



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

November 01, 2022
REGULAR MEETING
CLOSED SESSION 4:00 PM
OPEN SESSION 4:30 PM
AGENDA

PUBLIC ACCESS AND PARTICIPATION

To view the meeting, attend the meeting or provide comment, please see the options below. All comments emailed will be provided to the Council Members for their consideration.

To View the Meeting:

1. Watch our live feed <https://www.youtube.com/channel/UCAoRW34swYI85UBfYqT7IbQ/>
2. Watch via Zoom
<https://zoom.us/j/96870319529?pwd=dW9kMGRZSFo5MFFNQk5wVDUzRkRrZz09>
Meeting ID: 968 7031 9529
Passcode: 67684553
3. Listen via Telephone
Telephone: 1-669-900-6833
Meeting ID: 968 7031 9529
Passcode: 67684553

To Provide Comment to the Council:

1. Email before the meeting by 2:00 PM your comments to publiccomment@cityoforoville.org
2. Attend the meeting in person.

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 three (3) 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 an item, the time limitation would be reduced to one and a half minutes per speaker for that item. 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.

CALL TO ORDER / ROLL CALL

Council Members: David Pittman, Eric Smith, Krysi Riggs, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

CLOSED SESSION

The Council will hold a Closed Session on the following:

1. Pursuant to Government Code Section 54957(b), the Council will meet with the City Administrator, Personnel Officer, and/or City Attorney to consider the public employment related to the following position: City Administrator
2. Pursuant to Government Code section 54956.9(d)(2), the Council will meet with the City Administrator and City Attorney regarding potential exposure to litigation – Three Cases.

OPEN SESSION

1. Announcement from Closed Session
2. Pledge of Allegiance
3. Adoption of Agenda

PRESENTATIONS AND PROCLAMATIONS

1. Homeless and Runaway Youth Awareness Month Proclamation

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.

CONSENT CALENDAR

Consent calendar **items 1 - 6** 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. **APPROVAL OF THE MINUTES**

The City Council May approve the minutes of October 18, 2022

RECOMMENDATION

Approve the Minutes of October 18, 2022

2. SECOND READING OF ZONING CHANGE ZC22-04: STANDARDS FOR DEVELOPMENT OF NON-CONFORMING LOTS IN SOUTH OROVILLE

The City Council may consider approving amendments to Oroville Municipal Code Section 17.28.020 (“Development Standards for residential districts”) in order to support development of existing sub-standard lots in South Oroville. The Planning Commission has recommended approval of the amendments on a 5-0 vote at its meeting of August 25, 2022. The City Council approved the item at its October 18, 2022, meeting.

RECOMMENDATION

Adopt Ordinance no. 1870 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CHANGE ZC 22-04 TO AMEND SECTION 17.28.020 (“DEVELOPMENT STANDARDS FOR RESIDENTIAL DISTRICTS”) TO PROMOTE DEVELOPMENT OF EXISTING NON-CONFORMING R-1 ZONED LOTS IN SOUTH OROVILLE

3. SECOND READING OF ZONING CODE AMENDMENT ZC22-05: AMENDMENT OF OROVILLE MUNICIPAL CODE SECTION 17.48.100 (“SUBSTANDARD LOTS”)

The City Council may consider amending Municipal Code Section 17.48.100 (“Substandard Lots”) in order to eliminate unenforceable provisions which require lot line adjustments or lot mergers as a prerequisite to development of substandard lots. The Planning Commission has recommended approval, and no issues have been identified. The City Council approved the item at its October 18, 2022, meeting.

RECOMMENDATION

Adopt Ordinance No. 1869 -- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CHANGE ZC 22-05 TO AMEND SECTION 17.28.100 (“SUBSTANDARD LOTS”) TO ELIMINATE UNENFORCEABLE REQUIREMENTS

4. REPLACEMENT OF OROVILLE FIRE ENGINE 1 MOTOR

The Council may consider replacing the motor of Oroville Fire Engine 1

RECOMMENDATION

Approve the rebuild of motor for Engine 1 in amount not to exceed \$19,216.99

5. REIMBURSEMENT TO BUTTE COUNTY FOR REPLACE OF SURVEILLANCE SYSTEM TAKEN AS EVIDENCE

The Council may consider reimbursing Butte County for the replacement of the video surveillance system, that was seized as evidence

RECOMMENDATION

Approve the reimbursement to Butte County in an amount not to exceed \$8,386.66

6. CONSIDER, APPROVE, AND AUTHORIZE A CITYWIDE COMPENSATION STUDY

The City Council may consider, approve, and authorize moving forward with the proposal from Koff & Associates to conduct a citywide compensation study

RECOMMENDATION

Staff is recommending going forward with Koff & Associates and option 1 from their proposal for a citywide compensation study.

REGULAR BUSINESS

7. LOCAL AGENCY TECHNICAL ASSISTANCE GRANT AWARD

The Council may approve the acceptance of \$500,000 in Local Agency Technical Assistance (LATA) grant funding applied for in August. The funding will be used to reimburse 100% of pre-construction planning costs associated with the deployment of broadband infrastructure. The City of Oroville will enter an MOU with the Golden State Connect Authority (GSCA) for management of the grant and project development.

RECOMMENDATION

Approve grant award of \$500,000 to prepare for broadband deployment in Oroville using GSCA and their contracted network design firm; and

Adopt Resolution 9106 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE ACCEPTING THE PREVIOUSLY APPLIED FOR LOCAL AGENCY TECHNICAL ASSISTANCE GRANT FUNDING ADMINISTERED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND AUTHORIZING THE GOLDEN STATE CONNECT AUTHORITY TO MANAGE THE GRANT AND PROJECT DEVELOPMENT.

8. REVIEW AND ADOPTION OF THE 2022 CODE ENFORCEMENT DEPARTMENT PROCEDURE MANUAL

The Council will consider the review and adoption of the 2022 Code Enforcement Department Procedure Manual.

RECOMMENDATION

Review and adopt the 2022 Code Enforcement Department Procedure Manual

REPORTS / DISCUSSIONS / CORRESPONDENCE

1. Council Announcements and Reports
2. Future Agenda Items
3. Administration Reports
4. Correspondence
 - i. FERC Correspondence
 - ii. Letter from Comer's Print Shop
 - iii. CPUC Notice regarding PG&E

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on November 15, 2022 at 4:00 p.m.

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

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

City of Oroville

A PROCLAMATION RECOGNIZING THE MONTH OF NOVEMBER 2022, AS HOMELESS AND RUNAWAY YOUTH AWARENESS MONTH

WHEREAS, *California has an estimated 200,000 homeless youth, including some 1,500 K-12 students in Butte County; and,*

WHEREAS, *Approximately 25% of youth exiting foster care will experience homelessness; and,*

WHEREAS, *Natural disaster and lack of affordable housing have exacerbated youth homelessness across rural California; and,*

WHEREAS, *A high percentage of homeless youth have been physically, sexually and/or emotionally abused by their guardians and are frequently re-victimized and exploited while living on the streets and in shelters; and,*

WHEREAS, *LGBTQ+ young adults are at a 120% higher risk of homelessness when compared to their peers, and comprise about 40% of the unaccompanied homeless youth population; and,*

WHEREAS, *Due to the lack of stable housing, homeless youth face great difficulties in accessing and succeeding in school, thus creating obstacles for students to graduate; and,*

WHEREAS, *the citizens of Oroville are the key to ending youth homelessness by acting as mentors and role models for our youth, guiding them toward available resources, productive choices and by creating opportunities for youth to successfully transition into healthy and successful adults.*

NOW, THEREFORE, *I Chuck Reynolds, Mayor of City of Oroville, in concurrence with the Oroville City Council, do hereby proclaim the month of **November, 2022**, as **Homeless and Runaway Youth Awareness Month** in the City of Oroville.*

Chuck Reynolds, Mayor



Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

**October 18, 2022
REGULAR MEETING
OPEN SESSION 4:30 PM
AGENDA**

This agenda was posted on October 14, 2022 at 2:00pm. This meeting was recorded and may be viewed at Cityoforoville.org or on YouTube.

CALL TO ORDER / ROLL CALL

Mayor Reynolds opened the meeting at 4:30pm

PRESENT: Council Members: David Pittman, Eric Smith, Krysi Riggs, Art Hatley, Janet Goodson, Vice Mayor Scott Thomson, Mayor Chuck Reynolds

STAFF: Acting City Administrator Tom Lando, Police Chief Bill LaGrone, Business Assistance and Housing Director Amy Bergstrand, Assistant City Clerk Jackie Glover, Director of Code Enforcement Ron Belser, Acting City Attorney Elizabeth Fratarcangeli, Assistant City Administrator Ruth Duncan, Assistant Community Development Director Dawn Nevers, Principal Planner Wes Ervin, City Treasurer Karolyn Fairbanks

OPEN SESSION

1. Pledge of Allegiance – Led by Mayor Reynolds
2. Adoption of Agenda – Motion by Council Member Smith and seconded by Council Member Goodson to adopt the agenda. Motion passed.

AYES: Hatley, Smith, Pittman, Goodson, Riggs, Thomson, Reynolds
NOES: None
ABSTAIN: None
ABSENT: None

PRESENTATIONS AND PROCLAMATIONS

1. The Council received an update from the YMCA on the Operations at the Convention Center

PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

The following individuals spoke on agenda items:

- Dorinda Scofield - Presentations

The following individuals spoke on non-agenda items:

- Don Blake
- The Cameraman
- Bill Speer
- Dr. John Rivers

CONSENT CALENDAR

Motion by Council Member Goodson and second by Council Member Riggs to adopt the consent calendar item 1-6. Motion passed.

AYES: Hatley, Smith, Pittman, Goodson, Riggs, Thomson, Reynolds
 NOES: None
 ABSTAIN: None
 ABSENT: None

1. APPROVAL OF THE MINUTES

The Council approved the minutes of October 4, 2022.

2. REQUEST TO WAIVE ADMISSION FEE FOR VARIOUS PROMOTIONAL EVENTS HELD AT THE OROVILLE MUSEUMS

The Council considered and approved a request to waive the admission fees for various promotional events to be held at The C.F. Lott Home, The Pioneer Museum, The Chinese Temple & Museum Complex, The Bolt's Antique Tool Museum, and The Feather River Nature Center to be hosted by the Oroville Docents

3. DONATION TO THE CHINESE TEMPLE

The City Council acknowledged receipt and acceptance of donations to the Oroville Chinese Temple.

4. NETWORK SWITCH UPGRADE

The Council authorized the purchase of new network switches in the amount of \$39,678.51.

5. AUTHORIZE AN AGREEMENT BETWEEN THE CITY OF OROVILLE AND R.L. HASTINGS AND ASSOCIATES FOR NEPA PREPARATION, LABOR STANDARDS MONITORING AND SECTION 3 COMPLIANCE FOR OROVILLE CONVENTION CENTER

The City Council approved the selection of R. L Hastings & Associates and authorize the mayor to sign the contract for services for the preparation of NEPA, Labor Standards Monitoring and Section 3 compliance; and **Adopted Resolution No. 9103** – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AGREEMENT WITH R. L. HASTINGS AND ASSOCIATES FOR THE NEPA PREPARATION, LABOR STANDARDS MONITORING AND SECTION 3 COMPLIANCE FOR OROVILLE CONVENTION CENTER (OCC) IMPROVEMENTS.

6. PROFESSIONAL SERVICES AGREEMENT WITH BRANDLEY ENGINEERING SERVICES AND CONSTRUCTION MANAGEMENT FOR CRACK SEAL PROJECT RUNWAY 2-20 AND ASSOCIATED TAXIWAYS

The Council approved the professional services agreement between the City of Oroville and Brandley Engineering Services for engineering services and construction management during

the construction of the crack seal project of runway 2-20 and associated taxiways at Oroville Municipal Airport.

Item 1.

REGULAR BUSINESS

7. SANK PARK PERIMETER FENCE OPTIONS FOR CONSIDERATION FOLLOWING RECEIPT OF BIDS

This item was tabled to a meeting in November.

8. FINANCIAL ANALYSIS FOR FISCAL YEAR ENDED JUNE 30, 2022

The Council received the annual unaudited financial information for the year ended June 30, 2022.

Motion by Council Member Pittman and second by Council Member Goodson to allocate the fund balance of \$2,193,503 to pay off the American River Bank – Solar and Energy project and have the remaining go to the Fund Balance.

AYES: Hatley, Smith, Pittman, Goodson, Riggs, Thomson, Reynolds
NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC HEARINGS

Mayor Reynolds opened the public hearings at 5:26pm.

9. CLOSEOUT OF COMMUNITY DEVELOPMENT BLOCK GRANT 17-CDBG-12014 AND 20-CDBG-CV-2-3-00113

The Council conducted a public hearing relating to the performance and the final accomplishments of Community Development Block Grant (CDBG) No. 17-CDBG-12014 and 20-CDBG-CV-2-3-00100.

Motion by Council Member Goodson and second by Vice Mayor Thomson to Adopt Resolution No. 9102 - Authorizing the closeout of Community Development Block Grant 17-CDBG-12014 which expired July 31, 2022; and Adopt Resolution No. 9101- Authorizing the closeout of Community Development Block grant 20-CDBG-CV-2-3-00113. Motion passed.

AYES: Hatley, Smith, Pittman, Goodson, Riggs, Thomson, Reynolds
NOES: None
ABSTAIN: None
ABSENT: None

10. ZC22-04: STANDARDS FOR DEVELOPMENT OF NON-CONFORMING LOTS IN SOUTH OROVILLE

The City Council considered approving amendments to Oroville Municipal Code Section 17.28.020 (“Development Standards for residential districts”) in order to support development of existing sub-standard lots in South Oroville. The Planning Commission has recommended approval of the amendments on a 5-0 vote at its meeting of August 25, 2022.

Motion by Council Member Goodson and second by Council Member Smith to Certify the Notifi of Exemption; and Conduct a public hearing and approve Zoning Change ZC 22-04 and consider for Adoption Resolution No. 9105 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CODE AMENDMENT ZC 22-04 REGARDING DEVELOPMENT STANDARDS FOR NON-CONFORMING LOTS IN SOUTH OROVILLE; and Waive first reading and introduce by title only Ordinance no. 1870 -- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING MUNICIPAL CODE SECTION 17.28.020. Motion passed.

- AYES: Hatley, Smith, Pittman, Goodson, Riggs, Thomson, Reynolds
- NOES: None
- ABSTAIN: None
- ABSENT: None

11. ZC22-05: AMENDMENT OF OROVILLE MUNICIPAL CODE SECTION 17.48.100 (“SUBSTANDARD LOTS”)

The City Council considered amending Municipal Code Section 17.48.100 (“Substandard Lots”) in order to eliminate unenforceable provisions which, require lot line adjustments or lot mergers as a prerequisite to development of substandard lots. The Planning Commission has recommended approval, and no issues have been identified.

Motion by Council Member Goodson and second by Council Member Riggs to Conduct a Public Hearing; and Adopt the recommended Categorical Exemption; and consider Adoption of Resolution No. 9104 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CODE AMENDMENT ZC 22-05 REGARDING AMENDMENT OF OROVILLE MUNICIPAL CODE SECTION 17.48.100; and Waive first reading and introduce by title only Ordinance no. 1869 -- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING MUNICIPAL CODE SECTION 17.48.100. Motion passed.

- AYES: Hatley, Smith, Pittman, Goodson, Riggs, Thomson, Reynolds
- NOES: None
- ABSTAIN: None
- ABSENT: None

REPORTS / DISCUSSIONS / CORRESPONDENCE

1. Council Announcements and Reports
 - a. Reynolds – Spoke about the cleanup and painting of the O on the side of Table Mountain; attended the Oroville Union High School Hall of Fame event
 - b. Smith – November 11th Veterans Day Parade hosted by the Exchange Club
2. Future Agenda Items
 - a. Reynolds – Branding Committee; Ordinance related to the riverfront/levee uses
3. Administration Reports
 - a. LaGrone – The City Received a Grant for Broadband Technical Assistance
 - b. Duncan – Finance Department has an option position as of October 7, 2022.
 - c. Nevers – Gave an update on all of the Active RFP’s and ones coming soon; Master plan for Bedrock, and trails is being developed; Museum Curator – Oct 29th Trick or Treat at the Museums; Portland Loos project is moving forward.
 - d. Belser – Gave an update a newly passed bill and on staffing of the department
4. Correspondence
 - i. Haven of Hope on Wheels Biannual Report

- ii. Police Department Monthly Report for September 2022
- iii. FERC Correspondence
- iv. CPUC Notices regarding PG&E
- v. Pioneer Union Elementary School District Notice

Item 1.

ADJOURN THE MEETING

Mayor Reynolds Adjourned the meeting at 6:03pm.

APPROVAL

ATTESTED:

Mayor Chuck Reynolds

Assistant City Clerk Jackie Glover



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND CITY COUNCIL MEMBERS

**FROM: DAWN NEVERS, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR
MARK WOLFE, AICP, NORTHSTAR**

**RE: SECOND READING OF ZONING CHANGE ZC22-04: Standards for
Development of Non-Conforming Lots in South Oroville**

DATE: NOVEMBER 1, 2022

SUMMARY

The City Council may consider approving amendments to Oroville Municipal Code Section 17.28.020 (“Development Standards for residential districts”) in order to support development of existing sub-standard lots in South Oroville. The Planning Commission has recommended approval of the amendments on a 5-0 vote at its meeting of August 25, 2022. The City Council approved the item at its October 18, 2022, meeting.

DISCUSSION

The recommended amendments would provide flexibility in existing setback and lot coverage regulations which may hinder development of the approximately 100 non-conforming vacant lots in the South Oroville neighborhood. These changes would advance a number of General Plan policies, and have been developed as a part of the City’s ongoing collaboration with the community to foster investment in South Oroville.

Details regarding the amendments can be found in Attachment 1, staff’s report to the Planning Commission on this matter.

FISCAL IMPACT

None

RECOMMENDATION

The Planning Commission and Staff recommend the following actions:

- 1. Adopt Ordinance no. 1870 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CHANGE ZC 22-04 TO AMEND SECTION 17.28.020 (“DEVELOPMENT STANDARDS FOR RESIDENTIAL DISTRICTS”) TO PROMOTE DEVELOPMENT OF EXISTING NON-CONFORMING R-1 ZONED LOTS IN SOUTH OROVILLE**

ATTACHMENTS

- 1. Ordinance No. 1870



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
 Oroville, CA 95965-4897
 (530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

Thursday, August 25, 2022

RE: ZC22-04 Standards for Development of Non-Conforming Lots in South Oroville

SUMMARY: The Oroville Planning Commission will review and consider recommending that the City Council revise OMC 17.28.020 (“Development Standards for residential districts”) in order to promote and provide flexibility in the development of existing non-conforming R-1 zoned lots in South Oroville. Many of the parcels in the neighborhood are sub-standard with respect to lot size and lot width, making them more difficult to develop than a conforming lot using existing regulations. The recommended amendments would reduce side and rear yard setbacks, increase allowable site coverage, and establish basic site planning principles for these properties.

RECOMMENDATION: Staff recommends the following actions:

1. **Conduct a Public Hearing** on the proposed code changes;
2. **Adopt** Resolution No. P2022-13 Recommending that the City Council approve the Specified Changes to OMC 17.28.020.

APPLICANT: City of Oroville

LOCATION: Generally the South Oroville Annexation Area, Attachment A to this report.

GENERAL PLAN: N/A
ZONING: N/A
FLOOD ZONE: N/A

ENVIRONMENTAL DETERMINATION: The recommended Code Amendment is exempt from review under the California Environmental Quality Act (CEQA) under the “common sense” provision of the Act that CEQA applies only to those projects have the potential to create a significant impact on the environment.

REPORT PREPARED BY:

 Mark Wolfe, AICP
 NorthStar

REVIEWED BY:

 Dawn Nevers, Assistant Director
 Community Development Department

DISCUSSION

The South Oroville neighborhood includes over 100 vacant lots zoned for single family development. In addition, there are roughly 50 lots with homes which have been abandoned. In virtually all cases, the underlying parcels do not meet the City's requirements for either lot size, lot dimensions, or both. Most of the lots are 44-feet wide by 108 feet deep, resulting in properties of roughly 4,800 square feet. City standards for the R-1 (Single Family Residential) zoning district require lots at least 50-feet wide and 5,000 square feet in size.

Development of these "non-conforming" lots in South Oroville can be challenging under the current City Code. For example, applying the minimum five-foot side yard setback requirement of the R-1 zone to one of the 44-wide lots results in a maximum building width of 34 feet. This limits the range of floorplans that can be used.

In addition, the Code limits the development of lots under 5,000 feet to a maximum site coverage, or building "footprint", of 2,000 square feet, including the home's garage. For conforming lots, the maximum coverage is 50% of the lot area. This means, for example, that development of one of the aforementioned 4,800 square foot lots would be limited to the 2,000 square foot coverage maximum, while a conforming 5,000 square foot lot could be developed with a structure with coverage up to 2,500 square feet.

In order to support and promote development and redevelopment of homes in the neighborhood, staff is recommending changes to certain Zoning Code standards. The changes are not dramatic, but they will loosen up regulations that might inhibit new construction and redevelopment. To ensure that the neighborhood character and scale is preserved, regulation of garage setbacks is also proposed. No new processes or "red tape" are proposed.

This proposal is being made as part of a larger community-based effort to foster investment in the Southside neighborhood.

ANALYSIS

The recommended changes would apply only to the area delineated in Attachment A of this report, and are as follows:

Reduced Side Yard Setbacks: The City's R-1 zoning standards require a five-foot side yard setback for main structures. With the narrow lots common in the neighborhood, this can limit flexibility in site planning for new homes, or for additions to existing ones.

The proposed change would reduce the minimum setback to three feet, so long as the aggregate of both side yards is at least eight feet. This will allow development of homes with four-foot setbacks on both sides, or, alternately, homes with a

narrower three-foot setback on one side and five on the other.

Reduced Rear Yard Setbacks: Existing standards require a 20-foot rear yard for main structures in the R-1 zone. The proposed setback is 15-feet. With the configuration and size of lots in the Southside, this will add to the overall ease of their development, and provide more opportunities for remodeling existing homes.

Increased Site Coverage Limit: Site coverage is the total “footprint” of structures on a site. For the R-1 district, the limit is generally 50% of the lot area. For a “standard” 5,000 square foot lot, this means a site coverage cap of 2,500 square feet.

Current standards, however, set a maximum site coverage of 2,000 square feet for any lot not meeting than the R-1 zone’s 5,000 square foot minimum. Thus, while a 5,000 square foot lot would enjoy a site coverage limit of 2,500 square feet, a 4,999 square foot lot would be limited to a maximum of 2,000 square feet.

The 2,000 square foot limit would apply all the way down to 4,000 square foot lots, at which point the 50% lot coverage limit would again apply (50% of 4,000 equals 2,000). Those lots ranging between 4,000 and 5,000 are thus the focus of the 2,000 square foot site coverage limit.

The overwhelming majority –roughly 93%-- of non-conforming lots in the Southside neighborhood are between 4,000 and 5,000 square feet in size. The 2,000 square foot limits the range of possible floor plan types, and also places constraints on accessory structures such as “granny” units and detached garages.

Elimination of the blanket 2,000 square foot cap for parcels between 4,000 and 5,000 square feet is recommended, which would leave the 50% maximum in place for all properties. This will mean that site coverage for these lots will range from 2,000 square feet to 2,500 square feet. The change will improve flexibility in site development without overwhelming these properties with structures.

Site Planning and Parking: The placement and footprints of buildings are currently regulated exclusively by setback requirements. The narrower than standard lot widths and the proposed reduced side yard setbacks create a situation where the front elevation of a house might be visually dominated by its garage, particularly if a two-car design. This could have an undesirable aesthetic effect on the “streetscape”, especially if two or more adjacent properties are developed in this fashion.

To address this potential issue, the recommended standards would require that two-garages be set back at least three feet behind the main building façade. Alternately, single-car garages with tandem parking would be allowed. In these cases, the garage, as a much less prominent element of the building façade, would not need to be stepped back from the main structure.

GENERAL PLAN CONSISTENCY

The recommended code changes would advance the following General Plan Goals and Policies:

From the Vision Statement:

- New residential growth, whatever the size or location, will be carefully regulated by the City and will be required to meet high standards for quality, appearance and integration with existing neighborhoods. Much of the new growth in the City will occur as infill development sensitively designed to enhance the community's character.

From the Guiding Principles:

- **Livability.** Ensure that future development enhances the existing character of our city as a whole, as well as its individual neighborhoods, and has a positive effect on our surroundings and quality of life.

From the Community Design Element (Principles):

- **Block, Street, and Building.** At this scale, the details of the built environment—defined both by architectural and landscaping details—are proportioned to the scale of a pedestrian. Block dimensions and building designs place equal emphasis on pedestrian and vehicular uses. These more detailed design principles are addressed in Oroville's Development Code and Design Guidelines.
- **High-Quality Development.** All types of development that follows smart growth principles can enhance the character of a neighborhood. In a smart growth neighborhood, retail buildings are located adjacent to sidewalks, framing the street's public space and encouraging people to walk from shop to shop. They include architectural details that make the buildings more attractive and more compatible with the surrounding development. Single-family houses emphasize the front door frontage to the street rather than garages, and apartment buildings use varied building forms to give a sense of the individual dwelling units they contain. In addition, all types of development incorporate the principles of Crime Prevention through Environmental Design (CPTED) by delineating private and public spaces, enhancing visibility, controlling property access, and ensuring adequate property maintenance.

From the Community Design Element (Goals, Policies, and Actions):

- P1.1 Require quality architectural and landscaping design as well as durable and efficient materials for all projects.

- P3.2 Preserve the vital qualities of existing, stable residential neighborhoods, including a human scale, pedestrian orientation, ample landscaping and trees, attractive architecture, and materials that complement the historic character of existing buildings.
- P3.4 New development in existing residential neighborhoods shall reflect the existing scale and character of the neighborhood and shall be compatible in design.
- P4.2 New residential development shall reflect the human scale and pedestrian-oriented character of existing neighborhoods in Oroville.
- P4.5 Garage doors shall not dominate the street facing facades of residential buildings. Garages for new single-family houses, duplexes, and townhouses should be subordinate in visual importance to the living area and front entryways. A number of different design strategies can achieve consistency with this policy, including locating garages towards the back of properties, constructing alleys, and placing the garages along the alleys, limiting the width of garages to two car spaces, building garages as separate structures from the house, requiring garages to be set back from the front façade of the house, building garages underneath the structure, and orientating garage doors at 90 degrees to the street.
- P4.6 A variety of architectural styles shall be provided within each neighborhood. Within each neighborhood block, the exterior design of residential buildings shall be varied to provide visual interest to the streetscape.

From the Housing Element:

- Goal 2: Remove Constraints to Housing. The City of Oroville maintains a goal to remove constraints that could hinder the provision of housing.
- Goal 4: Preserve, Rehabilitate, and Enhance Existing Housing and Neighborhoods. The City of Oroville maintains a goal to initiate all reasonable efforts to preserve the availability of existing housing opportunities and to conserve as well as enhance the quality of existing dwelling units and residential neighborhoods.
- Policy 2.1: Minimize constraints to the development of affordable housing through supportive codes, ordinances, policies, and guidelines.

FISCAL IMPACT

None.

ATTACHMENTS

- A. Area Subject to Revised Standards (Figure 17.28.020-01)
- B. Draft Revised Version of Table 17.28.020-2
- C. Typical Existing vs. Proposed Development Standards
- D. Categorical Exemption
- E. Resolution P2022-13

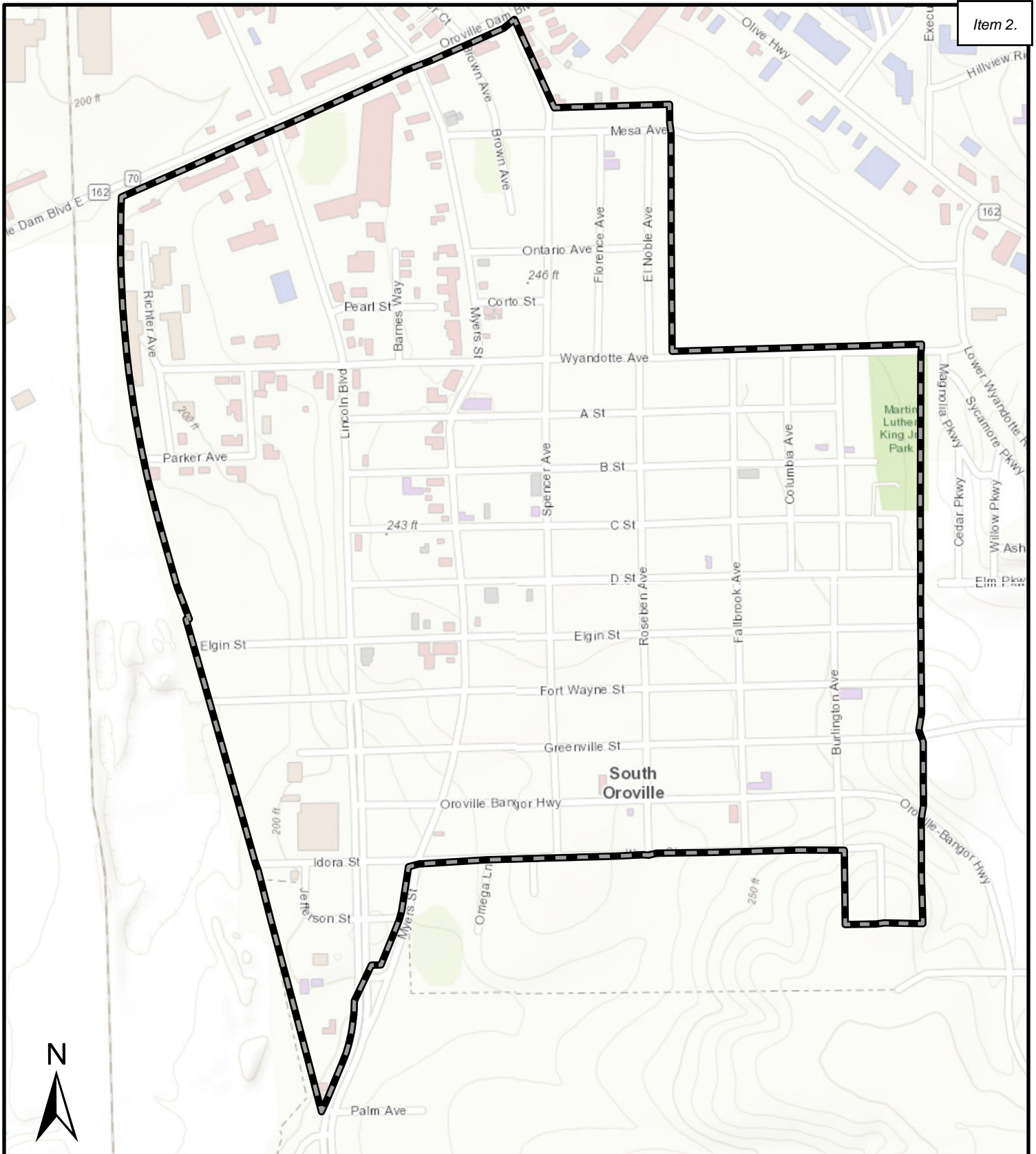
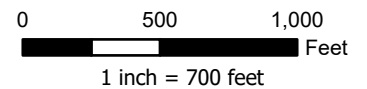


Figure 17.28.020-1 Extents of South Oroville R-1 Development Standards



111 MISSION RANCH BLVD., SUITE 100 CHICO, CA 95926
 PHONE: (530) 893-1600 - www.NorthStarEng.com - © NorthStar

Data Source: Butte County, Bureau of Land Management, ESRI, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA



Job No.
21-105

Date Created:
5/31/22

Created By:
TDA

Spatial Reference:
NAD 1983 CA State Plane Zon

17.28.020 Development standards for residential districts.

Development standards for residential districts shall be as shown in Table 17.28.020-1 and Table 17.28.020-2.

Table 17.28.020-2

Development Standards for UR-10, UR-5, RA, RR-1, RR-20 and RR-10 Districts

Development Standard	UR-10	UR-5	RA	RR-1	RR-20	RR-10
Lot Area, Minimum	10 acres ¹	5 acres ²	2 acres	1 acre	20,000 sq. ft.	10,000 sq. ft.
Lot Width, Minimum	330 feet	250 feet	150 feet	125 feet	100 feet	80 feet
Height, Maximum ³	40 feet	40 feet	40 feet	40 feet	40 feet	35 feet
<i>Setbacks, Minimum</i>						
Front	20 feet ⁴	20 feet ⁴	20 feet ⁴	20 feet ⁴	20 feet ⁴	20 feet ⁴
Side	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Rear	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Site Coverage, Maximum	20,000 sq. ft.	15,000 sq. ft.	12,000 sq. ft.	10,000 sq. ft.	40% or 8,000 sq. ft., whichever is greater	40% or 6,000 sq. ft., whichever is greater

¹ See Section 17.28.020 for additional provisions regarding the measurement of lot area.

² See Section 17.28.030 for additional provisions regarding the measurement of lot area.

³ Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 17.12.070.

⁴ See Section 17.12.040 for additional provisions regarding setbacks.

Table 17.28.020-2

Development Standards for RL, R-1, R-2, R-3, R-4, and RP Districts

Development Standard	RL	R-1 ^{5, 6}	R-2	R-3	R-4	RP
<i>Lot Area, Minimum</i>						
Interior lot	8,000 sq. ft.	5,000 sq. ft. ²	3,000 sq. ft. ²	2,200 sq. ft. ²	2,000 sq. ft. ²	2,200 sq. ft. ²
Corner lot	8,000 sq. ft.	6,000 sq. ft. ²	4,000 sq. ft. ²	3,000 sq. ft. ²	2,500 sq. ft. ²	3,000 sq. ft. ²

<i>Density, Minimum</i>	As specified in General Plan	As specified in General Plan	As specified in General Plan	As specified in General Plan	As specified in General Plan	As specified in General Plan
Lot Width, Minimum						
Interior lot	80 ft.	50 ft.	40 ft.	35 ft.	30 ft.	35 ft.
Corner lot	80 ft.	60 ft.	50 ft.	45 ft.	40 ft.	45 ft.
Height, Maximum³	30 ft.	30 ft.	35 ft.	45 ft.	50 ft.	45 ft.
Setbacks, Minimum¹						
Front	20 ft.	15 ft.; 20 ft. for garages	10 ft.; 20 ft. for garages	10 ft.; 20 ft. for garages	10 ft.; 20 ft. for garages	10 ft.; 20 ft. for garages
Side, interior lot	5 feet ⁴	5 feet ⁴	5 feet ⁴	5 feet ⁴	5 feet ⁴	5 feet ⁴
Side, corner lot	5 ft.; 10 ft. along any street frontage ⁴	5 ft.; 10 ft. along any street frontage ⁴	5 ft.; 10 ft. along any street frontage ⁴	5 ft.; 10 ft. along any street frontage ⁴	5 ft.; 10 ft. along any street frontage ⁴	5 ft.; 10 ft. along any street frontage ⁴
Rear	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum distance between detached buildings in dwelling group	—	—	10 ft.	10 ft.	10 ft.	10 ft.
Site Coverage, Maximum	40%	50%	60%	65%	70%	65%
Courtyards, Minimum Width						
Enclosed by buildings on no more than 2 sides	—	—	10 ft.	10 ft.	10 ft.	10 ft.
Enclosed by buildings on 3 or more sides	—	—	20 ft.	20 ft.	20 ft.	20 ft.

¹ See Section [17.12.040](#) for additional provisions regarding setbacks.

² The number of dwelling units constructed on a site shall not exceed the density permitted by the applicable general plan land use designation, except in cases where State law provides an exemption from this requirement, including second dwelling units and density bonus units.

³ Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section [17.12.070](#).

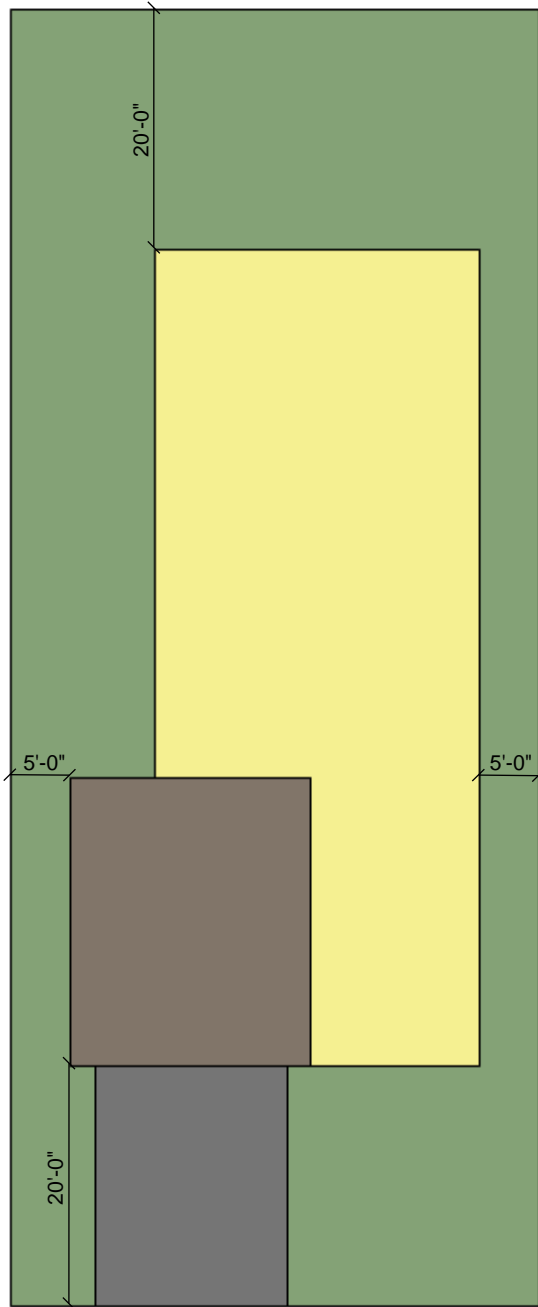
⁴ Where a side setback area provides access to a dwelling group, the minimum required side setback shall be 12 feet.

⁵ For sites in R-1 districts with less than the minimum lot area, the maximum site coverage shall be 2,000 square feet, *except that in the South Oroville neighborhood area depicted in Figure 17.28.020-01, maximum lot coverage shall be 50%.*

⁶ *For existing R-1 zoned lots in the South Oroville area depicted in Figure 17.28.020-01 which do not meet minimum lot dimension or area requirements, the following standards shall apply:*

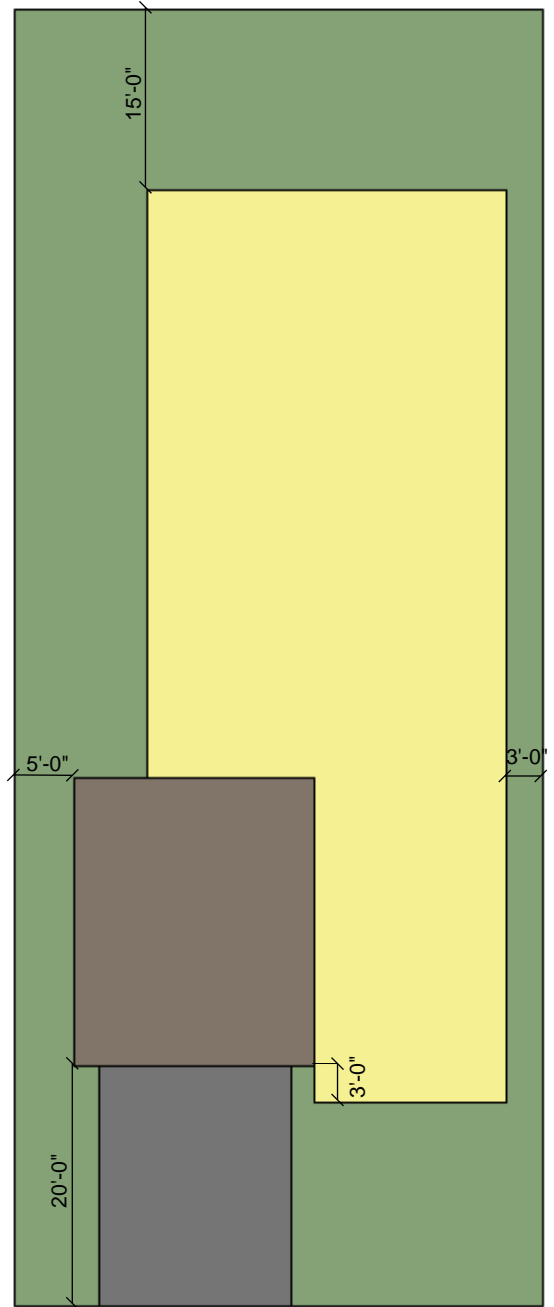
- a. *Interior Side Yard Setbacks for Main Structure: Minimum of three feet, with an aggregate of minimum of eight feet (e.g., if one side yard is three feet, the other must be a minimum of five feet).*
- b. *Rear Yard Setbacks for Main Structures: fifteen feet.*
- c. *Attached garages accessed from the street must be set back from the main building façade by at least three feet.*
- d. *Single-Car garages with tandem parking may be used to meet on-site parking requirements.*

EXISTING REGULATIONS (TYP.)



- 2000 SQ. FT. MAXIMUM SITE COVERAGE.
- 5 FT. SIDEYARDS.
- 20 FT. REAR YARDS.
- GARAGE AND MAIN STRUCTURE MAY BE AT SAME SETBACK

PROPOSED REGULATIONS (TYP.)



- 50% MAXIMUM LOT COVERAGE (2228 SQ. FT. FOR 4752 SQ. FT. LOT)
- 3 FT. SIDEYARD, 8 FT. TOTAL
- 15 FT. REAR YARD
- MAIN STRUCTURE MUST PROJECT AT LEAST 3 FT. FROM GARAGE

NOTICE OF EXEMPTION

To: Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

From: City of Oroville
Community Development Department
1735 Montgomery St.
Oroville, CA 95965

County Clerk
County of Butte
155 Nelson Ave
Oroville, CA 95965

Project Title: Zoning Code Amendments Relating to Development Standards for Non-Conforming R-1 Zoned Properties in South Oroville

Project Location - Specific:

N/A (Amendments to Municipal Code)

Project Location - City: Oroville Project Location - County: Butte

Description of Nature, Purpose, and Beneficiaries of Project:

Amendments to the City's Zoning Code which would reduce setbacks, increase lot coverage, and establish site planning requirements for existing non-conforming lots in the South Oroville area. The project is being undertaken to reduce constraints to development and foster investment in the community.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: City of Oroville

Exempt Status:

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3) 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
Categorical Exemption (type and section number);
Statutory Exemption (state code number);
Other (state code number): Section 15061(b)(3): Common Sense Exemption

Reason why project is exempt:

This project would be exempt from the requirements to prepare additional environmental documentation per California Environmental Quality Act (CEQA) Guidelines, Section 15061 (b)(3). This section is the "common sense" exemption that states that CEQA applies only to projects which the potential for causing a significant effect to the environment. It can be seen that, pursuant to this section, the proposed amendments would not result in a significant effect to the environment.

Lead Agency

Contact: Dawn Nevers Phone: (530)538-2495

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Title: Date:

- Signed by Lead Agency
Signed by Applicant Date received for filing at OPR:

RESOLUTION NO. P2022-13

A RESOLUTION OF INTENTION OF THE OROVILLE PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO TABLE 17.28.020-2 REGARDING DEVELOPMENT OF NON-CONFORMING R-1 ZONED PROPERTIES IN THE SOUTH OROVILLE AREA

WHEREAS, the City of Oroville staff recommends a change to Chapter 17-28 of the City of Oroville Zoning Code relating to development standards for non-conforming R-1 zoned properties in the South Oroville area, as such area is depicted in Attachment “A” of this Resolution; and

WHEREAS, the recommended changes would revise setback, site coverage, and site planning requirements for such lots in order to facilitate their development; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE OROVILLE PLANNING COMMISSION AS FOLLOWS:

SECTION 1. The Planning Commission determines:

- A. That the proposed amendments are exempt from review under the California Environmental Quality Act pursuant to the “Common Sense” exemption, as it can be clearly seen that the amendments do not have the potential to result in a significant impact on the environment.
- B. That the proposed amendments are consistent with the General Plan; and
- C. The proposed amendments are consistent with other applicable provisions of the Municipal Code and compatible with the uses authorized in the applicable zoning district for which the revisions are proposed.

SECTION 2. The Planning Commission hereby recommends that the City Council approve the Zoning Code Amendment ZC22-04 to the Oroville Municipal Code as set forth in Attachment B, Revisions to Table 17.28.020-2

PASSED AND ADOPTED by the Planning Commission of the City of Oroville at a regular meeting on August 25, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

Jackie Glover, Assistant City Clerk

Carl Durling, Chairperson

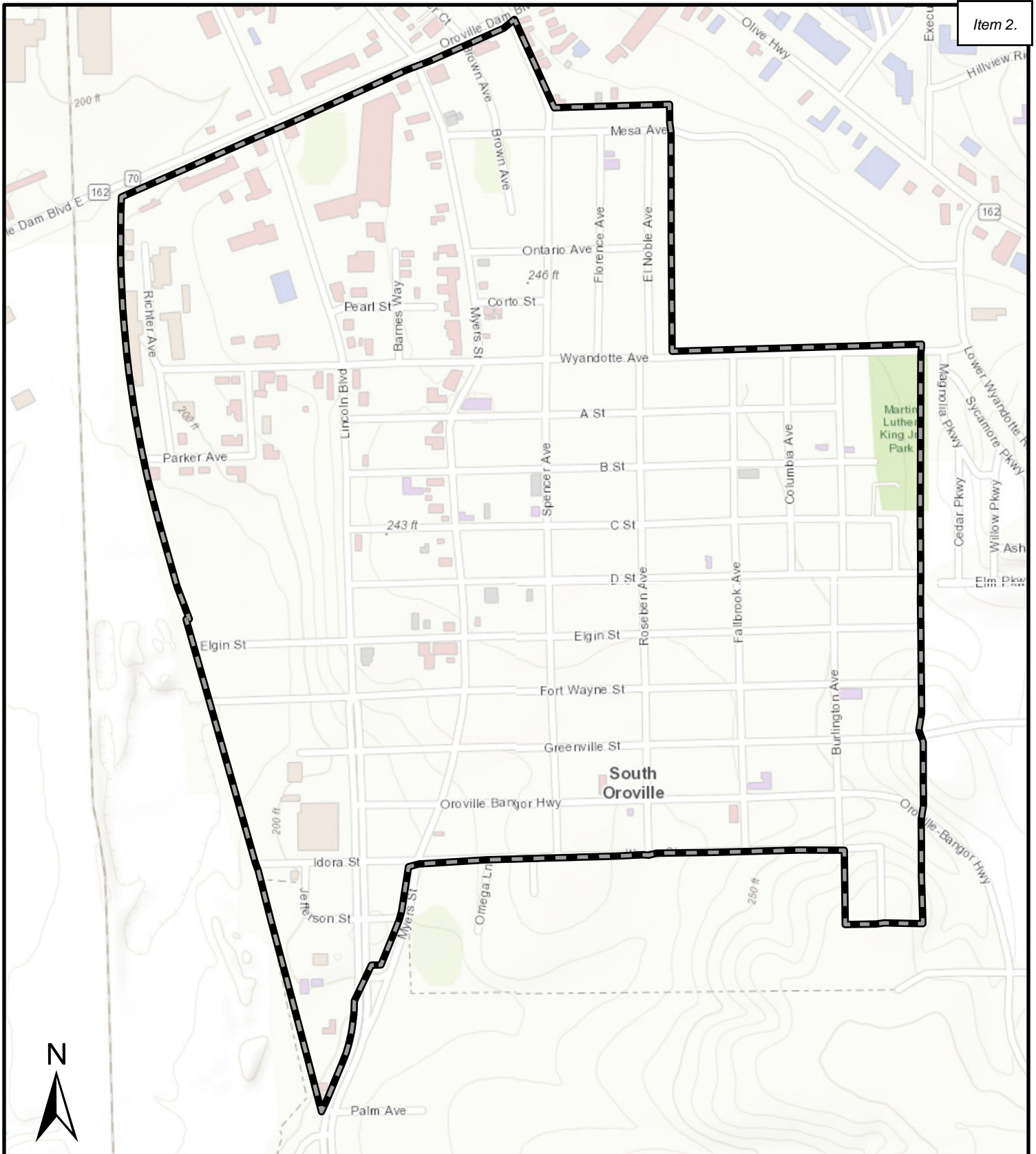
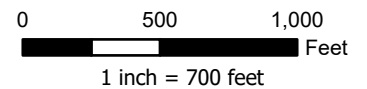


Figure 17.28.020-1 Extents of South Oroville R-1 Development Standards



111 MISSION RANCH BLVD., SUITE 100 CHICO, CA 95926
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Data Source: Butte County, Bureau of Land Management, ESRI, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA



Job No.
21-105

Date Created:
5/31/22

Created By:
TDA

Spatial Reference:
NAD 1983 CA State Plane Zon

**CITY OF OROVILLE
ORDINANCE NO. 1870**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CHANGE ZC 22-04 TO AMEND SECTION 17.28.020 (“DEVELOPMENT STANDARDS FOR RESIDENTIAL DISTRICTS”) TO PROMOTE DEVELOPMENT OF EXISTING NON-CONFORMING R-1 ZONED LOTS IN SOUTH OROVILLE

WHEREAS, the City of Oroville is committed to collaborating with the community to implement its General Plan and advance the Plan’s policies for improving the community’s neighborhoods, including South Oroville; and

WHEREAS, the City has determined that existing zoning regulations may impede development of the roughly 100 vacant, R-1 zoned properties in South Oroville which are sub-standard due to lot size or width; and

WHEREAS, the City has initiated this Code Amendment to foster investment in the South Oroville neighborhood; and

WHEREAS, the Oroville Planning Commission held a duly noticed public hearing to consider the proposed amendment on August 25, 2022, and unanimously adopted Resolution No. P2022-13, recommending its adoption by the City Council; and

WHEREAS, at a duly noticed public hearing, the City Council considered the recommendation of the Planning Commission, public agencies, property owners, and members of the public who are potentially affected by the changes described herein, and also considered the City’s staff report regarding the proposed Amendment.

The Council of the City of Oroville do ordain as follows:

Section 1. Section 17.28.020 of the Oroville Municipal Code is amended as indicated in Exhibit 1 of this Ordinance.

Section 2. The geographic area to which the amended Development Standards are to apply is limited to that area depicted in Exhibit 2 of this Ordinance, which Attachment is adopted as Figure 17.28.020-1 of the Oroville Municipal Code.

Section 2. This ordinance shall become effective on December 1, 2022, or 30 days after the second reading is approved, whichever comes later.

Section 3. The City Clerk shall attest to the adoption of this ordinance.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting held on November 1, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor, Chuck Reynolds

APPROVED AS TO FORM:

ATTEST:

City Attorney, Scott E Huber

Assistant City Clerk, Jackie Glover

17.28.020 Development standards for residential districts.

Development standards for residential districts shall be as shown in Table 17.28.020-1 and Table 17.28.020-2.

Table 17.28.020-2

Development Standards for UR-10, UR-5, RA, RR-1, RR-20 and RR-10 Districts

Development Standard	UR-10	UR-5	RA	RR-1	RR-20	RR-10
Lot Area, Minimum	10 acres ¹	5 acres ²	2 acres	1 acre	20,000 sq. ft.	10,000 sq. ft.
Lot Width, Minimum	330 feet	250 feet	150 feet	125 feet	100 feet	80 feet
Height, Maximum ³	40 feet	40 feet	40 feet	40 feet	40 feet	35 feet
<i>Setbacks, Minimum</i>						
Front	20 feet ⁴	20 feet ⁴	20 feet ⁴	20 feet ⁴	20 feet ⁴	20 feet ⁴
Side	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Rear	20 feet	20 feet	20 feet	20 feet	20 feet	20 feet
Site Coverage, Maximum	20,000 sq. ft.	15,000 sq. ft.	12,000 sq. ft.	10,000 sq. ft.	40% or 8,000 sq. ft., whichever is greater	40% or 6,000 sq. ft., whichever is greater

¹ See Section 17.28.020 for additional provisions regarding the measurement of lot area.

² See Section 17.28.030 for additional provisions regarding the measurement of lot area.

³ Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section 17.12.070.

⁴ See Section 17.12.040 for additional provisions regarding setbacks.

Table 17.28.020-2

Development Standards for RL, R-1, R-2, R-3, R-4, and RP Districts

Development Standard	RL	R-1 ^{5,6}	R-2	R-3	R-4	RP
<i>Lot Area, Minimum</i>						
Interior lot	8,000 sq. ft.	5,000 sq. ft. ²	3,000 sq. ft. ²	2,200 sq. ft. ²	2,000 sq. ft. ²	2,200 sq. ft. ²
Corner lot	8,000 sq. ft.	6,000 sq. ft. ²	4,000 sq. ft. ²	3,000 sq. ft. ²	2,500 sq. ft. ²	3,000 sq. ft. ²

<i>Density, Minimum</i>	As specified in General Plan	As specified in General Plan	As specified in General Plan	As specified in General Plan	As specified in General Plan	As specified in General Plan
<i>Lot Width, Minimum</i>						
Interior lot	80 ft.	50 ft.	40 ft.	35 ft.	30 ft.	35 ft.
Corner lot	80 ft.	60 ft.	50 ft.	45 ft.	40 ft.	45 ft.
<i>Height, Maximum³</i>	30 ft.	30 ft.	35 ft.	45 ft.	50 ft.	45 ft.
<i>Setbacks, Minimum¹</i>						
Front	20 ft.	15 ft.; 20 ft. for garages	10 ft.; 20 ft. for garages	10 ft.; 20 ft. for garages	10 ft.; 20 ft. for garages	10 ft.; 20 ft. for garages
Side, interior lot	5 feet ⁴	5 feet ⁴	5 feet ⁴	5 feet ⁴	5 feet ⁴	5 feet ⁴
Side, corner lot	5 ft.; 10 ft. along any street frontage ⁴	5 ft.; 10 ft. along any street frontage ⁴	5 ft.; 10 ft. along any street frontage ⁴	5 ft.; 10 ft. along any street frontage ⁴	5 ft.; 10 ft. along any street frontage ⁴	5 ft.; 10 ft. along any street frontage ⁴
Rear	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum distance between detached buildings in dwelling group	—	—	10 ft.	10 ft.	10 ft.	10 ft.
<i>Site Coverage, Maximum</i>	40%	50%	60%	65%	70%	65%
<i>Courtyards, Minimum Width</i>						
Enclosed by buildings on no more than 2 sides	—	—	10 ft.	10 ft.	10 ft.	10 ft.
Enclosed by buildings on 3 or more sides	—	—	20 ft.	20 ft.	20 ft.	20 ft.

¹ See Section [17.12.040](#) for additional provisions regarding setbacks.

² The number of dwelling units constructed on a site shall not exceed the density permitted by the applicable general plan land use designation, except in cases where State law provides an exemption from this requirement, including second dwelling units and density bonus units.

³ Maximum heights apply to main buildings or structures. Height restrictions for accessory structures are in Section [17.12.070](#).

⁴ Where a side setback area provides access to a dwelling group, the minimum required side setback shall be 12 feet.

⁵ For sites in R-1 districts with less than the minimum lot area, the maximum site coverage shall be 2,000 square feet, *except that in the South Oroville neighborhood area depicted in Figure 17.28.020-01, maximum lot coverage shall be 50%.*

⁶ *For existing R-1 zoned lots in the South Oroville area depicted in Figure 17.28.020-01 which do not meet minimum lot dimension or area requirements, the following standards shall apply:*

- a. *Interior Side Yard Setbacks for Main Structure: Minimum of three feet, with an aggregate of minimum of eight feet (e.g., if one side yard is three feet, the other must be a minimum of five feet).*
- b. *Rear Yard Setbacks for Main Structures: fifteen feet.*
- c. *Attached garages accessed from the street must be set back from the main building façade by at least three feet.*
- d. *Single-Car garages with tandem parking may be used to meet on-site parking requirements.*

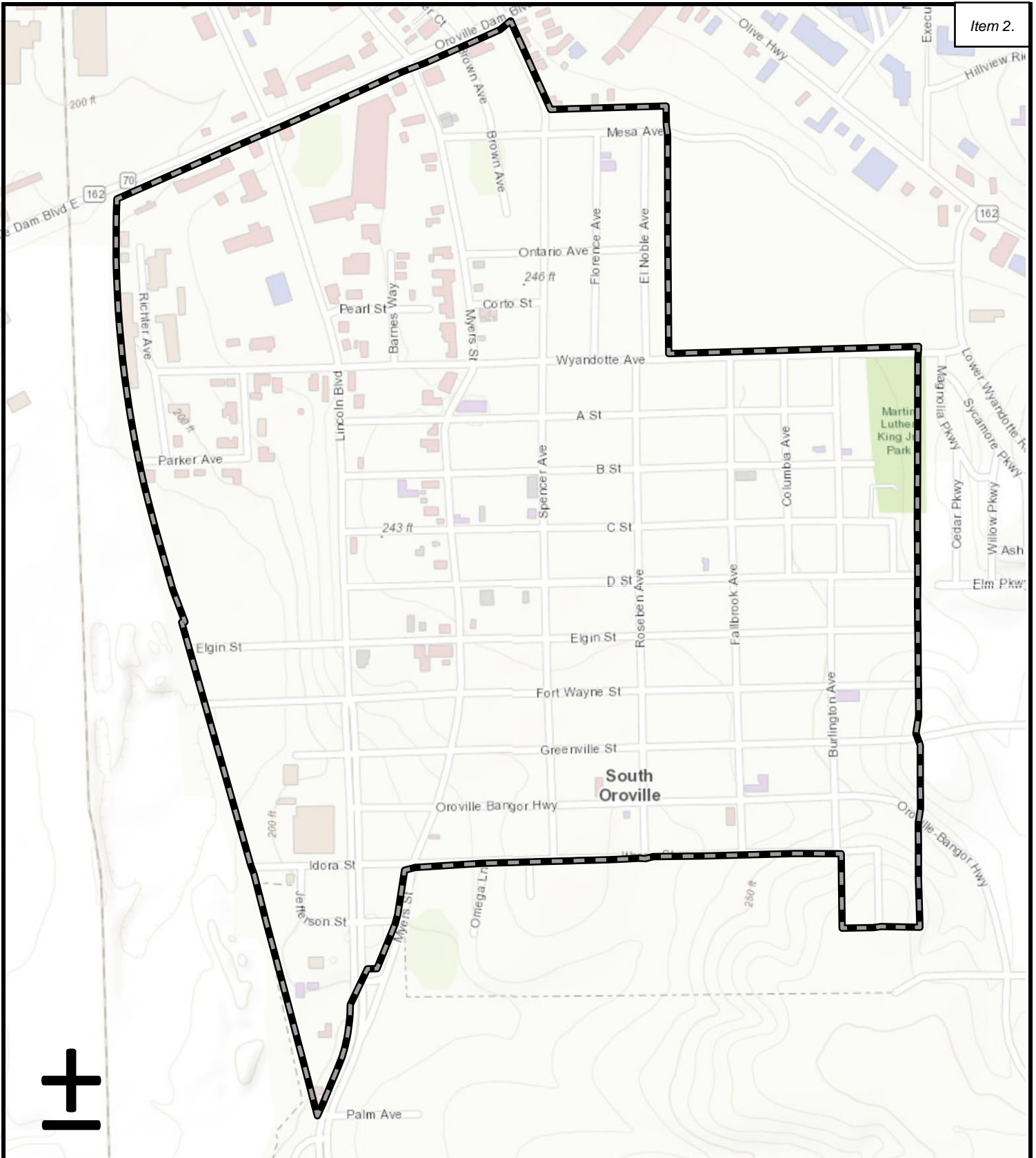
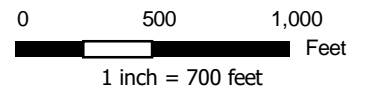


Figure 17.28.020-1 Extents of South Oroville R-1 Development Standards



111 MISSION RANCH BLVD., SUITE 100 CHICO, CA 95926
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Data Source: Butte County, Bureau of Land Management, ESRI, HERE, Garmin, GeoTechnologies, Inc., USGS, EPA, USDA



Job No.
21-105

Date Created:
5/31/22

Created By:
TDA

Spatial Reference:
NAD 1983 CA State Plane Zo



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND CITY COUNCIL MEMBERS

**FROM: DAWN NEVERS, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR
MARK WOLFE, AICP, NORTHSTAR**

**RE: SECOND READING OF ZONING CODE AMENDMENT ZC22-05:
AMENDMENT OF OROVILLE MUNICIPAL CODE SECTION
17.48.100 (“SUBSTANDARD LOTS”)**

DATE: NOVEMBER 1, 2022

SUMMARY

The City Council may consider amending Municipal Code Section 17.48.100 (“Substandard Lots”) in order to eliminate unenforceable provisions which require lot line adjustments or lot mergers as a prerequisite to development of substandard lots. The Planning Commission has recommended approval, and no issues have been identified. The City Council approved the item at its October 18, 2022, meeting.

DISCUSSION

The recommended amendment would eliminate a requirement that with respect to substandard lots, they may be developed only if:

“The lots or parcels cannot be made to conform to current requirements by combination with or modification of adjacent lots of parcels under the same ownership.”

Because this “adjust or merge” requirement would treat some property owners (i.e., those who own adjoining properties) different from others, it conflicts with the Constitutional right to equal protection under the law and is thus unenforceable.

Details regarding the amendments can be found in Attachment 1, staff’s report to the Planning Commission on this matter.

FISCAL IMPACT

None

RECOMMENDATION

The Planning Commission and Staff recommend the following actions:

Adopt Ordinance No. 1869 -- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CHANGE ZC 22-05 TO AMEND SECTION 17.28.100 ("SUBSTANDARD LOTS") TO ELIMINATE UNENFORCEABLE REQUIREMENTS

ATTACHMENTS

1. Ordinance No. 1869

**CITY OF OROVILLE
ORDINANCE NO. 1869**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING ZONING CHANGE ZC 22-05 TO AMEND SECTION 17.28.100 (“SUBSTANDARD LOTS”) TO ELIMINATE UNENFORCEABLE REQUIREMENTS

WHEREAS, the City of Oroville is committed to collaborating with the community to implement its General Plan and advance the Plan’s goals policies for economic development and streamlining the development review process; and

WHEREAS, the City has determined that Section 17.28.100 of the Oroville Municipal Code, to the extent that it requires lot line adjustments or lot mergers of substandard lots as a prerequisite to development when such lots are under the same ownership, conflicts with these goals and policies, and the Constitutional right to Due Process; and

WHEREAS, the noted requirement is not legally enforceable; and

WHEREAS, the Oroville Planning Commission held a duly noticed public hearing to consider the proposed amendment on September 29, 2022, and unanimously adopted Resolution No. P2022-17, recommending its adoption by the City Council; and

WHEREAS, at a duly noticed public hearing, the City Council considered the recommendation of the Planning Commission, public agencies, property owners, and members of the public who are potentially affected by the changes described herein, and also considered the City’s staff report regarding the proposed Amendment.

The Council of the City of Oroville do ordain as follows:

Section 1. Section 17.28.100 of the Oroville Municipal Code is amended as indicated in Exhibit 1 to this Ordinance.

Section 2. This ordinance shall become effective on December 1, 2022, or 30 days after the second reading is approved, whichever comes later.

Section 3. The City Clerk shall attest to the adoption of this ordinance.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting held on November 1, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor, Chuck Reynolds

APPROVED AS TO FORM:

ATTEST:

City Attorney, Scott E Huber

Assistant City Clerk, Jackie Glover

EXHIBIT 1**17.48.100 Substandard lots.**

A. **General.** In any zoning district, lots or parcels that do not meet this chapter's requirements for minimum lot area or lot dimensions may be developed or occupied by the uses permitted in that district, provided that:

1. The lots or parcels were created in compliance with any applicable laws in effect at the time of their creation.

~~2. The lots or parcels cannot be made to conform to current requirements by combination with or modification of adjacent lots or parcels under the same ownership.~~

B. **Conformance with Current Requirements.** Any building or structure that is erected on a nonconforming lot shall conform to all current requirements for setbacks, heights and floor area ratios (FAR), as well as any other applicable requirements of this title.

C. **Number of Dwelling Units.** In any residential zoning district that has a requirement for minimum lot area per dwelling unit and allows duplexes or multiple-family dwellings, no more than one dwelling unit may be erected on a lot or parcel that does not have the required minimum lot area per dwelling unit. (Ord. 1749 § 4)



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND COUNCIL MEMBERS

FROM: BILL LAGRONE, CHIEF OF POLICE

RE: REPLACEMENT OF OROVILLE FIRE ENGINE 1 MOTOR

DATE: NOVEMBER 1, 2022

SUMMARY

The Council may consider replacing the motor of Oroville Fire Engine 1

DISCUSSION

Oroville Fire is an all risk full-service. Oroville fire runs thousands of calls per year and assist the State with emergencies all over California utilizing the same equipment and personnel used to protect our City. Oroville fire heavily on their equipment, which gets used in various environments. Engines get driven down silty dozer roads on strike teams, operate for hours in smoky atmospheres, driven on highways for hours day after day and of course the local emergencies through our own city streets and fields. Regular maintenance is conducted to upkeep the apparatus, however the older they get the more maintenance they need and the more costly the maintenance becomes.

In September Engine 1, one of Oroville fire's two primary apparatus, began to show signs of engine failure. Engine 1 was taken to a certified diesel mechanic to help diagnosis the problem with the apparatus. It was determined that the engine needed to be rebuilt. The Engine issue was diagnosed by Durham-Pentz Truck Center, a local trusted repair facility. This will be a complete tear down to include new pistons, liners, new rod bearings, main bearing, new cylinder head and all new gaskets and seals. The cost for this rebuild is \$19,216.99. See attached estimate for additional details.

FISCAL IMPACT

Funding for the replacement of this motor will come from Fund 300 Capital Asset Replacement Fund. The current budget for this fund is \$1,154,693.21

RECOMMENDATION

Approve the rebuild of motor for Engine 1 in amount not to exceed \$19,216.99

ATTACHMENTS

Estimate from Durham-Pentz Truck Center



Durham Pentz Truck Center Item 4.

P.O. Box 1188, 22 Pepsi Way
Durham, CA 95938

Phone: (530)893-8617 Fax: (530)893-3249

Customer: CITY OF OROVILLE
71993 ATTN: PUBLIC WORKS
1735 MONTGOMERY ST
OROVILLE, CA 95965
530 538-2491

Ship To: CITY OF OROVILLE
ATTN: PUBLIC WORKS
1735 MONTGOMERY ST
OROVILLE, CA 95965

ESTIMATE
Work Order
EST3338

Invoice Date: 10-24-22
Page 1 of 1

Year	Make / Model	VIN	License	Mileage	Unit / Stock	Authorization
2008	SPARTAN / METROSTAR	4S7CT2D918C070432	1152890		91	#AUTH#
Open Date / Time	Delivery Date	Delivery Mileage	Engine Hours	Reefer Hours	Standby Hours	P.O. Number
10-21-22 / 02:41PM			0.0	0.0	0.0	
Complete	Engine Model / Serial #	Transmission Model/Serial #	Key Tag	Service Writer		
	CUMMINS ISC 400 8.9L / 46983363	/				MV*MV
Memo						

1 REBUILD ENGINE. REMOVE CYLINDER HEAD, PISTONS AND LINERS. CLEAN BLOCK AND ALL PARTS. REMOVE AND CLEAN DPF. ASSEMBLE ENGINE WITH NEW PISTONS AND LINERS, NEW ROD AND MAIN BEARINGS, NEW CYLINDER HEAD AND NEW GASKETS AND SEALS ON ALL REMOVED PARTS. INSTALL DPF. FILL WITH NEW COOLANT AND ENGINE OIL AND FILTERS. ROAD TEST TO VERIFY REPAIRS. 55.0

X:CYL HEAD	1	@X:CYL HEAD	6656.60
X:KIT, OVERHAUL	1	@X:KIT, OVERHAUL	3831.82
O:15W40DA	30	MOTOR OIL 15W40DA SAE	150.90
X:CC36077	7	COOLANT	94.50
X:MISC	1	@X:MISC	500.00
X:SUBLET LABOR	1	SUBLET CLEAN DPF	500.00

Labor Subtotal	6600.00
Parts Subtotal	11733.82
Operation Total	18333.82

Shop Supplies	50.00
Hazardous Waste Fees	15.09

55.0 Hours @ \$120 6600.00

Labor	6600.00
Parts	11082.92
Gas/Oil	150.90
Sublet Labor	500.00
Shop Supply	50.00
Hazardous waste	15.09

Sales Tax	818.08
Total	19216.99

RETURN POLICY: All returned merchandise subject to 20% handling charge. No merchandise may be returned for credit without proper authority and copy of original invoice. No returns on electrical parts. Credit for returned cores will be issued only on undamaged cores returned within 10 days of purchase in their original packaging. **DISCLAIMER OF WARRANTIES:** Any warranties on the produce sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. The seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

Customer: _____ **Date:** _____

ESTIMATE



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND COUNCIL MEMBERS

FROM: BILL LAGRONE, CHIEF OF POLICE

**RE: REIMBURSEMENT TO BUTTE COUNTY FOR REPLACE OF
SURVIELANCE SYSTEM TAKEN AS EVIDENCE**

DATE: NOVEMBER 1, 2022

SUMMARY

The Council may consider reimbursing Butte County for the replacement of the video surveillance system, that was seized as evidence

DISCUSSION

On February 2, 2022, the Oroville Police Department along with the Butte County Sheriff's office responded to the AMPM market located at 410 Oro Dam Blvd., on the report of a subject on a Greyhound Bus that was actively shooting passengers. Upon arrival officers located several victims and later located and arrested the suspect. The Butte County Sheriff provided mutual aid due to the size and magnitude of this crime.

The investigation included the seizure of the surveillance system from the AMPM market. The equipment was seized by Butte County Sheriff investigators on behalf of the Oroville Police Department. The surveillance system is an essential piece of equipment for the safe operation of a 24-hour mini mart. Due to the age of the equipment, it was necessary to replace not only the recording device but also the cameras. The cost for this replacement is \$8,386.66, see attached claim for additional detail. Staff will seek restitution if the suspect arrested is convicted of these crimes.

FISCAL IMPACT

Funding for the reimbursement for the replacement of the video surveillance system will come from Special Department expense from the Police Department current budget. Adequate funding is available in this budget

RECOMMENDATION

Approve the reimbursement to Butte County in an amount not to exceed \$8,386.66

ATTACHMENTS

Government claim from Butte County to the City of Oroville



CLAIM FOR DAMAGES TO PERSON OR PROPERTY

Butte County

Official Use Only
**BUTTE COUNTY
 RISK MANAGEMENT**
 JUN 29 2022
 OROVILLE, CALIFORNIA

❖ **PLEASE READ ATTACHED INSTRUCTIONS FIRST**

- ❖ Completed claims must be mailed or delivered to:
Butte County Risk Management, 25 County Center Drive, Suite 213, Oroville, CA 95965

Section 1: Claimant Information		
Last Name	First Name	Middle Name
Aitan, Inc.	n/a	n/a
Street Address	City, State	Zip
12 Williamsburg Lane	Chico, CA	95926
Home Phone (include area code)	Work Phone (include area code)	E-mail Address
n/a	530-895-3252	usdceast@hubslaw.com
Birth Date	Social Security Number (required for Federal reporting requirements)	Are you receiving Medicare, or will you be receiving Medicare in the next 3 years?
n/a	FEIN 68-0558572	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name, telephone and post office address to which claimant desires notices be sent, if other than above:		

Section 2: Claim Information	
Date of Occurrence or Event from which the claim arises:	Time of Occurrence or Event from which the claim arises:
February 2, 2022	7:30 p.m.
Location, including address (if none, nearest cross street) and city:	
410 Oro Dam Boulevard East, Oroville, California 95965	
Specify the particular occurrence, event, act or omission you claim caused the injury or damage (use additional paper if necessary):	
A Greyhound bus shooting occurred at the Arco AM/PM gas station owned by Aitan, Inc. The Butte County Sheriff's Office confiscated the DVR connected to our security system, presumably to use as evidence in a future trial against the suspected shooter. We were given no receipt, no indication as to if or when the DVR would be returned (the DVR has not been returned to date) and we were forced to purchase a new one.	
State how or wherein Butte County or its employees were at fault. Give the name(s) of the County department and employee(s) causing the damage or injury:	
A Greyhound bus shooting occurred at the Arco AM/PM gas station owned by Aitan, Inc. The Butte County Sheriff's Office confiscated the DVR connected to our security system, presumably to use as evidence in a future trial against the suspected shooter. We were given no receipt, no indication as to if or when the DVR would be returned (the DVR has not been returned to date) and we were forced to purchase a new one.	

Give a description of the property damage or loss, as is known at the time of the claim:
Replacement DVR cost: \$8,386.66.

Give a description of the injury, as is known at the time of the claim:
n/a

Section 3: Damages Claimed

Amount claimed as of this date:	\$ <u>8,386.66</u>
Estimated amount of future costs:	\$ <u>0</u>
Total amount claimed:	\$ <u>8,386.66</u>

Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.):
A copy of the invoices is attached.

Was damage investigated by law enforcement? If so, provide which city, county or state agency and law enforcement report number:
The damages to Aitan, Inc. were not investigated to the best of our knowledge.

Section 4: Additional Information

Names and contact information of witnesses, hospitals, doctors, etc.:
A.
B.
C.

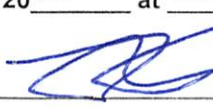
Any additional information that might be helpful in considering this claim (attached additional sheets if necessary):

➤ **WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (PENAL CODE § 72; INSURANCE CODE § 556.1)**

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is TRUE and CORRECT.

Signed this 29th day of June, 2022 at Chico, California

Lynn Hubbard, CEO of Managing Member of Aitan, Inc.



Claimant or Claimant's Representative Print

Claimant or Claimant's Representative Sign

Item 5.

VENDOR: S-7448		DATE: 10/07/2022		NO. 721543	
Contract #	INVOICE	DESCRIPTION	AMOUNT	BUDGET UNIT	ACCOUNT
	BUT-0001581	Settlement for DOL 2/	8,386.66	CC0536	SC0071
TOTAL: \$ 8,386.66					

NOT NEGOTIABLE

NOT NEGOTIABLE

NOT NEGOTIABLE

THE BACK OF THIS CHECK CONTAINS A SECURITY MARK • DO NOT ACCEPT WITHOUT HOLDING AT AN ANGLE TO VERIFY SECURITY MARK



BUTTE COUNTY
OROVILLE CALIFORNIA

US Bank
90-2267
1211

721543

DATE
10/20/22

AMOUNT
\$8,386.66

PAY THE SUM OF 8,386 DOLLARS & 66 CENTS

VOID AFTER SIX MONTHS FROM DATE OF ISSUE

PAY TO THE
ORDER OF

Aitan Inc
12 Williamsburg Lane
Chico, CA 95926

AUDITOR - CONTROLLER



CITY OF OROVILLE STAFF REPORT

TO: OROVILLE CITY COUNCIL

FROM: LIZ EHRENSTROM, HUMAN RESOURCE MANAGER

RE: CONSIDER, APPROVE, AND AUTHORIZE A CITYWIDE COMPENSATION STUDY

DATE: NOVEMBER 1, 2022

SUMMARY

The City Council may consider, approve, and authorize moving forward with the proposal from Koff & Associates to conduct a citywide compensation study.

Staff only received one proposal to conduct the compensation study and two responses from companies that declined to respond to the RFP, due to their workload. Koff & Associates cannot start the compensation study until January due to their workload. Staff recommends going forward with Koff & Associates to conduct the citywide compensation study to compare the City's current salaries and benefits to other cities similar in population, growth, budget, and other pertinent factors, to be determined by the consultant.

Staff recommends that certain parameters surround the compensation study, such as:

1. Outside Compensation Study – study would incorporate benchmark positions within the City of Oroville, not all positions.
2. Internal Equity Study – consultant would take results from outside compensation study and fit all other city positions within the compensation structure.
3. Create a plan to correct deficiencies.
4. A salary hold on all positions above market value until all city positions are at market value or above.
5. A salary hold on all positions at market value, but give COLA increases to these positions to keep them at market value.
6. A plan to bring the positions below market value to market value within a reasonable timeframe.

Koff & Associates has two options on page 23 of the proposal:

- 1) 40 Benchmark Positions, 10 Comparators for \$36,925 and
- 2) 45 Benchmark Positions, 12 Comparators for \$47,250.

Staff recommends option 1.

FISCAL IMPACT

The compensation study will not exceed \$36,925, which was set aside in this years' Human Resource budget under outside services, account number 1501-6360.

RECOMMENDATION

Staff is recommending going forward with Koff & Associates and option 1 from their proposal for a citywide compensation study.

ATTACHMENTS

Koff & Associates Proposal



Koff & Associates
A Gallagher Company

October 12, 2022

Compensation Study Proposal

City of Oroville

KOFF & ASSOCIATES, A GALLAGHER COMPANY

GEORG S. KRAMMER

Managing Director, Compensation and Rewards Consulting

2835 Seventh Street
Berkeley, CA 94710
www.KoffAssociates.com

gkrammer@koffassociates.com

Tel: 510.658.5633

Fax: 510.652.5633

October 12, 2022

Ms. Liz Ehrenstrom
Human Resources Manager
1735 Montgomery St.
Oroville, CA 95965

Dear Ms. Ehrenstrom:

Thank you for the opportunity to respond to your Request for Proposals for a **Total Compensation Study** for the **City of Oroville** ("City"). We are most interested in assisting the City with this important study and feel that we are uniquely qualified to provide value to your organization based on our experience working with other cities, counties, special districts, joint-powers associations, and other public agencies, including several clients in Butte County.

Koff & Associates, now a Gallagher company, is an experienced Human Resources and Recruitment Services firm providing human resources services to cities, counties, special districts, courts, educational institutions, and other public agencies for 38 years. The firm has achieved a reputation for working successfully with management, employees, and governing bodies. We believe in a high level of dialogue and input from study stakeholders and our proposal speaks to that level of effort. Our firm's extra effort has resulted in close to *100% implementation* of all of our classification and compensation studies.

Koff & Associates ensures that each of our projects is given the appropriate resources and attention, resulting in a high level of quality control, excellent communication between clients and our office, commitment to meeting timelines and budgets, and a consistently high-caliber work product.

As a Managing Director of Koff & Associates, Katie Kaneko would assume the role of Project Director and be responsible for the successful completion of project. We can be reached at our Berkeley address and the phone number listed on the cover page. Katie's email is kkaneko@koffassociates.com and my email is gkrammer@koffassociates.com.

This proposal will remain valid for at least 90 days from the date of submittal. Please call if you have any questions or wish additional information. We look forward to the opportunity to provide professional services to the **City of Oroville**.

Sincerely,



Georg S. Krammer
Managing Director, Compensation and Rewards Consulting



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FIRM QUALIFICATIONS

Koff & Associates (“K&A”) is a full-spectrum, public-sector human resources and recruitment services firm that was founded in 1984 by Gail Koff; K&A has been assisting cities, counties, special districts, other public agencies, and non-profit organizations with their human resources needs for 38 years.

As of April 30, 2021, we are in the process of merging with Arthur J. Gallagher and are now officially a Gallagher Division. Our headquarters are in Berkeley, CA, and we have satellite offices in Southern California, the Central Valley, the Sacramento Region, and the Western Region.

We are familiar with the various public sector organizational structures, agency missions, operational and budgetary requirements, and staffing expectations. We have extensive experience working in both union and non-union environments (including service as the management representative in meet & confer and negotiation meetings), working with City Councils, County Commissions, Boards of Directors, Boards of Supervisors, Boards of Trustees, Merit Boards, and Joint Power Authorities.

The firm’s areas of focus are classification and compensation studies (approximately 70% of our workload); executive search and staff recruitments; organizational development/assessment studies; performance management and incentive compensation programs; development of strategic management tools; policy/procedure development and employee handbooks; training and development; public agency consolidations and separations; Human Resources audits; and serving as off-site Human Resources Director for smaller public agencies that need the expertise of a Human Resources Director but do not need a full-time, on-site professional.

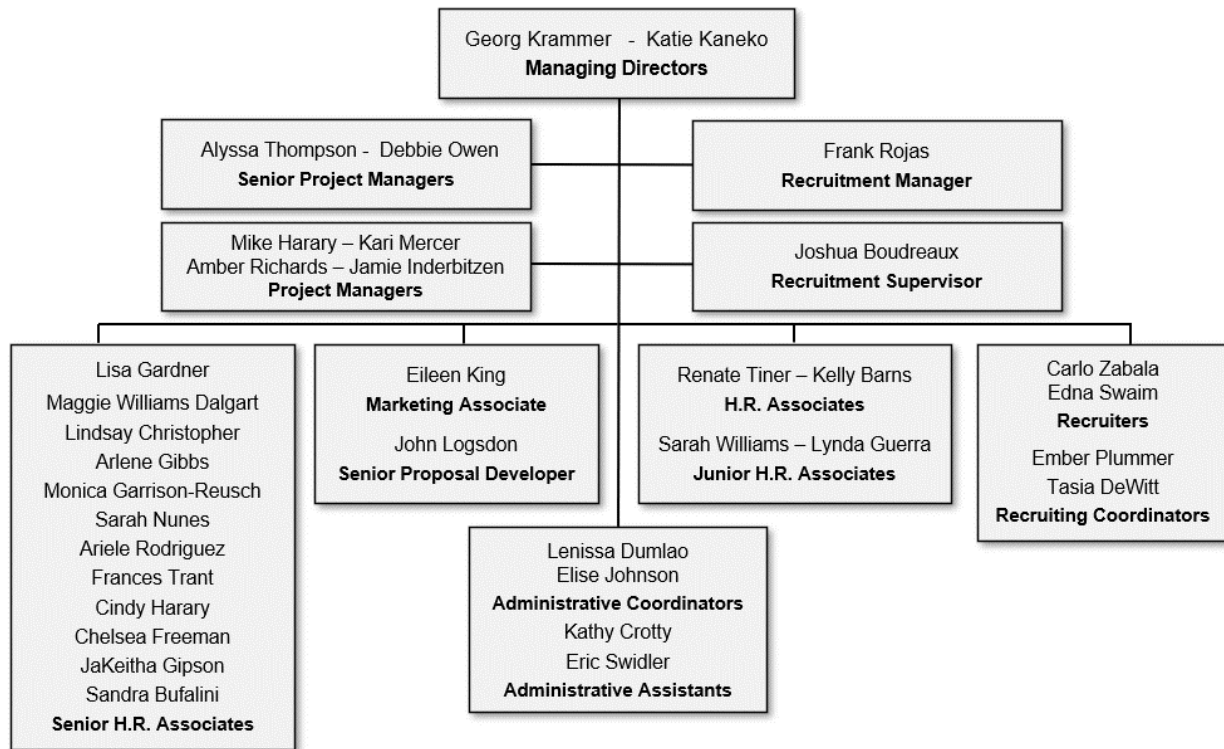
Without exception, all of our compensation studies have successfully met all of our intended commitments; communications were successful with employees, supervisors, management, and union representatives; and we were able to assist each agency in successfully implementing our recommendations. All studies were brought to completion within stipulated time limits and proposed budgets.

Our long list of clients (please see <https://koffassociates.com/our-clients/>) is indicative of our firm’s reputation as being a quality organization that can be relied on for producing comprehensive, sound, and cost-effective recommendations and solutions. K&A has a reputation for being “hands on” with the ability and expertise to implement its ideas and recommendations through completion in both union and non-union environments.

K&A relies on our stellar reputation and the recommendations and referrals of past clients to attract new clients. Our work speaks for itself and our primary goal is to provide professional and technical consulting assistance with integrity, honesty and a commitment to excellence. We are very proud of the fact that in working with hundreds of public agency clients and completing hundreds of classification and/or compensation and other types of studies, we have only had a handful of formal appeals in our entire history.



Our team consists of 37 employees as shown below in our organizational chart.



No subcontractors will be assigned to this study.

TEAM MEMBER QUALIFICATIONS

All members of our team have worked on multiple comprehensive total compensation studies and are well acquainted with the wide array of public sector organizational structures, compensation structures, classification plans, as well as the challenges and issues that arise when conducting studies such as this one for the City.

KEY PERSONNEL

Our project team will be led by Co-Project Directors Katie Kaneko (Managing Director) and Kari Mercer (Project Manager). They will coordinate all of K&A's efforts, attend all meetings with the City, and be responsible for all work products and deliverables.

CONSULTANTS

Lindsay Christopher (Senior HR Associate), Monica Garrison-Reusch (Senior HR Associate), Arlene Marks Gibbs (HR Associate), Cindy Harary (Senior HR Associate) and Renate Tiner (HR Associate) will conduct compensation data collection and analysis, internal job analysis, develop recommendations and implementation strategies.



WORKLOAD

We currently have a team of 27 HR consultants and five administrative support staff – resources that we are able to pool base on each project’s needs, to execute projects and to meet clients’ needs and expectations. Each time we are selected as the successful bidder on a project, we strategize to determine project timelines, deliverable deadlines, and the resources that are required to produce the deliverables as promised. We are poised to accommodate the City’s compensation study and plan to devote the necessary resources for the successful executive of the project.

Following are biographies of the specific staff who will be assigned to this study:

Catherine “Katie” Kaneko, C.P.A., P.H.R.

Managing Director, Compensation and Rewards Consulting

Katie is one of the two principals of Koff & Associates. She brings more than 25 years of management-level human resources and consulting experience to K&A. She has extensive experience in classification analysis and evaluation techniques, compensation, performance incentive programs, recruitment, and organizational studies.

Armed with her Bachelor of Business Administration degree, and as a CPA (Certified Public Accountant), Katie began her career in an international accounting/consulting firm. She transitioned into Human Resources within the firm to become the Human Resources Director of the San Francisco office. She next moved into the high-tech industry where she served in leadership positions for high-growth companies, startup firms, and organizations in transition. Katie then moved to the public sector, joining K&A in 2003 and has been the firm’s President since 2005; over the last 16 years, she has overseen hundreds of compensation, classification, organizational and other studies for cities, counties, and special districts throughout California.

Agencies for whom classification and/or compensation studies, or HR Services (such as organizational assessments, executive performance evaluations, succession planning studies, etc.) were led by Katie, as Project Director, during the last few years, include, but are not limited to, the following:

- **Cities and/or Towns:** Albany, Belmont, Benicia, Calistoga, Carmel, Coachella, Crescent City, Cupertino, Danville, Dinuba, East Palo Alto, Fairfield, Galt, Hayward, Hillsborough, Los Altos, Los Gatos, Madera, Manteca, Merced, Monterey, Moraga, Morgan Hill, Mt. Shasta, Newman, Novato, Pacific Grove, Pacifica, Palo Alto, Paradise, Piedmont, Redwood City, Rohnert Park, Sacramento, San Bruno, San Pablo, San Ramon, Santa Cruz, Santa Rosa, Seaside, Sonoma, Tracy, Tulare
- **Counties:** Butte, El Dorado, Humboldt, Mendocino, Merced, Placer, San Joaquin, San Mateo, Sonoma, Tuolumne, Yuba
- **Courts:** Superior Court of the County of Alameda, Superior Court of San Joaquin County
- **Education:** First Five Contra Costa, First Five Santa Clara, Hartnell College, Salinas Union High School District, Southwestern Community College District, Travis Unified School District
- **State:** California State Compensation Insurance Fund; California State Auditor’s Office
- **Other:** Municipal Pooling Authority, Public Agency Risk Sharing Authority of California
- **Special Districts:**
 - Open Space Districts: Midpeninsula Regional Open Space District, Santa Clara Valley Open Space Authority, Sonoma County Agricultural Preserve and Open Space District.



- Park and Recreation Districts: Livermore Area Recreation and Park District, Mendocino Coast Recreation & Park District,
- Air Quality: Bay Area Air Quality Management District
- Community Services District: Cosumnes Community Services District, Discovery Bay Community Services District, Groveland Community Services District, Rancho Murieta Community Services District, Town of Discovery Bay CSD
- Fire and Police Protection: Central Fire District of Santa Cruz County, East Contra Costa Fire Protection District
- Housing/Economic Development: Oakland Housing Authority
- Public Utilities: Northern California Power Agency
- Retirement: Contra Costa County Employees' Retirement Association, Retirement Office of City of San José
- Solid Waste: Alameda County Waste Management Authority, Humboldt Waste Management Authority, Monterey Regional Waste Management District, Salinas Valley Solid Waste Authority
- Transportation: Alameda Contra Costa Transit District, San Francisco County Transportation Authority, Solano Transportation Authority
- Wastewater: Castro Valley Sanitary District, Central Contra Costa Sanitary District, Dublin San Ramon Services District, East Palo Alto Sanitary District, Encina Wastewater Authority, Fairfield Suisun Sewer District, Las Gallinas Sanitary District, Monterey Regional Water Pollution Control Agency, Mt. View Sanitary District, Vallejo Flood and Wastewater District, West Valley Sanitation District
- Water: Alameda County Water District, Coastside County Water District, Indian Wells Valley Water District, North Coast County Water District, Santa Clara Valley Water District, Valley County Water District, Zone 7 Water Agency

Katie will be key personnel and serve as the Co-Project Director for this project; she will coordinate all of K&A's efforts, will attend all meetings with the City, and will be responsible for all work products and deliverables.

Kari Mercer, SPHR
Project Manager

Kari's professional qualifications include over 13 years of experience in the Human Resources field, including work in classification and compensation, employee relations, and recruitment and examination. Her experience includes both private and public sector Human Resources work for the County of Madera, County of Fresno, and Macy's. She gained experience in classification and compensation, labor relations, MOU administration, policy development and administration, recruitment and examination, and general human resources administration.

As a Human Resources Consultant for another private human resources consulting firm she specialized in conducting classification and compensation studies for multiple public sector agencies, such as: Cities of Anaheim, Concord, Palmdale, Redding; Counties of Lake, Madera, Monterey, and Sacramento; and special districts such as: California Joint Powers Risk Management Authority, East Bay Regional Park District, Elk Grove Water District, San Diego Association of Governments, San Francisco Municipal Transportation Agency, and Ventura Regional Sanitation District. Additionally, Kari has consulted for out-of-state clients in Maryland, New Mexico, and Texas.



Since joining Koff & Associates, Kari has worked on a wide variety of classification and compensation projects for the following agencies:

- **Cities/Towns:** Anaheim, Arroyo Grande, Atascadero, Belmont, Hayward, Madera, Manteca, Merced, Milpitas, Oakland, Perris, Pleasant Hill, Redwood City, San Pablo, Santa Clara, Saratoga, Seal Beach, Seaside, Tracy, Vallejo
- **Counties:** El Dorado, Fresno, Humboldt, Merced, Monterey, Orange, San Joaquin
- **Special Districts:** Coachella Valley Public Cemetery District, Cosumnes Community Services District, First 5 of Alameda County, Foothill-DeAnza Community College District, Housing Authority of the City of Santa Barbara, Housing Authority of the County of San Bernardino, Livermore Area Recreation and Park District, Mendocino Coast Recreation and Park District, Port of Oakland, Orange County Fire Authority, Santa Clara County Housing Authority, Superior Court of California-Kern County, Sweetwater Authority, Travis Unified School District, Truckee Sanitary District, West Valley Mission Community College District, Valley County Water District

She earned her B.S. degree in Business Administration with an emphasis on Human Resources Management at California State University, Fresno and is a certified Senior Professional in Human Resources (SPHR). Kari serves as a Personnel Commissioner for the City of Clovis and is a member of Central California SHRM.

Kari will provide managerial project support throughout this effort, including classification analysis, interviews with employees and management, compensation data collection and analysis, internal job analysis, development of recommendations, and implementation strategies.

Lindsay Christopher
Senior H.R. Associate

Lindsay's professional qualifications include ten years of experience working in the public sector, mostly with Alameda County. In her role as Human Resources Analyst, she was responsible for classification and compensation projects, as well as recruitment and selection, in a Civil Service, merit-based, environment. Mostly recently, she continued to focus on classification and compensation projects at East Bay Regional Park District.

Since joining K&A, Lindsay has worked on studies for the following:

- **Cities:** Gardena, Hemet, Milpitas, Tracy, Corona, Seattle (Library), Napa
- **Counties:** Humboldt
- **Special Districts:** Contra Costa County Employees' Retirement Association, Greater LA County Vector Control District, Orange County Sanitation District, Purissima Hills Water District, Marin Municipal Water District, Housing Authority of the City of Santa Barbara, Tri-City Mental Health Authority, Victor Valley College, Buena Park Library District, East Bay Regional Park District, Tualatin Hills Park and Recreation District, Valley Water, San Luis and Delta Mendota Water Authority

A Bay Area native, Lindsay earned her B.A. degree in Sociology with a concentration in Criminology from San Jose State University.



Lindsay will provide Senior H.R. Associate support throughout this effort, including classification analysis, interviews with employees and management, compensation data collection and analysis, internal job analysis, development of recommendations, and implementation strategies.

Monica Garrison-Reusch, B.A., M.B.A.

Senior H.R. Associate

Monica has over 15 years of human resource program experience, all of which have been spent serving as either a team consultant or project manager on projects working with public sector agencies. Monica's primary professional focus over the last several years has been on classification and compensation practices.

Prior to joining K&A, Monica performed classification and compensation consulting services as either a team member or project manager on varied projects including large scale studies done for the Counties of Madera, Sacramento, Bernalillo (in New Mexico), and the California State Department of Personnel Administration. Monica also developed and served as a Co-Trainer for a two-day course on Classification and Compensation.

Monica's depth of experience allows her to provide a broad range of human resources services to public agencies. She specializes in compensation projects focusing on both base salary and total compensation analysis studies. Monica has also worked on project teams conducting classification studies and organizational analysis, including performing the full range of classification analysis and conducting in-depth survey and analysis of organizational structures and past organizational practices.

Since joining K&A, Monica has worked on studies for the following clients:

- **Cities:** Cotati, Crescent City, Pleasant Hill, Sacramento, Vallejo
- **Counties:** El Dorado, Mendocino, Monterey, Trinity
- **State:** California State Auditor's Office
- **Special Districts:** AC Transit, Cosumnes Community Services District, East Bay Municipal Utility District, Eastern Municipal Water District, El Dorado County Transit Authority, First 5 Contra Costa County, First 5 Santa Clara County, Hayward Area Recreation and Park District, Livermore Amador Valley Transit Authority, Mendocino Coast Rec and Park District, Mojave Water Agency, North Tahoe Public Utility District, Orange County Transportation Authority, State Water Contractors, Trabuco Canyon Water District

She earned an MBA with an emphasis in Marketing at Golden Gate University and a Bachelor of Science in Business Administration from the University of Southern California.

Monica will provide Senior H.R. Associate support for this project, including interviews with employees and management, compensation data collection and analysis, internal job analysis, development of recommendations, and implementation strategies.

Arlene Marks Gibbs, BS, MPA, SPHR, IPMA-CP

Senior Associate

Arlene Gibbs possesses over thirty years of Human Resources management experience including spending over twenty years in the public sector working for both large and small education, municipal and special district organizations in California.

Her public sector experience includes serving as the Chief Human Resources Officer for San Diego State University which is the largest California State University campus with over 6,700 faculty and staff. While



at San Diego State, Arlene led the HR Directors Committee for the 23 campus system of HR service delivery. Her experience also includes senior and executive HR management roles with several small and large public agencies including the City of San Jose, the City of Tustin as well as air and water/wastewater special districts.

Arlene's experience includes all facets of Human Resources, Employee & Labor Relations. She is an experienced labor contract negotiator having negotiated many public sector labor agreements while serving as the Chief Spokesperson/Labor Negotiator. In addition, her experience includes managing recruitment and selection processes for all types of public sector positions, handling employee benefits functions, responding to labor and employee relations issues, coordinating classification and compensation studies, complying with labor laws, conducting personnel investigations, and managing a wide variety of general human resources functions.

Arlene holds a Masters' Degree in Public Administration from California State University Northridge and a Bachelor of Science Degree in Business Administration with an emphasis in Labor Relations from California State University Long Beach. She also is certified as an IPMA-CP and as a Senior Professional in Human Resources (SPHR).

Arlene has also led and participated in local, regional as well as statewide efforts in small and large agencies with the League of California Cities, IPMA as well as serving as a resource for City, County, State and Local Boards, Councils, Committees and Commissions.

Some of the K&A classification and compensation projects Arlene has worked on include but are not limited to:

- **Cities/Counties/Towns:** County of Butte, City of Bellflower, City of Concord, City of Cupertino, Humboldt County, City of Los Altos, Town of Los Altos Hills, and the City of Pinole.
- **Special Districts:** Dublin San Ramon Services District, Garfield County Public Library District (CO), Coachella Valley Water District, Foothill De Anza Community College District, and the Los Angeles County Development Authority.

Cindy Harary, B.A.
Senior H.R. Associate

Cindy's professional qualifications include over 32 years of experience in the Human Resources field, primarily in classification and compensation. She spent the first 11 years in the public sector working for the City of Whittier, California, where she started out in their Public Works Department before moving to the Human Resources Department. She gained experience in classification and compensation, recruitment and selection, employee training and development, labor relations, and general human resources administration.

For the next 16 years, Cindy worked as a Human Resources Consultant for a consulting firm where she specialized in conducting classification and compensation studies for multiple public sector agencies including cities, counties, and special districts as well as several private sector clients. Some of the Orange County Cities she worked on in partnership with other consultants at that firm were: Cities of Brea, Laguna Beach, Lake Forest, La Palma, Los Alamitos, Placentia, San Clemente, Stanton and Tustin. In Los Angeles County, her work includes: Cities of Corona, Downey, El Monte, Manhattan Beach, and Upland. Finally, in San Bernardino County she has worked on the City of Rancho Cucamonga.



Since joining Koff & Associates in 2015, Cindy has worked on Classification and/or Compensation studies for:

- **Cities/Towns:** Anaheim, Big Bear Lake, Campbell, Carmel, Corona, Danville, Davis, Indian Wells, Laguna Niguel, Los Altos, Manteca, Menifee, Murrieta, National City, San Diego, Santa Ana, Santa Barbara, Seal Beach, Tracy, Yucca Valley
- **Counties:** Orange
- **Education:** Compton College
- **Special Districts:** Alameda Housing Authority, Altadena Library District, Bay Area Water Supply and Conservation Agency, Cosumnes Community Services District, Eastern Municipal Water District, Encina Wastewater Authority, Housing Authority of Alameda County, Housing Authority County of San Bernardino, Housing Authority for the County of Santa Barbara, Humboldt Waste Management Authority, Inland Empire Utilities Agency, Monte Vista Water District, North Coast County Water District, Orange County Fire Authority, Orange County Mosquito & Vector Control District, Oro Loma Sanitary District, Port of Hueneme, Rincon del Diablo Municipal Water District, Riverside County Transportation Commission, Santa Clarita Valley Water Agency, South Coast Air Quality Management District, Sweetwater Authority, Trabuco Canyon Water District, Vallecitos Water District, Water Replenishment District of Southern California, Western Municipal Water District

Cindy earned her B.A. degree in Broadcast Journalism at California State University, Long Beach.

Cindy will provide H.R. Associate support throughout this effort, including classification analysis, interviews with employees and management, compensation data collection and analysis, internal job analysis, development of recommendations, and implementation strategies.

Renate Tiner, B.Sc.

H.R. Associate

Renate's professional qualifications include five years of both non-profit and private sector Human Resources experience. Starting in Human Resources administration and rising into Human Resources management, she gained experience in full-cycle recruitment, orientation and on-boarding, Health and Safety, Worker's Compensation, licensing and accreditation, policy development, and general Human Resources administration.

Since joining Koff & Associates in 2017, Renate has worked on Classification and Compensation Studies for the following agencies:

- **Cities:** Bellflower, Concord, Cupertino, El Monte, Hillsborough, Los Altos, Mt. Shasta, Piedmont, Rohnert Park, San Diego, Sausalito, West Sacramento
- **Special Districts:** Alameda County Transportation Commission, Bay Area Water Supply and Conservation Agency, Eastern Municipal Water District, Dublin-San Ramon Services District, Foothill-De Anza Community College District, Groveland Community Services District, Los Angeles County Employees Retirement Association, Metropolitan Transportation Commission, Midpeninsula Regional Open Space District, Port of Long Beach, Riverside Community College District, and San Joaquin County Superior Court



Renate earned her B.Sc. degree in Psychology from the University of Northern British Columbia, in Prince George BC, Canada. She was a Canadian Human Resource Professional (CHRP) Candidate before moving to the United States.

She will provide H.R. Associate support throughout this effort, including classification analysis, interviews with employees and management, compensation data collection and analysis, internal job analysis, development of recommendations, and implementation strategies.



REFERENCES

Agency & Project	Contact
<p>City of Belmont (population: 27,140)</p> <p>Total Compensation Study, completed 2019.</p>	<p>Ms. Corazon “Cora” Dino Human Resources Director (650) 637-2988 One Twin Pines Lane Belmont, CA 94002 cdino@belmont.gov</p>
<p>City of Calistoga (population: 5,311)</p> <p>Currently, 2021, another Compensation Study underway. Limited Class & Total Comp Study, completed 2018. Classification and Compensation Study, completed 2015.</p>	<p>Ms. Gloria Leon Administrative Services Director (707) 942-2803 1232 Washington Street Calistoga, CA 94515 gleon@ci.calistoga.ca.us</p>
<p>City of Chico</p> <p>Citywide classification study completed 2022.</p>	<p>Ms. Jamie Cannon Director of Human Resources 411 Main St. Chico, CA 95928 (530) 879-7901 jamie.cannon@Chicoca.gov</p>
<p>City of Concord (population: 129,783)</p> <p>Total Compensation Study, completed 2019 and 2021. Total Compensation Study, completed 2016. Ongoing classification and compensation work since 2016.</p>	<p>Ms. Jasmin Loi Director of Human Resources (925) 671-3310 1950 Parkside Drive, MS/30 Concord, CA 94519 Jasmin.loi@cityofconcord.org</p>
<p>City of Cotati (population: 7,455)</p> <p>Compensation Study City-wide, completed 2021. Compensation Study (Maintenance & Police), completed 2017. Compensation Study, completed 2016.</p>	<p>Mr. Damien O’Bid City Manager (707) 665-3621 201 West Sierra Ave. Cotati, CA 94931 dobid@cotaticity.org</p>
<p>City of Elk Grove</p> <p>Ongoing classification and compensation studies since 2020.</p>	<p>Ms. Melissa Rojas Human Resources Director (916) 478-2208 8401 Laguna Palms Way, Elk Grove, CA 95758 mrojas@elkgrovecity.org</p>
<p>City of Fowler</p> <p>Classification & Compensation Study 2022</p>	<p>Ms. Wilma Tucker Human Resources Director (559) 834-3113 128 S. 5th St. Fowler, CA 93625 wfucker@ci.fowler.ca.us</p>



<p>City of Hayward (population: 160,500)</p> <p>Total Compensation Study for Local 21, completed 2020. Total Compensation Study for SEIU, completed 2019. Total Compensation Study for Hayward Association of Management Employees [HAME] Group, completed 2018.</p>	<p>Kakshi Master Human Resources Analyst II (510) 583-4831 777 B St., Hayward, CA 94541 Kakshi.Master@hayward-ca.gov</p>
<p>County of Butte (Population: 219,186)</p> <p>Classification and Compensation Study, currently starting project (2021).</p>	<p>Mr. Aaron Quin Assistant Director, Human Resources (530) 552-3578 3A County Center Drive, Oroville, CA 95965 aquin@buttecounty.net</p>
<p>Town of Paradise (Population: 22,135)</p> <p>Classification and Compensation Study, completed 2019.</p>	<p>Ms. Crystal Peters Crystal Peters Human Resources and Risk Manager (530) 872-6291 x117 5555 Skyway Paradise, CA 95969 cpeters@townofparadise.com</p>



EXECUTIVE SUMMARY, APPROACH, METHODOLOGY

The City desires human resources assistance to conduct a citywide comprehensive compensation study. The City currently employs approximately 132 full-time and part-time employees, with approximately 56 classifications (or 63 total when counting each level in the various class series). A significant number of the classifications are single position (42). This includes one (1) City Administrator and four (4) Department Heads.

The goal of the study will be to review the City's compensation structure for the studied classifications and to conduct a compensation market survey using a set of appropriate comparator agencies. The identification of comparator agencies, benchmark classifications, and benefits to be collected (if total compensation is desired) is an iterative process that includes all stakeholders. We have found this open discussion philosophy to be critical to our success for organizational buy-in. Once the external data development is completed, we will make specific recommendations for internal equity for non-benchmarked classifications and classifications without a large enough market sampling.

The compensation study will contain specific recommendations regarding the integration of all study classifications into the City's compensation structure, with the goal of developing a clearly designed, internally equitable format that is flexible for career opportunity and future growth. Our study will make recommendations regarding a salary structure that takes the City's compensation preferences into consideration as well as the appropriate placement of each classification on the City's salary schedule.

The study includes a significant number of meetings with the Study Project Team, Human Resources, employees, union representation, and the City Council, as desired. We have expertise in labor/management relations and understand the importance of active participation by all stakeholders to ensure a successful outcome. The meetings and "stakeholder touch-points" that we recommend ensure understanding of the project parameters, enhance accurate intake and output of information, and create a collaborative and interactive approach resulting in greater buy-in for study recommendations. This interactive approach has resulted in almost 100% implementation success of K&A's studies.

The majority of our clients are unionized and our larger city and county clients typically have multiple unions. Due to the multitude of stakeholder groups who are affected by any compensation study K&A conducts, our team understands the importance of accurate and validated data that withstands any scrutiny, effective and ongoing communication throughout each effort, and collaboration with the various stakeholder groups to ensure organizational buy-in to our findings and recommendations. We have developed a unique methodology of stakeholder "touchpoints" and collaboration that has made us highly successful and effective and has earned our team respect, agreement, and understanding from all stakeholders. In addition, we adjust and customize our methodology based on each individual client's unique needs and circumstances.

We also recognize that both the City and union representatives have obligations to employees and members to ensure that any study is conducted in a fair and equitable manner. Our project work plans are designed for transparency and we strongly encourage dialog with all stakeholders on study deliverables so they in turn can express their concerns; we all have a shared goal of ensuring the process followed is fair and equitable.

This intense and comprehensive stakeholder engagement and our transparent study processes are also a mechanism of quality control. The fact that our information, data, and recommendations have to be able to withstand utmost scrutiny by diverse stakeholders require an in-depth multi-step quality control



process for deliverables. This involves K&A team member validation of classification analyses and compensation data, K&A Project Manager review of all classification and compensation analyses, recommendations and deliverables, and finally K&A Principal (Project Director) review of deliverables before submittal to the client.

Study Objectives

Compensation Objectives:

- To make recommendations regarding a list of appropriate, logical and defensible comparator agencies, benchmark classifications, and benefits to be collected prior to beginning the compensation portion of the study;
- To collect accurate salary and benefit data from the approved group of comparator agencies and to ensure that the information is analyzed in a manner that is clear and comprehensible to the Study Project Team, Human Resources, management, employees, union representation, and the City Council;
- To carefully analyze the scope and level of duties and responsibilities, requirements for successful work performance, and other factors for survey classes, according to generally accepted compensation practices;
- To review the City's compensation structure and practices and develop compensation recommendations that will assist the City in recruiting, motivating, and retaining competent staff;
- To develop solutions that address pay equity issues, analyze the financial impact of addressing pay equity issues, and create a market adjustment implementation strategy supporting the City's goals, objectives, and budget considerations;
- To evaluate benefit offerings in the labor market and make recommendations for better alignment and/or different benefit offerings as indicated by the analysis and best practices;
- To create a comprehensive final report summarizing the compensation study approach and methodology, analytical tools, findings, and recommended compensation structure;
- To recommend appropriate internal salary relationships and allocate classes to salary ranges in a comprehensive salary range plan; and
- To ensure sufficient documentation and training throughout the study, on methods used to determine appropriate salary ranges, methods for logical progression of movement within the salary scale for each classification, and other practices, so that our recommendations can be implemented and maintained in a competent and fair manner.

Overall Objectives:

- To review and understand all current documentation, rules, regulations, policies, budgets, procedures, class descriptions, organizational charts, memoranda of understanding, personnel policies, wage and salary schedules, and related information so that our recommendations can be operationally incorporated with a minimum of disruption;
- To conduct start-up Study Project Team meetings with management, study project staff, and other stakeholders to discuss any specific concerns with respect to the development of compensation recommendations; finalize study plans and timetables; conduct orientation sessions with management, union leadership, and staff in order to educate



and explain the scope of the study and describe what are and are not reasonable study expectations and goals;

- To work collaboratively and effectively with the City and its stakeholders while at the same time maintaining control and objectivity in the conduct of the study;
- To develop a compensation structure that meets all legal requirements, that is totally non-discriminatory, and that easily accommodates organizational change, growth, and operational needs;
- To document all steps in the process and provide documentation and training for Human Resources and other staff, as appropriate, in compensation analysis methodologies so that the City can integrate, maintain, administer, and defend any recommended changes after the initial implementation; and
- To provide effective ongoing communications throughout the duration of the project and continued support after implementation.

TOTAL COMPENSATION STUDY – Methodology / Work Plan / Deliverables

Deliverable A: Meetings with Study Project Team and Management Staff and Initial Documentation Review

During the initial meeting with the Study Project Team, we will discuss the compensation study factors that need to be agreed upon. This task includes identifying the City’s Study Project Team (Human Resources, management, employee representation, etc.), contract administrator, and reporting relationships. Our team will conduct an orientation and briefing session with the Study Project Team to explain process and methodology; create the specific work plan and work schedule; identify subsequent tasks to be accomplished; reaffirm the primary objectives and specific end products; determine deadline dates for satisfactory completion of the overall assignment; determine who will be responsible for coordinating/scheduling communications with employees, managers, and other stakeholders; and develop a timetable for conducting the same.

Included in this task will be the gathering of written documentation, identifying current incumbents, and assembling current class descriptions, organizational charts, salary schedules, budgets, employment contracts, personnel policies, previous compensation studies, and any other relevant documentation to gain a general understanding of City operations.

City terminology and methods of current compensation procedures will be reviewed and agreed to. We will discuss methodology, agree to formats for compensation results, identify/confirm appropriate comparator agencies, benchmark classifications and benefits to be surveyed for compensation survey purposes. We will respond to any questions that may arise from the various stakeholders.

Deliverable B. List of Comparator Agencies, Benchmark Classifications, and Benefits to be Collected

During the initial meeting with the Study Project Team, we will discuss and agree to the compensation study factors. We will identify/confirm appropriate, logical and defensible comparator agencies that will be included in the external market survey, which will be the foundation for ensuring that the City’s salaries for the studied classifications are competitively aligned with the external labor market. We will also identify/confirm those classifications that will be surveyed in the market (i.e., benchmark classifications), with the intention of internally aligning the remaining classifications with those that were surveyed.



Finally, we will determine the list of benefits that the City wants to include in the total compensation data gathering process.

1. Determination of Comparator Agencies

The selection of comparator agencies is a critical step in the study process. We typically use the following factors to identify appropriate comparators and will receive approval before proceeding with the total compensation study.

Our recommended methodology is that we involve management, Human Resources, employee representation, and the City Council, in the decision-making process of selecting which comparable agencies are included, **PRIOR** to beginning the study. Our experience has shown that this is the most successful approach. The factors that we typically review when selecting and recommending appropriate comparator agencies include:

- **Organizational type and structure** – While various organizations may provide overlapping services and employ some staff having similar duties and responsibilities, the role of each organization is somewhat unique, particularly in regard to its relationship to the citizens it serves and level of service expectation. During this iterative process, the City’s current/previous list of comparators, if any, and the advantages/disadvantages of including them or others would be discussed.
- **Similarity of population served, City demographics, City staff, and operational budgets** – These elements provide guidelines in relation to resources required (staff and funding) and available for the provision of services.
- **Scope of services provided** – While having an organization that provides all of the services at the same level of citizen expectation is ideal for comparators, as long as the *majority* of services are provided in a similar manner, sufficient data should be available for analysis. When reviewing this factor, the City’s unique services would be evaluated in order to ensure that the majority of comparators provide the same services. This ensures that each comparator yields a sufficient number of matches for the City’s jobs.
- **Labor market** – The reality of today’s labor market is that many agencies are in competition for the same pool of qualified employees, because large portions of the workforce don’t live in the communities they serve, are accustomed to lengthy commutes, and are more likely to consider changing jobs in a larger geographic area than in the past. Therefore, the geographic labor market area (where the City may be recruiting from or losing employees to) is taken into consideration when selecting potential comparator organizations. As part of this analysis, we will determine whether the City has identified agencies that it competes with for qualified talent; those agencies are taken into consideration for purposes of our analysis. It is important to understand and consider the City’s competitive landscape and include agencies in the study to whom the City loses talent.
- **Cost-of-living** – The price of housing and other cost-of-living related issues are some of the biggest factors in determining labor markets. We review overall cost-of-living of various geographic areas, median house prices, and median household incomes to determine the appropriateness of various potential comparator agencies.

We typically recommend using 10-12 comparator agencies for all survey benchmarks in order to achieve statistical significance but are flexible and can easily use a different approach based on the City’s preferences.



2. Determination of Benchmark Classifications

In the same collaborative manner as described in Step 1 above, we will work with the City’s stakeholders to select those classifications that will be surveyed.

“Benchmark classes” are ordinarily chosen to reflect a broad spectrum of class levels. In addition, those that are selected normally include classes that are most likely to be found in other similar agencies, and therefore provide a sufficient valid data sample for analysis. Internal relationships will be determined between the benchmarked and non-benchmarked classifications and internal equity alignments will be made for salary recommendation purposes.

Due to the fact that the labor market typically yields reliable data, we recommend using approximately 60-65% of all classifications as benchmarks but we are happy to use a different model. Due to the relatively small number of classifications at the City, we may survey a larger group of benchmarks and will be happy to discuss our approach with the City.

3. Determination of Salary and Benefits Data to Be Collected

In addition to base salaries, benefit data elements for a total compensation study normally include at least the following (which are generally available to all staff in a specific job classification):

- **Monthly Salary** – The top of the normal, published salary range. All figures are presented on a monthly or annual basis. We normalize the salary data to reflect number of hours in the work week and/or roll-up of retirement or other benefits in base salaries.
- **Employee Retirement** – This includes two figures: the amount of the employee’s State or other public or private retirement contribution that is contributed by the agency and the amount of the agency’s Social Security contribution.
- **Retiree Healthcare** – Given that healthcare costs are rising and retiree healthcare and liabilities increasing for many public agencies, we collect this information to capture the costs.
- **Insurance** – This typically includes Health, Dental, Vision, and other insurance coverage.
- **Leave** – Other than sick leave, which is usage-based, leave is the amount of days off for which the organization is obligated. We will discuss with the City whether leave days/hours should be converted to direct salary cost in dollars or represented in days/hours.
 - ❖ **Vacation:** The number of vacation days available to all employees after five years of employment.
 - ❖ **Holidays:** The number of holidays (including floating) available to the employee on an annual basis.
 - ❖ **Administrative/Personal Leave:** Administrative leave is normally the number of days available to management staff to compensate for the lack of payment for overtime. Personal leave may be available to other groups of employees to augment vacation or other time off.
- **Deferred Compensation** – We report any employer contribution made on the employee’s behalf, whether dollar amount or percentage of salary, that does not require an employee-matching contribution. We can also report employer contributions that do require an employee match and would do so as a separate report.
- **Other** – This category includes any other benefits that are available to all employees within a classification and not already specifically detailed.



Deliverable C. Data from Comparators and Preliminary Analysis of Data

K&A does not collect market compensation data by merely sending out a written questionnaire. We find that such questionnaires are often delegated to the individual in the department with the least experience in the organization and given a low priority. Our experienced compensation analysts conduct all of the data collection and analysis to ensure validity of the data and quality control. This approach also ensures that we compare job description to job description and not just job titles, therefore ensuring true “matches” of at least 70%, which is the percentage we use to determine whether to include a comparator classification or not.

Objective factors in the whole position job analysis methodology include:

1. Decision making/judgment
2. Difficulty and complexity of work
3. Supervisory responsibilities
4. Non-supervisory responsibilities
5. Minimum qualifications
6. Working conditions/risk factors
7. Contacts

We typically collect classification descriptions, organization charts, salary schedules, personnel policies, budgets, master plans, operational information, MOUs, and other information via website, by telephone, or by an onsite interview. With the prior knowledge from the data gathered directly from each comparator agency and our experience in the public sector human resources field, our compensation analysts make preliminary “matches” and then schedules appointments by telephone, or sometimes in person, with knowledgeable individuals to answer specific questions. We find that information collected using these methods has a very high validity rate and allows us to substantiate the data for employees, management, and governing bodies.

Data will be entered into spreadsheet format designed for ease of interpretation and use. The information will be presented in a format that will identify the comparator positions used for each classification comparison. Information will be calculated based upon both average and median figures allowing the City to make informed compensation decisions. Other elements of the compensation survey report are agencies surveyed; comparable class titles; salary range maximum/control point; number of observations; and percent of the City’s salary range is above/below the market values.

In addition, we will include any type of statistical representation and analysis that the City desires such as 60th, 70th, or any other percentiles per the City’s compensation philosophy.

Benefits data will be displayed in an easy-to-read format. You will receive three sets of spreadsheets per classification, one with base pay, one with the benefits detail, and one with total compensation statistical data. In addition, we are often asked to collect “other” benefits (as listed in the benefits section above), which we typically report on a separate spreadsheet.

Deliverable D. Draft Compensation Findings/Additional Analysis/Study Project Team Meetings

As part of our transparent approach and communication strategy to ensure organizational buy-in to the study, we share the market survey with the organization. We first distribute our draft findings to the Study Project Team. After their preliminary review, K&A will meet with the Study Project Team and other stakeholders (including Human Resources, management, employees) to clarify data, to receive requests



for reanalysis of certain comparators, and to answer questions and address concerns. This provides an opportunity for the Study Project Team and other stakeholders to review and question any of our recommended benchmark comparator matches. If questions arise, we conduct follow-up analysis to reconfirm our original analysis and/or make corrections as appropriate.

Deliverable E. Analysis of Internal Relationships and Alignment

To determine internal equity for all studied positions, considerable attention will be given to this phase of the project. It is necessary to develop an internal position hierarchy based on the organizational value of each classification. Again, we utilize the whole position analysis methodology as described earlier.

By reviewing those factors, we will make recommendations regarding vertical salary differentials between classes in a class series, for example, as well as across departments. This analysis will be integrated with the results of the compensation survey and the City's existing compensation plan.

The ultimate goal of this critical step in the process is to address any potential internal equity issues and concerns with the current compensation system, including compaction issues between certain classifications. We will create a sound and logical compensation structure for the various levels within each class series, so that career ladders are not only reflected in the classification system but also in the compensation system, with pay differentials between levels that allow employees to progress on a clear path of career growth and development. Career ladders will be looked at vertically, as well as horizontally, to reflect the City's classification structure.

Deliverable F. Compensation Structure and Implementation Plan

Depending on data developed as a result of the internal analysis, we will review and make recommendations regarding internal alignment and the salary structure (set of salary ranges, salary differentials, steps within ranges, and/or alternative compensation plans) within which the classes are allocated, based upon the City's preferred compensation model. In addition, we will develop externally competitive benefit comparisons for all classifications. We will also assist the City in developing a compensation philosophy and practices relative to the surveyed public jurisdictions, if desired. Finally, we will develop a proposed implementation plan based on the study results and recommendations.

We will conduct a competitive pay analysis using the market data gathered to assist in the determination of external pay equity and the recommendation of a new base compensation structure, if desired. We will conduct a comparative analysis to illustrate the relationships between current pay practices and the newly determined market conditions and develop solutions to address pay equity issues, analyze the financial impact of addressing pay equity issues, and create a market adjustment implementation strategy supporting City goals, objectives, and budget considerations.

Draft recommendations will be discussed with the Study Project Team and management for discussions and decisions on overall pay philosophy and the practicality of acceptance and prior to developing an Interim Report.

Deliverable G. Final Report and Guidelines for Implementation

A draft Interim Report of the Compensation Study) will be completed and submitted to the Study Project Team for review and comment. The report will provide detailed compensation findings, documentation, and recommendations. The report will include:

- An executive summary of the compensation study results;



- A set of all market data spreadsheets;
- A proposed Salary Range Placement document;
- A procedure to address employees whose base pay exceeds the maximum of their newly assigned pay range;
- Implementation issues and cost projections surrounding our recommendations; and
- A guide for rules, policies and procedures for the City in implementing, managing and maintaining the compensation system, as appropriate.

Once all of the City’s questions/concerns are addressed and discussed, a Final Compensation Report will be created and submitted in the City’s preferred format. The Final Report will incorporate any appropriate revisions identified and submitted during the review of the draft report.

Deliverable H. Formal Appeals Process

Should the City have an formal appeals process regarding the allocation of positions to salary ranges, this proposal does not cover time regarding a formal appeal process. Should our on-site participation be desired, our stated composite hourly rate will be honored. As mentioned above, however, our internal process usually addresses any of these issues.

Deliverable I. Final Presentation

Our proposal includes multiple meetings and weekly oral and written status/progress updates to the Study Project Team. Regarding the involvement of the City Council, etc., we recommend at least one initial meeting to confirm/identify the comparator agencies to be included in the study, one interim study session (to discuss the initial findings of the compensation study), and one final presentation of our Final Report. Of course, we are flexible regarding having more or less interaction with the Council, based on the City’s preferences.

❖ Expectations of City Support:

In order to conduct this study in the most timely and cost-effective manner, we ask for support in the following areas:

- Timely provision of written documentation, such as current class specifications, union contracts, organizational charts, budget documents, requests for audits, past studies, etc.;
- Assistance in the notification and scheduling of orientation and other meetings and the provision of adequate interview space and resources;
- Meeting agreed-upon timelines.

In terms of time commitment for City staff, we understand that the City hires an outside consultant to conduct and coordinate the entire effort. Therefore, it is our goal to reduce the time commitment of City staff as much as possible and to only request assistance in the coordination of some of the steps in the process, such as scheduling employee orientation meetings, duplicating PDQs, scheduling employee interviews/desk audits, disseminating information, and in general, being a channel of communication between our firm and employees.

❖ Communication with the City:

Our typical communication model includes at least weekly or biweekly written status updates to keep the City informed on where we are during each phase of the project.



In addition, the study includes a significant number of meetings with the Study Project Team, human resources, management, employees, employee representation, and the City Council, as desired. The meetings and “stakeholder touch-points” that we recommend ensure understanding of the project parameters, enhance accurate intake and output of information, and foster a collaborative and interactive approach that will result in greater buy-in for study recommendations. This interactive approach, although time-consuming, has resulted in almost 100% implementation success of K&A’s studies.

❖ **Post-Implementation Consultation and Support:**

We are committed to providing the City with the highest-quality product and service. Providing ongoing consultation and support after study implementation is a service that is included in our professional fees and a continued relationship-building aspect of our client relationship that we highly value.

We often find that clients will call or email with follow-up questions and to discuss certain aspects of the study, ask why decisions and recommendations were made, and other important components of the study. We consider post-implementation support as part of our customer service.

Should the City request any additional onsite meetings and/or training after implementation of the study and/or other specific, identifiable work efforts, such as position reclassification studies, creating new class descriptions, or conducting annual surveys, we would honor our composite hourly rate for actual hours spent at the City. However, from experience, we expect that most follow-up support will be conducted via telephone and email and this is absolutely included in our “Not To Exceed Fee” for this project.

❖ **Stakeholder Engagement:**

The meetings and communications with stakeholders that we recommend ensure understanding of the project parameters, enhance accurate intake and output of information, and encourage a collaborative and interactive approach that will result in greater buy-in for study recommendations. This interactive approach, although time-consuming, has resulted in almost 100% implementation success of K&A’s studies.

We believe in an interactive and collaborative process with the whole organization and in a high level of stakeholder contact and interaction to ensure organizational buy-in of the study throughout the entire process. Following are the major milestones at which we touch base with Human Resources, employees, managers, employee representation, and other stakeholders, as appropriate:

- Initial study kick-off and employee/management orientation meetings;
- Stakeholder input regarding a list of appropriate comparator agencies, benchmark classifications, and benefits to be collected;
- City stakeholder review of compensation study data and contact with them to address any challenges to the market comparables we identified for each classification;
- Stakeholder input on internal salary relationship analysis and recommendations; and
- Stakeholder input regarding final compensation plans and structure recommendations.

These steps will ensure that the study results in a product that is accepted and trusted by all levels within the organization. Beyond sound mechanics, our approach includes sufficient communication steps to ensure that the study methodology is understood and the results are regarded as expert, impartial, and fair.



TIME REQUIREMENTS

Our professional experience is that a total compensation study of this scope and for this size organization take approximately three to four (3 - 4) months to complete, allowing for adequate compensation data collection and analysis, review steps by the City, the development of final reports, any appeals, and presentations.

We understand that the City would like to complete this study by March 2023. Due to the unprecedented demand on our services, we are currently experiencing an unusually high volume of projects. Therefore, and if the City is able to be flexible, we propose commencing the project in January 2023 and anticipate delivering a draft survey in March 2023 and completion of the entire project by April 2023, assuming a contract is executed within 2 months of the submittal date of our proposal.

The following is a suggested timeline (which can be modified based on the City’s needs):

Deliverables	Total Compensation Survey	Completion by:
A.	Meetings with Study Project Team and Management Staff and Initial Documentation Review	Week 1
B.	List of Comparator Agencies, Benchmark Classifications, and Benefits to be Collected	Week 2
C.	Data from Comparators and Preliminary Analysis of Data	Week 12
D.	Draft Compensation Findings/Additional Analysis/Study Project Team Meetings	Week 14
E.	Analysis of Internal Relationships and Alignment	Week 15
F.	Compensation Structure and Implementation Plan	Week 15
G.	Final Report and Guidelines for Implementation	Week 16
H.	Formal Appeals Process *	As Needed
I.	Final Presentation	As Scheduled



COST PROPOSAL

We have often found our process requires a very high level of time commitment, which sometimes results in a higher proposal cost. We believe that our methodology and implementation success rate is attributable to the significantly greater level of contact we have with employees, employee representation, management, and the governing body. The time we commit to working with the employees (sharing of compensation survey data, informal appeal process, etc.) results in significantly greater buy-in throughout the process and no formal appeals at the end of the study.

In fact, our firm has only had a handful of formal appeals to any of our studies in our 38 years in business. It has been our experience that the money and time invested in stakeholder communication throughout the study are money and time saved during implementation. Numerous times our firm has been hired after an agency has gone through an unsuccessful study whose results were rejected or appealed and whose implementation was very controversial. The result was a divided organization with hostility and animosity between employees/employee representation and management. Whenever our firm was hired after such an unfortunate experience, study stakeholders were amazed at our open and all-inclusive process, our efforts to elicit equal stakeholder input, and our development of recommendations that were accepted as fair and reasonable and understood by management, employees, and the governing body. Our success rate is also attributable to the fact that we have 38 years of experience working with employees of all types of backgrounds, educational levels, and work experiences, and we are accustomed to successfully communicating with and educating them throughout the process. It is imperative that all employees eventually buy into the study results and recommendations, whether they have been through a process like this before or whether this is the first time for them.

Our clients always provide feedback that our process was professional, comprehensive, understandable, timely, and inclusive. Employees, although not necessarily always happy with our recommendations, have always indicated that we listened to their issues and concerns, were available for discussion, and able to provide documentation and data to support our recommendations. Although time consuming, we also drive the process to ensure that timelines are met and schedules are maintained.

Over the last few years K&A and all of our clients have become accustomed to conducting all of our organizational, classification, and compensation studies virtually. From the experience of the last two years, we have learned that studies can be conducted successfully by using virtual technologies and performing the work remotely. We have also learned that this represents a significant cost savings for our clients, both in terms of consultant travel time and travel expenses, as well as less disruption and reduced non-productivity for the client's workforce. We have several technological solutions that can easily facilitate the entire process (see proposal narrative above). Conducting meetings and orientations virtually means that the client's employees do not have to spend time traveling from one location to another and will not be pulled away from their workstations for lengthy periods of time. They can simply click on a link or call in from a phone to participate. This approach also represents significantly less logistical planning on part of the client in order to reserve meeting rooms and making space available for large employee groups, as well as multiple consultants coming onsite to conduct interviews within a condensed period of time. Conducting orientations and interviews virtually provides us with much more flexibility in scheduling and accommodating multiple different shifts and schedules among a large workforce.

In addition, K&A strives to be as "green" an organization as possible and we are certainly concerned about our carbon footprint. We find that multiple trips to client sites that can sometimes involve multiple



consultants flying on planes and/or driving cars, is not as environmentally conscious as we would like to be. Considering the effectiveness of virtual meetings, especially when meetings are only one hour or one-and-a-half hours at a time, onsite travel does appear to create a larger footprint than necessary. This can especially be true for final presentations to leadership teams that are often less than 60 minutes long.

The cost proposal below includes two options depending on scope of work to provide the City with a cost comparison based on the number of classifications, number of employees, and number of comparator agencies surveyed for the compensation study, as well as options for cost cutting measures per the City’s request. Of course, the City may select any combination thereof and we are open to negotiating another option if it better serves the City. We hope to be able to negotiate a scope of work and cost option that best serves the City’s needs.

For purposes of this cost proposal, we are assuming that all meetings and presentations will be conducted virtually/remotely and no onsite travel to City offices will occur, which is also a cost cutting measure. Should the City desire onsite meetings, we will be happy to provide our per diem cost for onsite meetings based on travel time and market rate travel cost at the time.

Deliverables	Total Compensation Study	Option 1: Hours	Option 2: Hours
A.	Meetings with Study Project Team and Management Staff and Initial Documentation Review	8	8
B.	List of Comparator Agencies, Benchmark Classifications, and Benefits to be Collected	15	15
C.	Data from Comparators and Preliminary Analysis of Data Option 1: up to 40 benchmarks; 10 comparators; and total compensation (salaries plus benefits) Option 2: up to 45 benchmarks; 12 comparators; and total compensation (salaries plus benefits)	130	175
D.	Draft Compensation Findings/Additional Analysis/Study Project Team Meetings	22	30
E.	Analysis of Internal Relationships and Alignment	8	8
F.	Compensation Structure and Implementation Plan	8	8
G.	Final Report and Guidelines for Implementation	12	14
H.	Formal Appeals Process *	0	0
I.	Final Presentation	4	6
	<i>Anticipated hours for additional unscheduled meetings and phone calls</i>	4	6
	Total Professional Hours – Compensation	211	270
	Combined professional and clerical composite rate: \$175/Hour	\$36,925	\$47,250
	Expenses are included in the composite hourly rate:	N/A	N/A
	<i>Expenses include but are not limited to duplicating documents, binding reports, phone, supplies, postage, etc.</i>		
	TOTAL PROJECT COST NOT TO EXCEED:	\$36,925	\$47,250
	<i>*Additional consulting will be honored at composite rate (\$175/hr)</i>		

Our cost proposal does not include time to support the City during any labor negotiations that may follow this study. If we are needed for this work, our composite hourly rate will apply and we will charge on a time-and-materials basis.



CONTRACTUAL CONSIDERATIONS

We will be pleased to sign the City’s professional services agreement for a Compensation Study. We respectfully request that the City will allow for a period of negotiation of certain terms in the professional services contract related to liability, indemnity, insurance, and other terms. We have found that we have always come to an agreement with all of our clients in the past and appreciate the City’s flexibility in reviewing certain terms in a collaborative fashion between our legal counsels.

The following are terms we would like to review with the City if we are fortunate to be selected for this project:

- Gallagher is pleased to submit this proposal. While this proposal is not meant to constitute a formal offer, acceptance, or contract, notwithstanding anything to the contrary contained in the proposal, Gallagher is submitting this proposal with the understanding the parties would negotiate and sign a contract containing terms and conditions that are mutually acceptable to both parties.

Final RFP for Compensation Study

- Section VIII (PDF page 4) - Gallagher is unable to permit its clients the unconditional right of refusal or to approve staffing changes for any departure or reassignment of, or substitution for, any member of the designated project team. Gallagher can agree to provide notice to client within a reasonable time after the change and will use good faith efforts to ensure client is satisfied with the replacement personnel.
- Section XIII, para 1 (PDF page 5) - Gallagher cannot agree to Indemnification clause and enclosed agreement until it has had the opportunity to review.

Oroville Consultant Insurance Requirements

- Gallagher's insurance representations based on AJG Risk Management policies. These are not changed on a client by client basis

It is our practice to provide the coverage below in lieu of the City contract insurance language. We therefore propose to replace the insurance language in the RFP’s sample agreement with coverage language provided by Gallagher as follows (we attach our Memorandum of Insurance for your review as well):

Gallagher shall at all times during the term of this Agreement and for a period of two (2) years thereafter, obtain and maintain in force the following minimum insurance coverages and limits at its own expense:

- Commercial General Liability (CGL) insurance on an ISO form number CG 00 01 (or equivalent) covering claims for bodily injury, death, personal injury, or property damage occurring or arising out of the performance of this Agreement, including coverage for premises, products, and completed operations, on an occurrence basis, with limits no less than \$2,000,000 per occurrence;
- Workers Compensation insurance with statutory limits, as required by the state in which the work takes place, and Employer’s Liability insurance with limits no less than \$1,000,000 per accident for bodily injury or disease. Insurer will be licensed to do business in the state in which the work takes place;
- Automobile Liability insurance on an ISO form number CA 00 01 covering all hired and non-owned automobiles with limit of \$1,000,000 per accident for bodily injury and property damage;



- Umbrella Liability insurance providing excess coverage over all limits and coverages with a limits no less than \$10,000,000 per occurrence or in the aggregate;
- Errors & Omissions Liability insurance, including extended reporting conditions of two (2) years with limits of no less than \$5,000,000 per claim, or \$10,000,000 in the aggregate;
- Cyber Liability, Technology Errors & Omissions, and Network Security & Privacy Liability insurance, including extended reporting conditions of two (2) years with limits no less than \$2,000,000 per claim and in the aggregate, inclusive of defense cost; and
- Crime insurance covering third-party crime and employee dishonesty with limits of no less than \$1,000,000 per claim and in the aggregate.
- All commercial insurance policies shall be written with insurers that have a minimum AM Best rating of no less than A-VI, and licensed to do business in the state of operation. Any cancelled or non-renewed policy will be replaced with no coverage gap, and a Certificate of Insurance evidencing the coverages set forth in this section shall be provided to Client upon request.

ARTHUR J. GALLAGHER & CO. MEMORANDUM OF INSURANCE

This Memorandum of Insurance (“Memorandum”) is produced as a matter of information only to authorized viewers for their internal use only and confers no rights upon any viewer of the Memorandum. This Memorandum does not amend, extend or alter the coverage described below. Copyright 2005, Arthur J. Gallagher Risk Management Services, Inc. (“Gallagher”). Gallagher grants permission to you to view, copy, print and distribute the information found on the Memorandum website (“Site”) provided that the above copyright notice appears on all copies, that use is internal to you or for personal noncommercial informational purposes only, and that no modification is made to any materials. Any modification, use, reproduction or distribution of this Memorandum, the Site or its contents must be first approved by Gallagher in writing. You will not suffer or permit any unauthorized use of any Gallagher trademark, service mark or logo. This Memorandum, the Site and its contents, including but not limited to text, graphics, images, software, copyrights, trademarks, service marks, logos, and brand names (“Content”), are protected under both United States and foreign laws, and Gallagher or its affiliated entities retain all right, title and interest in and to the Content, all copies thereof, and all copyrights and other proprietary rights therein. The information contained herein is as the date referred to above. Gallagher shall be under no obligation to update such information.

DATE: 10/4/2022

INSURED:

Arthur J. Gallagher & Co. and its subsidiaries
2850 West Golf Road
Rolling Meadows, IL 60008

Insurance Companies

- A: ARCH INSURANCE COMPANY
- B: THE CONTINENTAL INSURANCE COMPANY
- C: XL INSURANCE AMERICA, INC
- D: FEDERAL INSURANCE COMPANY
- E: LEXINGTON INS. COMPANY
- F: XL SPECIALTY INS. COMPANY
- G. ILLNOIS NATIONAL INSURANCE COMPANY
- H. INDIAN HARBOR INSURANCE COMPANY

The policies of insurance listed below have been issued to the “INSURED” named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this Memorandum may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

CO. LTR.	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE	POLICY EXPIRATION	LIMITS (In USD unless otherwise indicated)	
A	Commercial General Liability Occurrence Per location Aggregate	41GPP4938415	10/01/22	10/01/23	General Aggregate	4,000,000
					Products - Comp/Op Agg	4,000,000
					Personal and ADV Injury	2,000,000
					Each Occurrence	2,000,000
					Damage to Rented Premises (Each occurrence)	1,000,000
A	Automobile Liability Any Auto	41CAB4939015 41CAB4938315	10/01/22	10/01/23	Combined Single Limit	5,000,000
					Bodily Injury (per person)	
					Bodily Injury (per accident)	
B	Excess/Umbrella Liability Retention: \$10,000	7034611269	10/01/22	10/01/23	Each Occurrence	25,000,000
					Aggregate	25,000,000
A	Workers Compensation and Employers Liability	41WCI4938115	10/01/22	10/01/23	Workers Comp Limits	Statutory
					EL Each Accident	1,000,000
					EL Disease - Each Employee	1,000,000
					EL Disease – Policy Limit	1,000,000
C	Property	US00112916PR22A	10/01/22	10/01/23	Blanket Bldg. & PP	10,000,000
D	Crime/Fidelity Bond (Employee Dishonesty)	J06039418	09/01/22	09/29/23	Single Loss Limit	15,000,000
E	Errors & Omissions (Primary Policy)	015466449	10/01/22	10/01/23	Per Claim and Aggregate	12,000,000
F	Errors & Omissions (Excess Policy)	ELU163265-22	10/01/22	10/1/23	Per Claim and Aggregate	10,000,000
G	Errors & Omissions (Excess Policy)	FI0121922	10/01/22	10/01/23	Per Claim and Aggregate	15,000,000
H	Cyber Liability	MTP903416504	05/01/22	05/01/23	Limit of Liability	10,000,000

Description of Operations / Other Information: See ADDITIONAL INFORMATION on the following page.

This Memorandum of Insurance serves solely to list insurance policies, limits and dates of coverage. Any modifications hereto are not authorized by Gallagher or the Insurance Companies.

ARTHUR J. GALLAGHER & CO. MEMORANDUM OF INSURANCE

ADDITIONAL INFORMATION

As respects GENERAL LIABILITY POLICY

ADDITIONAL INSURED – MANAGERS OR LESSORS OF PREMISES *
Endorsement Form # CG 20 11 04 13 modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

1. Designation of Premises (Part Leased to You): ANY PREMISES OR PART THEREOF LEASED TO YOU.
2. Name of Person or Organization (Additional Insured): ANY AND ALL PERSONS OR ORGANIZATIONS CONTRACTUALLY REQUIRING ADDITIONAL INSURED STATUS AS THE MANAGER OR LESSOR OF PREMISES TO YOU.
3. Additional Premium: INCLUDED

(If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

WHO IS AN INSURED (Section II) is amended to include as an insured the person or organization shown in the Schedule but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person or organization shown in the Schedule.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

We waive any right of recovery we may have against the person or organization where required by written contract because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only where required by written contract.

As respects PROPERTY

This policy insures against "All Risks" of physical loss or damage, except as excluded, to covered property while on Described Premises, provided such physical loss or damage occurs during the term of this policy. Coverage is subject to policy deductibles, terms, conditions and exclusions. Loss Payable clause included for whom Insured has agreed to per written contract.



***All other Additional Insureds requests requires Legal approval and issuance of a Certificate of Insurance.**

***For special requests, such as a WET SIGNATURE, please contact the appropriate team: P&C – Doreen Morris or Therese Scamardo; E&O – Helen Ponce de Leon or Mari Maceri; Cyber – Jeremy Gillespie or Ariel Magrini.**

This Memorandum of Insurance serves solely to list insurance policies, limits and dates of coverage. Any modifications hereto are not authorized by Gallagher or the Insurance Companies.



Signature Page

Koff & Associates intends to adhere to all of the provisions described in this RFP.

This proposal is valid for 90 days.

Respectfully submitted,

By: KOFF & ASSOCIATES
State of California

Georg S. Krammer

October 12, 2022

Managing Director, Compensation and Rewards Consulting



Koff & Associates
A Gallagher Company



CITY OF OROVILLE STAFF REPORT

TO: MAYOR AND COUNCIL MEMBERS

FROM: DANIEL KOPSHEVER, ASSISTANT PLANNER

RE: LOCAL AGENCY TECHNICAL ASSISTANCE GRANT AWARD

DATE: NOVEMBER 1, 2022

SUMMARY

The Council may approve the acceptance of \$500,000 in Local Agency Technical Assistance (LATA) grant funding applied for in August. The funding will be used to reimburse 100% of pre-construction planning costs associated with the deployment of broadband infrastructure. The City of Oroville will enter an MOU with the Golden State Connect Authority (GSCA) for management of the grant and project development.

DISCUSSION

Background

With the enactment of SB 156 in July 2021, \$6 billion was allocated to the California Public Utilities Commission for broadband deployment across four program areas:

- Middle Mile (\$3.25 Billion) – state owned and operated, open-access middle mile infrastructure.
- Federal Funding Account (FFA)/Last Mile (\$2 Billion) – formula allocations calculated on a county basis to provide last mile grant funds to the designated unserved/underserved areas.
- Loan Loss Reserve fund (\$750 Million) – available to municipalities to serve as security against financing models that attract private investment.
- Local Agency Technical Assistance (LATA) Fund (\$50 Million) – provided to eligible local agencies (including counties) to cover 100% of pre-deployment project costs that advance the deployment of broadband infrastructure.

The Local Agency Technical Assistance (LATA) Fund

The LATA program provides 100% funding to eligible applicants for identified projects that advance the deployment of broadband infrastructure. Counties (and other eligible entities – cities, utilities, co-ops, tribes, etc.) can apply for up to \$500,000 to fund 100% of identified projects that are considered pre-deployment, i.e., not construction or equipment purchases. Applications that are submitted for \$500,000 or less progress through a Ministerial Review process at the staff level. The funding is provided on a reimbursement basis.

Golden State Connect Authority

Butte County is a member of the Golden State Connect Authority (GSCA) Joint Powers Authority, which was established to support and assist member counties with the advancement of broadband for all across rural California. GSCA represents thirty-nine member counties.

In support of this mission, GSCA is encouraging and supporting member counties to pursue LATA funds for the advancement of broadband deployment via the development of construction-ready, low-level network designs for priority unserved and underserved areas of their jurisdictions. To streamline and enable as many GSCA member counties as possible to take advantage of the LATA funding opportunity, GSCA has structured the grant request in a manner that assures minimal impact on existing staff capacity.

LATA Application

Member counties apply for LATA funds and enter an MOU with GSCA for the management of the grant and project development. GSCA would contract with a professional network design firm or firms for the development of individual county network designs, oversee the development of work product, manage the grant cash flow, and provide required grant reports to member counties for timely submittal and reimbursement. The advantages to GSCA member counties under this scenario include:

- GSAC will provide grant management on behalf of member counties
 - GSCA provides required reporting to member counties for submittal to CPUC
 - Member counties do not have to contract directly with professional network design firm(s). Instead, GSCA will enter contracts with professional network design firm(s) and manage individual member county projects, as LATA projects are approved by CPUC.
- Eliminates cash flow issue for member counties as 100% reimbursement occurs upon project completion. GSCA would absorb the cash flow ebbs and flows.

It is anticipated that the CPUC will review applications very quickly upon the close of each application window (monthly). Once approved, the awardee has 30 days to accept the grant. If not accepted within 30 days, it is deemed not approved and the application is removed from consideration.

The application portal opened on August 1st. The first round of applications will be accepted during the month of August. It is anticipated that these funds will be exhausted quickly, perhaps during the first funding round. Time is of the essence to take advantage of the funding opportunity presented by the LATA program to advance preparation for the deployment of broadband in Butte County.

FISCAL IMPACT

None. The grant funds will reimburse 100% the project costs.

RECOMMENDATION

1. Approve grant award of \$500,000 to prepare for broadband deployment in Oroville using GSCA and their contracted network design firm; and
2. Adopt Resolution 9106 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE ACCEPTING THE PREVIOUSLY APPLIED FOR LOCAL AGENCY

TECHNICAL ASSISTANCE GRANT FUNDING ADMINISTERED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND AUTHORIZING THE GOLDEN STATE CONNECT AUTHORITY TO MANAGE THE GRANT AND PROJECT DEVELOPMENT.

ATTACHMENTS

1. Resolution No. 9106
2. LATA Application

RESOLUTION NO. 9106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE ACCEPTING THE PREVIOUSLY APPLIED FOR LOCAL AGENCY TECHNICAL ASSISTANCE GRANT FUNDING ADMINISTERED BY THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND AUTHORIZING THE GOLDEN STATE CONNECT AUTHORITY TO MANAGE THE GRANT AND PROJECT DEVELOPMENT.

WHEREAS, the City of Oroville has applied for Local Agency Technical Assistance funding in the amount of \$500,000; and

WHEREAS, the funds will be used for full reimbursement of pre-construction planning costs associated with the development of broadband infrastructure; and

WHEREAS, the City of Oroville will enter an MOU with the Golden State Connect Authority for management of the grant and associated projects; and

WHEREAS, the Golden State Connect Authority will enter contracts with professional network design firm(s); and

WHEREAS, City of Oroville Staff will be minimally impacted by the responsibilities of managing the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL as follows:

1. This action has been determined to be exempt from California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15061(b)(3) "General Rule Exemption."
2. The Planning Commission recommends that the City Council accept the Local Agency Technical Assistance award as applied for with the Golden State Connect Authority.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the City Council of the City of Oroville held on the 1st of November, 2022, by the following vote:

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\
\

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

Assistant City Clerk Jackie Glover

Mayor Chuck Reynolds

APPROVED AS TO FORM:

City Attorney Scott Huber

Local Agency Technical Assistance Application

PART 1. GRANT APPLICATION CHECKLIST			
<p><i>Instructions:</i> To assist the CPUC Communications Division in verifying the completeness of your application, mark the box to the left of each item to indicate you provided the requested information and uploaded required additional materials with your application spreadsheet. For more details about these requirements, please review CPUC Decision D.22-02-026, Appendix 1.</p> <p>link to D.20-22-026 Technical Assistance Decision and Guidelines</p>			
#	Item Included?	Item	To Be Completed By Applicant (submit separately if indicated below)
1	<input type="checkbox"/>	Applicant Name and Organization	City of Oroville
		Authorized Local Agency or Tribal Leader Name and Title	Provide information below:
		<i>Address Line 1</i>	1735 Montgomery Street
		<i>Address Line 2</i>	
		<i>City</i>	Oroville
		<i>State</i>	California
		<i>ZIP Code</i>	95965
		<i>Website Address</i>	cityoforoville.org
		<i>Phone Number</i>	530-538-2436
		<i>California Tribe?</i>	N/A
		<i>Federal Tribal Recognition?</i>	N/A
2	<input type="checkbox"/>	Key Project Contact (i.e., staff contract manager)	Provide information below:
		<i>First Name</i>	Bill
		<i>Last Name</i>	LaGrone
		<i>Organization Position</i>	City Administrator

		<i>Address Line 1</i>	1735 Montgomery Street
		<i>Address Line 2</i>	
		<i>City</i>	Oroville
		<i>State</i>	California
		<i>ZIP Code</i>	95965
		<i>Email Address</i>	cityoforoville.org
		<i>Phone Number</i>	530-538-2436
3	<input type="checkbox"/>	Grant Project Description	Provide information below:
		<i>Project Title</i>	City of Oroville Broadband Network Design
		<i>Brief Description</i>	Strategically plan a robust fiber network, moving from conceptual network design and cost estimations to high level design and foundational planning, all the way through low-level design and engineering to create
		<i>Project Location</i>	City of Oroville - Within City Limits
4	<input type="checkbox"/>	Letter of Support	Submit as separate attachment(s) and check box to indicate included.

5	<input type="checkbox"/>	<p>Project Proposal (if planning to use in-house staff) or Proposed Contract (if planning to outsource work)</p>	<p style="color: #A52A2A;">Submit as a separate attachment(s) and check box to indicate included.</p> <p>Must include: (1) the project scope of work for a consultant and/or staff to carry out the Local Agency Technical Assistance; (2) detailed cost estimate including hourly rates and estimated total hours for each person; and (3) proposed timeline for completion; (4) geographic basis for the proposed project area (such as by Census Block) sufficient to demonstrate broadband need.</p> <p>If the applicant intends, as part of the project, to (a) complete multiple work products (i.e. joint powers agreement(s), feasibility studies, etc.) and (b) request partial payment for work product(s) completed before the project's completion, all potential work products must be outlined and supported in the contract or proposal, and listed separately in the Budget Summary.</p>
6	<input type="checkbox"/>	<p>Proposed Total Budget (\$)</p>	500,000
7	<input type="checkbox"/>	<p>Project Summary</p>	<p>Provide information in Tab 2 (Project Summary) of this spreadsheet and check box to indicate included.</p>
8	<input type="checkbox"/>	<p>Budget Summary</p>	<p>Provide information in Tab 3 (Budget Summary) of this spreadsheet and check box to indicate included.</p>
9	<input type="checkbox"/>	<p>Name of Organization to Receive Payment (Local Agency or Tribal Entity)</p>	<p>City of Oroville</p>
		<p><i>Address Line 1</i></p>	1735 Montgomery Street
		<p><i>Address Line 2</i></p>	
		<p><i>City</i></p>	Oroville
		<p><i>State</i></p>	California

		<i>Zip Code</i>	95965
		<i>Website Address</i>	cityoforoville.org
		<i>Phone Number</i>	530-538-2436
10	<input type="checkbox"/>	Affirmation of Incremental Staff Hours	I, the undersigned, affirm that any staff hours expended on reimbursable activities, and for which reimbursement will be requested, are incremental to the pre-grant award scope of work and would not be performed by the staff person absent the grant award.
11	<input type="checkbox"/>	Agreement for 24-Month Completion	I, the undersigned, acknowledge that the project must be completed within 24-months from the date of Commission approval of the grant.
12	<input type="checkbox"/>	Notarized Affidavit (separate form, upload with submission)	Submit separate required form and check box to indicate included. The form can be found on the LATA website: https://www.cpuc.ca.gov/industries-and-topics/internet-and-phone/broadband-implementation-for-california/local-agency-technical-assistance
13	<input type="checkbox"/>	Electronic Signature	X

Local Agency Technical Assistance Application

PART 2: PROJECT SUMMARY	
<p><i>Instructions:</i> Please provide the following information about a broadband technical assistance project that supports a local agency or Tribe. Project types may include but are not limited to: needs assessments, market studies, broadband strategic plans, business plans; environmental, feasibility, engineering design studies or reports; forming a joint powers authority; consultant and community-based organization services.</p>	
Name and Location of Proposed Grant Project	City of Oroville Broadband Network Design
Type of Project and Scope	<p>Fiber Network Design - Strategically plan a robust fiber network, moving from conceptual network design and cost estimations to high level design and foundational planning, all the way through low-level design and engineering to create constructible network designs that are shovel-ready in and around priority unserved/underserved areas. Grant includes professional network design services consultant, UTOPIA Fiber network design management consultant, and actual/not to exceed 8% Administrative costs. The budget for the network design proposed in the scope of work from Tilson Technology will be conducted on a flat-fee (fixed rate) basis, inclusive of all time and materials. The first two projects within the proposed scope, 1) Conceptual Network Design and Cost Estimates, and 2) Refined High-Level Design and Foundational Planning, will not exceed \$25,000 and \$40,000 respectively. The third project within the proposed scope, 3) Low Level Design and Engineering, is proposed on a per linear foot basis (\$1.93/linear foot). This is an industry standard methodology for low level network design work and the amount proposed is well within the realm of reasonableness. UTOPIA Fiber will perform network design and engineering management on behalf of the applicant and Golden State Connect Authority at the budgeted rate of 3% of the Tilson Technology budget. Administrative (indirect) budget item estimated at actual and not to exceed 8%, of which 3% would reimburse Golden State Connect Authority and 5% would reimburse County for Administrative support.</p>
Total Budget (\$)	\$500,000
Project Timeline (include start and end dates, must be completed within 24 months)	October 2022 - November 2023 - (Will make every effort to accelerate project)

<p>How will the proposed technical assistance grant support broadband infrastructure deployment to unserved and/or underserved households and businesses at speeds of at least 100 Mbps upload and download speeds?</p>	<p>The technical assistance grant will support the development of low-level, shovel-ready network designs for priority areas in and around unserved/underserved areas of the city. The plans will be developed in consultation with Golden State Connect Authority and overseen by UTOPIA Fiber to ensure compatibility with open-access fiber deployment model to reliably meet and exceed 100/100 Mbps speed.</p>
<p>Summary of consultant/staff/team experience - Upload resume qualifications separately</p>	<p>Every member of the Broadband Network Design consulting project team, comes with deep experience and knowledge in the network design, engineering, open-access broadband deployment, and/or project management fields.</p>
<p>Short description of the project suitable for posting on the Commission’s web page. [see example below]</p>	<p>The proposed technical assistance grant will fund network design services for priority areas in and around unserved/underserved areas within the incorporated City of Oroville. The network design process will include development of Conceptual Network Designs and Cost Estimations; High-Level Design and Foundational Planning; leading to Low-Level Design and Engineering of constructible and shovel-ready project area(s) that will provide service to households and businesses that, upon completion, will reliably meet or exceed 100/100 Mbps speed. This project will be completed well within the 24-month timeline.</p>
<p>Other Information</p>	<p>The network design project(s) proposed in this grant application will advance deployment of quality broadband to a city in need of reliable connectivity for increasing health and safety reasons (wildfire, landslides, resource management, and emergency road issues), as well as for economic and quality of life reasons.</p>
<p style="text-align: center;">Example: Short Description of Local Agency Technical Assistance Study</p>	
<p>The proposed technical assistance grant will fund development of a Broadband Strategic Plan for City X. This plan will outline a strategy that is expected to result in broadband infrastructure projects designed to provide service to unserved or underserved households and businesses and that are designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. This project will be completed</p>	

Local Agency Technical Assistance Application

PART 3. BUDGET SUMMARY						
<i>Instructions:</i> Please provide the following budget summary information for your proposed grant project. Identify each reimbursable work product expected to result from the proposed contract (if outsourcing) or project proposal (if in-house staff). Add additional space if needed.						
Applicant (Local Agency or Tribe):	City of Oroville					
Project Name:	City of Oroville Broadband Network Design					
	Year 1			Year 2		
Budget Line Item	Work Product	Work Product	Work Product	Work Product	Work Product	
Work Product Title (e.g, RFP Development, Needs Assessment, Strategic Broadband Plan)	Conceptual Network Designs and Cost Estimation	Refined High-Level Design and Foundational Planning	Low-Level Design and Engineering*			
Timeline (weeks from project start)	Weeks 1-8	Weeks 9-20	Weeks 21 -52			
Work Product Costs (for consultants, subconsultants, organizations, and/or staff)	Cost	Cost	Cost	Cost	Cost	TOTAL
Network Design - Tilson	\$ 25,000.00	\$ 40,000.00	\$ 381,259.00			\$ 446,259.00
Network Design Management - UTOPIA Fiber	\$ 750.00	\$ 1,200.00	\$ 11,791.00			\$ 13,741.00
Total Work Product Costs (for consultants, subconsultants, organizations, and/or staff)	\$ 25,750.00	\$ 41,200.00	\$ 393,050.00	\$ -	\$ -	\$ 460,000.00
Total Administrative Costs** (see Note)	\$ 2,060.00	\$ 3,296.00	\$ 34,644.00	\$ -	\$ -	\$ 40,000.00
TOTAL COSTS	\$ 27,810.00	\$ 44,496.00	\$ 427,694.00	\$ -	\$ -	\$ 500,000.00

*Completed at \$1.93/linear foot

**Actual or not to exceed 8% of grant - 3% GSCA and 5% City

Note:

Administrative costs are defined as indirect overhead costs attributable to a project, per generally accepted accounting principles (GAAP), and the direct cost of complying with Commission administrative and regulatory requirements related to the grant itself. Up to 15% of administrative costs may be associated with the securing or completion of reimbursable work products, other than the cost of local agency staff hours. (D.22-02-026, Attachment 1 at 2)

Local Agency Technical Assistance Application

PART 4: GEOGRAPHIC INFORMATION

Instructions: Please provide a description of the geographic location(s) that the applicant intends for service to be provided as a result of the technical assistance project(s). The CPUC requests this information since local agencies with geographically overlapping jurisdictions are encouraged to collaborate. Applicant(s) should provide as much detail on the intended geographic location(s) as possible

<u>Information Requested</u>	<u>Instructions</u>	<u>Response</u>
Type of Local Agency	Choose from drop down on right.	city
	Describe type of Local Agency if not in dropdown.	
Describe Project Location	Provide a short description of the intended geographic location(s) (e.g. city limits, county limits, utility service area) to assist in the review of this application.	Intended priority locations are unserved/underserved and surrounding areas within city limits. Network design process proposed (moving from
Census Block(s)	Submit as separate document and note the file name in this field (if submitting via email).	City of Oroville Census Blocks (source: CPUC website)
	The 'Data Query Tool' on CPUC's California Interactive Broadband Map can be used to export census blocks into a CSV file by manually selecting regions on the map. (https://www.broadbandmap.ca.gov/)	
	If Census Blocks are not currently known, the Data Query Tool can also be used to create CSV files of other types of political boundaries (counties, Tribal Areas, etc.) and can be provided in a separate file. Additional information on the intended geographic location(s) can be listed in the relevant fields below.	
	If Census Block(s) are not currently known, provide the following information on intended geographic location(s):	
	<i>County/Counties</i>	City of Oroville
	<i>City/Cities</i>	N/A
<i>Zip Codes</i>		
<i>Other Unique Geographic Data (describe and provide list)</i>		
Shapefile and/or Map	A shapefile and/or map of the intended geographic location(s) may be submitted as separate document(s) instead of Census Blocks.	
	Indicate via the drop down whether a shapefile or map is included in relevant fields below:	
	<i>Shapefile included?</i>	No
	<i>Name of Shapefile (if included, "N/A" if not):</i>	N/A
	<i>Map Included?</i>	Yes
<i>Name of Map file (if included, "N/A" if not):</i>	City of Oroville Map (source: CPUC website)	



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND OROVILLE CITY COUNCIL MEMBERS

FROM: RONNIE BELSER, DIRECTOR OF CODE ENFORCEMENT

RE: REVIEW AND ADOPTION OF THE 2022 CODE ENFORCEMENT DEPARTMENT PROCEDURE MANUAL

DATE: NOVEMBER 1, 2022

SUMMARY

The Council will consider the review and adoption of the 2022 Code Enforcement Department Procedure Manual.

DISCUSSION

Staff has authored a procedure manual for the City of Oroville Code Enforcement Department. The last procedure manual located was authored in 2014. Staff is unsure if the document was approved.

An accurate procedure manual will help avoid inconsistencies, provide employees with direction when handling specific work-related situations and support the departments mission. A procedure manual can also provide security to new employee(s) who don't know what to expect.

This procedure manual covers areas such as the onboarding process, field training, mandated training, how to stay safe, code enforcement investigation, how to work with other departments, chain of command, how we treat the citizens of this city and much more. The procedure manual is a living document that must evolve and grow with additions as needed.

FISCAL IMPACT – No fiscal impact

RECOMMENDATION

Review and adopt the 2022 Code Enforcement Department Procedure Manual

ATTACHMENT (S)

1. 2014 Procedure Manual
2. 2022 Procedure Manual

Table of Contents

- **Multifamily inspections and procedures.....**
- **Abandoned Vehicle Abatement.....**
- **Abandoned Shopping Carts.....**
- **Abatement of Dangerous Buildings.....**
- **Vacant Building Monitoring.....**
- **Graffiti Abatement.....**
- **Administrative Citations.....**

Purpose of this Manual

The Code Enforcement Manual is intended for use by City staff to help understand the code enforcement process within the City limits. This manual describes the procedure and methods carried out by City staff to enforce the Municipal Code. Policies and Procedures

Code Enforcement Program Goal

The goal of the Oroville Code Enforcement program is to obtain voluntary compliance with the regulatory provisions of the Municipal Code. Complying with the Municipal Code assists in maintaining and enhancing the health, safety, and welfare of the Oroville community. Code Enforcement activities are intended to be carried out objectively, with indifference, and in a timely manner.

It is the City's policy to encourage voluntary compliance by providing residents, business operators, property owners, and tenants the opportunity, with sufficient notice and information, to comply with the Oroville Municipal Code. The City believes that voluntary compliance is the preferred method in gaining compliance. With collaboration of the residents, business operators, property owners, and tenants, this venture is intended to result in a considerate and satisfactory relationship between the City and the community.

How the Process Works

The Oroville Municipal Code identifies the property condition and nuisances that will result in a code violation. These include, but are not limited to, abandoned vehicles, trash, junk, and debris visible to the public from the street or any part within city property. In addition, overgrown landscaping, substandard housing, unpermitted signs, and construction without permits can and will result in violation of the Municipal Code.

Upon receipt of a complaint or discovering a violation firsthand, the Code Enforcement Officer reviews the violation, and conducts the necessary field inspections. Once the violation has been verified the responsible party will be contacted for corrective action.

If the violation is considered to be an imminent danger to public health and safety and/or, the environment, the Code Enforcement Officer or Building inspector may commence proceedings to immediately abate the violation through a Public Nuisance or Substandard Building Abatement process and an administrative citation may be issued.

Receipt and Confidentiality of Complaints

Any resident, neighbor, business, City staff member, or City Council member can file a complaint alleging a violation of the Oroville Municipal Code. The name of all persons making the complaint shall remain confidential and maintained in confidence by the City of Oroville and are not released with the exception of litigation or a Public Records Act request; **unless** there is a compelling reason not to disclose the complainant's identity.

Complaints of Code violations may be received in any form, such as written, electronic email, or Code Enforcement investigation form which are available via the City of Oroville Website or can be picked up from Oroville's City Hall located at 1735 Montgomery St. Any complaining or reporting party may choose to remain anonymous. City staff will gladly accept all complaints **that choose to remain anonymous.

City staff may initiate code enforcement actions based on complaints initiated through official channels. Additionally, City staff may proactively initiate code enforcement actions based on observations or reports from the community.

Complaint Priorities

The Code Enforcement priorities of all violations will be determined by Code Enforcement Staff Assistance and/or Code Enforcement Officer and will be based on the severity of the violations. Violations involving a health, safety, or environmental issue that require immediate attention will take precedence over routine complaints.

Violations that constitute an immediate or readily apparent threat to health, safety, or the environment shall be classified as **HIGH PRIORITY**. High priority violations shall be attended to immediately or as soon as feasibly possible. High priority violations that cannot be attended to by the Code Enforcement Officer shall immediately be referred to the appropriate agency with authority to handle such violations.

Violations that do not constitute an immediate or readily apparent threat to health, safety, or the environment and do not have the potential to do so if left uncorrected shall be classified as **LOW PRIORITY**. Low priority violations require action by the code enforcement Officer within 15 days.

The Community Development Director, at his or her discretion, may adjust the priority of any particular type of violation based on various factors, such as limited staff resources, staff availability, staff experience, and workload distribution necessity's. It is the policy of the City to maintain a zero tolerance to violations of federal and state environmental laws, including unlawful dumping of hazardous materials within the City limits. All such violation will result in immediate enforcement action by City staff.

Field Inspections

Initial Inspection

Once a complaint has been received by the City, the Code Enforcement Officer shall conduct an initial inspection on the property, in accordance with the Enforcement priorities to identify the existence of any violation(s). If no violation is found to exist the case will be considered unfounded and the case will be closed.

The Code Enforcement Officer shall not enter upon private property to inspect, physically searched, or abated a nuisance except as follows:

- A) In accordance with the consent of the owner or person in lawful possession of the subjected.
- B) In accordance with a search warrant, inspection warrant, or warrant to abate issued by the court.
- C) Inspections that do not require an inspection warrant are: consensual inspections, violations in plain view, unenclosed residential yards, and businesses subject to a use permit.

If the responsible party is making a good faith effort to comply and substantial progress has been made to correct the violation, the Code Enforcement Officer may grant a reasonable extension of the compliance date. Any extension of time granted may be made verbally, but must be reported and documented under chronology in TRAK-iT. More than one extension may be granted if the Code Enforcement Officer determines that such extensions are warranted based on the responsible party's effort to correct the violation(s).

If the responsible party has not corrected any of the violation(s) and the Code Enforcement Officer has determined that the reasonable party is not making a good faith effort to correct the violation(s), the Officer shall undertake the next most appropriate action, which may include issuance of an administrative citation, obtaining an abatement order, or seeking civil or criminal enforcement action by the City Attorney.

Procedure for Inspection Warrants

- I. An inspection warrant is appropriate when:
 - A.) The facts and circumstances provide reasonable cause to believe that a violation(s) exists in a particular residence or building.

- B.) When reasonable legislative/administrative standards exists for a routine inspection area.
- C.) The occupant of a particular building has refused to allow a search by the inspector.
- D.) There has been a prolonged, good faith attempt to contact the owner or occupant for the purpose of inspection.

This is not intended to be an exhaustive list of requirements for an investigation, but is offered only to provide a starting point to seek an inspection warrant during a field investigation. **Always** fill out the request for legal services document and submit it to the supervisor before consulting with the City Attorney for advice and assistance when a specific case may require an inspection warrant.

II. Reasonable cause exists when the facts and circumstances within the investigator's personal knowledge and of which he or she has reasonable, trustworthy information, warrants the belief that a code violation exists at the particular parcel or building. Sufficient reasonable cause for the issuance of an inspection warrant can be developed by the following:

- A) Complaint by a neighbor, citizen, or City Staff member.
- B) Visual inspection of the building from the outside.

III. If the Code Enforcement Officer believes an inspection warrant is necessary and appropriate, the Community Development Director designee may request the City Attorney to obtain one. The City Attorney **will** request one or all of the following:

- Chronological history of the case
- Records of contacts with the responsible party
- Why access is necessary
- Copies of all letters and notices sent to the responsible party
- Notes of any telephone calls made to the responsible party
- Photographs
- Any other evidence of violations

NOTE: This is why it is so important to document all interactions within each and every case; all notes need to be recorded under Chronology in TRAK-iT.

IV. Once an inspection warrant is obtained by the City Attorney, an inspection date and time will be established. The Attorney will then notify the responsible party of such scheduled inspection. **The inspection must be conducted within 14 days of the dated inspection warrant.**

V. A Code Enforcement team including a police officer should escort the Code Enforcement Officer during the inspection to reduce the possibility of a hostile encounter while enforcing the inspection warrant.

Notices & Citations

This can include but is not limited to the property owner, tenant, Property Management Company, or lien holder. In many instances, the person responsible for causing the violation(s) may be not be aware of the City regulations, and in most cases once the existence of the violation has been brought to his/her attention; he/she will generally make a good faith voluntary effort to correct the matter.

The way in which a person is initially approached, informed of the possible violation, and notified that action is required; is of critical importance. It frequently will determine how the person elects to respond in regards to compliance. Good judgment, tactics, and objectivity once performing the enforcement duties are essential.

Based on circumstances, the Code Enforcement Officer has the discretion to issue a Courtesy Notice, Notice of Violation, Stop Work Order, or Notice and Order. The Enforcing Officer should also make available any information (City Regulations) and provide clarification, when necessary.

Warning Notice and Courtesy Notice

In most cases, the Code Enforcement Officer shall give the responsible party a verbal warning notice; immediately followed up by a mailed courtesy notice with a 10 day follow up date. The Enforcing Officer will inform the responsible party that the City's goal is voluntary compliance. The Code Enforcement Officer shall make it clear to the responsible party that it is his/her opportunity to correct the violation and avoid the need for further City action.

The Courtesy Notice is critical in notifying the responsible party on specifics that include the violation type and time frame in which to correct the violation(s). The time frame provided to correct the violations shall be 10 days. Depending on the nature or extent of work required, the nature and circumstances of the violation(s) may be altered at the discretion of the Code Enforcement Officer.

If the responsible party is not the property owner or manager, copies of correspondence and notices shall be mailed to the property owner/manager. This gives the property owner/management sufficient notice that a violation exists on his/her property. A copy of all notices shall be attached to the TRAK-iT file under attachments.

NOTE: It is very important to attach all documents that pertain to each individual case.

Issuance of an Administrative Citation

Upon discovering or observing any violation of this code for which a civil penalty has been imposed, the Enforcing Officer may issue an administrative citation to the violating party or property owner the manner set in this article. The administrative citation shall be issued on a form generated by the City Council.

If the responsible party fails to achieve compliance after a 10 day Courtesy Notice and a 15 day Notice of Violation, the Code Enforcement Officer may issue an Administrative citation.

Subsequent violations of the same code section, in which an Administrative Citation has been issued, are eligible for issuance of subsequent citations; with increased fine amounts as directed in City Ordinance No. 1718.

Per Municipal Code Section 14-22.205

When an Administrative Citation is to be issued to the responsible person, as defined within the Municipal Code, it shall contain the information outlined below:

- A) The name of the responsible party, with all identifying information, including address, physical description, and other pertinent information.
- B) The date of the violation.
- C) The name (if applicable) and the address of the violation location.
- D) The specific section of the Municipal Code, law, permit, or other regulation violated along with a full description of the violation.
- E) The amount of the fine along with the amount of any applicable late charges if the fine is not paid by the specified date.
- F) A full description of the fine process, including the time and the place where the fine shall be paid.
- G) A full description of the administrative citation appeals process, to include all time constrains, and a location where to find & file an appeal form.
- H) The name and signature of the Code Enforcement Officer and signature of responsible person if that person in present.

A Code Enforcement Officer issuing Administrative Citations may serve that citation to a responsible party by:

Personal service on the responsible party or a representative of the appropriate entity
Certified mail service if the responsible party is not within the jurisdiction of the city or cannot be located.

Picked up personally at Oroville City Hall; 1735 Montgomery St. Oroville, CA 95965

The person receiving and Administrative Citation may file an appeal with the city challenging the validity of the alleged violation cited. Such an appeal must be filed on the proper City form within 10 calendar days from the date the citation was issued.

The penalty amount set forth is pursuant to California Government Code Section 36900 and Oroville Municipal Code section 14-22.205.

Failure to make corrections may result in additional administrative citations.

Oroville Municipal Code

14-22.205

Any person, firm or corporation, whether owner, lessee, sublessor, sublessee or occupant of any premises who violates the provisions of this code shall be guilty of a separate infraction for each day such violation continues.

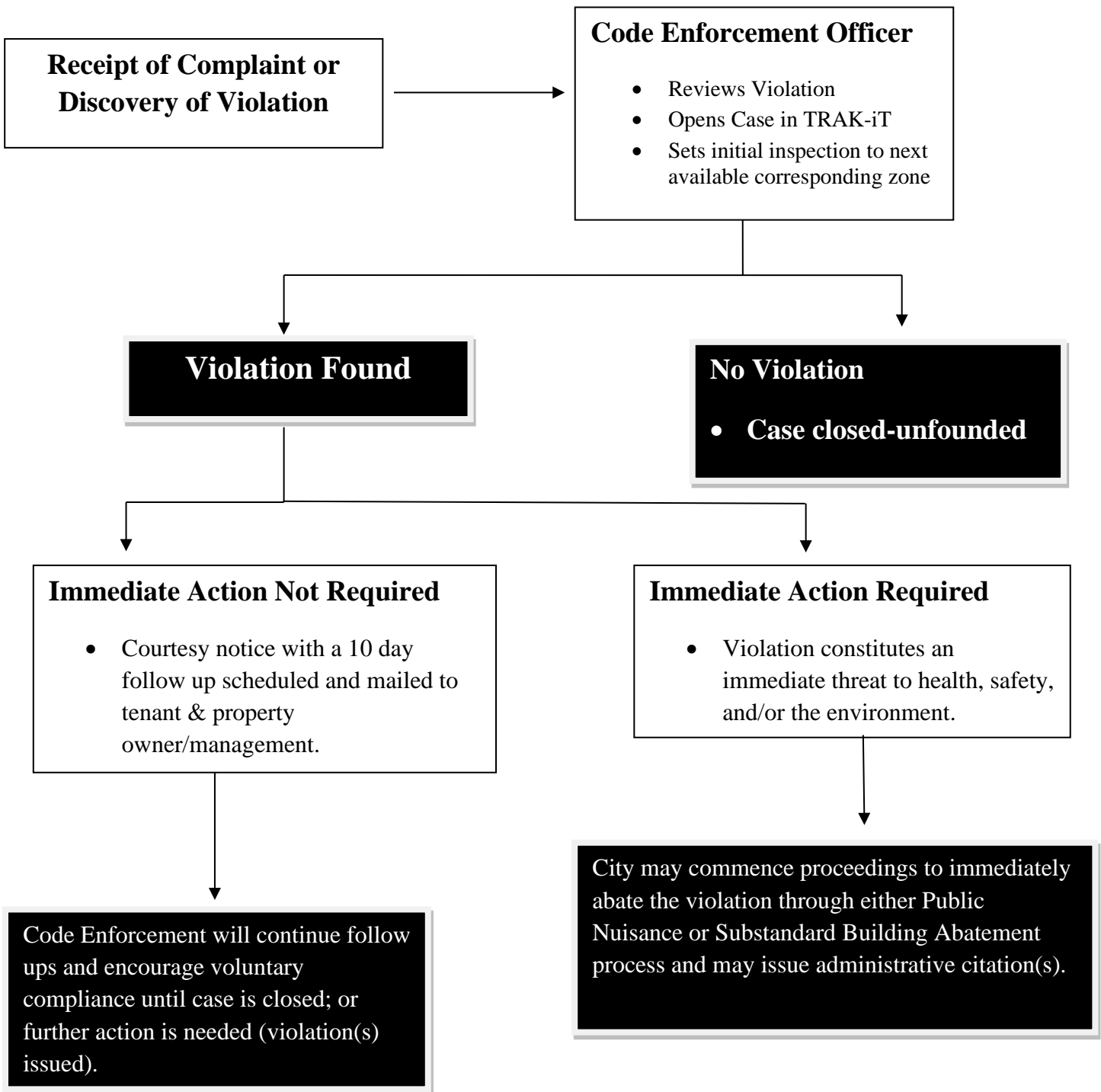
Any person who removes or defaces any notice or order posted as required by this article shall be guilty of an infraction.

A violation of this code shall be punishable by:

1. A fine not exceeding one hundred dollars (\$100.00) for the first violation;
2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same section of this code within one year;
3. A fine not exceeding five hundred dollars (\$500.00) for the third violation of the same section of this code within one year.
4. Any person, who violates the same section of this code more than three (3) times in one year, shall be guilty of an infraction with a fine not exceeding one thousand dollars (\$1,000).

Appeal of Administrative Citation

Any person who has been issued an administrative citation shall be entitled to appeal it by filing a notice of appeal with the responsible department as indicated on the administrative citation. The appeal shall be in writing, signed by the person making the appeal, and shall specify the basis for the appeal. The notice of appeal **must** be submitted and filed within 10 calendar days after the issuance of the administrative citation.



Multi-Family Tri-Annual Inspection Program Procedures

INTRODUCTION

The City of Oroville Multi-family Housing Inspection Program has been established to identify blighted and deteriorated housing stock and to ensure the rehabilitation or elimination of housing that does not meet minimum building code and housing code standards, exterior maintenance standards, and site maintenance standards, or is not safe to occupy and further to preserve and enhance the quality of life for residents of the city living in multifamily dwelling units.

NOTICE OF INSPECTIONS

The director or an authorized representative will make every effort to conduct a periodic inspection, once every three years, of the common areas and all buildings and dwelling units regulated under this chapter if one of the following occurs:

The Fire Department observes activity on site during their annual fire inspection program which constitutes a nuisance per Chapter 14 of the Oroville Municipal Code, substandard housing, hazardous conditions, or any other condition which is a violation of the City of Oroville Municipal Code and/or California Building Standards Code.

A violation of the City of Oroville Municipal Code and/or California Building Standards Code is observed related to the multi-family property.

The structures consist of two (2) or three (3) multi-family dwelling units.

The director or authorized representative shall give a twenty-four (24) hour written notice to the owner and to the tenants of the date and time of the periodic inspection. The written notice will be provided by mail or by posting the official notice in the public area of the premises. Prior notice will not be given if it is determined that a violation exists which poses a threat to public health or safety. The frequency of the inspection is determined by the director or authorized representative based on the physical condition. The authorized representative will make every effort to conduct an inspection once every three (3) years. All items of correction found during the inspection will need to be completed within thirty (30) days from the first inspection or as approved by the Building Official.

3.0 PURPOSE AND OBJECTIVE

3.1 Purpose:

The purpose of the multifamily housing inspection is to make sure that living conditions are maintained by property owners and/or managers. All multifamily dwelling units must be in compliance with the City of Oroville Ordinance 1726 Chapter 6A Division 1. This inspection shall apply to all residential rental properties with two or more units on the same lot, the land, buildings, or structures appurtenant thereto.

3.2 Objective:

The primary objective is to establish sustainable living conditions for the occupant renting the property and to maintain the safety of the structure. The objective of the inspections is to maintain compliance with the minimum codes and standards to safeguard life liberty and health. The inspections completed will also provide the property owner(s) the information they need to satisfy the requirements of the objective.

4.0 INSPECTION FEES

Each owner of a property is subject to an inspection fee for each housing unit. The fee is used to cover the cost of the inspection and enforcement by the City of Oroville. If the property owner fails to pay the required fee, the City of Oroville shall recover the cost plus interests, utilizing any remedies provided by law. The inspection **fee per housing unit is \$37.00** if inspection items are not completed at the first or second inspection a re-inspection fee will apply at **\$83.00 per housing unit. Once an inspection has been completed for the property the property owner must pay the required fee. If the fee is not paid prior to the inspection a bill will be sent to the property owner and or landlord, the property owner and or landlord then has a maximum of thirty (30) days to pay the multi-family inspection fees.(NEEDS TO BE CHANGED PER MEETING)**. Once an inspection has been completed for the property the property owner must pay the required fee. If the fee is not paid prior to the inspection a bill will be sent to the property owner and or landlord, the property owner and or landlord then has a maximum of thirty (30) days to pay the multi-family inspection fees.

5.0 INSPECTION GUIDELINES AND INSPECTION AREAS

5.1 INSPECTION GUIDELINES:

All inspections will be done in a timely manner as to not disrupt the tenant's privacy. At the time of inspection the tenant will have the opportunity to inform the inspector of any items of concern that involves the current condition of the rental space. It is important that the property owner and/or manager maintain communication to resolve any outstanding issues with the inspection. During the inspection photographs will be taken to document any code violations and/or hazardous conditions. Once the inspection is complete a list of correction items will be sent for each unit to the property owner and or landlord. The property owner and or landlord will then have a maximum thirty (30) days or as approved by the Building Official to correct the items and reschedule a re-inspection. An extension for time to correct inspection items is available depending on the circumstance. Prior to an extension being granted a transition plan shall be submitted to the multi-family inspector for review and approval. The transition plan shall indicate each item of correction and the agreed upon date of correction.

5.2 INSPECTION AREAS:

An inspection will be completed for the following locations. Please keep in mind this is not an all-inclusive list of items that will be inspected; additional areas may be verified for compliance:

- Exterior of the building and exterior covering.
- Roofing type and sustainability.
- Overall maintenance of the property grounds.
- Entry area
- Living room

Dining room
Kitchen
Hallway(s)
Storage room
Utility areas/ closets
Garage
Bedroom(s)
Bathroom(s)
General living areas/ Other locations
Laundry facilities
Swimming pool areas
Accessible Standards
Plumbing Fixtures

6.0 COMPLETION OF INSPECTION

Once the inspections have been completed, and all correction items have been resolved and approved by the multi-family housing inspector, a “Certificate of Completion” will be issued to the property owner and/or manager. This certificate is physical verification to tenants, property owners and property managers that the inspection process is completed. This inspection shall be re-scheduled within three (3) years or more frequent if determined necessary by the Building Official.

7.0 THE PROCESS FOR INSPECTIONS ARE AS FOLLOWS (SIMPLIFIED FLOW CHART/CHECKLIST)

The fire department observes activity on site during their annual fire inspection program which constitutes a nuisance per Chapter 14 of the Oroville Municipal Code, substandard housing, hazardous conditions, or any other condition which is a violation of the City of Oroville Municipal Code and/or California Building Standards Code. Or a violation of the City of Oroville Municipal Code and/or California Building Standards Code is observed related to the multi-family property.

Communication is made between the fire department and the code enforcement department.

Communication is made between the code enforcement department and the owner of the property and or property manager.

The property owner/landlord informs the tenants in writing that an inspection will take place. The tenant must be given a minimum 24 hour notice in advance prior to the inspection. More time is recommended.

Once the inspection date is set the property owner and/or manager must meet the multi-family inspector on site for the inspection.

The inspector will inspect each dwelling unit, overall site, garage, etc. for minimum code requirements and take pictures of the any violations.

Once the inspections are complete a correction report will be completed and sent to the property owner and manager (if corrections are required based on the inspection). The report will also be accompanied by a cover letter describing the next steps of the inspection process.

The property owner and/or manager will then need to complete any correction items within 30 days. An extension of time to correct the deficiencies may be granted if determined appropriate by the multi-family inspector on a case-by-case basis. Prior to an extension being granted a transition plan shall be submitted to the multi-family inspector for review and approval. The transition plan shall indicate each item of correction and the agreed upon date of correction.

Once the first inspection is completed an email will be sent to the Finance Department stating the site inspected and number of units inspected; also the total amount of fees owed based on the number of units inspected. The property owner and/or manager must have all fees paid within 30 days from the invoice date. The applicable fees are \$37.00 (2 hours pay recommended) per housing dwelling unit.

Once all correction items are complete a re-inspection will need to be scheduled by the property owner and/or manager with the multi-family inspector.

After the second inspection (if needed) is approved by the multi-family inspector a “Certificate of Completion” will be issued to the property owner and/or manager. The certificate is physical verification to tenants, property owners and property managers that the multi-family inspection process has been completed. This inspection shall be re-scheduled within three (3) years or more frequent if determined necessary by the Building Official.

If a third inspection is needed to complete the inspections the property owner and/or manager must pay a re-inspection fee of \$37.00 per unit.

Abandoned Vehicle Abatement

INTRODUCTION

The City of Oroville Abandoned Vehicle Abatement program is a partnership with the State of California and Butte County that has been established to deter the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof. On private or public property, not including highways if it is found to create a condition tending to reduce the value of private property, to create fire hazard, to constitute and attractive nuisance creating a hazard, to create a harborage for rodents and insects, and to be injurious to the health, safety, and general welfare. Therefore, an abandoned vehicle is declared a public nuisance which may be abated.

2.0 PURPOSE AND OBJECTIVE

2.1 PURPOSE

The purpose of the abandoned vehicle abatement ordinance is to reduce blighted and unwanted vehicles or parts thereof that are considered a nuisance within the city limits. The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to health, safety, and general welfare.

2.2 OBJECTIVE

The primary objective is to eliminate and or reduce blighted and unwanted vehicles or parts thereof that are considered a nuisance, and the accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property within the city limits.

NONAPPLICABILITY REQUIREMENTS

This article shall not apply to:

- I. A vehicle, or parts thereof, which are completely enclosed within a building inside a lawful manner where it is not visible from the street or other public or private property.
- II. A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than chapter 10 (commencing with section 22650) of division 11 of the Vehicle Code and this article. (Ord. No. 1108, 2.)

4.0 AUTHORITY TO REMOVE

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the city, the chief of police shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. (Ord. No. 1108, 7.)

5.0 NOTICE TO REMOVE

A ten day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by **certified mail** to the owner of the land and to the owner of the vehicle; unless the vehicle is in such condition that identification numbers are not available to determine ownership. The letter shall read as per the abandoned vehicle code enforcement AVA notice. (Note certified mail signature cards can take up to 30 days to get back this should be kept in mind before abating vehicles from private property)

6.0 HEARING REQUEST AND PROCEDURE

Upon request by the owner of the vehicle or owner of the land received by the chief of police within ten days after the mailing of the notices of intention to abate remove, a public hearing shall be held by the hearing officer appointed by city council on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten-day period, such statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle; unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten days after mailing of notice of intention public nuisance without holding public hearing. (Ord. No. 1108, 9.)

All hearings under this article shall be held before the hearing officer which shall hear all facts and testimony he deems pertinent. Such facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The hearing officer shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The hearing officer may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this article. He may delay the time for removal of the vehicle or parts thereof if in his/her opinion, the circumstances justify. At the conclusion of the public hearing, the

hearing officer may find that a vehicle or parts thereof have been abandoned, wrecked, dismantled or is nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the hearing officer shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes written presentation to the hearing officer but does not appear, he shall be notified in writing of the decision. (Ord. No. 1108, 10.)

7.0 DISPOSAL

Five days after adoption of the order declaring the vehicle or parts thereof to be public nuisance, five days from the date of mailing the notice of the decision if such notice is required by section 13-88, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not, thereafter, be reconstructed or made operable. (Ord. No. 1108, 11.)

8.0 NOTICE OF THE DEPARTMENT OF MOTOR VEHICLES/ ADMINISTRATIVE COST

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the department of motor vehicles identifying the vehicle or parts thereof, notice shall be given to the department of motor vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the department of motor vehicles any evidence of registration. At the same time there shall be transmitted to the department of motor vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. (Ord. No. 1108, 12.) If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to section 13-88 are not paid within thirty days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Such assessment shall have the same priority as other city taxes. (Ord. No. 1108 13.)

Abandoned Shopping Carts

1.0 INTRODUCTION

The City of Oroville Abandoned Shopping Cart program has been established to minimize the accumulation of wrecked dismantled or abandoned shopping carts, or parts thereof, on public or private property.

2.0 PURPOSE

The intent of the abandoned shopping cart ordinance is to ensure that measures are taken by store owners to prevent the removal of shopping carts from store premises and parking lots, to make the removal of shopping carts a violation of this article, and to facilitate the retrieval of abandoned carts as permitted by State of California law.

3.0 OBJECTION

The objection is to minimize the abandoned shopping carts in the city limits. The abandoned shopping carts create a condition tending to reduce property values, to promote blight and deterioration, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to be aesthetically detrimental to the community and to be injurious to the health, safety and general welfare.

4.0 REQUIREMENTS FOR BUSINESS OWNERS

All shopping cart owners shall permanently affix a sign to their shopping carts identifying the owner of the shopping cart and notifying the public of the procedure utilized for unauthorized removal of the cart from the store premises and that unauthorized removal of the shopping cart from the store premises or parking area of the retail establishment or the unauthorized possession of the shopping cart is a violation of state law with a valid telephone number or address for returning the shopping cart removed from the store premises or parking area to the owner.

Upon request, shopping cart owners shall provide to the department head information, including but not limited to, a report concerning shopping cart use, loss and recovery specific to that business location, and such other information deemed reasonable by the department head to determine the adequacy of the shopping cart containment system or control method.

All shopping cart owners shall provide the department head a name of a contact person and phone number whom shall be responsible for the collection of off-premise shopping carts when cart violations occur. Such person shall be capable of being contacted during normal business hours, seven days a week.

All shopping cart owners shall provide the department head an action plan regarding shopping cart Recovery of off-premises carts. If carts are not retrieved 72 hours after notification by the City more than 15 times in a 6-month period, the Owner's "action plan" will be deemed invalid. Once an action plan is deemed invalid, the Owner shall comply with O.C.C 14.26.402 pertaining to Shopping Cart Control Measures. All shopping cart owners shall post a sign in English and Spanish not less than eight and half (8.5) inches in height and fourteen (14) inches width with block lettering in a conspicuous place on the building within four (4) feet of all customer entrances and exits stating, at a minimum, the following

REMOVAL OF SHOPPING CARTS FROM THE PREMISES IS PROHIBITED BYLAW.

California Code
Business & Professions Code § 22435.2
Code of the City of Oroville § 14-26

5.0 CONTROL MEASURES FOR SHOPPING CARTS

All shopping cart Owners shall effectively contain, control, and prevent shopping carts from leaving the boundaries of the premises. Owners shall actively retrieve all shopping carts that have been taken off premises. In the event an action plan fails, Owners shall use the following procedure to retrieve shopping carts that have been abandoned off-premises.

The Owner of shopping carts, at Owners expense, shall hire a cart retrieval company. The hired cart retrieval company shall sign a service agreement contract with the Owner(s) of shopping carts. The sole responsibility of cart Retrieval Company shall be to retrieve off-premise shopping carts for all Owners.

In the event that Owner(s) fail to utilize the cart retrieval service, or to follow cart prevention measures which result in shopping carts being abandoned off- premise resulting in City personnel picking up and storing shopping carts, the following requirements shall be applied.

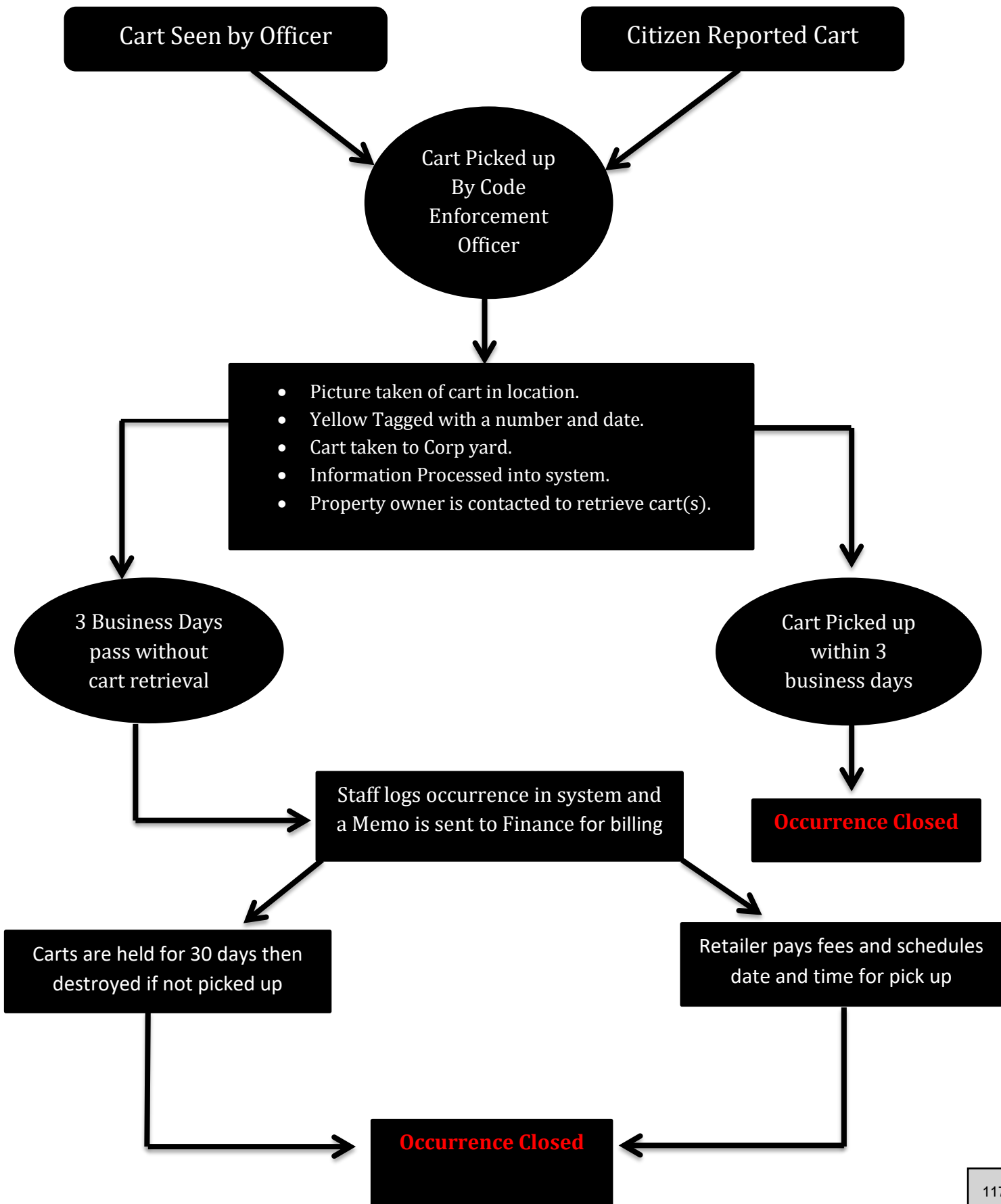
The Owner shall be required by the City to install a standardized cart containment system with a wheel locking or stopping mechanism that is used in conjunction with an electronic or magnetic barrier along the perimeter of the store premises. The wheel locking or stopping mechanism shall activate when the shopping cart crosses the electronic or magnetic barrier.

6.0 PENALTIES AND FINES

In addition to the infraction penalty, any shopping cart not reclaimed by the owner or his/her agent within three (3) business days following the date of actual notice of abandoned shopping carts shall be subject to paying the following fine schedule:

- A fine not exceeding ten (\$10.00) for the first violation;
- A fine not exceeding twenty-five dollars (\$25.00) for a second violation of the same section of this article within six months;
- A fine not exceeding fifty dollars (\$50.00) for the third violation, and for each subsequent violation of the same section of this article within six months.

NOTE: All fines and fees shall be due and payable within thirty (30) days after issuance of the fine.





Code Enforcement Procedure Manual

City of Oroville
Code Enforcement
Department

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Code Enforcement Officer Definition as defined by the State of California:

"A Code Enforcement Officer is a sworn or non-sworn inspector, officer or investigator, employed by a city, or county, or city and county, who possesses specialized training in, and whose primary duties are the prevention, detection, investigation, and enforcement of violations of laws regulating public nuisance, public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs."

Code Enforcement Defined:

"Code Enforcement is the prevention, detection, investigation and enforcement of violations of statutes or ordinances regulating public health, safety, and welfare, public works, business activities and consumer protection, building standards, land-use, or municipal affairs."



1 ONBOARDING PROCESS:

Onboarding Process New Hire Orientation:

- New Hire will be assigned training officer(s) to guide them through the following onboarding process.
- Information Technology Process:
- New Hire will complete the New Hire Worksheet. This worksheet will be scanned and emailed to Information Technology Department.
- New Hire will receive a Username and Password for Computer Access and Email.
- New Hire will receive Username and Password.
- New Hire will receive Username and Password for Code Enforcement Case Management Program.
- New Hire will submit to photo and receive City ID/Access card & Lanyard from Information Technology, IT.
- Corporation Yard Fuel access code and Gate Code:
- Mechanics Manager will provide a code to access the fueling station.
- Once you receive this code the Mechanics Manager will send an email to IT. IT will then provide you with a (5) digit gate code to access the corporation yard.

These codes are not to be shared with anyone. The purpose of these codes is to track who accesses the corporation yard and who is fueling vehicles and how often.

Code Enforcement Department Process:

- New Hire will meet with Human Resources to complete employment and benefits paperwork.
- Human Resources will set up a meeting with labor union representatives.
- New Hire will be assigned one to three field training officer(s).

- New Hire will complete membership for California Association of Code Enforcement Officers. (All fees and dues will be paid for by the City of Oroville).
 - Receive training on how to navigate the following areas of the CACEO Website
 - How to login
 - **Education**
 - Legislation
 - **Officer Safety**
 - Resources
- New Hire will receive formal training on electronic time sheets.
- New Hire will receive formal training on Trakit, Code Enforcement Case Management System
- New Hire will be issued the Code Enforcement Training Manual.
- The Manual will cover a step-by-step training process to guide the New Hire through the Code Enforcement Program.
 - Agency Orientation & Employee Introduction to city employees (City Hall, Police and Fire, Corporation Yard, Butte County Court, Butte County Corporation Yard. ***An email welcoming the new employee will be sent to all city employees. This email will contain a photo of the new employee.***
 - Ethics
 - Department Divisions
 - Location of Equipment
 - CEFI-related Code Enforcement Policies and Procedures
 - Radio Procedures
 - Defensive Driving
 - Mapping and Location
 - Inspections
 - Officer Safety
 - Law
 - Report Writing
 - Court Procedure
- New Hire will be issued Code Enforcement Uniforms, safety equipment, radio, and other standard issued equipment.

Training:

New Hire will complete the following training:

- Pepper spray
- Radio Communications
- California Law Enforcement Telecommunications Systems Test
- All training assigned by the Director of Code Enforcement.
- Police Officer Standards and Training (POST) 832 PC Laws of Arrest 40 hours course.

2 PROCEDURE DESCRIPTION:

Purpose:

To provide a general overview of the Code Enforcement Unit within the City of Oroville Code Enforcement Department) and the Policies and Procedures which apply to its efforts to obtain correction of Code violations.

Procedure:

The Code Enforcement Unit is charged with the use of various techniques to assure compliance with State and local laws relating to building and zoning requirements, health and safety, property maintenance standards, and other land use laws and regulations. Its goal is to obtain voluntary compliance from citizens whenever possible. Education of the public regarding applicable laws is required and will be an effective tool in obtaining a permanent solution.

Efficient code enforcement is best accomplished by staff's ability to effectively communicate with members of the community. Code Enforcement staff have a duty to themselves, as well as to the city, to be honest, understanding, compassionate, firm, and fair.

This Code Enforcement Procedure Manual (CEPM) shall serve as a tool to each Code Enforcement Officer ("Code Enforcement Technician") performing their normal duties to reach the goal of compliance. The CEPM is in addition to the adopted City of Oroville Code and the City of Oroville Procedure Manual. Whenever there is a conflict, the City of Oroville Code and the City of Oroville Code Enforcement Procedure Manual, **City of Oroville Policy shall take precedence.**

There are two components to facilitate the Code Enforcement Unit's goal of voluntary compliance and enforcement of all applicable laws, codes, standards, and regulations. The components are (1) reactive and (2) proactive, as described below.

2.1 Code Enforcement Department Compliance

Purpose:

To provide overall guidelines for compliance efforts within the Department.

Procedure:

1. The Department prioritizes the identification and abatement of code violations affecting the health and safety of Oroville's residents, employees, and visitors. The Department also prioritizes the abatement of violations that are causing or have the potential to cause environmental harm.
2. The Department primarily relies on citizen complaints to help identify violations requiring the attention of code enforcement staff.
3. The Department relies on its personnel to observe and identify construction activities (including, but not limited to, grading) being conducted without the benefit of permits (or outside the scope of approved permits), and to identify businesses that are not in compliance with environmental health regulations or reporting requirements. Such observations shall be conducted from public rights-of-way or similar vantages, unless the owner provides permission to enter, or a warrant is obtained.
4. The goal of the Department's code compliance program is to obtain voluntary correction from property or business owners found to be in violation of City Code or State law. Property or business owners who do not cooperate with Department staff and make reasonable progress towards abatement of identified violations will be referred to City Council, City Attorney, or the District Attorney for legal enforcement action(s).
5. The Department seeks to avoid the permanent loss of dwelling units due to code compliance actions except in cases where the units were constructed in violation of zoning restrictions in place at the time, or where the units cannot be feasibly rehabilitated to meet health and safety requirements.

2.2 Reactive Component

Purpose:

A means for the public to have municipal code violations addressed.

Procedure:

The reactive component of the Code Enforcement Unit is responsible for responding to complaints received from citizens, other city departments, or other agencies. Such complaints must be received from an identifiable

complainant. Information on complainants including name, address and phone number must be obtained.

2.3 Proactive Component

Purpose:

A means for Code Enforcement to address City Code violations related to life health and safety, as well as visible blight.

Procedure:

Code Enforcement Technicians are responsible for enforcing the City Code throughout city limits of Oroville. The primary types of violations that are the subject of proactive enforcement are:

- Construction without a permit
- Property nuisances
- Property maintenance violations
- Substandard Housing

Upon discovery of a violation, Code Enforcement staff will initiate a case in Trakit or current department case management software and follow the normal course of investigation and progressive enforcement.

2.4 Community Oriented Policing Services

Purpose:

A means for Code Enforcement and the Oroville Police Department to handle problem areas by working together.

Procedure:

Community Oriented Policing Services is a program that establishes a partnership with Code Enforcement and the Oroville Police Department. Code Enforcement staff will work with police officers on properties that are affected by, or are the location for, criminal activities or blight. This is a proactive effort with both the Code Enforcement and the police initiating cases.

2.5 Chain of Command

Purpose:

To provide stability in which each person in each position is aware of their particular role and position on the compliance team.

Procedure:

Every member of the Code Enforcement Unit shall understand and follow the chain of command. Currently, the chain of command structure is the ***Citizens of Oroville***, City Council, City Administrator, Director of Code Enforcement, and staff. When it becomes necessary to contact someone in management, employees shall start with their immediate supervisor. If the supervisor is not available, then the City Administrator should be contacted, and so forth. Anytime Code Enforcement staff finds it necessary to contact the City Administrator or higher, the employee shall notify their supervisor as soon as possible.

2.6 Public Contact**Purpose:**

To offer proper techniques of dealing with the public in an effort to have each contact be a positive experience for City of Oroville compliance staff and the public.

Procedure:

A professional appearance and demeanor will produce both respect and support from the community and co-workers. Training, pride and professionalism are tools that can be used to earn respect.

The Code Enforcement Unit must be a customer-service oriented organization existing to fulfill the community's need for code compliance. To meet that need, staff must be as courteous as possible when dealing with the public. To do the job properly, the Code Enforcement Unit needs public support. To elicit citizens' goodwill, they must be treated respectfully.

Expressions of negative personal opinions, problems and/or criticisms regarding the City of Oroville, Code Enforcement, or any business or individual are inappropriate and unprofessional while representing the City of Oroville.

Each officer's personal appearance and hygiene help shape the public's impression of Code Enforcement. One's physical appearance and demeanor set the tone for the relationship that will develop between the employee and a citizen before a word is even spoken.

Be alert. Your attitude should be serious, yet friendly. Greet the customer courteously but in a businesslike manner. Part of being a professional Enforcement Officer is the ability to handle any situation with understanding, care, and concern. Listen carefully to what the citizen is saying and make certain you understand it before responding.

At times you will need to deal with resentful and/or angry citizens. The following are some basic guidelines for talking with a customer:

- Let the customer speak. Talking helps relieve emotional tension. You may find this to be more difficult than it seems. Most of us prefer talking to listening. This natural desire is stimulated when the person talking expresses ideas contrary to yours. It often takes considerable effort to listen, but it allows the customer to vent. Letting the customer speak helps put him or her in a frame of mind to listen to you.
- Do not argue, berate, or threaten the individual. Such actions only increase the emotional tension. Keep your remarks neutral in nature. Focus on the violation rather than the individual.
- Be courteous and respectful. Courtesy involves much more than mere words. Be careful to avoid any action that makes the customer feel inferior. Your tone of voice, your body language, and your facial expressions are all important in showing real courtesy and respect.
- Request compliance. Use words such as “May I,” “please” and “kindly” when speaking with the public. Show respect with phrases such as, “I understand your frustration.” These words and phrases recognize the dignity of the individual and can help defuse emotionally charged situations without necessarily agreeing with them.
- Avoid telling the individual what not to do. Negative directions conflict with the natural desire for freedom of action and are contrary to the way we usually think. People understand and accept ideas more readily when they are told what TO do. Phrase your requests and instructions in a positive way. Whenever possible, explain why it needs to be done.
- Do not put the citizen on the defensive. Never open a conversation in a sarcastic or derogatory way. Avoid such openings as, “I can’t believe you allowed your yard to look like this,” or, “Haven’t you been warned before . . .,” “Can’t you see . . .,” etc. These types of questions cannot be answered intelligently and are irritating to the listener.
- Be alert. You may at times be exposed to unpredictable or emotional reactions or behavior when dealing with the general public. Be alert at all times for the unexpected.
- Make direct and positive statements.

Sometimes an individual may ask for further information or question the accuracy of the charge. Explain to them the conditions under which the violation occurred if you can do so. Never exaggerate any conditions or other facts. Avoid any semblance of threat or implication that they could be charged with additional violations. It is not your prerogative to pass judgment, to punish or to embarrass the individual.

If you need additional information, ask for it with simple and direct questions. Explain everything in ordinary language. Avoid using “police jargon” or slang.

When you are certain the individual knows and understands what they need to do and that they have complied, close the conversation. Thank them for their cooperation. Explain how they can avoid further difficulty. Avoid trite phrases such as “Have a nice day,” or any other statement that can be interpreted as sarcastic.

It is possible to generate a feeling of friendliness by your actions in closing the conversation. However, be careful not to give someone the impression that you are sorry for any of the documented violations.

3 Case Management

Purpose:

To ensure quality service, standardize information and facilitate the preservation of accurate records for all compliance activities; and to continue operation of a system of code enforcement that is both effective and fair.

Procedure:

3.1 Initial Steps, Investigation, and Informal Efforts to Obtain Voluntary Compliance and Correction of Violations

Upon receipt of a complaint, CE staff will submit the complaint to the administration assistant for review and the following actions will occur:

1. Enter the complaint or have support staff enter the complaint into the case tracking software and open a code compliance file.
2. If needed The Code Enforcement Director or acting supervisor will assign the complaint to a Code Enforcement Technician.
3. The Code Enforcement Technician will investigate the complaint.

Warning Notice and Courtesy Notice

4. In most cases, Code Enforcement shall give the responsible party a verbal warning notice; immediately followed up by a mailed courtesy notice with a 10 day follow up date. The investigator will inform the responsible party that the City’s goal is voluntary compliance. Voluntary compliance will be listed under *Corrective Action* in the courtesy notice. Code Enforcement shall make it clear to the responsible party that it is his/her opportunity to correct the violation and avoid the need for further City action.

5. The Courtesy Notice is critical in notifying the responsible party on specifics that include the violation type and time frame in which to correct the violation(s). The time frame provided to correct the violations shall be 10 days. Depending on the nature or extent of work required, the nature and circumstances of the violation(s) may be altered at the reasonable discretion of Code Enforcement.
6. If the responsible party is not the property owner or manager, copies of correspondence and notices shall be mailed to the property owner/manager. This gives the property owner/management sufficient notice that a violation exists on his/her property. A copy of all notices shall be attached to the TRAK-iT file under attachments.
7. **NOTE: Therefore, it is important to document all interactions within each and every case; all notes need to be recorded under Chronology in TRAK-iT.**
8. **Violations that Pose an Imminent Threat to Public or Private Health or Safety**
 - a. Although this may vary with the circumstances on a case-by-case basis (e.g., whether the violations pose an imminent threat to public or private health and safety, or, on the other hand, whether the violations are such that very little time is necessary to achieve corrections), Code Enforcement staff should allow a reasonable amount of time and opportunity for correction and curing of the violations before the formal enforcement steps outlined below in **Section 5** are commenced.
 - b. While the amount of time allowed for compliance may vary depending on the circumstances (e.g., how much time removal or cessation of the violating activity or structure should reasonably take and to what extent does the violation pose a risk to public or private health or safety), the circumstances should be well-documented in the file to justify the period allowed for compliance or cure. If Code Enforcement is in the field support staff will be advised and immediately initiate a case in the current case tracking software.

3.2 Field Operations

Purpose:

To ensure quality service, standardize information and facilitate the preservation of accurate records for all compliance activities.

Procedure:

The following is a guideline for handling complaints. The directive is to assist staff in the complaint handling process. Deviations from the directive may occur based on individual cases and circumstances, as reasonably necessary or appropriate. The reason for any deviation or expedited process should be documented and described in the file.

Proactive activities conducted by a Code Enforcement Technician shall not require a complainant name. Allegations of violations from anonymous persons (which include both those persons who fail to provide contact information to Code Enforcement as well as those who provide contact information but ask to remain anonymous) may be investigated at the Director of Code Enforcement's discretion. If the director orders an investigation to occur, and no violation can be independently determined by the Code Enforcement Technician, the case may be closed.

In order for an alleged violation that was witnessed solely by a complainant to move forward to the enforcement stage, the complainant must be agreeable to providing testimony (at an administrative hearing, court proceeding, and/or via a declaration signed under penalty of perjury) if necessary. This requirement is in addition to Code Enforcement's request of additional information from the complainant party substantiating their allegations, the contents of which will vary on a case-by-case basis.

Notwithstanding cases described above, complainant identity shall be considered confidential information not subject to disclosure. All Public Records Act requests for Code Enforcement materials shall be submitted immediately and directly to the City Attorney's Office.

3.3 Initial Inspection/Action**Purpose:**

To have a uniform timeframe in which Code Enforcement complaints are investigated.

Procedure:

As a measure of efficiency, or how well the Code Enforcement unit is doing, The Code Enforcement Director developed performance measures based upon the percentage of cases resolved (applications submitted/reviewed/permit issued), and how much time it takes a Code Enforcement Technician to perform an Initial Response from the date the complaint is logged. For the Initial Response indicator, cases are prioritized:

Priority 1 – Safety related Complaint (building without a permit, unsafe structure, sub-standard conditions) with a goal of 3 working days for initial response.

Priority 2 - Non-Safety related Complaint (Zoning, other) with a goal of 7working days for initial response.

3.4 Scope of Inspection

Purpose:

To have a uniform guideline for entering upon property and observing violations.

Procedure:

The City of Oroville recognizes that entry onto private property for enforcement purposes is governed by State law, constitutional considerations, and other applicable law. The intent of this Procedure is to provide general guidelines for entry onto private property in the course of investigating reported or observed violations.

NOTE: Constitution of the United States: Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Expectation of Privacy. Homeowners have a right to privacy and are entitled to be free of illegal searches. If a homeowner has erected a 6-foot block, wooden, or chain link fence with slats around the rear yard of their property, they have a reasonable expectation of privacy. No staff from the Code Enforcement Department shall use any artificial means to improve their position in an attempt to look over a solid fence to view a violation. This includes standing in the bed of a truck, climbing on top of an electrical box, or standing on a bucket or other item of advantage. Officers shall not look through a knothole in a fence to view a violation. The test for reasonable expectation of privacy is, "Would the average person expect that the condition of the fence around the property would keep the yard private from people looking into the yard?" If the fence becomes dilapidated and wooden slats are missing from the fence, or several strips of chain link fence screening are missing, the homeowner no longer has an expectation of privacy.

If the violation can be legally seen from a neighboring property, then the owner/resident of the property has no expectation of privacy.

Consent. Consent for the initial inspection shall be documented in the case narrative, including circumstances surrounding consent, description and name of party giving consent and form of consent (verbal, written,

inspection requested by occupant, etc.). When responding to a residence/property for code compliance violations, a good rule of thumb is to think of a Code Enforcement Technician as a delivery person. Anywhere a delivery person can go, a Code Enforcement Technician can go. This also applies in the reverse; a delivery person would not walk around the back of your house and deliver a package at the back door. Therefore, in order for an officer to inspect the rear yard of a residence, there must be consent.

If an officer responds to a residence where there is a locked gate, the officer shall NOT jump or climb over a fence to get to the front door.

Consent may be given in different ways. With written consent, an officer will have the property owner, agent, or tenant sign the Code Enforcement Department's Consent Form. This form should be signed and dated. Verbal consent is another form. If the Code Enforcement Technician's consent is based on verbal consent, it is important to note in the case file the name of the person granting consent and their relationship to the property.

Consent may only be granted by a person who has legal standing in the residence. "Legal standing" is limited to a person who is lawfully on the property and has been given access to the property by the owner or primary tenant. Examples of someone with standing are Homeowner, tenant, or anyone else permanently living with permission at the residence. If the inspection is an interior inspection, someone renting out a room may only consent to you inspecting the room they rent and any common areas. They may not consent to you inspecting the room of another tenant. In the case of a rental unit, the tenant, rather than the property owner, must give consent except when in common use areas.

Consent, including written consent, may be revoked at any time during the inspection by the person granting consent. If the Code Enforcement Technician is told to stop inspecting the property and leave the premises, the tech shall stop immediately and leave the property. In this case, the tech must seek an alternative method of inspecting the property such as an inspection warrant. Revocation of consent shall constitute a refusal to inspect for the purposes of an inspection warrant.

If the Code Enforcement Technician is unable to make, contact at the site or is unable to conduct a site visit due to time constraints the Code Enforcement Technician's may send by certified, and first class mail an "inspection request." The Inspection request shall include the property owner's name, location of the alleged violations and a time frame to respond. The Code Enforcement Technician's will note all violations that they observe and understand to be violations on the property at the time of the inspection, not merely the specific violation that was reported to the City of Oroville.

3.5 Juveniles

Purpose:

Uniformity within the Code Enforcement Department of how interactions with juveniles will be handled.

Procedure:

When a Code Enforcement responds to a location and a juvenile (anyone under 18) answers the door, the officer shall ask to speak with an adult. If no adult is home, the officer shall not discuss anything with the juvenile regarding the Code Enforcement case. The officer should tell the juvenile who they are and, if applicable, advise the juvenile that they will be posting a notice on the door (If applicable). Do not assume someone is an adult if there is any possibility, they are a minor -- ask their age.

At no time will an officer enter a house or ask permission to go into the rear yard when no adult is present. A juvenile has no standing to allow you permission.

3.6 Documentation

Purpose:

Clear, concise case narratives to best record the conditions found on a property and to accurately refresh the Code Enforcement Technician's memory when testifying in court.

Procedure:

Complete documentation of all physical evidence and the Code Enforcement Technicians observations are essential. The Technicians shall record observations and discussions with witnesses in the case workflow in Trakit or the current case management system. Descriptions of violation(s) must be thorough as to type, location, quantity, and any other specific points of identification. For example, the description of an illegally constructed building should include the type and size of the building and the reason it is perceived as illegal. The narrative may be a required part of any future court appearances, including citations or warrants, as well as administrative hearings, and must be as complete as possible for the judge or administrative decision maker to have a clear picture of compliance activities.

Photographs shall be taken whenever reasonably possible when documenting violations. If the person of legal standing with regards to the property objects, the Technician will not take any photos. Note photos can be taken if in public view.

3.7 Photographs

Purpose:

To ensure a uniform process for documenting photos of violations and properly archiving them on the City of Oroville server.

Procedure:

At all times or whenever reasonably possible Code Enforcement will document, via photograph, violations discovered during their investigation. Code Enforcement should take time to consider the best way to document the violations using photography by considering far and close views, before and after shots and thinking how to best capture the violation for someone who has not been on the site of the inspection, so they have an accurate understanding. All photographs shall be taken by digital/iPad camera.

The following procedures must be followed when managing photos after an inspection.

When Code Enforcement is back from a site investigation, they shall download the photo files to the appropriate folder and file on the city server as soon as possible. Photos shall be labeled with the address of the property. If no address is available, the APN# shall be used. A minimal number of photos should be printed for the hard copy file (i.e. just enough photos to represent the violation).

Code Enforcement shall not extend cameras over fences, walls, though windows or other areas that the owner/occupant would likely have a right to privacy.

Code Enforcement must routinely ask when meeting with a property owner or occupant on site if they are permitted to take photos. If they are denied permission to take photos Code Enforcement must refrain from taking photos of the violations. If at any point in the inspection the owner/occupant asks Code Enforcement to stop taking photos Code Enforcement will stop. If a Code Enforcement is denied permission to take photos, he/she shall consult the supervisor regarding the possibility of obtaining an inspection warrant.

4 Warrants

4.1 Inspection Warrants

Purpose:

To gain access to a property to inspect for violations with an inspection warrant, the Code Enforcement Technician's must have reasonable

suspicion to believe a violation exists and the property owner or tenant refuses access.

Procedure:

An Inspection Warrant may be obtained from the courts when the property owner or tenant refuses entry onto the property for verification of violations. A refusal or repeated failure by a property owner to grant entry shall be mandatory prior to seeking an Inspection Warrant.

Process. Code Enforcement staff shall work with the City Attorney to apply to the Court for an Inspection Warrant pursuant to California Code of Civil Procedure §§1822.50.

Declaration. All Inspection Warrant Declarations shall be typed and approved by the Code Enforcement Director prior to the Technician seeking a judge's approval. The declaration shall describe the premises, place, buildings, structures or vehicles to be inspected. Additionally, it should contain a statement that the owner or tenant refused to consent to access.

Notice. Notice of the warrant must be posted on the property 24 hours before the inspection unless the Warrant Order provides otherwise.

Service. The Warrant must be served between the hours of 8:00 a.m. and 6:00 p.m. and only with the occupant present unless the Warrant Order otherwise provides. Only the premises, places, buildings, structures, and vehicles described in the Warrant Order may be inspected. Force may not be used to break through a gate or door unless authorized in the Warrant Order. The Oroville Police Department may be utilized to keep the peace when serving an Inspection Warrant. The Warrant must be served and will expire fourteen days from issuance, unless extended by the Court.

Warrant Return. Once the Inspection Warrant has been served, the Code Enforcement Technician's shall complete a Return of Warrant with the assistance of the City Attorney which must be signed by a judge and filed with the court.

Notification. The complainant shall be notified of the results of each investigation and the status of the case. Notification may be by telephone and by mail. All telephone updates must be documented in the narrative of the file.

4.2 Procedure Notice and Order

1. Some properties, residential, commercial, and vacant lots are in such a state that the conditions and violations observed at the property are so extensive and of such a nature that the building endangers the life, limb,

health, property, safety, or welfare of residents or the public. These type properties require a notice and order holding all responsible property owners accountable to correct the code violations. The following is the process for obtaining and posting a notice and order.

- i. Contact supervisor and request authorization to move forward with a notice and order.
- ii. Provide all history of the investigation.
 1. This can be an ongoing case where there is no compliance on commercial or residential structure:
 - a. Burned structure (commercial or residential).
 - b. An unsecured structure with squatters.
 - c. An unoccupied structure with code violations.
 - d. A reported substandard home where occupants are relocated.
- iii. **IF AVAILABLE HAVE BUILDING OFFICIAL VIEW THE PROPERTY AND MAKE A DETERMINATION ON SUBSTANDARD/HAZARDOUS.**
- iv. Contact City Attorney or their representative (Sam Emerson of Cole Huber, LLP is currently assigned as the code enforcement attorney for the City; semerson@colehuber.com.)
 1. Provide history of the location to include:
 - a. Date case was opened
 - b. Case notes
 - c. Code enforcement complaint
 - d. Police incident reports if applicable
 - e. Fire incident reports if applicable
 - f. All contact information of subjects contacted during your investigation.
 - g. Scanned copies of any letters
 - i. Courtesy notice
 - ii. Notice of Violation
 - iii. Letters/emails
 - iv. Citations issued
 - v. Scanned copies of certified mail receipts
 - vi. Any other forms of communication with interested parties
 - vii. Any information on who has an interest in target location
- v. **Conduct a history check on property through Parcel Quest**
 1. Author Notice and Order for target property.
 2. Have the notice and order reviewed by a supervisor.

3. Forward notice and order to legal.
 4. When notice and order is approved
 5. Sign the bottom, Scan, and attach to case.
 6. Post the property at all access points:
 - a. Front door
 - b. Rear door
 - c. Garage door
 - d. All side doors
 - vi. **Photo all posted areas from far mid and close range.**
 - vii. After posting:
 1. Attach photos of posting to case and add case notes.
 2. Forward (Email) signed copy of notice and order and posting photos to legal.
2. If no action is taken by the property owner within the timeline noted in the Notice and Order, an abatement warrant can be requested by Code Enforcement. If an abatement warrant is served on said property, the Notice and Order shall be recorded on the property at the Butte County Accessors Office within 48 hours of warrant service.
 3. Procedure for recording documents on real properties.
 - i. Have the document notarized at City Hall (Wet Signature).
 - ii. Request payment method from Department Head, Cal Card.
 - iii. Take the notarized documents to the Butte County Accessors Office.
 - iv. Contact Butte County Personnel and record documents.
 - v. The official recorded document will be mailed to the City of Oroville approximately 14 days after recording. This document will be scanned and attached to the related case.

4.3 Abatement Warrants

Purpose:

To remove violations from a property when all other remedies have failed.

Procedure:

An Abatement Warrant may be obtained from the court when the property owner has failed to comply with a Notice of Nuisance, a court order, or the posting of a Notice and Order. An Abatement Request - Public Nuisance shall be signed by the Director of Code Enforcement when the abatement warrant is obtained.

Process. Code Compliance staff shall work with the city attorney to apply to the Court for an abatement warrant pursuant to California Code of Civil Procedure §§1822.50.

Declaration. All abatement warrants shall be accompanied by a typed Declaration and approved by the city attorney and the Code Enforcement

Director prior to the officer seeking a judge's approval. The declaration shall specifically describe the premises, places, buildings, structures, vehicles, and items to be abated. Additionally, the declaration should contain a statement that the property owner or tenant has refused to cure the violations present on the property to complete the abatement.

Bids. Once a judge has signed the Abatement Warrant, if applicable a sufficient number of bids must be obtained to comply with the City's public contracting requirements for the work required to bring the property into compliance. Follow the City of Oroville's Request for Proposal (RFP) process when obtaining bids.

Notice, Service and Return. The notice, service and return of the abatement warrant shall follow the procedure set forth above for an inspection warrant. The Warrant Order should specify the items which can be removed from the property and disposed of.

5 Standard Summary Abatements

Purpose:

To protect the community by immediately abating a severe health and safety hazard.

Procedure:

If upon the first inspection the Code Enforcement Technician's determines that the violations on the property constitute an immediate threat to the health, safety or welfare of any person or surrounding property, an emergency abatement may be conducted pursuant to subdivision (a) of Government Code Section 25845.

The Code Enforcement Technician shall follow the guidelines under **9.08.210 of the Oroville Municipal Code: Summary Abatement:** Any public nuisance which is reasonably believed to be imminently dangerous to the life, limb, health, or safety of the occupants of the property, neighbors of the property, or to the public may be summarily abated by the city administrator, or designee, without complying with the provisions of Sections 9.08.110 through 9.08.180 inclusive.

Actions taken to abate imminently dangerous conditions may include, but are not limited to, repair or removal of the condition creating the danger, demolition, and/or the restriction from use or occupancy of the property on which the dangerous condition exists or any other abatement action determined by the city administrator, or designee, to be necessary.

Whenever the city administrator, or designee, reasonably believes property to be blighted or otherwise imminently dangerous to life, limb, health, or safety, the city administrator, or designee, shall declare the same to be a public nuisance and give notice to the owners by posting a notice on the property stating therein that

unless a written objection is filed with the city clerk or such dangerous condition be abated within 24 hours, or such longer period for notice and opportunity to be heard as the city administrator, or designee, determines is reasonably possible under the circumstances, by the destruction or removal of such blighted condition, the work of abating such imminently dangerous condition shall be done by the city and the expense thereof assessed upon the lots and lands from which the blighted condition shall have been destroyed or removed.

If the dangerous condition persists and there is no written objection timely filed with the city clerk within 24 hours or such period of time provided on the notice, the city administrator, city employees, contracting agents or other representatives are expressly authorized to enter upon private property to abate the dangerous condition. Costs for any summary abatement performed by or on behalf of the city shall be accounted and reported to the city council by the city administrator, assessed after public hearing, and collected pursuant to the provisions of this chapter.

Examples. Examples of emergency abatements include, but are not limited to, failed, or backed up septic/sewer lines with raw sewage flowing onto the ground; empty residences with open abandoned wells or unsecured swimming pools containing water, and buildings or structures about to collapse, severe electrical hazards.

Supervisor Authorization. Prior written authorization shall be obtained from the city administrator, or designee, in consultation with the City Attorney.

Property Owner Contact. The officer shall make every effort to contact the person responsible for the property to resolve the situation. Additionally, once the emergency abatement is completed, the Code Enforcement Technician's shall continue to try to contact the property owner to inform them of the action taken.

Contractors. The Code Enforcement Technician's shall determine what type of abatement is needed. If the abatement is to board up a fallen fence, the first contractor available to immediately respond to the job can be awarded the job. If there is a septic problem, a county approved septic company may be phoned to immediately respond to the scene. ***All septic permits are handled through Butte County Environmental Health.***

5.1 Order to Vacate

Where the Code Enforcement Technician has determined that the condition causing the nuisance is imminently dangerous to human life or limb, or to public health or safety, the Building Official may include with the notice and order a notice that the property, building or structure affected shall be vacated pending abatement of the conditions causing a nuisance. [See OMC sections 9.08.120, and 15.08.020, CBC section 15.04.114.2.2.2.)

6 Additional Enforcement Steps to Be Taken If Informal Efforts To Obtain Compliance Are Not Effective

Purpose:

Options for Code Enforcement if informal efforts to attain compliance are not successful.

Procedure:

6.1 Overview of Citations and Notices and Referral to City Attorney

If the Code Enforcement Technician is not able to attain voluntary correction after providing the property owner or other person(s) responsible for the violation a reasonable opportunity to cure the violation as contemplated by Part 2 above, then one or more of the following enforcement steps should be taken, depending on the severity of the violation, the extent to which it poses a threat to public or private health and safety, and depending on the applicable statutory or case law that applies to the particular violation:

1. Issuance of a Citation pursuant to City of Oroville Code Chapter 2.28.050;
2. Issuance of Notice of Violation, which may then be followed by issuance of Notice of Abatement of Public Nuisance pursuant to City of Oroville Code Chapter 9.08.130;
3. Issuance, if and as applicable, of a Notice and Order to Repair or Abate Substandard Conditions pursuant to Health and Safety Code Sections 17980 and 17980.6;
4. Referral to City of Oroville Counsel pursuant to City of Oroville Code Sections 9.08.200 may include the following cases, among others:
 - a. Nuisance Abatement;
 - b. Receiverships;
 - c. Health & Safety Code Section 17920, et seq.
 - d. Controlled substances—Nuisances
 - e. City of Oroville Code violations.

6.2 Procedures Regarding Citations (City of Oroville Code Chapter 2.28)

Purpose:

Upon discovering or observing any violation of this code for which a civil penalty has been imposed, Code Enforcement may issue an administrative citation to the violating party or property owner the manner

set in this article. The administrative citation shall be issued on a form generated by the City Council.

If the responsible party fails to achieve compliance after a 10-day Courtesy Notice and a 15 day Notice of Violation, the Code Enforcement Officer may issue an Administrative citation.

Subsequent violations of the same code section, in which an Administrative Citation has been issued, are eligible for issuance of subsequent citations; with increased fine amounts as directed in City Ordinance No. 1718.

Per Municipal Code Section 14-22.205

When an Administrative Citation is to be issued to the responsible person, as defined within the Municipal Code, it shall contain the information outlined below:

1. The name of the responsible party, with all identifying information, including address, physical description, and other pertinent information.
2. The date of the violation.
3. The name (if applicable) and the address of the violation location
4. The specific section of the Municipal Code, law, permit, or other regulation violated along with a full description of the violation.
5. The amount of the fine along with the amount of any applicable late charges if the fine is not paid by the specified date.
6. A full description of the fine process, including the time and the place where the fine shall be paid.
7. A full description of the administrative citation appeals process, to include all time constrains, and a location where to find & file an appeal form.
8. The name and signature of the Code Enforcement Officer and signature of responsible person if that person in present.

A Code Enforcement Officer issuing Administrative Citations may serve that citation to a responsible party by:

Personal service on the responsible party or a representative of the appropriate entity.

If the enforcement officer is unable to locate the responsible party, or the responsible party refuses or otherwise fails to sign the administrative citation, the administrative citation shall be served on the responsible party as follows.

1. A copy of the administrative citation shall be mailed to the responsible party by first class U.S. mail, postage prepaid, addressed to the responsible party at his or her last known mailing address, together with a copy of a declaration of service signed under penalty of perjury by the person mailing such documents.
2. The declaration of service shall show the date and manner of service by mail and shall recite the name and address of the person to whom it is addressed.
3. When so mailed as set forth above, the administrative citation shall be deemed received on the date it is deposited in the U.S. mail. The failure of any responsible party to receive an administrative citation that is mailed in accordance with the provisions of this chapter shall not affect the validity of any proceeding taken under this chapter.

The penalty amount set forth is pursuant to California Government Code Section 36900 and Oroville Municipal Code section 14-22.205 described in the next section.

6.2.1 Appeal of Administrative Citation (City of Oroville Code 2.28.070)

Any person who has been issued an administrative citation shall be entitled to appeal it by filing a notice of appeal with the responsible department as indicated on the administrative citation. The appeal shall be in writing, signed by the person making the appeal and shall specify the basis for the appeal. The notice of appeal shall be filed within 10 calendar days after issuance of the administrative citation. If the last day to file an appeal falls on a weekend or city holiday, then the deadline shall be extended until close of business on the next regular business day.

Upon receipt of a written notice of appeal, or as soon as practical thereafter, the responsible department shall review the administrative citation and, if it is found to be

complete and in conformance with the requirements of this chapter, shall fix a date, time and place for hearing the administrative appeal before an administrative hearing officer. Written notice of the time and place for hearing the administrative appeal shall be served on the party protesting the administrative citation and by any other person who received notice of the citation, by any one of the following means:

1. Personal service;
2. First class mail; or
3. Posting the notice of hearing conspicuously on or in front of the real property upon which the violation is located.

Service of the notice of administrative hearing by first class postage pre-paid shall be deemed complete on the date of mailing. The failure of any person with an interest in the proceedings to receive a properly addressed notice of the administrative hearing shall not affect the validity of any proceedings under this chapter.

Failure of any person to file an appeal in accordance with the provisions of this chapter shall constitute a waiver of that person's rights to administrative determination of the merits of the administrative citation and the amount of the penalty.

Comply with Citation

The failure to pay the penalty imposed by a Citation and/or the failure to correct the Code violation as identified in the Citation may result in:

1. The referral of the Code violation to City Attorney or to the District Attorney for commencement of criminal or civil proceedings pursuant to any applicable Code section or statute; and/or
2. Enforcement of the obligation to pay administrative penalties and administrative costs as the personal obligation of the violator; and/or
3. If the penalty is not timely paid, the city council may thereupon order that the penalty be specifically assessed against the real property, it shall confirm the assessment and thereafter said assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided in ordinary real property taxes. The city council may also cause a notice of lien to be recorded against the property. (OMC § 2.28.210(A) & (B).)

6.2.2 Re-inspections Following Issuance of Citations

After a Citation is issued, Enforcement Technician's should again inspect the premises shortly after expiration of the deadline for compliance as specified in the Citation by issuing an inspection request (Form 3) that will schedule an inspection as soon after expiration of the stated deadline as possible, if such a re-inspection is necessary to determine whether or not the violation is ongoing or recurring.

6.2.3 Steps to be Taken Upon a Finding of Compliance

If the violation that was the subject of a Citation is found to have been corrected, the Code Enforcement Technician shall take the following steps:

1. The Code Enforcement Technician shall inform the complainant of the correction of the violation; and
2. The case shall be signed off as resolved and entered into the system as closed by the Code Enforcement Technician.

6.2.4 Issuance of Additional Penalties Upon Findings of Ongoing or Repeated Violations

If the follow-up inspection or a review of the file shows that a violation still exists or that a new, ongoing, or repeated violation of the same type has occurred, the Enforcement Technician may issue additional administrative citations.

6.2.5 Lien Procedures for Nuisance Abatement

City Of Oroville Municipal Code 9.08.240 Nuisance abatement lien.

The city may collect its abatement cost by a nuisance abatement lien pursuant to the procedures authorized by [Government Code](#) Section 38773.1 as follows:

1. Once a hearing has been set before the city council pursuant to a request made under Section 9.08.230, the responsible party shall be served with a notice that the city intends to authorize the recordation of a nuisance abatement lien pursuant to this section. The notice shall apprise the responsible party of the date, time and place of the hearing where the abatement lien will be considered. The notice shall also specify the amount of the lien and shall describe the parcel to which the lien will attach. The notice shall be served in the manner provided in

Section 9.08.140 and shall be completed at least 15 days prior to the city council hearing.

2. The city council may adopt a resolution assessing the outstanding abatement costs as a lien(s) against those parcel(s) as shown on the latest available assessment roll where abatement activities occurred. The resolution shall explicitly authorize the recordation of a nuisance abatement lien.
3. The nuisance abatement lien shall be recorded in the county recorder's office in the county in which the subject parcel is located and from the date of filing shall have the force, effect, and priority of a judgment lien.
 - i. The nuisance abatement lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed and the name and address of the record owner of the parcel.
 - ii. In the event that the lien is discharged, released or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (3)(a) of this section shall be recorded by the city. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.
 - iii. A nuisance abatement lien may be foreclosed by an action brought by the city for a money judgment.
 - iv. The city may recover from the responsible party any costs incurred regarding the processing and recording of the lien and in providing notice to the property owner as part of its foreclosure action to enforce the lien. (Ord. 1837 § 2, 2019; Ord. 1838 § 2, 2019)

6.2.6 Receivership Process

The receivership process has three phases:

(Phase 1) Evidence Gathering

In Phase 1 Code Enforcement inspects the problem property, notes all of the violations on the property and the state and local authority for the same and takes photographs of the violations. If Code Enforcement cannot get access to the property to do the inspection, the City Attorney's Office prepares and submits an application for an inspection warrant to the Court. The Court grants the warrant,

and then Code Enforcement has judicial authority to access the property and do the inspection.

(Phase 2) Pre-litigation notices,

In Phase 2, Code Enforcement prepares a notice and order which sets forth all of the violations, the authority of the same and requires the property owner to remedy the violations on the property within a certain time-30 Days is usually deemed a reasonable time. The notice is a prerequisite requirement in the Health and Safety Code before the City can file a petition to appoint a receiver. The notice has to be served on the owner by mail and via posting on the property. If the property owner does not comply with the notice and order, the City must then serve a 3 Day Notice of Intent of the City's intention to file a petition to appoint a receiver, the notice must be served on all owners and anyone with a recorded interest in the property. The Notices of Intent are prepared and served by the City's legal representative. Code Enforcement does not have any responsibilities with regard to them. Once the last party has been served with the Notice of Intent, and three days have elapsed, the City is clear to file a petition to appoint a receiver pursuant to Health and Safety Code Section 17980.7.

(Phase 3) Receivership Litigation.

In Phase 3, the City prepares a petition to appoint, which is like a legal complaint, files it with the court, and then prepares and files a motion to have the receiver appointed over the property. This process takes about 60 to 90 days. It can take longer if service becomes difficult and if the City and Legal must serve any defendants by publication. Assuming that the receiver is appointed at the first hearing, the receiver then takes over, prepares a plan for rehabilitation for the property and for financing and presents it to the court for approval. Once he or she gets approval for the plan and financing, the rehabilitation work commences.

6.3 City to Abate 9.08.200 (City Code 9.08.200)

If the responsible party fails or neglects to remove or otherwise take action to abate the code violation or nuisance, within the time specified in the notice of violation or within the time required by Section 9.08.180 subsequent to an appeal, the director may cause the nuisance to be abated. In addition to any other method authorized by law, such abatement may be performed through inspections and directives to remediate the violation or legal proceedings designed to secure enforcement of the city's municipal code or the city may commence the abatement work itself. The abatement work may be done by city crews or by private contractor. Where appropriate, no such abatement action shall

occur without securing a warrant. (Ord. 1837 § 2, 2019; Ord. 1838 § 2, 2019)

6.4 Notice of Violation and Order to Repair or Abate Substandard Conditions Under Health & Safety Code Sections 17980 and 17980.6

Purpose:

To enforce California Health & Safety Code provisions to eliminate substandard housing conditions and/or prevent or remedy immediate threats to the health and safety of the public or occupants of a structure.

Procedure:

This notice of violation (Form 12) should be used in all cases governed by Health & Safety Code Sections 17920.3 et seq. to correct substandard housing conditions and/or prevent or remedy immediate threats to the health and safety of the public or occupants of a building or structure.

6.4.1 Issuance of a Notice of Violation and Order Re: Substandard Housing Conditions

The notice should contain the following:

1. The street address, assessor's parcel number, and other description sufficient to identify the property affected.
2. A description of the specific substandard condition as defined in Section 17920.3 of the California Health and Safety Code and any City Code violation(s). If the Code Enforcement Technician determines that the condition causing the violation(s) can be corrected or abated by repair or corrective action, the notice shall state the repairs or corrective actions that shall be required.
3. An order to remedy the violation(s) within a reasonable period. Again, as with other compliance periods or deadlines, compliance staff should document the circumstances and reasoning supporting the deadline specified. Generally, the maximum time allowed to correct the violation is thirty days or as otherwise noted in the applicable code sections. More time may be allotted by the Code Enforcement Technician, depending on the violation.
4. A statement that the notice will be recorded against the property if the violation(s) existing on the property are not corrected by the deadline established in the notice;
5. A statement advising tenants that they may be entitled to relocation benefits per Health & Safety Code Section 17975.

6. A statement advising owners that they may not be entitled to tax deductions per Revenue & Taxation Code Sections 17274 and 24436.5.
7. A statement advising tenants that the lessor cannot retaliate against a lessee pursuant to Civil Code Section 1942.5.

6.5 Miscellaneous Procedures During the Citation/Notice of Violation Phase; Enforcement Steps to be Taken if Informal Efforts to Obtain Compliance are Not Effective

6.5.1 Notification of All Interested Parties

Purpose:

To limit liability to the City of Oroville through proper notification to ensure every interested party has the opportunity to correct a violation.

Procedure:

Whenever an action by the Code Enforcement may have a financial impact on a property, including, but not limited to, abatement, notices advising of violations or pending actions shall be mailed certified and first-class mail to all parties known to have a vested interest in the property.

6.5.2 Certified Mail Procedures

Purpose:

Outlines the procedure for sending out certified mail.

Procedure:

Whenever a Code section, rule or regulation requires that anything be sent out by certified mail, return receipt requested, Code Enforcement support staff or Code Enforcement Technician shall fill out both green forms as provided by the United States Postal Service. The green card must contain the subject's name and address, and the service type must be filled out. The boxes that are typically checked are the "certified mail" and "return receipt for merchandise." If Code Enforcement Staff requests that only the subject sign for items, you may check the "restricted delivery" box, and an extra fee will apply. The other side of the card must contain the City of Oroville's address, "Attention Code Enforcement Department and the initials of the responsible CE staff." The green and white form containing the subject's address shall be separated and put in the file. The other half is affixed to the side of the

envelope so as not to interfere with the postage that must be placed on the envelope. The article sticker comes off and is affixed to the green card on the proper line that says “article number.”

After the certified mail is delivered to the subject(s), the United States Postal service will return the green card with the signature and the date that it was received. The green card must be scanned and attached to the case. If the letter is returned as undeliverable or refused, it shall be brought to the attention of the CE Technician handling the case.

This form of service is often considered acceptable by the courts provided the subject of the service is the person who signed to accept delivery.

6.5.3 Processing and Receiving Mail

1. Code Enforcement mailbox must be check daily, any letters addressed to a specific officer should not be opened by anyone else. Give addressed letter directly to officer.
2. Any notices addressed generally to Code Enforcement may be opened by anyone

6.5.4 Attaching Returned Mail to Trakit

Upon receiving returned mail, each document must be scanned, attached, and documented in chronology before properly discarding returned mail.

6.5.5 Attaching Return Receipts

1. Refer to the written case number on the top of the return receipt and enter case number into Trakit.
2. Confirm that there is a signature on the return receipt
3. Confirm that the tracking number on the return receipt matches tracking numbers listed in chronology.
4. Enter the tracking number in USPS Tracking to obtain delivery date and enter the Month Day and Year of delivery under the same chronology action of tracking number. Time of delivery is insignificant.
 - a. Example Format: NOV TO PO DELIVERED ON JUNE 10, 2022. RETURN RECEIPT ATTACHED.
5. Scan and attach return receipt into Trakit. Rename the attached receipt to the corresponding notice.
 - a. Example Format: PO NOV RETURN RECEIPT

6.5.6 Attaching Unclaimed Notices

1. Refer to written case number and enter case number into Trakit or open unclaimed mail and refer to the returned notice for a case number.
2. Confirm that the tracking number or case number matches items listed in chronology.
3. Under the same chronology action that notice was documented under enter returned mail information.
 - a. Example Format: CN TO PO RETURNED UNCLAIMED, SEE ATTACHED.
4. Scan and attach BOTH sides of unclaimed mail (if mailed certified), attach unclaimed letter to the case. Rename attached letter.
 - a. Example Format: UNCLAIMED CN TO PO

Remember to double check that you are attaching the correct notice to the correct case.

6.5.7 Paying Citations Process

Paying Citations

If a property owner comes in to pay a citation it can be paid by one of the counter technicians up front. When the citation is paid it must be updated in the citation tracking form and chronology.

If citation payments are mailed, you may either bring the check to a counter tech up front or pay it yourself. Any Cash or Card payment must be processed by one of the counter techs.

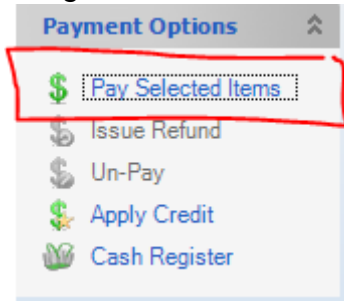
How to Pay Citations (By Check)

1. Find the case associated with the citation
2. Go to financial Information, Citation payment can only be accepted in whole.
 - a. For example, a check for 150.00 comes in to pay for a 1st citation and half of the 1st citation penalty, you must contact the property owner and give the check to the finance department to hold until the owner can pick up the check or until the owner gives consent to

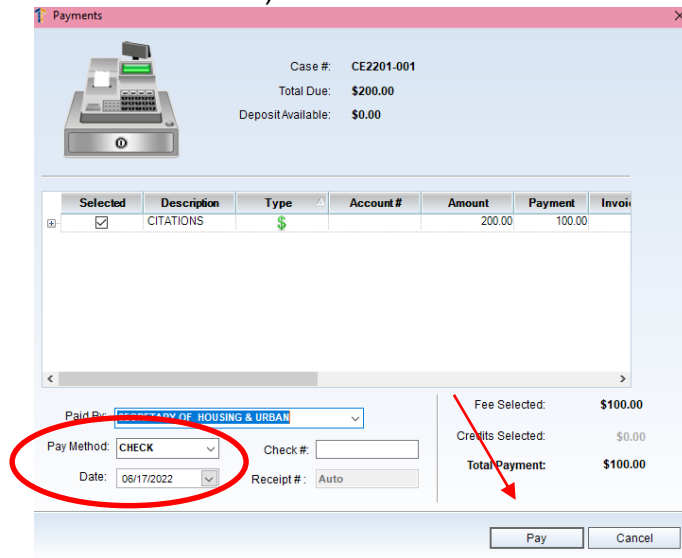
- shred the check. The payee must be notified that the payment was incomplete via phone/email/ or letter
- 3. Select the citation being paid and confirm the check amount matches

	Pd	ProfferID	Description	Comments	QTY	Amount	Date Paid	Receipt #	Account #
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		1ST CITATION	E00561	1	100.00	N/A		2311 4365

- 4. On the right-hand side, click “Pay Selected Items”



- a. In the “Paid By Box: Enter the name listed on the check
- b. Change “Pay Method” to CHECK
- c. Confirm that the “Date” box is on the day you are receiving the payment
- d. In the “Check # Box: Enter the number listed on the top right-hand side of the check, (double check that this is correct)



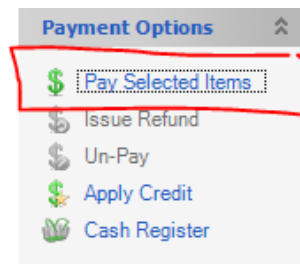
- 5. Select Pay and print TWO receipts (or THREE receipts if the payee would like a copy), one copy must be kept for filing.

6. Paper clip (Do Not Staple) one copy of the receipt along with the check to the front cash drawer, and place in the Trakit Receipts folder for finance collection.
7. In chronology, add a “BILLED TO FINANCE” ACTION and enter the citation that was paid, the date it was paid, and close the case out if the violations have been corrected, or leave the case as if the violations still exist.
8. In the Citation Tracking form, press CTRL & F and enter paid citation number, under the “Date Sent to Finance Colum, enter the date paid. Highlight the entire citation row and highlight it green to indicate it has been paid.

6.5.8 Vacant Building Monitoring Program Registration

Once a completed VBM application is submitted with payment it must be processed through Trakit.

1. If a case for the new VBM has not been, a new case should be opened. Regardless the new or existing case should be renamed in the description box, so the VBM is first in the description.
2. Case subtype: Vacant Bldg.
3. Case Status: 30-Day Monitoring
4. Contacts Box, double check that property owner information in the contacts box matches the owner information on the VBM application. Update the property owners’ email and phone number. If the property owner listed any known lien holders/other parties with an interest that must be added in the Contacts box.
5. VBM Registration is \$359.33 confirm that the check is the correct amount.
6. In Financial Information, right click and select ADD FEE, Select VACANT BUILDING MONITORING = \$338.99 and TECH COST RECOVERY = @2013 TECHFEE SUB CODE.
7. Select both fees, On the right-hand side, click “Pay Selected Items”



- a. In the “Paid by Box: Enter the name listed on the check
 - b. Change “Pay Method” to CHECK
 - c. Confirm that the “Date” box is on the day you are receiving the payment
 - d. In the “Check # Box: Enter the number listed on the top right-hand side of the check, (double check that this is correct)
8. Select Pay, and print TWO receipt, one copy must be kept for filing.
 9. Paper clip (Do Not Staple) one copy of the receipt along with the check to the front cash drawer, and place in the Trakit Receipts folder for finance collection.
 10. In chronology, add a “BILLED TO FINANCE” ACTION with action and completion date.
 11. In Chronology, add a PHONE CALL action and list any interested parties contact information.
 - a. Add a NOTE TO FILE action, VBM’s are valid for 365 Days. Enter VBM Expiration Date: (exactly one year from registration date) and “See attached for more information”
 - b. Add a NOTE TO FILE action and schedule the action date as the VBM expiration date, assign the note to file to Admin Assistant, and enter “VBM expiration date” in notes.
 - c. Add 1st INSPECTION and assign to a Code Technician, in the notes add “1st inspection of VBM property, take photos of current condition of the property and attach to the case for monitoring purposes.”
 - i. If violations exist on the property, notify Property Owner and Management Company (if applicable) Via courtesy Notice.
 12. On VBM Application Date, and write in Expiration date at top, on second page, complete the *Office Use Only* section.
 - a. Scan and attach application to case
 13. Assign a Follow up inspection date 30 DAYS after first inspection, for a technician to monitor.
 14. Update the VBM Properties List and post in office

6.5.9 Adding Restrictions to Code Enforcement Case

Adding restrictions is essential for notifying other departments about the work observed at each property, so correct permits can be issued for unpermitted work. Restrictions must be added so all counter technicians can be aware of the unpermitted work.

Restrictions has character limitations so only adding essential information is important. Typically, restrictions should only contain the main TYPE of work being done. Specifics such as “rewiring bathroom, garage and kitchen” are unnecessary instead restrictions should be the general descriptions of the work such as “Electrical (rewire)”

How to Add a Stop Work Notice Restriction

1. In Land Trak, enter the site address and select ADDRESS
 - a. Under Landtrak select the Restrictions Box.
 - b. Select Add Restriction
 - c. Under Type, Enter STOP WORK
 - d. Under Restriction enter the general description of the work & 2xs FEES SEE CE (enter case number)
 - i. Example: Remodel (Drywall & Electrical)
2xs FEES SEE CE2205-000
 - ii. Example: Siding, Reroof, (2) windows) 2xs
FEES SEE CE2205-000
 - iii. Example: Garage Conver (Siding, Truss,
Electrical, Foundation) 2xs FEES SEE
CE2205-000
 - iv. Example: Addition (Plans Required) 2xs
FEES SEE CE2205-00
 - e. If work is extremely extensive and requires more information enter 2xs FEES, SEE NOTE TO FILE IN CE2205-000
 - v. If this restriction is added, a breakdown of the work must be added in chronology.
2. One the correct permit has been pulled select the restriction and select Void Restriction
 - a. Restrictions should never be deleted, only voided.

6.6 How to Add a Stop Work Notice Restriction

1. In Land Trak, enter the site address and select ADDRESS

- a. Under Landtrak select the Restrictions Box.
 - b. Select Add Restriction
 - c. Under Type, Enter STOP WORK
 - d. Under Restriction enter the general description of the work & 2xs FEES SEE CE (enter case number)
 - i. Example: Remodel (Drywall & Electrical) 2xs FEES SEE CE2205-000
 - ii. Example: Siding, Reroof, (2) windows) 2xs FEES SEE CE2205-000
 - iii. Example: Garage Conver (Siding, Truss, Electrical, Foundation) 2xs FEES SEE CE2205-000
 - iv. Example: Addition (Plans Required) 2xs FEES SEE CE2205-00
 - e. If work is extremely extensive and requires more information enter 2xs FEES, SEE NOTE TO FILE IN CE2205-000
 - i. If this restriction is added, a breakdown of the work must be added in chronology.
2. One the correct permit has been pulled select the restriction and select Void Restriction
 - a. Restrictions should never be deleted, only voided.

6.6.1 How to Add a Red tag Restriction & Fees

1. In Land Trak, enter the site address and select ADDRESS
2. Select Add Restriction
3. Under Type, Enter RED TAG
4. Under restriction enter the reasons for red tag & FEE'S DUE & SEE NOTE TO FILE IN CE (Enter Case #)
5. In Chronology enter the reason for red tag in a Note to File Action.
6. Under Financial information, select Add Fee, and select POSTING FEE = 85 & TECH COST RECOVERY = 2013_TECHFEE_SUB_CODE
 - a. Total: \$90.10 (subject to change)
 - b. Fee's will be paid after violations have been corrected and prior to final code enforcement inspection and/or Building Inspection.

6.7 Public Records Requests

Public Records Request are provided to staff either by the City Clerk or directly from the person requesting. By law, the city has up to 10 days to

process and respond to public records requests. It is important to respond to requests for records within the reasonable timeframe given by the City Clerk. Some Records request may require more than the given timeframe to be fulfilled, an extension can be granted by the City Clerk if more time is necessary to accurately complete the request.

Exempt Information

Some information must be redacted from a records request, complaining party information such as name, number, email, and address should be redacted from case files when fulfilling a records request. If the requesting party specifically asks for a reporting parties' information, it's important to check with the Director and/or City Clerk before releasing such information.

Other documents or information exempt from public records request include but are not limited to:

- 1. Personnel, medical, or similar files
- 2. Records pertaining to pending litigation
- 3. Property owners mailing address

Completing Public Records Requests

Public Records requests should be specific in the documents that is being requested, for example, if ACTIVE cases are being requested, only open code cases should be provided to the requestee. If BUILDING CODE VIOLATIONS are being requested, only those cases shall be provided. If a general list of code enforcement case HISTORY is being requested, then all case history associated with the property shall be provided. Only provide records pertaining to code cases.

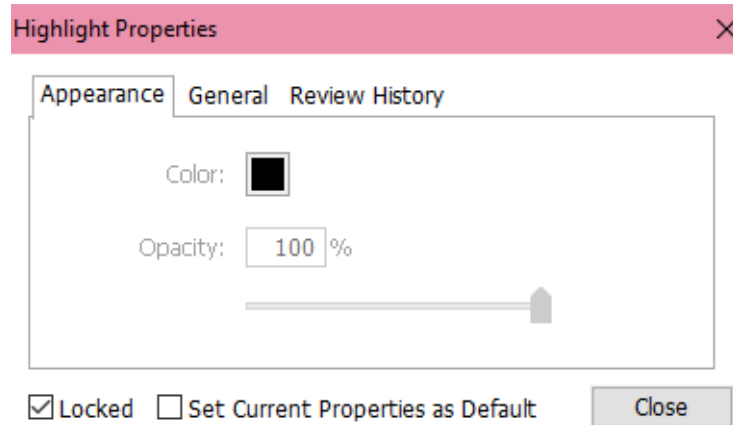
Case No	Address	OWNER_NAME	STATUS	CASETYPE	CASESUBTYPE	SITE_STREETNAME
CE1912-031	2418 A ST	HICKS DAVID L R	CASE CLOSED	SINGLE FAMILY	NUISANCE ABATE	A ST
CE2107-080	2418 A ST	HICKS DAVID L R	CASE CLOSED	SINGLE FAMILY	NUISANCE ABATE	A ST
CE2111-018	2418 A ST	HICKS DAVID L R	NOTICE AND OR	SINGLE FAMILY	NUISANCE ABATE	A ST

- 1. To search for records pertaining to a specific property, enter property address into CodeTRAK to access a list of code enforcement case history associated with the address. This will show the case number, address, owner name, status, case type, case subtype and site street name for each case.

- a. If there are records to be provided, access the Public Records Requests folder in the Code Enforcement (W:) drive and create a new subfolder with the property address or APN. If there are multiple cases, it's important to keep documents separate and organized. Within the property address folder, create separate folders for each case. It's important not to mix documents together.
 - b. If there are no records to be provided, respond to the public records request with *"There are no code enforcement records associated with this address"*
2. Select on a case and review all documents and chronology actions, if the case is pending litigation the records requests may be denied with approval from the director. Once reviewed, open the violations table, on the right side select PRINT, USER DEFINED FORMAT, Case_Details.dat, OK, then PRINT. This will create a case detail report with case information, chronology actions, contact information, fees, inspection history, linked cases, and violations.
 - a. Title and Save the PDF version of the document into the newly created file in the Public Records Request Folder
3. Every Document (excluding photos unless specifically requested) in TRAKiT should be added into the public records requests. To access this, open the attachments of the case, select documents such as Courtesy Notices, Notices of Violations and Citations to property owners and tenants. Any scanned documents such as return receipts or unclaimed mail, and any letters or compliant forms and Posted documents (Notice and Orders, Receivership letters, Red-tag Notices, Stop Work Notices, Invoices, abatement fees, etc...)
 - a. Select Copy, Code Enforcement (W:), Public Records Request Folder and select the folder to copy documents into.
4. Once the documents associated with the case has been exported to the Code Drive, CTRL and SELECT each document, once selected right click and select COMBINE FILES IN FOXIT PHANTOMPDF.
 - a. **Foxit PhantomPDF will allow you to edit, reorganize, redact, and most importantly protect public records from being altered in anyway by a third party.**

5. How to Redact information in Foxit PhantomPDF

- a. Select COMMENT, Area Highlight, and create a square around the information you wish to redact.
- b. Once the area highlight has been created, right click on the highlighted box, and select Properties, in appearance change box color to black, and set opacity to 100%, and select locked, so the area highlighted cannot be edited.



How to place a watermark

- 6. Watermarks can be placed on documents to prove that documents are either confidential or a copy. Select ORGANIZE, Watermark and Add. In the text box enter COPY, select 45°, Change Opacity to approx. 15%, change Location to “Appear behind page”.

How to Protect Documents

Saved Settings: [None specified] Delete Save Settings...

Source

Text: COPY

Font: Helvetica Size: [] [] [] []

File: [] Browse...

Page Number: 1 Absolute Scale: 100%

Appearance

Rotation: -45° None 45° Custom 45°

Opacity: [] [] [] [] 14%

Scale relative to target page 52%

Location: Appear behind page Appear on top of page

[Appearance Options...](#)

Position

Vertical Distance: 0.00 Inches from Center

Horizontal Distance: 0.00 Inches from Center

Preview

Preview Page: 1

City of Oroville
Case Activity History
CODE ENFORCEMENT

Page 1

Case Number: CE2101408
Case Type: JTA FIRE DAMAGE DAMAGES, CAMPING
Subtype: SINGLE FAMILY
Status: NUISANCE ABATEMENT
Description: NOTICE AND ORDER

Map Address: 2414 A ST OROVILLE CA 95966
Owner: DECK DAVID L REVOCABLE TRUST
Address: 2414 A ST OROVILLE CA 95966

Action Date	Completion Date	Action Type	Action By	Action Description
4/14/2022	4/14/2022	NOTE TO FILE	RELIOSALCADO	4/14/2022 12:29 PM (Pst) (Rst) ON-ORDER ABATEMENT WARRANT WAS CONDUCTED BY CODE ENFORCEMENT AND ASSISTED BY CITY-ROCKAWAY CITY OPERATOR, LOPK AND MEN. WORK DONE ON THE PROPERTY VENTURED AT 2414 A ST 12/20/21.
4/14/2022	4/14/2022	FOLLOW-UP INSPECTION	RELIOSALCADO	4/14/2022 8:00 AM (Rst) Home passed 24 hours warrant notice today at 8:00 hours. Multiple people on the home and on the porch at time of posting. Large amounts of junk trash debris along the property and graffiti tags on back of house.
4/14/2022	4/14/2022	FOLLOW-UP INSPECTION	RELIOSALCADO	4/14/2022 1:29 PM (Pst) (Rst) CLONING FOLLOW-UP.
3/16/2022	3/16/2022	NOTICE AND ORDER	RELIOSALCADO	

CODE ENFORCEMENT ACTIVITY
Case: CE2101408 Report By: ALEX SAARELV Output Filter: RELIOSALCADO

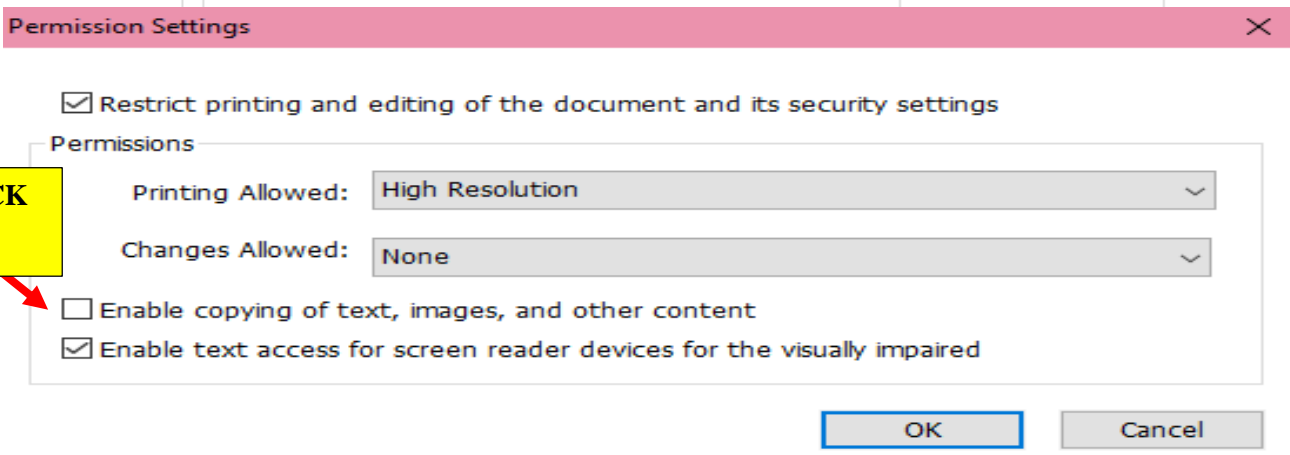
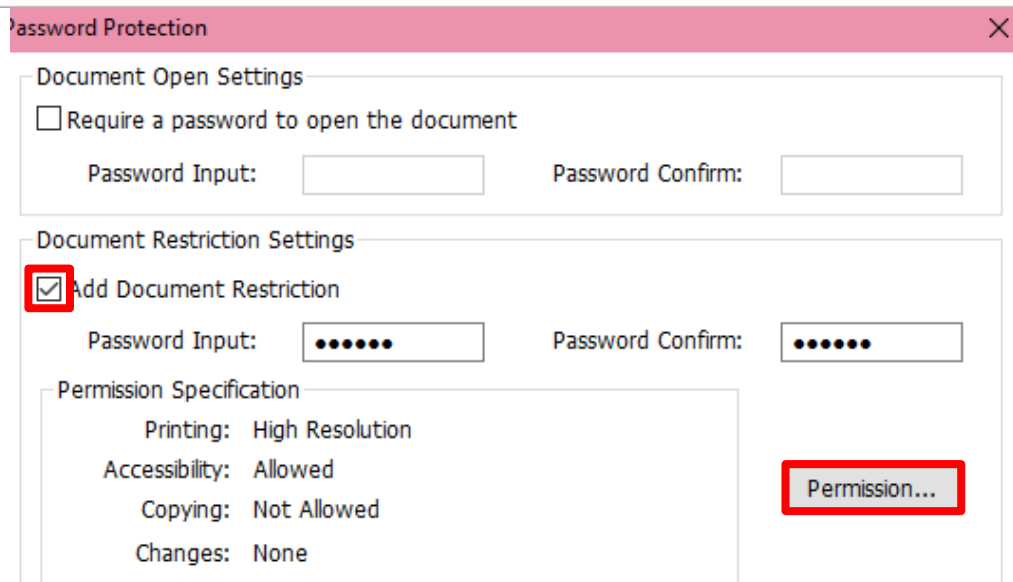
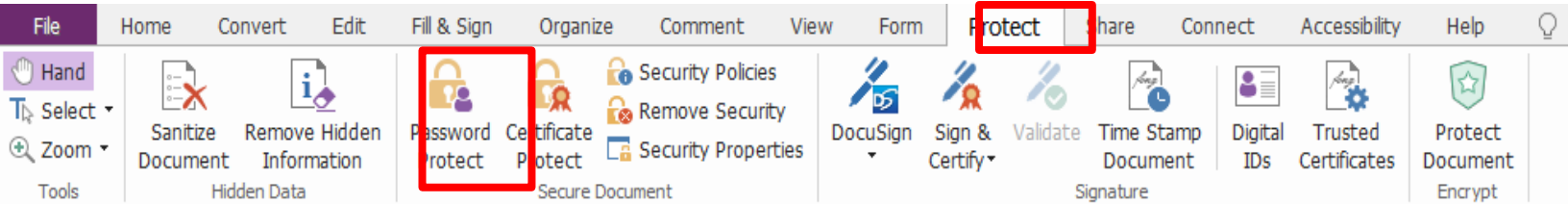
[Page Range Options...](#)

Show Preview

OK Cancel

- 7. There are two ways to protect a document from being edited by third parties, the easiest way is to print the entire records requests, and scan and send the scanned documents to the City Clerk for distribution OR a document can be protected electronically.

- a. To electronically protect documents select PROTECT, Password Protect, under Document Restriction Setting check Add Document restriction box, PASSWORD Input (For all protected code documents) Code1735, then confirm, change permissions to: Printing Allowed: High Resolution, Changes Allowed: None, Uncheck the “Enable copying of text, images, and other content” box, Check the “Enable text access for screen reading devices for the visually impaired”, then select okay to confirm security changes.



****UNCHECK BOX****

- 8. Once the records request is completed, go to file, save as, browse, and save the combine files within the public records request folder.

- a. It's important to save the exact file that will be emailed for distribution so the record can easily be pulled if any issue arise.
9. Email the records request to the City Clerk for final review and distribution to the requesting party.
10. Optional: Print and file the records request into the Public Records Request Binder for records keeping.

Over The Counter

If a Records Request is being completed and distributed to the requesting party over the counter, a public records request form is still needed (but not required, always encouraged). Once the form is received, submit form to City Clerk with a note stating that it was fulfilled over the counter. ALWAYS keep a copy (paper or electronic) of the documents that were provided over the counter.

7.0 Code Enforcement Safety

Purpose:

To empower all staff to have the ability to make the decisions needed to safely conduct the business of the department. The safety of the staff of this department is a critical concern for the City of Oroville. Department employees are charged with enforcing various city and state laws using administrative, civil and criminal remedies. All department employees shall use good judgment in balancing the rights of the residents of the City and their safety.

Procedure:

7.1 Basic Code Enforcement Safety Rule

Whether in the field or in the office all staff shall use the BASE Rule:

Be

Alert

Scan for Warning Signs

Evacuate

1. For everything you do- **ACT WITH PURPOSE**. It establishes confidence, command presence and can act as a deterrent to an attack.

2. Eliminate distractions. Do not do anything that will preoccupy you from safely making observations and interacting with the public. Take actions such as researching your case before you go to a property so you can be alert as you approach and make contact.
3. During field interviews staff shall ensure they:
 - a. Are in a position of advantage or have an escape route readily available.
 - b. Alert for warning signs of aggression from both people and animals on the property.
 - (i) When contacting an individual, attempt to determine if there are other people or animals on the property that you need to be aware of. Also ensure to ask for any other hazards on the property such as failed septic systems, hazardous electrical, etc.
 - (ii) Be alert for weapons. If you observe what you feel is a weapon, your preferred option is to end the conversation and leave the area.
4. Dealing with Animals
 - a. All animals encountered in the field shall be treated with caution. Look for aggressive or threatening behavior and respond accordingly.
 - b. Have a responsible party secure any animals which may be hostile to you during your inspections.
 - c. Animal control can also assist and secure hostile animals during your inspection.
5. Inspecting Vacant Buildings/Structures
 - a. Staff shall NOT enter a building/structure which appears to be currently occupied. If a building or structure has indications of being occupied staff shall attempt to contact a responsible party to determine occupancy and safely make, contact with any individual who may be inside the building/structure.
 - b. In addition to safety concerns, a sign of current occupancy most likely requires consent or a warrant to continue the inspection.
 - c. Knock loudly and announce your presence when conducting inspections. Wait for a response and continue to look for signs of current occupancy.
 - d. If you are unable to contact a responsible party, a possible option is to contact law enforcement to ensure that that the building or structure is safe to conduct your inspection.
 - e. Code Enforcement staff shall NEVER “clear” a building/structure if there are any indications that a person is in that building/structure.

6. Approaching Vehicles

- a. Staff shall NOT approach and attempt to contact unknown subjects in vehicles. From a position of advantage and with a readily assessable escape route, staff can request subjects to exit and direct them away from the vehicle to make contact.
- b. If it is not safe to contact subjects in a vehicle, staff shall make observations and the appropriate referrals to their supervisor and/or law enforcement as the circumstances dictate.

7.2 Expectations

1. When in the field staff shall always know their approximate location to be able to report it in the case of an emergency.
2. Staff is encouraged to strive to maintain a “professional face” when interacting with upset or angry individuals so that they can remain detached enough to safely observe the actions of the individual and assess any possible threats or hazardous situations.
3. Staff is expected to make note of suspicious activity or hazards for reporting to the appropriate agency.
4. Staff is at no time expected to knowingly put themselves into a dangerous or harmful situation.
 - a. When potentially dangerous or harmful situations may present themselves, staff shall consult with a supervisor to address the hazards. Such measures which may be taken could include taking a second officer or making contact either with law enforcement or after law enforcement has mitigated the hazard.
 - b. If staff observes a hazard which constitutes an immediate threat to life or property, staff shall immediately take steps to ensure their safety and make the necessary notification to 911 and/or other first responders. Immediately after this notification, staff shall contact their supervisor or designee when it is safe to do so.
5. The most important thing for you to do if you are alert, scanning and see a warning sign is to **ACT** by leaving the area. The best response for staff when confronted with a direct threat is to leave.
6. When you identify a threat, evacuate to a safe place, report it to law enforcement or other first responders and to your supervisor.

7.3 Threats, Assaults and Batteries

All threats, assaults and batteries directed at staff of the department are serious and shall be immediately reported to supervision and management. Staff is to obtain as much information as safely possible about the subject making threat assault or battery, including their intent,

ability and desire to carry out their actions for the report to law enforcement and their supervisor.

7.4 Use of Presence, Verbalization and Officer Safety Equipment

1. Staff shall understand that during their contacts, the use of presence and verbalizations should be used to de-escalate a potentially hostile situation. Use these techniques if it is safe to do so to try and complete your tasks.
2. If the use of presence and verbalization is not effective you should end the contact and leave the area. This applies to both hostile subjects and hostile animals.

7.5 Use of Force

1. In cases of an immediate and direct threat to life, staff may use the minimum reasonable amount of force available to mitigate the threat. The preferred method is to leave the area. If you need to use force to defend yourself (either physically or by visually displaying pepper spray or other equipment) you shall immediately (as soon as it is safe) make a report to law enforcement and your supervisor.
2. Staff shall NOT use force (either physically or by visually displaying equipment) to prevent the departure or an escape of a subject.
4. The Department ***demands the exercise of good judgment at all times*** when force is necessary. Each situation explicitly requires the use of force to be reasonable and only that force which reasonably appears to be necessary may be used to mitigate a direct threat. Mere verbal threats of violence, verbal abuse, or hesitancy by the person in following commands do NOT, in and of themselves, justify the use of physical force ***WITHOUT*** additional facts or circumstances which, taken together, pose a threat of harm to staff or others. Staff must be prudent when applying any type of use of force.
5. Unreasonable application of force on a person is a violation of California and federal law which may result in the criminal prosecution and/or civil liability for the staff member.
6. Unreasonable application of physical force on an animal is a violation of California Humane Law which may result in criminal prosecution and/or civil liability for the staff member.
7. A violation of the Department's Officer Safety policies may also subject staff to discipline. Staff should clearly understand that the standard for determining whether or not the force applied was reasonable is that conduct which a reasonable staff member would exercise based upon the information the staff member had when the conduct occurred.
8. The decision to use physical force places a tremendous responsibility on the staff member. There is no one capable of advising the staff

member on how to react in every situation that may occur. Ideally, all situations would require only verbalization. Staff must be able to escalate or de-escalate the response which reasonably appears to be necessary to control a situation.

7.6 Reporting

1. Staff is required to immediately report all officer/staff safety issues to a supervisor. This includes even the display of officer safety equipment or pepper spray.
2. After a verbal notification a supervisor shall require staff to submit a written report of the situation.

7.7 Pepper Spray

Administrative Procedure Manual Number 6.7

PEPPER SPRAY PROCEDURE

Effective Date: March 1, 2022, Department(s)

Affected: Code Enforcement Department.

1. PURPOSE

The purpose of this Procedure is to provide guidance to non-sworn City employees, during City employment, regarding the position and use of Oleoresin Capsicum hereafter referred to as Pepper Spray.

2. PROCEDURE

- a. Authority: Department Directors shall determine which employees are authorized to carry City issued pepper spray at work. Only City issued pepper spray shall be carried and/or utilized while on duty.
- b. Use Criteria: If City staff suspects that inspection of a property, contact with the public or an encounter with an animal has a high probability of aggression or violence, call Police or Animal Control and request an officer respond to keep the peace while work is performed. In the event of a threat, staff should withdraw from the property or situation. If City staff is unable to withdraw, persons or animal fail to respond to verbal dialog to calm the situation and City staff believes that an attack is imminent, pepper spray may be utilized in accordance with training.

The use of City issued pepper spray by employees other than sworn peace officers is restricted to:

1. Defensive purposes when protecting oneself from personal injury and/or to stop further physical injury to oneself or to others, but only after all defensive procedures have been

- exhausted, in compliance with Penal Code Sections 692, 693.1, and 694;
2. Responding to the direct order of a law enforcement officer.
 3. Coming to the aid of assistance of a law enforcement officer who is not able to give a direct order; or
 4. Use by an animal control officer in compliance with departmental procedures. Staff shall not attempt to restrain an individual or animal that has been sprayed. The responsibility to restrain and place into custody is with responding police and/or animal control officers.
- c. Any use of pepper spray by a member of this [department/office] shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The city employee should articulate the factors perceived and why he/she believed the use of pepper spray was reasonable under the circumstances.
 - d. Training: Some non-sworn City employees have expressed a desire to carry pepper spray for self-defense purposes during City employment. The City must ensure that any authorized City employee who chooses to carry pepper spray in the course of his/her work with the City does so in a safe and responsible manner. Therefore, all non-sworn authorized employees who choose to carry pepper spray at work must participate in a mandatory, personal safety training course provided by the Oroville Police Department, or authorized trainer, on an as-needed basis. The Police Department shall also provide periodic training updates every three years. Any authorized City employee using pepper spray more than once in a calendar year shall be required to attend another training sessions within six (6) months.
 - e. City employees shall be issued a pepper spray canister not to exceed 1.47 ounces. The pepper spray canister will be secured in a department issued holder. The holder will be secured on the employee's belt.
 - f. Storage, Maintenance and Replacement: 1. City issued pepper spray shall be stored in a secure location and left at work when not on duty. 2. All pepper spray devices shall be maintained by the staff in which they are assigned and must be always operational and in a charged state.

REFER TO PENAL CODE SECTION 692-694

7.8 California Association of Code Enforcement Officers Website

Purpose: As noted in Section one of the On Boarding Process every employee of the Code Enforcement Department will become a member of the California Association of Code Enforcement Officers (CACEO). All

fees are paid for by the City of Oroville. This organization offers training, education, resources, and additional officer safety standards recognized by the City of Oroville Code Enforcement Department.

It will be the responsibility of the Code Enforcement Technician to note all the areas provided by this organization by navigating the website.

Some trainings will be assigned by the Director or designee and will be accessed through this site. Members will earn educational credits upon completing of training classes.

8.0 Contractors

8.1 Referral of Contractors to Contractor State License Board

Purpose:

Establishes a guideline as to when a contractor is referred to the Contractors State License Board (CSLB).

Procedure:

Referral to the CSLB will be considered by the Code Enforcement Technician based on the history of violations by the contractor and egregiousness of the violation. The Code Enforcement Technician must fill out the CSLB Referral Form and attach the necessary supporting document and evidence, (i.e. copy of stop work, violation notice, photos). The Building Official shall review all referrals and determine if the Contractor should be referred to the CSLB.

8.2 Contracting for Abatement Services

Purpose:

The City of Oroville maintains a list of qualified companies and individuals who may be used from time to time to bring properties into compliance as required, i.e., board-up windows and secure abandoned buildings, clean trash from vacant lots, etc.

Procedure:

All direction regarding abatement services will be handled through the Code Enforcement Director or designee.

Qualifications

All property maintenance providers shall meet minimum qualifications as herein established:

Shall possess a current California State Contractor's License (B1),

Shall maintain, if applicable, Worker's Compensation insurance, and

Shall maintain general liability insurance in the amount of \$1,000,000 (one million dollars) naming the City of Oroville as an additional insured. Any deviation to this provision must be approved by Human Resources.

Bids

The City of Oroville shall solicit proposals from three companies from the list of qualified contractors for work on a specific abatement job and shall determine based upon the best value to the city which contractor will be issued a notice to proceed. Best value may be determined on a combination of factors, including price, ability to mobilize quickly, and any specialties the job may require.

Verification of completion of work.

The contractor, upon completion of work, shall submit a bill for services rendered. The Code Enforcement Staff assigned to the property shall verify through field inspection that compliance has been met. If completed, the officer shall initial the bill approving payment. The bill shall then be forwarded to the Code Enforcement Supervisor, City Administrator and Human Resources for final approval.

9.0 Specific Circumstances

9.1 Abandoned Vehicle Abatement

INTRODUCTION

The City of Oroville Abandoned Vehicle Abatement program has been established to deter the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof. On private or public property, not including highways if it is found to create a condition tending to reduce the value of private property, to create fire hazard, to constitute and attractive nuisance creating a hazard, to create a harborage for rodents and insects, and to be injurious to the health, safety, and general welfare. Therefore, an abandoned vehicle is declared a public nuisance which may be abated.

PURPOSE

The purpose of the abandoned vehicle abatement ordinance is to reduce blighted and unwanted vehicles or parts thereof that are considered a nuisance within the city limits. The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an

attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to health, safety, and general welfare.

OBJECTIVE

The primary objective is to eliminate and or reduce blighted and unwanted vehicles or parts thereof that are considered a nuisance, and the accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof on private or public property within the city limits.

NONAPPLICABLE REQUIREMENTS

This article shall not apply to:

1. A vehicle, or parts thereof, which are completely enclosed within a building inside a lawful manner where it is not visible from the street or other public or private property.
2. A vehicle, or parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than chapter 10 (commencing with section 22650) of division 11 of the Vehicle Code and this article. (Ord. No. 1108, 2.)

AUTHORITY TO REMOVE

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property public property within the city, the chief of police shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein. (Ord. No. 1108, 7.) The abatement of any vehicles located on private property should be done in consultation with the City Attorney's Office and pursuant to a lawfully obtained judicial warrant.

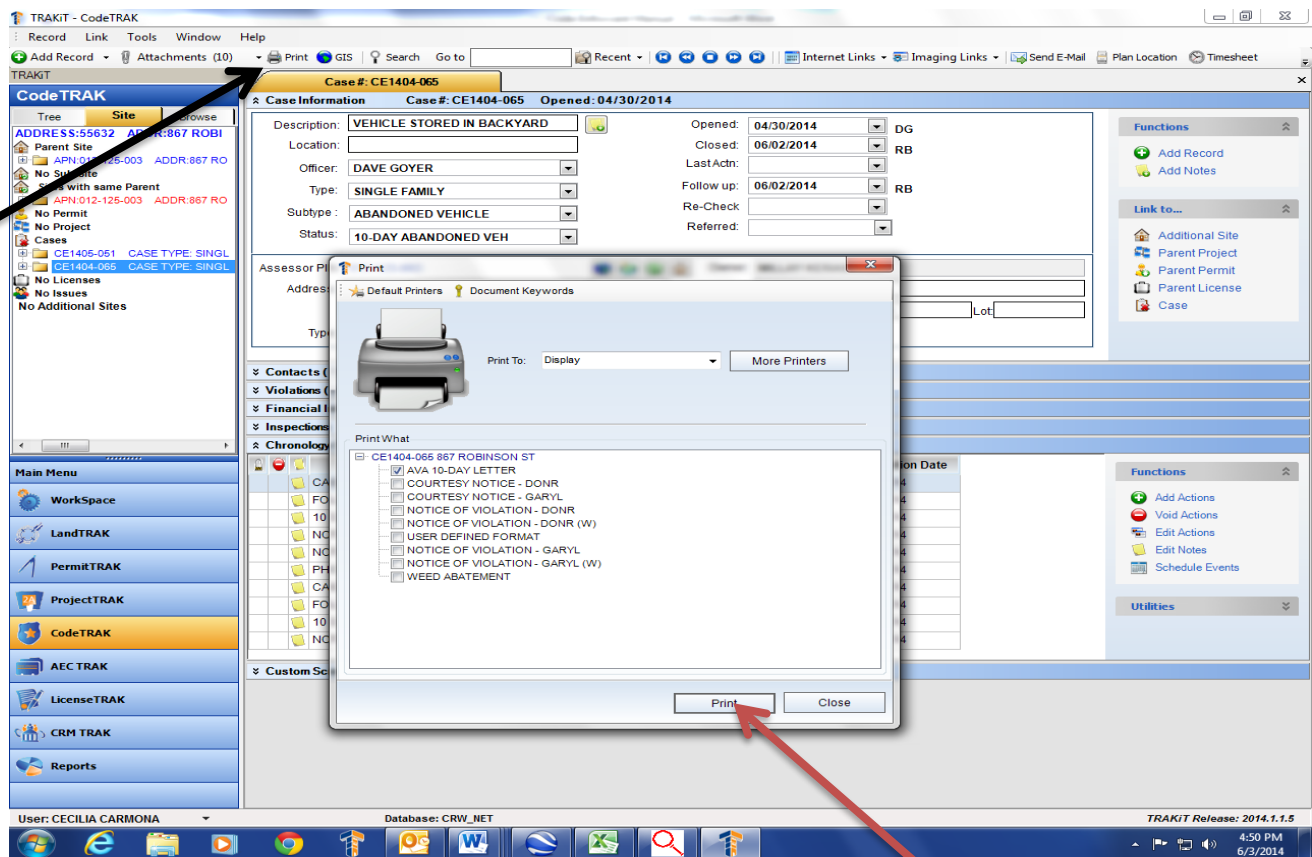
NOTICE TO REMOVE

A ten-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by certified mail to the owner

of the land and to the owner of the vehicle; unless the vehicle is in such condition that identification numbers are not available to determine ownership. The letter shall read as per the abandoned vehicle code enforcement AVA notice.

To generate a 10 Day AVA Notice:

1. Click the Print button located at the top of the screen.
2. Select the AVA 10-Day Letter from the pop-up menu and press **Print** at the bottom.



3. You must edit name, address, and description of vehicle to fit each individual case (see arrows below).
4. A letter must be generated for the property owner, registered owner, and tenant if applicable. This information will be provided to you by one of the code enforcement officers in a DMV printout
5. ALL notices must be sent by certified mail.
6. ALL notices must be documented under Chronology this should include the P/O (property owner), the R/O (registered owner), and the T/N (Tenant) certified mail tracking number located on the tracking slip.

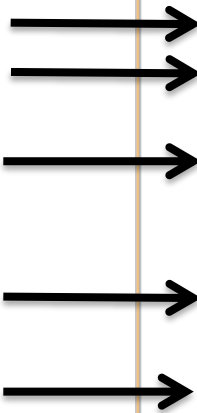


City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2402 FAX (530) 538-2426
www.cityoforoville.org



Date: 5/20/14

JOHN SMITH
1801 FORD AVE
NAPA, CA 94558

RE: CE1405-009
ABANDONED VEHICLE
867 ROBINSON ST.
OROVILLE, CA 95965

Dear MR. SMITH:

This is to advise you that the vehicle described below has been observed to be in violation of Oroville City Code Section 13-92.

LICENSE NO. 5AZK995
YEAR & MAKE: 1997 HONDA
COLOR: GREEN

Section 13-92 states as follows:

"It shall be unlawful and a misdemeanor for any person to abandon, park, store, leave, or permit the abandonment, parking, storing, or leaving of any licensed or unlicensed vehicle or parts thereof which is an abandoned, wrecked, dismantled, or in inoperative condition upon private property or public property not including highways within the City for a period in excess of ten (10) days unless such vehicle or parts thereof are completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard."

You are hereby ordered to abate said nuisance by removing said vehicle within ten (10) days from the mailing of this notice. Your failure to do so will result in the city causing the removal and the cost thereof, together with administrative fees, will be billed to you as the last registered owner of the vehicle.

You are hereby notified that you may, within ten (10) days after the mailing of this notice, request a hearing. If such request is not received by the city within that time, the Police Chief shall have the authority to remove the vehicle and assess the cost thereof without hearing.

Sincerely,

Gary Layman
CBO, MPA, CASp, CPSI
Chief Building Official / ADA Coordinator

HEARING REQUEST AND PROCEDURE

Upon request by the owner of the vehicle or owner of the land received by the chief of police within ten days after the mailing of the notices of intention

to abate remove, a public hearing shall be held by the hearing officer appointed by city council on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten-day period, such statement shall be construed as a request for a hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle; unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten days after mailing of notice of intention public nuisance without holding public hearing. (Ord. No. 1108, 9.)

All hearings under this article shall be held before the hearing officer which shall hear all facts and testimony, he deems pertinent. Such facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The hearing officer shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present sworn written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The hearing officer may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this article. He may delay the time for removal of the vehicle or parts thereof if in his/her opinion, the circumstances justify. At the conclusion of the public hearing, the hearing officer may find that a vehicle or parts thereof have been abandoned, wrecked, dismantled or is nuisance ad disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in its presence, the hearing officer shall not assess the costs of administration or removal of the vehicle against the

property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes written presentation to the hearing officer but does not appear, he shall be notified in writing of the decision. (Ord. No. 1108, 10.)

DISPOSAL

Five days after adoption of the order declaring the vehicle or parts thereof to be public nuisance, five days from the date of mailing the notice of the decision if such notice is required by section 13-88, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not, thereafter, be reconstructed or made operable. (Ord. No. 1108, 11.)

NOTICE OF THE DEPARTMENT OF MOTOR VEHICLES/ ADMINISTRATIVE COST

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the department of motor vehicles identifying the vehicle or parts thereof, notice shall be given to the department of motor vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the department of motor vehicles any evidence of registration. At the same time there shall be transmitted to the department of motor vehicles any evidence of registration available, including registration certificates, certificates of title and license plates. (Ord. No. 1108, 12.) If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to section 13-88 are not paid within thirty days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Such assessment shall have the same priority as other city taxes. (Ord. No. 1108 13.)

9.2 Failed Septic

Purpose:

To ensure a uniform response to septic failures.

Procedure:

Code Enforcement Staff assigned to failed septic calls shall respond immediately to the address and follow the procedures below:

1. Confirm the complaint is a failed septic system. This is usually obvious due to a large hole in the ground and the smell of sewage from the area.
2. Use extreme caution around the failed septic system. The visible opening of the hole may appear to be one or two feet in diameter when the actual pit size is much larger.
3. Immediately secure the area with caution tape. This area should be taped a minimum of 15 feet away from the hole.
4. Cover the hole with plywood or any other material available to help keep anyone from falling into the hole.
5. Attempt to locate a property owner or tenant.
 - o If the owner is located, Code Enforcement Staff shall notify them that they need to call a septic company immediately to respond to the location as soon as possible.
 - o If the owner cannot be located on site, Code Enforcement Staff is to immediately return to the office to attempt to contact the owner. Code Enforcement Staff shall use any and all resources available to them to make contact with the owner, i.e., trash records, property profiles, Internet searches, phonebook, etc. If contact is made, the Code Enforcement Staff shall have the owner fax the Code Enforcement Department a copy of the contract with the septic company to verify a contract has been completed. If Code Enforcement Staff cannot make contact with the owner, Code Enforcement Staff will contact the Code Enforcement Supervisor or Chief Building Official to review the situation to determine whether an emergency abatement is necessary.
 - o ***ALL SEPTIC PERMITS & ENGINEERING ARE HANDLED THROUGH BUTTE COUNTY***

9.3 Mold**Purpose:**

To ensure a uniform response to mold complaints.

Procedure: The Code Staff does not handle mold cases. If someone complains of a black substance on their walls that looks like mold, then a Code Staff case may be opened as a “water leak,” assuming a water source can be identified.

When a Code Staff responds to a complaint of a water leak and the owner/tenant is complaining about mold the officer shall inform the person that Code Staff are not mold experts and can only address code

violations. If they wish, they may hire a specialist who can investigate mold complaints.

The Code Staff shall inform the complainant that the abatement of any mold is a civil matter and not a City Code violation. If a valid code violation is present i.e. water leak, the officer shall handle the violation.

9.4 Polluted Water/Mosquito Complaint

Purpose:

To ensure a uniform response to Polluted Water/Mosquito complaints.

Procedure:

When a Code Enforcement Technician verifies the presence of mosquitoes, the Code Enforcement Technician shall evaluate the area to determine if the source of water can be quickly removed or cleaned. If the water cannot be quickly abated, the Code Enforcement Technician shall notify Butte County M to treat the water. The Compliance Officer shall work on eliminating the polluted water by determining the cause and finding a solution.

Remember: just because Code Compliance receives a complaint of mosquitoes does not mean mosquitoes are present. Compliance Officers must make the determination that mosquitoes are present.

9.5 Unsecured Hazardous Pool

Purpose:

To ensure a uniform response to Unsecured Hazardous Pool complaints.

Procedure:

1. Compliance Officers responding to unsecured swimming pools need to remove the violation as soon as possible. If the pool is over twenty-four inches (24") deep, it is required to have a minimum of a four-foot fence around it.
2. If the swimming pool is a seasonal vinyl pool with a blow-up ring top or PVC pipe frame or similar style and no fence is present, the pool should be drained immediately.
3. If the swimming pool is not properly protected, the property shall be notified to repair the fence that same day.

9.6 Utility Violations

9.6.1 Lack of Utilities in a Dwelling

Purpose:

To ensure a uniform response to utility violation complaints.

Procedure:

Properties are required to have hot water at a sink. Utilities must be able to heat a house to seventy (70) degrees at three (3) feet off of the floor in all habitable rooms. Electrical lighting is required in the home. In most cases, homes are therefore required to have natural gas, electricity, and water. There may be some residences that are approved as having all electric appliances and heating and would not be required to have gas service.

When Code Enforcement Staff responds to a lack of utility case, the Code Enforcement Staff should consider:

1. The season of year.
2. The presence of children in the house.
3. Whether the subjects are in the residence legally; and
4. What other code violations are present?

Generally, a Code Enforcement Staff should give a very short time frame for the subjects to turn on the utilities; one week maximum. The Compliance Officer should take into account any extenuating circumstances. The Code Enforcement Supervisor and or Building Official shall be advised if Code Enforcement Staff believes the subject needs more than one week to comply.

9.6.2 Disconnection of Utilities

Purpose: To provide a consistent procedure for the removal of utilities which are a hazard to the occupants or neighboring properties.

Procedure:

1. Subsection 111.3 of Section 15.04.020 of the Uniform Building Code authorizes the Chief Building Official to authorize disconnection of utility service to a building, structure or system regulated by the codes in the case of emergency where necessary to eliminate an immediate hazard to life or property, such as the imminent danger of fire or electrocution.
2. When such a hazardous electrical or gas condition exists in a building or on property, the Chief Building Official, or Code

Enforcement Director or anyone acting as their designee, shall notify the serving utility, and wherever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action.

3. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.
4. In the notice, the owner or occupant should be offered an opportunity to contest the disconnection, either before (if time permits) or shortly after the disconnection.
5. Additionally, a court order or Abatement Warrant should include authorization to disconnect utilities during the abatement of a property nuisance so that utilities can be disconnected prior to the demolition of structures.

10.0 Graffiti

The City of Oroville is responsible for providing a program for the removal of graffiti from public and private property and has adopted regulations to help prevent graffiti vandalism in the City. Graffiti is a public nuisance on public or private property and results in blight, decreases property values and deprives residents of the right to the comfortable enjoyment of their neighborhoods.

When graffiti is immediately removed the graffiti vandal does not receive the recognition and exposure that is sought by the vandalism. Immediate removal of graffiti is the best deterrent to graffiti appearing on your property and will discourage the graffiti vandal.

When a graffiti violation is observed or reported it shall be the responsibility of the City of Oroville Code Enforcement Department to investigate the violation. A Code Enforcement Technician shall make all efforts to contact the owner, and/or entitled to possession, and/or duly authorized agent of the owner in person or by phone. If the graffiti is explicit in nature and all efforts were exhausted to contact the property owner, follow the summary abatement process documented in 9.1 If a property owner is contacted, he or she will have 24 hours to abate the graffiti. If the property owner advises they do not have the means or capability to abate graffiti request the property to consent to the removal of the graffiti by the City of Oroville or designee. See attached paperwork in the Form section of these procedures.

10.1 Municipal Code Graffiti

9.12.090 Appearance All vacant or abandoned property must be maintained in a manner which minimizes the appearance of vacancy and meets the following minimum appearance standards:

1. The property shall be maintained free of graffiti or similar markings by removal or painting over within 24 hours with similar exterior grade paint matching the color of the existing exterior of the building or structure with this section and other applicable provisions of the Oroville Municipal Code.

10.2 Summary Abatement of Graffiti (9.08.410)

1. The city council finds that the defacement of property of another by graffiti or any other inscribed material is a public nuisance. The city council further finds that the proliferation of graffiti, especially gang-related graffiti, presents an imminent danger to the public safety and welfare. Law enforcement officials and other experts agree that immediate removal of gang-related graffiti is necessary to reduce the risk of violent and other criminal activities associated with gangs and gang territories. The presence of graffiti which is not abated immediately encourages the creation of additional graffiti, resulting in neighborhood blight and increased costs of abatement.
2. The department head is hereby authorized to summarily abate graffiti in accordance with the provisions of Section 38771, et seq., of the California [Government Code](#). The abatement may be undertaken by city staff or by outside contractors. (Ord. 1837 § 2, 2019; Ord. 1838 § 2, 2019)

10.3 9.08.420 Expense of abatement of graffiti a lien.

1. The expense of abatement of graffiti shall become a lien against any property owned by any minor creating, causing, or committing the nuisance and shall be a personal obligation of such minor. The parent or guardian having custody and control of such minor shall be jointly and severally liable with the minor and the expense of abatement of such graffiti shall be a personal obligation and become a lien on the property of such parent or guardian, pursuant to Section 38772 of the California [Government Code](#).
2. The provisions of Section [9.08.190](#) pertaining to costs of abatement may be assessed against the subject property as a lien or made a personal obligation of the owner as provided in Section 38773.5 of the California [Government Code](#). (Ord. 1837 § 2, 2019; Ord. 1838 § 2, 2019)

11.0 Fire Notice Program: Purpose

It is the responsibility of Code Enforcement to inspect and provide notices to owners of fire danger property. A detailed list of these properties is maintained

by Code Enforcement and will be inspected annually starting in April of every year. Notices will be sent to the property owners. Additionally, a publication will be posted in the Mercury Register between April 1st and April 20th annually. Code Enforcement will contact gmutch@chicoer.com, on behalf of Erlegal submissions erlegal@chicoer.com, and submit an updated publication regarding fire notices. See form 6 for publication notice. For additional notice information see below:

Publication. The fire chief shall cause to be published 2 notices in the Oroville Mercury Register between April 1st and 20th, which notices shall in each publication provide as follows:

* **CodeAlert:** This topic has been affected by Ordinance No. [1861](#). To view amendments and newly added provisions, please refer to the [CodeAlert Amendment List](#).

13.08.200 Notice to remove.

1. Publication. The fire chief shall cause to be published 2 notices in the Oroville Mercury Register between April 1st and 20th, which notices shall in each publication provide as follows:

NOTICE TO ALL PROPERTY OWNERS IN THE OROVILLE CITY LIMITS TO REMOVE GRASS, WEEDS OR PLANTS, RUBBISH AND RUBBLE PRIOR TO JUNE 15th OF EACH YEAR.

All owners of land in the City limits of the City of Oroville are hereby notified to remove or destroy all grass, weeds or plants, rubbish and rubble thereon prior to June 15th. ADMINISTRATIVE CITATIONS WILL BE ISSUED pursuant to City Ordinance No. 1717 for violations thereof against all property owners failing to comply with this notice.

FIRE CHIEF, City of Oroville, by direction of the city council

2. Mailing—Protests—Failure to Comply.
 - a. Upon the failure of the owner of any real property in the city to remove or destroy such grass, weeds or plants, or remove such rubbish and rubble from such real property, or to remove or destroy such grass, weeds or plants, or to remove such rubbish or rubble from in front of such real property from the property line thereof to the curb line of the street upon which such real property abuts, such owner shall be given notice by the fire chief of the city to remove or destroy the same within a period of 10 days. Such notice shall be in writing or printed and shall be dated. The fire chief shall mail written notices in substantially the same form as provided in subsection C of this section; except, that the fire chief shall sign such notice that is to be mailed to the owner to whom the real property is assessed on the last

equalized assessment roll, and that is to be mailed to the address shown on the assessment roll.

- b. Before the end of the period mentioned in such notice, the owner, if he or she has any objection thereto, may file with the city clerk a protest in writing setting forth the legal and factual reasons on which the objection to such notice of proposed removal or destruction is based. If, at the end of such period mentioned in such notice, such owner has failed to comply with the notice; and if he or she has failed to file a written protest with the city clerk, a citation shall be issued and duly served upon such owner for violation of this chapter. If a written protest is filed with the city clerk, and if the city clerk or the fire chief believes the protest to be without merit, then the written protest shall be referred to the city council for a hearing and decision thereon. The city council may hear the protest at a regular or special meeting, and the city clerk shall mail, at least 7 days before the hearing, a notice of the date and time of the hearing before the city council, to the owner who has filed a written protest of the proposed removal. If the city council finds the written protest and the oral testimony, if any, without merit and overrules the protest, then the city clerk shall mail to the owner a notice giving the substance of the decision of the city council, and then if the owner does not him or herself at his or her own expense make the removal within 5 days thereafter, a citation shall be duly issued and served upon such owner for the violation of this chapter.

3. Form. The heading of the notice to be given by the fire chief shall be "NOTICE TO DESTROY OR REMOVE GRASS, WEEDS OR PLANTS, AND REMOVE RUBBISH AND RUBBLE," and the notice shall be substantially in the following form:

NOTICE TO DESTROY OR REMOVE GRASS, WEEDS OR PLANTS,
AND REMOVE RUBBISH AND RUBBLE.

Notice is hereby given that the noxious and dangerous grass, weeds or plants growing upon or in front of this property, or the rubbish upon, or in front of this property, or the rubble upon this property, constitute a public nuisance which must be abated within _____ days of the date hereof by the destruction or removal of said grass, weeds or plants, removal of said rubbish or rubble. Upon your failure to comply with this notice, an administrative citation will be duly issued and served upon you. IT WILL BE THE POLICY OF THE CITY OF OROVILLE NOT TO DISMISS CITATIONS FOR COMPLIANCE AFTER JUNE 15th. FAILURE TO COMPLY WILL RESULT IN ADDITIONAL CITATION(S) OR FINE(S). If you object to this proposed destruction and removal of

grass, weeds or plants, rubbish, and rubble, you are hereby notified to file with the City Clerk within 10 days of the date hereof a written protest setting forth the legal and factual reasons upon which the objection is based.

A brief official or City Assessment description of the premises is as follows:

A.P. # _____

DATED _____

Fire Chief, City of Oroville, by direction of the City Council
(Ord. 1165; Ord. 1184; Ord. 1717 §§ 1, 2)

12.0 Vehicle Maintenance:

Purpose:

To ensure vehicles are maintained properly.

Procedure:

Vehicles are not assigned to each Code Enforcement Technician, so CE Technicians take pride and responsibility for the care, maintenance, and cleanliness of the vehicle you are using.

Vehicles shall be cleaned often of trash and debris. CE Technicians should have vehicles washed and cleaned inside and out as often as needed, in any event the vehicles should not present a dirty or trashy appearance.

Code Enforcement Technicians are responsible for turning vehicles in for maintenance or any mechanical issues at the Public Works Corporation Yard, Mechanics Shop.

Any maintenance beyond the scope of the above-mentioned items shall be approved by the Director of Code Enforcement or designee.

Any damage to any city owned vehicle will be reported immediately to the Code Enforcement Director.

12.1 Fueling City Vehicle/Entering corporation yard. The fueling station is in the city corporation yard located at 1275 Mitchell Ave.

Enter and exit the corporation yard slowly, this area is busy with a lot of in and out vehicle traffic and a lot of foot traffic. Also, if you are exiting the yard and another vehicle is trying to enter, please yield the right of way to the entering vehicle.

Photo of entrance to corporation yard.



1. As you enter the corporation yard the gate is usually closed. Enter your personal 5-digit pin code at the posted Keypad to open the gate.



2. Approach the fueling station. ***Please turn off vehicle. Check the area for suspicious persons.***



3. Began entering the following information in the fueling keypad.



4. First press the “Clear” button located at the bottom left of the keypad until “Enter vehicle number” is displayed on the monitor.



5. Enter your vehicle number. Your vehicle number should be (3) three digits and is assigned by the mechanic’s shop.



6. Enter your driver number. This number is assigned to you by the mechanics shop as documented in the “On boarding process.”



7. Enter your (4) four-digit security number. This number is assigned to you by the mechanics shop as documented in the “On boarding process.”



8. Enter the odometer for your vehicle (vehicle mileage)



9. Enter fuel position number **for gas enter 2**, For Diesel enter 1



10. Remove the nozzle from the pump and insert the nozzle into the vehicle's filler spout.



11. Position the pump activation lever to the "On" position.



12. Squeeze the handle to the nozzle and began filling vehicle. You can set the auto open trigger located below the nozzle handle. **Do not overfill vehicle with gas. Any gas spilled as a result of over filling should be reported to the mechanic's shop. There is also access to absorbent material located near the gas pump.**



13. Once you have filled the vehicle, position the pump lever to "Off", remove the nozzle from the vehicle, and secure the nozzle at the pump. **Make sure to secure the gas cap and close the access door to the filler spout.**



13.0 Uniforms:

PURPOSE AND SCOPE

The uniform policy of the City of Oroville Code Enforcement Department is established to ensure that uniformed Code Enforcement Technicians will be readily identifiable to the public through the proper use and wearing of [department/office] uniforms. Employees should also refer to the following associated policies:

[Department/Office] Owned and Personal Property

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Director of Code Enforcement or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Code Enforcement Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency as needed to maintain the uniform standard.

WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Code Enforcement Technicians wear the uniform to be identified as an employee from the City of Oroville. The uniform also serves an equally important purpose to identify the wearer as a Code Enforcement Technician.

1. Uniform and equipment shall be maintained in a serviceable condition and shall be always ready for immediate use. Uniforms shall be neat, clean, and appear pressed.
2. The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications that are maintained separately from this policy.
3. The Director of Code Enforcement can perform periodic inspections of their personnel to ensure conformance to these regulations.
4. Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
5. Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform.

UNIFORM SPECIFICATIONS

UNIFORM COLOR

The uniform shirt color shall be Royal Blue for all Code Enforcement Technicians.

UNIFORM SHIRT

The Uniform Shirt shall conform to the following:

1. Polo Shirt short sleeve with conventional collar ROYAL BLUE. The shirt shall be Cornerstone brand or 5.11 uniform brand.
2. Code Enforcement shirt shall display the City of Oroville circular patch on the left chest area. Code Enforcement embroider below the City of Oroville circular patch using 3/8" Block Font letters in Steel Gray stitching. The first initial of the first name and complete last name of the CE technician will be embroidered on the right chest area using 3/8" Block Font letters in Steel Gray stitching. CODE shall be centered on the back between the area of the shoulder blades in 1 3/4" sewn on Steel Gray Block Font letters outlined with Eagle Gray stitching. ENFORCEMENT will be sewn one inch below CODE using the same format.
3. All shirt buttons shall be buttoned, except for the collar button.

UNIFORM PANTS

Pants: Charcoal Color BDU style pants.

UNIFORM JACKETS

The Uniform Jackets shall conform to the following:

1. Foul weather jacket shall be black in color. The brand shall be Blauer, 5.11, North Face inclement weather jacket. Code Enforcement shall display the City of Oroville circular patch on the left chest area. In white 3" sewn on letters CODE ENFORCEMENT shall be centered on the back between the area of the shoulder blades.
2. Jackets may be worn with the short sleeved uniform shirt.

UNIFORM HATS

The Uniform Hats shall conform to the following:

Baseball Cap: Hats are to be issued to Code Enforcement Department Only!

Option 1, City of Oroville Code Enforcement - Blended wool or synthetic black color with the City of Oroville circular patch. The last name of the employee may be embroidered on the back of the hat in 3/8" Madeira white thread in Block font.

Option 2. Summer Hat: City of Oroville Code Enforcement- 5 panel trucker hat dark gray in color with 2-inch City of Oroville Code Enforcement Patch sewn on center of panel.


Option 3. *Watch cap.* Watch cap black in color with Code Enforcement in 3/4" white Block font embroidered on the front and may be worn during inclement weather.

UNIFORM FOOT WARE

All black shoes to include boots or work shoes.

FORMS

FORM 1- Complaint Form



City of Oroville

Code Enforcement - Community Development Department

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2435 FAX (530) 538-2426
www.cityoforoville.org

COMPLAINT INVESTIGATION REQUEST

- All requests are confidential.
- In order for the City to process this request, **requester must provide all information requested below.**
- The City will not process or respond to anonymous requests.

THIS ENTIRE SECTION MUST BE COMPLETED BY THE PERSON FILING THE COMPLAINT
(PLEASE PRINT CLEARLY)

PROPERTY LOCATION:

NATURE OF COMPLAINT *(Check all appropriate items and describe your concerns)*

<input type="checkbox"/> Unsanitary/Unsafe Property	<input type="checkbox"/> Building Code Violation (work without a permit, etc...)	<input type="checkbox"/> Hazardous obstruction
<input type="checkbox"/> Trash, Junk, and/or Debris	<input type="checkbox"/> Substandard Housing Condition	<input type="checkbox"/> Zoning Violation
<input type="checkbox"/> Overgrown and/or piles of vegetation	<input type="checkbox"/> Deteriorated, dangerous, or unsafe building(s)	<input type="checkbox"/> Fencing, Wall, or other type or barrier
<input type="checkbox"/> Abandoned/inoperative vehicle	<input type="checkbox"/> Improper or unapproved use or occupancy	<input type="checkbox"/> Polluted water
<input type="checkbox"/> Environmental (sewage, Chemical, etc...)	<input type="checkbox"/> Encroachment into the Public right-of-way	<input type="checkbox"/> Other (please specific in your description)

Description of the concerns checked above *(Please attach additional pages, if needed):*

CONTACT INFORMATION

Name: <input style="width: 90%;" type="text"/>	Phone No: () <input style="width: 10%;" type="text"/>
Address: <input style="width: 90%;" type="text"/>	Cell No: () <input style="width: 10%;" type="text"/>
City, State & Zip: <input style="width: 90%;" type="text"/>	
E-mail address: <input style="width: 90%;" type="text"/>	
Signature: <input style="width: 90%;" type="text"/>	Date: <input style="width: 100%;" type="text"/>

THIS SECTION TO BE COMPLETED BY CITY PERSONNEL

Date Received: Time Received: Case No:

Received by (Staff): Initials:


Method Received: Phone Email Mail In-Person City's Website

PROPERTY INFORMATION

Property Owner: <input style="width: 90%;" type="text"/>	APN: <input style="width: 100%;" type="text"/>
Address: <input style="width: 90%;" type="text"/>	Phone No: () <input style="width: 10%;" type="text"/>
City, State & Zip: <input style="width: 90%;" type="text"/>	() <input style="width: 10%;" type="text"/>

Attachments (if any): Picture(s) Email(s) Letter(s) Other:

Form 2 – Stop Work Notice



CASE # CE- _____

Code Enforcement

STOP WORK NOTICE

CONTACT CODE ENFORCEMENT AT
(530) 538-2498 BEFORE DOING ANY
FURTHER WORK ON THIS STRUCTURE

DATE: _____ OFFICER: _____

LOCATION: _____

DO NOT REMOVE THIS NOTICE

DETACH AND BRING THIS PORTION OF
CARD WITH YOU!

LOCATION: _____

DATE: _____

VIOLATION: _____

9.08.050(u) dmc ANY VIOLATION OF TITLE 15
OSMC BUILDING REGULATIONS

CA BUILDING CODE 1.8.4

CITY OF OROVILLE CODE ENFORCEMENT
1735 MONTGOMERY ST.
OROVILLE, CA 95965
(530) 538-2498

PLEASE MAKE THE NECESSARY
CORRECTIONS. IMMEDIATE ACTION IS
REQUIRED TO AVOID A CITATION
IN THE FUTURE.

CASE # CE- _____

DATE: _____ OFFICER: _____

LOCATION: _____

Form 3 – Voluntary Consent Form



City of Oroville

CODE ENFORCEMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2498 FAX (530) 538-2426
www.cityoforoville.org

VOLUNTARY CONSENT TO ENTER

I _____ owner or authorized tenant, agent or representative,
Hereby give consent to the City of Oroville’s Code Enforcement Department and any other
accompanying agencies to enter the property located at _____ Oroville,
CA 95966-95965, for the purpose of inspecting and documenting the current conditions of said
property. It should be noted the owner or authorized tenant, agent or representative can withdraw
consent at any time during the inspection.

I understand that this is a voluntary inspection of the premises, this voluntary written permission
to enter is granted by:

X

Signature of Property Owner
and/or Authorized Representative

DATE:

(Check box to receive a mailed copy of Consent to Enter form)

THIS SECTION TO BE COMPLETED BY CITY PERSONNEL

Date Inspected: _____ Inspected By: _____
Inspection Time: _____ Case No: _____

Form 4 Hold Harmless Agreement Page1



City of Oroville
1735 Montgomery St. – Oroville, CA 95965

**CONSENT TO ENTER LANDS AND PREFORM SERVICES
& HOLD HARMLESS AGREEMENT**

This CONSENT TO ENTER LANDS AND PREFORM SERVICES and HOLD HARMLESS AGREEMENT (hereinafter "AGREEMENT") is between the CITY OF OROVILLE AND DESIGNEE'S.

NAME: _____ (hereinafter, "OWNER/OCCUPANT"),
of ADDRESS: _____ and/or
parcel # _____ . In this agreement the CITY OF OROVILLE

OWNER/OCCUPANT are sometimes individually referred to as "PARTY" and/or collectively referred to as the "PARTIES."

WHEREAS, the CITY OF OROVILLE, who is authorized by Sec. 26600 of the California Government Code to sponsor, supervise or participate in any project of crime prevention and/or rehabilitation of offenders previously convicted of crime, may at the sole discretion of the Police Chief utilize inmate work crews to remove, clean and/or clear trash, debris, abandon property, hazardous conditions, vegetation and brush from private property with the consent of the owner/ occupant of the property, when to do so would preserve the peace by preventing future crime and/or assist in the rehabilitation of offenders; and

WHEREAS, the OWNER/OCCUPANT consents to entry upon the land described above by CITY OF OROVILLE's personnel for the purpose of providing the service listed above and in exchange for the services rendered, the OWNER/OCCUPANT voluntarily and irrevocably agrees to hold harmless and indemnify the CITY OF OROVILLE from any and all claims and/or litigation arising out of the CITY OF OROVILLE'S performance of the services listed above; and

WHEREAS, the OWNER/OCCUPANT agrees to pay all costs and/or fees related to the disposal of any trash, debris, abandon property, hazardous conditions, vegetation and brush removed, cleaned and/or cleared from the property, with the understanding that there is no charge for the cost of the labor of the work crews and/or the CITY personnel assigned to supervise the project.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, the CITY OF OROVILLE and the OWNER/OCCUPANT hereby agree as follows:

- 1. **Hold Harmless.** Upon the CITY OF OROVILLE performance of services by any of its personnel, employees, agents, contractors, volunteers and/or inmate work crews for the purposes specified herein, the OWNER/OCCUPANT shall defend, indemnify, and hold harmless the CITY OF OROVILLE from any and all actual or alleged claims, demands, causes of action, liability, loss, damage and/or injury to property or persons (including wrongful death), whether

Hold Harmless Agreement Page 2

brought by an individual or other entity, or imposed by a court of law or by administrative action of any federal, state, or local governmental body or agency, arising out of or incident to any acts, omissions, negligence, or willful misconduct of the CITY OF OROVILLE, its personnel, employees, agents, contractors, volunteers and/or inmate work crews in connection with or arising out of the CITY OF OROVILLE'S performance of services. This indemnification applies to and includes, without limitation, the payment of all penalties, fines, judgments, awards, decrees, attorney's fees, and related costs or expenses, and any reimbursements to the CITY OF OROVILLE for all legal expenses and costs incurred by it.

2. Authority to Enter Agreement. OWNER/OCCUPANT warrants that he/she has the legal power, right, and authority to make this Agreement and bind his/her successors, hires and/or assigns.

3. Amendment; Modification. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing and approved by the CITY OF OROVILLE.

4. Ongoing Right to Service. No benefit, privilege, or service voluntarily given or performed by the CITY OF OROVILLE pursuant to this Agreement shall give or entitle the OWNER/OCCUPANT to any ongoing, future or contractual right to services of the nature described above.

5. Attorneys' Fees and Costs. If any legal action or other proceeding is brought in connection with this Agreement, the successful or prevailing PARTY shall be entitled to recover reasonable attorneys' fees and other related costs, in addition to any other relief to which the PARTY is entitled.

6. Entire Agreement. This Agreement contains the entire agreement between the PARTIES related to the matters specified herein, and supersedes any prior oral or written statements or agreements between the PARTIES related to such matters.

7. Severability. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

8. Applicable Law. This Agreement shall be governed by the laws of the State of California.

By signing below, you agree to all of the provisions and conditions listed herein.

By: _____
Property Owner/Occupant

Date: _____

Form 5 Graffiti Removal Consent Form



City of Oroville
CODE ENFORCEMENT DEPARTMENT

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

GRAFFITI REMOVAL CONSENT

The undersigned states as follows:

I am the owner, and/or entitled to possession, and/or duly authorized agent of the owner, of the premises described below and have the right and authority to authorize the removal or painting over of graffiti from the premises, as often as the graffiti occurs, by participants in the graffiti removal program of the Graffiti Abatement Team (G.A.T), under the supervision of the City of Oroville Code Enforcement Department.

I hereby authorize the G.A.T and the City of Oroville Code Enforcement Dept. to enter upon the premises for the purpose of removing, painting, over, and eradicating graffiti, as often as the graffiti occurs.

I understand that in consideration of the City removing, painting over, and/or eradicating graffiti without cost to me, the City of Oroville will not be liable for any property damage or injuries from the Community Service Workers entry upon and use of the premises. I further understand, however, that the G.A.T and the City of Oroville persons are insured, and I will not be responsible for any injuries they sustain.

I understand that the graffiti eradicators will use the closest color of paint available. I further understand that I may, if I wish, provide paint to the painters which I have obtained to match as close as possible the paint on the existing surface of the premises. I further understand that only the graffiti covered area of the premises will be painted and not the entire surface area of the wall or building or surface upon which the graffiti exists.

The premises referred to above is commonly known as:

Address _____

Name: _____

Date _____

Signature _____

Form 6 Public Notice for Fire Properties

City of Oroville Public Notice

Public Notice to All Property Owners in the Oroville City Limits to Remove Grass, Weeds or Plants, Rubbish and Rubble Prior to June 15th of Each Year.

All property owners of land in the City limits of Oroville, CA are hereby notified to remove or destroy all grass, weeds or plants or rubbish and rubble thereon prior to June 15, 2022, in accordance with the City of Oroville Municipal Code, Section 11-19.

Administrative Citations will be issued pursuant to City Ordinance Nos. 1717 and 1719 for violations thereof against all property owners failing to comply with this notice. Residential property owners within the City limits shall remove all grass, weeds, rubbish and rubble pursuant to 14-22.401 of the City of Oroville Nuisance Ordinance. Failure to comply may result in administrative fines and penalties.

California Health and Safety Code Section 13008, of the California Code of Regulations are provided below.

13008. Any person who allows any fire burning upon his property to escape to the property of another, whether privately or publicly owned, without exercising due diligence to control such fire, is liable to the owner of such property for the damages to the property caused by the fire.

Any parcel required to comply with this ordinance that fails to comply may also be declared a “Nuisance” and/or “Fire Hazard” in accordance with the City of Oroville Municipal Code and/or the California Code of Regulations.

Ronnie Belser Director of Code Enforcement

City of Oroville

By Direction of the City Council

PO11BL10013

Form 7 Contractors State License Board Referral Form Page 1



CONTRACTORS STATE LICENSE BOARD
 9821 Business Park Drive, Sacramento, CA 95827
 Mailing Address: P.O. Box 26000, Sacramento, CA 95826
 800.321.CSLB (2752) | www.cslb.ca.gov | CheckTheLicenseFirst.com

STATE OF CALIFORNIA

Building Permit Violation Referral

This form is to report any contractor who fails to pull a building permit for construction activity.
FAX completed form to: 916.255.4184

COMPLAINANT				CONTRACTOR INFORMATION			
PLEASE CHECK TO REMAIN ANONYMOUS <input type="checkbox"/>				CONTRACTOR NAME <input type="checkbox"/> PRIME <input type="checkbox"/> SUB			
NAME				DRA			
AGENCY OR COMPANY NAME				LICENSE NUMBER			
STREET ADDRESS				STREET ADDRESS			
CITY	COUNTY	STATE	ZIP CODE	CITY	COUNTY	STATE	ZIP CODE
PHONE NUMBER	E-MAIL ADDRESS			LICENSE NUMBER	WERE EMPLOYEES PRESENT? <input type="checkbox"/> YES <input type="checkbox"/> NO		
IF YES, HOW MANY?							

PROJECT INFORMATION (if available)							
OWNER OF CONSTRUCTION SITE AND/OR AWARDING BODY				PROJECT STREET ADDRESS			
STREET ADDRESS				CITY	STATE	ZIP CODE	
CITY	STATE	ZIP CODE		<input type="checkbox"/> RESIDENTIAL <input type="checkbox"/> COMMERCIAL	APPROXIMATE DATE OF WORK		
PHONE NUMBER	DESCRIPTION OF WORK						
DID YOU NOTIFY THE LOCAL BUILDING DEPARTMENT OF WORK BEING DONE WITHOUT A PERMIT? <input type="checkbox"/> YES <input type="checkbox"/> NO							

FOR OFFICE USE ONLY																			
COMPLAINT NUMBER			TYPE	INV	ORIG	PRTY	DATE RECEIVED			SPECIAL PROJECT	DATE STATE EXP			ER	ASSIGNED TO DR				
E	F	Y	CONST				MO	DA	YR		MO	DA	YR	PT	MO	DA	YR		
LICENSE NUMBER			CLOSURE LETTER	DISPOSITION	DATE CLOSED			STATUS CHANGE											
			C	C	MO	DA	YR	C	DATE	C	DATE	C	DATE	C	DATE	C	DATE		

131-29 Rev. 07/15/12 (page 1 of 2)

Form 7 Continued Contractors State License Board Referral Form Page 2



Building Permit Violation Referral (continued)

Filing a Complaint for Failure to Obtain a Building Permit

Building permits are required by law as a public safety measure. Permits ensure that construction is performed in compliance with state and local codes, including safety standards. On June 11, 2009, the Contractors State License Board (CSLB) voted unanimously to place a high priority on enforcing building permit requirements, and an Industry Bulletin was subsequently issued on November 30, 2009, to alert licensees that CSLB would be accelerating building permit enforcement efforts, beginning January 2010.

Failure to obtain a building permit is a violation of Contractors License Law. Further, construction performed without a permit can expose a homeowner to additional liability and costs. When a contractor performs a work improvement that requires a permit without that permit, it is a violation of Business and Professions (B&P) Code Sections 7110 and 7090. Contractors who violate the law are subject to disciplinary action by CSLB, including assessment of civil penalties of up to \$5,000

per violation, an order of correction to pay the cost of permit fees as well as any assessed penalties imposed by the local building department, and suspension or revocation of the license.

Upon receipt of a building permit complaint, CSLB will contact the contractor regarding the permit allegation and take the appropriate disciplinary action.

File a Complaint by Mail or Fax

To file your complaint, begin by downloading the Building Permit Complaint form or call 1.800.321.CSLB (2752) to request that a complaint form be mailed to you.

1. Fill out and sign the complaint form.
2. Mail or fax the completed form to:

Sacramento Intake & Mediation Center
 P.O. Box 269116
 Sacramento, CA 95826-9116
 916.255.4184 (fax)

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections – San Francisco Regional Office
100 First Street, Suite 2300
San Francisco, CA 94105-3084
(415) 369-3300 Office – (415) 369-3322 Facsimile

October 3, 2022

In reply refer to:
Project No. 2100-CA

Mr. Jeremiah McNeil, Acting Manager
Hydropower License Planning and Compliance Office
California Department of Water Resources (DWR)
P.O. Box 942836
Sacramento, California 94236-0001

Re: 2100—Extension Request for New Survey Monuments for Bidwell Bar Canyon
Saddle Dam

Dear Mr. McNeil:

This is in response to your letter dated June 29, 2022 that submitted a request for an extension of time to replace survey monuments at Bidwell Bar Canyon Saddle Dam, which is part of Feather River Project, FERC No. 2100. We have reviewed the submittal, and we have the following comments:

1. DWR's The extension request is not granted. The California Department of Water Resources (DWR) did not provide an explanation of why the due date could not be met. Please revise the extension of time request and resubmit for our review.
2. The proposed extension of time request provided only two (2) calendar days between the date of the letter and the due date. As a reminder, extension of time requests should be submitted a minimum of 30 days prior to the date the item is due. Please refer to the the FERC website for the 2022 annual letter and reminder of responsibilities (<https://www.ferc.gov/dam-safety-and-inspections>) for additional information.

Within 60 days of the date of this letter, please address our comments. File your submittal using the Commission's eFiling system at <https://www.ferc.gov/ferc-online/overview>. For all Dam Safety and Public Safety Documents, select Hydro: Regional Office and San Francisco Regional Office from the eFiling menu. The cover page of the filing must indicate that the material was eFiled. For assistance with eFiling, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

We appreciate your continued efforts in this aspect of the Commission's dam safety program. If you have any questions, please contact Mr. Chris Wang at (415) 369-3366.

Sincerely,



Frank L. Blackett, P.E.
Regional Engineer

cc:
Ms. Sharon Tapia, Division Manager
CA Dept. of Water Resources
Division of Safety of Dams
P.O. Box 942836
Sacramento, CA 94236-0001



Established
1932

Item ii.

2008 Lincoln Street • Oroville, CA 95966
(530) 533-5717
comers@comersprintshop.com

October 01, 2022

To Whom it May Concern

After 31 years of running the family business here at Comer's Print Shop Jeff and Cindi have decided to retire. The fourth generation has stepped up and we are now owned by Chris Comer. Chris is the great grandson of the original founders Mildred, and Glenn Comer, and the fourth generation of Comer's to run the business. The entire crew is remaining the same, we're just adding Chris to the roster, even Cindi and Jeff will be around for a while to help everything run smooth.

We will continue to offer the same excellent service you have come to expect from us and we look forward to continuing to work with you in the future.

We would like to say a heartfelt thank you to each of you for your support and help over the years.

If you have any questions please feel free to give us a call, stop by or just send an email.

Thank you!

Jeff & Cindi Comer
Jeff & Cindi Comer

Chris Comer
Chris Comer, Owner



DATE: October 14, 2022

TO: STATE, CITY AND LOCAL OFFICIALS

NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S REQUEST TO CHANGE RATES FOR ITS PROPOSED SALE OF MINORITY INTEREST IN NON-NUCLEAR GENERATION PORTFOLIO APPLICATION (A.22-09-018)

Acronyms you need to know

PG&E: Pacific Gas and Electric Company

CPUC: California Public Utilities Commission

Why am I receiving this notice?

On September 28, 2022, PG&E filed its Proposed Sale of Minority Interest in Non-Nuclear Generation Portfolio application with the CPUC. In the application, PG&E proposes the sale of a minority interest in its non-nuclear generation business through the creation of a new subsidiary of PG&E. The subsidiary would be subject to rate regulation under the CPUC.

As a result of this application, the way rates are calculated will change, but there will be no increase in total rates charged to customers and no increase in monthly bills.

PG&E proposes to transfer its non-nuclear generation assets, including hydroelectric, natural gas, solar generation facilities, and the Elkhorn battery energy storage system, to the new generation subsidiary.

The subsidiary would operate as a utility under the CPUC's jurisdiction, continue to dedicate its output to public service, and provide generation service to customers within the same electric service territory as PG&E. PG&E would continue to operate and maintain the assets, as well as dispatch and schedule the generation output as part of its integrated resource portfolio.

Why is PG&E requesting this?

As discussed in PG&E's 2023 General Rate Case (A.21-06-021) and elsewhere, PG&E plans to substantially increase its capital expenditures to improve the safety and reliability of its system and to help achieve the state's decarbonization and electrification goals despite increasing challenges posed by climate change.

PG&E believes that the proposed corporate transaction represents the best path forward for raising equity capital while balancing a variety of important objectives, including meeting PG&E's near-term capital needs and continuing to provide safe, reliable and affordable service.

How could this affect my monthly electric rates?

Total electric rates and average monthly customer bills would not be impacted by the proposals in this application. There would be adjustments in the way rates are determined and there would be rates for both PG&E and the new generation subsidiary. Those rates would be combined in customer bills and customers would not see an increase in total rates.

How does the rest of this process work?

This application will be assigned to a CPUC Administrative Law Judge who will consider proposals and evidence presented during the formal hearing process. The Administrative Law Judge will issue a proposed decision that may adopt PG&E's application, modify it, or deny it. Any CPUC Commissioner may sponsor an alternate decision with a different outcome. The proposed decision, and any alternate decisions, will be discussed and voted upon by the CPUC Commissioners at a public CPUC Voting Meeting.

Parties to the proceeding are currently reviewing PG&E's application, including the Public Advocates Office. The Public Advocates Office is an independent consumer advocate within the CPUC that represents customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. For more information about the Public Advocates Office, please call 1-415-703-1584, email PublicAdvocatesOffice@cpuc.ca.gov or visit PublicAdvocates.cpuc.ca.gov.

Where can I get more information?

CONTACT PG&E

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 obtener más información sobre cómo este cambio podría afectar su pago mensual, llame al 1-800-660-6789 • 詳情請致電 1-800-893-9555.

If you would like an electronic copy of the filing and exhibits, please write to the address below:

Pacific Gas and Electric Company
Proposed Sale of Minority Interest in Non-Nuclear Generation
Portfolio (A.22-09-018)
P.O. Box 7442
San Francisco, CA 94120

CONTACT CPUC

Please visit apps.cpuc.ca.gov/c/A2209018 to submit a comment about this proceeding on the CPUC Docket Card. Here you can also view documents and other public comments related to this proceeding. Your participation by providing your thoughts on PG&E's request can help the CPUC make an informed decision.

If you have questions about CPUC processes, you may contact the CPUC's Public Advisor's Office at:

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

Please reference the **Proposed Sale of Minority Interest in Non-Nuclear Generation Portfolio A.22-09-018** in any communications you have with the CPUC regarding this matter.