



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

**January 02, 2019
REGULAR MEETING**

OPEN SESSION 8:00 PM

AGENDA

CALL TO ORDER

ROLL CALL

Council Members: Jack Berry, Marlene Del Rosario, Linda Draper, Art Hatley, Scott Thomson, Vice Mayor Janet Goodson, Mayor Linda Dahlmeier

PLEDGE OF ALLEGIANCE

CONSENT CALENDAR - Consent calendar items are adopted in one action by the Council. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

1. MEETING MINUTES

Approval of City Council Meeting Minutes for December 18, 2018

2. ELECTRIC VEHICLE (EV) CHARGING STATIONS CUSTOMER ACCEPTANCE AGREEMENT AND EASEMENT WITH PACIFIC GAS AND ELECTRIC (PG&E)

Requested by staff

Council may approve a Customer Acceptance Agreement and Easement with Pacific Gas and Electric, for EV charging stations to be installed at the Montgomery Street Parking Lot "A".

RECOMMENDATION

Authorize the Mayor to execute the Customer Service Agreement with PG&E for a period of no less than 10 years.

Authorize the Mayor to execute an Easement Deed with PG&E for the purpose of EV Chargers.

PROCLAMATIONS AND PRESENTATIONS

- Proclamation and award presented to Jack Berry
- Proclamation and award presented to Marlene Del Rosario
- Proclamation and award presented to Linda Dahlmeier

PRESENTATIONS/PROCLAMATIONS/OATH OF OFFICE

- Oath of Office for newly elected Mayor Chuck Reynolds, Council Members Eric Smith, Art Hatley, David Pittman, and Treasurer Karolyn Fairbanks [applD67f67a91ef6e435a854212d6c5a5a34d](#)

FIVE-MINUTE RECESS

ADOPT AGENDA

VICE MAYOR SELECTION

Council will nominate and select a Vice Mayor to serve a one-year term.

REQUESTS TO ADDRESS COUNCIL

If you would like to address the Council at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, please submit the form prior to the conclusion of the staff presentation for that item. Council has established time limitations of two (2) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to one and a half (1.5) minutes per speaker. If more than 15 speaker cards are submitted for non-agenda items, the first 15 speakers will be randomly selected to speak at the beginning of the meeting, with the remaining speakers given an opportunity at the end. **(California Government Code §54954.3(b)).** Pursuant to Government Code Section 54954.2, the Council is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS - This is the time to address the Council about any item not listed on the agenda. If you wish to address the Council on an item listed on the agenda, please follow the directions listed above.

PUBLIC HEARINGS

The Public Hearing Procedure is as follows:

Mayor or Chairperson opens the public hearing.

Staff presents and answers questions from Council

Hearing is opened for public comment limited to two (2) minutes per speaker. In the event of more than ten (10) speakers, time will be limited to one and a half (1.5) minutes. Under Government Code 54954.3, the time for each presentation may be limited.

Speakers are requested to provide a blue speaker card to the City Clerk before the conclusion of the staff report.

Public comment session is closed

Council debate and action

3. EXTENDING URGENCY ORDINANCE 1832 TO ESTABLISH A TEMPORARY MORATORIUM ON RESIDENTIAL RENT INCREASES IN THE CITY OF OROVILLE

Requested by staff

The Council will consider extending an urgency ordinance to establish a temporary moratorium on residential rent increases in the City of Oroville.

RECOMMENDATION

Extend Urgency Ordinance No. 1832 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA ESTABLISHING A TEMPORARY MORATORIUM ON RESIDENTIAL RENT INCREASES IN THE CITY OF OROVILLE

4. REGULATION OF COMMERCIAL CANNABIS BUSINESSES

Requested by Mayor Dahlmeier and Mayor Reynolds

The Council may consider an amendment to the Oroville Municipal Code related to the regulation of commercial cannabis businesses in the City of Oroville.

RECOMMENDATION

1. Adopt Ordinance No. 1834 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE OROVILLE MUNICIPAL CODE BY REPEALING SECTION 17.16.XX (COMMERCIAL CANNABIS BUSINESSES); AMENDING SECTION 17.08.120 (CANNABIS BUSINESSES); AMENDING SECTION 17.32.010 (ALLOWED USES IN COMMERCIAL DISTRICTS); AMENDING SECTION 17.36.010 (ALLOWED USES IN INDUSTRIAL DISTRICTS) TO PROHIBIT ZONING FOR COMMERCIAL CANNABIS ACTIVITIES WITHIN THE CITY OF OROVILLE;

and

Adopt Ordinance No. 1835 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE OROVILLE MUNICIPAL CODE BY REPEALING CHAPTER 5.XX (COMMERCIAL CANNABIS) TO PROHIBIT THE ESTABLISHMENT AND OPERATION OF ALL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF OROVILLE

- 2. Take no action; or
- 3. Provide Other Direction to Staff

REGULAR BUSINESS - Action Calendar

5. MEETING CALENDAR FOR 2019

Requested by staff

The City Council may consider adopting the City Meeting Calendar for 2019.

RECOMMENDATION

Adopt the City's Meeting Calendar for 2019

6. APPOINTMENTS TO THE SUPPLEMENTAL BENEFITS FUND STEERING COMMITTEE, OVERSIGHT BOARD AND HOUSING LOAN ADVISORY COMMITTEE

Requested by staff

The Council may consider the appointment of three (3) Council Members to serve on the Supplemental Benefits Fund Steering Committee, one (1) Council Member to serve on the Oversight Board and three (3) Council Members to serve on the City's Housing Loan Advisory Committee for January 2019- January 2021.

RECOMMENDATION

Approve the appointment of three (3) Council Members to serve on the Supplemental Benefits Fund Steering Committee, one (1) Council Member to serve on the Oversight Board and three (3) Council Members to serve on the City's Housing Loan Advisory Committee for 2019-2021.

7. APPLICATION AND FEE STRUCTURE FOR CANNABIS PERMITTING

Requested by staff

The Council will provide staff direction on how to proceed with the implementation of Cannabis permitting and fee structuring

RECOMMENDATION

Provide staff direction

COUNCIL ANNOUNCEMENTS/DISCUSSIONS/FUTURE AGENDA ITEMS

ADMINISTRATION REPORTS

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on January 15, 2018 at 5:30 p.m.

CORRESPONDENCE

- FERC Letter
- PG&E Letter

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

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



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

CITY COUNCIL REGULAR MEETING
December 18, 2018
MINUTES

***This meeting was recorded live on the City of Oroville website cityoforoville.org and on YouTube. ***

The agenda for this meeting was posted on December 14, 2018 at 3:30pm.

CALL TO ORDER

Mayor Dahlmeier called the meeting to order at 5:32pm

ROLL CALL

PRESENT: Council Member Art Hatley, Scott Thomson, Jack Berry, Linda Draper, Marlene Del Rosario, Vice Mayor Goodson, Mayor Dahlmeier

ABSENT: None

STAFF PRESENT: Assistant City Administrator/Chief of Public Safety Bill LaGrone, Finance Director Ruth Wright, Interim City Administrator Tom Lando, Interim City Clerk Joanna Gutierrez, Assistant City Clerk Jackie Glover, Treasurer Karolyn Fairbanks, City Engineer Mike Massaro, Chief Building Official Gary Layman, IT Manager Tyson Pardee, Airport Manager Rick Farley, City Attorney Derek Cole

CONVENE TO CLOSED SESSION

The Council convened to closed session at 5:33pm

1. Pursuant to Government Code section 54957.6, the Council will meet with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville Firefighters' Association, Oroville Police Officers Association (Sworn and Non-Sworn), Oroville Public Safety Mid-Managers Association, Oroville Management and Confidential Association, and Oroville City Employees Association.
2. Pursuant to Government Code section 54956.9(d)(2), the Council will meet with the Interim City Administrator and City Attorney regarding potential exposure to litigation

RECONVENE TO OPEN SESSION (6:00 p.m.)

Announcement from Closed Session - Direction given; no action taken

PLEDGE OF ALLEGIANCE

Mayor Dahlmeier led the pledge

PRESENTATIONS/PROCLAMATIONS/OATH OF OFFICE

None

PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS -

The following individuals addressed the council on non-agenda items:

- Bobby O'Reiley, Bill Speer, Celia Hirschman, Don Fultz, Annie Terry

The following individuals addressed the council on items on the agenda:

- Steve Terry - Item 8
- Cheri Bunker - Item 12
- Celia Hirschman - Item 12
- Bobby O'Reiley - Item 12
- Bill Speer - Item 12

CONSENT CALENDAR - ITEMS 1-10

Motion made by Vice Mayor Goodson, Seconded by Council Member Draper to approve the consent calendar excluding item 8.

- YEA: Mayor Dahlmeier, Vice Mayor Goodson, Council Member Hatley, Council Member Berry, Council Member Del Rosario, Council Member Thomson, Council Member Draper
- NAY: None
- ABSTAIN: None
- ABSENT: None

1. APPROVE COUNCIL MINUTES

Approved the City Council regular meeting minutes for December 4, 2018

2. RESULTS OF THE NOVEMBER 6, 2018 MUNICIPAL ELECTION

Adopted Resolution No. 8763 – A Resolution of the City of Council of the City of the Oroville, California, Reciting the Fact of the General Municipal Election Consolidated with the Statewide General Election Held on November 6, 2018, Canvassing and Declaring the Results and such matters as Provided by Law.

3. NEW SALES TAX REGISTRATION

Adopted Resolution No. 8759– A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX.

Adopted resolution No. 8760– A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE EXAMINATION OF TRANSACTIONS (SALES) AND USE TAX RECORDS.

4. TAXIWAY K PROJECT CONTRACT CHANGE ORDER

Adopted Resolution No. 8762 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROJECT CONTRACT WITH BALDWIN CONTRACTING COMPANY INC. DBA KNIFE RIVER CONSTRUCTION IN THE AMOUNT OF \$64,045.28 – (Agreement No. 3256-1)

5. STATE ROUTE 162 ATP – CALTRANS CO-OP AGREEMENT

Approved and signed the cooperative agreement for Caltrans review and approval.

6. HWY 162 BTA PROJECT – MAINTENANCE AGREEMENT WITH CALTRANS

Reviewed, approved and signed the Maintenance Agreement for Caltrans

7. INVESTMENT POLICY ADOPTION FOR 2019

Adopted Resolution No 8761- A RESOLUTION AUTHORIZING ADOPTION OF AN INVESTMENT POLICY FOR THE CITY OF OROVILLE.

8. AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND JOANNA GUTIERREZ TO SERVE AS CITY CLERK

Adopted Resolution No. 8764- A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF OROVILLE AND JOANNA GUTIERREZ TO SERVE AS INTERIM CITY CLERK.

10. PURCHASE OF A NEW DATA STORAGE DEVICE

Authorized the purchase of a new data storage device (SAN) utilizing the Western States Contract Alliance pricing from Dell, in the amount of \$28,314.96.

PUBLIC HEARINGS

None

REGULAR BUSINESS - ITEMS 11-13 Action Calendar

8. MUNICIPAL AUDITORIUM FEE WAIVER REQUEST BY OROVILLE RESCUE MISSION

The Council will consider a fee waiver request for the use of the Municipal Auditorium by the Oroville Rescue Mission for their annual Community Christmas Diner, 2018.

Motion made by Council Member Thomson, Seconded by Vice Mayor Goodson to approve a fee waiver request for the use of the Municipal Auditorium by the Oroville Rescue Mission for their annual Community Christmas Dinner, 2018.

- YEA: Mayor Dahlmeier, Vice Mayor Goodson, Council Member Hatley, Council Member Berry, Council Member Del Rosario, Council Member Thomson, Council Member Draper
- NAY: None
- ABSTAIN: None
- ABSENT: None

11. HWY 162 BTA GRANT – ORO DAM BLVD BIKE LANE PROJECT – DESIGN AMENDMENT

The Council may consider approving a contract amendment for the BTA Project Design Engineer, GHD, Inc.

The grant funded project requires additional design at the intersection of Oro Dam Blvd and Olive Highway of Hwy 162 due to a request from Caltrans to replace existing faulty traffic loop detectors with video detection equipment that will register both bicycles and vehicles in the left turn, center through lane, new bicycle lane, and dedicated right turn lane. Original Contract is Agreement No. 3052, from February 18, 2014.

Motion made by Vice Mayor Goodson, Seconded by Council Member Thomson to approve the amendment to revise the project design.

YEA: Mayor Dahlmeier, Vice Mayor Goodson, Council Member Hatley, Council Member Berry, Council Member Del Rosario, Council Member Thomson, Council Member Draper
NAY: None
ABSTAIN: None
ABSENT: None

12. BUDGET POLICY REVIEW AND POTENTIAL REVISION

The Council may review the City of Oroville budget policy and authorize staff to add language requiring all Contracts receive Council approval prior to be signed.

The council discussed the budget policy and consented to bring it back at a later date for further review.

13. POTENTIAL TEMPORARY HOUSING ON 5TH AVENUE

The Council will provide staff direction on a potential on a temporary housing project on 5th Avenue

Item pulled from the agenda by Mayor Dahlmeier

COUNCIL ANNOUNCEMENTS/DISCUSSIONS/FUTURE AGENDA ITEMS

- Council Member Draper attended the Continuum of Care meeting - Over 700 homeless from the fire, of 4,000 students in paradise 1,000 still not accounted for at school. They no longer need backpacks but need gas cards and bus passes. Draper asked administration for information on why cannabis licenses are not being accepted at this time. Admin explained that more work is needed before the city can accept them.
- Council Member Del Rosario attended the Air Quality Management Control Board - great group and she is impressed with the work that group is doing.
- Vice Mayor Goodson - Thanked Finance Director Ruth Wright for her Council Chamber decorations.
- Mayor Dahlmeier - Dahlmeier updated the group on the fire, discussed the housing crisis and explained how many FEMA trailers are needed in the community and explained that Oroville needs to continue to sit at the table and work towards getting each city in Butte County to take their fair share of FEMA trailers. Mayor Dahlmeier told everyone it's been a wonderful opportunity to serve as mayor, pointed out her husband in the audience and reminded everyone that it's a lot harder than it looks.

ADMINISTRATION REPORTS

- Interim City Administrator Tom Lando
 - AB 41 - Local assembly members have introduced a bill to give the county cities relief with property taxes.
 - Animal Shelter is on hold, lease issues
 - Annexation - Steve still wants to annex, other properties looking at annexing also.
- Chief Building Official Gary Layman - ABM Solar Project - Trailer park or housing and parking with solar and eventually more buildings solar down at the City Corporate Yard.
- Assistant City Administrator/Chief of Public Safety - Public Safety Report Attached to agenda packet

CORRESPONDENCE

- PG&E Request to Further Reduce Rates for Agricultural Customers
- FERC Correspondence regarding Feather River Hydroelectric Project
- Resignation from Planning Commissioner Brand

ADJOURN THE MEETING

The meeting was adjourned at 7:31pm. The next regular meeting of the Oroville City Council will be held on January 2, 2018 at 8 p.m.

APPROVED BY:

ATTESTED BY:

Linda Dahlmeier, Mayor

Jackie Glover, Assistant City Clerk

Backup material for agenda item:

2. ELECTRIC VEHICLE (EV) CHARGING STATIONS CUSTOMER ACCEPTANCE AGREEMENT AND EASEMENT WITH PACIFIC GAS AND ELECTRIC (PG&E)

Requested by staff

Council may approve a Customer Acceptance Agreement and Easement with Pacific Gas and Electric, for EV charging stations to be installed at the Montgomery Street Parking Lot "A".

RECOMMENDATION

Authorize the Mayor to execute the Customer Service Agreement with PG&E for a period of no less than 10 years.

Authorize the Mayor to execute an Easement Deed with PG&E for the purpose of EV Chargers.



CITY OF OROVILLE STAFF REPORT

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: AMY BERGSTRAND, MANAGEMENT ANALYST III, BUSINESS ASSISTANCE/HOUSING DEVELOPMENT

RE: ELECTRIC VEHICLE (EV) CHARGING STATIONS CUSTOMER ACCEPTANCE AGREEMENT AND EASEMENT WITH PACIFIC GAS AND ELECTRIC (PG&E)

DATE: JANUARY 2, 2018

SUMMARY

Council may approve a Customer Acceptance Agreement and Easement with Pacific Gas and Electric, for EV charging stations to be installed at the Montgomery Street Parking Lot "A".

DISCUSSION

On May 15, 2018, Council approved a professional service agreement with Pacific Gas and Electric for environmental remediation activities of the City of Oroville Parking Lot "A." As part of the remediation, PG&E agreed to provide infrastructure for ten (10) Electric Vehicle (EV) Charging Stations, and to coordinate with PG&E, the installation of the EV Charging Stations. A one-time payment was made to the City of Oroville in the amount of ten-thousand dollars (\$10,000) for right-to-entry, to offset the costs of the Participation Payment.

At this time, PG&E has installed the underground conduit, and are requesting that the City accept the preliminary design by signing the Customer Acceptance Agreement and Easement Deed. Once that has been completed, PG&E will begin incurring design fees and costs that would potentially be due to PG&E if the City withdraws from the program. Additionally, at this time, the City will be assigned a Project Manager, who will assist the City through the final design, construction and activation of chargers at the site.

The City has elected to become an EV Charge Network Sponsor, not owner. This allows for less start-up and annual costs. PG&E will install, operate and maintain the EV chargers on City property and the City will be required to make participation payments in accordance with the California Public Utilities Commission (CPUC) requirements. The participation payment will be paid after the selection on f the EV package and confirmation of final design. The participation payment can vary but will be approximately \$11,500. The City will be the PG&E customer of record and will be served an applicable, commercial TOU rate plan. As the customer of record, the City will be responsible for paying the PG&E bill. The EV service provider will be responsible for collecting payment from the EV drivers and passing on the

value of the payment to the City.

FISCAL IMPACT

The one-time right-of-entry payment of \$10,000 will be allocated to this project. Additionally, the City applied and received a \$6,000 PG&E Corporation Foundation grant that can be utilized to offset additional costs. The annual fee should be paid from the fees collected by the EV drivers.

RECOMMENDATION

1. Authorize the Mayor to execute the Customer Service Agreement with PG&E for a period of no less than 10 years.
2. Authorize the Mayor to execute an Easement Deed with PG&E for the purpose of EV Chargers.

ATTACHMENTS

1. Customer Acceptance Agreement with preliminary site design
2. Easement Deed
3. EV Charge Network Sponsor Terms and Conditions ("Contract")
4. Sample Costs

**EV Charge Network
Customer Acceptance Agreement**

Property Address: 1735 Montgomery, Oroville CA

Company Name ("Site Host"): City of Oroville

Site host is a(n): Sponsor of the property listed above.

I represent and warrant that I have the right to enter into the Pacific Gas and Electric Company ("PG&E") EV Charge Network Terms and Conditions, and all other related documents, and make the decisions necessary to carry out this program.

I represent and warrant that (1) I have the authority to bind Site Host to the PG&E EV Charge Network Program Terms and Conditions, this Customer Acceptance Agreement Contract, and all other related documents and (2) by signing below I agree to the terms and conditions of those documents and intend to be bound by them on behalf of Site Host.

Minimum Number of Charging Ports: 10

Ownership Option: EV Charge Sponsor

Charger Location: See attached preliminary design

I hereby confirm my participation in PG&E's EV Charge Network program and acknowledge that:

- I agree to the minimum number of charging ports, ownership option, and charger location specified above and in the attached preliminary design;
- Upon execution of this Contract, PG&E will begin incurring design fees and costs as my project moves forward;
- If I withdraw from the program, then PG&E reserves the right to recover all fees and costs incurred by it and its subcontractors after the execution of this Contract including, but not limited to, design cost, site walk costs, etc.;
- PG&E will conduct a site walk;
- If the existing infrastructure or physical site or equipment is substantially different than anticipated or described, then PG&E will make reasonable effort to redesign the project in a manner acceptable to both parties, but reserves the right to cancel my participation in the program; and
- If I do not submit required documentation (charger selection form; signed easement; etc.) in a timely manner, then PG&E may grant extensions by request but reserves the right to waitlist my application and/or cancel my participation in the program.

The following documents are attached hereto, and hereby incorporated by reference, and are a part of this Contract:

1. Preliminary site design

Site Host: City of Oroville

Signed:

Print Name:

Title:

Date:

Pacific Gas and Electric Company:

Signed:

Print Name:

Title:

Date

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
Land Services Office

ADDRESS

Location: City/Uninc _____

Recording Fee \$ _____

Document Transfer Tax \$ _____

This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).

Computed on Full Value of Property Conveyed, or

Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale

Signature of declarant or agent determining tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

LD#

EASEMENT DEED

NAME OF GRANTOR (SITE HOST),

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to construct, reconstruct, install, inspect, maintain, replace, remove, and use facilities of the type hereinafter specified, together with a right of way therefor, within the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situate in the (PG&E INSERT CITY/TOWN) County of _____, State of California, described as follows:

(APN _____)

(PG&E INSERTS LAND DESCRIPTION)

Said facilities and easement area are described as follows:

Such underground conduits, pipes, manholes, service boxes, wires, cables, and electrical conductors; aboveground marker posts, risers, and service pedestals; underground and aboveground switches, fuses, terminals, and transformers with associated concrete pads; electric vehicle charging supply equipment, bollards and/or curbs or other associated safety equipment, associated signage; and fixtures and appurtenances necessary to any and all thereof, as Grantee deems necessary for the distribution of electric energy and communication purposes located within the strip(s) of land of the uniform width of 10 feet, lying 5 feet on each side of the alignment of the facilities as initially installed hereunder. The approximate location of said facilities are shown upon Grantee's Drawing Number (PG&E INSERTS DRAWING NUMBER) _____ attached hereto and made a part hereof.

Grantee agrees that on receiving a request in writing, it will at Grantor's expense, survey, prepare and record a "Notice of Final Description" referring to this instrument and setting forth a description of said strip(s) of land.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor shall not erect or construct any building or other structure or drill or operate any well within said easement area.

Grantor further grants to Grantee the right to assign to another public utility as defined in Section 216 of the California Public Utilities Code the right to install, inspect, maintain, replace, remove and use communications facilities within said easement area (including ingress thereto and egress therefrom).

In the event upon termination of the electric vehicle charging station contract as set forth in said terms and conditions, Grantee shall upon written demand therefor execute and deliver to Grantor a good and sufficient quitclaim of said easement and right of way or such portion thereof conveyed in this document, at Grantor's expense.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto.

In exercising its easement rights hereunder, Grantee shall not unreasonably interfere with, disrupt, or materially adversely affect Grantor's business operations or access rights at the property owned by Grantor.

Dated: _____, _____.

Name of Grantor

Name of Grantor

Attach to LD
The Area and Division:

Land Service Office:

Operating Department:

USGS location (MERIDIAN and T, R, S, & QQ)

FERC License Number(s):

PG&E Drawing Number(s):

PLAT NO.:

LD of any affected documents:

LD of any Cross-referenced documents:

TYPE OF INTEREST:

SBE Parcel Number:

(For Quitclaims, % being quitclaimed):

Order # or PM # (with Operations #, if applicable):

JCN:

County:

Utility Notice Numbers:

851 Approval Application No. _____ Decision _____

Prepared By:

Checked By:

Approved By: Initials of Senior Land Agent (Date)

Revised By: Initials (Date)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____, before me, _____,
Here insert name and title of the officer

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other _____

EV Charge Network Sponsor Terms and Conditions (“Contract”)

Definitions

Disadvantaged Community – Census tracts in PG&E’s service territory with a top quartile score according to California Environmental Protection Agency’s CalEnviroScreen 3.0, or current version.

EV Service Connection – Traditional utility infrastructure from the utility distribution system to the meter, which may include but is not limited to cable, conductors, conduit, transformers and associated substructures from the utility distribution system.

EV Supply Infrastructure – Infrastructure from the meter (“but not including the meter”) to the parking space, this may include an electrical panel, cable and conduit necessary to deliver power to the parking space.

EVSE – Electric vehicle supply equipment used for charging EVs. The conductors, including the ungrounded, grounded, and equipment grounding conductors, the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatuses installed specifically for the purpose of delivering energy from the premises wiring to the electric vehicle.

EVSE Package – EVSE hardware, software, and network services – from Suppliers for the EV Charge Network Program.

EVSP – Electric vehicle service provider is a company that meets the mandatory minimum requirements.

Site Host – The entity participating in the EV Charge Network Program that owns, leases or manages the Premises where the EVSE are installed. The Site Host is also the customer of record for PG&E. Site Host will receive the bill for the energy delivered to the EVSE under either the A-6 or A-10 Rate Plan.

Operations and Maintenance (O&M): included but not limited to network fees, replacement of parts and associated services necessary to keep the EVSE operational.

Sponsor Participation Payment – If the Site Host is the Sponsor, then as a condition of participation in the EV Charge Network Program, the Site Host will make a Participation Payment. Review Participation Payment information on www.pge.com/evcharge.

Rate Adder: An additional price per kWh covering Site Host non-energy charges, which may be added to EV Drivers’ charging costs under the Pass-through Pricing option.

Rate Plan – There are two rate plans available to Site Hosts: A-6 ([link to PG&E A-6 tariff](#)) for 10 or fewer chargers (if less than 75 kilowatt) or A-10 ([link to PG&E A-10 tariff](#)) for more than 10 chargers. Both rate plans are time-of-use, where the cost of electricity per kilowatt-hour changes throughout the day. Costs are higher on-peak when energy demand is highest, and are lower off-peak, when energy demand is lowest.

Pass-through Pricing – An available rate option for all Site Hosts that participate in PG&E’s EV Charge Network Program. Under this option, PG&E’s Time-of-Use (TOU) price signals will serve as a load management plan. PG&E will serve electricity to Site Hosts, who will then pass the TOU energy rate, either A-6 or A-10, directly to EV Drivers.

Custom Pricing – An available rate option for all Site Hosts that participate in PG&E’s EV Charge Network Program. Under this option, the Site Host will be allowed to determine the pricing delivered to EV Drivers. The Site Host is required to submit to PG&E the load management tactics it will implement at its location, including the prices or fees that it intends to levy on EV Drivers and any communication methods to be used to implement the load management tactics.

Specific Terms

Acknowledgement and Term: All parties agree to abide by the terms and conditions of this contract for participation in the EV Charge Network Program, including all requirements included by reference, for the duration of Site Host’s participation; a period of not less than 10 years from the date Site Host’s EVSE Package becomes operational.

Sponsor Participation Payment: The Site Host who agrees to have Pacific Gas and Electric Company (“PG&E”) install, operate and maintain EVSE installed on their premises will be required to make a Participation Payment in accordance with the California Public Utilities Commission (“CPUC”) requirements. The Participation Payment will be paid after selection of the EVSE Package and confirmation of final design. The Participation Payment may vary and is determined upon approval of the EV Charge Network Program application.

Selection of Electric Vehicle Service Equipment Package: Upon approval of application by PG&E, Site Host shall select one EVSE Package from the PG&E approved list of qualified vendors accessed through the EV Charge Network Program website. In all cases PG&E is responsible for the EV Service Connection and the EV Supply Infrastructure at the site. PG&E shall install, operate and maintain the number and type of the EVSE Package, associated equipment and signage as selected by Site Host and approved by PG&E.

EV Charge Network Sponsor Terms and Conditions (“Contract”)

Additional Services from EVSP: Separate and apart from the application and PG&E's obligations under the EV Charge Network Program, the EVSP selected by Site Host may offer and contract directly with the Site Host to provide any additional or complementary services, as long as these services do not interfere with the objectives of the EV Charge Network Program. The costs of additional EVSP services, and any cost related to O&M of any additional EVSP services, will not be borne by PG&E, unless they are complementary services necessary to support the EV Charge Network Program objectives and are approved by PG&E in writing.

Installation of Equipment: PG&E and/or its contractors shall design and construct the EV Service Connection, EV Supply Infrastructure and EVSE in compliance with the terms of this contract, as well as all applicable local, state and federal laws and regulatory requirements. Site Host is responsible for providing all disclosures, including but not limited to hazardous materials, located at the site of the install. A preliminary layout of proposed facilities will be provided to Site Host prior to preparation of easement for Site Host review and approval; such approval will not unreasonably be withheld. After Site Host approval of the preliminary design, PG&E will coordinate with the Site Host if there are any proposed material changes. A final design with no material changes from the agreed upon design, will be provided by PG&E prior to any installation activities. PG&E and Site Host will approve final design. Once design is approved, no material changes will be made without approval from PG&E and Site Host. An estimated installation schedule shall be provided to Site Host upon execution of required easement and timely selection of EVSE. Should the schedule require modification, PG&E shall notify the Site Host within a reasonable amount of time of such changes. Site Host must pay a Sponsor Participation Payment to PG&E prior to service extension and installation of EVSE by PG&E. PG&E shall not install the EVSE, including any utility service, equipment or accessories or, after the installation thereof, alter the EVSE or any of its components in any manner that requires architectural or engineering plans without first obtaining Site Host's prior written approval (which shall not be unreasonably withheld, conditioned or delayed) of the architectural and engineering plans and specifications therefore. PG&E shall not install the EVSE or any utility service, equipment or accessories until all required municipal and other governmental permits and authorizations have been obtained by PG&E.

EV Drivers Right to Access: Site Host shall not restrict access to or use of the EVSE for reasons including, but not limited to, race, color, religion, age, sex, national origin, ancestry, physical or mental disability, or any basis prohibited by applicable law. However, Site Host may decide to make the EVSE available only to its employees or tenants; under the terms of the EV Charge Network Program, Site Host decides whether to make the EVSE available to the general public.

Duty to Notify: Site Host has a duty to promptly notify PG&E when Site Host becomes aware of any unsafe, inoperable or damaged equipment. In addition, Site Host shall promptly report all claims and/or incidents to PG&E or its designated representative(s), and shall promptly thereafter confirm in writing any injury, loss, or damage incurred by Site Host.

Accessibility Requirements: The installation of the EVSE and EV Service Connection is required to comply with the Americans with Disabilities Act (ADA) and California Building Standards. PG&E is responsible for the costs of complying with these standards as they relate to the installation of EVSE and EV Supply Infrastructure. Site Host understands and accepts that such standards may impact parking layouts and reduce the number of non-accessible parking spaces available. Site Host understands and accepts that changes to initial design representations may occur during the design, construction and operational phases of the EVSE as may be dictated by design constraints, by law or regulation or by local jurisdictional authorities.

Easement Requirement: Site Host agrees to grant PG&E an easement for the installation of EV Service Connection and EV Supply Infrastructure. Site Host agrees to sign and return said easement to PG&E within 30 days of receipt. If the Site Host does not respond within 30 days, PG&E reserves the right to rescind Site Host's participation in the EV Charge Network Program. Upon termination of the Contract, PG&E shall upon written demand therefor execute and deliver to Site Host a good and sufficient quitclaim of said easement and right of way or such portion thereof conveyed in this document, at Site Host expense.

PG&E Right to Access: Site Host shall provide PG&E, its representatives, contractors, and designees access to the EV Charge Network Program proposed physical site for purposes of design, installation, and maintenance of the EV Supply Infrastructure and EV Service Connection.

EVSE Operation and Maintenance: PG&E is required to maintain the EVSE for the duration of this contract (10 years). PG&E will pay all Operations and Maintenance costs associated with the EVSE approved by PG&E. PG&E shall maintain the common area improvements and keep the EVSE in good condition ordinary wear and tear excluded. Site Host will promptly notify PG&E of any problems it is aware of related to the EVSE. Site Hosts shall maintain the immediately surrounding common areas which shall include, but not be limited to, pavement maintenance and snow removal services. Uninterrupted service is not guaranteed, and PG&E may interrupt service when necessary to ensure safety or to perform maintenance. PG&E will use reasonable efforts to notify Site Host in advance of interruptions to service.

Billing: Site Host will be the PG&E customer of record and will be served an applicable, commercial, TOU Rate Plan, these include Schedule A-6 (if less than 75 kilowatt) or Schedule A-10. As the customer of record, Site Host will be responsible for paying the PG&E bill. The EVSP will be responsible for collecting payment from EV Drivers who use the EVSE and passing

EV Charge Network Sponsor Terms and Conditions (“Contract”)

on the value of this payment to the Site Host. The Site Host has two options for how they want to charge EV Drivers, Pass-through Pricing and Custom Pricing.

Pass-through Pricing: Under this option, the Site Host delivers energy to EV Drivers at the price per kWh reflected in the selected Rate Plan (A-6 or A-10, whichever is applicable) at that time. In order to recover any additional charges associated with the Rate Plan, the Site Host will have the option to include a Rate Adder with the energy price per kilowatt-hour (kWh) passed on to EV Drivers. The Rate Adder should represent the non-energy additional charges (e.g. demand charges and meter charges) associated with the applicable Rate Plan converted into a price per kWh. If a Site Host decides to use a Rate Adder, then EV Drivers will pay the applicable price per kWh for their energy use, plus the Rate Adder (an additional price per kWh). Alternatively, Site Hosts in this option do not have to pass on the non-energy charges to EV Drivers with a Rate Adder and can instead cover these costs themselves. Site Hosts shall periodically recalculate the Rate Adder based on historic EV charging usage to ensure they are not over-charging EV Drivers.

Custom Pricing: Under this pricing plan, the Site Host will deliver energy to EV Drivers at a price determined by the Site Host but subject to a load management plan.

Load Management Plan: Where the Site Host selects the Custom Pricing option, the Site Host will be required to submit a load management plan to PG&E in order to encourage drivers to charge during times of available capacity on the grid. PG&E will provide load management plan guidelines to Site Hosts. All load management plans must be acceptable to PG&E. Site Hosts who do not submit a load management plan approved by PG&E will be asked to provide one and will be ineligible to participate in the EV Charge Network Program until an approved load management plan is in place. EVSE site use patterns will be monitored, and in addition, applicant- determined prices or fees to use the EVSE will be tracked. This data will be used to inform CPUC policy.

Compensation: Under no conditions shall Site Host or EV Drivers receive compensation of any kind (including but not limited to: cash, in-kind services, or otherwise) for any duties or requirements provided for in these terms and conditions or for participation in any way as part of the EV Charge Network Program, including but not limited to: easements, use of data for lawful purposes, loss of business activity during construction or maintenance activities, or any other inconvenience or loss, without limitation, related to participation, except for compensation permitted under the terms of the pricing options described above.

General Terms

Permission to Use Data: Site Host agrees to allow PG&E, its agents and representatives to use data gathered as part of the EV Charge Network Program for use in regulatory reporting, ordinary business use, industry forums, case studies or other similar activities, in accordance with applicable laws and regulations.

Representations: Site Host understands that its participation in EV Charge Network Program shall not be construed as creating any agency, partnership, or other form of joint enterprise between the Site Host, PG&E, or their affiliates, contractors, vendors, representatives or designees nor create any obligations or responsibilities on their behalf except as may be expressly granted in writing, nor make any representations of any kind to this effect. Site Host represents and warrants that it is either (i) the fee title owner and has the ability to grant the easement, or (ii) it is the authorized manager of the proposed EV Charge Network Program site working with the fee title owner, it has the power, authority and capacity to bind itself to undertake the EV Charge Network Program terms and conditions and to perform each and every obligation required of Site Host, and such fee title owner has the ability to grant the easement.

Changes: PG&E may initiate changes to the EV Charge Network Program as necessary to comply with CPUC directives. PG&E shall endeavor to provide Site Host with advance notice of any such changes. Site Host has the option to opt out of the Program subject to section Site Host Removal and Termination.

Compliance with Laws: All parties shall comply with all applicable federal, state, and local statutes, rules, regulations, laws, orders and decisions that relate to or govern its participation in the EV Charge Network Program and/or Site Host's interactions with customers in connection with the EV Charge Network Program.

Failure to Comply with Terms and Conditions: Without limitation, and to the greatest extent allowed by law, PG&E and Site Host reserve the right to seek damages and recovery for losses incurred due to any breach of the EV Charge Network Program terms and conditions on the part of Site Host or PG&E, whether intentional or unintentional.

Relocations: Should Site Host request relocation of EVSE or parts thereof, such relocation shall be per mutually agreeable terms and shall be at sole expense of Site Host and in accordance with any EV Charge Network Program requirements, laws, regulations or other applicable jurisdictional requirements. Additionally, if requested by PG&E, Site Host shall either amend the Easement to include the legal description of the new location or enter into a new Easement with PG&E.

PG&E Termination or Suspension: PG&E may terminate, or for any duration suspend, Site Host's participation in the EV Charge Network Program, or operation of EVSE, with or without cause, at any time, and for any reason. Such reasons may

EV Charge Network Sponsor Terms and Conditions (“Contract”)

include but are not limited to: Failure to provide or maintain terms of easement, failure to abide by EV Charge Network Program terms and conditions, permitting issues, exceptional installation costs, environmental concerns, or any other reason(s) not in the best interests of the EV Charge Network Program or PG&E's ratepayers.

Site Host Removal or Termination: Should Site Host request removal or termination of EVSE or parts thereof prior to ten (10) years from the operational date of the EVSE, Site Host shall bear full cost and sole expense of such removal as well as actual costs, as circumstances may dictate, for losses incurred by PG&E on behalf of ratepayers, such as pro-rated costs of equipment, site design and installation. Site Host may, at any time within the Program Term request from PG&E projected and final costs associated with such a removal request. If the Site Host wishes to assign its rights and obligations of the EVSE Package to a new Site Host prior to 10 years from the operational date of the EVSE, the new Site Host may assume all rights and obligations for the remaining term with PG&E consent. After 10 years, if Site Host requests removal or termination of the EVSE, PG&E shall de-energize the EV Service Connection and EV Supply Infrastructure and abandon conduit in place. PG&E will bear full cost of such work. PG&E may also deliver a quitclaim for the easement in accordance with these terms, after which the easement would be removed.

End of Term: At the end of the 10 year term, PG&E reserves the right to continue to own the EVSE Packages installed. However, typically, the Site Host will have the following options:

1. Request PG&E transfer EVSE ownership to Site Host or third-party and the Site Host/third-party will assume all future responsibility for maintaining and operating the EVSE Packages. Easement remains in place.
2. Remove the EVSE at PG&E's cost and expense. PG&E abandons EV Service Connection and EV Supply Infrastructure in place. PG&E delivers quitclaim for easement and easement is removed.

Indemnification: Site Host shall indemnify, hold harmless and defend PG&E, its affiliates, subsidiaries, parent company, officers, managers, directors, agents, and employees, from and against all claims, demands, losses, damages, costs, expenses, and liability (legal, contractual, or otherwise), which arise from or are in any way connected with any: (i) injury to or death of persons, including but not limited to employees of PG&E or Site Host; (ii) injury to property or other interests of PG&E, Site Host, or any third party; (iii) violation of a local, state, or federal common law, statute or regulation, including but not limited to environmental laws or regulations; (iv) strict liability imposed by any law or regulation; so long as such injury, violation, or strict liability (as set forth in (i) - (iv) above) arises from or is in any way connected with Site Host's performance of, or failure to perform, this Contract. This indemnification obligation shall not apply to the extent that such injury, loss or damage is caused by the negligence or willful misconduct of PG&E, its officers, managers, or employees. Site Host shall, on PG&E's request, defend any action, claim, or suit asserting a claim which might be covered by this indemnity, using counsel acceptable to PG&E. Site Host shall pay all costs and expenses that may be incurred by PG&E in enforcing this indemnity, including reasonable attorney's fees. To the extent necessary, each Party was represented by counsel in the negotiation and execution of this Contract. PG&E represents and warrants that it has indemnification language in its contract with any third party who PG&E may send to perform work on Site Host's physical site. PG&E agrees to work closely with Site Host on any concerns that may arise related to the party who will perform work on Site Host's physical site.

Insurance Requirements: Site Host shall procure, carry and maintain the following insurance coverage:

A. Personal or Commercial General Liability

1. The limit shall not be less than One Million Dollars (\$1,000,000) each occurrence for bodily injury, property damage and personal injury.
2. Coverage shall: a) By "Additional Insured" endorsement add as insureds PG&E, its directors, officers, agents and employees with respect to liability arising out of work performed by or for the 'Site Host'; b) Be endorsed to specify that the 'Site Host' insurance is primary and that any insurance or self-insurance maintained by PG&E shall not contribute with it.

B. Additional Insurance Provisions

1. Before commencing performance of work under this Agreement, Site Host shall furnish PG&E with certificates of insurance and endorsements of all required insurance for Site Host.
2. PG&E may inspect the original policies at any time.
3. Upon request, Site Host shall furnish PG&E evidence of insurance for Site Host's agents or contractors.

Casualty: If all or any portion of the EVSE on the Site are damaged or destroyed by fire or other casualty which materially and adversely affects the operation of the EVSE (any, a "**Casualty**"), Site Host shall have the right to terminate the Agreement by written notice to PG&E in which event the Agreement shall terminate on the date that is 10 days after the date of Site Host's termination notice and PG&E may elect to remove or replace the EVSE from the Site. In the event of any Casualty which materially and adversely affects the operation of the EVSE, PG&E shall have the right to terminate the Agreement by written notice to Site Host within 14 days after the Casualty, in which event the Agreement shall terminate on the date that is 10 days after the date of PG&E's termination notice and PG&E may elect to remove or replace the EVSE from the Site.

Dispute Resolution: After attempting in good faith to resolve a dispute, a party may request mediation by written notice to the other Party. The mediation shall be conducted by a mutually-agreeable mediator with appropriate experience. All negotiations and any mediation conducted pursuant to this provision are confidential and shall be treated as compromise

EV Charge Network Sponsor Terms and Conditions (“Contract”)

and settlement negotiations, to which Section 1119 of the California Evidence Code shall apply, and Section 1119 is incorporated herein by reference.

No Partnership: This Agreement shall not be construed as creating a partnership, joint venture, agency relationship, franchise or association, nor shall this Agreement render PG&E and Site Host liable as partners, co-venturers or principals.

Enforceability: If any of the provisions, or application of any of the provisions, of this Contract are held to be illegal or invalid by a court of competent jurisdiction or arbitrator/mediator, PG&E and Site Host shall negotiate an equitable adjustment in the provisions of this Contract with a view toward effectuating the purpose of this Contract. The illegality or invalidity of any of the provisions, or application of any of the provisions, of this Contract will not affect the legality or enforceability of the remaining provisions or application of any of the provisions of the Contract.

Integration: This Contract, including all items incorporated herein by reference, constitutes the entire agreement and understanding between the Parties as to the subject matter of the Contract. It supersedes all prior or contemporaneous agreements, commitments, representations, writings, and discussions between parties, whether oral or written, express or implied, that relate in any way to the subject matter of this Contract. This Contract has been induced by no representations, statements or agreements other than those expressed herein. Neither party shall be bound by any prior or contemporaneous obligations, conditions, warranties or representations with respect to the subject matter of this Contract.

Survival: The provisions of this Contract which by their nature should survive expiration, cancellation or other termination of this Contract, including but not limited to provisions regarding warranty, indemnity, insurance, confidentiality, document retention, business ethics and availability of information, shall survive such expiration, cancellation or other termination.

EV Charge Network Sample Project Costs

Applicant: City Of Oroville
Application: EVSH000320612
Address: 1735 Montgomery Street
 Oroville Ca 95965

Property Type: Workplace

DAC Status: Located in a disadvantaged community

Number of Ports: 10

Ownership Option: EV Charge Owner

EV Charge Owner

		Median	x Ports =	Total
One-Time Costs	Chargers (range: \$1,000-\$5,000 per port)	\$ 2,300	x 10 =	\$ 23,000
	Installation (range: \$150-\$1,850 per port)	\$ 800	x 10 =	\$ 8,000
	Rebate (not to exceed charger cost)	\$ (1,150)	x 10 =	\$ (11,500)
Net One-Time Costs				\$ 19,500
Annual Costs	Network Fees (range: \$50-\$700 per port)	\$ 250	x 10 =	\$ 2,500
	Maintenance (range: \$50-\$100 per port)	\$ 100	x 10 =	\$ 1,000
	Electricity (range: \$1,100-\$5,000 per port)	\$ 2,800	x 10 =	\$ 28,000
	Costs recoverable from EV drivers	\$ (2,800)	x 10 =	\$ (28,000)
Net Annual Costs				\$ 3,500

EV Charge Sponsor

		Payment	x Ports =	Total
One-Time Costs	Participation Payment	\$ 1,150	x 10 =	\$ 11,500
Net One-Time Costs				\$ 11,500
Annual Costs	Electricity (range: \$1,100-\$5,000 per port)	\$ 2,800	x 10 =	\$ 28,000
	Costs recoverable from EV drivers	\$ (2,800)	x 10 =	\$ (28,000)
Net Annual Costs				\$ -

Costs shown are estimates, based on median values. PG&E makes no guarantee of these costs. Actual costs will vary based on vendor, installer, network selection, electricity usage, and costs recovered from EV drivers.





PG&E PROJECT # 31414123
CITY OF OROVILLE
INSTALLATION OF ELECTRIC VEHICLE LEVEL 2 CHARGING EQUIPMENT
1209 HUNTOON STREET
OROVILLE, CA 95965



PACIFIC GAS AND ELECTRIC COMPANY
 P.O. BOX 972706
 SACRAMENTO, CA 95897-2706



BLACK & VEATCH
 6600 W 115th St, Suite 2222
 Overland Park, KS 66211
 (913) 241-2525

PROJECT NO.	180223
DRAWN BY:	PAM
CHECKED BY:	KJU

REV	DATE	DESCRIPTION

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS HE OR SHE ACTS UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO SEAL THESE DRAWINGS.

PG&E ACCEPTANCE STAMP

PG&E PROJECT # 31414123
 CITY OF OROVILLE
 1209 HUNTOON STREET
 OROVILLE, CA 95965

SHEET TITLE
 TITLE SHEET &
 PROJECT DATA

SHEET NUMBER
T1.0

PROJECT DESCRIPTION

- INSTALL (4) LEVEL 2 DUAL-PORT CHARGING STATIONS
- INSTALL (2) LEVEL 2 SINGLE-PORT CHARGING STATIONS
- INSTALL (2) LEVEL 2 (UTILITY METER AND ELECTRIC DISTRIBUTION PANEL)

DRAWING INDEX

SHEET NO.	TITLE SHEET & PROJECT DATA	REV NO.
T1.0	TITLE SHEET & PROJECT DATA	0
C1.0	CONTRACTOR'S GENERAL NOTES	0
E1.0	ELECTRICAL PLAN	0
E2.1	ELECTRICAL DETAILS	0
R1.0	PRECAST FOUNDATION	0
R2.0	REFERENCE DRAWINGS	0

ZONING INFORMATION

PERMITTING JURISDICTION: CITY OF OROVILLE

ENGINEER OF RECORD

CIVIL
 PAM SCHULTZ
 PE, LIC #14668
 BLACK & VEATCH CORPORATION

LOCATION MAP



DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS, EXISTING DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.

AREA MAP



CALL BEFORE YOU DIG

UNDERGROUND SERVICE ALERT
 UTILITY NOTIFICATION CENTER OF CALIFORNIA
 811 OR 1-800-227-3800
 * WORKING DATA UTILITY NOTIFICATION PRIOR TO CONSTRUCTION

SITE INFORMATION

EV SITE ADDRESS:
 1209 HUNTOON STREET
 OROVILLE, CA 95965
COUNTY:
 BUTTE
PROPERTY OWNER:
 CITY OF OROVILLE
 CITY HALL
 OROVILLE, CA 95965

POWER COMPANY:
 PG&E
APPLICABLE CODES:
 2016 CALIFORNIA BUILDING CODE
 2016 CALIFORNIA ELECTRICAL CODE
 2014 NATIONAL ELECTRICAL CODE
 IN THE EVENT OF CONFLICT, THE MOST RESTRICTIVE CODE SHALL PREVAIL

PROJECT TEAM

LEAD CIVIL ENGINEER:
 CURTIS SCHULTZ
 8500 RIPPERSLEY
 SCHULTZORBBV.COM
 HPPRISLEYBC@BBV.COM

PG&E PROJECT MANAGER:
 BRITTANY POH
 (925) 958-3888
 BRITTANY.POH@PG&E.COM

LEAD ELECTRICAL ENGINEER:
 ROAD RIPPERSLEY
 HPPRISLEYBC@BBV.COM

FLOOD HAZARD AREA NOTE
 THIS SITE IS LOCATED IN FLOOD ZONE "X".
 0.2% ANNUAL CHANCE FLOOD HAZARD.

CONTRACTOR NOTE

CONTRACTOR SHALL COMPLETE INSTALL PER THE SIGNED AND THE SEALED SET OF DRAWINGS. ANY NECESSARY DEVIATIONS FROM THE DRAWINGS MUST BE SUBMITTED THROUGH AN RFI REQUEST PROCESS WITH ENGINEERING FOR ALL DEVIATIONS. CONTRACTOR SHALL SUBMIT A SEALED SET OF THE SIGNED AND SEALED SET OF DRAWINGS.



PACIFIC GAS AND ELECTRIC COMPANY
 4900 CALIFORNIA STREET, SUITE 100
 SACRAMENTO, CA 95825-1700



BLACK & VEATCH
 6800 N. 116th St., Suite 200
 OVERLAND PARK, KS 66211
 (913) 698-2800

PROJECT NO: _____
 DRAWN BY: _____
 CHECKED BY: _____

REV	DATE	DESCRIPTION

IT IS A CONDITION OF CONTRACT FOR THE USER OF THIS DOCUMENT TO MAINTAIN THE ORIGINAL DOCUMENT IN A SAFE PLACE AND TO NOTIFY THE DESIGNER IMMEDIATELY IN WRITING OF ANY DAMAGE TO OR LOSS OF THIS DOCUMENT.
 PG&E ACCEPTANCE STAMP

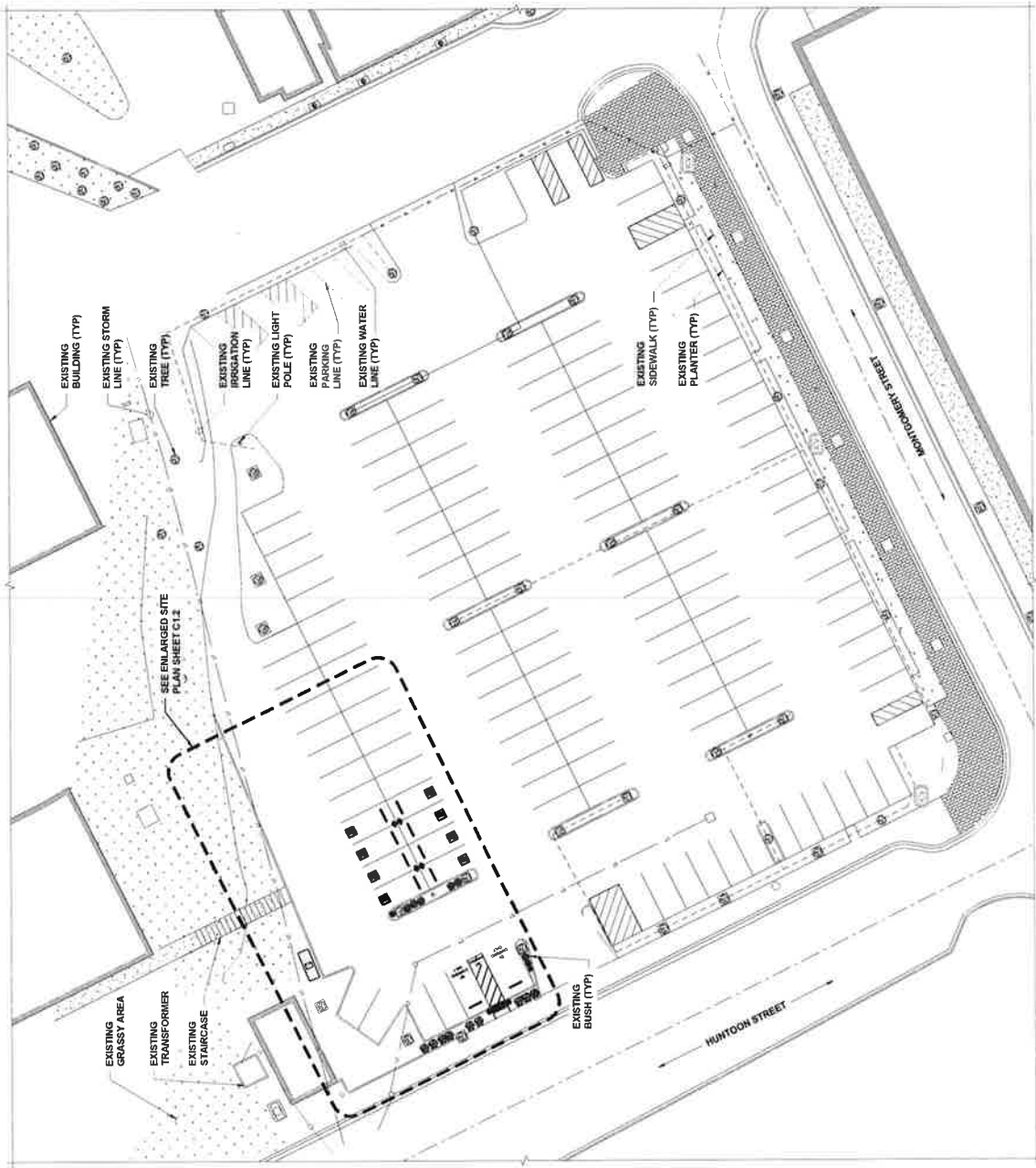
PG&E PROJECT # 31414123
 CITY OF OROVILLE
 1209 HUNTOON STREET
 OROVILLE, CA 95965

SHEET TITLE
OVERALL SITE PLAN

SHEET NUMBER
C1.0

Material	Unit	Quantity
Wire #6	LF	2694
Conduit 3/4"	LF	554
1 1/4" Equipment	LF	554
PG&E 400A12020B/5-10 Pedestal (Meter and Distribution Panel)	EACH	1
Oldcastle Precast Base	EACH	6
Wheel Stops	EACH	10
Sign Post	EACH	1
Van Accessible Sign	EACH	1

Note: All quantities are estimates and should be verified by the contractor.



OVERALL SITE PLAN



PACIFIC GAS AND ELECTRIC COMPANY
 1000 MARKET STREET
 SACRAMENTO, CA 95829-7300



BLACK & VEATCH
 8800 W 15th St, Suite 2200
 Overland Park, KS 66211
 (913) 481-3000

PROJECT NO.	1842
DATE	11/11/18
CHECKED BY	DAK

REV	DATE	DESCRIPTION
1	11/11/18	ISSUED FOR CONSTRUCTION

IF YOU ARE NOT THE DESIGN PROFESSIONAL, YOU MAY NOT SIGN THIS DOCUMENT. YOU MAY SIGN THIS DOCUMENT ONLY IF YOU ARE THE DESIGN PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

POWER ACCEPTANCE STAMP

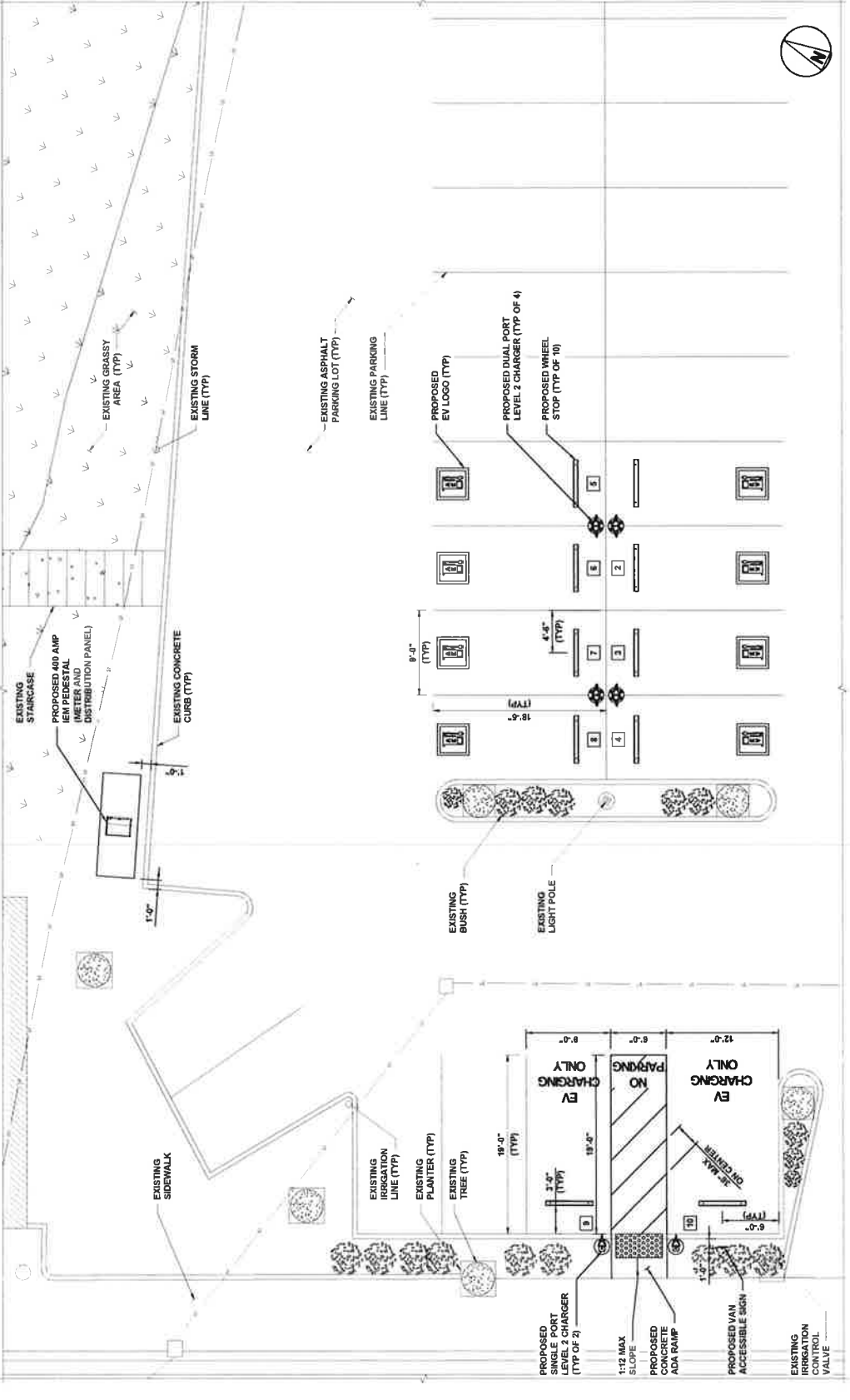
PG&E PROJECT # 31414123
 CITY OF GROVILLE
 1205 HUNTOON STREET
 GROVILLE, CA 95665

SHEET TITLE
ENLARGED SITE PLAN

SHEET NUMBER
C1.2

PROJECT AREA STALL COUNT		
EXISTING STALL COUNT	PROPOSED STALL COUNT	
11	10	

PROPOSED EV BOX DISPENSER		
CHARGE POST NUMBER	SINGLE/DUAL PORT	WALL/PEDESTAL MOUNT
1/2	DUAL	PEDESTAL
3/4	DUAL	PEDESTAL
5/6	DUAL	PEDESTAL
7/8	DUAL	PEDESTAL
9	SINGLE	PEDESTAL
10	SINGLE	PEDESTAL



NOTE
 1. THE CONTRACTOR SHALL RETURN SIDEWALKS, LANDSCAPING, PLANTERS, IRRIGATION SYSTEMS, AND ANY OTHER FACILITIES DISTURBED BY THE WORK TO THE SAME OR BETTER CONDITION THAN EXISTED PRIOR TO THE COMMENCEMENT OF THE WORK.

ENLARGED SITE PLAN



PACIFIC GAS AND ELECTRIC COMPANY
 2001 BAY STREET
 SACRAMENTO, CA 95833-2000



BLACK & VEATCH
 600 W 15th St, Suite 2202
 OROVILLE, CA 95965
 (530) 526-2000

PROJECT NO.	THREAT
DRAWN BY:	PAM
CHECKED BY:	AKJ

REV	DATE	DESCRIPTION
1	1/18/18	ISSUED FOR CONSTRUCTION

IT IS A PORTION OF ANY OR ALL PERSONS, UNLESS INDICATED OTHERWISE, TO AUTHORIZE THIS DOCUMENT FOR CONSTRUCTION.

PG&E ACCEPTANCE STAMP

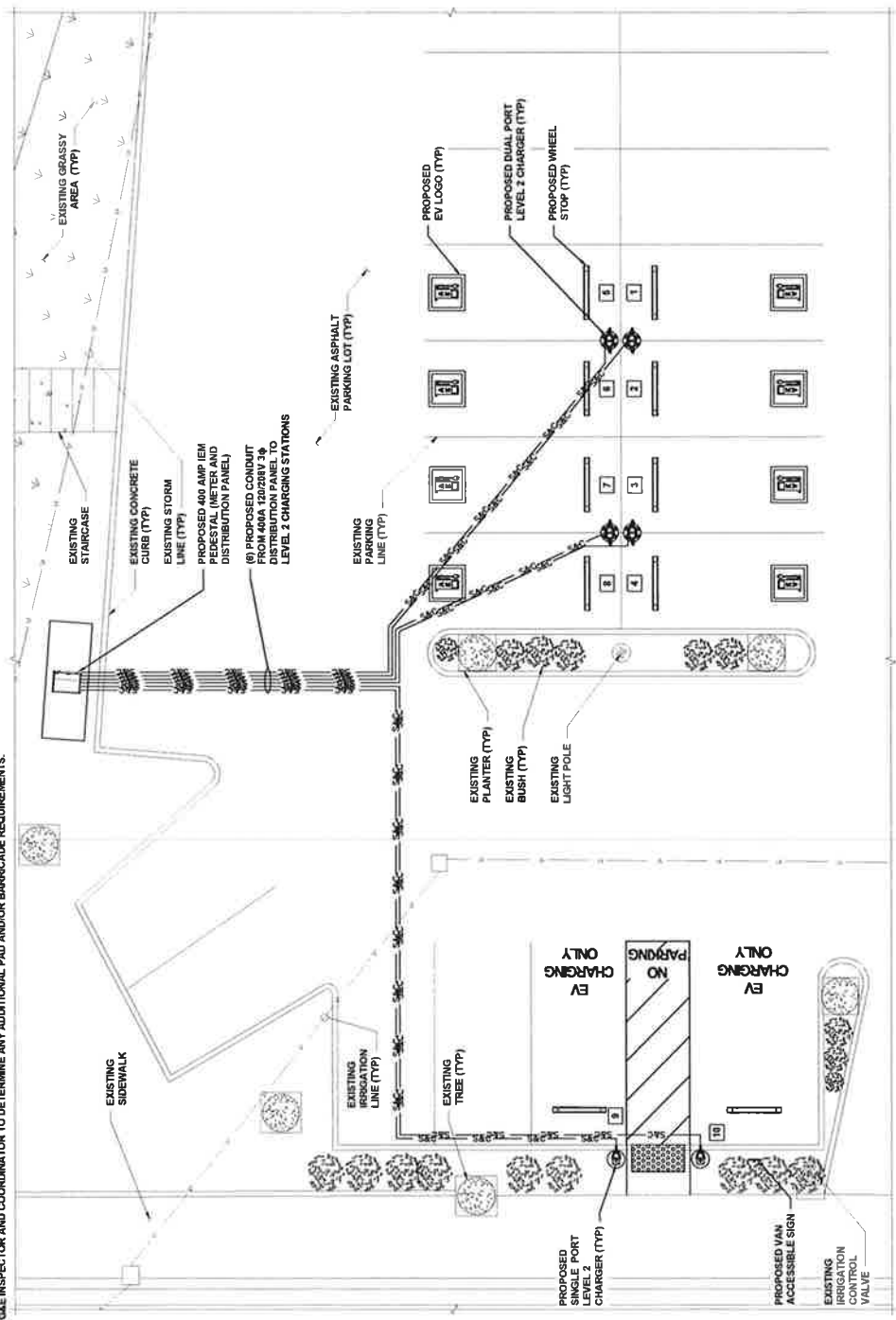
PG&E PROJECT # 31441423
 CITY OF OROVILLE
 1205 HUNTOON STREET
 OROVILLE, CA 95965

SHEET TITLE
ELECTRICAL PLAN

SHEET NUMBER
E1.0

BRANCH CIRCUIT LENGTHS		
AC PANEL	LEVEL 2 EV CHARGER	ESTIMATED LENGTH (FT)
MSB	1/2	68
MSB	3/4	59
MSB	5/6	67
MSB	7/8	68
MSB	9	99
MSB	10	101
		111

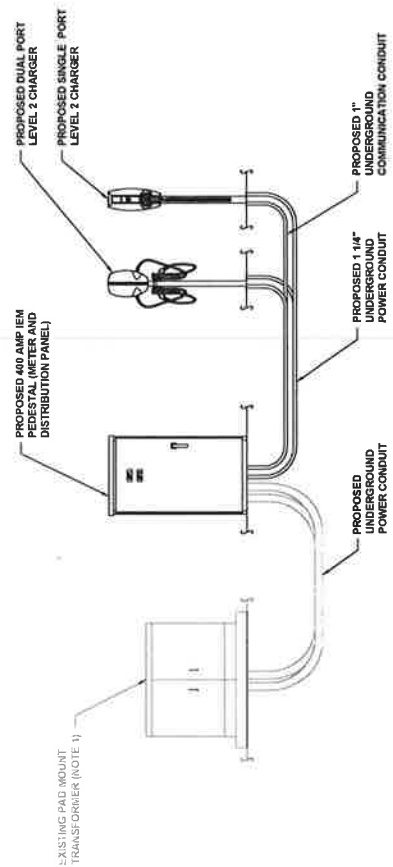
- NOTES**
- * AC CONDUCTOR: 10 FEET IS ADDED TO HORIZONTAL RUN LENGTH TO ACCOUNT FOR VERTICAL DEPTH AND INSTALLATION LOSSES.
 - 1. ALL UTILITY RELATED SCOPE OF WORK (TO THE POINT OF SERVICE) IS DETAILED IN THE PG&E UTILITY DESIGN DRAWING "PM #3 1414123" AND IS TO BE INSTALLED PER PG&E OPUC REGULATIONS AND PER PG&E GREENBOOK STANDARDS.
 - 2. CONDUIT ROUTING IS DIAGRAMMATICALLY SHOWN ON PLANS AND ARE ONLY APPROXIMATIONS. THE EXACT LOCATION AND ROUTING PATHS SHALL BE FIELD VERIFIED AND INSTALLED PER JURISDICTIONAL REQUIREMENTS.
 - 3. ALL ELECTRICAL WORK AND RELATED ACTIVITIES PERFORMED ON-SITE SHALL BE DONE IN ACCORDANCE WITH NATIONAL ELECTRICAL CODE (NEC) STANDARDS BEING ENFORCED BY ALL APPLICABLE JURISDICTIONAL REQUIREMENTS AT TIME OF CONSTRUCTION.
 - 4. ALL EQUIPMENT, FEEDERS AND DEVICES PROVIDED UNDER THIS SCOPE OF WORK IS NEW AND SHOWN IN BOLD UNLESS OTHERWISE NOTED.
 - 5. POWER CONDUITS: NO MORE THAN THE EQUIVALENT OF FOUR 90 DEGREE BENDS (80 DEGREE BENDS TOTAL) BETWEEN PULL POINTS PER SEC 308.26. PROVIDE PULL BOXES WITH MINIMUM SIZE REQUIREMENTS PER SEC 314.23 AND 314.21.
 - 6. PERFORM GROUND PENETRATING RADAR SURVEY PRIOR TO DIGGING.
 - 7. CONTACT YOUR LOCAL PG&E INSPECTOR AND COORDINATOR TO DETERMINE ANY ADDITIONAL PAID AND/OR BARRICADE REQUIREMENTS.



ELECTRICAL PLAN

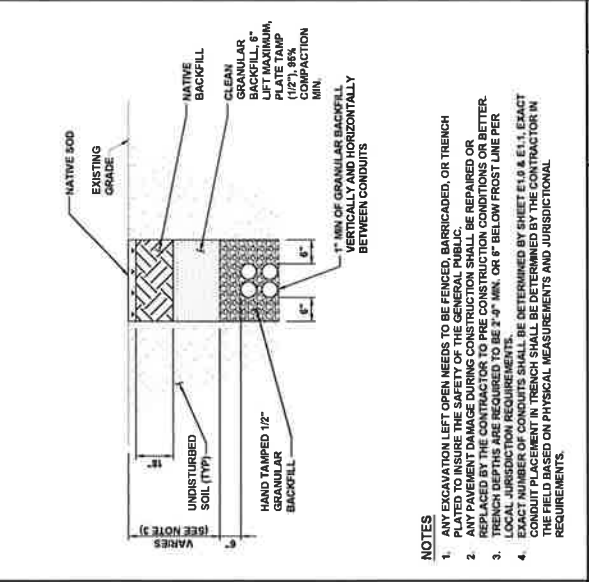
NOTE

1. ALL UTILITY RELATED SCOPE OF WORK (TO THE POINT OF SERVICE) IS DETAILED IN THE PG&E UTILITY DESIGN DRAWING "PM #3141423" AND IS TO BE INSTALLED PER PG&E CRUC REGULATIONS AND PER PG&E GREENBOOK STANDARDS.



CAR CHARGER CONDUIT ELEVATION

NO SCALE 1



TYPICAL NON-UTILITY CONDUIT UNDER SOIL TRENCH DETAIL

NO SCALE 2

PACIFIC GAS AND ELECTRIC COMPANY
SACRAMENTO, CA 95891-7000

BLACK & VEATCH
4000 W 150th St, Suite 2300
OVERLAND PARK, KS 66111
(817) 484-2600

PROJECT NO:	11000
ISSUE DATE:	11/2018
DESIGNED BY:	AD

REV	DATE	DESCRIPTION
1	11/2018	ISSUED FOR CONSTRUCTION

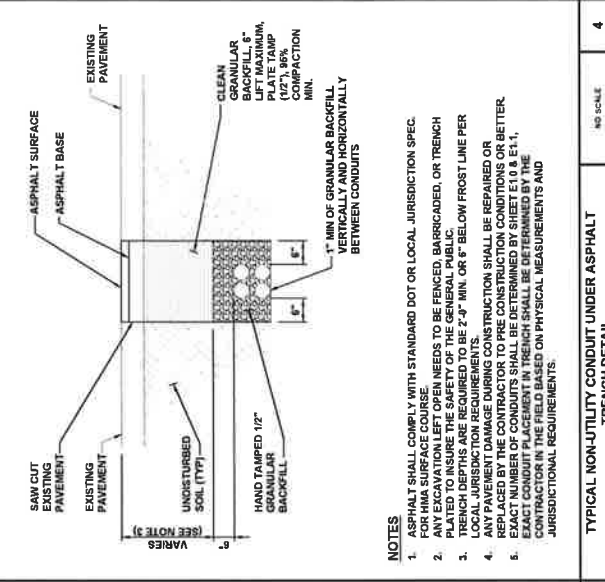
THIS DOCUMENT IS THE PROPERTY OF PG&E. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF PG&E IS STRICTLY PROHIBITED.

PG&E ACCEPTANCE STAMP

PG&E PROJECT # 3141423
CITY OF OROVILLE
1205 HUNTOON STREET
OROVILLE, CA 95966

SHEET TITLE
ELECTRICAL DETAILS

SHEET NUMBER
E2.1



TYPICAL NON-UTILITY CONDUIT UNDER ASPHALT TRENCH DETAIL

NO SCALE 4

DETAIL NOT USED



PACIFIC GAS AND ELECTRIC COMPANY
SACRAMENTO, CA 95899-7300



BLACK & VEATCH
6000 W 159th St, Suite 2000
Overland Park, KS 66211
(913) 486-2600

PROJECT NO:	110849
DRAWN BY:	RAM
CHECKED BY:	RLB

REV	DATE	DESCRIPTION
1	11/08/09	ISSUED FOR CONSTRUCTION

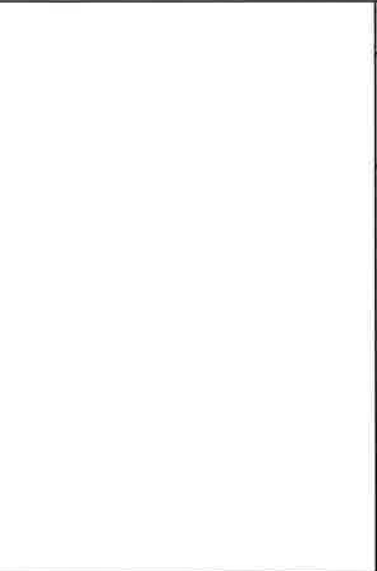
IF YOU ARE A PERSON OF LAW FOR ANY PERSON, YOU ARE NOT TO BE HELD LIABLE FOR ANY DAMAGES OR INJURIES THAT MAY BE SUFFERED BY YOU OR ANY OTHER PERSONS AS A RESULT OF YOUR RELIANCE ON THIS DOCUMENT.

PG&E ACCEPTANCE STAMP

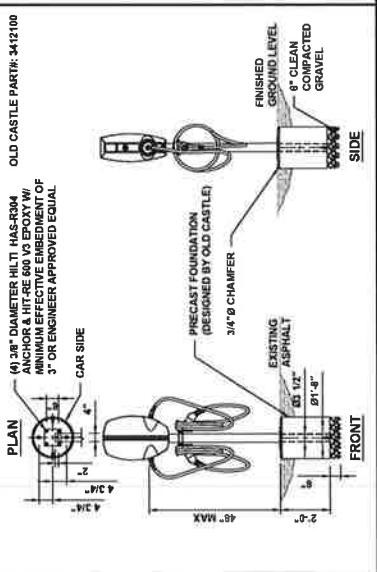
PG&E PROJECT # 31414123
CITY OF OROVILLE
1209 HUNTOON STREET
OROVILLE, CA 95965

SHEET TITLE
EQUIPMENT DETAILS

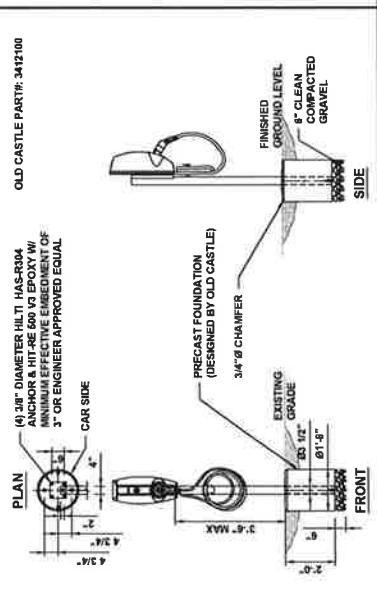
SHEET NUMBER
S1.0



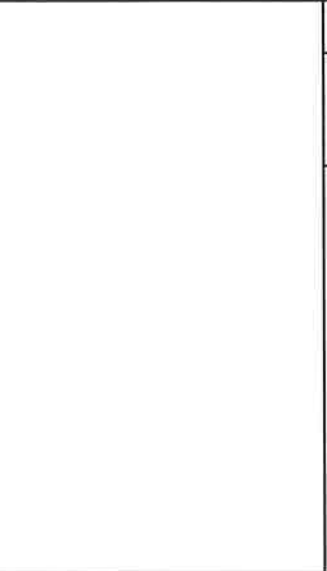
1 NO SCALE
SINGLE PORT DISPENSER DETAIL (EV BOX)
DETAIL NOT USED



2 NO SCALE
DUAL PORT DISPENSER DETAIL (EV BOX)
DETAIL NOT USED



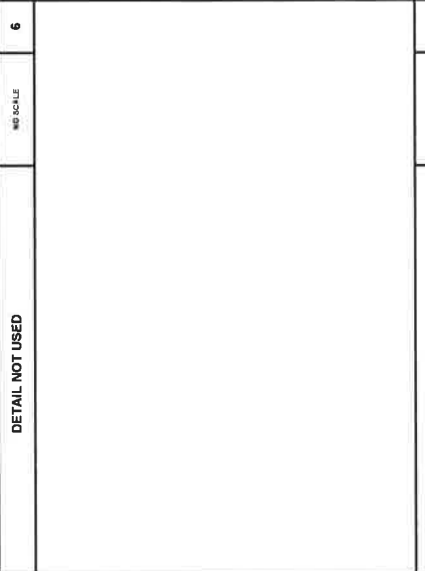
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SINGLE PORT DISPENSER DETAIL (EV BOX)
DETAIL NOT USED



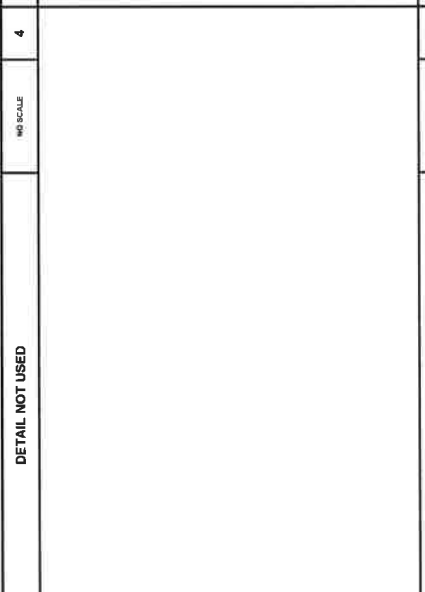
4 NO SCALE
DETAIL NOT USED
DETAIL NOT USED



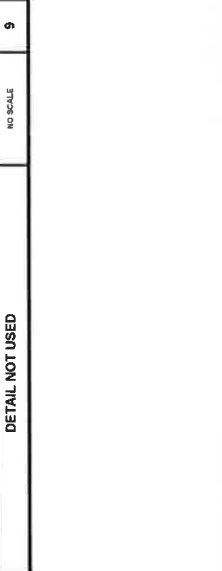
5 NO SCALE
DETAIL NOT USED
DETAIL NOT USED



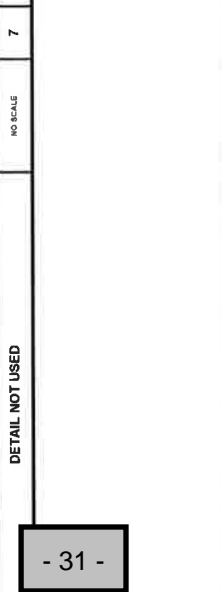
6 NO SCALE
DETAIL NOT USED
DETAIL NOT USED



7 NO SCALE
DETAIL NOT USED
DETAIL NOT USED



8 NO SCALE
DETAIL NOT USED
DETAIL NOT USED



9 NO SCALE
DETAIL NOT USED
DETAIL NOT USED



PACIFIC GAS AND ELECTRIC COMPANY
1200 MARKET STREET
SAN FRANCISCO, CA 94102

BLACK & VEATCH
 8900 WILSON BL. SUITE 2002
 OROVILLE, CALIFORNIA 95965
 (916) 438-2000

PROJECT NO.	180572
DRAWN BY:	FAM
CHECKED BY:	KLA
DATE	
REV	DESCRIPTION
1	ISSUED FOR CONSTRUCTION

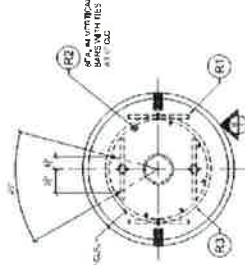
PRECAST FOUNDATIONS

PG&E PROJECT #3141423
CITY OF OROVILLE
1209 HUNTOON STREET
OROVILLE, CA 95965

SHEET TITLE
PRECAST FOUNDATIONS

SHEET NUMBER
R1.0

- ACCEPTED**
 ENGINEERING DEPARTMENT
 BY: Steven Ng on May 16, 2018
- MATERIALS**
 1. 20'0" X 24" EV CHARGING BASE
 2. 20'0" X 24" EV CHARGING BASE
 3. 20'0" X 24" EV CHARGING BASE
 4. 20'0" X 24" EV CHARGING BASE
- GENERAL NOTES**
 1. PRECAST FOUNDATION SHALL BE CAST IN PLACE CONCRETE.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL REINFORCEMENT SHALL BE 4# EPOXY COATED STEEL.
 4. ALL REINFORCEMENT SHALL BE 4# EPOXY COATED STEEL.
 5. ALL REINFORCEMENT SHALL BE 4# EPOXY COATED STEEL.
 6. ALL REINFORCEMENT SHALL BE 4# EPOXY COATED STEEL.
 7. ALL REINFORCEMENT SHALL BE 4# EPOXY COATED STEEL.
 8. ALL REINFORCEMENT SHALL BE 4# EPOXY COATED STEEL.



BOM

QTY.	DESCRIPTION	ITEM #
1	20'0" X 24" EV CHARGING BASE	110000
1	20'0" X 24" EV CHARGING BASE	110000
1	20'0" X 24" EV CHARGING BASE	110000
1	20'0" X 24" EV CHARGING BASE	110000

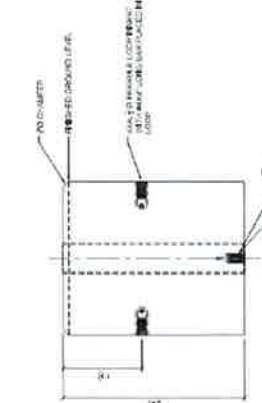
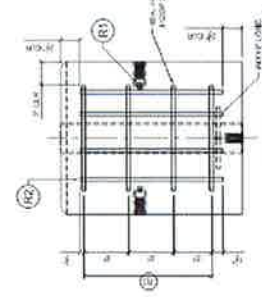
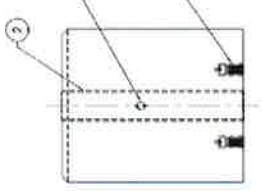
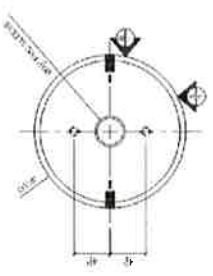
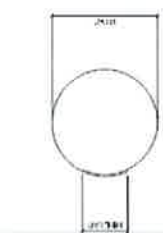
WEIGHTS / CONCRETE YD

CONCRETE	1.50 YD
STEEL	1.50 YD
TOTAL	3.00 YD

REINFORCEMENT CUT LIST

ITEM #	DESCRIPTION	QTY.	UNIT
1	4# EPOXY COATED STEEL	1.50	YD
2	4# EPOXY COATED STEEL	1.50	YD
3	4# EPOXY COATED STEEL	1.50	YD
4	4# EPOXY COATED STEEL	1.50	YD

20'0" X 24" EV CHARGING BASE
 PRECAST FOUNDATION CONCRETE BASE



CHARGER FOUNDATION REFERENCE DRAWINGS



PG&E
PACIFIC GAS AND ELECTRIC COMPANY
SACRAMENTO, CA 95834-7200



BLACK & VEATCH
6800 W 116th St, Suite 2232
Overland Park, KS 66211
(913) 786-8000

PROJECT NO.	198523
DRAWN BY:	RAM
CHECKED BY:	KUJ

REV	DATE	DESCRIPTION

PG&E ACCEPTANCE STAMP

PG&E PROJECT # 31414123
CITY OF OROVILLE
1209 HUNTDOWN STREET
OROVILLE, CA 98965

SHEET TITLE
REFERENCE DRAWINGS

SHEET NUMBER
R2.0

EV6 BX

BusinessLine Networked

Benefits

Designed for

EV6 BX

EV6 BX

EV6 BX

BusinessLine Networked

Benefits

Designed for

EV6 BX

EV6 BX

EV6 BX

BusinessLine Networked

Benefits

Designed for

EV6 BX

EV6 BX

EV6 BX

BusinessLine Networked

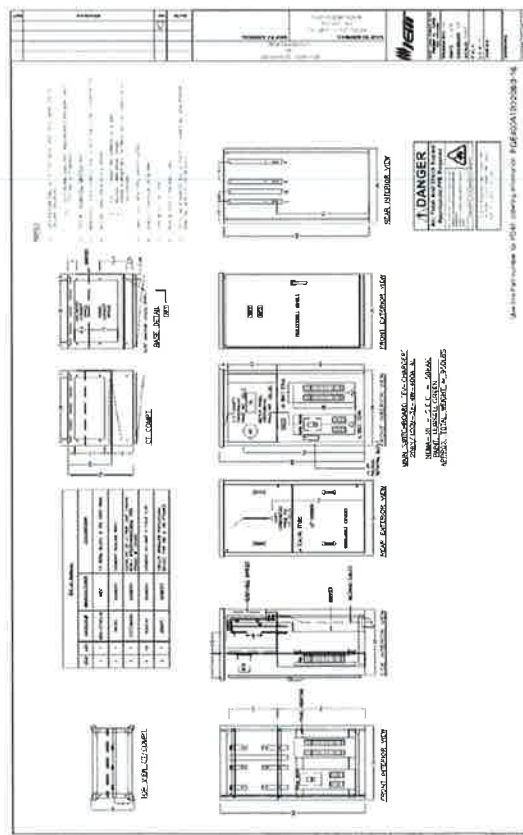
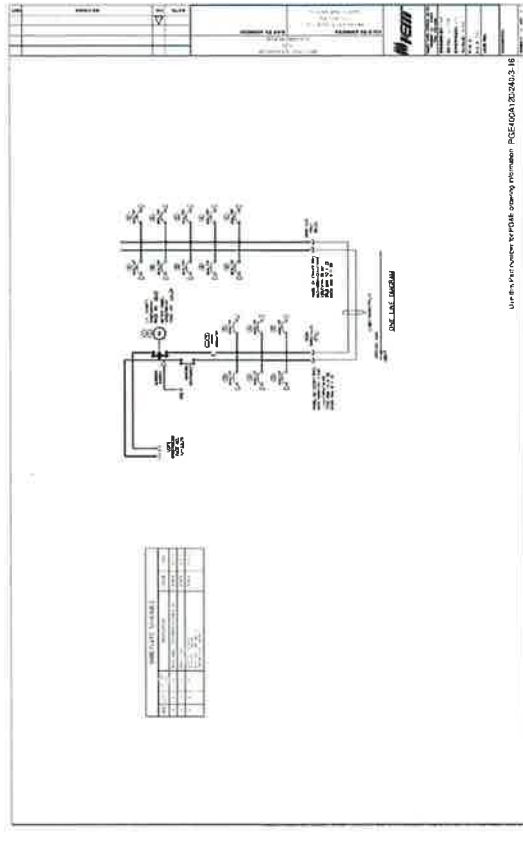
Benefits

Designed for

EV6 BX

EV6 BX

EV BOX REFERENCE DRAWINGS



EV6 BX REFERENCE DRAWINGS

Backup material for agenda item:

- Proclamation and award presented to Jack Berry
- Proclamation and award presented to Marlene Del Rosario
- Proclamation and award presented to Linda Dahlmeier

City of Oroville

**A PROCLAMATION IN
RECOGNITION AND APPRECIATION OF
JACK BERRY**

WHEREAS, Jack Berry has dedicated his several years of his life to the community of Oroville, with distinction; demonstrating his willingness to place his concern for the public's well-being ahead of his personal interests; and

WHEREAS, Jack's performance of the duties and responsibilities as a member of the City Council have been characterized by diligent and constructive contributions to all facets of municipal government in our city; and

WHEREAS, Jack has advocated tirelessly for the betterment of the City's economic, public safety, infrastructure and aesthetic development; and

WHEREAS, Jack has served the community with devotion and has been instrumental in numerous City-wide projects; and

WHEREAS, Jack's commitment to the City and the community is evident given magnitude of his years of service to the public.

NOW, THEREFORE, I, Tom Lando, Interim City Administrator of the City of Oroville, in concurrence with the Oroville City Council, do hereby recognize Jack Berry for his loyal and dedicated service to the community of Oroville and extend this expression of pride and appreciation for the contributions made by Jack to ensure the future growth and prosperity of the City of Oroville.

Tom Lando, Interim City Administrator

City of Oroville

**A PROCLAMATION IN
RECOGNITION AND APPRECIATION OF
MARLENE DEL ROSARIO**

WHEREAS, Marlene Del Rosario has dedicated the last four years to the community of Oroville, with distinction; demonstrating her willingness to place her concern for the public's well-being ahead of her personal interests; and

WHEREAS, Marlene's performance of the duties and responsibilities as a member of the City Council have been characterized by diligent and constructive contributions to all facets of municipal government in our city; and

WHEREAS, Marlene has advocated tirelessly for the betterment of the City's economic, public safety, infrastructure and aesthetic development; and

WHEREAS, Marlene has served the community with devotion and has been instrumental in numerous City-wide projects; and

WHEREAS, Marlene's commitment to the City and the community is evident.

NOW, THEREFORE, I, Tom Lando, Interim City Administrator of the City of Oroville, in concurrence with the Oroville City Council, do hereby recognize Marlene Del Rosario for her loyal and dedicated service to the community of Oroville and extend this expression of pride and appreciation for the contributions made by Marlene to ensure the future growth and prosperity of the City of Oroville.

Tom Lando, Interim City Administrator

City of Oroville

**A PROCLAMATION IN
RECOGNITION AND APPRECIATION OF
LINDA DAHLMEIER**

WHEREAS, Linda Dahlmeier has dedicated her life to the community of Oroville, with distinction; demonstrating her loyalty and commitment to her constituents and community; and

WHEREAS, Linda has performed the duties and responsibilities of Mayor of the City of Oroville with confidence and has made many distinct contributions to the city's municipal government; and

WHEREAS, Linda has worked faithfully and tirelessly for the betterment of the City's economic, public safety, infrastructure and aesthetic development; a champion for our community and advocate of growth and prosperity; and

WHEREAS, Linda's commitment to the youth of Oroville is tremendous; by advocating for and supporting youth programs, engaging youth in council meetings and in teaching youth about the workings of city government she has tirelessly supported the future leaders of Oroville; and

WHEREAS, Linda has provided positive regional and city-wide leadership on issues facing the City of Oroville and has been instrumental in numerous City-wide and county-wide projects; and

WHEREAS, Linda's commitment to the City and the community is evident in all that she has accomplished in the past eight years as Mayor of Oroville.

NOW, THEREFORE, I, Tom Lando, Interim City Administrator of the City of Oroville, in concurrence with the Oroville City Council, do hereby recognize Linda Dahlmeier for her loyal and dedicated service to the community of Oroville and extend this expression of pride and appreciation for the contributions made by Linda Dahlmeier to ensure the future growth and prosperity of the City of Oroville.

Tom Lando, Interim City Administrator

Backup material for agenda item:

Certificate of Election and Oath of Office

I, Joanna Gutierrez, Interim City Clerk of the City of Oroville, County of Butte, State of California, do hereby certify that at a General Municipal Election held in the City of Oroville, on the 6th day of November, 2018, Karolyn Fairbanks was duly elected to the office of City Treasurer as appears by the official returns of the election and the statement of votes cast now on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal this 2nd day of January 2019.

Joanna Gutierrez, Interim City Clerk

STATE OF CALIFORNIA,
County of Butte }
City of Oroville } ss.

I,

Karolyn Fairbanks,

do solemnly affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter for the City of Oroville.

City Treasurer
(NAME OF OFFICE)

(CANDIDATE SIGNATURE)

Subscribed and sworn to before me, this 2nd day of January 2018.

(SIGNATURE OF PERSON ADMINISTERING OATH)

Interim City Clerk

Certificate of Election and Oath of Office

I, Joanna Gutierrez, Interim City Clerk of the City of Oroville, County of Butte, State of California, do hereby certify that at a General Municipal Election held in the City of Oroville, on the 6th day of November, 2018, Art Hatley was duly elected to the office of City Council as appears by the official returns of the election and the statement of votes cast now on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal this 2nd day of January 2019.

Joanna Gutierrez, Interim City Clerk

STATE OF CALIFORNIA,
County of Butte }
City of Oroville } ss.

I,

Art Hatley,

do solemnly affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter for the City of Oroville.

City Council
(NAME OF OFFICE)

(CANDIDATE SIGNATURE)

Subscribed and sworn to before me, this 2nd day of January 2018.

(SIGNATURE OF PERSON ADMINISTERING OATH)

Interim City Clerk

Certificate of Election and Oath of Office

I, Joanna Gutierrez, Interim City Clerk of the City of Oroville, County of Butte, State of California, do hereby certify that at a General Municipal Election held in the City of Oroville, on the 6th day of November, 2018, David Pittman was duly elected to the office of City Council as appears by the official returns of the election and the statement of votes cast now on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal this 2nd day of January 2019.

Joanna Gutierrez, Interim City Clerk

STATE OF CALIFORNIA,
County of Butte }
City of Oroville } ss.

I,

David Pittman,

do solemnly affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter for the City of Oroville.

City Council
(NAME OF OFFICE)

(CANDIDATE SIGNATURE)

Subscribed and sworn to before me, this 2nd day of January 2018.

(SIGNATURE OF PERSON ADMINISTERING OATH)

Interim City Clerk

Certificate of Election and Oath of Office

I, Joanna Gutierrez, Interim City Clerk of the City of Oroville, County of Butte, State of California, do hereby certify that at a General Municipal Election held in the City of Oroville, on the 6th day of November, 2018, Eric Smith was duly elected to the office of City Council as appears by the official returns of the election and the statement of votes cast now on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal this 2nd day of January 2019.

Joanna Gutierrez, Interim City Clerk

STATE OF CALIFORNIA,
County of Butte }
City of Oroville } ss.

I,

Eric Smith,

do solemnly affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter for the City of Oroville.

City Council
(NAME OF OFFICE)

(CANDIDATE SIGNATURE)

Subscribed and sworn to before me, this 2nd day of January 2018.

(SIGNATURE OF PERSON ADMINISTERING OATH)

Interim City Clerk

Certificate of Election and Oath of Office

I, Joanna Gutierrez, Interim City Clerk of the City of Oroville, County of Butte, State of California, do hereby certify that at a General Municipal Election held in the City of Oroville, on the 6th day of November, 2018, Chuck Reynolds was duly elected to the office of Mayor as appears by the official returns of the election and the statement of votes cast now on file in the City Clerk's office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal this 2nd day of January 2019.

Joanna Gutierrez, Interim City Clerk

STATE OF CALIFORNIA,
County of Butte } ss.
City of Oroville

I,

Chuck Reynolds,

do solemnly affirm that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter for the City of Oroville.

Mayor

(NAME OF OFFICE)

(CANDIDATE SIGNATURE)

Subscribed and sworn to before me, this 2nd day of January 2018.

(SIGNATURE OF PERSON ADMINISTERING OATH)

Interim City Clerk

Backup material for agenda item:

3. EXTENDING URGENCY ORDINANCE 1832 TO ESTABLISH A TEMPORARY MORATORIUM ON RESIDENTIAL RENT INCREASES IN THE CITY OF OROVILLE

Requested by staff

The Council will consider extending an urgency ordinance to establish a temporary moratorium on residential rent increases in the City of Oroville.

RECOMMENDATION

Extend Urgency Ordinance No. 1832 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA ESTABLISHING A TEMPORARY MORATORIUM ON RESIDENTIAL RENT INCREASES IN THE CITY OF OROVILLE



CITY OF OROVILLE STAFF REPORT

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: SCOTT E. HUBER, CITY ATTORNEY

**RE: EXTENDING URGENCY ORDINANCE 1832 TO ESTABLISH A
TEMPORARY MORATORIUM ON RESIDENTIAL RENT INCREASES IN
THE CITY OF OROVILLE**

DATE: JANUARY 2, 2019

SUMMARY

The Council will consider extending an urgency ordinance to establish a temporary moratorium on residential rent increases in the City of Oroville.

DISCUSSION

As a result of the Camp Fire, which has decimated the Town of Paradise, the City has received information that rent prices have increased by 10% (the maximum amount allowed by law following a natural disaster). Such increases have the consequences of pricing many people out of the housing market and will take advantage of those who have been impacted by the recent natural disaster.

As a result, staff recommends that the Council extend the terms of urgency ordinance 1832 prohibiting rent increases for 10 months and 15 days. (gov. code 65858)

FISCAL IMPACT

None

RECOMMENDATION

Extend Urgency Ordinance No. 1832 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA ESTABLISHING A TEMPORARY MORATORIUM ON RESIDENTIAL RENT INCREASES IN THE CITY OF OROVILLE

ATTACHMENTS

Urgency Ordinance No. 1832

URGENCY ORDINANCE NO. 1832
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA ESTABLISHING A
TEMPORARY MORATORIUM ON RESIDENTIAL RENT INCREASES IN THE CITY OF OROVILLE

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of Oroville may make and enforce all regulations and ordinances using its police powers; and

WHEREAS, the Camp Fire in the town of Paradise has forced approximately 30,000 people to evacuate; and

WHEREAS, the City of Paradise is only 17.34 miles from the City of Oroville; and

WHEREAS, the Camp Fire has destroyed most of the town of Paradise and more than 40 people have died, making the Camp Fire the most deadly fire in California history; and

WHEREAS, the Camp Fire has burned more than 113,000 acres and as of November 12, 2018 it was only 25% contained; and

WHEREAS, the Camp Fire has destroyed 6,453 residences and 260 commercial structures as of November 12, 2018; and

WHEREAS, landlords in the City of Oroville have an immediate incentive to increase rents to higher levels; and

WHEREAS, in order to preserve the public peace, health and safety, it is necessary to prevent residential rent increases during this devastating time.

WHEREAS, forty-five days has passed since adoption of this urgency ordinance. The need continues to exist therefore we are extending this urgency ordinance for an additional ten (10) months and fifteen (15) days.

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

SECTION 1. **Findings.** The City Council of the City of Oroville adopts and finds as true and correct, the aforementioned recitals and incorporate them herein as findings.

SECTION 2. **Imposition of Temporary Moratorium on Residential Rent Increases.** A temporary Moratorium on Residential Rent increases is hereby imposed for a period of ten (10) months and fifteen (15) days. During the Moratorium Period, no Landlord shall increase Rent for any Rental Unit. This moratorium shall not apply to any rent increase which has become effective prior to the effective date of this Ordinance. The Moratorium may be extended pursuant to Government Code Section 65858.

SECTION 3. **Severability.** If any section, subsection, clause, phrase or word of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Effective Date. This Ordinance is an Urgency Ordinance enacted under California Government Code Sections 36934 and 36937(b). This Urgency Ordinance is immediately effective upon adoption by a four-fifths vote of the City Council.

I HEREBY CERTIFY that the foregoing urgency ordinance was duly read and adopted at a regular meeting on 2nd day of January 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

LINDA DAHLMEIER, Mayor

ATTEST:

FORM APPROVED:

JACKIE GLOVER, Assistant City Clerk

SCOTT HUBER, City Attorney



City of Oroville

OFFICE OF THE CITY CLERK

Jackie Glover
Assistant City Clerk

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2535 FAX (530) 538-2468
www.cityoforoville.org

NOTICE OF PUBLIC HEARINGS BEFORE THE CITY COUNCIL OF THE CITY OF OROVILLE

NOTICE IS HEREBY GIVEN that the City Council of the City of Oroville will be holding a public hearing on the items listed below. The hearing will be held on **Wednesday, January 2, 2019** at 8:00 p.m. in the City Council Chambers located at 1735 Montgomery St., Oroville.

1. **URGENCY ORDINANCE NO. 1832** - The Oroville City Council will conduct a public hearing to consider extending the terms Urgency Ordinance No. 1832 an Urgency Ordinance of the City Council of the City of Oroville, California establishing a temporary moratorium on residential rent increase in the City of Oroville.

Additional information regarding the items described in this notice is available at the Clerk's Office in City Hall, 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the City Clerk prior to the hearing, or at the meeting.

Publish Date: December 24, 2018
Jackie Glover, Assistant City Clerk

Backup material for agenda item:

4. REGULATION OF COMMERCIAL CANNABIS BUSINESSES

The Council may consider an amendment to the Oroville Municipal Code related to the regulation of commercial cannabis businesses in the City of Oroville.

RECOMMENDATION

1. Adopt Ordinance No. 1834 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE OROVILLE MUNICIPAL CODE BY REPEALING SECTION 17.16.XX (COMMERCIAL CANNABIS BUSINESSES); AMENDING SECTION 17.08.120 (CANNABIS BUSINESSES); AMENDING SECTION 17.32.010 (ALLOWED USES IN COMMERCIAL DISTRICTS); AMENDING SECTION 17.36.010 (ALLOWED USES IN INDUSTRIAL DISTRICTS) TO PROHIBIT ZONING FOR COMMERCIAL CANNABIS ACTIVITIES WITHIN THE CITY OF OROVILLE;

and

Adopt Ordinance No. 1835 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE OROVILLE MUNICIPAL CODE BY REPEALING CHAPTER 5.XX (COMMERCIAL CANNABIS) TO PROHIBIT THE ESTABLISHMENT AND OPERATION OF ALL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF OROVILLE

2. Take no action; or
3. Provide Other Direction to Staff

**CITY OF OROVILLE
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

**FROM: TOM LANDO, ACTING CITY ADMINISTRATOR
BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR
SCOTT E. HUBER, CITY ATTORNEY**

RE: REGULATION OF COMMERCIAL CANNABIS BUSINESSES

DATE: JANUARY 2, 2019

SUMMARY

The Council may consider an amendment to the Oroville Municipal Code related to the regulation of commercial cannabis businesses in the City of Oroville.

DISCUSSION

In 1996, the voters of the State of California approved Proposition 215 entitled "The Compassionate Use Act of 1996" or "CUA" to enable seriously ill Californians, under the care of a physician, to legally possess, use, and cultivate marijuana for medical use under state law. In 2003, the California Legislature adopted SB 420 entitled the Medical Marijuana Program ("MMP") which permits qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under the California Penal Code. Neither the CUA nor the MMP require or impose an affirmative duty or mandate upon a local government to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within its jurisdiction. Under the Federal Controlled Substances Act, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need.

On October 9, 2015, Governor Jerry Brown signed the Medical Marijuana Regulation and Safety Act ("MMRSA"). The MMRSA actually consists of three different pieces of legislation, Assembly Bill 243 (Wood), Assembly Bill 266 (Bonta), and Senate Bill 643 (McGuire). Each of the bills has passed the California Legislature and were signed by the Governor. The bills were endorsed by the League of California Cities, California Police Chiefs Association, and Cannabis Industry Association. The California State Sheriffs' Association has taken a neutral position.

MMRSA provides for comprehensive state licensing and regulation of medical marijuana cultivation, processing, transportation, and distribution. MMRSA also creates a Bureau of Medical Marijuana Regulation within the Department of Consumer Affairs. It provides a dual licensing system, with the State issuing licenses and local governments issuing

permits for medical marijuana dispensaries, cultivation, and delivery, beginning in 2018. Under the MMRSA, local governments retain the right to choose whether to permit or prohibit medical marijuana dispensaries.

On December 4, 2018, after studying various alternatives for the regulation of commercial cannabis and reviewing the legal status of cannabis under applicable law, the City Council approved the regulation of commercial cannabis activities in the City of Oroville. Specifically, the Council amended the Zoning Code and Business Licensing provisions to allow commercial cannabis activities in the City of Oroville.

As a result of the change in the City Council, Staff was directed by the current Mayor and incoming Mayor to place this matter on the agenda for consideration by the newly formed Council.

If approved, Ordinance 1834 will prohibit commercial cannabis activities in all zones in the City of Oroville, and Ordinance 1835 will prohibit commercial cannabis operations in the City of Oroville by eliminating the business licensing provisions.

FISCAL IMPACT

None.

RECOMMENDATION

1. Adopt Ordinance No. 1834 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE OROVILLE MUNICIPAL CODE BY REPEALING SECTION 17.16.XX (COMMERCIAL CANNABIS BUSINESSES); AMENDING SECTION 17.08.120 (CANNABIS BUSINESSES); AMENDING SECTION 17.32.010 (ALLOWED USES IN COMMERCIAL DISTRICTS); AMENDING SECTION 17.36.010 (ALLOWED USES IN INDUSTRIAL DISTRICTS) TO PROHIBIT ZONING FOR COMMERCIAL CANNABIS ACTIVITIES WITHIN THE CITY OF OROVILLE;

and

Adopt Ordinance No. 1835 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE OROVILLE MUNICIPAL CODE BY REPEALING CHAPTER 5.XX (COMMERCIAL CANNABIS) TO PROHIBIT THE ESTABLISHMENT AND OPERATION OF ALL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF OROVILLE

2. Take no action; or
3. Provide Other Direction to Staff

ATTACHMENTS:

Ordinance 1834 (Amending Zoning Code to Prohibit Commercial Cannabis Businesses)

Ordinance 1835 (Amending the Business Licenses and Regulations to Prohibit
Commercial Cannabis Businesses)

**NOTICE OF PUBLIC HEARING
OROVILLE CITY COUNCIL**

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

NOTICE IS HEREBY GIVEN that the Oroville City Council will conduct a public hearing to consider Zoning Code Amendments to the City of Oroville Municipal Code, Title 17, to prohibit land use classifications for Commercial Cannabis Activities and to exclude Use-Specific Regulations for Commercial Cannabis Businesses on **Wednesday, January 2, 2019 AT 8:00 P.M. or as soon thereafter as possible**. At the Conclusion of the hearing, the City Council may vote on the adoption of the Zoning Code Amendments.

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

NOTICE IS HEREBY GIVEN that the Oroville City Council will conduct a public hearing and **introduce Ordinances for first reading of Ordinance** entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE OROVILLE MUNICIPAL CODE BY AMENDING SECTION 17.04.060 (DEFINITIONS); REPLACING SECTION 17.08.120 (MARIJUANA DISPENSARIES); DELETING SECTION 17.16.XX (COMMERCIAL CANNABIS BUSINESSES); AND AMENDING SECTIONS 17.28.010 (ALLOWED USES IN RESIDENTIAL DISTRICTS); 17.32.010 (ALLOWED USES IN COMMERCIAL DISTRICTS); 17.34.020 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.36.010 (ALLOWED USES IN INDUSTRIAL DISTRICTS); 17.40.010 (ALLOWED USES IN SPECIAL PURPOSE DISTRICTS) TO PROHIBIT ZONING FOR COMMERCIAL CANNABIS ACTIVITIES WITHIN THE CITY OF OROVILLE” and the Ordinance entitled “AN ORDINANCE OF CITY COUNCIL OF CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 5 (BUSINESS LICENECES AND REGULATIONS) OF THE OROVILLE MUNICIPAL CODE BY ELIMIATING CHAPTER 5.XX (COMMERCIAL CANNABIS) TO PROHIBIT THE ESTABLISHMENT AND OPERATION OF ALL COMMERCIAL CANNABIS ACTIVITIES IN THE CITY OF OROVILLE” ON **Wednesday, January 2, 2019 AT 8:00 P.M. or as soon thereafter as possible**.

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

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

Dated: December 17, 2018

Joanna Gutierrez, Interim City Clerk

ORDINANCE NO. 1834

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE OROVILLE MUNICIPAL CODE BY REPEALING SECTION 17.16.XX (COMMERCIAL CANNABIS BUSINESSES); AMENDING SECTION 17.08.120 (CANNABIS BUSINESSES); AMENDING SECTION 17.32.010 (ALLOWED USES IN COMMERCIAL DISTRICTS); AMENDING SECTION 17.36.010 (ALLOWED USES IN INDUSTRIAL DISTRICTS) TO PROHIBIT ZONING FOR COMMERCIAL CANNABIS ACTIVITIES WITHIN THE CITY OF OROVILLE.

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

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

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

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

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

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

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

WHEREAS, after studying various alternatives for the regulation of commercial cannabis considering input from stakeholders and a public hearing, and reviewing the legal status of cannabis under applicable law, on December 4, 2018, the City Council approved the regulation of commercial cannabis activities in the City of Oroville; and

WHEREAS, on January 2, 2019, newly elected members of the City Council of the City of Oroville were installed and requested this matter be considered at the same meeting; and

WHEREAS, the proposed Ordinance would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because it will prohibit the establishment of cannabis businesses in the City which could be injurious to the public health, safety, and welfare of the community as a result of the secondary effects associated with cannabis businesses; and

WHEREAS, the City has conducted a CEQA review of all proposed commercial cannabis projects and no further environmental analysis is required. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of

Regulations, Section 15061(b)(3) “General Rule Exemption” and Section 15305 “Minor Alterations in Land Use Limitations.”

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

SECTION 1: Findings.

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

SECTION 2: Title 17 (Zoning), Chapter 17.16 (Use-Specific Regulations), Section 17.16.XXX is repealed:

~~17.16.XXX Commercial cannabis businesses.~~

~~A. **Applicability.** This section applies to all commercial cannabis activities.~~

~~B. **Permit Requirements.**~~

- ~~1. Any application for a commercial cannabis use must specify the State cannabis license type under which the business will operate.~~
- ~~2. A commercial cannabis business shall be subject to and in conformance with the provisions of Oroville Municipal Code Chapter 5.XX, including the requirement for a Cannabis Business Permit.~~

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

- ~~1. A commercial cannabis use shall provide a minimum one thousand hundred (1000)-foot buffer from a school providing instruction in kindergarten or any grade one (1) through twelve (12), day care centers, public parks, the Downtown Historic Overlay District (DH-O), churches with 20 or more members, or youth centers as defined in Business and Professions Code section 26001 that is in existence at the time the permit is issued. All undeveloped parklands are excluded from the 1000-foot buffer.~~
- ~~2. The distance specified in this subsection shall be the horizontal distance measured in a straight line from the property line of the school or center to the closest property line of the lot on which the permittee is to be located without regard to intervening structures.~~

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

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

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

- ~~1. **Regulations Applicable to All Commercial Cannabis Uses.** All commercial cannabis uses shall comply with the following site development and operational standards:
 - ~~a. **Parking.** Commercial cannabis uses shall comply with the parking requirements set forth in Oroville Municipal Code Chapter 17.12.070.~~~~

- ~~b.— Lighting. Commercial cannabis uses shall comply with the lighting requirements set forth in Oroville Municipal Code Chapter 17.12.010.~~
 - ~~c.— Fencing, Screening and Landscaping. All commercial cannabis uses must comply with the fencing, screening, and landscaping requirements set forth in Oroville Municipal Code Chapter 17.12.020 and 17.12.050.~~
 - ~~d.— Odor. A sufficient odor-absorbing ventilation and exhaust system shall be installed to ensure that odor generated by the use is not detected outside the building, anywhere on adjacent properties or public rights-of-way, or within any other unit located within the same building or property as the commercial cannabis use. The escape of odors when delivering or transferring cannabis or cannabis products shall be prevented.~~
 - ~~e.— Signs. Signs for commercial cannabis uses shall comply with Oroville Municipal Code Chapter 17.20. In addition, commercial cannabis uses shall comply with the following provisions:

 - ~~i.— A sign shall be posted stating that the consumption of cannabis or cannabis products on or near the premises is prohibited;~~
 - ~~ii.— A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 (for medical cannabis uses) or 21 (for recreational cannabis use) is allowed on site. The operator of the establishment shall require all customers to show proof of age; and~~
 - ~~iii.— A sign shall be posted stating that loitering on or near the premises is prohibited.~~
 - ~~iv.— All other signage shall be approved through a conditional use permit.~~~~
 - ~~f.— Property Maintenance. To prevent and deter crime, the site shall be maintained free of debris, litter, and trash.~~
 - ~~g.— Consumption. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis on the premises, are permitted. The term "premises" includes the actual building, as well as any accessory structures, parking lot or parking area(s), walks or other immediate surroundings.~~
 - ~~h.— Transactions. No transactions outside, or partially outside, of an enclosed building are permitted.~~
- ~~2.— Regulations Applicable to Storefront Cannabis Retail Uses. All storefront cannabis retail uses shall comply with the following site development and operational standards:~~
- ~~a. The site shall not include patio or café seating, unless used exclusively for employees.~~
 - ~~b. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term "patron" refers to a customer, consumer, visitor, or guest of a retail establishment.~~
 - ~~c. No advertisement signs shall be allowed.~~
- ~~3.— Regulations Applicable to Non-Storefront Cannabis Retail Uses. All non-storefront cannabis retail uses shall comply with the following site development and operational standards:~~
- ~~a. The site shall not be open to the general public.~~

- ~~b. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term "patron" refers to a customer, consumer, visitor, or guest of a retail establishment.~~
 - ~~c. No organized and advertised tours shall be permitted.~~
 - ~~d. No exhibition or product sales area or retail sales are permitted on the site.~~
 - ~~e. No advertisement signs shall be allowed.~~
- ~~4. Regulations Applicable to Cannabis Manufacturing Uses. All cannabis manufacturing uses shall comply with the following operational standards:
 - ~~a. The site shall not be open to the general public.~~
 - ~~b. No organized and advertised tours shall be permitted.~~
 - ~~c. No exhibition or product sales area or retail sales are permitted on the site.~~
 - ~~d. No advertisement signs shall be allowed.~~~~
- ~~5. Regulations Applicable to Cannabis Distribution Uses. All cannabis distribution uses shall comply with the following operational standards:
 - ~~a. The site shall not be open to the general public.~~
 - ~~b. No organized and advertised tours shall be permitted.~~
 - ~~c. No advertisement signs shall be allowed.~~~~
- ~~6. Regulations Applicable to Cannabis Testing Uses. All cannabis testing uses shall comply with the following operational standards:
 - ~~a. The site shall not be open to the general public.~~
 - ~~b. No organized and advertised tours shall be permitted.~~
 - ~~c. No advertisement signs shall be allowed.~~~~
- ~~7. Regulations Applicable to Cannabis Cultivation Uses. All cannabis cultivation uses shall comply with the following operational standards:
 - ~~a. All cultivation shall occur indoors.~~
 - ~~b. Cultivation shall not be visible from any exterior location.~~
 - ~~c. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.~~
 - ~~d. The site shall not be open to the general public.~~
 - ~~e. No organized and advertised tours shall be permitted.~~
 - ~~f. No exhibition or product sales area or retail sales are permitted on the site.~~
 - ~~g. No advertisement signs shall be allowed.~~~~
- ~~8. Regulations Applicable to Cannabis Nursery Uses. All cannabis cultivation uses shall comply with the following operational standards:
 - ~~a. All nursery operations, including cultivation, shall occur indoors.~~
 - ~~b. Cultivation shall not be visible from any exterior location.~~
 - ~~c. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.~~
 - ~~d. The site shall not be open to the general public.~~~~

- ~~e. No organized and advertised tours shall be permitted.~~
- ~~f. All sales shall be wholesale transactions between licensed cannabis operators. No retail sales are permitted on the site.~~
- ~~g. No advertisement signs shall be allowed.~~

~~9. Regulations Applicable to Cannabis Microbusiness Uses.~~

- ~~a. Microbusinesses with Storefront Retail. All cannabis microbusiness uses that include storefront retail shall comply with the following operational standards:

 - ~~i. The site shall not include patio or café seating, unless used exclusively for employees.~~
 - ~~ii. No alcohol or tobacco shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to patrons, employees, guests, visitors, or volunteers of retail cannabis stores. The term “patron” refers to a customer, consumer, visitor, or guest of a retail establishment.~~
 - ~~iii. All cultivation shall occur indoors.~~
 - ~~iv. Cultivation shall not be visible from any exterior location.~~
 - ~~v. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.~~
 - ~~vi. No advertisement signs shall be allowed.~~~~
- ~~b. Microbusinesses with Non-Storefront Retail. All cannabis microbusiness uses that include non-storefront retail shall comply with the following operational standards:

 - ~~i. The site shall not be open to the general public.~~
 - ~~ii. No organized and advertised tours shall be permitted.~~
 - ~~iii. No exhibition or product sales area or retail sales are permitted on the site.~~
 - ~~iv. All cultivation shall occur indoors.~~
 - ~~v. Cultivation shall not be visible from any exterior location.~~
 - ~~vi. Cultivation may rely on artificial lighting or mixed light, which is a combination of natural and supplemental artificial lighting.~~
 - ~~vii. No advertisement signs shall be allowed.~~~~

SECTION 3: Title 17 (Zoning), Chapter 17.08 (General Regulations), Section 17.08.120 is amended to read as follows:

17.08.120 Cannabis Businesses.

- A. Pursuant to Government Code Section 65858, and notwithstanding any other provision of this Code, the establishment, development, construction, maintenance, or operation of a cannabis business is hereby prohibited, and is not a permitted use in any of the following zoning districts, even if located within an otherwise permitted use: Urban Reserve 10 Acres (UR-10), Urban Reserve 5 Acres (UR-5), Agricultural Residential (RA), Rural Residential 1 Acre (RR-1), Rural Residential 20,000 Square Feet (RR-20), Rural Residential 10,000 Square Feet (RR-10), Large-Lot Residential (RL), Single-Family Residential (R-1), Medium-Density Residential (R-2), High-

Density Residential (R-3), Urban-Density Residential (R-4), High-Density Residential/Professional (RP), Neighborhood Commercial (CN), Limited Commercial (C-1), Intensive Commercial (C-2), Highway Commercial Corridor (CH), Commercial Light Manufacturing (CLM), Office (OF), Downtown Mixed-Use (MXD), Neighborhood Mixed-Use (MXN), Corridor Mixed-Use (MXC), Airport Business Park (ABP), Light Industrial (M-1), Intensive Industrial (M-2), Public or Quasi-Public Facilities (PQ), and Open Space (OS). No person shall establish, develop, construct, maintain, or operate a cannabis business, and no application for a building permit, use permit, variance, or any other entitlement authorizing the establishment, development, construction, maintenance, or operation of any marijuana dispensary shall be approved by the City of Oroville or any officer or employee thereof in any of the above districts.

B. Prohibition of Cannabis Delivery and Commercial Processing.

1. All deliveries of cannabis are expressly prohibited within the City of Oroville. No person shall conduct any deliveries that either originate or terminate within city limits.
2. All commercial processing of cannabis is expressly prohibited within the City of Oroville.

C. Permit or License Issuance. The city shall not issue any permit, license, or other entitlement for any activity prohibited by the Oroville Municipal Code for which a state license is required under the Medical Marijuana Regulation and Safety Act or the Control, Regulate and Tax Adult Use of Marijuana Act.

D. Public Nuisance. Any use or condition caused, or permitted to exist, in violation of any provision of this section shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the city pursuant to Code of Civil Procedure Section 731 or any other remedy available to the city.

E. Civil Penalties. In addition to any other enforcement permitted by this section, city attorney may bring a civil action for injunctive relief and civil penalties, as permitted by law, against any person or entity that violates this section. In any civil action brought pursuant to this section, a court of competent jurisdiction may award reasonable attorneys' fees and costs to the prevailing party.

SECTION 4: Title 17 (Zoning), Chapter 17.32 (Commercial Districts), Section 17.32.010 is amended to read as follows:

17.32.010 Allowed uses in commercial districts.

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

SECTION 5: Title 17 (Zoning), Chapter 17.36 (Industrial Districts), Section 17.36.010 is amended to read as follows:

17.36.010 Allowed uses in industrial districts.

Land Use	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	
<i>Retail</i>				
Cannabis Retail	—	CUP —	CUP —	17.16.XXX

Land Use	Zoning Districts			Use-Specific Regulations
	ABP	M-1	M-2	
<i>Manufacturing, Wholesale, Repair and Storage</i>				
Cannabis Cultivation	—	CUP —	CUP —	17.16.XXX
Cannabis Distribution	—	CUP —	CUP —	17.16.XXX
Cannabis Manufacturing	—	CUP —	CUP —	17.16.XXX
Cannabis Microbusiness	—	CUP —	CUP —	17.16.XXX
Cannabis Nursery	—	CUP —	CUP —	17.16.XXX
Cannabis Testing	—	CUP —	CUP —	17.16.XXX

SECTION 6: Severability.

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

SECTION 7: Effective Date.

This ordinance shall take effect thirty (30) days after the date of its final adoption. The City Clerk shall certify to adoption thereof and cause its publication according to law.

I HEREBY CERTIFY that the foregoing ordinance was introduced, read and adopted by the City Council of the City of Oroville on the 2nd day of January, 2019, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Charles F. Reynolds, Mayor

ATTEST:

FORM APPROVED

JACKIE GLOVER, Assistant City Clerk

SCOTT E. HUBER, City Attorney

ORDINANCE NO. 1835

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

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

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

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

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

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

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

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

WHEREAS, after studying various alternatives for the regulation of commercial cannabis considering input from stakeholders and a public hearing, and reviewing the legal status of cannabis under applicable law, on December 4, 2018, the City Council approved the regulation of commercial cannabis activities in the City of Oroville; and

WHEREAS, on January 2, 2019, newly elected members of the City Council of the City of Oroville were installed and requested this matter be considered at the same meeting; and

WHEREAS, the proposed Ordinance would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because it will prohibit the establishment of cannabis businesses in the City which could be injurious to the public health, safety, and welfare of the community as a result of the secondary effects associated with cannabis businesses; and

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

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

SECTION 1: Findings.

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

SECTION 2: Title 5 of the Oroville Municipal Code is hereby repealed.

CANNABIS

~~Sections:~~

- ~~5.XX.010 Purpose and Intent.~~
- ~~5.XX.020 Land Use Reference.~~
- ~~5.XX.030 Zoning Compliance and Cannabis Business Permit Required.~~
- ~~5.XX.040 Definitions.~~
- ~~5.XX.050 Compliance with State and Local Licensing Requirements.~~
- ~~5.XX.060 General Provisions for All Commercial Cannabis Activity.~~
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- ~~5.XX.190 Suspension or Revocation of Cannabis Business Permit.~~
- ~~5.XX.200 Enforcement.~~
- ~~5.XX.210 Fees and Taxes.~~
- ~~5.XX.220 Limitations on City’s Liability.~~

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

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

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

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

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

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

~~**Section 5.XX.040 — Definitions**~~

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

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

~~**"Cannabis"** means all parts of the Cannabis sativa Linnaeus, Cannabis Indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated~~

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

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

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

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

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

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

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

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

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

~~**"Commercial cannabis activity"** includes the cultivation, possession, manufacture, processing, storage, laboratory testing, labeling, distribution, delivery, or retail sale of cannabis or cannabis products, and shall be read together with any applicable definitions contained within Business and Professions Code Section 26001, except as set forth in Section 19319 of the Business and Professions Code, related to qualifying patients and primary caregivers.~~

~~“Commercial cannabis activity” shall be used interchangeably with “commercial cannabis business.” This section is intended to provide the broadest possible definition for the term.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~“**Manufacturer**” means a business producing, preparing, propagating, manufacturing or compounding cannabis and cannabis products including businesses involving the extraction of a~~

~~substance from a cannabis plant, the infusion or mixture of cannabis into another substance, the preparation of an edible item that contains cannabis, and the packaging and labeling of cannabis or cannabis products.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Section 5.XX.050 — Compliance with State and Local Licensing Requirements.~~

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

~~Section 5.XX.060 — General Provisions for All Commercial Cannabis Activity.~~

~~A. Cannabis Business Permit Required.~~

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

~~B. Maintenance of Records and Reporting.~~

1. ~~Licensing authorities may examine the records of a licensee and inspect the premises of a licensee as the licensing authority, or a state or local agency, deems necessary to perform its duties under this division. All inspections and examinations of records shall be conducted during standard business hours of the licensee or at any other reasonable time. Licensees shall, make available at the licensee's premises, and/or deliver records to, and as directed by the licensing authority, upon request. Records shall be kept in a manner that allows the records to be produced for the City in either hard copy or electronic form, whichever the City requests.~~

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

~~C. Child Support Obligations:~~

- ~~1. Prior to the issuance of an initial or renewal CBP under this Chapter, and at all times while holding a permit, applicants and Licensees shall be current or in good standing with their monthly child support obligations. If the applicant or Licensee has an account with past due child support arrears, he/she must have that balance at zero or have verification from the Butte County Department of Child Support Services that they have been in and remain in compliance with a court ordered payment plan.~~
- ~~2. Licensees shall provide the Butte County Department of Child Support Services a quarterly list of all employees employed by Licensee at any time during the quarter. Reports are due by the 15th of the month following the end of the quarter. (March, June, September, and December). The list shall include names, addresses, phone numbers and social security numbers for all employees.~~
- ~~3. If Licensee uses a payroll withholding process, Licensee must comply with any income withholding order for child support for any employee in Licensee's employ. In addition, if the income withholding order is for an owner or part owner of the business, the business shall also comply with the income withholding order and provide necessary tax information for purposes of determining accurate child support orders.~~

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

- ~~A. Interior and exterior locations of the business property shall be monitored at all times by closed circuit cameras for security purposes. The cameras and recording system shall be of adequate quality, color rendition and resolution to allow the sufficient identification of any individual committing a crime on the location premises, with a minimum of 15 frames per second. Cameras shall record 24 hours a day.~~
- ~~B. The surveillance system storage device or cameras shall be transmission control protocol/TCP capable of being accessed through the internet by the City or their designee on request. Licensee shall provide secure, constant, and continuous electronic access to all cameras to City at all times, and expressly waives any warrant or other legal process requirements. Licensee shall conspicuously post signage at the entrance(s) to the premises advising all persons including employees and purchasers of the existence of the cameras and law enforcement's access to the cameras.~~
- ~~C. All controlled access areas, security rooms and all points of ingress/egress to limited access areas and all point of sale (POS) areas shall have fixed camera coverage capable of identifying activity occurring within a minimum of twenty (20) feet. Camera video recordings shall be maintained unaltered in a secure location, stored digitally, for a period of not less than ninety (90) calendar days and be available for inspection at any time. The City or law enforcement may request the recordings in connection with an investigation. If the recordings are not voluntarily provided, the City or law enforcement may seek a warrant or court order for the recordings.~~
- ~~D. Recorded images shall clearly and accurately display the time and date. Copies of the recordings shall be provided within 7 business days to the City of Oroville, the Oroville Police Department, or other law enforcement agency upon request. Failure to promptly~~

~~comply with law enforcement request for recordings may subject licensee to revocation of license and/or CBP.~~

- ~~E. All commercial cannabis businesses shall create and maintain an active account within the State's track and trace system prior to commencing any commercial cannabis activity. In the event of system failure, the business shall keep a hard copy record and transfer the information to the track and trace system within 24 hours of the system being available.~~
- ~~F. No physical modification of the licensed premises is allowed without written prior permission by the City, compliance with applicable building permit, inspection and approval processes, and payment of any additional fees required by the City.~~
- ~~G. The commercial cannabis business shall minimize nuisances such as trash, litter, and graffiti.~~
- ~~H. All commercial cannabis facilities shall be required to provide an air treatment system that ensures off-site odors shall not result from its operations. This requirement at a minimum means that the facility shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location is not detected outside the building, on adjacent properties or public rights-of-way, or within any other unit located within the same building as the facility, if the use occupies only a portion of a building.~~
- ~~I. A commercial cannabis business entity that remains inoperative for more than 90 calendar days shall be deemed "abandoned" and the permit shall be forfeited. A business may temporarily suspend operations for a period of time as may be reasonably required to affect upgrades, modifications, repairs, or other property issue mitigations as approved by the City Administrator or designee.~~
- ~~J. The cannabis business shall comply with all State regulations regarding testing, labeling and storage of all cannabis products.~~
- ~~K. The cannabis business shall meet all State and local regulations for the storage, use, and disposal of all cannabis goods and cannabis waste, and any materials used in conjunction with processing, distribution and cultivation of cannabis as well as any unsold cannabis or cannabis products.~~
- ~~L. The cannabis business shall conform to all State and County regulations regarding the use of appropriate weighing devices.~~
- ~~M. The cannabis business shall conform to all State and local regulations regarding water usage. No liquids of any kind shall be discharged into a public or private sewage or drainage system, watercourse, body of water or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 27).~~
- ~~N. All aspects of the commercial cannabis business premises shall comply with all State and local regulations including the California Building Code and California Fire Code, as adopted by the City of Oroville.~~

- ~~O. The commercial cannabis business shall at all times maintain insurance policies of the types and with the terms, coverages, endorsements as shall be set forth in the application for GBP.~~
- ~~P. All agents, private security officers or other persons acting for or employed by a licensee shall display a laminated identification badge at least 2" X 2" in size, issued by the licensee. The badge, at a minimum, shall include the licensee's "doing business as" name and license number, employee's first and last name, and a color photo of the employee that shows the full front of the employee's face.~~
- ~~Q. The commercial cannabis business shall have a centrally-monitored fire and burglar alarm system which shall include all perimeter entry points and perimeter windows. In addition, the alarm system shall be equipped with silent panic alarm buttons at the main counter and money storage area.~~
- ~~R. A commercial cannabis business shall ensure that a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors and responds to the alarm system. The alarm company shall obtain a City business license. The alarm company shall notify the Oroville Police Department public safety dispatch center (9-1-1 Center) of any alarm activations.~~
- ~~S. No free samples of any cannabis goods may be distributed at any time.~~
- ~~T. All persons hiring employees to engage in commercial cannabis activities shall document compliance with the following employee safety practice:~~
- ~~1. Emergency action response planning as necessary~~
 - ~~2. Employee accident reporting and investigation policies~~
 - ~~3. Fire prevention~~
 - ~~4. Hazard communication policies, including maintenance of material safety data sheets~~
 - ~~5. Materials storage and handling policies~~
 - ~~6. Personal protective equipment policies~~
 - ~~7. Operation manager contacts~~
 - ~~8. Emergency responder contacts~~
 - ~~9. Poison control contacts~~
 - ~~10. Department of Justice "Live Scan" for all employees~~
- ~~U. All persons with ownership interest, and all employees, agents, officers and other persons acting on behalf of a licensee must be at least 21 years of age.~~
- ~~V. Shipments of cannabis goods may only be accepted during regular business hours.~~
- ~~W. Inventory shall be secured and locked in a room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss during non-business hours.~~
- ~~X. No cannabis goods shall be visible from the exterior of the business.~~
- ~~Y. Smoking, ingesting or otherwise consuming cannabis on the premises of a commercial cannabis business, or within 100 feet of the premises, is prohibited.~~

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

- A. ~~A licensed cannabis retail facility shall comply with all State regulations contained in California Code of Regulations Title 16, Division 42 and as it may be amended from time to time.~~
- B. ~~Only three (3) dispensaries shall operate within the Oroville City Limits unless the City Council by resolution determines another number is appropriate.~~
- C. ~~All cannabis goods available for sale shall be securely locked and stored.~~
- D. ~~Display of cannabis goods shall be limited to only an amount necessary to provide a visual sample for customers.~~
- E. ~~The use of vending machines (i.e., a machine that dispenses articles when a coin, bill, or token is inserted) to dispense cannabis goods is strictly prohibited.~~
- F. ~~At all times, the cannabis retailer is open, the retailer shall provide at least one security guard who is registered with Bureau of Security and Investigative Services and possesses a valid and current security guard registration card on their person while on-duty.~~
- G. ~~The security guard and cannabis retail personnel shall monitor the site and the immediate vicinity of the site to ensure that patrons immediately leave the site and do not consume cannabis in the vicinity of the retailer or on the property or in the parking lot.~~
- H. ~~Retailers selling medicinal cannabis shall maintain the full name, address and telephone number(s) of all patient members to whom the business provides medicinal cannabis, and a copy of a physician-issued recommendation card for all patient members.~~
- I. ~~Hours of operation shall be limited to no earlier than 9 a.m. Pacific Time and no later than 9 p.m. Pacific Time unless zoning regulations specify more restrictive hours.~~
- J. ~~On-site consumption of cannabis or cannabis products is specifically prohibited on the premises at all times. The following information shall be provided on a sign posted in a conspicuous location inside the cannabis retail business: "Smoking, ingesting or consuming cannabis on this property or within 100 feet of the business is prohibited".~~
- K. ~~No one under the age of 21 shall be allowed to enter this facility unless they are either a qualified patient or a primary caregiver.~~
- L. ~~No recommendations from a doctor for medicinal cannabis shall be issued on-site.~~
- M. ~~There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of alcohol, tobacco or cannabis by patrons.~~

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

- A. ~~All deliveries shall comply with Sections 5415 through 5421, inclusive, of Title 16 of the California code of Regulations.~~

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

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

- ~~A. At all times, the cannabis manufacturer will be compliant with all State regulations for cannabis manufacturing including California Code of Regulations Title 17 Division 1, Chapter 13, as it may be amended from time to time.~~
- ~~B. A licensed cannabis manufacturer may conduct all activities permitted by the State.~~
- ~~C. Any manufacturing activity that will be conducted by the licensee shall be included on the application. No additional manufacturing activity can be conducted without applying for and receiving written permission, after inspections and permitting (if applicable), from the City for that additional activity.~~
- ~~D. Inspections by the Fire Chief, Building Official, and Butte County Division of Agriculture or their respective designees may be conducted anytime during the business's regular business hours, in addition to any other inspections allowed by other persons/entities as set forth in State or local law.~~
- ~~E. Cannabis manufacturing facilities shall not contain an exhibition or product sales area or allow for retail distribution of products at that location.~~

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

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

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

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

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

- ~~A. A licensed cannabis cultivation facility shall comply with all State regulations contained in California Code of Regulations Title 3, Division 8 and as it may be amended from time to time.~~
- ~~B. Outdoor cultivation of cannabis is expressly prohibited. All cannabis cultivation activities shall occur within a fully enclosed and secured structure that fully encloses the premises. Said facility shall not violate any other ordinance, code Section, or provision of law regarding the height, location, materials, or other fencing restrictions and shall not be constructed or covered with plastic or cloth. All screening shall conform to the requirements of applicable area, community, specific and design plans.~~
- ~~C. Cultivation area shall not exceed that authorized by license issued by the State of California.~~
- ~~D. The cannabis business shall register with the Department of Pesticide Regulation if using any pesticides.~~
- ~~E. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation.~~

- F. ~~The Building Official may require additional specific standards to meet the California Building Code and Fire Code.~~
- G. ~~Compliance with Section 13149 of Water Code as enforced by the State Water Resources Control Board.~~
- H. ~~The use of generators for cultivation is prohibited, except for temporary use in the event of a power outage or emergency.~~

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

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

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

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

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

- A. ~~Cannabis Business Permit Selection Process Overview.~~
 - 1. ~~The GBP selection process will be conducted in two phases, Phase 1 and Phase 2. In Phase 1, each Applicant interested in operating a commercial cannabis business will pay an application fee in an amount established by the City Council by resolution. The application will be reviewed for completeness by the City Administrator or designee.~~
 - 2. ~~In Phase 2, the applicant will pay an application fee in an amount established by the City Council and a complete background check of the business owner and review of the business plans will be conducted by the City Administrator to ensure compatibility with State and local regulations.~~
 - 3. ~~For commercial cannabis activities restricted by number of permits available, the City has established a competitive selection process using a merit-based scoring system and a selection panel to objectively award permits in the event that there are more applications than there are permits available for a specific license type, as described in subsection (D).~~

- ~~4. If any of the items listed in the application process are not met, the City Administrator shall notify the applicant of the deficiency within thirty (30) calendar days, after which the applicant will have ten (10) calendar days from receipt of notice to correct the deficiency. If the deficiency is not corrected within ten calendar days, the City Administrator may deny the permit and notify the applicant of this determination in writing within ten calendar days.~~
- ~~5. Official issuance of the commercial cannabis business permit(s), however, is conditioned upon the prevailing applicant(s) obtaining all required land use approvals.~~
- ~~6. Issuance of a commercial cannabis business permit does not create a land use entitlement or serve as a building permit. Furthermore, no permittee may begin operations, notwithstanding the issuance of a permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this Chapter, applicable building permits, and conditions of the commercial cannabis business permit, have been complied with.~~

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

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

- ~~1. Phase 1 application fee is paid;~~
- ~~2. All application documents required in the City's Phase 1 application package are submitted;~~
- ~~3. Application forms are filled out completely;~~
- ~~4. Business Owner(s) / Applicant(s) referenced on the application completes a Live Scan that was conducted within 14 days prior to submitting the application;~~
- ~~5. A zoning clearance letter that the proposed location of the cannabis business on the application meets the zoning criteria established in Title 17 Zoning including, but not limited to, any and all sensitive use separation criteria.~~

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

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

- ~~1. Phase 2 application fee is paid;~~
- ~~2. A comprehensive background check of anyone holding an ownership interest is completed to the satisfaction of the Chief of Police;~~

- ~~3. A comprehensive review of the business plans will be conducted by the City Administrator to ensure compatibility with State and local regulations;~~
- ~~4. A CBP will only be issued once the applicant has obtained the appropriate land use authorization. Nothing in this Chapter shall prevent a potential applicant from applying for a land use permit prior to any selection process.~~

~~D. Cannabis Business Permit Selection — Phase 2 — Competitive Selection Process.~~

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

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

Section 5.XX.170 — Cannabis Business Permit Annual Renewal

- ~~A. Applications for the renewal of a permit shall be filed with the City Administrator at least sixty (60) calendar days before the expiration of the current permit. Any permittee allowing their permit to lapse, or which permit expired during a suspension shall be required to submit a new application, pay the corresponding original application fees and be subject to all aspects of the selection process.~~
- ~~B. Any person desiring to obtain a renewal of their respective permit shall file a written application under penalty of perjury on the required form with the City Administrator who will conduct a review. The application shall be accompanied by a nonrefundable filing fee established by the City Council to defray the cost of the review required by this Section. An applicant shall be required to update the information contained in their original permit application and provide any new and/or additional information as may be reasonably required by the City Administrator to determine whether said permit should be renewed.~~

- ~~C. Following the submission of written application for renewal, all establishments issued a CBP may be subject to a regulatory inspection as part of the renewal evaluation process.~~
- ~~D. Each commercial cannabis business permit issued pursuant to this Chapter shall expire twelve (12) months after the date of its issuance. Commercial cannabis business permits may be renewed as provided in this Chapter.~~

Section 5.XX.180 — Appeal of Denial of Cannabis Business Permit

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

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

- ~~A. The City Administrator or his/her designee may suspend or revoke a CBP when the permittee or the permittee's agent or employee has committed any one or more of the following acts:
 - ~~1. Any act which would be considered a ground for denial of the permit in the first instance.~~
 - ~~2. Violates any other provision of this section or any City of Oroville or State law, statute, rule or regulation relating to the business's permitted activity.~~
 - ~~3. Engages in or permits misconduct substantially related to the qualifications, functions or duties of the permittee.~~
 - ~~4. Conducts the permitted business in a manner contrary to the health, safety, or welfare of the public.~~
 - ~~5. Fails to take reasonable measures to control patron conduct on or near the premises, where applicable, resulting in disturbances, vandalism, or crowd control problems~~~~

~~occurring inside of or outside the premises, traffic control problems, or creation of a public or private nuisance, or obstruction of the operation of another business.~~

~~6. Violates or fails to comply with the terms and conditions of the CBP.~~

~~B. The Chief of Police or City Administrator may issue an order suspending a CBP for a period not exceeding ten (10) calendar days without a hearing if they determine that the continued use of the permit will cause immediate hazard to the public safety, health or welfare.~~

~~C. Notwithstanding Section 2 above the City Administrator shall provide the permittee with written notice of the City's intent to suspend or revoke the license, and the effective date of the suspension or revocation (which shall be no less than thirty calendar days from the date of the written notice), along with written notice of the permittee's right to a hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Such written notice shall be served on the permittee either personally or by certified U.S. mail, postage prepaid. Within seven (7) calendar days of the date of mailing or personal service, the permittee shall submit a written request for hearing to the City Administrator. Failure to timely submit a request for hearing constitutes waiver of the right to a hearing. Upon receipt of a timely submitted request for hearing, the City shall provide the permittee written notice of the time and place of such hearing, which shall be served upon the permittee at least ten (10) calendar days prior to the date set for such hearing. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid. The applicant shall bear all expenses involved in printing, mailing and posting such notice. Failure to appear at the hearing shall constitute waiver of the right to a hearing. The decision of the Selection Panel shall be final, and shall be served on the permittee either personally or by certified U.S. mail within ten (10) days after the hearing.~~

Section 5.XX.200 — Enforcement

~~A. A violation of the regulations in this ordinance by an act, omission, or failure of an agent, officer or other person acting for or employed by a licensee within the scope of their employment or office, shall be deemed the act, omission, or failure of the licensee.~~

~~B. A permittee shall notify the Chief of Police or his/her designee of the City of Oroville upon discovery of any of the following situations:~~

~~1. A discrepancy of more than \$1,000 in inventory over a period of 24 hours or \$3,000 over period of 7 days.~~

~~2. A reason to suspect diversion, loss, theft or any other criminal activity pertaining to any aspect of the operation of the commercial cannabis business.~~

~~3. The loss or alteration of records related to cannabis goods, registered medicinal cannabis patients, caregivers or the permittee's employees or agents.~~

~~4. Distribution/sale of cannabis which exceeds the daily individual cannabis quantity allowance permitted under State law.~~

~~5. Any other reason to suspect any other breach of security.~~

- ~~C. A violation of this Section shall be subject to all remedies and enforcement measures authorized by SCCC 1.05.070. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, revocation of the business's GBP, disgorgement and payment to the City of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The City may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the cannabis business and persons related or associated with the cannabis business.~~
- ~~D. City Officials or their designees may enter and inspect the location of any commercial cannabis business during normal business hours to ensure compliance. In addition, law enforcement may enter and inspect the location of any cannabis business and the recordings and records maintained as required by this Section, except that the inspection and copying of private medical records shall be made available to law enforcement only pursuant to a properly executed search warrant, subpoena, or court order. A person engaging in commercial cannabis business without a permit and associated unique identifiers required by this chapter shall be subject to civil penalties of up to twice the amount of the permit fee for each violation, and the department, state or local authority, or court may order the destruction of cannabis associated with that violation. A violator shall be responsible for the cost of the destruction of cannabis associated with the violation, in addition to any amount covered by a bond required as a condition of licensure. Each day of operation shall constitute a separate violation of this section.~~

~~Section 5.XX.210 — Fees and Taxes.~~

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

- ~~A. Initial Application Fees. The Business Applicant shall submit a non-refundable fee to cover the cost of processing an initial application for the commercial cannabis business. These fees may be divided into two fees according to Initial Review (Phase 1) and Final Review and Scoring. (Phase 2).~~
- ~~B. Application Renewal Fees. The Business Owner shall submit a non-refundable fee to cover the cost of processing an application renewal annually.~~
- ~~C. Business License Fee. The Business Owner shall at all times maintain a current and valid business license and pay all business taxes required by the Oroville Municipal Code.~~
- ~~D. Commercial Cannabis Regulatory Fee. The Business Owner shall pay an annual municipal fee ("Regulatory Fee") to cover the costs of anticipated monitoring, enforcement, and other actions relating to the commercial cannabis business. The amount of the fee shall be set by Resolution of the City Council in accordance with State law. The Regulatory Fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The Regulatory Fee may be amended from time to time.~~
- ~~E. All required taxes including but not limited to sales and use taxes, business, payroll, etc.~~

- ~~F. Additional cannabis-specific gross receipts, excise, cultivation or any other tax approved by the voters of the City of Oreville.~~
- ~~G. The City shall be entitled to recover its cost of enforcement, including but not limited to its attorney's fees and costs.~~

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

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

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

SECTION 3. Severability.

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

SECTION 4. Effective Date.

This ordinance shall take effect thirty (30) days after the date of its final adoption. The City Clerk shall certify to adoption thereof and cause its publication according to law.

I HEREBY CERTIFY that the foregoing ordinance was introduced, read and adopted by the City Council of the City of Oroville on the 2nd day of January, 2019, by the following vote:

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

Chuck Reynolds, Mayor

ATTEST:

FORM APPROVED

JACKIE GLOVER, Assistant City Clerk

SCOTT E. HUBER, City Attorney

Backup material for agenda item:

5. MEETING CALENDAR FOR 2019

Requested by staff

The City Council may consider adopting the City Meeting Calendar for 2019.

RECOMMENDATION

Adopt the City's Meeting Calendar for 2019



CITY OF OROVILLE STAFF REPORT

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: JACKIE GLOVER, ASSISTANT CITY CLERK
BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR**

RE: MEETING CALENDAR FOR 2019

DATE: JANUARY 2, 2019

SUMMARY

The City Council may consider adopting the City Meeting Calendar for 2019.

DISCUSSION

Each year at the first meeting in January the Council reviews and adopts a meeting calendar to stating when the City Council, Commissions, and Formal Committees will meet. Attached is a draft for 2019 and staff recommend approving the calendar.

FISCAL IMPACT

None

RECOMMENDATION

Adopt the City's Meeting Calendar for 2019

ATTACHMENTS

2019 Draft Meeting Calendar

CITY OF OROVILLE MEETING SCHEDULE - 2019

JANUARY							FEBRUARY							MARCH										
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S				
		1	2	3	4	5			3	4	5	6	7	8	9			3	4	5	6	7	8	9
6	7	8	9	10	11	12	10	11	12	13	14	15	16	10	11	12	13	14	15	16				
13	14	15	16	17	18	19	17	18	19	20	21	22	23	17	18	19	20	21	22	23				
20	21	22	23	24	25	26	24	25	26	27	28			24	25	26	27	28	29	30				
27	28	29	30	31										31										

APRIL							MAY							JUNE								
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
	1	2	3	4	5	6				1	2	3	4			2	3	4	5	6	7	8
7	8	9	10	11	12	13	5	6	7	8	9	10	11	9	10	11	12	13	14	15		
14	15	16	17	18	19	20	12	13	14	15	16	17	18	16	17	18	19	20	21	22		
21	22	23	24	25	26	27	19	20	21	22	23	24	25	23	24	25	26	27	28	29		
28	29	30					26	27	28	29	30	31		30								

JULY							AUGUST							SEPTEMBER								
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
	1	2	3	4	5	6					1	2	3			1	2	3	4	5	6	7
7	8	9	10	11	12	13	4	5	6	7	8	9	10	8	9	10	11	12	13	14		
14	15	16	17	18	19	20	11	12	13	14	15	16	17	15	16	17	18	19	20	21		
21	22	23	24	25	26	27	18	19	20	21	22	23	24	22	23	24	25	26	27	28		
28	29	30	31				25	26	27	28	29	30	31	29	30							

OCTOBER							NOVEMBER							DECEMBER								
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S		
		1	2	3	4	5						1	2			1	2	3	4	5	6	7
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14		
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21		
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28		
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31						

- City Council Meetings (1st and 3rd Tuesday of each month at 5:30 p.m.* AND 6:00 p.m.**)
Regular Meetings - *Closed Session ** Open Session
- Planning Commission Meetings (4th Thursday of each month at 7:00 p.m.)
- Arts Commission Meetings (2nd Tuesday of each Quarter at 3:00 p.m. OR on an as needed basis)
 Park Commission Meetings (2nd Tuesday of each Quarter at 2:00 p.m. OR on an as needed basis)
- Supplemental Benefits Fund Steering Committee Meetings (4th Wednesday of each quarter at 5:30 p.m. January
Meeting to take place 3rd Wednesday)
- Housing Loan Advisory Committee (2nd Thursday of each month at 10:00 a.m.)
- Holiday
- Executive Committee (meets on an as needed basis)
- Development & Public Facilities Committee (meets on an as needed basis)
- Finance Committee (meets on an as needed basis)
- Economic Development Loan Advisory Committee (meets on an as needed basis)

DRAFT 10/19/2018

Backup material for agenda item:

6. APPOINTMENTS TO THE SUPPLEMENTAL BENEFITS FUND STEERING COMMITTEE, OVERSIGHT BOARD AND HOUSING LOAN ADVISORY COMMITTEE

Requested by staff

The Council may consider the appointment of three (3) Council Members to serve on the Supplemental Benefits Fund Steering Committee, one (1) Council Member to serve on the Oversight Board and three (3) Council Members to serve on the City's Housing Loan Advisory Committee for January 2019- January 2021.

RECOMMENDATION

Approve the appointment of three (3) Council Members to serve on the Supplemental Benefits Fund Steering Committee, one (1) Council Member to serve on the Oversight Board and three (3) Council Members to serve on the City's Housing Loan Advisory Committee for 2019-2021.



CITY OF OROVILLE STAFF REPORT

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: JACKIE GLOVER, ASSISTANT CITY CLERK
BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR**

**RE: APPOINTMENTS TO THE SUPPLEMENTAL BENEFITS FUND
STEERING COMMITTEE, OVERSIGHT BOARD AND HOUSING LOAN
ADVISORY COMMITTEE**

DATE: JANUARY 2, 2019

SUMMARY

The Council may consider the appointment of three (3) Council Members to serve on the Supplemental Benefits Fund Steering Committee, one (1) Council Member to serve on the Oversight Board and three (3) Council Members to serve on the City's Housing Loan Advisory Committee for January 2019- January 2021.

DISCUSSION

Staff is requesting that the council consider appointments to serve on the Supplemental Benefits Fund Steering Committee, Oversight Board and City's Housing Loan Advisory Committee for January 2019- January 2021.

Supplemental Benefits Fund Steering Committee (SBF)

The SBF is the result of a Settlement Agreement associated with the re-licensing of the Oroville Dam, making available a potential \$54 million over the next 30 – 50 years. The Regional Fund Strategic Plan, which is the governing document for the SBF, is investing in recreational and related projects within a nexus to the Feather River to improve the quality of life and stimulate economic development in the Oroville region.

The SBF meets quarterly in January, April, July and October on a Wednesday at 5:30 p.m. in the City's Council Chambers.

Housing Loan Advisory Committee (HLAC)

The HLAC is responsible for approving loans related to the City's First Time Home Buyer Program, City Owner-Occupant Housing Rehabilitations, Lease to Purchase Program, Safety Mortgage Assistance Program and other Grant Programs.

The HLAC meets on the 2nd Thursday of each month at 10:00 a.m. in the City's Fireside Room.

Oversight Board (OB)

The OB serves per the ABX1 26 requirement that each Successor Agency have an Oversight Board consisting of the following: (1) Butte County Board of Supervisors member appointed by the Butte County Supervisors, (1) member of the public appointed by the Butte County Supervisors, (1) member appointed by the Mayor for the city that formed the dissolved Redevelopment Agency (RDA), (1) member appointed by the Mayor representing the employees of the former RDA, (1) member appointed by the Butte County Office of Education, (1) member appointed by the Chancellor of the California Community Colleges (Butte College), and (1) member appointed by the largest special district, by property tax share, with territory in the territorial jurisdiction of the former RDA (as determined by the county Auditor-Controller) which is, in Oroville, Feather River Recreation and Park District.

The Oversight Board has a fiduciary responsibility to holders of enforceable obligations and the taxing entities that benefit from the distribution of property tax and other revenue as a result of the dissolution of the RDAs. This requires a balance that mirrors the goals of ABX1 26 and AB 1484 to honor the enforceable obligations of the former RDAs that must be paid and to return the remaining revenue to the taxing entities.

ABX1 26 and AB 1484 contain several sections that delineate the role and responsibilities of the Oversight Board. Section 34180 lists the actions of the Successor Agency that require Oversight Board approval, while Section 34181 lists the actions that the Oversight Board must direct the successor agency to do.

A review of these provisions underscores the Oversight Board's crucial role in scrutinizing the Successor Agency's actions and its determination of which obligations are enforceable and, of those, which must be paid out of the Redevelopment Property Tax Trust Fund. Every obligation that is deemed enforceable reduces the amount of revenue remaining in the Trust Fund for distribution to the taxing entities. Finally, the Oversight Board plays a crucial role directing how the assets of the former RDAs – for example, holdings of real property – will be disposed of in order to distribute the proceeds to the taxing entities.

The OB meets annually, in January, and/or as needed at 10:00 a.m. in the City Council Chambers.

FISCAL IMPACT

None

RECOMMENDATION

Approve the appointment of three (3) Council Members to serve on the Supplemental Benefits Fund Steering Committee, one (1) Council Member to serve on the Oversight Board and three (3) Council Members to serve on the City's Housing Loan Advisory Committee for 2019-2021.

Backup material for agenda item:

7. APPLICATION AND FEE STRUCTURE FOR CANNABIS PERMITTING

The Council will provide staff direction on how to proceed with the implementation of Cannabis permitting and fee structuring

RECOMMENDATION

Provide staff direction



CITY OF OROVILLE STAFF REPORT

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: BILL LAGRONE, ASSISTANT CITY ADMINISTRATOR

RE: APPLICATION AND FEE STRUCTURE FOR CANNABIS PERMITTING

DATE: JANUARY 2, 2019

SUMMARY

The Council will provide staff direction on how to proceed with the implementation of Cannabis permitting and fee structuring

DISCUSSION

On December 4, 2018 the Oroville City Council approved Ordinance 1830 and Ordinance 1831. These Ordinances approved the necessary changes to the Municipal Code to allow for commercial Cannabis businesses. The final step to issuing permits for these commercial activities is to establish an application process and a fee structure for the permitting process. The permitting process is complex and would include Application Development and Merit-based Selection Criteria. This process will include application forms, checklists, application flowchart and merit-based scoring criteria. Staff received a cost estimate from our Cannabis Consultant SCI, to create an application, and screening process. SCI provided a cost estimate of \$10,000.00 to \$15,000.00.

A Regulatory fee structure is necessary to move forward on this project. Staff does not have the necessary expertise to create a fee structure for this type of activity, as it is relatively new. These fees would include Application Fee (Phase 1 and Phase 2), Application renewal fee, and annual regulatory permit fee. Staff received a cost estimate from our Cannabis Consultant SCI, to create a fee structure. SCI provided a cost estimate of \$10,000.00 to \$15,000.00.

The total cost for both would be between \$20,000.00 to \$30,000.00. Staff needs direction on how to proceed. If direction is provided to proceed with SCI, additional funding will be needed for Consulting services.

FISCAL IMPACT

Various by direction provided.

RECOMMENDATION

Provide Staff Direction

ATTACHMENTS

Cost estimate from SCI for consulting services

Hi Bill,

Below please find the next steps and associated costs for the City of Oroville. Please note, that these costs as well as prior costs can be built into the annual regulatory permit fee to reimburse the City.

- **Develop Regulatory Fees (\$10,000-\$15,000)**
 - Application Fee (Phase 1)
 - Application Fee (Phase 2)
 - Application Renewal Fee
 - Annual Regulatory Permit Fee
- **Application Development and Merit-based Selection Criteria (\$10,000-\$15,000)**
 - Application Forms
 - Checklists
 - Application Flowchart
 - Merit-based scoring Criteria

Based on our prior experience, it generally takes us 1-2 months to develop and adopt the application process and regulatory fee structure. The review of applications is a little less predictable and is greatly dependent on staff availability and the time it typically takes the City to go through the CUP process. If everything goes smoothly, you can expect to issue your first permits 4-5 months after accepting applications.

Timeline:

- Adopt Fee Structure (**February 2019**)
- Application Development & Selection Criteria (**February 2019**)
- Accept Applications (**March 2019**)
- Review Applications (**March-April 2019**)
- CUP Approval (???)
- Award permits (**Jun- Aug 2019**)

Please let me know if you would like to set up a call to discuss and go over in detail the next steps.

Sincerely,

Kyle Tankard, Senior Consultant

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Over 30 Years of Service to Public Agencies

Backup material for agenda item:

- FERC Letter
- PG&E Letter

After considering all proposals and evidence presented during the hearings, the assigned Judge will issue a proposed decision which may adopt PG&E's proposal, modify it or deny it. Any of the five CPUC Commissioners may sponsor an alternate decision. The proposed decision, and any alternate decisions, will be discussed and voted upon at a scheduled CPUC Voting Meeting.

The California Public Advocates Office (CalPA) may review this application. CalPA is the independent consumer advocate within the CPUC with a legislative mandate to represent investor-owned utility customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. CalPA has a multidisciplinary staff with expertise in economics, finance, accounting and engineering. For more information about CalPA, please call **1-415-703-1584**, email **PublicAdvocatesOffice@cpuc.ca.gov** or visit CalPA's website at **www.publicadvocates.cpuc.ca.gov**.

Stay informed

If you would like to follow this proceeding, or any other issue before the CPUC, you may use the CPUC's free subscription service. Sign up at **http://subscribecpuc.cpuc.ca.gov/**. If you would like to learn how you can participate in the proceeding, have informal comments about the application or have questions about the CPUC processes, you may access the CPUC's Public Advisor Office (PAO) webpage at **http://consumers.cpuc.ca.gov/pao/**.

You may also contact the PAO as follows:

Email: public.advisor@cpuc.ca.gov

Mail: CPUC

Public Advisor's Office

505 Van Ness Avenue

San Francisco, CA 94102

Call: 1-866-849-8390 (toll-free) or **1-415-703-2074**

TTY: 1-866-836-7825 (toll-free) or **1-415-703-5282**

If you are contacting the CPUC, please include the application number (Customer Data Access Application; A.18-11-015). All comments will be circulated to the Commissioners, the assigned Judge and appropriate CPUC staff and will become public record.

December 5, 2018

TO: STATE, CITY AND LOCAL OFFICIALS

NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO INCREASE RATES FOR ITS CUSTOMER DATA ACCESS APPLICATION (A.18-11-015)

Summary

On November 26, 2018, Pacific Gas and Electric Company (PG&E) filed its Customer Data Access application with the California Public Utilities Commission (CPUC). This application is intended to make it easier and more secure for customers to share their electric energy data with third parties. Some of these third parties include demand response, energy efficiency and energy management providers. To accomplish this goal, the application is requesting \$16.62 million for technology enhancements to streamline the existing online platform and improve access to customers' usage data.

Background

In 2015, PG&E launched a solution for sharing energy data. Since then, the energy industry has been evolving to meet the changing needs of customers and California's electric grid. In addition, third party providers have emerged in response to California's policies and to developments in the state's energy environment. In order for third parties to provide their services for PG&E's customers, accurate and timely data about customers' energy use and other relevant information is required. In compliance with customer privacy laws, customers need a secure way to authorize release of their energy data. As the industry continues to innovate, the proposals in this application will help preserve customer privacy while making it easier for customers to share their data.

How will PG&E's Application affect me?

Many customers receive bundled electric service from PG&E, meaning they receive electric generation, transmission and distribution services. Based on rates currently in effect, the bill for a typical residential, bundled nonCARE customer using 500 kWh per month would increase from \$113.64 to \$113.72, or 0.1 percent.

Actual impacts will vary depending on energy usage.

How will PG&E's Application affect customers who buy electricity from a third party?

Direct Access and Community Choice Aggregation customers only receive electric transmission and distribution services from PG&E. On average, these customers will see an increase of 0.1 percent.

Departing Load customers do not receive electric generation, transmission or distribution services from PG&E. However, they are required to pay certain charges as required by law or CPUC decision. These customers will not be impacted by this application.

How do I find out more about PG&E's proposals?

If you have questions about PG&E's filing, please contact PG&E at **1-800-743-5000**. For TTY call **1-800-652-4712**. Para más detalles llame al **1-800-660-6789** • 詳情請致電 **1-800-893-9555**. If you would like a copy of PG&E's filing and exhibits, please write to PG&E at the address below:

Pacific Gas and Electric Company
Customer Data Access Application (A.18-11-015)
P.O. Box 7442
San Francisco, CA 94120

A copy of PG&E's filing and exhibits is also available for review at the CPUC's Central Files office by appointment only. For more information, contact aljcentralfilesid@cpuc.ca.gov or **1-415-703-2045**. PG&E's proposal (without exhibits) is available on the CPUC's website at www.cpuc.ca.gov.

CPUC process

This application will be assigned to an Administrative Law Judge (Judge) who will determine how to receive evidence and other related documents necessary for the CPUC to establish a record upon which to base its decision. Evidentiary hearings may be held where parties will present their testimony and may be subject to cross-examination by other parties. These evidentiary hearings are open to the public, but only those who are formal parties in the case can participate.

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

California Department of Water Resources

Project No. 2100-185

NOTICE EXTENDING COMMENT PERIOD FOR DRAFT ENVIRONMENTAL
ANALYSIS

(December 12, 2018)

On November 8, 2018, the Federal Energy Regulatory Commission (Commission) issued a Draft Environmental Assessment (Draft EA) for the license amendment application filed by California Department of Water Resources for its Feather River Project, located on the Feather River in Butte County, California. The Commission issued a notice of availability of the Draft EA on November 8, 2018, soliciting comments by December 10, 2018.

On December 10, 2018, the Commission received a request from the California Department of Fish and Wildlife (California DFW) to extend the comment period for the Draft EA. California DFW states that due to limitations in-part caused by the recent Camp Fire and redirection for the Camp Fire response, it was unable to comment by December 10, 2018, and requests a 30-day extension of the comment period.

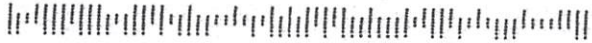
Upon consideration, notice is hereby given that California DFW's request is granted. The deadline for comments from any party on the Commission's November 8, 2018 Draft EA is extended to and including **January 11, 2019**.

Kimberly D. Bose,
Secretary.

City of Oroville

DEC 26 2018

Administration



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Gordon Andoe
Mayor
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City of Oroville
DEC 5 8 2018
Administration

