



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

**September 05, 2019
SPECIAL MEETING
OPEN SESSION 9:00 AM
AGENDA**

CALL TO ORDER / ROLL CALL

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

OPEN SESSION

1. Pledge of Allegiance
2. Adoption of Agenda

REGULAR BUSINESS – Action Calendar

1. POLICY RELATED TO APPOINTMENT AUTHORITY OF MAYOR

The Council will consider approving a policy related to the appointment authority of the Mayor.

RECOMMENDATION

Approve Resolution 8813, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA ADOPTING A POLICY REGARDING COUNCIL COMMITTEE APPOINTMENTS

2. VOID PRIOR APPOINTMENTS TO COMMITTEES, COMMISSIONS, AND BOARDS AND MAKE NEW APPOINTMENTS TO COMMITTEES, COMMISSIONS, AND BOARDS

The Council will consider voiding prior appointments of Council Members to committees, commissions and boards. In addition, the Mayor will consider making new appointments with Council advice and consent, as outlined in Government Code 40605 and as approved by policy of the City Council prior to this agenda item.

RECOMMENDATION

1. Staff recommends the Council void the actions of February 19, 2019, March 5, 2019 and March 19, 2019 related to the appointment of members of the Council to various committees, commissions and boards; and
2. Make new appointments to committees, commissions and boards by the following process: (a) The Mayor make appointments to various committees, commissions and Boards; (b) the Mayor and Council receive comments and input from the public and the Council, if any; and (c) the Council to advise and consent to the Mayor's appointments

ADJOURN

Adjourn to Tuesday, September 17, 2019 at 5:30 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 STAFF REPORT

TO: MAYOR REYNOLDS AND CITY COUNCIL MEMBERS

FROM: SCOTT E. HUBER, CITY ATTORNEY

RE: POLICY RELATED TO APPOINTMENT AUTHORITY OF MAYOR

DATE: SEPTEMBER 5, 2019

SUMMARY

The Council will consider approving a policy related to the appointment authority of the Mayor.

DISCUSSION

Section 40605 of the Government Code outlines the process required for general law cities for a Mayor to make appointments to committees, commissions and boards. The City of Oroville, a charter city, has not adopted a specific policy related to appointments to committees, commissions and boards. As a result, Government Code 40605 applies to the City, since an alternate method of procedure has not been approved.

For many years, the City has operated in the manner outlined by the Government Code. At this time, the Council believes that a formal policy should be adopted to provide clarity to the process and to avoid various interpretations of the intent of the Council related to appointments. Following adoption of this policy, appointments to committees, commissions and boards shall be made as outlined in the Resolution. The Brown Act will apply in all respects.

Staff recommends approval of the attached Resolution.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve Resolution 8813, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA ADOPTING A POLICY REGARDING COUNCIL COMMITTEE APPOINTMENTS

**CITY OF OROVILLE
RESOLUTION NO. 8813**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OROVILLE, CALIFORNIA ADOPTING A POLICY REGARDING
COUNCIL COMMITTEE APPOINTMENTS**

WHEREAS, it has long been held that unless a Charter of a city expressly provides for municipal control over a particular concern, general state law would prevail; and

WHEREAS, the Oroville City Charter does not provide for municipal control over boards, commissions, and committees appointments and the Council has not previously adopted a policy related thereto; and

WHEREAS, California Government Code Section 40605 provides that an elected mayor shall make all appointments to boards, commissions, and committees with the approval of the city council; and

WHEREAS, the California Attorney General has opined that Government Code Section 40605 establishes an advice and consent relationship; and

WHEREAS, even though the Council has previously followed the process as outlined in Government Code 40605, the Council believes that it is necessary to formalize the process for making boards, commissions, and committee appointments for the City of Oroville.

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

1. The Mayor, with the approval of the City Council, shall make all appointments to boards, commissions, and committees unless otherwise specifically provided by statute or City Charter. The role of the Council is to advise and consent (i.e. approve or reject), however, the Council

may not substitute its desired appointments for that of the Mayor. This appointment authority shall not extend to the Planning Commission, the Parks Commission, the Arts Commission, or the Citizen’s Oversight Committee related to Measure U, which shall be appointed by a majority vote of the Council.

2. The Mayor shall announce his or her appointments at or before a properly noticed regular or special meeting of the City Council Agenda which lists this matter as an item for action to be taken. A vote of the council shall be taken. Appointments must be approved by a majority of the council present at the meeting. Appointments shall be for one year, unless otherwise announced by the Mayor prior to the appointment.

PASSED AND ADOPTED by the City Council of the City of Oroville at a special meeting on September 5, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chuck Reynolds, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Jackie Glover, Assistant City Clerk



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND CITY COUNCIL MEMBERS

FROM: SCOTT E. HUBER, CITY ATTORNEY

RE: VOID PRIOR APPOINTMENTS TO COMMITTEES, COMMISSIONS AND BOARDS AND MAKE NEW APPOINTMENTS TO COMMITTEES, COMMISSIONS AND BOARDS

DATE: SEPTEMBER 5, 2019

SUMMARY

The Council will consider voiding prior appointments of Council Members to committees, commissions and boards. In addition, the Mayor will consider making new appointments with Council advice and consent, as outlined in Government Code 40605 and as approved by policy of the City Council prior to this agenda item.

DISCUSSION

On February 19, 2019 and March 5, 2019, the Mayor appointed members of the Council to various committees, commissions and boards. No members of the public requested to speak on the items. In addition, no member of the Council requested to speak on the items. The approval of the appointments was done by acclamation of the Council. The procedure utilized for these appointments was generally the same as that utilized by prior City Councils of the City of Oroville.

On March 19, 2019, the Mayor made changes to the several of the prior appointments. Utilizing the same procedure as that of February 19 and March 5, the matter was listed in the agenda and the Mayor announced the desired changes. No member of the public or Council requested to speak to the items, and the appointments were made by acclamation of the Council.

The Council believes that the prior actions were appropriate and in compliance with all laws, including the Brown Act. If approved, the actions recommended in this staff report will provide clarity to the process and finality to the appointments. The committees, commissions and boards to which the Mayor may appoint Council Members are the following: Airport Land Use Commission, Arts Commission, Butte County Association of Governments, Butte County Air Quality Control Board, Butte County Water Advisory Board, Chamber of Commerce, Citizens Oversight Committee, Butte County Continuum of Care, Executive

Committee/Intergovernmental Committee, League of California Cities, Loan Advisory Housing and Economic Development, Oroville Downtown Business Association, Oroville Recreation Area Committee, Supplemental Benefit Fund, Sewerage Commission Oroville Region (SC-OR), Sustainable Groundwater Management Authority, State Theatre Arts Guild (STAGE), Tourism, and Veterans' Memorial Park.

Staff recommends:

- (1) The Council void the actions of February 19, 2019, March 5, 2019 and March 19, 2019 related to the appointment of members of the Council to various committees, commissions and boards; and
- (2) Make new appointments to committees, commissions and boards by the following process: (a) The Mayor to make appointments to various committees, commissions and Boards; (b) the Mayor and Council receive comments and input from the public and the Council, if any; and (c) the Council to advise and consent to the Mayor's appointments.

FISCAL IMPACT:

None.

RECOMMENDATION:

Staff recommends:

- (1) The Council void the actions of February 19, 2019, March 5, 2019 and March 19, 2019 related to the appointment of members of the Council to various committees, commissions and boards; and
- (2) Make new appointments to committees, commissions and boards by the following process: (a) The Mayor make appointments to various committees, commissions and Boards; (b) the Mayor and Council receive comments and input from the public and the Council, if any; and (c) the Council to advise and consent to the Mayor's appointments.