



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Regular Meeting

AUGUST 4, 2015

CLOSED SESSION 2:30 P.M.

OPEN SESSION 3:00 P.M.

AGENDA

CLOSED SESSION (2:30 P.M.)

ROLL CALL

Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier

CONVENE TO CLOSED SESSION (ITEMS LISTED ON PAGE NO. 3 AND 4)

RECONVENE TO OPEN SESSION

OPEN SESSION (3:00 P.M.)

PLEDGE OF ALLEGIANCE

PROCLAMATION / PRESENTATION - None

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 JULY 21, 2015 REGULAR MEETING AND JULY 29, 2015 SPECIAL MEETING OF THE OROVILLE CITY COUNCIL – minutes attached**

2. **REQUEST TO RETURN ITEMS DONATED TO THE PIONEER MUSEUM AND C.F. LOTT HOME – staff report**

The Council may consider the return of items that were donated to the Pioneer Museum and C. F. Lott Home by Barbara Holly in May 2011. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Council Action Requested: **Approve the release of items that were donated to the Pioneer Museum and C. F. Lott Home by Barbara Holly in May, 2011, as indicated in the August 4, 2015 staff report.**

3. **REQUEST TO TRANSPORT AN 1847 RIFLE LOCATED IN THE CITY PIONEER HISTORY MUSEUM FOR CLEANING/REPAIRS – staff report**

The Council may consider the release of an 1847 rifle located in the Pioneer History Museum, to Lee Dummel, a local historian, who will transport and pay for cleaning and repairs to the rifle. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Council Action Requested: **Approve the necessary cleaning and repairs to the 1847 rifle, currently located at the Pioneer History Museum, upon execution of an Outgoing Loan Agreement by Lee Dummel.**

4. **STATUS UPDATE OF THE ECONOMIC DEVELOPMENT INCENTIVE LOAN AGREEMENT WITH OROVILLE FORD LINCOLN – staff report**

The Council will receive an update on the status of the Economic Development Incentive Loan Agreement between the City of Oroville and Oroville Ford Lincoln. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Council Action Requested: **None.**

5. **AMENDMENT TO FINANCE ANALYST JOB DESCRIPTION – staff report**

The Council may consider job description edits for the position of Finance Analyst for the Finance Department. **(Ruth Wright, Director of Finance)**

Council Action Requested: **Approve the amended job description for the position of Finance Analyst for the Finance Department and authorize staff to fill the position.**

6. **REMOVAL OF BBQ AT FEATHER RIVER NATURE CENTER – staff report**

The Council will receive an update to the removal of the existing BBQ at the Feather River Nature Center. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Council Action Requested: **Direct staff to remove the BBQ at the Feather River Nature Center, make necessary repairs and reinstall it in the spring of 2016.**

PUBLIC HEARINGS - None

REGULAR BUSINESS

7. **PROJECT CONTRACT WITH R&R HORN, INC. FOR THE ORO DAM BOULEVARD SIDEWALKS PROJECT – staff report**

The Council may consider a Project Contract with the lowest responsible bidder, R&R Horn, Inc. in the

amount of \$399,691.50, for the Oro Dam Boulevard Sidewalks Project. (**Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer**)

Council Action Requested:

1. **Adopt Resolution No. 8405 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROJECT CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER, R&R HORN, INC, IN THE AMOUNT OF \$399,692, FOR THE ORO DAM BOULEVARD SIDEWALKS PROJECT – (Agreement No. 3137).**
2. **Authorize a 10% contingency, not to exceed \$39,969 for the Project.**

SUCCESSOR AGENCY - None

MAYOR/ COUNCIL REPORTS

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

- (2) Two Appointments to City of Oroville Ad hoc Committee to respond to the Butte County Grand Jury Report
- (2) Two Appointments to the City of Oroville Ad hoc Committee to participate with the Butte County Tourism Business Improvement District

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

CORRESPONDENCE

- Butte County Public Health, received July 16, 2015
- Butte Countywide Homeless Continuum of Care, received July 21, 2015
- California Water Service Company, received July 21, 2015
- Thomas Berliner, Duane Morris, received July 21, 2015

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 Employees Association, Oroville Police Officers' Association – Sworn and Non-Sworn, Oroville Firefighters' Association, and Oroville Management and Confidential Association.

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

ADJOURNMENT

The meeting will be adjourned. A special meeting – budget workshop of the Oroville City Council will be held on Tuesday, August 11, 2015 at 10:00 a.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 21, 2015 – 5:30 P.M.**

The agenda for the July 21, 2015 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 Tuesday, July 14, 2015, at 3:50 p.m.

The July 21, 2015 regular meeting of the Oroville City Council was called to order by Vice Mayor Wilcox at 5:31 p.m.

ROLL CALL

Present: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Vice Mayor Wilcox
Absent: Mayor Dahlmeier (excused)

Staff Present:

Donald Rust, Director of Community Development
Bill La Grone, Director of Public Safety
Ruth Wright, Director of Finance
Rick Walls, Interim City Engineer
Dean Hill, Jr. Assistant Fire Chief

Scott Huber, City Attorney
Jamie Hayes, Assistant City Clerk
Karolyn Fairbanks, Treasurer
Allen Byers, Assistant Police Chief
Rick Farley, RDA Coordinator

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Allen Young.

PROCLAMATION / PRESENTATION

Council Member Del Rosario, on behalf of the Council, presented a Certificate of Appreciation to Allen Young for serving on the Oroville Arts Commission for a four year term.

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

| | |
|-----------------------------------|--------------------------------|
| Bill Bynum – Item No. 4 | Ryan DeBrotherton – Item No. 4 |
| Annette DeBrotherton – Item No. 4 | Victor Owens – Item No. 4 |
| Casey Hatcher-Item No. 6 | Bruce Spangler – Item No. 6 |
| Cheri Bunker – Item No. 6 | |

CONSENT CALENDAR

A motion was made by Council Member Hatley, seconded by Council Member Pittman, to approve the following Consent Calendar, with exception to Item No. 4:

- 1. APPROVAL OF THE MINUTES OF JULY 7, 2015 REGULAR MEETING OF THE**

OROVILLE CITY COUNCIL – minutes attached

2. USDA RURAL DEVELOPMENT COMMUNITY FACILITIES GRANT FOR FIREFIGHTING PERSONAL PROTECTIVE EQUIPMENT FOR FISCAL YEAR 2015/2016 – staff report

The Council considered the submittal of a USDA Rural Development Community Facilities Grant Application for fiscal year 2015/2016 to purchase Personal Protective Equipment for the City of Oroville Fire Department. **(Bill La Grone, Director of Public Safety and Amy Bergstrand, Management Analyst III)**

Council Action Requested: Adopt Resolution No. 8395 - A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING AN APPLICATION, MATCH COMMITMENT, AND CONTRACT EXECUTION FOR FUNDING FROM THE USDA RURAL BUSINESS COMMUNITY FACILITIES GRANT FOR FIREFIGHTING PERSONAL PROTECTIVE EQUIPMENT FOR FISCAL YEAR 2015-2016 AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS, AGREEMENTS AND ANY AMENDMENTS THERETO WITH THE STATE OF CALIFORNIA FOR THE PURPOSE OF THIS GRANT.

3. USDA RURAL DEVELOPMENT COMMUNITY FACILITIES GRANT FOR MUNICIPAL LAW ENFORCEMENT OFFICER PERSONAL PROTECTIVE EQUIPMENT AND EQUIPMENT FOR FISCAL YEAR 2015/2016 – staff report

The Council considered the submittal of a USDA Rural Development Community Facilities Grant Application for the fiscal year 2015/16 to purchase Personal Protective Equipment and other related equipment for the Municipal Law Enforcement Officers. **(Bill La Grone, Director of Public Safety and Amy Bergstrand, Management Analyst III)**

Council Action Requested: Adopt Resolution No. 8396 - A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING AN APPLICATION, MATCH COMMITMENT, AND CONTRACT EXECUTION FOR FUNDING FROM THE USDA RURAL DEVELOPMENT COMMUNITY FACILITIES GRANT FOR MUNICIPAL LAW ENFORCEMENT OFFICER PPERSONAL PROTECTIVE EQUIPMENT AND OTHER RELATED EQUIPMENT FOR FISCAL YEAR 2015-2016 AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL DOCUMENTS, AGREEMENTS AND ANY AMENDMENTS THERETO WITH THE STATE OF CALIFORNIA FOR THE PURPOSE OF THIS GRANT.

4. THIS ITEM WAS REMOVED FROM THE CONSENT CALENDER (SEE BELOW)

5. EMPLOYEE RECOGNITION EVENTS – staff report

The Council considered approving two employee recognition events scheduled for August 8th and mid-December and allocate a combined maximum expenditure not to exceed \$2,500 for supplies needed. **(Donald Rust, Director of Community Development and Gary Layman, Chief Building Official)**

Council Action Requested: Approve the maximum expenditure of \$1,000 for the August 8th employee appreciation BBQ at the Centennial Cultural Center and \$1,500 for the mid-December employee appreciation holiday gathering at the Table Mountain Golf Course.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Vice Mayor
Wilcox
Noes: None
Abstain: None
Absent: Mayor Dahlmeier

ITEMS REMOVED FROM THE CONSENT CALENDAR

4. REMOVAL OF BBQ AT THE FEATHER RIVER NATURE CENTER – staff report

The Council considered directing staff to remove an existing BBQ at the Feather River Nature Center.

(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)

This item was removed from the Consent Calendar at the request of Council Member Del Rosario for questions.

Ryan & Annette DeBrotherton and Bill Bynum spoke in opposition to the removal of the BBQ at the Feather River Nature Center.

Victor Owens expressed concern over homeless issues such as vandalism and theft.

Following discussion, this item was tabled to a future meeting of the Oroville City Council for further consideration therefore; no action was taken on the following:

Direct staff to remove the BBQ at the Feather River Nature Center.

PUBLIC HEARINGS - None

REGULAR BUSINESS

6. PRESENTATION: BUTTE COUNTY TOURISM BUSINESS IMPROVEMENT DISTRICT – staff report

The Council received a presentation and information relating to the Butte County Tourism Business Improvement District. **(Donald Rust, Director of Community Development)**

Bruce Spangler, Holiday Inn Express, and Casey Hatcher, Butte County, gave a presentation relating to the proposed Butte County Tourism Business Improvement District.

Cheri Bunker, Oroville Economic Development Corporation, spoke in support of a Butte County Tourism Business Improvement District.

Following further discussion, a motion was made by Council Member Simpson, seconded by

Council Member Pittman, to:

Authorize the Acting City Administrator to return to Council with a Resolution of Consent for the Butte County Tourism Business Improvement District, if requested by the Butte County Board of Supervisors.

The motion was passed by the following vote:

Ayes: Council Members Del Rosario, Hatley, Pittman, Simpson, Vice Mayor Wilcox
Noes: Council Member Berry
Abstain: None
Absent: Mayor Dahlmeier

7. 2015 NATIONAL BROWNFIELDS TRAINING CONFERENCE – staff report

The Council considered giving direction for one staff person and one Council Member to attend the 2015 National Brownfields Training Conference in Chicago, IL, on September 2-4, 2015. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

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

Approve Council Member Berry and Director of Community Development, Donald Rust, to attend the 2015 National Brownfields Training Conference on September 2-4, 2015, provided that all expenses are grant funded with no impact to the City's General Fund.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Vice Mayor Wilcox
Noes: None
Abstain: None
Absent: Mayor Dahlmeier

8. NATIONAL NIGHT OUT / COUNCIL MEETING SCHEDULING – staff report

The Council considered directing staff on a potential time and location change for the August 4th regular City Council meeting. **(Donald Rust, Director of Community Development and Luis Topete, Associate Planner)**

Following discussion, the Council directed staff to begin Closed Session at 2:30 p.m. and Open Session at 3:00 p.m. for the August 4, 2015 regular City Council meeting in order to allow the Council to participate with National Night Out festivities which will be in Sank Park.

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

The Council may consider 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 2015/2016. (**Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer**)

This item was tabled to a future meeting of the Oroville City Council meeting therefore; no action was taken on the following:

1. **Adopt Resolution No. 8397 - 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 2015/2016.**
2. **Authorize any necessary budget adjustments to the Annual Assessment Report.**

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

The Council may consider 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 2015 -2016. (**Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer**)

This item was tabled to a future meeting of the Oroville City Council meeting therefore; no action was taken on the following:

1. **Adopt Resolution No. 8398 - 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 2015/2016.**
2. **Authorize any necessary budget adjustments to the Annual Assessment Report.**

11. **ANNUAL SANITARY SEWER SERVICE RATE INCREASES – staff report**

The Council considered a Resolution certifying that the Sewer Service charges to be levied on the 2015/2016 tax roll are in compliance with Proposition 218. (**Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer**)

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

Adopt Resolution No. 8399 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A CERTIFICATION WITH THE BUTTE COUNTY AUDITOR CERTIFYING THAT THE SEWER SERVICE CHARGES LEVIED ON THE 2015/2016 TAX ROLL ARE IN COMPLIANCE WITH PROPOSITION 218.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Vice Mayor
Wilcox
Noes: None
Abstain: None
Absent: Mayor Dahlmeier

12. PLACEMENT OF DELINQUENT GARBAGE BILLS ON THE 2015/2016 PROPERTY TAX ROLL – staff report

The Council considered the placement of delinquent garbage bills to Recology on the 2015/2016 property tax roll. **(Ruth Wright, Director of Finance)**

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

Adopt Resolution No. 8400 – A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING DIRECT ASSESSMENT FOR DELINQUENT GARBAGE BILLS FOR 2014/2015 ON THE 2015/2016 PROPERTY TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Vice Mayor
Wilcox
Noes: None
Abstain: None
Absent: Mayor Dahlmeier

SUCCESSOR AGENCY

13. LAND SALES OF RDA PROPERTIES TO BE SOLD – staff report

The Commission considered options for the sale of six (6) commercial property assets of the former Oroville Redevelopment Agency. **(Donald Rust, Director of Community Development and Rick Farley, RDA Coordinator)**

A motion was made by Commissioner Del Rosario, seconded by Commissioner Pittman, to:

Direct staff to sell the six commercial property assets of the former Oroville Redevelopment Agency.

The motion was passed by the following vote:

Ayes: Commissioners Berry, Del Rosario, Hatley, Pittman, Simpson, Vice
Chairperson Wilcox, Chairperson Dahlmeier
Noes: None
Abstain: None
Absent: None

MAYOR/ COUNCIL REPORTS

Council Member Pittman reported on activities relating to AB 113 at the State Capital.

Council Member Pittman also reported that the Chamber of Commerce had recently hired Sandy Linville as their new Chief Executive Officer.

CITY ADMINISTRATOR/ ADMINISTRATION REPORTS

- Department of Public Safety – activity report

Bill La Grone, Director of Public Safety, gave a brief report on the status of the Municipal Law Enforcement Office located at the Municipal Auditorium.

Ruth Wright, Director of Finance, gave a brief status report on the conversion to Sungard Financial Software and the completion of the 2015/2016 Budget.

Donald Rust, Director of Community Development, gave a report on the following:

- Special Meeting – Budget Workshop scheduled for August 11, 2015 at 10:00 a.m.
- Tree Removal Permit issued to Pacific Gas & Electric Company relating to the Storm Drain Project at the Municipal Auditorium parking lot
- State Theatre Artists Guild (STAGE) Annual Report relating to the operation and management of the State Theatre
- Presentation at the American Planning Association's Annual Conference relating to the City of Oroville's Arts, Culture and Entertainment District
- West Nile Virus identified in Butte County
- Oversight of the \$5,000 donation from Destination America to the Feather River Nature Center

Scott Huber, City Attorney, commended an opposition letter, written by Scott Ochoa, City Manager of Glendale, California, relating to AB 113.

CORRESPONDENCE

- California Water Service Company, received July 14, 2015

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON NON-AGENDA ITEMS

Anthony Thomas spoke to the Council regarding his opposition to space based weapons.

Cheri Bunker invited the Council to attend the Annual Oroville Economic Development Corporation's Fundraiser BBQ, to be held August 12, 2015 at Riffles Recreation Park.

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 Employees Association, Oroville Police Officers' Association – Sworn and Non-Sworn, Oroville Firefighters' Association, and Oroville Management and Confidential Association.
2. Pursuant to Government Code section 54956.9(d), the Council met with the Acting City Administrator and the City Attorney regarding potential litigation – two cases.
3. Pursuant to Government Code section 54956.9(a), the Council met with the Acting City Administrator and City Attorney relating to existing litigation: Americanwest Bank v. Oroville Economic and Community Development Corp., et al., Butte County Superior Court, Case No. 161808.

Vice Mayor Wilcox announced that there were no reportable actions taken in Closed Session and direction had been given to staff.

ADJOURNMENT

The meeting was adjourned at 8:37 p.m. A special meeting of the Oroville City Council will be held on Thursday, July 29, 2015, at 4:00 p.m.

Donald Rust, Acting City Clerk

Linda L. Dahlmeier, Mayor

**OROVILLE CITY COUNCIL SPECIAL MEETING MINUTES
JULY 29, 2015 – 4:00 P.M.**

The agenda for the July 29, 2015 special 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 locate at www.cityoforoville.org on Friday, July 24, 2015 at 3:02 p.m.

The July 29, 2015 special meeting of the Oroville City Council was called to order by Mayor Dahlmeier at 4:04 p.m.

ROLL CALL

Present: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson (arrived late), Vice Mayor Wilcox, Mayor Dahlmeier
Absent: None

PLEDGE OF ALLEGIANCE

Mayor Dahlmeier led the Pledge of Allegiance.

Following Pledge of Allegiance, Donald Rust, Acting City Administrator, introduced the following item for consideration of the Council:

CONSIDER APPROVAL OF CITY INVESTMENT IN CD WITH SIERRA CENTRAL CREDIT UNION.

A motion was made by Council Member Hatley, seconded by Council Member Berry, to:

Include the consideration of approval of City investments in CD with Sierra Central Credit Union, as Item No. 6 on the July 29, 2015 City Council agenda.

The motion was passed by the following vote:

Ayes: Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier
Noes: None
Abstain: None
Absent: None

SPECIAL BUSINESS

1. STORM DRAIN PIPE REPAIR AT MUNICIPAL AUDITORIUM - staff report

The Council received an update regarding the repair of a storm drain pipe beneath the Municipal Auditorium parking lot. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested: **None.**

August Lincoln posed questions to the Council relating to Item No. 2, 3, 4 and 5.

Council Members Berry, Hatley and Vice Mayor Wilcox recused themselves from Item No. 2, 3, 4 and 5.

2. ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, ZONES 1 - 4 AND 6 – 8 - staff report

The Council considered initiating proceedings, preliminarily approving the Annual Assessment Report and declaring its intention to levy and collect assessments for the Oroville Consolidated Benefit Assessment District, Zones 1 – 4 and 6 – 8 for Fiscal Year 2015/2016. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested:

1. **Adopt Resolution No. 8401 – A RESOLUTION OF THE OROVILLE 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, ZONES 1 – 4 AND 6 – 8.**
 2. **Authorize any necessary budget adjustments to the Annual Assessment Report.**
- 3. ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 2, 3, 5 – 12 AND 14, 15 AND 17 - staff report**

The Council considered 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, Zones 2, 3, 5 -12 and 14, 15 and 17, for Fiscal Year 2015/2016. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested:

1. **Adopt Resolution No. 8402 - 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 DISTRICTS, ZONES 2, 3, 5 - 12 and 14, 15 AND 17, FOR FISCAL YEAR 2015/2016.**
 2. **Authorize any necessary budget adjustments to the Annual Assessment Report.**
- 4. ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED BENEFIT ASSESSMENT DISTRICT, ZONE 5 - staff report**

The Council considered initiating proceedings, preliminarily approving the Annual Assessment Report and declaring its intention to levy and collect assessments for the Oroville Consolidated Benefit Assessment District, Zone 5, for Fiscal Year 2015/2016. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested:

1. **Adopt Resolution No. 8403 - 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, ZONE 5, FOR FISCAL YEAR 2015/2016.**
 2. **Authorize any necessary budget adjustments to the Annual Assessment Report.**
5. **ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 1, 4 13 AND 16 - staff report**

The Council considered 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, Zones 1, 4, 13 and 16, for Fiscal Year 2015/2016. **(Donald Rust, Director of Community Development and Rick Walls, Interim City Engineer)**

Council Action Requested:

1. **Adopt Resolution No. 8404 - 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, ZONES 1, 4, 13 AND 16, FOR FISCAL YEAR 2015/2016.**
2. **Authorize any necessary budget adjustments to the Annual Assessment Report.**

A motion was made by Council Member Pittman, seconded by Council Member Simpson to approve the actions of Special Business Item No. 2, 3, 4, and 5.

The motion was passed by the following vote:

Ayes: Council Members Del Rosario, Pittman, Simpson, Mayor Dahlmeier
Noes: None
Abstain: Council Members Berry, Hatley, Vice Mayor Wilcox
Absent: None

6. **CONSIDER APPROVAL OF CITY INVESTMENT IN CERTIFICATE OF DEPOSIT (CD)**

WITH SIERRA CENTRAL CREDIT UNION

The Council considered approval of City investments in a CD with Sierra Central Credit Union. **(Karolyn Fairbanks, City Treasurer)**

A motion was made by Council Member Pittman, seconded by Council Member Hatley, to:

Approve City investments in a CD with Sierra Central Credit Union, with Karolyn Fairbanks, City Treasurer, and Ruth Wright, Director of Finance as Signatories.

The motion was passed by the following vote:

| | |
|----------|--|
| Ayes: | Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Vice Mayor Wilcox, Mayor Dahlmeier |
| Noes: | None |
| Abstain: | None |
| Absent: | None |

ADJOURNMENT

The meeting was adjourned at 4:38 p.m. to a regular meeting of the Oroville City Council to be held on Tuesday, August 4, 2015 at 5:00 p.m.

Donald Rust, Acting City Clerk

Linda L. Dahlmeier, Mayor

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

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

**RE: REQUEST TO RETURN ITEMS DONATED TO THE PIONEER HISTORY
MUSEUM AND C.F. LOTT HOME IN 2011 BACK TO DONOR**

DATE: AUGUST 4, 2015

SUMMARY

The Council may consider the return of items that were donated to the Pioneer Museum and C. F. Lott Home by Barbara Holly in May 2011.

DISCUSSION

The City has received a letter from Barbara Holly requesting the return of some items that were donated by mistake. At the time of donation, May 19, 2011, Ms. Holly had not discussed the donation of the items with her family. Ms. Holly's family is requesting that some of the items be returned if approved by the City Council. The attached list specifies the items being requested, which includes three (3) framed sets of cards, four (4) framed photographs, and nineteen (19) various photographs that were approved by City Council on January 6, 2015, while the items that are hand written on the attached list were not taken for approval by the Council. The hand written items were donated but never written on the original donation sheet. The Oroville Docents have located all of the items indicated on the attached list.

At their July 13, 2015 Park Commission meeting, the Commission forwarded a recommendation to the City Council to approve the release of items donated to the Pioneer Museum and C.F. Lott Home in May of 2011, and return them to the donor, Barbara Holly.

FISCAL IMPACT

No fiscal impact.

CC-2

RECOMMENDATION

Approve the release of items that were donated to the Pioneer Museum and C. F. Lott Home by Barbara Holly in May, 2011, as indicated in this staff report, dated August 4, 2015.

ATTACHMENTS

Letter and list of items from Ms. Barbara Holly

City of Oroville
1735 Montgomery St.
Oroville, Calif. 95965
Dawn Kerner

Hi Dawn,

Appreciated our phone conversation on Friday morning May 8, 2015.

I cannot decipher Dave Dewey's writing in the hand-picked "description of items" on front page. So perhaps with a bit of "hand-on" we could identify items.

On page 2, the checked items only are those I would like to retrieve per request of my grown children.

(In storage of my donated items) I would like to arrange an appointment with the appropriate person, responsible for donated items, to identify + retrieve said kid items.

Traveling from Sonoma to Oroville takes me about 2 1/2 hours. My Weds are open. Fridays I can arrange to be at appointed pre-arranged location by 3:30/4:00 pm. See what you can decide for me + let me know. (even a Saturday is OK)

I am very grateful to you.
Thank you - Barbara Willy

Barbara J. Holly

Listing of Donation to City of Oroville Museums from Barbara J. Jones on 11/9/11

- 1) Three Framed sets of cards,
 - 2 sets Easter/holiday cards c. 1920,
 - 1 set Oroville Business Cards C. 1900

return
Christina

- 2) Period Textile items circa 1890s to 1910s
 - Black Sequin Evening Wrap w/beading
 - Silk Blouse with Blousons sleeves
 - Multiple linen items:
 - 2) "Dickeys"
 - 2) Blouses
 - 5) Doilies/Runners

- 3) Photographs
 - 2 tintypes, one color tinted unknown man in individual cases

return
34 items

- 4 Framed photographs,
 - Inez Campbell c 1908, oval 3-1/2" x 2-1/4"
 - Inez Campbell Thather c. 1940 3" x 4"
 - Robert Campbell age 9 1924 5" x 3-1/2"
 - Sandy Campbell c. 1940 14" x 10"

- 13 Photographs glued to cardboard
 - Hillside scene w/waterwheel 6-3/4" x 4-1/2"
 - Powerhouse 3/4 view (Centerville?) same
 - Powerhouse, w/Lineman on pole same
 - Interior w/generators same
 - Interior w generator & governor same
 - Las Plumas Clubhouse interior group 4/11/1914 same (3 Copies)
 - Las Plumas Clubhouse interior group c. 1915 same (2 copies)
 - Las Plumas Clubhouse Exterior group c. 1915 same (2 copies)
 - Las Plumas Clubhouse Interior group 10/7/1916 same
 - (Mother Goose Ball)

- 4) 1931 Alpha (Oroville High School) annual) Binding mouse eaten 1/2 length.

- (1) Toddler size (tattered) button shoe - brownish
- (2) Doll house size porcelain pitcher / and bowl with 1865? date note inside
- (2) opaque glass perfume bottles
 - 1 about 3" tall - 1 about 4" tall
- (1) Brownish framed (12"-14") oil painting of 4 yr old child - Burgundy red dress - gold ribbon trim - holding small bouquet flowers.

return
cl. to
plena

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

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

**RE: REQUEST TO TRANSPORT AN 1847 RIFLE LOCATED IN THE CITY
PIONEER HISTORY MUSEUM FOR CLEANING/REPAIRS**

DATE: AUGUST 4, 2015

SUMMARY

The Council may consider the release of an 1847 rifle located in the Pioneer History Museum, to Lee Dummel, a local historian, who will transport and pay for cleaning and repairs to the rifle.

DISCUSSION

The City has received a letter from the Park Commission Vice Chairperson, Mabelle Conn, indicating a request by a local historian, Lee Dummel, to transport an 1847 City owned rifle located in the Pioneer History Museum to a local gunsmith, Joe Clark, to clean and repair the rifle as needed. Lee Dummel has offered to pay the total cost of the cleaning and repairs and return the rifle to the Pioneer Museum upon completion.

As the request involves the temporary removal of an artifact from the Pioneer History Museum, Park Commission Policies and Procedures, Policy No. 36, requires Mr. Dummel to enter into an Outgoing Loan Agreement before removing the rifle for cleaning and repairs. For known defects requiring repairs please, see Attachment A.

At the July 13, 2015 Park Commission meeting, the Commission forwarded a recommendation to the City Council to approve the necessary cleaning and repairs to the 1847 rifle, artifact number no. 180, upon execution of an Outgoing Loan Agreement.

FISCAL IMPACT

The letter of request indicates that Mr. Dummel will pay all costs associated with the cleaning and repairs to the 1847 rifle. There would be no impact to the General Fund.

CC-3

RECOMMENDATION

Approve the necessary cleaning and repairs to the 1847 rifle, currently located at the Pioneer History Museum, upon execution of an Outgoing Loan Agreement by Lee Dummel.

ATTACHMENTS

- A – Letter of Request from Machelie Conn
- B – Outgoing Loan Agreement Template

EXHIBIT - A

There is a rifle at the Pioneer that is need of repair. The rifle is displayed inside the glass case in the great room. The rifle is set on two hooks attached to pegboard. The crack on the stock causes the gun to bend if not placed "just so" on the hooks. The note displayed with the gun states, "Percussion muzzle loaded Kentucky Rifle, lock is marked Truitt, Pendleton and Truitt. Additional marking JG Ralph". Then the label FH 1847, which I believe indicates the year it was manufactured. The rifle has silver embellishments on the stock. Carol Brown and I looked at the inventory index cards. We believe the artifact number to be #180. I didn't want to move the gun to double check the number and the index cards do not have adequate information to be sure.

Lee Dummel, who delivered our talk on historic firearms in May, noticed the damage. He has offered to take the gun to a gunsmith for repairs. Mr. Dummel is willing to pay for the repairs. Mr. Dummel has talked to Joe Clark about the damage. I believe this is the same Joe Clark who had a gun repair and sales shop here in Oroville.

The outside of the each of the guns in the Pioneer collection were cleaned during our annual cleaning, but not inside the barrels or the firing mechanisms. Mr. Dummel has offered to complete the cleaning.

He is scheduled to do the same work on 350 firearms for a museum in Siskiyou County. (I think it was Siskiyou). If there is interest in having any of this work done, I will gather more details on the process and time frame to complete the tasks.

Machelle Conn

OUTGOING LOAN AGREEMENT

Loan # _____

City of Oroville Museums

Date _____

Pioneer Memorial Museum C. F. Lott Home Museum Chinese Temple Complex & Museum
Bolt's Antique Tool Museum Bathhouse Museum
1735 Montgomery Street, Oroville, CA 95965 530-538-2497

The following items from the enter museum collection here are being loaned to

_____ of _____

for the purpose of _____

for the period of _____ to _____

Borrower agrees to take full responsibility for all items and to return them in the condition in which they were received. All items must be handled exclusively by the borrower, who will accept liability for the items from the time they leave the museum until they are returned. Borrower also agrees to all terms of the Loan Care Agreement printed on the back of this form. Attached to this form shall be a copy of the insurance certificate.

Special conditions:

| <u>Number</u> | <u>Item and Condition</u> | <u>Value</u> |
|---------------|---------------------------|--------------|
|---------------|---------------------------|--------------|

Date _____
Signature of Park Commission Chairperson

Date _____
Signature of Borrower

Date Returned _____
Signature of Park Director or Museum Curator

City of Oroville Museums

Loan Care Agreement

Borrower agrees to take full responsibility to loaned objects and return them in the condition in which they were received. S/he further agrees to keep and maintain them in personal custody except as otherwise noted on the loan agreement.

CARE OF OBJECTS

These museums are devoted to permanent preservation of its collections. This means that you cannot think of caring for borrowed items as you would for something in your own home, which you would only expect to last for ten to twelve years. Museum items must be thought of as lasting, if possible, for at least 100 or more years. Please take **better** care of these objects than if they were your own.

Even with the best of handling, or even no handling at all, **all materials deteriorate** minutely all the time. The following handling rules will help minimize this:

Wash hands before handling. Dirt and even natural oil from hands causes damage.

Do not use pins, scotch tape, masking tape, etc., on the items in any way.

No smoking while handling objects! Minute crystalline smoke particles cause damage. Smoking also constitutes a fire hazard.

Never allow food or drink near items. Do not eat or drink while handling objects.

Never leave objects out where other people may handle them in your absence.

If you have borrowed items with organic content (fabric, wool, feathers, wood, paper, fur, etc.) do not allow them to be exposed to sunlight. Limit their exposure to artificial light as much as possible.

Do not remove **any** identifying marks or features.

TRANSPORTATION

Use two hands to lift any object. Support it from below with one hand. Take care not to put a strain on any protruding part (handle, chair arm, etc.) or any other portion of an object. An object's own weight may put strain on these parts.

Use extra care in moving items. Protect them from any potential damage from scratches, bumps, falling objects, etc.

Do not overcrowd a box or container in which you are carrying objects. Don't mix heavy things with fragile things.

Never attempt to repair any damage to an object which may have occurred. It must be done professionally.

Damage caused by careless handling may suffer loss of value or appearance. Prevention is better. (Restoration is also prohibitively expensive.) Different objects may have different care requirements which cannot be enumerated here. Please be conscious of everything that might happen to an object and **use preventative measures.**

Damage to museum items, or their loss, may not be recoverable and usually cannot be compensated for.

Please help us keep these historic or special things for future generations to appreciate.

Thank you.

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

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

**RE: STATUS UPDATE OF THE ECONOMIC DEVELOPMENT INCENTIVE
LOAN AGREEMENT WITH OROVILLE FORD LINCOLN**

DATE: AUGUST 4, 2015

SUMMARY

The Council will receive an update on the status of the Economic Development Incentive Loan Agreement between the City of Oroville and Oroville Ford Lincoln.

DISCUSSION

At their February 7, 2012 City Council meeting, the Council approved a \$300,000 Economic Development Incentive Loan Agreement (Agreement No. 2046) between the City of Oroville and Oroville Ford Lincoln to assist them with a land acquisition to consolidate their operations with the Hobbie Auto Center acquired by the ownership group of Oroville Ford in late 2011.

A few notable conditions of the Loan Agreement are as follows:

2. BORROWER represents that the BORROWER will retain 50 full-time jobs within the City of Oroville and will create an additional 15 full-time jobs on an annual basis within the City of Oroville following completion of the consolidation of the dealerships at 1250 Oro Dam Blvd (APN: 035-450-019 and 035-450-008), in Oroville ("Subject Property").
3. BORROWER represents that BORROWER will occupy and operate an automotive dealership at the retail space at the Subject Property for no less than five consecutive years, beginning no later than three years from the date of approval of this Loan Agreement by the City.
4. BORROWER shall operate at the Subject Property an authorized new vehicle dealership for at least four major brands (three American brands, Ford, Cadillac, and Chevrolet, as well as one import brand).
5. No payments will be required to be made by BORROWER, and interest will not accrue, provided BORROWER is in compliance (or in the process of complying)

CC-4

with conditions 2, 3, and 4, of this Loan Agreement. In consideration of the loan made by the CITY to BORROWER, CITY shall credit BORROWER toward repayment of this Loan Agreement, on an annual basis, the amount of additional sales tax revenue CITY receives above the amount of sales tax CITY received from the Oroville Ford Lincoln dealership and the Hobbie Auto Center dealership in 2011.

6. In the event that BORROWER does not meet conditions 2, 3, or 4, of this Loan Agreement, BORROWER will repay to CITY the remaining loan amount in full, at the time BORROWER fails to meet any of those conditions.

At their January 20, 2015 City Council meeting, the Council approved an Amendment to the Loan Agreement to extend the terms of the Agreement for an additional six (6) months, amending Condition No. 3 of the Loan Agreement identified above as follows:

3. "BORROWER represents that BORROWER will occupy and operate an automotive dealership at the retail space at the Subject Property for no less than five consecutive years, beginning no later than three **and a half** years from the date of approval of this Loan Agreement by the City."

FISCAL IMPACT

Oroville Ford has satisfied their obligations underlined in Condition No. 5 above and the new dealership opened on July 31, 2015 with the Grand Opening to be held sometime in August, 2015.

RECOMMENDATION

For informational purposes only.

ATTACHMENTS

A – Loan Agreement No. 2046

EXHIBIT - A

LOAN AGREEMENT

BETWEEN THE CITY OF OROVILLE AND OROVILLE FORD LINCOLN

This Loan Agreement is made and executed on February 7, 2012, by and between Oroville Ford Lincoln, (hereinafter referred to as "BORROWER") and the City of Oroville, a California Municipality, (hereinafter referred to as "CITY").

WITNESSETH:

WHEREAS, BORROWER is the lessee of the real property upon which the Oroville Ford Lincoln is located (APN: 012-031-006, 012-083-001,003, 006, 009 and 010); and

WHEREAS, BORROWER intends to purchase the Hobbie Chevrolet Cadillac Toyota dealership and desires to consolidate the automobile dealership operations at the Hobbie Auto Center in Oroville, which is for the mutual benefit of BORROWER and residents of the CITY, and

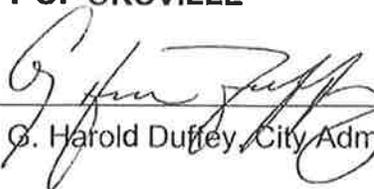
WHEREAS, in order to complete the purchase of the Hobbie Chevrolet Cadillac Toyota dealership and to locate both existing new car dealerships adjacent to each other in Oroville along the most highly traffic commercial corridor, BORROWER has requested the CITY to lend to BORROWER the sum of \$300,000.00 to assist with the purchase of the land acquisition (APN: 035-450-008); and

WHEREAS, CITY is willing to make this loan to BORROWER subject to certain conditions, as outlined in this Loan Agreement.

NOW, THEREFORE, in consideration of the above recitals, CITY agrees to lend to BORROWER the sum of \$300,000.00 conditioned upon the following terms:

1. CITY'S loan to BORROWER shall be used by BORROWER for the purpose of acquire the land east of Hobbie Chevrolet Cadillac and Toyota (APN: 035-450-008), and for no other purpose whatsoever.
2. BORROWER represents that the BORROWER will retain 50 full-time jobs within the City of Oroville and will create an additional 15 full-time jobs on an annual basis within the City of Oroville following completion of the consolidation of the dealerships at 1250 Oro Dam Blvd (APN: 035-450-019 and 035-450-008), in Oroville ("Subject Property").
3. BORROWER represents that BORROWER will occupy and operate an automotive dealership at the retail space at the Subject Property for no less than five consecutive years, beginning no later than three years from the date of approval of this Loan Agreement by the City.
4. BORROWER shall operate at the Subject Property an authorized new vehicle dealership for at least four major brands (three American brands, Ford, Cadillac, and Chevrolet, as well as one import brand).
5. No payments will be required to be made by BORROWER, and interest will not accrue,

CITY OF OROVILLE


By: G. Harold Duffey, City Administrator

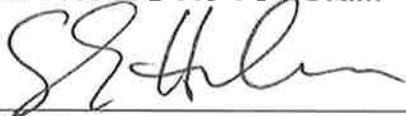
2.7.12
Date:

OROVILLE FORD LINCOLN


By:
Its:

2-21-12
Date:

APPROVED AS TO FORM:


Scott E. Huber, City Attorney

**CITY OF OROVILLE
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS
FROM: RUTH WRIGHT, FINANCE DIRECTOR
RE: AMENDMENT TO FINANCE ANALYST JOB DESCRIPTION
DATE: AUGUST 4, 2015

SUMMARY

The Council may consider job description edits for the position of Finance Analyst for the Finance Department.

DISCUSSION

The Council approved a job description for the position of Finance Analyst on July 7, 2015. During this meeting, the Council pointed out a need to clarify the education requirement as "desired" since education can be substituted for strong experience. Also limited supervisory duties were added back into the description as the position is a mid-management level position. The Finance Analyst will also provide backup to the Finance Director in his/her absence.

FISCAL IMPACT

The salary for this position is budgeted in the 2015/16 Annual Budget.

RECOMMENDATION

Approve the amended job description for the position of Finance Analyst for the Finance Department and authorize staff to fill the position.

ATTACHMENT (S)

Finance Analyst Job Description

CC-5

FINANCE ANALYST

DEFINITION

To perform professional and technical accounting work in maintaining the fiscal records and systems of the City; and to perform related duties and responsibilities as required.

SUPERVISION

Receives general direction from the Director of Finance.

Exercises limited supervision over some accounting personnel.

EXAMPLES OF ESSENTIAL FUNCTIONS - *Essential functions may include, but are not limited to, the following:*

Assists Director of Finance in overseeing the daily operations of the Finance Department.

May train, assign work, supervise and evaluate the performance of assigned accounting personnel as needed by the Finance Director.

Reviews work *of co-workers* for completeness, accuracy and compliance with established policies and procedures.

Interprets department policies and procedures to employees of other departments as necessary.

Assists the Director of Finance in the development of short- and long-range plans.

Research, compile, interpret and prepare data for studies, reports and recommendations.

Assists the Director of Finance in ensuring that assigned areas of responsibility are performed within budget; performs cost control activities; monitors revenues and expenditures to ensure sound fiscal control; prepares annual budget requests and ensures effective and efficient use of budgeted funds, personnel, materials, facilities and time.

Assists with the calculation of budget estimates for the annual City budget; performs complex calculations for annual salary / benefit negotiations.

Continuously monitors and evaluates the efficiency and effectiveness of assigned operations; identifies opportunities for improvement; supervises the implementation of changes.

Performs or assists staff in performing accounting and data processing duties; adjusts errors as necessary.

Performs general accounting work as required, including making journal entries, balancing accounts, closing monthly books, reconciling general ledger accounts, processing cash transfers, etc.

Performs periodic financial studies and analysis.

Prepares and/or verifies periodic reports, including grant reports and those mandated by state and federal regulations.

Receives and responds to inquiries, requests for assistance, concerns and complaints regarding department functions and activities.

Assists in coordinating department activities with other divisions, departments and agencies as appropriate.

Provides backup to the Finance Director in his/her absence.

Keeps abreast of new trends, legislation and developments in government accounting.

Monitors and assists investment activities as needed in cooperation with the elected City Treasurer.

Performs general administrative work as required, including but not limited to attending meetings, preparing correspondence, entering computer data and preparing spreadsheets and computer-generated reports, copying and filing documents, sending and receiving faxes, answering the telephone, etc.

MINIMUM QUALIFICATIONS

Knowledge of:

Pertinent federal, state and local laws, codes, ordinances and regulations.

City and department policies and procedures.

Governmental accounting theory, principles and practices.

The use of management information systems and specific applications for financial record-keeping and reporting.

Data processing concepts and procedures pertaining to financial record-keeping operations.

Methods, procedures and controls used in fiscal grant administration.

Budget preparation and administration.

Budgetary, accounting and reporting systems.

Principles of supervision, training and performance evaluation.

Modern office practices and technology, including the use of computers for word and data processing and spreadsheet applications.

Methods and techniques of effective report preparation.

English usage, spelling, grammar and punctuation.

Safe work practices.

Ability to:

Learn, understand, interpret and apply pertinent City policies and procedures, and federal, state and local laws, rules and regulations.

Develop, implement and interpret goals and procedures for providing effective and efficient accounting programs.

Effectively organize and set priorities for assigned operations.

Analyze problems, identify alternative solutions, determine consequences of proposed actions and implement recommendations in support of goals.

Prepare clear and comprehensive financial statements and reports.

Accurately check, verify and analyze a variety of accounting data and draw sound conclusions.

Establish and maintain accounting records, files and controls.

Prepare and administer budgets.

Keep abreast of trends and requirements in City government financial record-keeping and reporting.

Assign, supervise, train and evaluate staff on a limited basis under the direction of the Finance Director.

Use computer programs for financial / administrative record-keeping and reporting.

Perform mathematical computations with accuracy.

Communicate clearly and concisely, both orally and in writing.

Speak effectively in public.

Establish and maintain effective working relationships with those contacted in the course of work.

Experience:

Five years of increasingly responsible professional and/or technical accounting experience, preferably in a local governmental agency.

Education:

Desired graduation from an accredited college or university with a Bachelor's degree in accounting, business or a closely related field.

Substitution:

Additional professional and/or technical accounting, financial and data processing experience may be substituted for college on a year-for-year basis.

Additional Requirements:

Possession of a valid California driver's license.

Ability to be bonded.

TYPICAL WORKING CONDITIONS

Work typically is performed in a normal office environment.

TYPICAL PHYSICAL REQUIREMENTS

Requires the ability to sit at desk for long periods of time and intermittently walk, stand, stoop, kneel, crouch and reach while performing office duties; lift and/or move objects weighing up to 25 pounds; use hands to finger, handle or feel objects, tools, or controls. Must be able to maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading and writing, and operating office equipment. Must be able to use a telephone to communicate verbally and a keyboard to communicate through written means, to review information and enter/retrieve data, to see and read characters on a computer screen.

This class specification lists the major duties and requirements of the job and is not all-inclusive. Incumbents may be expected to perform job-related duties other than those contained in this document.

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

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

RE: REMOVAL OF BBQ AT THE FEATHER RIVER NATURE CENTER

DATE: AUGUST 4, 2015

SUMMARY

The Council will receive an update to the removal of the existing BBQ at the Feather River Nature Center.

DISCUSSION

At the July 21, 2015 Council meeting staff provided a report regarding ongoing issues the City's Parks and Trees and Code Enforcement Divisions have been experiencing with the use of an existing BBQ at the Feather River Nature Center. The BBQ has become an attraction for transients during the winter months as a means of keeping warm and a location for the constant preparation of meals during times of warm weather. This has led to prolonged stays near and around the facilities by transients with the constant need of trash removal being an on-going issue. In addition to the strain on City resources, the use of the BBQ in this manner creates an unwelcoming environment for other people wishing to visit and utilize the Nature Center facilities.

At the July 21st Council meeting staff received direction to explore additional options and return with some suggestions. At the July 29, 2015 special City Council meeting, the Council suggested to remove the BBQ, make necessary repairs, and reinstall in the Spring of 2016.

FISCAL IMPACT

Staff time, equipment and materials associated with the removal, repairs, and reinstallation of the BBQ.

RECOMMENDATION

Direct staff to remove the BBQ at the Feather River Nature Center, make necessary repairs and reinstall it in the spring of 2016.

CC-6

ATTACHMENTS

None

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

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

**RE: PROJECT CONTRACT WITH R&R HORN, INC. FOR THE ORO DAM
BOULEVARD SIDEWALKS PROJECT**

DATE: AUGUST 4, 2015

SUMMARY

The Council may consider a Project Contract with the lowest responsible bidder, R&R Horn, Inc. in the amount of \$399,691.50, for the Oro Dam Boulevard Sidewalks Project (Project).

BACKGROUND

In July 2012, the City received a State funded Safe Routes to School (SRTS) grant from Caltrans for the design and construction of 1,800 linear feet in fill curb, gutter and sidewalk (CGS) on Oro Dam Boulevard between Olive Highway and the Stanford Avenue School. The new sections of CGS are designed to fill in gaps of missing CGS along Oro Dam Boulevard to provide a safe path of travel for the Stanford Avenue School students. The work includes necessary drainage improvements, road striping, and the installation of a solar powered pedestrian crossing at Oro Dam Boulevard and Stafford Avenue.

Staff advertised the Project for Bid on June 10th and 17th, 2015, and held a mandatory pre-bid meeting on June 24, 2015, with a bid due date of July 8, 2015. Four bids were received by the bid closing date, with the bid results summarized as follows:

| BID SUMMARY ORO DAM BOULEVARD SIDEWALKS PROJECT | |
|--|--------------|
| R&R Horn, Inc. | \$399,691.50 |
| Franklin Construction | \$424,626.00 |
| Baldwin Contracting Company | \$501,617.77 |
| H&W Nor-Cal Builders | \$582,306.50 |

The low bidder for the Project is R&R Horn, Inc., Chico, CA. Staff has reviewed the prices in the bid schedule and determined that the bid prices are reasonable and competitive.

CC-7

Staff's funding recommendations for this project are as follows:

- Award a contract for the Project to R&R Horn, Inc. in the amount of \$399,692.
- Authorize a 10% contract contingency of \$39,969 to only be used for unanticipated and legitimate change orders.

FISCAL IMPACT

There is \$393,300 of reimbursable SRTS grant funding available for construction of the Project, with a minimum 10% grant match of \$39,969 based on the bid amount. The match of \$39,969 will be paid for using storm drain impact funds: 108-8195-7400

RECOMMENDATIONS

1. Adopt Resolution No. 8405 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROJECT CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER, R&R HORN, INC, IN THE AMOUNT OF \$399,692, FOR THE ORO DAM BOULEVARD SIDEWALKS PROJECT – (Agreement No. 3137).
2. Authorize a 10% contingency, not to exceed \$39,969 for the Project.

ATTACHMENTS

Resolution No. 8405
Agreement No. 3137

**CITY OF OROVILLE
RESOLUTION NO. 8405**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A PROJECT CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER, R&R HORN, INC. IN THE AMOUNT OF \$399,692, FOR THE ORO DAM BOULEVARD SIDEWALKS PROJECT

(Agreement No. 3137)

WHEREAS, the City of Oroville has received formal bids for the Oro Dam Boulevard Sidewalks Project (Project); and

WHEREAS, R&R Horn, Inc. was the lowest responsive bidder for the Project.

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

1. R&R Horn, Inc. is awarded the contract for the Project in the amount of \$399,692.
2. The Mayor is hereby authorized and directed to execute an Agreement with R&R Horn, Inc. for the Project. A copy of the Agreement is attached to this Resolution.
3. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on August 4, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED AS TO FORM:

Linda L. Dahlmeier, Mayor

ATTEST:

Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

PROJECT CONTRACT

THIS PROJECT CONTRACT (the "contract" or "Contract"), is made and entered into this 4th day of August, 2015, by and between City of Oroville (referred to herein as the "Owner" or the "City") and R&R Horn, Inc. (the "Contractor").

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

1. THE CONTRACT DOCUMENTS.

The complete contract is comprised of and may or may not include: Invitation for Bids; Information for Bidders; Bid Schedule; Proposal Form; Bidder's Bond; Contract; General Conditions; Special Provisions; Technical Provisions; Payment Bond; Performance Bond; Notice of Award; Notice to Proceed; Change Orders; Supplemental Drawings Issued; Drawings; Specifications and Contract Documents; All addenda or bulletins issued during the time of bidding or forming a part of the documents loaned to the bidder for preparation of the bid; The complete plans and provisions, regulations, ordinances, codes, and laws incorporated therein or herein by reference or otherwise applicable to the Project.

All of the above documents are intended to cooperate so that any work called for in one and not mentioned in the other, or vice versa, is to be executed the same as if mentioned in all said documents. The documents comprising the complete contract are hereinafter referred to collectively as the Contract Documents.

2. THE WORK.

Contractor agrees to furnish all tools, apparatus, facilities, equipment, labor and materials (except that specifically mentioned as being furnished by others) necessary to perform and complete the work in a "good and workmanlike manner" as called for, and in the manner designated in, and in strict conformity with the Plans, Detail Specifications, and other Contract Documents which are identified by the signatures of the parties to this Contract and are, collectively, entitled:

PLANS AND SPECIFICATIONS ORO DAM BOULEVARD SIDEWALKS

3. CONTRACT PRICE.

The City agrees to pay and the Contractor agrees to accept, in full payment for the work above agreed to be done, the following compensation: \$399,692. In no event shall Consultant's compensation exceed the amount of \$399,692 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

For the purpose of fixing the amount of bonds referred to in the Instructions to Bidders, it is estimated by both Parties that the total contract price shall be based on the Contractor's Base Bid amount.

4. DISPUTES PERTAINING TO PAYMENT FOR WORK.

Should any dispute arise respecting the true value of any work done or any work omitted, or of any extra work which the Contractor may be required to do, or respecting the size of any payment to the Contractor during the performance of this Contract, the dispute shall be informally mediated between the parties. Following such mediation, either party may file an

action exclusively in the Butte County Superior Court or in the United States District Court, Eastern District of California. Under no condition shall there be a cessation of work by the Contractor during any such dispute. This article does not exclude recovery of damages by either party for delays.

5. PAYMENT.

Not later than the 20th day of each calendar month, the Contractor shall make a partial payment request to the City on the basis of an estimate approved by the Engineer of the work performed since the last partial payment request during the preceding month by the Contractor with five percent (5%) of the amount of each such estimate retained by the City, until completion of the Project and the recordation of a Notice of Completion of all work covered by this Contract. The City shall make any partial payments provided for in this contract to the Contractor within 30 days of the City's receipt of an undisputed and properly executed partial payment request from the Contractor. The City shall pay the Contractor interest on the amount of any portion of a partial payment, excluding retention amounts, not made to the Contractor within 30 days of the City's receipt of an undisputed and properly executed partial payment request from the Contractor at the legal rate set forth in California Code of Civil Procedure Section 685.010. Upon receipt of a partial payment request from the Contractor, the City shall review the partial payment request for the purpose of determining whether or not the partial payment request is a proper partial payment request. Any partial payment request determined by the City not to be a proper partial payment request suitable for payment shall be returned to the Contractor by the City within 14 days of the City's receipt of such partial payment request. A partial payment request returned to the Contractor by the City under the provisions of this section shall be accompanied by a written document setting forth the reason(s) why the partial payment request is not proper. The number of days for the City to make a certain partial payment provided for in this Contract, without incurring interest pursuant to this section, shall be reduced by the number of days by which the City exceeds the 14 day return period for such partial payment request, if determined to be improper, as set forth in this section. For the purposes of this section, a "partial payment" means all payments due to the Contractor under this contract, exclusive of that portion of the final payment designated as retention earnings. Also, for the purposes of this section, a partial payment request shall be considered properly executed by the City, if funds are available to pay the partial payment request and payment is not delayed due to an audit inquiry by the City's financial officer. The City will release Contractor's retention earnings within 45 days after recordation of Notice of Completion, as defined in California Civil Code Section 3093. Recordation of a Notice of Completion for the Project by the City shall constitute the City's acceptance of the Project work.

6. TIME FOR COMPLETION.

All work under this contract shall be completed within a period of 40 working days from the date of the Contractor's receipt of a Notice to Proceed from the City.

7. EXTENSION OF TIME.

If the Contractor is delayed by acts of negligence of the City, or its employees or those under it by contract or otherwise, or by changes ordered in the work, or by strikes, lockouts, fire, unavoidable casualties, or any causes beyond the Contractor's control, or by delay authorized by the City, or by any justifiable cause which the Engineer shall authorize, then the Contractor shall make out a written claim addressed to the City setting forth the reason for the delay and the extension of the time requested and forward a copy of the claim to the Engineer for approval. The Engineer will evaluate the claim and if the claim is justifiable, will request the City's approval. No such extension will be allowed unless written claim therefore has been made within 3 days after the delay became apparent.

If the Contractor fails or refuses to complete the work within the time specified, including authorized extensions, there shall be deducted from monies due the Contractor, not as a penalty, but as liquidated damages the sum of One Hundred Dollars (\$100.00) for each calendar day subsequent to the time specified for each project and the time the work is actually completed and accepted. Delays caused by adverse weather conditions or conditions for which the Owner is clearly responsible will be added to the contract time.

8. LABOR PROVISIONS.

The project is subject to State prevailing wages. The contractor and all subcontractors on the project shall complete electronic reporting of prevailing wage rate reports through the Department of Industrial Relations, with copies of such reports to be provided to the City.

9. CONTRACT WORK HOURS AND SAFETY STANDARDS REQUIREMENTS.

As used in the following provision, the term "laborers" and "mechanics" include watchmen and guards.

a. Overtime Requirements. Neither the Contractor nor any subcontractor contracting for any part of the Project which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek, whichever is greater.

b. Violation; Liability for Unpaid Wages; Liquidated Damages. In the event of any violation of the clause set forth in paragraph a. above, the Contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, the Contractor and subcontractor shall be liable to the City for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph a. above, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a. above.

c. Withholding for Unpaid Wages and Liquidated Damages. The City shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any monies payable on account of work performed by the Contractor or subcontractor under any such contract or any other Federal contract with the same Contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same Contractor, such sums as may be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph b. above.

d. Working conditions. Neither the Contractor nor any subcontractor may require any laborer or mechanic employed in the performance of any contract to work in surroundings or under working conditions that are unsanitary, hazardous or dangerous to his health or safety as determined under construction safety and health standards (29 CFR Part 1926) issued by the Department of Labor.

e. Subcontracts. The Contractor and any subcontractor shall insert in any subcontracts the clauses set forth in paragraphs a. through d. and also a clause requiring the subcontractor to include these clauses in any lower tier subcontracts. The Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs a. through d.

10. NONDISCRIMINATION.

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor

shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

11. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM PROVISIONS.

The Contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as recipient deems appropriate.

The Contractor agrees to pay each subcontractor under this contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the Contractor receives from City. The Contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the City. This clause applies to both DBE and non-DBE subcontractors.

12. CIVIL RIGHTS.

The Contractor assures that it will comply with pertinent statutes, Executive Orders and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance. This Provision binds the Contractor from the bid solicitation period through the completion of the contract. This provision shall be inserted in all subcontracts, subleases and other agreements at all tiers.

13. SOLICITATIONS FOR SUBCONTRACTS, INCLUDING PROCUREMENTS OF MATERIALS AND EQUIPMENT.

In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.

14. SANCTIONS FOR NONCOMPLIANCE.

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the City shall impose such contract sanctions as it may determine to be appropriate, including but not limited to:

- a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or
- b. Cancellation, termination or suspension of the contract, in whole or in part.

15. INSPECTION OF RECORDS.

The Contractor shall maintain an acceptable cost accounting system. The City, the Federal Aviation Administration, the Comptroller General of the United States or any of their duly authorized representatives shall have access to any books, documents, paper, and records of the Contractor which are directly pertinent to this Contract or the Project for the purposes of making an audit, examination, excerpts, and transcriptions. The Contractor shall maintain all required records for 3 years after the City makes final payment and all other pending matters are closed.

16. RIGHTS IN INVENTIONS.

All rights to inventions and materials, if any, generated under this contract are subject to regulations issued by the City. Information regarding these rights is available from the City.

17. BREACH OF CONTRACT TERMS.

Any violation or breach of terms of this Contract on the part of the Contractor or its subcontractors may result in the suspension or termination of this Contract or such other action that may be necessary to enforce the rights of the City under this Contract. The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law.

18. TERMINATION OF CONTRACT BY CITY

a. The City may, by written notice, terminate this Contract in whole or in part at any time, either for the City's convenience or because of the Contractor's failure to fulfill its contract obligations. Upon receipt of such notice, services shall be immediately discontinued (unless the notice directs otherwise) and all materials as may have been accumulated in performing this Contract, whether completed or in process, delivered to the City.

b. If the termination is for the convenience of the City, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.

c. If the termination is due to failure to fulfill the Contractor's obligations, the City may take over the work and prosecute the same to completion by contract or otherwise. In such case, the Contractor shall be liable to the City for any additional cost occasioned to the City thereby.

d. If, after notice of termination for failure to fulfill contract obligations, it is determined that the Contractor had not so failed, the termination shall be deemed to have been effected for the convenience of the City. In such event, adjustment in the contract price shall be made as provided in the second paragraph of this clause.

e. The rights and remedies of the City provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

19. INCORPORATION OF PROVISIONS.

The Contractor shall include the provisions of this contract in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations of directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the City may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the City to enter into such litigation to protect the interests of the City and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

20. CONTRACTOR CLAIMS OF \$375,000 OR LESS.

Claims by the Contractor relating to the Project for (a) a time extension, (b) money or damages arising from work done by, or on behalf of, the Contractor on the Project for which payment is not expressly provided for or to which the Contractor is not otherwise entitled, or (c) an amount that is disputed by the City, with a value of \$375,000 or less, are subject to the claims procedures set forth in California Public Contract Code Sections 20104, et seq., except as otherwise provided in this Contract and the incorporated documents, conditions and specifications.

21. LOBBYING AND INFLUENCING FEDERAL EMPLOYEES.

a. No Federal appropriated funds shall be paid, by or on behalf of the Contractor or its subcontractors, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant or the amendment or modification of any Federal grant.

a. If any funds other than Federal appropriated funds have been paid or will be paid by the Contractor or its subcontractors to any person for influencing or attempting to influence an officer or employee of the City, any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal grant, the contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobby Activities," in accordance with its instructions.

22. ASSIGNMENT OF CERTAIN RIGHTS TO THE CITY.

In entering into this Contract or a subcontract to supply goods, services, or materials pursuant to this Contract, the Contractor and/or subcontractor offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to this Contract or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Contractor, without further acknowledgement by the parties.

23. ENERGY CONSERVATION REQUIREMENTS

The contractor agrees to comply with mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163)

IN WITNESS WHEREOF, two identical counterparts of this Contract, each of which shall for all purposes be deemed an original thereof, have been duly executed by the parties hereinabove named, on the day and year first herein written.

AGENCY: City of Oroville (First Party)

By: _____
(Linda L. Dahlmeier)

Mayor
(Official Title)

CONTRACTOR: R&R Horn, Inc. (Second Party)

By: _____
(Authorized Representative)

(Official Title)



CALIFORNIA WATER SERVICE COMPANY

1905 HIGH STREET • OROVILLE, CA 95965-4938
(530) 533-4034 • FAX (530) 533-4085

July 21, 2015

The Honorable Mayor and Members of the City Council
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

City of Oroville
JUL 21 2015
Administration

Dear Mayor and Members of the City Council:

As you know, California Water Service's (Cal Water) rates for water utility service are set by an independent state agency, the California Public Utilities Commission (Commission). Every three years, the Commission thoroughly reviews Cal Water's operations to ensure that water rates accurately reflect the cost of providing residents with safe, reliable water service. This review begins with the mandatory filing of a General Rate Case (GRC) application with the Commission for each of our service areas. On July 3, 2015, Cal Water filed a GRC application, which will be thoroughly reviewed by the Commission before it becomes effective in 2017. This filing is independent of the drought and measures we are taking to meet mandates set by the State.

The primary drivers of the application are capital improvement projects needed to ensure that we are able to fulfill our obligation to provide safe water and reliable fire service while continuing to meet increasingly stringent water quality and environmental regulations. The application also accounts for higher costs to operate and maintain the water system, including preventative maintenance, materials, water production, and water testing and treatment.

Some of the improvements to the water system we have proposed include:

- Replace 5,514 feet of aging and high-risk water main
- Install solar panel equipment to power the treatment plant and reduce purchased power
- Replace a pump station electrical panelboard and generator to maintain service during power outages
- Replace SCADA system server and software to maintain monitoring and control of water system
- Replace aging concrete-lined channel with a pipeline to move surface water to the treatment plant

As part of our application, we have proposed to consolidate rate-making for several of our service areas to increase efficiency and share costs over a larger customer base. This will help reduce the rate impact of future water system improvements by increasing the number of customers who share the costs of those projects. The Commission and State Legislature have encouraged regional consolidation, which is similar to how electric utilities are structured. The proposed consolidation is structured as follows:

- Kern County Region: Kern River Valley and Bakersfield
- Bay Area Region: Redwood Valley's Lucerne, Coast Springs, and Unified systems and Bayshore
- Los Angeles Region: Antelope Valley's Lancaster, Leona Valley, and Fremont Valley/Lake Hughes systems and Palos Verdes
- Northern Region: Marysville, Oroville, Willows, and Chico
- Monterey County Region: Salinas and King City

If the Commission approves a consolidated rate change as proposed in the filing, bills for the typical metered residential customer in the Oroville District would increase \$4.12 per month in 2017, \$1.10 per month in 2018, and \$1.68 per month in 2019.



CALIFORNIA WATER SERVICE COMPANY

1905 HIGH STREET • OROVILLE, CA 95965-4938
(530) 533-4034 • FAX (530) 533-4085

If the Commission approves the rates on a non-consolidated basis as proposed in the filing, bills for the typical metered residential customer would increase \$5.72 per month in 2017, decrease \$0.29 per month in 2018, and increase \$1.41 per month in 2019.

To mitigate increases needed to upgrade and maintain the water system, we have taken aggressive steps to control our expenses, including freezing headcount, except where needed for infrastructure improvements; reducing the costs of employee benefits; using innovative technology to detect – and repair – leaks on water pipes; and enhancing the competitive bidding process to ensure our customers are getting the best service at the best price.

We hope that the City will be actively engaged in the review process, as it could be instrumental in influencing the final outcome of the proceedings. We also hope that it presents us with an opportunity to further strengthen our cooperative relationship, based on sound policy, with the City.

In our ongoing efforts to be as transparent as possible, customers will begin receiving notification of our application as well as a fact sheet that provides additional details about rates and the GRC process in their bills in the next few weeks. Customers also will be able to download the fact sheet from our web site (www.calwater.com) beginning the week of July 13, 2015. We will also be working closely with local media outlets to help ensure our customers are aware of the GRC application.

During the 18-month review process, the CPUC will solicit input from customers and may hold formal Public Participation Hearings presided over by an administrative law judge, where customers will be able to provide their thoughts on the application.

I would be more than happy to meet with you to provide you with additional details about the filing and answer any questions you may have. Please feel free to call me at (530) 533-4034 so that we can find a mutually agreeable date and time to meet.

I look forward to hearing from you.

Respectfully,

A handwritten signature in black ink, appearing to read "Toni Ruggle".

Toni Ruggle
District Manager



Butte Countywide Homeless Continuum of Care

2010-2015 Funders:

Butte County Department
of Behavioral Health
Caminar, Inc.
City of Chico
City of Gridley
City of Oroville
Community Action Agency
of Butte County, Inc.
County of Butte
Northern Valley Catholic
Social Service

Council Members:

Marlene Del Rosario
City of Oroville
Marie Demers
City of Chico
Calleene Egan
Caminar
Erna Friedeberg
Northern Valley Catholic
Social Services
Sarah Frohock
SHOR Advisory Committee
Ken Mackell
Butte County Department
of Employment and Social
Services
Ed Mayer, Secretary
Housing Authority of the
County of Butte
Brad Montgomery
Greater Chico Homeless
Task Force
Don Taylor
Butte County Department of
Behavioral Health
Thomas Tenorio, Chair
Community Action Agency
of Butte County, Inc.
Annie Terry
Oroville Rescue Mission
Carol Zanon
Greater Oroville Homeless
Coalition

Coordinator:

Sherisse Allen
530-680-4088
sallen@housing-tools.com

July 7, 2015

David Pittman, Councilmember
City of Oroville
1735 Montgomery Street
Oroville, CA 95965

City of Oroville
JUL 21 2015
Administration

Dear David,

It is with great appreciation for your service with the Butte Countywide Homeless Continuum of Care that I write this letter. As you know, community-wide investment in ending homelessness is essential. The devotion and leadership of city officials, such as you, sets the standard for others to prioritize their time and attention to such an important issue.

The Continuum of Care grew and matured during your tenure. What once was an idea of assembling interested parties, became a complex and professional council, involving government requirements, strategic planning, significant funding, technological advances, and community events. All of it you helped to make happen while the presence and needs of the local homeless population increased. We sincerely thank you for the contributions that you have made to the development of a strong and competent governance board.

We wish you all the best in your future endeavors.

Sincerely,

Thomas Tenorio,
Chair



Public Health Administration

Cathy A. Raevsky, Director

Mark A. Lundberg, M.D., M.P.H., Health Officer

202 Mira Loma Drive
Oroville, California 95965

T: 530.538.7581
F: 530.538.2164

buttecounty.net/publichealth

FOR IMMEDIATE RELEASE
July 16, 2015

15-11-O

Butte County First to Confirm Human West Nile Virus

BUTTE COUNTY, Calif. – The first human infections of West Nile Virus (WNV) have been confirmed in two residents of Butte County after a routine blood donation. These are the first human infections of WNV reported this year. Blood donation centers routinely check for viruses in the blood as a precautionary measure and do not retain any infected blood. The two people were unaware of their virus and are symptom free. Both infections are separate and unrelated to each other.

Reports as of July 15, 2015, WNV activity has been detected in 31 of California's 58 counties, with 152 non-human cases of WNV infection. In Butte County, one dead bird and 15 mosquito samples have tested positive for the virus this year. Mosquito sampling is done throughout the county by the Butte County Mosquito and Vector Control District, with a majority of the positive samples coming from the southern part of the county.

"This is a timely reminder that we must do our best to prevent mosquito bites and protect ourselves and our families from WNV. The public should take extra precautions to avoid mosquitos," said Dr. Lundberg, Butte County Health Officer.

80% of people infected with WNV do not have symptoms. People 50 years of age and older are more likely to develop serious symptoms if infected, however, all ages are vulnerable. WNV is transmitted to humans and animals through a mosquito bite. Mosquitoes become infected when they feed on infected birds. Residents can reduce the risk of infection by practicing the "Three Ds":

1. **DEET** – Use a proven insect repellent like DEET. Other recommended repellents include: picaradin, lemon eucalyptus oil, para-menthane-diol, or IR3535. Always use according to label instructions. DEET can be used safely on infants and children 2 months of age and older.
2. **DAWN AND DUSK** – Mosquitoes bite in the early morning and evening. Wear proper clothing and repellent if outside during these times. Make sure that doors and windows have tight-fitting screens to keep mosquitoes out. Repair or replace screens with tears or holes.
3. **DRAIN** – Mosquitoes lay their eggs on standing water. Eliminate all sources of standing water on your property, including flower pots, old car tires, rain gutters and pet bowls. For standing water, fountains, ponds, etc., consider adding "Mosquito Dunks" or mosquito fish, which feed on mosquito larvae. Report unmaintained swimming pools to the local Mosquito and Vector Control District at (530) 342-7350 or (530) 533-6038.

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MEXICO CITY
ALLIANCE WITH
MIRANDA & ESTAVILLO
SRI LANKA
ALLIANCE WITH
GOWERS INTERNATIONAL

July 16, 2015

VIA E-FILING

The Honorable Kimberly D. Bose,
Secretary
Federal Energy Regulatory Commission
888 First St., NE
Washington, DC 20426

City of Oroville
JUL 21 2015
Administration

**Re: California Department of Water Resources, Oroville Project Relicensing,
FERC Docket No. P-2100**

Attached please find a letter from Terry Erlewine, General Manager of the State Water Contractors Association, to Mr. Rodney R. McInnis, Southwest Regional Administrator of the National Oceanic and Atmospheric Association concerning a change in conditions in the Feather River, California that effect the passage flow for adult sturgeon at Shanghai Beach. Also included is a Draft Research, Monitoring & Evaluation Plan for Feather River Green Sturgeon submitted for NOAA's consideration in its preparation of a Draft Biological Opinion for the Oroville Facilities FERC relicensing project.

We are submitting this letter as an informational filing in the above-referenced FERC docket. Please do not hesitate to contact the undersigned with any questions.

Very truly yours,

/s/ Thomas M. Berliner

Thomas M. Berliner

Enclosure

Cc: Service List
Terry Erlewine, SWC
Tim Haines, SWC
Stefanie Morris, SWC

DUANE MORRIS LLP

SPEAR TOWER, ONE MARKET PLAZA, SUITE 2200
SAN FRANCISCO, CA 94105-1127

PHONE: +1 415 957 3000 FAX: +1 415 957 3001

June 12, 2012

Mr. Rodney R. McInnis
NOAA, Southwest Regional Administrator
501 West Ocean Boulevard, Suite 4200
Long Beach, CA 90802

Subject: Request for Study of Green Sturgeon

Dear Mr. McInnis:

In July 2009 the National Marine Fisheries Service (NMFS) issued a draft Biological Opinion (Draft BO) for the relicensing of the Oroville Facilities, FERC License No.P-2100. The Draft BO sets forth flows in the lower Feather River for passage of green sturgeon. A significant change has occurred to the river conditions that warrants revisiting the prescribed flows. Further, in our view the Draft BO does not provide for a sampling plan sufficient to account for how normal variation in river flows affects green sturgeon passage. This request for a study of Green Sturgeon in the Feather River is intended to address both.

Enclosed please find the Draft Research, Monitoring & Evaluation Plan, Feather River Green Sturgeon, January 2012, by Ray Beamesderfer of Cramer Fish Sciences (the Research Plan), submitted for your consideration in drafting the summary of effects and the reasonable and prudent measures for green sturgeon in the next Draft Biological Opinion for the Oroville Facilities FERC Relicensing Project.¹

Subsection 8.4.2 of the Draft Biological Opinion issued by NMFS in July 2009 includes the following statement:

“DWR green sturgeon scientists have recently reviewed passage flows in the lower Feather River and have determined that flow ranging from 2,500-3,000 cfs would be needed for adult green sturgeon passage at Sunset pumps and 5,000-5,500 cfs would be needed at Shanghai Bench. “

We call to your attention the fact that in late January-early February of 2012 the falls at Shanghai Bench collapsed and there is no longer any impediment to passage of adult sturgeon at this location. In light of the collapse of the passage barrier to up-migrant adult green sturgeon at Shanghai Bench we respectfully request that NMFS revisit subsection 10.4 Terms and Conditions, section 6.c.iii of the July 2009 Draft BO related to pulse flows intended to facilitate upstream movement of adult green sturgeon through the lower Feather River.

¹ By submitting this proposal, the State Water Contractors and The Metropolitan water District of Southern California are not waiving any legal rights or remedies pertaining to the biological opinion. In that regard, please see the letter addressed to you and dated August 6, 2009, filed by the aforementioned at the Federal Energy Regulatory Commission on August 7, 2009. However, and without waiver, for purposes of resolving the scope of reasonable and prudent measures, the SWC and MWD are willing to accept the study proposal we are forwarding with this letter by way of resolution of any dispute regarding the appropriateness of reasonable and prudent measures set forth or as may be set forth in the NMFS biological opinion.



DIRECTORS

Joan Maher
President
Santa Clara Valley Water
District

David Okita
Vice President
Solano County Water Agency

Dan Flory
Secretary-Treasurer
Antelope Valley-East Kern
Water Agency

Stephen Arakawa
Metropolitan Water District
of Southern California

Curtis Creel
Kern County Water Agency

Mark Gilkey
Tulare Lake Basin Water
Storage District

Dan Masnada
Castaic Lake Water Agency

Steven Robbins
Coachella Valley Water
District

Ray Stokes
Central Coast Water
Authority

General Manager
Terry Erlewine

Mr. Rodney R. McInnis
June 12, 2012
Page 2

The Research Plan presents nine research, monitoring, and evaluation strategies for studying green sturgeon in the Feather River that do not include specific flow target measures for green sturgeon for the initial phase of the program. The approach set forth in the Research Plan will be sufficient to meet the stated goals of describing and quantifying the movements, distribution, abundance, productivity and diversity of green sturgeon in the Feather River and to evaluate the effects of normal variation in river discharge on green sturgeon use of the Feather River.

The SWC look forward to reviewing the next iteration of the Draft Biological Opinion for the Oroville Facilities FERC Relicensing project. If you want to discuss the Research Plan or any other matters please contact me at your convenience.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'T Erlewine', written in a cursive style.

Terry Erlewine
General Manager

cc: FERC
Howard Brown, NMFS
Steve Edmonson, NMFS
Marie Rea NMFS
Ted Craddock, DWR

January 2012

**Draft Research, Monitoring & Evaluation Plan
Feather River Green Sturgeon**



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Prepared by Ray Beamesderfer

Summary

This plan outlines a comprehensive research, monitoring, and evaluation program for green sturgeon in the Feather River. Objectives include: 1) Describe and quantify green sturgeon use of the Feather River including movements, distribution, abundance, productivity and genetic characteristics; and 2) Evaluate the effects of normal variation in river discharge on green sturgeon use of the Feather River.

NMFS has determined that the Feather River supported a significant spawning population in the past but does not currently. The lower Feather River has been formally designated by NMFS as Critical Habitat for green sturgeon under the Endangered Species Act. A draft Oroville project Biological Opinion (BO) concluded that incidental take of green sturgeon has occurred as a result of continued operation of Oroville facilities without fish passage and identified a series of reasonable and prudent measures for green sturgeon. These include the development and implementation of a monitoring plan.

A limited sampling program is currently implemented by DWR but this effort is not adequate to meet research, monitoring, and evaluation needs identified in the Oroville Biological Opinion. The Opinion also called for target flow measures for green sturgeon. However, analysis of normal variation in flow demonstrates that related measures are not necessary to provide conditions needed to effectively evaluate the flow effects on green sturgeon. A critical opportunity to study green sturgeon under unique high flow conditions during 2011 was lost due to delays in implementing an effective evaluation program. This plan was developed in an attempt to further timely implementation of this important work.

This proposed program incorporates nine research, monitoring and evaluation strategies:

1. Immediately implement a comprehensive, long-term research, monitoring and evaluation program of green sturgeon in the Feather River.
2. Monitor all sturgeon life stages including adult migration and residence, spawning, incubation, larval dispersal, and juvenile rearing.
3. Employ a basic annual sampling effort supplemented with additional sampling in years of high sturgeon abundance.
4. Employ a phased approach: first evaluating current conditions to establish reference baseline conditions and empirically testable hypotheses, and later testing appropriate experimental measures identified based on initial evaluations.
5. Conduct initial evaluations of the effect of flow volume and duration on green sturgeon attraction, migration, and production based on normal variation in flow.
6. Include no specific flow target measures for green sturgeon in the Feather River for the initial phase of the research, monitoring and evaluation program.
7. Identify contingencies for implementing experimental flow levels in the event that normal water year variation does not provide a suitable range of test conditions over the course of a 10-year evaluation period.

8. Include focused evaluations of sturgeon passage at potential migration barriers including Shanghai Bench and Sunset Pumps.
9. Design Feather River research, monitoring and evaluation efforts to complement other green sturgeon research and monitoring activities in progress or planned for the Sacramento and Feather Rivers by other agencies and parties including the Department of Fish and Game, Bureau of Reclamation, University of California at Davis, and the U.S. Fish and Wildlife Service.

Project objectives and tasks include:

Objective 1. Describe and quantify the movements, distribution, abundance, productivity and diversity of green sturgeon in the Feather River.

Task 1.1. Identify spatial and temporal distribution, habitat use, and abundance of adult green sturgeon throughout the river from its confluence to the fish barrier dam using high-resolution imaging sonar (Didson or blueview).

Task 1.2. Collect adult surgeon by angling in areas of concentration in order to identify genetic characteristics and sexual maturity, and to tag with acoustic tags for subsequent tracking.

Task 1.3. Monitor distribution and movements of acoustically tagged adult green sturgeon using a combination of active tracking and receiver arrays operated annually throughout the river for salmon and steelhead.

Task 1.4. Use artificial substrates deployed in potential spawning locations to document the occurrence, timing and environmental or habitat conditions of spawning.

Task 1.5. Use a combination of D-ring nets, fyke nets, and a dedicated screw trap to sample for larvae and juveniles downstream from known or suspected spawning sites.

Task 1.6. Evaluate the feasibility of using environmental DNA to evaluate the occurrence and distribution of green sturgeon and spawning sites.

Objective 2. Evaluate the effects of normal variation in river discharge on green sturgeon use of the Feather River.

Task 2.1. Evaluate within-year effect of flow on distribution, movement and activity (including spawning) based on timing relative to low and high flow periods.

Comparisons will also consider other environmental factors.

Task 2.2. Evaluate among-year effect of flow (and other environmental factors) on abundance and productivity.

Task 2.3. Evaluate effects of flow on passage at Shanghai Bench and Sunset Pumps with dedicated sampling efforts at those location at over a range of flow conditions.

The estimated annual cost of full implementation of this program would be approximately \$400,000 to \$800,000 per year.

Research, Monitoring & Evaluation Objectives

1. Describe and quantify green sturgeon use of the Feather River including movements, distribution, abundance, productivity and genetic characteristics.
2. Evaluate the effects of normal variation in river discharge on green sturgeon use of the Feather River.

Background

Population Significance

The significance of the Feather River for green sturgeon is uncertain but has been subject to substantial speculation and debate. The 2006 listing of the southern Distinct Population Segment of green sturgeon as threatened was based in part on a conclusion that the Feather River historically supported a spawning population in the past but does not currently. This conclusion was subsequently supported by an analysis of green sturgeon habitat requirements (Mora et al. 2009). In 2009, the lower Feather River from the confluence upstream to the Fish Barrier Dam (Figure 1) and the lower Yuba River upstream from Daguerre Dam were designated by NMFS as Critical Habitat for green sturgeon.

A Recovery Plan for green sturgeon is currently under development but goals have not yet been established. However, restoration of a second population is likely to be a focus. The Biological Review Team that conducted the original status assessment postulated that multiple populations would reduce potential catastrophic losses in a single Sacramento population. The Critical Habitat Review Team identified the lower Feather River as an important area for conservation of the southern DPS because it has been consistently occupied by the species and most likely contains spawning habitat, potentially providing a spawning river for the southern DPS in addition to the Sacramento River.

Current Status

Adult green sturgeon are occasionally observed in the Feather River. These include small numbers of confirmed catches by anglers, detection of at least one acoustically-tagged fish, and sightings by resource agency staff. DWR staff have now documented at least one green sturgeon observation in the Feather River per year in seven of the past nine years.

Many of the reported green sturgeon observations have occurred in recreational fisheries at the Thermolito Afterbay Outlet. This site was historically heavily-fished throughout the year by anglers targeting Chinook salmon, steelhead, and striped bass. More recently, salmon fishing has been restricted to areas downstream from the outlet but steelhead and trout fishing is allowed during part of the year. Sturgeon were occasionally caught incidental to the harvest of other species. Reported numbers are very low, typically ranging from zero to two per year but ranging as high as 12 in 2006 (including white, green, and unidentified sturgeon species).

Observations of sturgeon in this fishery are anecdotal – the actual catch is unknown. It is unknown whether observations include different individuals or multiple captures of individuals.

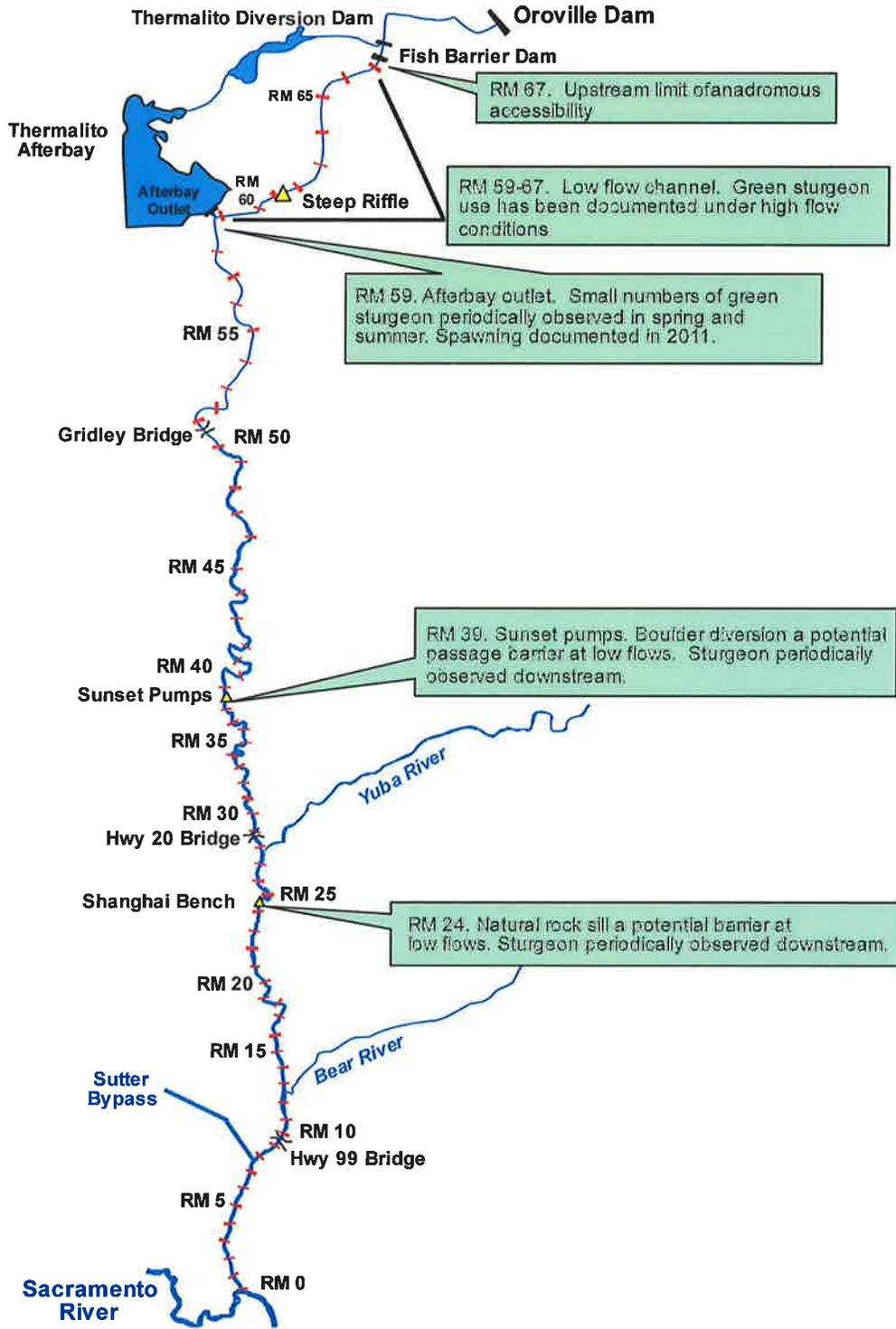


Figure 1. Lower Feather River including critical habitat designated by NMFS for green sturgeon downstream from the Fish Barrier Dam to the Sacramento River confluence.

A number of green sturgeon sampling projects have been conducted in the Feather River over the years. Until recently, these efforts have met with limited success. Early efforts to sample larval sturgeon at the mouth of the river were unsuccessful (USFWS 1995). The Department of Fish and Game was similarly unsuccessful in sampling eggs and larvae in 2000 and 2001 (Shafter and Kohlhorst 2002). Divers searched for sturgeon downstream of potential migration barriers twice during summer 2002 but found none (DWR 2002). DWR sampled unsuccessfully for adults, juveniles, eggs or larvae in 2003 and 2004 as part of the Oroville Relicensing studies, although several adult sturgeon were observed in 2004 (Seesholtz 2003, 2005).

Since 2005, DWR has conducted a limited sturgeon sampling program in the Feather River. In 2011, this effort provided the first verified documentation of green sturgeon spawning in the Feather River (A. Seesholtz, DWR, personal communication). Until 2011, spawning was suspected but never confirmed. A total of thirteen green sturgeon eggs were collected in egg mats placed at the Afterbay outlet in 2011. Back-calculations of spawning date from sample date and egg stage identified at least three spawning events. Angling at the outlet also captured two adult green sturgeon and one adult white sturgeon. These fish were implanted with acoustic tags and movements were monitored with the acoustic array operated throughout the river to monitor salmon and steelhead. The tagged green sturgeon remained in the area of the Thermalito bubble curtain until fall – one fish left in September, the second in October.

In 2011, Didson sonar was employed to survey sturgeon distribution throughout the river. Underwater video was also used to confirm sturgeon occurrence in the Yuba River (Bergman et al. 2011). The first use of the low flow channel was documented in 2011, confirming previous anecdotal reports by anglers. Adult green sturgeon were also observed breaching downstream from the boulder weir at Sunset pumps. The success of the 2011 effort where previous efforts had failed was attributed to a combination of additional sampling effort, greater expertise and the presence of fish during a high water year.

Research and monitoring efforts to date have confirmed that green sturgeon migrate into and sometimes spawn in the Feather River. However, sampling effort and experimental design have not been sufficient to evaluate the significance and implications of this use. It is unclear if the adults periodically observed in the river are remnants of a depleted historical Feather River subpopulation or occasional strays from the Sacramento population that enter the Feather River under certain conditions. It is unknown if conditions are suitable for successful incubation and larval survival, or if current levels are sufficient to support a significant independent subpopulation.

Flow Effects

The effects of stream flow and water management on green sturgeon use of the Feather River are of vital interest because of the potential benefits of higher flows and the associated costs. The incidence of sturgeon sightings in the Feather River, appears related to the occurrence of high springtime flows (Figure 2). Sightings are generally but not always highest during high flow years. While this information does not represent a scientific survey, it does provide some qualitative support for a hypothesis that flow affects sturgeon usage of the Feather River.

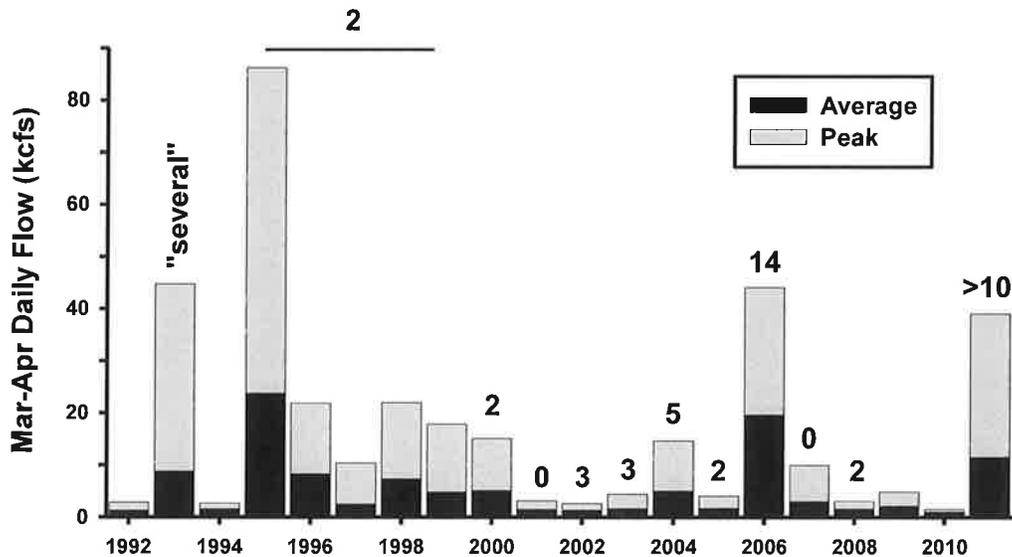


Figure 2. Annual streamflow patterns during April and May in the Feather River at Gridley (DWR data) and numbers of annual green and unidentified sturgeon observations in the Feather River as reported in USFWS (1995), Schaffter and Kohlhorst (2002), NMFS (2009, p. 154-155), and recent unpublished DWR information.

The degree to which flow affects attraction and/or passage of sturgeon is unclear. Higher Feather River discharges might simply increase the incidence of straying of green sturgeon from the Sacramento population into the Feather system. Although no sturgeon tagged with acoustic tags that have been detected in Sacramento River spawning areas have also been detected in the Feather River, sample sizes of tagged fish are relatively low compared to the estimated population size.

Evidence is equivocal for flow levels necessary to provide effective passage past potential migration barriers in the lower Feather River. In the draft Oroville Biological Opinion, NMFS (2009) suggested that higher flows improve migration conditions within the Feather River by flooding of low-flow passage barriers. NMFS noted that "although suitable passage conditions occur during most years, low flows during dry or critically dry years may block or delay migration." However, NMFS also noted that "sufficient flow conditions exist that create migration conditions that allow green sturgeon to migrate upstream even in dry water year

types, as evidenced by the observation of adult green sturgeon in the upper river reaches below Oroville and the Fish Barrier Dams” (NMFS 2009, p. 233).

A number of qualitative assessments have been made of flow effects on passage at Sunset Pumps and Shanghai Bench. Sunset Pumps is a man-made structure is at river mile 38.2 for water diversion by the Sutter Extension Water District. Shanghai Bench is a natural feature of the river at river mile 24.5. For reference, the downstream end of the FERC facilities boundary is approximately river mile 54 and the Yuba River confluence is at river mile 28.5.

- The USFWS (1995) recommended a mean monthly flow of at least 7,000 cfs at Gridley from February through May in wet and above-normal water years in order to provide suitable conditions for adult white and green sturgeon to migrate upstream and spawn and for their progeny to survive. These flow levels were inferred from an analysis of conditions in years of good green sturgeon recruitment, as indexed in the Delta salvage facilities. However, recruitment indices are not based on production estimates from the Feather River NMFS (2009). Hence, inferences on effective Feather River flow levels from Sacramento River production data may not be valid. The large majority of green sturgeon spawning currently occurs in the Sacramento River. Delta salvage numbers would therefore represent conditions in the Sacramento River rather than the Feather River.
- In 2002 and 2003, DWR assembled a team of biologists to inspect passage conditions at Shanghai Bench, and Sunset Pumps under low flow conditions (2,074 cfs) in November and high flow conditions (9,998 cfs) in July (DWR 2003). This team felt that both structures were likely sturgeon passage barriers at low flows. Shanghai Bench was deemed likely to be passable at the representative high flow. Sunset Pumps was thought to be at least a partial passage barrier at the representative high flow although a side channel provided a potential avenue for passage. The team also noted that passage determinations at each of the potential barriers were speculative without a greater understanding of sturgeon migration patterns and physiologic capabilities.
- DWR (2003) also noted anecdotal reports by local fishing guides that a flow of 5,000 cfs at Verona attracts sturgeon into the Feather River (DWR 2003).
- NMFS (2009) reported that CDWR has identified minimum sturgeon passage flows of 2,500-3,000 cfs at Sunset Pumps and 5,000-5,500 cfs at Shanghai Bench.
- In April 2011, at least a dozen sturgeon were detected with a Didson sonar below Sunset pumps (A. Seesholtz, DWR, personal communication). It is unknown if sturgeon preferred this habitat or if they were unable to migrate upstream of the rock weir that existed in this section of the river. After a substantial rise in flows from 6,000 to 12,000 cfs, the sturgeon disappeared. Whether they moved upstream or downstream is

unknown. Conditions of the sampling permit issued by NMFS for sturgeon capture and tagging prohibited capture and tagging prior to July 1 after spawning was likely to have occurred.

Draft Oroville Biological Opinion

In the 2009 draft Biological Opinion for Oroville Dam, NMFS concluded that sporadic observations of adult green sturgeon in the lower Feather River (e.g. Table 5-1 on p. 154) are indicative of an attempt to spawn and that suitable spawning conditions exist in the Feather River (NMFS 2009; H. Brown 4/5/2010).

The Opinion concluded that the proposed action (relicensing of the Oroville Facilities) is not likely to jeopardize the continued existence of green sturgeon relative to current conditions (p. 256). NMFS found that the proposed action maintains the Primary Constituent Elements (PCEs) for green sturgeon habitat that supports their migration, spawning, and production in the lower Feather river. The proposed action also includes numerous water temperature and habitat improvement actions that improve the conservation value of critical habitat substantially after the first ten years of the license and throughout the remainder of the license period.

However, NMFS concluded that incidental take of green sturgeon has occurred as a result of continued operation of Oroville facilities without fish passage (p. 257). The resulting level of take was deemed not likely to jeopardize green sturgeon. A series of Reasonable and Prudent Measures (RPMs) were identified to minimize the effect of incidental take of green sturgeon. Terms and conditions specific to green sturgeon (p. 266-273) included:

- 6(a) Develop & implement a green sturgeon management program.
- 6(b) Establish a green sturgeon technical subcommittee of the Feather River Technical Team.
- 6(c)(i) Develop annual strategic plans to minimize potential for adverse effect on migration and reproduction.
- 6(c)(ii) Develop and implement a monitoring plan.
- 6(c)(iii-iv) Establish a schedule of pulsed target flows.
- 6(c)(v-vi) Implement operational measures to attempt to meet daily mean water temperature criteria from March-June (64°F at the downstream project boundary).
- 6(d) Develop a green sturgeon management plan.
- 6(d) Conduct feasibility studies of operational and physical habitat modifications.

NMFS directed that “measures shall be taken to minimize the adverse effects of the action on green sturgeon related to flows and water temperatures on adult upstream migration, egg incubation, larval rearing, and early juvenile development.” Specific target flows are as identified in Table 1. Flows are defined targets rather than requirements. Failure to achieve the flow targets is not considered a violation of the terms of the Biological Opinion.

Table 1. Target flows identified for green sturgeon in the draft Feather River Biological Opinion (measures 6.c.iii and 6.c.iv).

| Water year | Period | Target |
|--------------------|---------------|--|
| Wet & above normal | March 1-12 | 7,000 cfs |
| | April 1-30 | Two, 48 hr pulses of 7,000 cfs |
| | May 1-31 | One, 48 hr pulse of 7,000 cfs |
| Below normal & dry | March & April | Two pulses “of sufficient magnitude and duration to improve passage impediments and facilitate the upstream movement of adults through the Lower Feather River.” |

Flows as measured at the downstream end of the project boundary (river mile 54).

Flow targets identified by NMFS were intended to facilitate the upstream movement of adults through the Lower Feather River by attracting green sturgeon upstream and providing passage over impediments. NMFS (2009 p. 157) surmised that: a) upstream migration past Shanghai Bench and the Sunset pumps may be impeded at low flows, b) low flow rates may cause fish to stop their upstream migration or delay access to spawning habitats. Flow targets are also intended to provide a range of flow conditions suitable for evaluations of flow effects on green sturgeon in the Feather River based on monitoring measures to be developed and implemented by DWR under the terms and conditions of the Biological Opinion (H. Brown, 4/5/2010).

Flow Measure Cost-Benefit Assessment

Preliminary assessments by the State Water Contractors estimated significant water costs to meet draft flow targets in some years. While normal flow patterns under current operations regularly exceed Biological Opinion target levels of 7,000 cfs from 1993-2009, targets were not always met under the specific water year conditions identified in the draft Opinion. Targets for wet and above-normal water years would require additional water in 5 of the 17 years including two wet years (1997 and 1999) and three above-normal years (2000, 2003 and 2005). Water requirements were very large (80-160 TAF) in three of those 5 years. Water costs would be greatest in above normal years. Costs during below normal and dry years are unknown because specific flow levels were not prescribed.

Target flows fall within the range of normal annual variation and represent relatively modest increases in flow volume and duration relative to levels seen in many above normal and wet years. During the last 20 years under current operations, Feather River flows downstream from the Afterbay Outlet during March, April, and May frequently exceeded the 7,000 cfs criteria

identified in the draft Biological Opinion (Figure 4).¹ The March 1-12 target of at least 7,000 cfs per day was met in 20% of the last 20 years (considered without respect to water year). The April target of at least two, 48-hour pulses 7,000 cfs was met in 35% of the last 20 years. The May target of one, 48-hour pulse of 7,000 cfs was met in 20% of the last 20 years. All monthly criteria were met during the same year in 10% of the last 20 years.

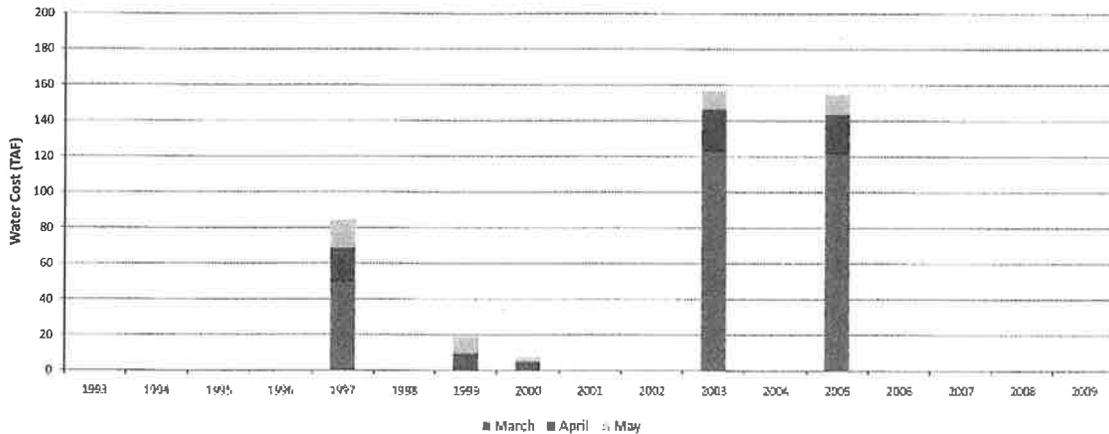


Figure 3. Assessment of potential water costs of green sturgeon target flows identified in the draft Feather River Biological Opinion based on analysis of 1993-2009 data by Paul Hutton of the Metropolitan Water District (K. Kules, personal communication).

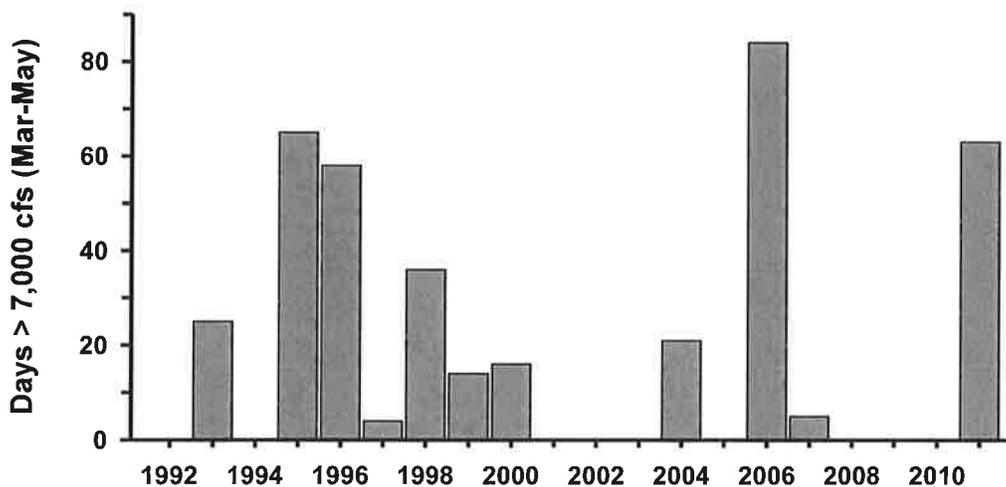


Figure 4. Number of days per year during March through May where Feather River flow at Gridley exceeds 7,000 cfs.

¹ Flow data used for this analysis were based on DWR data collected near Gridley at approximately river mile 51. Prescribed flows are to be measured at the downstream end of the FERC boundary (river mile 54).

At least 10 days of flow exceeding 7,000 cfs from March through May were observed in almost half (45%) of the last 20 years (Figure 5). At least 20 and 60 days of flow exceeding 7,000 cfs from March through May were observed in 35% and 60% of the last 20 years, respectively. Peak flows frequently exceeded the 7,000 cfs criteria by a large measure (Figure 2). Peak daily flows as great as 86,000 cfs were observed (1995). Peaks of at least 200% of the criteria were observed in 9 of 20 years. Peaks of at least 300% of the criteria were observed in 6 of 20 years.

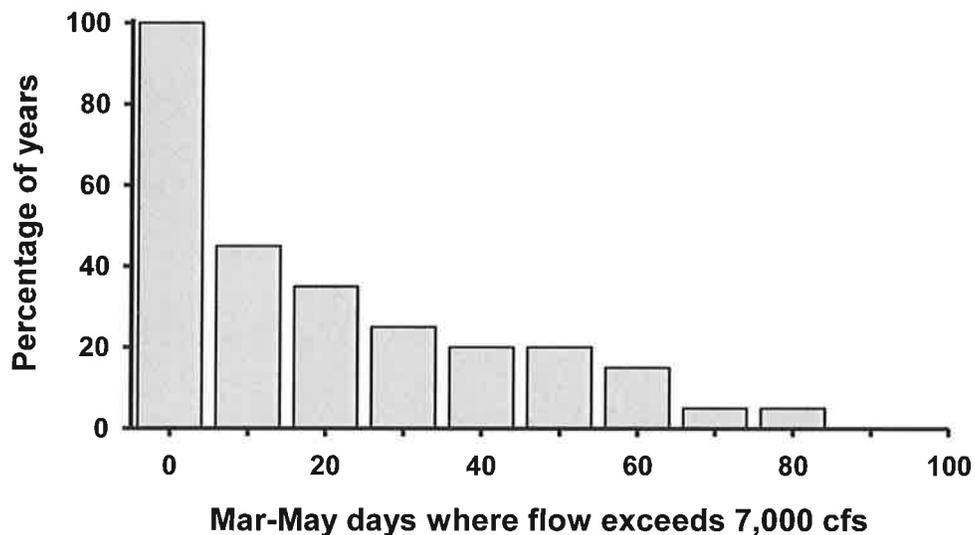


Figure 5. Frequency distribution of the percentage of years from 1990 to 2009 of the number of days during March through May where Feather River flow at Gridley exceeds 7,000 cfs.

Identification of the flow effects on sturgeon in the Feather River is hampered by a fundamental lack of information. The incremental benefits of flow levels above or below 7,000 cfs on sturgeon migration and production in the Feather River are unknown. No empirical data exists on flow effects on abundance and productivity. Only anecdotal observation and expert opinion information is available on flows necessary to effectively pass green sturgeon past potential migration barriers. While migration and spawning has been correlated with flow at a gross level, the lack of specific quantitative monitoring data precludes any substantive analysis of benefits of small increases in flow magnitude or duration relative to extant conditions. The biological value of target flow measures remains speculative, particularly when considered in the context of normal annual variation in flow under current operations and the negligible current status of green sturgeon in the Feather River.

Research, Monitoring & Evaluation Strategy

A much more comprehensive and rigorous research, monitoring and evaluation effort is needed to characterize the current status of green sturgeon in the Feather River and to identify appropriate conservation or restoration measures, particularly those related to stream flow. This proposal identifies a plan based on the following strategies:

- 1. Immediately implement a comprehensive, long-term research, research, monitoring and evaluation program to describe and quantify green sturgeon use of the Feather River.**

Rationale: The draft Oroville Biological Opinion recognized this need with a specific reasonable and prudent measure for developing and implementing a green sturgeon monitoring plan that includes tracking of adult presence, passage, spawning success, and production. Rare very-high flow conditions in 2011 provided an excellent research and monitoring opportunity that was missed due to delays in implementation of a comprehensive assessment program.

- 2. Monitor all sturgeon life stages including adult migration and residence, spawning, incubation, larval dispersal, and juvenile rearing.**

Rationale: Sampling of all life stages is necessary to establish the significance of the Feather River to green sturgeon population viability. A sampling approach involving multiple methods would provide the greatest assurance of success. Effective methods will include a combination of telemetry, sonar, angling, egg mat, and larval sampling techniques. Telemetry and remote sensing methods, including acoustic tagging, sidescan sonar, and didson sonar, have been successfully applied to sturgeon assessments in other areas.

- 3. Employ a basic annual sampling effort supplemented with additional sampling in years of high sturgeon abundance.**

Rationale: Annual sampling will provide the replication needed in a statistically valid experimental design to distinguish (flow) treatment effects from normal annual variability and measurement error. The annual sampling approach also avoids logistical monitoring problems that would accompany a sporadic sampling effort predicated on the occurrence of target flows. A practical cost-effective approach will involve limiting some sampling activities to high flow years when significant numbers of green sturgeon are documented in the river.

- 4. Employ a phased design: first evaluating current conditions to establish reference baseline conditions and empirically testable hypotheses, and later testing appropriate experimental measures identified based on initial evaluations.**

Rationale: Current information is not sufficient to identify appropriate alternatives for conservation and restoration of this population. Given past sampling difficulties for green sturgeon in the Feather River, additional work is needed to establish effecting sampling

effort and protocols. A fundamental concern will be whether sampling methods are adequate to detect any level of sturgeon use if it occurs. Without some assurance that sampling methods will be adequate to accurately identify sturgeon use patterns in response to flow, it will be difficult to justify potentially costly flow measures intended to test for a flow response. If we are unable to sample sturgeon with enough precisions to detect significant differences, how will we know if flow measures are effective?

Additional work is also need to characterize the current baseline to provide an effective control for future evaluations of alternative conservation and recovery measures. A key question to be determined prior to the implementation of flow measures or an experimental flow evaluation program will be what conditions are intended to be tested. If, in addition to evaluating flow effects on sturgeon use, the intent is also to test for the benefits of gravel augmentation, then an appropriate experimental design would involve before and after augmentation evaluations under a variety of flow conditions. However, in the long run flow benefits under current conditions may not be representative of benefits under the post gravel augmentation condition. In that case, conducting the experimental evaluation under post gravel augmentation conditions would be more informative regarding expected future benefits of any flow measures.

5. Conduct initial evaluations of the effect of flow volume and duration on green sturgeon attraction, migration, and production based on normal variation in flow.

Rationale: An effective empirical analysis is a requisite for the identification of appropriate flow measures for green sturgeon. Experimental evaluations of flow effects on sturgeon attraction, migration, and production can effectively be conducted under current operations and additional flow measures are unnecessary. Why buy the cow if you can get the milk for free?

Past patterns of wet and dry years indicate that a wide range of test conditions can reasonably be expected to occur over the 10-year duration of the interim period addressed by the RPMs. Current operations naturally result in a wide range of flow conditions including much larger peak flows and much longer high flow durations than those prescribed by sturgeon flow measures identified in the draft Opinion. This pattern provides a robust experimental sampling design for evaluations of flow effects on green sturgeon in the Feather River. The normal variation in flow provides the high degree of contrast (low vs. high flow) needed to identify statistically significant correlations between flow and use. Years with low flows provide a necessary experimental control for comparison with years of high flow. Flow effects can most effectively be distinguished by comparison with a low-flow control condition.

- 6. Include no specific flow target measures for green sturgeon in the Feather River for the initial phase of the research, monitoring and evaluation program.**

Rationale: The primary objective of initial flow measures will be to provide test conditions for evaluation of sturgeon benefits. Biological benefits of target flow measures identified in the draft biological opinion are likely to be marginal relative to current conditions. Monitoring and research benefits are nil because a wide range of flow conditions are already provided under existing operations. At the same time, large costs of water requirements for implementing target flows reduce the resources available to implement a scientifically robust sampling program. Limited resources are better invested in the development of an effective research, monitoring, and evaluation program.

- 7. Identify contingencies for implementing experimental flow levels in the event that normal water year variation does not provide a suitable range of test conditions over the course of the 10-year evaluation period.**

Rationale: It is always possible that chance inter-annual variation in flows fails to provide sufficient contrast for empirical evaluations of flow effects on green sturgeon. Measures might be prescribed to trigger the implementation of target flow levels in the event that comparable conditions do not occur within, for instance, the next 5 year period. We anticipate that a variety of flow triggers might be contemplated with a range of associated water costs. One approach might be to simply call for implementation of the target flow/water year combinations currently identified in the draft Biological Opinion if desired water conditions do not occur naturally within a prescribed period. In this case, costs might be significant but would not exceed those otherwise consistent with immediate implementation of the draft Biological Flow targets for sturgeon. If the concept of implementing a phased evaluation of flow effects on Feather River sturgeon is potentially acceptable to the parties, then the next step would be to develop the implementation details and criteria.

- 8. Include focused evaluations of sturgeon passage at potential migration barriers including Shanghai Bench and Sunset Pumps.**

Rationale: It is unclear whether observed concentrations of sturgeon at Shanghai Bench and Sunset Pumps are due to impeded passage or represent a selection for favored habitats. If structures are barriers to migration, flow levels necessary to successfully pass sturgeon upstream are similarly unclear. Biop target flows of 7,000 cfs appear to exceed the 5,000-5,500 cfs levels identified by NMFS (2009) as necessary to pass Shanghai Bench. Effective passage flows at Sunset Pumps have variously been reported from 2,500-3,000 cfs (NMFS

2009) to 9,998 cfs (DWR 2003).² Focused evaluations can include sonar and telemetry studies in these areas.

9. **Design Feather River research, monitoring and evaluation efforts to complement other green sturgeon research and monitoring activities in progress or planned for the Sacramento and Feather Rivers by other agencies and parties including the Department of Fish and Game, Bureau of Reclamation, University of California at Davis, and the U.S. Fish and Wildlife Service.**

Rationale: A variety of green sturgeon activities are in progress or in preparation. Implementing a Feather River research, monitoring, and evaluation program in close coordination with other related programs will maximize efficiency and effectiveness. For instance, acoustic tagging and tracking studies will enable tracking of any tagged green sturgeon that enter the Feather River, and pilot sonar studies of green sturgeon distribution are planned in the Feather River under the AFRP program.

² It should also be noted that the relative responsibility between Oroville operations and Sunset diversion operators for providing effective passage at Sunset Pumps is a policy rather than biological issue.

Work Plan

Objective 1. Describe and quantify the movements, distribution, abundance, productivity and diversity of green sturgeon in the Feather River.

Task 1.1. Identify spatial and temporal distribution, habitat use, and abundance of adult green sturgeon throughout the river from its confluence to the fish barrier dam using high-resolution imaging sonar (didson or blueview).

Surveys of the entire river will be conducted by boat periodically throughout spring and summer. Sonars have proven to be very effective at locating and identifying sturgeon due to their large size. This method has currently been employed with great success in the Sacramento River. Recent tests in the Feather River have also confirmed its utility in those locations. Since the sonar is unable to distinguish white and green sturgeon, an underwater color video camera might also be used to assist with species identification when water clarity permits. Habitat characteristics and water quality will be identified at each site where sturgeon are observed.

Task 1.2. Collect adult sturgeon by angling in areas of concentration in order to identify genetic characteristics and sexual maturity, and to tag with acoustic tags for subsequent tracking.

Genetic data from fin clips will help determine whether the green sturgeon using the Feather River are the same or different from those in the Sacramento River. Maturity information will identify if the fish is and adult spawner. Acoustic tags will allow subsequent distribution and movements to be monitored. These tags will be particularly important for identifying the location of spawning if it occurs. Acoustic tags will be surgically implanted to minimize tag loss rates and allow for multi-year serviceability. Fish will also be PIT tagged for long-term identification in the event of recapture. Angling will be conducted at any time between February and October when concentrations of fish suitable for providing reasonable catch per effort are identified and water temperatures are suitable for fish handling. (The critical value of the associated information far outweighs the negligible risk of interrupted spawning.)

Task 1.3. Monitor distribution and movements of acoustically tagged adult green sturgeon using a combination of active tracking and receiver arrays operated annually throughout the river for salmon and steelhead.

Over 30 fixed, automated receivers are currently distributed at intervals throughout the lower river. Acoustic tags are currently planted in about 200 green sturgeon from the southern DPS. The majority of these tags were placed on fish captured in the Sacramento-San Joaquin delta or in marine waters of

bays along the coast. Adult green sturgeon are believed to undertake spawning migrations at 2 to 4 year intervals, and the vast majority of the acoustically-tagged fish are more likely to spawn in the Sacramento than the Feather River based on use patterns observed to date. Additional tags will be placed in green sturgeon captured in the feather River.

Task 1.4. Use artificial substrates deployed in potential spawning locations to document the occurrence, timing and environmental or habitat conditions of spawning.

Artificial substrates are widely used with great success to collect sturgeon eggs, including those of green sturgeon in the Sacramento River. This method was effectively utilized in 2011 to sample eggs at a spawning site in the afterbay outlet. Potential spawning sites will be identified based on physical characteristics of green sturgeon spawning sites in other areas and observations of concentrated or prolonged fish occurrence at specific sites.

Task 1.5. Use a combination of D-ring nets, fyke nets, and a dedicated screw trap to sample for larvae and juveniles downstream from known or suspected spawning sites.

This sampling will help determine whether eggs incubate and hatch successfully in the Feather River. These gears have proven effective in other areas. Screw traps are currently operated in the Feather River to sample juvenile salmonids but sampling sites are not effective for green sturgeon. A dedicated screw trap located downstream from the afterbay outlet might prove to be a more effective sampling option.

Task 1.6. Evaluate the feasibility of using environmental DNA to evaluate the occurrence and distribution of green sturgeon and spawning sites.

The use of environmental DNA (eDNA) as a tool for detection of species has been demonstrated in freshwater environments. The presence of cryptic species is ascertained by using molecular genetic assays to detect within water samples DNA that has been shed into the aquatic environment. The eDNA protocols are generally used to expand capabilities for investigating the presence, distribution, or containment of species, and have been shown to be more sensitive than traditional survey approaches (e.g., electrofishing, netting). Although advancements are continually being made to this method, eDNA has not yet proven effective at quantifying abundances of targeted species in the field. Overall, this method provides a mechanism for rapid reconnaissance and statistically defensible trend analysis for a cryptic or invasive species.

Objective 2. Evaluate the effects of normal variation in river discharge on green sturgeon use of the Feather River.

Task 2.1. Evaluate within-year effect of flow on distribution, movement and activity (including spawning) based on timing relative to low and high flow periods.

Comparisons will also consider other environmental factors.

Task 2.2. Evaluate among-year effect of flow (and other environmental factors) on abundance and productivity.

Numbers and productivity of green sturgeon in the Feather River are typically expected to reflect the net result of multiple factors operating concurrently on sturgeon over the course of a year.

Task 2.3. Evaluate effects of flow on passage at Shanghai Bench and Sunset Pumps with dedicated sampling efforts at those location at over a range of flow conditions.

This work will involve focused sonar, telemetry, and angling efforts.

Costs

- Approximately \$400,000 to \$800,000 per year for a comprehensive program (sampling level varies depending on water year).
- A portion of this cost and effort is currently being supported by the DWR.
- This assumes no cost of water measures in the initial phase of the project.

Sampling Schedule

Table 2. Summary of sampling methods, metrics and schedule by life stage.

| Life Stage | Sampling methods | Metrics | Period (Month) | | | | | | | | | | | | | | | |
|------------|---|-----------------------------|----------------|---|---|---|---|---|---|---|---|---|---|---|--|--|--|--|
| | | | J | F | M | A | M | J | J | A | S | O | N | B | | | | |
| Adults | Acoustic telemetry, Didson sonar, angling | Number, location, condition | | | | | | | | | | | | | | | | |
| Spawning | Egg mats | Catch per effort, egg stage | | | | | | | | | | | | | | | | |
| Larvae | D-ring nets, screw trap | Catch per effort, stage | | | | | | | | | | | | | | | | |

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document is being served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, D.C., this 16th day of July, 2015.

/s/ Lee A. Van Buiten

Lee A. Van Buiten