



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

ADJOURNED MEETING AUGUST 9, 2016 4:00 P.M. AGENDA

ROLL CALL

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

PLEDGE OF ALLEGIANCE

RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS

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

PUBLIC HEARING

Community Development Department

1. **ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 1-3, 5, 7, 8, 10, 11 AND 15 – staff report**

The Council will conduct a public hearing to consider its intention to levy and collect assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District, Zones 1-3, 5, 7, 8, 10, 11 and 15, for Fiscal Year 2016/2017. **(Rick Walls, Interim City Engineer and Donald Rust, Director of Community Development)**

Council Action Requested:

1. **Adopt Resolution No. 8534 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 1-3, 5, 7, 8, 10, 11 AND 15, FOR FISCAL YEAR 2016/2017.**

2. **Adopt Resolution No. 8535 – A RESOLUTION OF THE OROVILLE CITY COUNCIL CERTIFYING TO THE COUNTY OF BUTTE THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY.**
3. **Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2016/2017 Butte County Tax Roll.**

2. **ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 4, 6, 9, 12 AND 13 – staff report**

The Council will conduct a public hearing to consider its intention to levy and collect assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District, Zones 4, 6, 9, 12 and 13, for Fiscal Year 2016/2017. **(Rick Walls, Interim City Engineer and Donald Rust, Director of Community Development)**

Council Action Requested:

1. **Adopt Resolution No. 8536 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 4, 6, 9, 12 AND 13, FOR FISCAL YEAR 2016/2017.**
2. **Adopt Resolution No. 8537 – A RESOLUTION OF THE OROVILLE CITY COUNCIL CERTIFYING TO THE COUNTY OF BUTTE THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY.**
3. **Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2016/2017 Butte County Tax Roll.**

REGULAR BUSINESS

3. **OUTSIDE SERVICES BUDGET REDUCTION - staff report**

The Council may consider authorizing a budget amendment to reflect the reductions to the Fiscal Year 2016/2017 Budget, identified at the July 26, 2016 City Council budget meeting. **(Bill LaGrone, Director of Public Safety, Ruth Wright, Director of Finance and Donald Rust, Director of Community Development)**

Council Action Requested: **Authorize recommended adjustments to City Budget for fiscal years 2016/2017, as indicated in the August 9, 2016 staff report.**

4. **REVIEW OF THE ADOPTED ANNUAL BUDGET FOR FISCAL YEAR 2016/17 AND DISCUSSION OF CITY COUNCIL GOALS**

The Council will review the Adopted Annual Budget for fiscal year 2016/17 and discuss City Council goals to find ways to resolve the current budget deficit. **(Donald Rust, Acting City Administrator)**

Council Action Requested: **Provide direction to staff of any possible changes to the Adopted Budget for fiscal year 2016/17.**

HEARING OF INDIVIDUALS ON NON-AGENDA ITEMS

ADJOURNMENT

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, August 16, 2016, at 5:00 p.m.

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

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

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

**RE: ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED
LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT
DISTRICT, ZONES 1 – 3, 5, 7, 8, 10, 11 and 15**

DATE: AUGUST 9, 2016

SUMMARY

The Council will conduct a public hearing to consider its intention to levy and collect assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District, Zones 1 – 3, 5, 7, 8, 10, 11 and 15 for Fiscal Year 2016/2017.

DISCUSSION

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

ZONE NUMBER AND NAME
Zone 1 – Grandview Estates
Zone 2 – The Buttes
Zone 3 – Deer Creek Estates, Phase 1
Zone 5 – Cherokee Estates, Phase 1
Zone 7 – Grayhawk
Zone 8 – Cherokee Estates, Phase 2
Zone 10 – Foothill Estates
Zone 11 – Mission Olive Ranch
Zone 15 – Jake Richter

Pursuant to the Landscape and Lighting Act of 1972, which authorizes the formation and annual assessment of such districts, an Annual Assessment Report was prepared and filed with the City Clerk prior to the August 2, 2016 City Council meeting. The

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

The City Council will consider the following items for the CLLMAD, Zones 1 - 3, 5, 7, 8, 10, 11 and 15:

1. Open and conduct a public hearing to receive public comment regarding the CLLMAD and/or the assessments for Fiscal Year 2016/2017.
2. After any public comment, close the public hearing and consider approval of the Resolution Ordering the Levy and Collection of Assessments.

FISCAL IMPACT

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

RECOMMENDATION(S)

1. Adopt Resolution No. 8534 - A RESOLUTION OF THE CITY COUNCIL APPROVING THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT ZONES 1 – 3, 5, 7, 8, 10, 11 and 15 FOR FISCAL YEAR 2016/2017.
2. Adopt Resolution No. 8535 – A RESOLUTION OF THE OROVILLE CITY COUNCIL CERTIFYING TO THE COUNTY OF BUTTE THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY.
3. Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2016/2017 Butte County Tax Roll.

ATTACHMENT(S)

CLLMAD Assessment Summary, Zones 1 – 3, 5, 7, 8, 10, 11 and 15
Resolution No. 8534
Resolution No. 8535
Proposition 218 Certification of Tax Bill Levy

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

CLLMAD 2016/2017 ASSESSMENT SUMMARY

Zone Name	Total Assessable Units	Total Assessable Costs	Maximum Assessment Rate per Unit	Proposed Assessment Rate per Unit
Zone 1 – Grandview Estates	21	\$2,167.62	\$238.10	\$103.22
Zone 2 – The Buttes	58	\$1,230.76	\$122.96	\$21.22
Zone 3 – Deer Creek Estates, Phase 1	72	\$0.00	\$30.12	\$0.00
Zone 5 – Cherokee Estates, Phase 1	12	\$948.96	\$79.08	\$79.08
Zone 7 – Grayhawk	30	\$2,835.60	\$197.63	\$94.52
Zone 8 – Cherokee Estates, Phase 2	20	\$0.00	\$423.13	\$0.00
Zone 10 – Foothill Estates	25	\$1,490.00	\$652.16	\$59.60
Zone 11 – Mission Olive Ranch	19	\$3,416.88	\$489.31	\$58.24
Zone 15 – Jake Richter	8	\$488.80	\$285.71	\$61.10
TOTALS:	265	\$12,578.62		

**CITY OF OROVILLE
RESOLUTION NO. 8534**

A RESOLUTION OF THE CITY COUNCIL APPROVING THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT ZONES 1 – 3, 5, 7, 8, 10, 11 and 15 FOR FISCAL YEAR 2016/2017

WHEREAS, the Oroville City Council, pursuant to the terms of the “Landscaping and Lighting Act of 1972” (the 1972 Act”), Division 15, Part 2, Chapter 1, Article 1 of the Streets and Highways Code of the State of California (commencing with Section 22500) did by previous Resolutions, initiate proceedings and approve the Annual Assessment Report (the “Report”), on a preliminary basis, for the special maintenance district known and designated as “The Oroville Consolidated Landscape and Lighting Maintenance Assessment District” (the “District”). The District is comprised of several Zones which are identified below:

ZONE NUMBER AND NAME
Zone 1 – Grandview Estates
Zone 2 – The Buttes
Zone 3 – Deer Creek Estates, Phase 1
Zone 5 – Cherokee Estates, Phase 1
Zone 7 – Grayhawk
Zone 8 – Cherokee Estates, Phase 2
Zone 10 – Foothill Estates
Zone 11 – Mission Olive Ranch
Zone 15 – Jake Richter

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

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

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. Following notice duly given, the City Council has held a full and fair public hearing regarding the Report and the levy and collection of assessments within the District. The City Council received and considered all written and oral statements, including any and all protests or other communications made or filed by any interested persons.
2. Based upon its review (and any applicable amendments) of the Report, a copy of which has been filed with the City Clerk, the City Council hereby finds and determines that:
 - a. The assessable properties within the Zones will receive special benefit from the operation, maintenance and servicing of the landscape and lighting improvements.
 - b. The Zones include all properties receiving such special benefit.
 - c. The net amount to be assessed upon the properties is based on the historical and estimated costs to provide said maintenance and servicing and is apportioned by a formula that fairly distributes the net amount among all assessable parcels in proportion to the estimated special benefit received from the improvements and services.
3. The Report and assessments, as presented and which are on file with the office of the City Clerk, are hereby confirmed as filed.
4. The City Council hereby orders the maintenance and servicing of the improvements to be made in accordance with the Report and the 1972 Act.
5. The maintenance, operation and servicing of the landscape and lighting improvements shall be performed pursuant to the 1972 Act and the County Auditor of Butte County shall enter onto the County Tax Roll, opposite each assessable parcel of land, the assessment amount and such assessments shall be collected at the same time and in the same manner as the County taxes are collected. After collection of the assessments by the County, the net amount of said assessments shall be paid to the City Treasurer.
6. The City Treasurer shall deposit all money representing assessments collected by the County to the credit of a fund especially for the District. Such money shall be expended only for the maintenance, operations and servicing of the landscape and lighting improvements located within the District boundaries.
7. The adoption of this Resolution constitutes the levy of assessments within the Zones for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
8. The City Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.

9. A certified copy of this Resolution shall be filed in the office of the City Clerk and shall remain open for public inspection.

PASSED AND ADOPTED by the Oroville City Council at a special meeting held on August 9, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSTENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott Huber, City Attorney

Donald Rust, Acting City Clerk

**CITY OF OROVILLE
RESOLUTION NO. 8535**

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

WHEREAS, the notices and election for special assessment fees to be included on the regular County property tax bill for property owners of the City of Oroville was completed on July 29, 2016; and

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

WHEREAS, the City has complied with all laws pertaining to the levy of the special assessments, including Proposition 218, to be collected per Health and Safety Code section 5470, et seq; and

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

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

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

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

PASSED AND ADOPTED by the Oroville City Council at a special meeting held on August 9, 2016, by the following vote:

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AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

_Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

PROPOSITION 218 OR COMPLIANCE CERTIFICATION AND HOLD HARMLESS STATEMENT

The Oroville City Council certifies the following:

I have read and am familiar with the requirements of Article XIIC and XIID of the State Constitution as revised by Proposition 218, including the articles cited below, and believe that all of the taxes, assessments, levies and fees accompanying the 2016-2017 submission to the County-Auditor for inclusion on the Secured Property Tax roll are in compliance with the law.

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

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

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

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

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

By: _____
Linda L. Dahlmeier, Mayor

PLEASE ONLY CHECK ONE:

Is This a Compliance Certification _____
OR
A Proposition 218 Certification _____

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

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

**RE: ANNUAL ASSESSMENTS FOR THE CITY'S CONSOLIDATED
LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT
DISTRICT, ZONES 4, 6, 9, 12 AND 13**

DATE: AUGUST 9, 2016

SUMMARY

The Council will conduct a public hearing to consider its intention to levy and collect assessments for the Oroville Consolidated Landscape and Lighting Maintenance Assessment District, Zones 4, 6, 9, 12 and 13 for Fiscal Year 2016/2017.

DISCUSSION

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

ZONE NUMBER AND NAME
Zone 4 – Calle Vista Estates, Unit 1
Zone 6 – Sherwood Estates, Units 1 & 2
Zone 9 – Linkside Place, Phase 1
Zone 12 – Vista Del Oro
Zone 13 – Calle Vista Estates, Unit 2

Pursuant to the Landscape and Lighting Act of 1972, which authorizes the formation and annual assessment of such districts, an Annual Assessment Report was prepared and filed with the City Clerk prior to the August 2, 2015 City Council meeting. The purpose of the report is to document the annual costs involved in the operation, maintenance and servicing of all improvements, adjust the annual assessments, to incorporate any surplus or deficit from the previous year and to determine the actual annual assessment for each assessable parcel within the CLLMAD.

The City Council will consider the following items for the CLLMAD, Zones 4, 6, 9, 12 and 13:

1. Open and conduct a public hearing to receive public comment regarding the CLLMAD and/or the assessments for Fiscal Year 2016/2017.
2. After any public comment, close the public hearing and consider approval of the Resolution Ordering the Levy and Collection of Assessments.

FISCAL IMPACT

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

RECOMMENDATION(S)

1. Adopt Resolution No. 8536 – A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 4, 6, 9, 12 AND 13, FOR FISCAL YEAR 2016/2017.
2. Adopt Resolution No. 8537 – A RESOLUTION OF THE OROVILLE CITY COUNCIL CERTIFYING TO THE COUNTY OF BUTTE THE VALIDITY OF THE LEGAL PROCESS USED TO PLACE DIRECT CHARGES (SPECIAL ASSESSMENTS) ON THE SECURED TAX ROLL AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSITION 218 CERTIFICATION OF TAX BILL LEVY.
3. Authorize the Mayor to sign the Proposition 218 Certificate for inclusion on the 2016/2017 Butte County Tax Roll.

ATTACHMENT(S)

CLLMAD Assessment Summary, Zones 4, 6, 9, 12 and 13
Resolution No. 8536
Resolution No. 8537
Proposition 218 Certification of Tax Bill Levy

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

CLLMAD 2016/2017 ASSESSMENT SUMMARY

Zone Name	Total Assessable Units	Total Assessable Costs	Maximum Assessment Rate per Unit	Proposed Assessment Rate per Unit
Zone 4 – Calle Vista Estates, Unit 1	70	\$2,541.00	\$76.11	\$36.30
Zone 6 – Sherwood Estates, Units 1 & 2	49	\$128.38	\$42.00	\$2.62
Zone 9 – Linkside Place, Phase 1	65	\$0.00	\$440.28	\$0.00
Zone 12 – Vista Del Oro	92	\$3,416.88	\$192.12	\$37.14
Zone 13 – Calle Vista Estates, Unit 2	44	\$1,590.16	\$267.49	\$36.14
TOTALS:	320	\$7,676.42		

**CITY OF OROVILLE
RESOLUTION NO. 8536**

A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING THE ANNUAL ASSESSMENT REPORT, AS SUBMITTED OR AMENDED, AND TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE OROVILLE CONSOLIDATED LANDSCAPE AND LIGHTING MAINTENANCE ASSESSMENT DISTRICT, ZONES 4, 6, 9, 12 AND 13, FOR FISCAL YEAR 2016/2017.

WHEREAS, the Oroville City Council, pursuant to the terms of the “Landscaping and Lighting Act of 1972” (the 1972 Act”), Division 15, Part 2, Chapter 1, Article 1 of the Streets and Highways Code of the State of California (commencing with Section 22500) did by previous Resolutions, initiate proceedings and approve the Annual Assessment Report (the “Report”), on a preliminary basis, for the special maintenance district known and designated as “The Oroville Consolidated Landscape and Lighting Maintenance Assessment District” (the “District”). The District is comprised of several Zones which are identified below:

ZONE NUMBER AND NAME
Zone 4 – Calle Vista Estates, Unit 1
Zone 6 – Sherwood Estates, Units 1 & 2
Zone 9 – Linkside Place, Phase 1
Zone 12 – Vista Del Oro
Zone 13 – Calle Vista Estates, Unit 2

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

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

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

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

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. Following notice duly given, the City Council has held a full and fair public hearing regarding the Report and the levy and collection of assessments within the District. The City Council received and considered all written and oral statements, including any and all protests or other communications made or filed by any interested persons.
2. Based upon its review (and any applicable amendments) of the Report, a copy of which has been filed with the City Clerk, the City Council hereby finds and determines that:
 - a. The assessable properties within the Zones will receive special benefit from the operation, maintenance and servicing of the landscape and lighting improvements.
 - b. The Zones include all properties receiving such special benefit.
 - c. The net amount to be assessed upon the properties is based on the historical and estimated costs to provide said maintenance and servicing and is apportioned by a formula that fairly distributes the net amount among all assessable parcels in proportion to the estimated special benefit received from the improvements and services.
3. The Report and assessments, as presented and which are on file with the office of the City Clerk, are hereby confirmed as filed.
4. The City Council hereby orders the maintenance and servicing of the improvements to be made in accordance with the Report and the 1972 Act.
5. The maintenance, operation and servicing of the landscape and lighting improvements shall be performed pursuant to the 1972 Act and the County Auditor of Butte County shall enter onto the County Tax Roll, opposite each assessable parcel of land, the assessment amount and such assessments shall be collected at the same time and in the same manner as the County taxes are collected. After collection of the assessments by the County, the net amount of said assessments shall be paid to the City Treasurer.
6. The City Treasurer shall deposit all money representing assessments collected by the County to the credit of a fund especially for the District. Such money shall be expended only for the maintenance, operations and servicing of the landscape and lighting improvements located within the District boundaries.
7. The adoption of this Resolution constitutes the levy of assessments within the Zones for the fiscal year beginning July 1, 2016 and ending June 30, 2017.
8. The City Clerk is hereby authorized and directed to file the levy with the County Auditor upon adoption of this Resolution.
9. A certified copy of this Resolution shall be filed in the office of the City Clerk and shall remain open for public inspection.

PASSED AND ADOPTED by the Oroville City Council at a special meeting held on August 9, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott Huber, City Attorney

Donald Rust, Acting City Clerk

**CITY OF OROVILLE
RESOLUTION NO. 8537**

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

WHEREAS, the notices and election for special assessment fees to be included on the regular County property tax bill for property owners of the City of Oroville was completed on July 29, 2016; and

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

WHEREAS, the City has complied with all laws pertaining to the levy of the special assessments, including Proposition 218, to be collected per Health and Safety Code section 5470, et seq; and

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

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

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

1. Prop 218 or Compliance Certification and Hold Harmless Statement
2. Property Tax Data Bill Form
3. Authority to Approve Direct Assessment Charges
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PASSED AND ADOPTED by the Oroville City Council at a special meeting held on August 9, 2016, by the following vote:

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AYES:

NOES:

ABSTAIN:

ABSENT:

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

_Scott E. Huber, City Attorney

Donald Rust, Acting City Clerk

PROPOSITION 218 OR COMPLIANCE CERTIFICATION AND HOLD HARMLESS STATEMENT

The Oroville City Council certifies the following:

I have read and am familiar with the requirements of Article XIIC and XIID of the State Constitution as revised by Proposition 218, including the articles cited below, and believe that all of the taxes, assessments, levies and fees accompanying the 2016-2017 submission to the County-Auditor for inclusion on the Secured Property Tax roll are in compliance with the law.

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

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

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

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

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

By: _____
Linda L. Dahlmeier, Mayor

PLEASE ONLY CHECK ONE:

Is This a Compliance Certification _____
OR
A Proposition 218 Certification _____

**CITY OF OROVILLE
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: BILL LAGRONE, DIRECTOR OF PUBLIC SAFETY
RUTH WRIGHT, DIRECTOR OF FINANCE
DONALD RUST, ASSISTANT CITY ADMINISTRATOR**

RE: OUTSIDE SERVICES BUDGET REDUCTIONS

DATE: AUGUST 9, 2016

SUMMARY

The Council may consider authorizing a budget amendment to reflect the reductions to the Fiscal Year (FY) 2016/2017 Budget, identified at the July 26, 2016 City Council budget meeting.

DISCUSSION

At the July 26, 2016 Budget Meeting, the Council reviewed the Outside Services budget for all City Departments. Each Department Head reviewed and evaluated their Departments prior year expenditures for outside services. The Council along with Staff was able to identify 10% in potential savings. Since that time staff has identified more savings and was able to bring the total savings to \$70,544. For detail of reductions see Exhibit A (a spread sheet of proposed budget adjustments).

The City Administrators Office was able to reduce \$2,250 from the outside services budget. Most of these reductions were cost associated with one time expenses that will not occur in FY 2016/2017.

The City Attorney's budget was reduced \$24,975. This amount is a 10% reduction for the original budgeted amount.

The Building and Code Enforcment Department was able to reduce \$1,196 from their outside services budget. Most of these reductions were cost associated with one time expenses that will not occur in FY 2016/2017.

The City Clerks budget was increased due to the upcoming election. The budget orginally provided was for an off year when no election is occuring. This year an election is occuring for both City Council members and for a Sales Tax Revenue Measure. These items made it necessary to increase this budget.

The Finance Department was able to reduce \$4,800 from their outside services. These

reductions were costs associated with services utilized for the new software implementation.

The City Information Technology Department was able to reduce \$2,166 from their outside services. This amount is a 10% reduction goal for the department.

Miscellaneous Departments (City Hall, Council, Economic Development, PW Administration and Treasurer) were able to reduce \$6,812) from their outside services. This amount is a 10% reduction goal for these departments.

Non-Departmental was able to reduce \$21,400 from their outside services. Most of these reductions were cost associated with with one time expenses that will not occur in FY 2016/2017.

The City Personnel Department was able to reduce \$12,250 from their outside services. Most of these reductions were cost associated with pre employment services.

The Planning and Development Services Department was able to reduce \$8,550 from their outside services. Most of these reductions were cost associated with either one time expenses or consulting fees for environmental reviews and/or studies.

The Public Safety Department was able to reduce \$19,990.00 from their outside services. Most of these reductions were cost associated with either one time expenses or for pre employment screenings. Due to current budget constraints the Public Safety Department does not anticipate any hiring, therefore these monies are not needed this year.

The Streets and Parks & Trees Departments was able to reduce \$944 from their outside services. These reductions were cost associated with minor expenses that will not occur in FY 2016/2017.

In addition, there are three outstanding issues that need to be address regarding the Outside Services adopted budget. The attached spreadsheet shows the specific direction that was provided by the Council during the discussion. However, three items need to be addressed to finish the proposed budget reductions:

- The annual Center for Economic Development (CED) sponsorship of \$5,000;
- The annual payment to the Oroville Chamber of Commerce to promote tourism within the City of Oroville of \$10,000; and
- Professional Services Agreement with Bryce Consulting, in an amount not to exceed \$14,420, to complete a city-wide total compensation study.

Staff believes the best course of action is to defer the sponsorship and annual payment to promote tourism to allow the City to fund the contract with Bryce Consulting. The

Councilmembers may choose to attend the CED through purchasing individual tickets to the event with funds allocated in the Council's, or the Mayor's, specific budget. With regards to the Chamber, staff believes that we can continue to partner with the Chamber to promote tourism and seek other opportunities to meet the funding needs of the Chamber and the City.

FISCAL IMPACT

Adjustments will result in a savings to the General Fund in the amount of \$70,544.

RECOMMENDATIONS

Authorize recommended adjustments to City Budget for fiscal years 2016/2017.

ATTACHMENTS

A - Spread sheet of proposed adjustments

**CITY OF OROVILLE
RECAP OF OUTSIDE SERVICES 16-17 BUDGETED AMOUNTS**

								New Budget
YEAR	BUDGET UNIT	BUDGET UNIT	Title	Account	Account Title	Budget	Adjustments	Balance
2017	1001	CITY ADMINISTRATOR		6360	OUTSIDE SERVICES	2,250.00	(2,250.00)	-
2017	1101	CITY ATTORNEY		6360	OUTSIDE SERVICES	249,750.00	(24,975.00)	224,775.00
2017	1201	CITY CLERK		6360	OUTSIDE SERVICES	6,369.00	(5,000.00)	1,369.00
2017	1201	CITY CLERK		6370	OUTSIDE SVC / GOVT AGENCY	5,842.00	30,000.00	35,842.00
2017	1301	CITY HALL		6360	OUTSIDE SERVICES	1,089.00	(108.90)	980.10
2017	1401	ECO COMM ENHANCEMENT		6360	OUTSIDE SERVICES	20,000.00	(4,500.00)	15,500.00
2017	1501	HUMAN RESOURCES		6360	OUTSIDE SERVICES	18,500.00	(8,000.00)	10,500.00
2017	1551	PERSONNEL OFFICER		6360	OUTSIDE SERVICES	42,500.00	(4,250.00)	38,250.00
2017	1601	INFORMATION TECHNOLOGY		6360	OUTSIDE SERVICES	21,664.00	(2,166.40)	19,497.60
2017	1801	COUNCIL		6360	OUTSIDE SERVICES	2,000.00	(200.00)	1,800.00
2017	2001	FINANCE		6360	OUTSIDE SERVICES	48,000.00	(4,800.00)	43,200.00
2017	2101	TREASURER		6360	OUTSIDE SERVICES	35.00	(3.50)	31.50
2017	2201	PLANNING & DEV SVC		6360	OUTSIDE SERVICES	21,350.00	(7,350.00)	14,000.00
2017	2201	PLANNING & DEV SVC		6370	OUTSIDE SVC / GOVT AGENCY	3,200.00	(1,200.00)	2,000.00
2017	2301	BUILDING & CODE ENF		6360	OUTSIDE SERVICES	6,196.00	(1,196.00)	5,000.00
2017	2401	POLICE		6360	OUTSIDE SERVICES	60,000.00	(15,500.00)	44,500.00
2017	2401	POLICE		6370	OUTSIDE SVC / GOVT AGENCY	8,300.00	2,500.00	10,800.00
2017	2801	FIRE		6360	OUTSIDE SERVICES	6,500.00	(4,900.00)	1,600.00
2017	2801	FIRE		6370	OUTSIDE SVC / GOVT AGENCY	-	4,250.00	4,250.00
2017	2901	PW ADMINISTRATION		6360	OUTSIDE SERVICES	17,506.00	(2,000.00)	15,506.00
2017	3001	STREETS AND STORM DRAINS		6360	OUTSIDE SERVICES	14,000.00	-	14,000.00
2017	3001	STREETS AND STORM DRAINS		6370	OUTSIDE SVC / GOVT AGENCY	5,200.00	(520.00)	4,680.00
2017	3101	PARKS & TREES ADMIN		6360	OUTSIDE SERVICES	374.00	(374.00)	-
2017	3101	PARKS & TREES ADMIN		6370	OUTSIDE SVC / GOVT AGENCY	50.00	(50.00)	-
2017	3201	PARKS & TREES OPERATIONS		6360	OUTSIDE SERVICES	6,550.00	3,450.00	10,000.00
2017	3501	NON DEPARTMENTAL		6360	OUTSIDE SERVICES	30,000.00	(16,400.00)	13,600.00
2017	3501	NON DEPARTMENTAL		6370	OUTSIDE SVC / GOVT AGENCY	50,000.00	(5,000.00)	45,000.00

TOTAL BUDGETED FOR OUTSIDE SERVICES

647,225.00	(70,543.80)	576,681.20
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