a Request for Proposal for the proposed consolidation of Police Services with the Butte County Sheriff's Department, or another duly authorized law enforcement provider.

DISCUSSION

Oroville Police Department staff has been tasked with examining any and all ways to reduce the operational cost of the Police Department. One potential area to reduce the cost of Police Services is to consolidate with the Butte County Sheriff's Office, or another authorized law enforcement provider. On the surface, this proposal sounds like a good opportunity to improve efficiency, maintain local control and deliver our public safety services more rapidly with greater depth.

Crimes, calls for service and traffic collisions do not occur at any one specific time of day, or any one specific day of the week. The need for first responders to become more efficient and immediately available is increasingly important. As resources have diminished, the demand for Police Services has continued to increase, and the need for cooperative agreements has become essential to ensure that the best possible public safety service is being provided to the community.

As addiction, crime and health risks increase, so has the demand for service from the local public safety agencies. The Oroville Police Department is notably one of the busiest law enforcement agencies in the County.

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The City of Oroville has seen all of the aforementioned issues increase over the last several years. Unfortunately, the financial situation of the City has not allowed for adequate growth of the Police Department.

The Oroville Police Department staffing is at the same level it was in 1980, however the community it polices is twice the size.

The objective of this project is to improve the levels of service to the City of Oroville, to attempt to lower the cost of these services, while still ensuring local control of our local Police Services. The only foreseeable way to accomplish these objectives would be regionalization of service.

The Oroville Police Department requests permission to contact the Butte County Sheriff's Department, as well as other duly authorized law enforcement providers, and request proposals for these services. The Oroville Police Department is also requesting Council input and direction on this matter.

FISCAL IMPACT

No impact at this time. Potential of future savings to the General Fund

RECOMMENDATION

Adopt Resolution No. 8243 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO PREPARE AND RELEASE A REQUEST FOR PROPOSALS FOR THE PROPOSED CONSOLIDATION OF POLICE SERVICES WITH THE BUTTE COUNTY SHERIFF'S DEPARTMENT, OR OTHER DULY AUTHORIZED LAW ENFORCEMENT PROVIDER AND TO REPORT BACK TO THE CITY COUNCIL FOR ACTION.

ATTACHMENTS

Resolution No. 8243

**CITY OF OROVILLE
RESOLUTION NO. 8243**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE DIRECTOR OF PUBLIC SAFETY TO PREPARE AND RELEASE A REQUEST FOR PROPOSALS FOR THE PROPOSED CONSOLIDATION OF POLICE SERVICES WITH THE BUTTE COUNTY SHERIFF'S DEPARTMENT, OR OTHER DULY AUTHORIZED LAW ENFORCEMENT PROVIDERS AND TO REPORT BACK TO THE CITY COUNCIL FOR ACTION

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

1. The Director of Public Safety is hereby authorized and directed to prepare and release a Request for Proposals for the proposed consolidation of Police Services with the Butte County Sheriff's Department, or other duly authorized law enforcement providers, to provide Law Enforcement Services to the City of Oroville.

2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on July 15, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED TO AS FORM:

ATTEST:

Scott E. Huber, City Attorney

Randy Murphy, City Clerk

**OROVILLE CITY COUNCIL
STAFF REPORT**

**TO: MAYOR AND COUNCIL MEMBERS
RANDY MURPHY, CITY ADMINISTRATOR**

FROM: GLENN LAZOF, INTERIM FINANCE DIRECTOR

RE: FINANCE DEPARTMENT REPORT

DATE: JULY 15, 2014

INVESTMENT REPORT

Total City funds invested continue to grow. The June report shows 18% more cash invested at the end of June than at the end of March.

EXPENDITURE REPORT

This is a snapshot as of July 9, 2014, showing revenues short \$930,000 of Budget and Expenditures \$1,059,519 below. The margin between surplus and deficit is barely more than 1% of budgeted revenues, and therefore to close to call at this time.

The unaudited figures through June will not be fully available until next month, as final amounts due to the City and yet to be paid by City will continue to trickle in over the next 30 days. We will have a final review of FY 2014 in August, which will include any necessary budget revisions.

SALES TAX FORECAST

The forecast for FY 2015 has been reduced in consultation with our Muni Services consultant. This will be reflected in the final budget. Year to year comparison of Oroville sales from previous year shows a decrease of 1.4%. Overall Butte County jurisdictions had an increase of 3.1%.

OTHER DATA FROM MUNISERVICES

Proprietary data reveals that Oroville's sales are very flat and depend heavily on non-discretionary purchases. While this protects somewhat from recession, it also limits our ability to keep pace with the cost of services.

Proprietary data also confirmed that attracting Marshal's to Oroville was a good strategic move which added diversification and helped address leakage.

The unallocated county pool of sales tax revenue is distributed by the percentage of our overall sales tax within the county. This is about 1/6 of our total sales tax and

CC-16

magnifies the impact of any large loss or gain in City sales.

This report also includes a non-proprietary report from Muniservices which includes a list of the City's top 25 sales tax generators, and comparison data of business activity by sector.

Finally, one of the services Muniservices provides is researching underpaid taxes. A letter has been included with this report, which resulted in an additional \$1,000 for the city.

COUNCIL STIPENDS

Staff is looking into issuing these checks the first accounts payable run after the second regular meeting of the month, rather than the first run after the end of the month. Checks can be issued by mail or left in the Councilmember's mail box here in City Hall. If any members now receiving stipend by mail would like to switch to the more secure City mail box please let staff know.

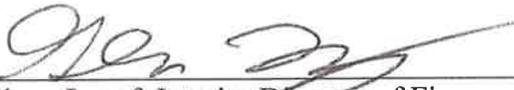
**REPORT OF
INVESTMENTS**

JUNE 2014

**CITY OF OROVILLE/OROVILLE SUCCESSOR AGENCY
OROVILLE PUBLIC FINANCING AUTHORITY
MONTHLY SUMMARY OF INVESTMENTS
June 2014**

CERTIFICATION:

I certify that the information provided above is correct to the best of my knowledge and that (1) all investments are made in accordance with the investment policy and the laws of the State of California and (2) that sufficient funds are available to meet the anticipated expenditures for the next six months.



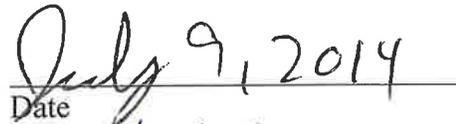
Glenn Lazof, Interim Director of Finance



Randolph Murphy, City Administrator



Karolyn J. Fairbanks, City Treasurer



Date



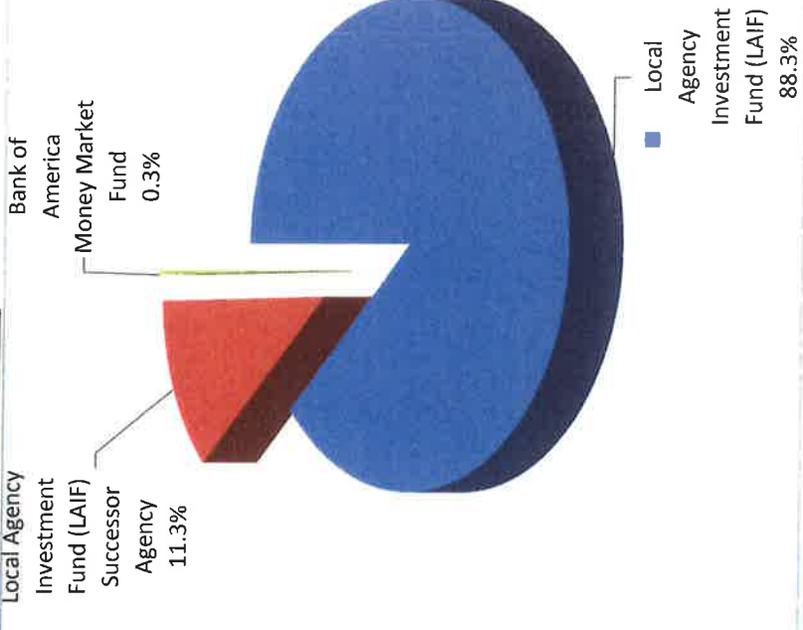
Date



Date

City of Oroville
Investment Portfolio Report
 6/30/2014

Summary of Investments			
	Yield	May-14	Jun-14
Local Agency Investment Fund (LAIF)	0.228%	18,558,243	20,358,243
Local Agency Investment Fund (LAIF) Successor Agency	0.228%	2,613,401	2,613,401
Bank of America Money Market Fund	0.04%	79,362	79,364
Total Pooled Investments		21,251,006	23,051,008



City Investment Portfolio - Investments held in Trust		
	Yield to Maturity	Market Value
2002 Tax Allocation Revenue Bonds Blackrock Provident Institutional Funds Union Bank	0.01%	1,438,546
2004 Series A Tax Allocation Revenue Bonds Bayerische Landesbank Blackrock Provident T Fund	4.40% 0.01%	425,406 9,411
2004 Series B Tax Allocation Revenue Bonds Bayerische Landesbank Blackrock Provident T Fund	4.40% 0.01%	75,973 1,681
Total		1,951,017

Distribution of Pooled Investments		
	% Split	Fair Value
Local Agency Investment Fund (LAIF)	88.3%	20,358,243
Local Agency Investment Fund (LAIF) Successor Agency	11.3%	2,613,401
Bank of America Money Market Fund	0.3%	79,364
Total Pooled Investments	100%	23,051,008

**MONTHLY FINANCIAL
REPORT**

JUNE 2014

**REPORT OF
BUDGETED APPROPRIATIONS
V.S.
ACTUAL EXPENDITURES**

JUNE 2014



CITY OF OROVILLE, CALIFORNIA
FINANCIAL SUMMARY
FOR THE PERIOD ENDED
June 30, 2014

	REVENUES				EXPENDITURES				9%	
	Actual Current Month June 2014	Actual July 2013 through June 2014	Budget Total Year 2013-2014	Remaining Budget	Remaining 8%	Actual Current Month June 2014	Actual July 2013 through June 2014	Budget Total Year 2013-2014		Remaining Budget
CITY DEPARTMENTS										
GENERAL FUND										
City Council	-	-	-	-	-	5,597	79,547	81,337	1,790	2%
Mayor	-	-	-	-	-	1,901	24,937	24,838	(99)	0%
City Attorney	-	-	-	-	-	20,939	291,821	279,543	(12,278)	-4%
City Clerk	0	7,458	7,441	(17)	0%	11,189	121,414	133,498	12,084	9%
Human Resources	-	1,645	800	(845)	-106%	12,361	134,845	141,622	6,777	5%
City Admin.	-	17,985	2,422	(15,563)	-643%	10,202	217,295	281,929	64,634	23%
Economic Develop./Comm. Enh.	809	33,259	49,850	16,591	33%	3,250	120,666	214,168	93,502	44%
Finance	1,721	120,755	99,140	(21,615)	-22%	41,528	695,342	705,521	10,179	1%
City Treasurer	-	-	-	-	-	2,670	26,975	26,630	(345)	-1%
Planning	1,986	92,380	60,000	(32,380)	-54%	24,557	316,928	306,496	(10,432)	-3%
City Hall	419	23,486	16,793	(6,693)	-40%	14,518	97,915	139,744	41,829	30%
Arlene Rhyne	310	134	134	-	0%	377	3,891	20,895	17,004	81%
Fire Department	3,110	80,836	68,551	(12,285)	-18%	131,590	1,958,451	2,080,816	122,365	6%
Police Department	67,564	421,772	286,783	(134,989)	-47%	316,973	4,502,790	4,614,846	112,056	2%
Building/Code Enforcement	31,488	295,564	250,000	(45,564)	-18%	17,470	284,452	372,635	88,183	24%
Public Works Admin.	392	72,841	66,910	(5,931)	-9%	13,564	241,302	259,935	18,633	7%
Streets/Storm	476	445,354	510,897	65,543	13%	35,164	548,238	832,464	284,226	34%
Parks & Trees	4,317	68,165	56,376	(11,789)	-21%	45,243	657,910	724,841	66,931	9%
Pioneer Museum	86	1,600	1,650	50	3%	114	3,878	9,808	5,930	60%
Bolt Museum	459	4,235	3,750	(485)	-13%	787	8,828	9,193	365	4%
Liability/Property Insurance	-	-	65,000	65,000	100%	210	326,096	421,837	95,741	23%
Non Departmental*	467,828	9,169,284	10,240,383	1,071,099	10%	5,097	400,411	440,855	40,444	9%
Totals	580,963	10,856,755	11,786,880	930,125	8%	715,302	1,063,932	1,222,851	1,059,519	9%

* Revenues include Property Tax, Utility Users, Transient Occupancy, Motor Vehicle, Proceeds of Property Sales. Expenditures include retiree leave conversion for Health Insurance, Animal Control, Legal (Labor Spec.), Fees for Credit Card Services, Charges for Butte County Services.

* We are in process of closing fiscal year 2013-2014. A final fiscal year end report will be provided when Finance officially closes fiscal year 2013-2014.

FUND Description	Actual Current Month	Year To Period Actual	Budget Total Year	Remaining Budget	Rem%
001 General Fund	715,302	11,063,932	12,123,451	1,059,519	9%
100 Comm. Promotion	2,500	18,160	13,000	-5,160	-40
101 Sewer Fund	56,675	1,710,100	2,972,802	1,262,702	42
104 SWRCON/FEE FUND	0	6,060	6,160	100	2
105 Drainage Fees	0	23,671	35,160	11,489	33
106 Park Dev Fees	0	10,448	38,049	27,601	73
107 NOTTIF	0	6,060	6,160	100	2
108 Traffic Impact	0	36,135	44,560	8,425	19
109 DRAINAGE/CTYWDE	0	8,060	222,160	214,100	96
111 LOCAL TRANSP	0	91,000	100	-90,900	-999
112 GAXTX RSTP FUND	2,000	2,000	200,000	198,000	99
116 TECH FEE FUND	5,500	14,612	14,500	-112	-1
118 SB1186 C/FUND	0	4	0	-4	-448
119 RECYCLING FUND	1,068	41,659	61,000	19,341	32
120 GTx 2107/2107.5	0	106,876	107,500	624	1
125 GTx 2106 Fund	0	60,221	58,570	-1,651	-3
127 Gas Tax 2105	0	256,568	247,896	-8,672	-3
130 Spec. Aviation	47,207	1,721,828	2,017,184	295,356	15
140 Housing Admin	39,333	535,664	529,126	-6,538	-1
141 HSG PRG FUND	7,931	719,887	555,520	-164,367	-30
149 HOME FUND	62,940	511,590	1,600,269	1,088,679	68
150 CDBG Fund	56,992	1,958,538	6,536,417	4,577,879	70
151 EDBG FUND	1,251	667,821	1,058,168	390,347	37
156 Pub Sfty Aug	0	97,500	130,000	32,500	25
157 SUPPLAWENFORCMT	0	103,898	138,530	34,633	25
158 L.L.E.BLOCK GR	9,283	151,565	350,312	198,747	57
159 LAW ENF.IMP.FEE	0	6,060	6,160	100	2
160 MISC GR/MISC F	-13,734	223,969	492,892	268,923	55
161 O/MISC GRANTS	13,855	81,648	814,232	732,584	90
163 FIRE SUP IMPFEE	0	6,060	13,160	7,100	54
165 CONTINGENCY FD	75,000	71,051	75,000	3,949	5
166 GRANT-FIRE FUND	162,830	361,325	432,009	70,684	16
169 GEN GOVT DEVIMP	0	11,060	11,160	100	1
180 OPFA	0	0	1,918,775	1,918,775	100
184 LLMD ALL ZONES	2,696	31,118	56,857	25,739	45
185 BAD ALL ZONES	55	2,741	53,289	50,548	95
186 WESTSIDE PUB/S/F	0	1,417	1,417	0	0
187 PUB/SAFETY SERV	0	1,417	1,417	0	0
190 SUPPBENEFITFUND	5,169	167,794	189,529	21,735	11
198 RDA General	8,924	2,188,575	2,197,666	9,091	0
199 RDA Housing	-259	414,669	-222,678	-637,347	286
230 CITY DEBT SERV	0	699,895	696,441	-3,454	0
276 OAD93-1 Dbt Ser	0	4,443	4,443	0	0
280 OPFA 92 Redmptn	0	0	1,918,775	1,918,775	100
305 Equip Replcmnt	971	83,143	132,491	49,348	37
307 CAPITAL PROJ	1,265	72,049	966,667	894,618	93
397 RDA 95 BOND	0	178,531	178,531	0	0
410 Local Transit	1,270	488,435	532,731	44,296	8
420 St Theater	0	0	0	0	20
440 BUSINESS DEVCTR	980	101,329	191,449	90,120	47
450 CTY/HOUSG EDRLF	0	65,020	232,775	167,755	72
451 CDBG EcoDev RLF	0	12,865	15,500	2,635	17
453 MICRO-ENP RLF	0	1,052,825	1,052,825	0	0
454 CAL-HOME RLF	0	2	25,000	24,998	100
455 HOME Hsg RLF	0	244,797	0	-244,797	-999
458 RBEG	0	0	51,412	51,412	100
460 City RLF	0	212,045	128,520	-83,525	-65
500 Payroll Revolv.	0	0	0	0	-2
520 Stores Revolv.	248	28,663	45,300	16,637	37
540 Veh Maint Fund	48,459	447,335	472,002	24,667	5
550 Wrkrs Comp.	41,598	402,243	370,163	-32,080	-9
552 UNEMP-SELF INS	925	20,495	88,998	68,503	77
555 SELF INS VISION	896	58,440	73,877	15,437	21
620 Special Deposit	2,500	2,500	0	-2,500	-999
705 PLAN RET FUND	0	20	15,742	15,722	100
710 ANNEXATION FUND	0	0	37,000	37,000	100
Total of all FUNDS	1,361,629	27,667,841	42,338,121	14,670,280	35

**REPORT OF
CASH RECEIPTS
AND
REVENUES**

JUNE 2014

CITY OF OROVILLE

REVENUE REPORT ALL FUNDS JUNE 2014

FUND Description	Actual Current Month	Year To Period Actual	Budget Total Year	Remaining Budget	Rem%
001 General Fund	580,963	10,856,755	11,786,880	930,125	8
100 Comm. Promotion	0	10,397	10,000	-397	-4
101 Sewer Fund	0	2,591,741	2,785,390	193,649	7
104 SWRCON/FEE FUND	3,588	44,887	8,799	-36,088	-410
105 Drainage Fees	1,134	5,122	4,147	-975	-24
106 Park Dev Fees	2,583	13,025	3,200	-9,825	-307
107 NOTTIF	0	183	430	247	57
108 Traffic Impact	4,737	135,463	35,793	-99,670	-278
109 DRAINAGE/CTYWDE	0	19,129	16,448	-2,681	-16
111 LOCAL TRANSP	0	155	530	375	71
112 GAXTX RSTP FUND	0	360,054	201,327	-158,727	-79
113 CANINE FUND	0	4,460	0	-4,460	-999
116 TECH FEE FUND	3,209	39,567	54,080	14,513	27
118 SB1186 C/FUND	25	1,133	0	-1,133	-999
119 RECYCLING FUND	10	13,260	18,074	4,814	27
120 GTx 2107/2107.5	8,823	112,878	99,595	-13,283	-13
125 GTx 2106 Fund	5,550	64,574	58,274	-6,300	-11
127 Gas Tax 2105	59,583	312,173	199,775	-112,398	-56
130 Spec. Aviation	39,025	1,753,464	2,040,943	287,479	14
140 Housing Admin	20,141	510,766	529,126	18,360	3
141 HSG PRG FUND	1,507	320,358	67,180	-253,178	-377
149 HOME FUND	145,479	528,685	1,576,900	1,048,215	66
150 CDBG Fund	0	2,828,038	5,097,322	2,269,284	45
151 EDBG FUND	15,991	690,150	985,726	295,576	30
155 Asset Seizure	0	-1,261	110	1,371	999
156 Pub Sfty Aug	0	78,721	99,403	20,682	21
157 SUPPLAWENFORCMT	19,805	94,047	100,100	6,053	6
158 L.L.E.BLOCK GRT	63,016	143,286	193,842	50,556	26
159 LAW ENF.IMP.FEE	114	2,059	892	-1,167	-131
160 MISC FUND	6,400	159,560	216,590	57,030	26
161 O/MISC GRANTS	0	0	814,232	814,232	100
163 FIRE SUP IMPFEE	149	1,002	606	-396	-65
166 GRANT-FIRE FUND	171,747	324,970	306,680	-18,290	-6
168 PEG FEE FUND	0	22,846	0	-22,846	-999
169 GEN GOVT DEVIMP	233	2,226	769	-1,457	-189
180 OPFA	0	0	1,918,775	1,918,775	100
184 LLMD ALL ZONES	0	39,848	45,979	6,131	13
185 BAD ALL ZONES	0	2,070	1,783	-287	-16
186 WESTSIDE PUB/S/F	0	37,956	46,946	8,990	19
187 PUB/SAFETY SERV	0	37,956	46,946	8,990	19
190 SUPPBENEFITFUND	106,658	339,240	262,588	-76,652	-29
198 RDA General	0	2,387,209	2,171,574	-215,635	-10
199 RDA Housing	0	240	0	-240	-999
210 '74 Swr Bonds	0	0	331	331	100
230 CITY DEBT SERV	43,718	641,957	718,441	76,484	11
280 OPFA 92 Redmptn	0	0	1,918,775	1,918,775	100
305 Equip Replcmnt	0	390	20,740	20,350	98
306 New Capital Eqp	0	0	270	270	100
307 CAPITAL PROJ	0	56,698	847,392	790,694	93
395 2004 CONST.BOND	0	2,978	10,980	8,002	73
396 BOND FUND 2001	0	391	1,135	744	66
397 RDA 95 BOND	0	14,653	0	-14,653	-999
410 Local Transit	45,440	650,069	504,197	-145,872	-29
440 BUSINESS DEVCTR	0	18,041	72,255	54,214	75
450 CTY/HOUSG EDRLF	0	70,289	150,454	80,165	53
451 CDBG EcoDev RLF	0	14,482	15,500	1,018	7
453 MICRO-ENP RLF	0	673,205	365,500	-307,705	-84
454 CAL-HOME RLF	0	18,484	416	-18,068	-999
455 HOME Hsg RLF	0	242,652	105,058	-137,594	-131
457 PUBLIC FAC/RLF	0	1,183	0	-1,183	-999
460 City RLF	0	5,396	250	-5,146	-999
498 RDA RLF	0	53,933	9,065	-44,868	-495
520 Stores Revolv.	0	31,641	38,000	6,359	17
540 Veh Maint Fund	511	394,652	475,609	80,957	17
550 Wrkrs Comp.	23,954	324,251	330,278	6,027	2
552 UNEMP-SELF INS	2,500	29,984	35,800	5,816	16
555 SELF INS VISION	3,308	39,369	35,676	-3,693	-10
610 Feather Rvr Bif	0	21	0	-21	-999
705 PLAN RET FUND	405	3,526	1,455	-2,071	-142
710 ANNEXATION FUND	0	44	148	104	70
Total of all FUNDS	1,380,305	28,176,681	37,465,479	9,288,798	25

News

- Annual New Light Vehicle Registrations in California are predicted to increase by 4.8% in 2014 compared to the 11.9% increase in 2013. (California New Car Dealers Association)
- Despite steady gains in both residential and nonresidential building, the total value of all building activity is still 33% below the state's pre-recession peak in 2005.(California Department of Finance)
- California's unemployment rate continued to drop by 0.2 % to 7.6 % in May—the lowest rate since August 2008. (CA Department of Finance) The latest forecast for California calls for total employment growth of 1.8 % in 2014, 2.2% in 2015 and 2.1% in 2016. (UCLA Anderson Forecast)

Top 25 Sales Tax Generators

New to Top 25 *

A-1 KWIK SERVICE STATIONS	MCDONALD'S RESTAURANTS	STAPLES OFFICE SUPERSTORE
A1 MAYTAG HOME APPLIANCE *	OROVILLE FORD LINCOLN MERCURY	TACO BELL
ARCO AM/PM MINI MARTS	OROVILLE TOYOTA & CHEVY	TEXACO SERVICE STATIONS
BIG 5 SPORTING GOODS *	QUIK SHOP SERVICE STATION	TOWER MART SERVICE STATIONS
BIG LOTS	RALEYS SUPERSTORE	TRACTOR SUPPLY COMPANY
DAWSON SERVICE STATIONS	RITE AID DRUG STORES	VALERO SERVICE STATIONS
FOOD EXPRESS	SAVE MART SUPERMARKETS	WAL MART STORES
HOME DEPOT	SHELL SERVICE STATIONS	WALGREEN'S DRUG STORES *
MARSHALL'S STORES		

Business Activity Jan '13 - Mar '13 to Jan '14 - Mar '14 Apr '13 - Mar '13 to Apr '14 - Mar '14

Business Activity	Jan '13 - Mar '13 to Jan '14 - Mar '14			Apr '13 - Mar '13 to Apr '14 - Mar '14		
	Oroville	Sacramento Valley	Statewide	Oroville	Sacramento Valley	Statewide
Total	-5.5%	0.9%	2.8%	0.5%	3.9%	3.3%
General Retail	-3.7%	-2.2%	-0.9%	3.1%	1.2%	1.8%
Food Products	-0.8%	2.3%	4.8%	2.2%	2.8%	4.7%
Transportation	-4.4%	4.9%	4.0%	0.6%	6.7%	4.5%
Construction	-15.0%	-4.2%	3.4%	-5.5%	6.4%	5.9%
Business To Business	-0.7%	2.0%	4.5%	-0.6%	4.0%	2.4%
Service Stations	-8.5%	-3.7%	-3.1%	-3.1%	-2.7%	-2.6%
Department Stores	-1.0%	-3.4%	-3.4%	2.4%	-0.2%	0.0%
Restaurants	3.9%	4.7%	6.4%	5.2%	4.9%	6.0%
Bldg.Matls-Retail	-22.8%	-10.5%	-0.8%	-8.3%	1.3%	3.4%
Auto Sales - New	3.0%	8.9%	9.5%	11.1%	13.3%	10.8%
Food Markets	-7.3%	-2.3%	0.0%	-3.4%	-0.9%	1.0%
Auto Parts/Repair	1.9%	12.2%	5.5%	0.3%	5.6%	3.6%
Miscellaneous Retail	-15.1%	1.0%	4.1%	9.4%	3.1%	3.5%
Bldg.Matls-Whsle	16.9%	1.4%	7.7%	4.0%	10.5%	8.3%
Drug Stores	-10.0%	-12.1%	-9.3%	-0.2%	-2.5%	-2.0%
Furniture/Appliance	15.0%	3.7%	0.2%	11.5%	3.2%	2.7%
Apparel Stores	-4.9%	-2.5%	-0.1%	3.9%	1.3%	3.6%
Recreation Products	-19.9%	-12.1%	-5.0%	-9.8%	-1.2%	0.2%
Heavy Industry	-38.0%	-1.2%	5.2%	-5.3%	-2.2%	6.0%



STATE OF CALIFORNIA

STATE BOARD OF EQUALIZATION

AUDIT DETERMINATION AND REFUND SECTION, MIC 39
450 N STREET, SACRAMENTO, CALIFORNIA
(PO BOX 942879, SACRAMENTO, CA 94279-0039)
TELEPHONE (916) 445-2223
FAX (916) 445-2249
www.boe.ca.gov

BETTY T. YEE
First District, San Francisco

SEN. GEORGE RUNNER (RET.)
Second District, Lancaster

MICHELLE STEEL
Third District, Orange County

JEROME E. HORTON
Fourth District, Los Angeles

JOHN CHIANG
State Controller

CYNTHIA BRIDGES
Executive Director

July 3, 2014

MuniServices, LLC
Attention: Janis Varney
1264 Hawks Flight Ct Ste 270
El Dorado Hills CA 95762-9355

IN REPLY REFER TO:
HARRELL COMPANY INCORPORATED
SRS KHM 029-679983
MSLLC # 97026 DOK 06/03/13

SALES AND USE TAX DEPARTMENT DECISION

Dear Ms. Varney:

This letter is in response to your petition concerning the above referenced account on behalf of the City of Oroville (04004). Pursuant to Regulation 1807(b)(2), our decision is to grant your petition.

We have verified the misallocation of local tax. Accordingly, fund transfers have been completed for the periods of 3Q12, 1Q13 and 2Q13 to reallocate local tax to this jurisdiction. Registration has been updated to ensure proper allocation of local tax on future returns.

If you disagree with this decision, please submit your written objection to David Davis, Supervisor, Allocation Group, at the address listed above within 30 days from the date of this letter. Your appeal must state the specific facts on which your disagreement is based, and include all additional information in your possession that supports your position at this time. If we do not hear from you within this period, our decision will become final and we will consider the matter closed.

Sincerely,

Aparna Jain
Tax Auditor
Allocation Group

cc:
Finance Director, City of Oroville



**OROVILLE CITY COUNCIL
MONTHLY REPORT**

**TO: MAYOR AND CITY COUNCIL MEMBERS AND
RANDY MURPHY, CITY ADMINISTRATOR**

FROM: BILL LAGRONE, POLICE AND FIRE CHIEF

**RE: POLICE DEPARTMENT MONTHLY REPORT FOR JUNE 2014
FIRE DEPARTMENT MONTHLY REPORT FOR JUNE 2014**

DATE: July 15, 2014

SUMMARY

The Council will receive a monthly report regarding the activities, revenues, and general information for the Police and Fire Departments.

Staffing:

Positions	Total staffed	Total Authorized	Total Vacant/Frozen
Police Officer	19	26	5/2
Dispatcher	9	9	0/0
Community Service Officers / Evidence	2	3	0/1
Administrative Personnel	2	4	0/2

Positions	Total staffed	Total Authorized	Total Vacant/Frozen
Firefighters	7	7	0/0
Fire Engineer	6	9	0/3
Fire Captain	3	3	0/0
Administrative Personnel	2	4	0/2

Police Revenue Update:

Account Number and Description	June 2013 Revenues *Comparison Purposes only	June 2014 Revenues	Fiscal 12/13 Year to Date Revenues *Comparison Purposes only	Fiscal 13/14Year to Date Revenues	Percentage of Projected Revenue
4300 / Vehicle Fines	\$ 6,712.05	\$ 2,256.17	\$ 30,671.58	\$ 24,974.68	80.6%
4350 / Parking Fines	\$ 1,929.35	\$ 0.00	\$ 9,654.86	\$ 10,253.31	114%
4390 / Other Fines	\$ 5,461.19	\$ 2,433.36	\$ 38,886.71	\$ 33,146.80	70.5%
4670 / Other Fees	\$ 1,029.64	\$ 2,842.75	\$ 94,297.66	\$ 94,450.25	115 %

*Revenues for June 2013

Projected Yearly Revenues	Actual year to date Revenue	Percentage
\$ 320,169.00	\$421,722.00 *	132%

*Estimation only

Fire Revenue Update:

Account Number and Description	June 2013 Revenues *Comparison Purposes only	June 2014 Revenues	Fiscal 12/13 Year to Date Revenues *Comparison Purposes only	Fiscal 13/14Year to Date Revenues	Percentage of Projected Revenue
Permits / 4280	\$238.00	\$140.00	\$ 6,019.00	\$3,371.00	55%
Inspections / 4281	\$1,194.00	\$1,380.00	\$ 23,189.00	\$12,159.00	+236%
Plan Check / 4670	\$452.00	\$1,590.00	\$ 8,778.00	\$15,805.00	+175%

Project Yearly Revenues	Actual year to date Revenue	Percentage
\$49,378.00	\$80,526.00	+163 %

Police Overtime YTD:

Overtime Budgeted	Overtime Expended YTD	Percentage Expended
\$ 168,500.00	\$ 249,930.00	148.3 %

Fire Overtime Utilization:

Date	Strike Team	Continues Professional Training incurred overtime	Sick	Vacation	Special Assignment	Out of Class	All Other <small>(comp time, industrial leave, holiday, shift hold over)</small>
June 2014	0 hrs	36 hrs	0	195 hrs	0 hrs	504 hrs	0 hrs
TOTAL Last Quarter of Calendar Year	0 hrs	663 hrs	300.5 hrs	1,055 hrs	28 hrs	5,166.5 hrs	588 hrs

Fire Overtime YTD:

Overtime Budgeted	Overtime Expended YTD	Percentage Expended
\$200,000.00	\$190,932.00	95%

Department Activity:

Events Year to Date 2014	Average Response Time for Crimes against persons <small>*Priority 1 crimes</small>	Average Response Time for all types of calls for Service	National Average Response Time
16,045	4.26	5.24 minutes	8 - 11 minutes

Downtown Foot and Park Patrols:

	Park Patrols	Downtown Patrols
June 2014	184	78
Year to Date	788	263

Parking Enforcement Citations Issued:

June 2014	Year to Date 2014	June 2013	Year to date 2013
32	119	40	176

Police Activity:

	June 2013	June 2014	Year to date 2013	Year to date 2014
Arrest				
Misdemeanor	168	171	1,096	1,046
Felony	47	66	346	391

	June 2013	June 2014	Year to date 2013	Year to date 2014
Citations				
	223	224	1,412	1,103

Uniform Crime Reporting:

Crimes of Violence	June 2014	Year to Date June – June
Homicide	0	0
Rape	1	4
Robbery	2	12
Aggravated Assault	6	25

Population per 2010 Census 15,000
Violent Crimes YTD 32
Violent Crime Rate 0.002

Fire Department Activity:

Incidents	June 2014
Fallen no injury / Medical Alarm	11
Dumpster Fire / Unoccupied Vehicle Fire	4
General Alarm	1
Vegetation Fire	23
1, 2, or 3 Family Homes	8
Vehicle Over Edge / Person Trapped	1
Hydrant Sheard of / Water line break outside	5
Gas Odor / Power Line Down	1
Alarm Sounding / Smoke / Fireworks	14
Medical Aid / non CPR	186
Traffic Collision	16
Assist Other Agency	1
Minor Hazardout Spill	3
Total Incidents	274

Events Year to Date 2014	Average Response Time (Dispatch to Arrival)
1,546	5:32 minutes

Fire Marshall Inspections:

	June 2014	2014 Year to Date	June 2013	2013 Year to Date
Plan Checks	17	67	0	19
Occupancy	7	61	12	85
Fire Inspections	18	65	14	39

Fire Intern Hours:

	Intern Hours	Total Hours Worked in June 2013	Funds Used Fiscal Year to Date
June 2014	1,229.50	282	\$1,229.00

SPCA Statics:

Service Calls by Priority:

Priority Level	Number of Calls	Total Minutes per call type	Average response times
Urgent	34	217	6.37
Priority	66	536	8.12
At Officer Convenience	32	323	10.10
After Hours	15	216	14.40

Animal Intake and Outcome Stats:

Total Animals taken in from City	Total Animals outgoing	Cats	Dogs	Other	Bird
183	204	122	45	6	10

*The remaining difference from intakes to outcome total represents animals that have not yet had an outcome and are still in the facility.

Animal Outcomes:

Outcome Type	Outcome Total
Adoption	13 - (1 Cat) (12 Other)
Died	3- (1 Dog) (2 Cats)
Disposal	17 - (2 Dogs) (6 Cats) (2 Birds) (7 Other)
Euthanasia	146 - (15 Dogs) (118 Cats) (6 Birds) (1 Other)
Relocate	2 - (2 Birds)
RTO	19 - (18 Dogs) (1 Cat)
Transfer	4 - (1 Dog) (2 Birds) (1 Other)

*Others are wild animals such as bats, skunks, snakes, possums, etc....

SPCA After-hours call outs:

June 2014	Fiscal Year to Date
15	118

Volunteers:

Total Number of V.I.P.S. Volunteer Hours for 2014:

Volunteer Hours converted to dollar amount:

Value of Volunteer hour in California \$21.36

$$1,220 \times 21.36 = \mathbf{\$26,059.20}$$

Total Number of Staff Volunteer Hours for 2014:

Volunteer Hours converted to dollar amount:

Value of Volunteer hour in California \$21.36

$$646.94 \times \$21.36 = \mathbf{\$13,817.78}$$

FISCAL IMPACT

No impact to the General Fund.

RECOMMENDATIONS

Receive and file the June, 2014, monthly report regarding the activities, revenues, and other general information of the Public Safety Department.



BUTTE LOCAL AGENCY FORMATION COMMISSION

1453 Downer Street, Suite C • Oroville, California 95965-4950
(530)538-7784 • Fax (530)538-2847 • www.buttelafco.org

July 3, 2014

City of Oroville

JUL 07 2014

Administration

To Affected Agencies:

City of Oroville
County of Butte
El Medio Fire Protection District
Lake Oroville Area Public Utility District
Feather River Recreation and Park District
South Feather Water and Power Agency

Re: Notice of Intent to Circulate Petition

Pursuant to Government Code Section 56700.4, the Butte Local Agency Formation Commission (LAFCO) received a Notice of Intent to Circulate Petition on June 16, 2014, for the purpose of collecting signatures in support of initiating the annexation of territory referred to by the proponents as "South Side Oroville".

A copy of the Notice and a map identifying the territory proposed for annexation are attached for your review. Should you have any questions concerning this Notice of Intent to Circulate Petition please contact the proponents identified in the Notice or the LAFCO office at 530-538-7784.

Stephen Lucas
Executive Officer

Attached: 1. Notice of Intent to Circulate Petition
2. Proposed Annexation Area Map



LAFCO
JUN 16 2014
OROVILLE, CA

**Butte Local Agency Formation Commission
Petition for Proceedings Pursuant to the Cortese-Knox-Hertzberg Local Government
Reorganization Act of 2000**

PART 1: Notice of Intent to Circulate Petition

Proponents are required to file a Notice of Intent to Circulate Petition with the Executive Officer of the Butte Local Agency Formation Commission before a petition to initiate a change of organization or reorganization can be circulated [GC §56700.4(a)]

Date: June 13, 2014

Proponents Name: Marlene Del Rosario
(print)


(signature of proponent or representative)

Address: 3041 Orange Avenue Oroville California 95966
(Street) (City) (State) (zip)

Contact Information: (530) 632-5744 mard1955@yahoo.com
(phone number) (email address)

1. Notice is hereby given to circulate a petition proposing to: Annex the area known as South Side Oroville
(Type of change of organization or reorganization)

The reason(s) for proposal are: Because the area is not a part of the city it is not eligible for the same services the city receives. Southside Oroville is disenfranchised and as a result has become a demographic of poverty. Residents pay taxes for which they do not receive recompense, and the area is not eligible for state and federal grants that are available to areas within city boundaries. Additionally the annexation is a moral and civil rights issue, as the residents have no voice (i.e. vote) in decisions made by the city which impact them.

Pursuant to Section 56700.4 of the California Government Code, this Notice of Intent to Circulate Petition was filed with me on JUNE 16, 2014 : 
Date Stephen Lucas, Executive Officer

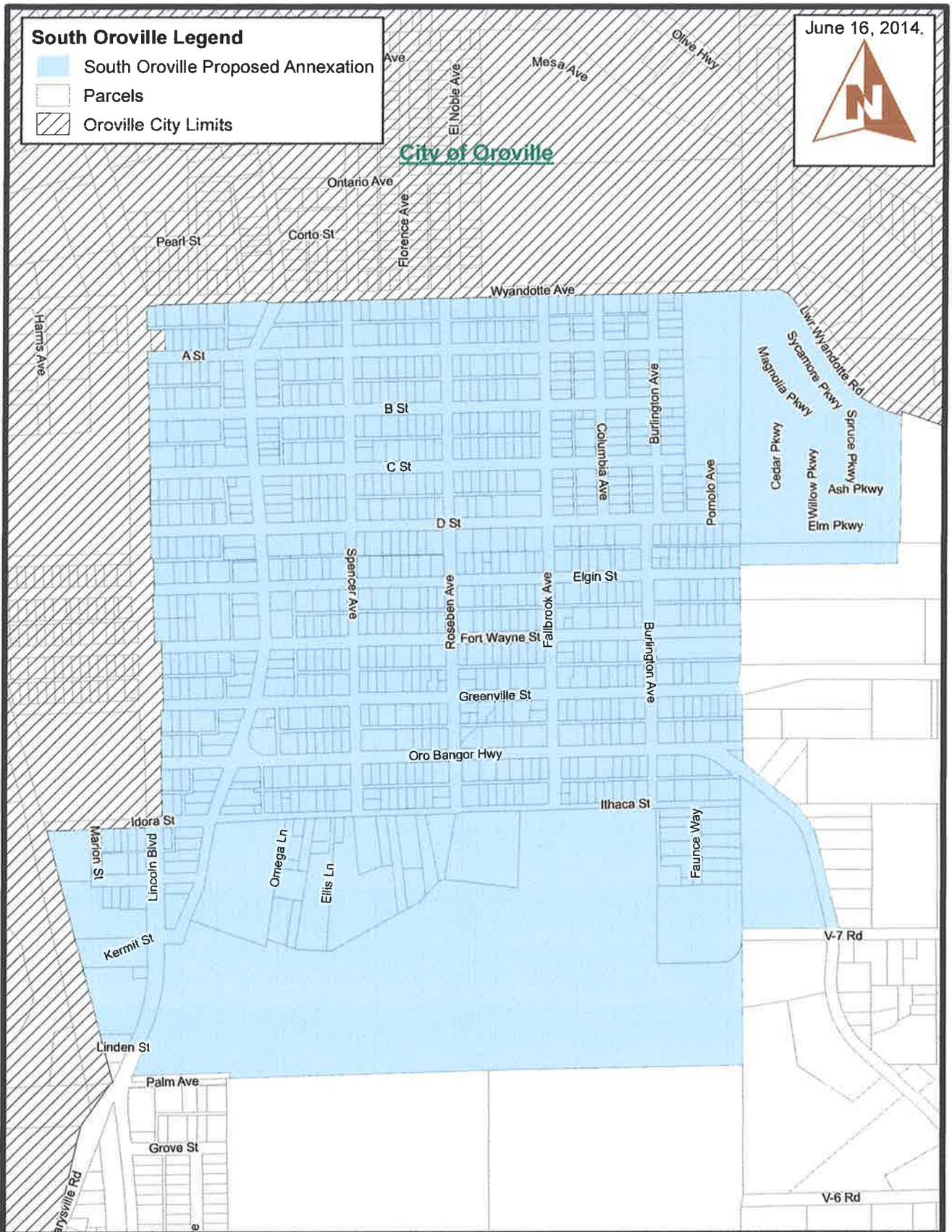
PART 2: Disclosure Requirements

The Political Reform Act prohibits a person appointed to the Local Agency Formation Commission from soliciting or accepting campaign contributions of more than \$250 within the preceding 12 months from parties, participants, or their agents while a proceeding is pending before LAFCO and for three months following the decision. LAFCO commissioners who receive such contributions are required to disqualify themselves from participating in the proceedings. Both commissioners and contributors who are parties to the proceeding are required to disclose the contributions received or made. Pursuant to Government Code Section 56700.1, any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expend \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act (Title 9 [commencing with Section 81000]) as provided for local initiative measures. Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be submitted to the Secretary of State and the appropriate city or county clerk. Copies of the reports must also be filed with the Executive Officer of Butte LAFCO.

South Oroville Legend

- South Oroville Proposed Annexation
- Parcels
- Oroville City Limits

June 16, 2014.



South Oroville Proposed Annexation



World Strides Discover Now Programs –

www.worldstridesdiscovernow.org

Laura Filbeck - Programs Leader

School:

(530) 532-3078

lfilbeck@ocesd.org

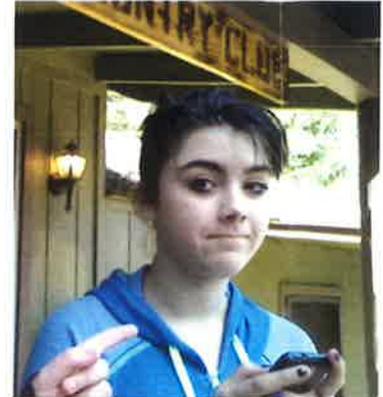
Home:

(530) 532-4573

jlfilbeck@gmail.com

or

jlfilbeck@sbcglobal.net



Theresa Yates & Alizabeh(Lizzie)Graham

P.O. Box 5675, Oroville, CA 95966

Cell (530) 282-8718 - Work (530) 538-6036

My Name is Theresa Yates, I work for Butte County Sheriff. (Jail Mail / Sheriff's Parole Secretary) I am raising my 3 granddaughters, one of which has been chosen / offered to join in on the opportunity for:

5 day - 8th Grade "Trip of a Life Time" to Washington D.C.

The 5 day Itinerary includes seeing the marvelous places including Gettysburg Battlefield, Alexandria, Mount Vernon, Washington Monument, Capitol Hill Grounds, National Archives, Arlington National Cemetery, Iwo Jima Memorial, Pentagon Memorial, Embassy Row, National Zoo, Lincoln Memorial, Vietnam Veterans Memorial, Korean War Veterans Memorial, Smithsonian Institution, Jefferson Memorial, Kennedy Center, Ford's Theater and Petersen House, Holocaust Museum, White House and the Naval Museum. This is an awesome opportunity for my soon to be 8th grader.

There are "35" 8th Graders from Central and Ishi Middle Schools here in Oroville, California who have been chosen to attend this Amazing Trip. Donations for Students Scholarships/Sponsorships from Individuals, Companies or Organizations who would like to give assistance towards this trip can be sent directly to the Scholarship Account that the Schools and World Strides has set up. **Checks are to be made out to World Strides** and the mailing address is P.O. Box 9033, Charlottesville, VA 22906-9033. Please write the following info on all checks/money orders: **Trip ID# 106003 - Account # 102664138.**

The complete cost per child is \$1,872.00 with a \$49.00 Deposit - includes: Airfare Round-trip Transportation, Bus Sightseeing Transportation, Course Leader, Quality Hotel Accommodation, All Meals, All Admissions Fees, Evening Activities, 24-hour Emergency Support, a Night Chaperone in Hotel, Accident/Health Insurance, Field Journals, and Online Educational Resources.

Each participant must participate in raising funds to pay for their portion of the trip.

Trip must be paid IN FULL BEFORE March 1, 2015.

World Strides Discover Now Programs Leader:

Laura Filbeck

(530) 532-3078 email lfilbeck@ocesd.org

Scholarship Account that the Schools and World Strides has set up:

Tax ID# 54-1902946 Trip ID# 106003 - Account # 102664138

EVERY DONATION HELPS – THANKS!

Randy Murphy

From: Wilson, Joe [J8WE@pge.com]
Sent: Wednesday, July 09, 2014 2:52 PM
To: Wilson, Joe
Subject: PG&E Notification of Self Report to CPUC
Attachments: CPUC Self Report 2014-07-07 Plastic fusion requalification.pdf

City of Oroville
JUL 09 2014
Administration

Hello,

We are providing this local government notification as part of a process required by the California Public Utilities Commission (CPUC) whenever we self-report any potential compliance issue we have identified. This notification does not represent a concern with the safety of our services in your community.

PG&E regularly conducts gas distribution system plastic heat fusion work, a process by which two plastic pipes are joined together. This includes new construction, repairs and pipe upgrades. To do this work, all employees have completed extensive training. In addition, all employees must complete an annual training re-qualification. We recently reviewed our training program as part of our continuous improvement efforts and learned that employees had completed only a part of the re-qualification requirement. As a result of this finding, PG&E stopped this type of plastic heat fusion work until all employees who perform this work are in full compliance with all applicable requirements.

The finding we reported is a re-qualification issue. It does not constitute a safety concern because every plastic pipe installed in the field is tested on site and under pressure before being put into service.

Our goal is to become the safest and most reliable gas company in the nation. As part of this, we are committed to ensuring full compliance with all applicable requirements, including communicating self-reports of this type to local communities. We are actively engaged with the CPUC to ensure its complete satisfaction with our resolution of this matter.

Attached for your reference is the report we submitted to the CPUC. If you have any questions about the report or would like additional information about our progress on pipeline safety, I am available to discuss these matters in detail and, if desired, we can make a member of our Gas Operations team available to answer any technical questions.

Best Regards,

Joe Wilson
Governmental Relations
Pacific Gas and Electric
350 Salem St.
Chico, CA. 95926
530-896-4289

Call 811 Before You Dig
www.pge.com/digsafely

PG&E is committed to protecting our customers' privacy.
To learn more, please visit <http://www.pge.com/about/company/privacy/customer/>

7/9/2014



**Pacific Gas and
Electric Company®**

Bill Gibson
Director
Compliance
Gas Operations

6111 Bollinger Canyon
Road
San Ramon, CA 94583
Phone: 925.328.5799
E-mail: wlg3@pge.com

July 7, 2014

Denise Tyrrell, Acting Director
Safety and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

Re: CPUC Resolution ALJ-274 Self-Identified Non-Compliance Notification for Not Adhering to PG&E's Plastic Fusion Requalification Procedures

Dear Ms. Tyrrell:

Pursuant to Resolution ALJ-274, PG&E is providing notification of a self-identified non-compliance with PG&E's procedures regarding our plastic fusion requalification process.

As detailed below, on June 26, 2014, PG&E confirmed a gap in our plastic qualifications process. Our plastic fusion qualification procedure requires both a visual verification and destructive test¹ consistent with Federal and State regulations. In accordance with 49 CFR §192.285, our procedures require an initial employee qualification and then potential requalifications depending on employee performance within a 12-month period. Our employees performing this work completed the initial qualification with both visual and destructive testing, and we have been conducting annual verification of our employees, regardless of performance. In the annual verification process, however, we have been performing the visual inspection and not administering the destructive testing component. In addition, we have not been tracking employee performance as stated in our procedures.

This gap in our requalification process does not signal safety concerns. Every plastic pipe installed in the field is leak-tested via pressure and/or soap test before it goes into service to ensure its fitness for service and safe operation including the workmanship and testing of fusion joints completed in the field.

As a result of identifying this gap, PG&E stopped all non-emergency plastic heat fusion work, effective June 27, 2014, until employees are either requalified using both visual and destructive testing or through record validation that both tests were performed, as described in further detail below.

¹ A destructive test involves cutting a pipe joint apart and examining its strength.

PG&E's Gas Standard D-34

PG&E's Gas Standard D-34 (Qualifications for Joining Plastic Pipe), attached, defines a Qualification Test as "[v]isual and destructive evaluation of an individual's connections to determine proficiency of performing joining in accordance with the requirements specified in 49 CFR Part 192, Subpart F."

Section 8 of D-34 provides the circumstances under which qualification testing must be administered for individuals performing connections. All employees undergo initial qualification per the standard, which includes both visual and destructive testing. Sections 8(B) and (E) of D-34 require individuals who will be performing connections to receive requalification testing if: (1) in the past 12 months, the individual has not prepared a specific type of heat fusion connection for which qualification is required; or (2) when three connections or 3% of all connections made, whichever is greater, by this individual have leaked or failed within any 12-month period, as determined by a leak test, visual inspection or laboratory analysis. Section 8 also requires any leak or failure during a pressure test to be recorded and tracked to the employee who made the failed connection. This section of PG&E's procedure is consistent with 49 CFR §192.285(c). Furthermore, Section 9 of D-34 requires that an employee performing connections to plastic facilities receive annual verification for connections, and provides that annual verifications must meet acceptable visual criteria, and may include destructive testing if requested by the local distribution supervisor.

PG&E currently does not track the connection failure rate of employees performing plastic fusion in the field, or whether an employee has conducted this type of connection in the past 12 months, as required by Section 8 of D-34. Instead, PG&E has relied on its annual verification under Section 9 of D-34, which requires a visual evaluation, and provides for destructive testing at the discretion of the local distribution supervisor. PG&E did not adhere to its Gas Standard D-34 due to gaps in tracking employee performance, and then not requiring re-qualifications with both visual evaluation and destructive testing of employees that met the failure rate threshold.

Immediate Actions

Upon discovery of this non-compliance, PG&E took the following immediate actions:

- On June 27, 2014, PG&E stopped all non-emergency heat fusion work ("stand down") by employees (except those who had been *initially* qualified in the last 12 months) until employees are requalified using both a visual verification and appropriate destructive testing. The total population of PG&E employees who have held this plastic pipe joining qualification is approximately 1,450. This "stand down" work included butt, socket, saddle and electro fusion work and was communicated to gas employees the morning of June 27 prior to the day's work commencing. Later the same day, specific information was sent to gas employees with instructions for handling emergencies during the "stand down" period. (Please see attached 5-Minute Meeting).
- On June 27, PG&E notified the CPUC about the lapse in following our plastic fusion procedures.
- On June 27, PG&E also began to track all emergency incidents where fusion work was performed as part of the repair so that further analysis or reviews can be conducted to

ensure adherence to the established emergency response protocols during the “stand-down” period.

- On June 30, PG&E established plastic evaluation centers at various locations within our service territory to conduct employee requalifications. It is anticipated these centers will be able to requalify a total of approximately 45 employees per day.
- To date, approximately 400 of 1,450 employees have been requalified or have been previously qualified, under both visual and destructive testing components, as confirmed through records validation.

Next Steps

PG&E will be taking the following next steps:

1. PG&E will continue requalifying employees using both visual and destructive testing through mid-August. Until employees are requalified, they will not be performing any plastic fusion work.
2. PG&E has engaged a third-party to evaluate the manner in which we qualify our evaluators and to also review the manner in which we conduct the employee qualifications. Northeast Gas Association (NGA)² is currently performing this review. In addition, they will be providing recommendations to improve PG&E's program to meet industry best practices.
3. PG&E is also tracking all employee failures during the requalification process and will conduct further analysis of each failed joint. In addition, PG&E will be reviewing prior fusion leaks on a system-wide basis. Information from both the requalification failures and prior fusion leaks will be used to inform integrity management actions, including the potential for special leak surveys or field sampling of fusions previously completed by employees that failed the requalification process.
4. As part of this current requalification effort, PG&E will provide periodic updates to the Commission's Safety and Enforcement Division with the following information: number of qualified employees as confirmed through validated records; number of employees requalified through the visual verification and destructive testing criteria; and the number of employees that failed requalifications including the associated integrity management actions.
5. PG&E contractors have been qualified by PG&E and they have been subject to both a visual and destructive evaluation criteria. However, PG&E will also be assessing the contractor evaluation program to ensure it meets or exceeds code requirements and industry practices.
6. PG&E is also reviewing its current program and comparing it to the ASME B31Q Standard – Pipeline Personnel Qualification recommendations to determine if the plastic pipe joining qualification program should be incorporated into the Operator Qualifications³ program.

² Resume attached.

³ Pursuant to 49 CFR 192, Subpart N.

Ms. Denise Tyrrell
July 7, 2014
Page 4

7. PG&E plans to further evaluate other qualification programs including operator qualified covered tasks and welding qualifications to ensure alignment with industry best practices.
8. In accordance with Resolution ALJ-274, PG&E is notifying all city and county administrators in PG&E's gas service territory. A confirmation of these notifications will be provided as a supplement to this letter.

In addition to this self-identified non-compliance with our procedures, PG&E will be providing a courtesy notification to PHMSA. Please contact Mary Lim at (925) 328-5762 or MDLN@pge.com for any additional questions you may have regarding this notification.

Sincerely,

/S/
Bill Gibson
Director, Compliance

Attachments

cc: Ken Bruno, CPUC
Dennis Lee, CPUC
Liza Malashenko, CPUC
Sunil Shori, CPUC

Larry Berg, PG&E
Larry Deniston, PG&E
Shilpa Ramaiya, PG&E
ChristiAne Mason, PG&E
Sumeet Singh, PG&E
Kevin Knapp, PG&E
Sean Kolassa, PG&E