



## OROVILLE CITY COUNCIL

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**March 05, 2024**  
**REGULAR MEETING**  
**CLOSED SESSION 4:00 PM**  
**OPEN SESSION 4:30 PM**  
**AGENDA**

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### PUBLIC ACCESS AND PARTICIPATION

Please review the options below for ways to participate or observe the Council Meetings.

#### To Observe the Meeting:

1. Live Feed: <https://www.youtube.com/channel/UCAoRW34swYI85UBfYqT7IbQ/>
2. Zoom Link: <https://zoom.us/j/96870319529?pwd=dW9kMGRZSFo5MFFNQk5wVDUzRkRrZz09>
3. Zoom Application: Meeting ID: 968 7031 9529 Passcode: 67684553
4. By Phone: Telephone: 1-669-900-6833 Meeting ID: 968 7031 9529 Passcode: 67684553

#### To Provide Comment to the Council:

1. Attend the meeting in person
2. Send an Email by 2:00 PM the day of the meeting to [publiccomment@cityoforoville.org](mailto:publiccomment@cityoforoville.org). All comments emailed will be provided to the Council Members for their consideration.

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 (1.5) 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.

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### CALL TO ORDER / ROLL CALL

Council Members: Tracy Johnstone, Krysi Riggs, Scott Thomson, Janet Goodson, Shawn Webber, Vice Mayor Eric Smith, Mayor David Pittman

### 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 Personnel Officer and City Attorney to consider the evaluation of performance related to the following position: City Administrator and all Department Heads

2. Pursuant to Government Code Section 54957.6, the Council will meet with the Personnel Officer and City Attorney to discuss labor negotiations related to the following bargaining units: All Represented Units

## OPEN SESSION

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

## PRESENTATIONS AND PROCLAMATIONS

### 1. Presentation from United Way

United Way will present a PowerPoint to the City Council.

#### **ACTION REQUESTED -**

ACCEPT FOR INFORMATION.

## 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.

## REPORTS / DISCUSSIONS

1. Council Announcements and Reports
2. Administration Reports

## CONSENT CALENDAR

Consent calendar **items 1 - 5** 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. Affordable Housing And Sustainable Communities Grant Application

The Council may consider the submittal of an Application for the Affordable Housing and Sustainable Communities “AHSC” Program.

#### **ACTION REQUESTED –**

ADOPT RESOLUTION NO. 9230 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR THE AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES (AHSC) PROGRAM

**2. Accept The Permanent Local Housing Allocation Competitive Program Grant Agreement No. 22-PLHACOM-17810 And Establish Budget**

The Council may consider accepting the 2022 Permanent Local Housing Allocation Grant (PLHA), Agreement No. 22-PLHACOM-17810, in the amount of \$2,500,000.00, and establish a budget for general administration and program activities.

**ACTION REQUESTED -**

1. ACCEPT THE 2022 PERMANENT LOCAL HOUSING ALLOCATION GRANT, NO. 22-PLHACOM-17810, IN THE AMOUNT OF \$2,500,000.00: AND
2. APPROVE BUDGET ADJUSTMENT INDICATED IN THE FISCAL IMPACT OF THIS STAFF REPORT, DATED MARCH 5, 2024.

**3. Foreclosure of 1300 High Street**

The City Council may consider initiating foreclosure proceedings related to the City of Oroville's interest in the Deed of Trust against the property located at 1300 High St., Oroville (APN 012-133-013).

**ACTION REQUESTED -**

ADOPT RESOLUTION NO. 9231-A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AUTHORIZING AND DIRECTING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 1300 HIGH STREET., OROVILLE (APN 012-133-013)

**4. Task Order 21; Surveying Services for City Sewer Easement**

The Council may direct staff to issue a task order (TO) to NorthStar to conduct a boundary survey of two (2) private parcels on Oro Dam Blvd so that a sewer easement can be made over existing City sanitary sewer infrastructure.

**ACTION REQUESTED –**

DIRECT THE CITY ADMINISTRATOR TO PROCEED WITH THE ISSUING OF TASK ORDER 21 DISCUSSED ABOVE TO NORTHSTAR.

**5. Approval of the June 20, 2023 City Council Regular Meeting Minutes**

The City Council may consider the drafted minutes of the June 20, 2023 City Council Regular Meeting for approval.

**ACTION REQUESTED –**

ADOPT THE MINTUES AND AUTHORIZE THE MAYOR TO SIGN.

## REGULAR BUSINESS

### **6. Proposed Revisions to City Charter**

The Council previously directed staff to work with Council Member Goodson and Council Member Thomson on proposed changes to the City Charter to remove outdated language, update incorrect language and recommend changes to other sections of the Charter.

#### **ACTION REQUESTED -**

PROVIDE CITY CHARTER REVIEW TEAM INPUT ON PROPOSED CHANGES TO CITY CHARTER AND PROVIDE ANY ADDITIONAL INPUT ON CHARTER.

## PUBLIC HEARINGS

The Public Hearing Procedure is as follows:

- Mayor or Chairperson opens the public hearing and staff will present the item and answer Council questions.
- The hearing is opened for public comment limited to three (3) minutes per speaker. In the event of more than ten (10) speakers, time will be limited to one and a half (1.5) minutes. Under Government Code 54954.3, the time for each presentation may be limited.
- Speakers are requested to provide a speaker card to the City Clerk
- Public comment session is closed and then the Council will debate and take action
- Those wishing to speak at the public hearings below, but unable to attend before 5pm, may request that the council consider holding the public hearing after 5pm by emailing [cityclerk@cityoforoville.org](mailto:cityclerk@cityoforoville.org) or calling 530-538-2535. Please submit request 24 hours before the meeting.
- Individuals may email comments for council consideration to [publiccomment@cityoforoville.org](mailto:publiccomment@cityoforoville.org)

### **7. 5:15PM - First Reading of an Amendment of Oroville Municipal Code Section 17.16.010 – Accessory Dwelling Units**

The City Council will consider amending Municipal Code Section 17.16.010 (“Accessory Dwelling Units”) to bring the City’s ordinance into compliance with state law. The name is also changed from the original “Second Dwelling Unit” ordinance. The Planning Commission recommended approval of the draft ordinance before you at its regular meeting of January 25, 2024, after consideration of the staff report, Planning Commissioner comments, and public comment. If approved by the City Council, the City Council will hold a second hearing to formally adopt the ordinance amending Municipal Code Section 17.16.010.

#### **ACTION REQUESTED -**

1. ADOPT A NOTICE OF EXEMPTION FOR AMENDMENTS TO MUNICIPAL CODE SECTION 17.16.0.
2. ADOPT RESOLUTION 9232—FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING SECTION 17.16.010 (“ACCESSORY DWELLING UNITS”).



## **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.

## **FUTURE AGENDA ITEMS / CORRESPONDENCE**

1. Future Agenda Items
2. Correspondence

## **ADJOURN THE MEETING**

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on March 19, 2024 at 4:00 p.m.

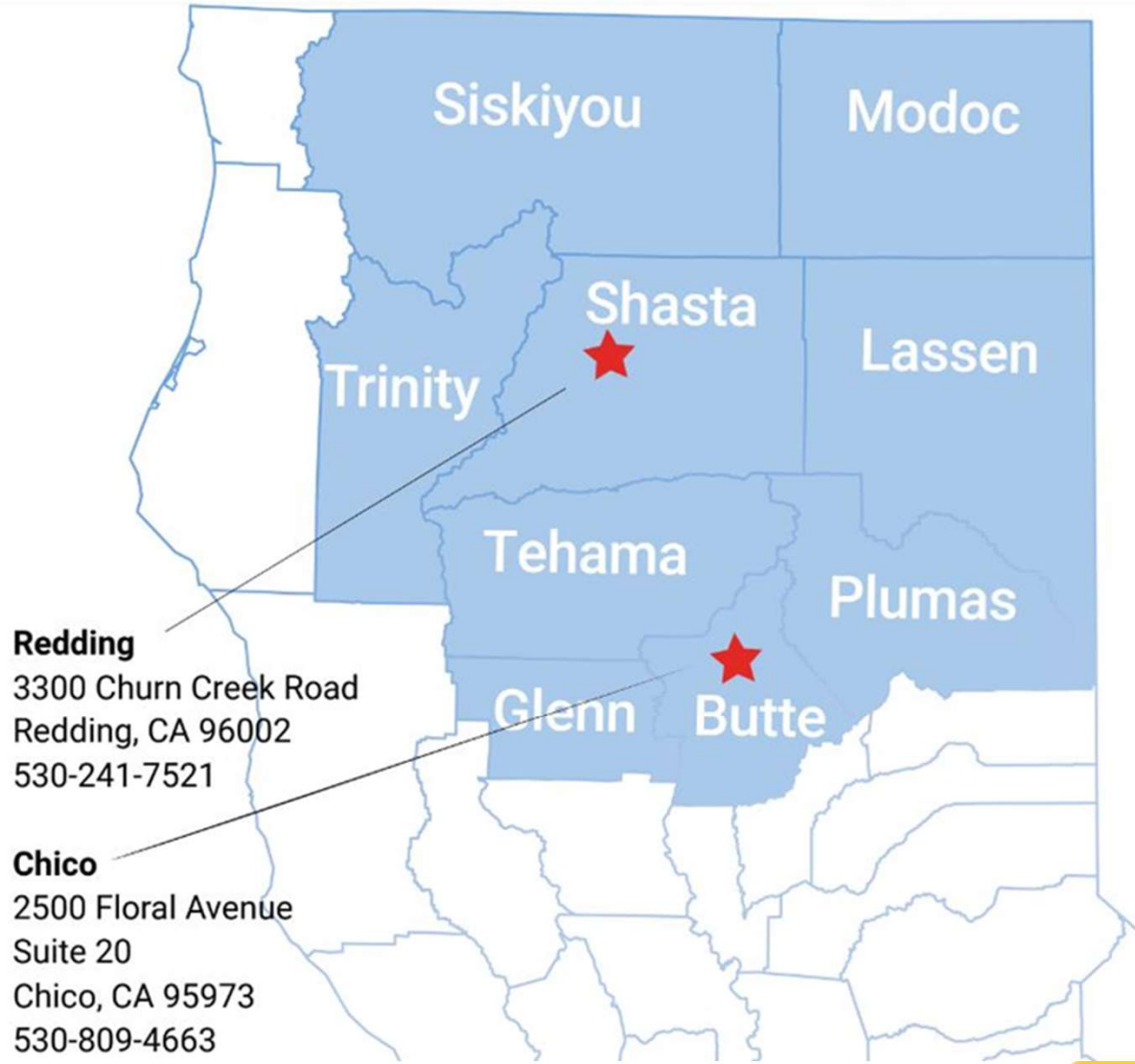
*Accommodating Those Individuals with Special Needs* – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public 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](http://cityoforoville.org) and YouTube.



# United Way of Northern California

[norcalunitedway.org](http://norcalunitedway.org)



**Redding**  
3300 Churn Creek Road  
Redding, CA 96002  
530-241-7521

**Chico**  
2500 Floral Avenue  
Suite 20  
Chico, CA 95973  
530-809-4663

# Mission

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United Way of Northern California fights for the **health, education, and financial stability** of every person in our community and is **there during times of crisis**.



United Way of  
Northern California

# Health & Education

## COVID-19 RESPONSE

- COVID tests
- Vaccine clinics
- COVID education
- Butte United Shelter Program and Project Room Key

## LISTOS

- Pre-disaster preparedness that builds disaster resilience

## BREAKING BARRIERS AGAINST STIGMA (Opioid/ Stimulant Use Disorder)

- Promote evidence-based treatment and recovery programs
- Increase treatment referrals

# Financial Stability

## Volunteer Income Tax Assistance (VITA)

- Free tax preparation and filing
- 632 tax returns prepared
- Over \$1 million back into the pockets of clients through their tax refund

# Disaster Services

## Pre-Disaster

- Preparation and Prevention
- Voluntary Organizations Active in Disaster (VOAD)

## Response

- Immediate Emergency Financial Assistance (EFA)

## Relief

- Relief Emergency Financial Assistance (EFA)
- RV Assistance Program

## Recovery

- Stable Household Opportunity Program (SHOP)
- Unmet Needs Roundtable(s)



# Homelessness

## South Market Micro Shelter Redding

- Emergency shelter program that houses 8-individuals
- A holistic approach at finding permanent housing

## Homeless Management Information System (HMIS)

- Fosters understanding of the homelessness situation

CJ



# 2-1-1

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- Resource hotline that connects the community with free, confidential health and human services
- Over 150 languages
- 24/7 call, text, and webservice
- UWNC serves as a fiscal sponsor of Help Central -  
Butte/ Glenn 2-1-1

# Equity

## A Toast to Equity

- Annual fundraising event
- A night to honor people who are making positive impacts in the communities that they serve

## North State Equity Fund (NSEF)

- Supports efforts that promote racial justice and social equity in the North State

# NSEF - Oroville Grantees

- African American Family & Cultural Center
- Dr. Martin Luther King Jr. Scholarship & Technology Awards
- Kankau Corporation Association
- NAACP Butte County 1029-B Branch
- Oroville Southside Community Improvement Association
- Oroville Beast Club Academy

# Oroville Partnerships

- African American Family & Cultural Center
- Butte County First 5
- Butte County NAACP
- Hmong Cultural Center
- Oroville Hope Center
- Oroville Rescue Mission
- Oroville Southside Community Improvement Association/  
Haven of Hope on Wheels

# Looking Toward the Future

## H.E.A.R. US

- Increase access for Mental Health (MH) and Substance Use Disorder (SUD) screening
- Increase access to culturally appropriate services
- Increase long-term access to recovery support
- Bring Lay Counselor Academy to North State

## Addressing Community Needs

- Community Conversations
- Support work that is already happening
- Partner with decision makers





## CITY OF OROVILLE STAFF REPORT

**TO: MAYOR PITTMAN AND COUNCIL MEMBERS**

**FROM: AMY BERGSTRAND, DIRECTOR  
BUSINESS ASSISTANCE AND HOUSING DEVELOPMENT**

**RE: AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES GRANT  
APPLICATION**

**DATE: MARCH 5, 2024**

### **SUMMARY**

The Council may consider the submittal of an Application for the Affordable Housing and Sustainable Communities "AHSC" Program.

### **DISCUSSION**

The California Strategic Growth Council (SGC) and the Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) dated January 19, 2024, for the availability of approximately \$675 million in funding for the Affordable Housing and Sustainable Communities (AHSC) Program. The purpose of the AHSC Program is to reduce greenhouse gas (GHG) emissions through projects implementing land-use, housing, transportation, and agricultural land preservation practices to support infill and compact development and support related and coordinated public policy objectives. Funding for the AHSC Program is provided from the Greenhouse Gas Reduction Fund (GGRF), an account established to receive Cap-and-Trade auction proceeds.

The AHSC Program furthers the purposes of AB32-Air pollution: greenhouse gases: California Global Warming Solutions Act of 2006 (Chapter 488, Statutes of 2006) and SB 375-Transportation Planning: travel demand models: sustainable communities' strategy: environmental review (Chapters 728, Statutes of 2008) and SB32- California Global Warming Solutions Act of 2006: emissions limit. AHSC is part of the California Climate Investments, a statewide program funded through GGRF that puts billions of Cap-and-Trade dollars to work with the goals of reducing GHG emissions, strengthening the economy, and improving public health and the environment, particularly in disadvantaged communities.

The AHSC Program funds will be used for loans or grants, or a combination thereof, to fund projects that will achieve GHG emission reductions to benefit all California communities, particularly through increasing accessibility to affordable housing and key destinations via low-carbon transportation, resulting in fewer vehicles miles traveled (VMT) through shortened or reduced trip length or mode shift from Single Occupancy Vehicle (SOV) use to transit, bicycling or walking.

As previously discussed at the January 16, 2024, City Council Meeting, AMG & Associates, LLC (AMG) is proposing to construct an affordable housing development project in the vacant area of Nelson Ave., adjacent to newly developed Prospect View Apartments, which was also developed by AMG. The development will consist of a 72-unit complex that will be available to low, moderately-low and extremely- low-income families. AMG has retained the Community Development Resource Group (CDRG) to assist the City with the preparation of the Round 8 AHSC Application to fund the construction of the project. To be eligible for AHSC funding, the project must include improvements that will enhance and promote transit accessibility within the neighborhood by providing a variety of supporting infrastructure improvements focused on connecting residents and key neighborhood destinations. Such improvements include active transportation improvements that would encourage walking and biking, safe and accessible street improvements, and enhance the visibility of neighborhood pathways.

Staff have been working AMG and CDRG in preparing the AHSC Application that will be submitted by March 19, 2024. As part of the application, Staff is proposing to construct the following:

- More than 2,000 linear feet of new sidewalks with curb and gutter and street lighting along Nelson Avenue from Golden Eagle Rd. to Table Mountain Blvd. and on 6<sup>th</sup> Street from Nelson Avenue to the first drive aisle’
- More than 2 miles of Class II bike lanes on Nelson Avenue from Golden Eagle Road to 2<sup>nd</sup> Street from Nelson Avenue to Grand Avenue.

In addition, CalVans, a state agency that funds a unique vanpool program will receive up to \$4M to purchase vans that serve the affordable housing development (AHD) and surrounding areas. The agency owns the vehicles, and then convenes groups of employees to commute to work in the vans. At night, the vans park in residential areas, and they are driven by employees who volunteer to drive in exchange for a discount. CalVans has hundreds of vanpools statewide and only recently expanded to serve northern California.

A breakdown of the estimated project budget is listed below. The resolution states a higher, “up to” amount ,because the project costs are still being finalized and this provides additional flexibility for the final submittal.

Activity	Approximate Budget
Affordable Housing Development-72 units	\$12,000,000.00
Sustainable Transit Infrastructure (STI) Bicycle and Pedestrian-City of Oroville	\$2,000,000.00
Sustainable Transit Infrastructure (STI)- Van Purchase (Cal Vans)	\$5,000,000.00
PGM- Transit Passes (fully subsidized transit pass for each unit in the AHD)	\$365,940.00
PGM – Funding of Anti-Displacement and Workforce Development programs	Up to \$500,000.00
<b>Total (approximately)</b>	<b>\$19,865,940.00</b>

**FISCAL IMPACT**

There is no fiscal impact. If awarded, the grant funding will be distributed directly to the Affordable Housing Developers, AMG & Associates. For sidewalk and bicycle improvements components to the application, the City and State would enter into a subsequent grant agreement that will come back to council to establish a budget.

**RECOMMENDATION**

Adopt Resolution No. 9230 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR THE AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES (AHSC) PROGRAM

**ATTACHMENTS**

None

CITY OF OROVILLE  
RESOLUTION NO. 9230

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA,  
AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR THE AFFORDABLE  
HOUSING AND SUSTAINABLE COMMUNITIES (AHSC) GRANT PROGRAM**

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**WHEREAS**, The State of California, the Strategic Growth Council (SGC) and the Department of Housing and Community Development (Department) has issued a Notice of Funding Availability dated January 19, 2024 (NOFA), under the Affordable Housing and Sustainable Communities (AHSC) Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200; and

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**WHEREAS**, City of Oroville (Applicant) desires to apply for AHSC Program funds and submit the Application Package released by the Department for the AHSC Program; and

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**WHEREAS**, the SGC is authorized to approve funding allocations for the AHSC Program, subject to the terms and conditions of this NOFA, Program Guidelines, Application Package, and Standard Agreement. The Department is authorized to administer the approved funding allocations of the AHSC Program.

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

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**Section 1.** Applicant is hereby authorized and directed to apply for and submit to the Department the AHSC Program Application as detailed in the NOFA January 19, 2024, for round 8 in the total amount up to \$25,000,000 of which \$15,000,000.00 is requested as a loan for an Affordable Housing Development (AHD) (“AHSC Loan”) and \$10,000,000.00 is requested for a grant for Housing-Related Infrastructure (HRI), Sustainable Transportation Infrastructure (STI) as defined in the AHSC Program Guidelines adopted by SGC on December 14, 2023. If the application is approved, the Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) in a total amount up to \$25,000,000.00 and any and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds from the Department, and all amendments thereto (collectively, the AHSC Documents”)

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**Section 2.** Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. The application in full

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is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.

**Section 3.** The City Administrator, or designee, is authorized to execute in the name of the Applicant the AHSC Program Application Package and the AHSC Program Documents as required by the Department for participation in the AHSC Program

**Section 4.** The Resolution shall be effective upon adoption.

**Section 5.** The Assistant City Clerk shall certify to the adoption of this Resolution.

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**PASSED AND ADOPTED** by the City Council of the City of Oroville at a regular meeting on March 5, 2024, by the following vote:

AYES: 10

NOES: 11

ABSTAIN: 12

ABSENT: 13

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\_\_\_\_\_  
David Pittman, Mayor

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APPROVED AS TO FORM:

ATTEST:

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\_\_\_\_\_  
Scott E. Huber, City Attorney

\_\_\_\_\_  
Kayla Reaster, Assistant City Clerk

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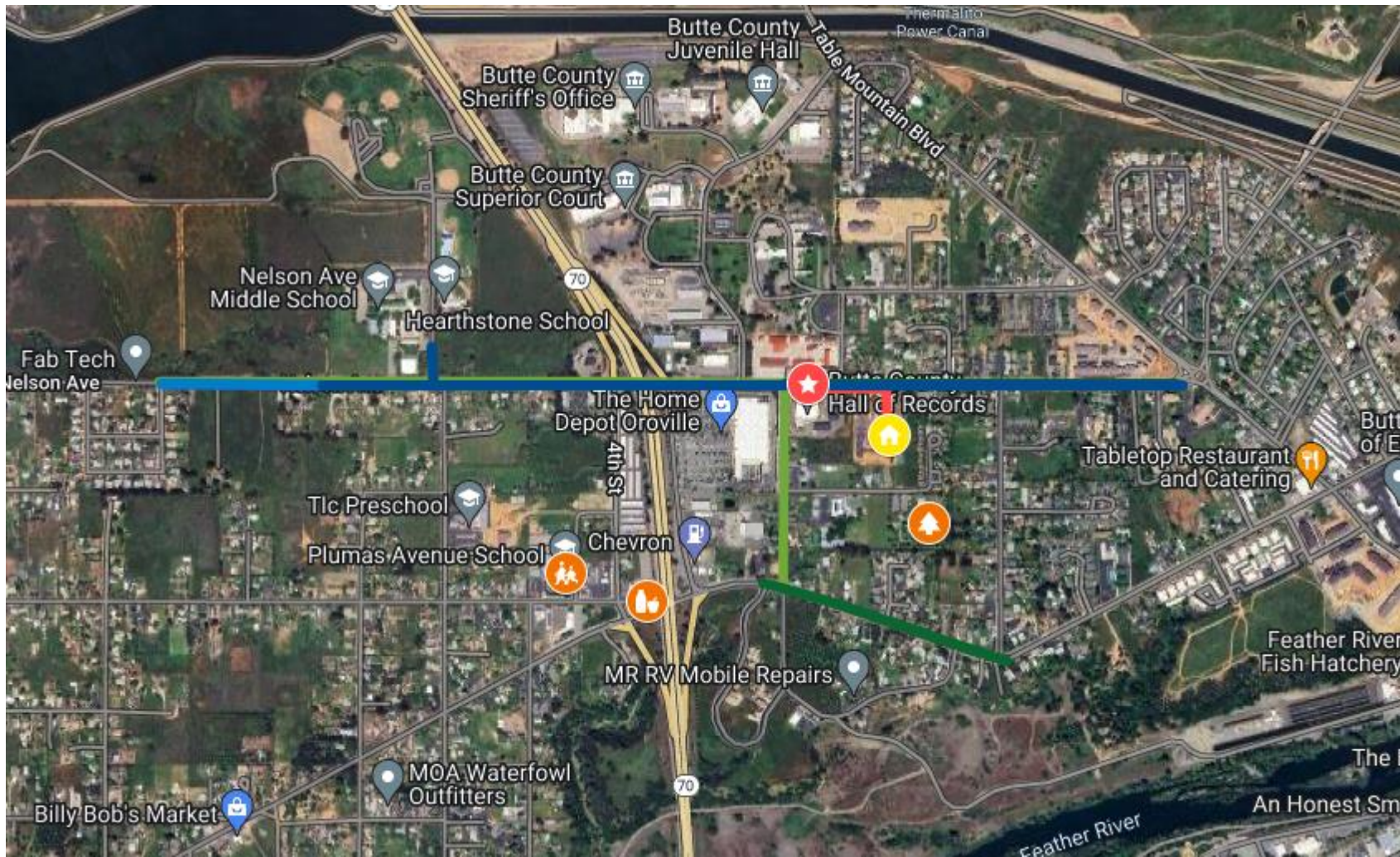
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- 1. Light Blue = New Sidewalk
- 2. Blue = Sidewalk Improvements
- 3. Light Green = Class II Bike Lanes



## CITY OF OROVILLE STAFF REPORT

**TO: MAYOR PITTMAN AND CITY COUNCIL MEMBERS**

**FROM: AMY BERGSTRAND, DIRECTOR,  
BUSINESS ASSISTANCE/HOUSING DEVELOPMENT**

**RE: ACCEPT THE PERMANENT LOCAL HOUSING ALLOCATION  
COMPETITIVE PROGRAM GRANT AGREEMENT NO. 22-  
PLHACOM-17810 AND ESTABLISH BUDGET**

**DATE: MARCH 5, 2024**

### SUMMARY

The Council may consider accepting the 2022 Permanent Local Housing Allocation Grant (PLHA), Agreement No. 22-PLHACOM-17810, in the amount of \$2,500,000.00, and establish a budget for general administration and program activities.

### DISCUSSION

On August 2, 2021, the City was notified of a Community Development Block Grant Disaster Recovery (CDBG-DR) Multi-family Housing Program grant award in the amount of \$8,850,089 for Lincoln Street Family Apartments. On August 2, 2022, the City Council approved an amended resolution to include the Lincoln Street Senior Apartments, increasing the award amount from \$8,850,089 to \$17,000,089. Each phase of the project will consist of sixty-one (61) units and at least 10% will be restricted to occupancy by tenants who are homeless or at risk of homelessness.

On November 15, 2022, the City Council approved the submittal of an application to State Department of Housing and Community Development (HCD), PLHA competitive grant program for Phase I in the amount of \$1,700,000 and for Phase II in the amount of \$2,500,000. Staff was later notified by the developer, the Richman Group, that they had to make a change to their underwriting and increased the amount of the PLHA ask to \$2,500,000 for each project.

December 6, 2022, the City Council adopted Resolution No. 9115 approving the submittal of an application for the Permanent Local Housing Allocation Program non-entitlement local government competitive component for Lincoln Village (formerly Lincoln Street Family Apartments) Phase I in the amount of \$2,500,000. Both the City



and the Developer were notified that only Phase I of the project was awarded grant funding.

On April 10, 2023 the City was notified of the aware of \$2,500,000 PLHA award for Phase I of the project,

Although the Phase I of this project has an allocation of tax credits, CDBG-DR Multifamily Housing Funds and project-based vouchers, it has experienced three significant fiscal setbacks: tax credit pricing expectations decreased, interest rates have increased and the project is experiencing general cost inflation in terms of architecture and engineering, insurance and construction costs. The PLHA funding will help fill these gaps in the budget.

**FISCAL IMPACT**

**Fund 222 Project No. PLHA17810G**

*Revenue*

<b>Account No.</b>	<b>Account Name</b>	<b>\$Amount</b>
4570	Fed Grant Revenue	\$62,500.00

*Expense*

5100-5610	Direct Labor	51,300.00
6000	Advertising	\$400.00
6270	Office Expense	\$300.00
6360	Outside Services	\$10,000.00
6470	Telecommunication	\$500.00

**Fund 222 Project No. PLHA17810A**

*Revenue*

<b>Account No.</b>	<b>Account Name</b>	<b>\$Amount</b>
4570	Fed Grant Revenue	\$2,437,500.00

*Expense*

7010	Loans	2,437,500.00
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**RECOMMENDATION**

1. Accept the 2022 Permanent Local Housing Allocation grant, No. 22-PLHACOM-17810, in the amount of \$2,500,000.00: and
2. Approve Budget Adjustment indicated in the fiscal impact of this Staff Report, dated March 5, 2024.

**ATTACHMENTS**

Award Announcement

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF STATE FINANCIAL ASSISTANCE**

2020 W. El Camino Avenue, Suite 670, 95833  
P. O. Box 952054  
Sacramento, CA 94252-2054  
(916) 263-2771  
[www.hcd.ca.gov](http://www.hcd.ca.gov)



April 10, 2023

The Honorable David W. Pittman, Mayor  
City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965

Dear Mayor Pittman:

**RE: Award Announcement – Permanent Local Housing Allocation Program  
Competitive Component, Round 3, Notice of Funding Availability  
Fiscal Year 2022/2023  
City of Oroville – *Lincoln Street Family Apartments*  
Contract No. 22-PLHACOM-17810**

The California Department of Housing and Community Development (Department) is pleased to announce that the City of Oroville (Awardee) has been awarded a Permanent Local Housing Allocation (PLHA) program award in the amount of \$2,500,000. This letter constitutes notice of the designation of PLHA program funds for use in Butte County for the following project:

- Lincoln Street Family Apartments - New Construction of Affordable Rental Housing and Five Percent (5%) Administrative Costs

The Awardee will be required to enter into a Standard Agreement that will set forth conditions for funding and milestones that are required to be met. Reimbursement of eligible expenses are subject to the terms outlined in Section 304(d) of the PLHA adopted program guidelines.

Congratulations on your successful application. For further information, please contact Doniell Cummings, PLHA Program Manager, Program Design and Implementation Branch, (916) 695-9006 or [Doniell.Cummings@hcd.ca.gov](mailto:Doniell.Cummings@hcd.ca.gov).

Sincerely,

Jennifer Seeger  
Deputy Director  
Division of State Financial Assistance

SERVICES  
STANDARD AGREEMENT  
STD 213 (Rev. 04/2020)

AGREEMENT NUMBER  
22-PLHACOM-17810

PURCHASING AUTHORITY NUMBER (if applicable)

Item 2.

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

CONTRACTOR'S NAME  
City of Oroville, and Richman Oroville Apartments LP

2. The term of this Agreement is:

START DATE  
Upon HCD Approval  
THROUGH END DATE  
06/30/2032

3. The maximum amount of this Agreement is:  
\$2,500,000.00

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

EXHIBITS	TITLE	PAGES
Exhibit A	Authority, Purpose and Scope of Work	6
Exhibit B	Budget Detail and Payment Provisions	2
Exhibit C*	State of California General Terms and Conditions	GTC - 04/2017
Exhibit D	PLHA Program Terms and Conditions	10
Exhibit E	Program-Specific Provisions and Special Conditions	2
TOTAL NUMBER OF PAGES ATTACHED		20

*Items shown with an asterisk (\*), are hereby incorporated by reference and made part of this agreement as if attached hereto.  
These documents can be viewed at <https://www.dgs.ca.gov/OLS/Resources>*

IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.

**CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

See Attached

CONTRACTOR BUSINESS ADDRESS  
See Attached

CITY  
See Attached

STATE  
See Attached

ZIP  
See Attached

PRINTED NAME OF PERSON SIGNING  
See Attached

TITLE  
See Attached

CONTRACTOR AUTHORIZED SIGNATURE  
See Attached

DATE SIGNED  
See Attached

**STATE OF CALIFORNIA**

CONTRACTING AGENCY NAME  
Department of Housing and Community Development

CONTRACTING AGENCY ADDRESS  
2020 W. El Camino Ave., Suite 130

CITY  
Sacramento

STATE  
CA

ZIP  
95833

PRINTED NAME OF PERSON SIGNING

TITLE  
Contracts Office Manager,  
Contract Services Section

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

California Department of General Services Approval (or exemption, if applicable)

Exempt per; SCM Vol. 1 4.04.A.3 (DGS memo dated 06/12/1981)

**CONTRACTOR**

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**City of Oroville**  
a California Government City

By:   
Brian Ring  
City Administrator

Date: 1/26/24

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**Address:**

1735 Montgomery Street  
Oroville, CA 95965

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**Richman Oroville Apartments LP**  
a Delaware limited partnership

By: Richman Oroville GP, LLC  
a Delaware limited liability company

Its: Administrative General Partner

By: TRG Oroville Member, LLC  
a Delaware limited liability company  
Its: Manager

By:   
Rick Westberg  
Executive Vice President

Date: 2/6/24

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**Address:**

777 West Putnam Avenue  
Greenwich, CT 06830

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Prep Date: 01/08/2024



# CITY OF OROVILLE STAFF REPORT

**TO: MAYOR PITTMAN AND CITY COUNCIL**

**FROM: AMY BERGSTRAND, DIRECTOR  
BUSINESS ASSISTANCE/HOUSING DEVELOPMENT**

**RE: FORECLOSURE OF 1300 HIGH STREET**

**DATE: MARCH 5, 2024**

## SUMMARY

The City Council may consider initiating foreclosure proceedings related to the City of Oroville’s interest in the Deed of Trust against the property located at 1300 High St., Oroville (APN 012-133-013).

## DISCUSSION

Staff is requesting authorization from the Council to initiate foreclosure on the property located at 1300 High Street. The current property owner obtained a mortgage subsidy loan through the City’s Homeownership Assistance Program in the amount of \$75,000.

The borrower is in default on their first mortgage, Wells Fargo Home Mortgage, which holds the first lien position. The approximate amount to cure the default and to secure the City’s lien positions would be \$106,099.29. Comparable properties show the value of 1300 High Street, to be approximately \$250,983.00.

Address	Amount Due to Primary Lender	Amount of City Loan	Total Loans	Value Based on Comparable
1300 High St.	\$106,099.29 through 03/22/24	\$87,020.55 through 03/31/2024	\$193,119.84 (approx.)	\$250,983.00

If the City Council authorizes staff to secure the City’s interest in this property, staff is proposing that the property be resold on the open market to recoup homebuyer loan costs. Staff has not gained access the interior of the home to determine what, if any, repairs are needed. Staff will bring these items back to Council if repairs in excess of normal wear and tear maintenance are required.

**FISCAL IMPACT**

There is no general fund impact. Approximately \$5,000 will be needed to cure the default, including foreclosure fees from Fund 220 or Fund 231.

**RECOMMENDATION**

Adopt Resolution No. xxxx -A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AUTHORIZING AND DIRECTING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 1300 High Street., OROVILLE (APN 012-133-013)

**ATTACHMENTS**

Resolution 9231



**CITY OF OROVILLE  
RESOLUTION NO. 9231**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AUTHORIZING AND DIRECTING THE MAYOR AND/OR CITY ADMINISTRATOR TO EXECUTE ALL DOCUMENTS AND ANY AMENDMENTS THERETO NECESSARY TO INITIATE AND COMPLETE FORECLOSURE PROCEEDINGS ON REAL PROPERTY LOCATED AT 1300 HIGH STREET, OROVILLE (APN 012-133-013)**

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

1. The Mayor is hereby authorized and directed to execute all documents and any amendments thereto necessary to initiate and complete foreclosure proceedings on 1300 High St., Oroville CA, (APN 012-133-013) Oroville, California; and
2. The City Clerk shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the City Council of the City of Oroville at a regular meeting on March 5, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
David Pittman, Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Scott E. Huber, City Attorney

\_\_\_\_\_  
Kayla Reaster, Assistant City Clerk



## CITY OF OROVILLE STAFF REPORT

**TO:                   MAYOR PITTMAN AND COUNCIL MEMBERS**

**FROM:               JOSHUA FREITAS, ASSISTANT ENGINEER**

**RE:                   TASK ORDER 21; SURVEYING SERVICES FOR CITY SEWER  
EASEMENT**

**DATE:                MARCH 5, 2024**

### **SUMMARY**

The Council may direct staff to issue a task order (TO) to NorthStar to conduct a boundary survey of two (2) private parcels on Oro Dam Blvd so that a sewer easement can be made over existing City sanitary sewer infrastructure.

### **DISCUSSION**

The property owner of two (2) parcels, APN# 033-390-078 and 033-390-077, has reached out to City staff expressing concern with City sanitary sewer infrastructure crossing these properties without a sewer easement in place. This sewer line was installed in the 1980s to serve the two apartment complexes at 3515 and 3535 Orange Avenue.

Staff is proposing to issue a Task Order to NorthStar to conduct a field survey and sewer easement creation. This would involve the City's sewer department marking where the sewer line is located, then NorthStar's survey crew doing a boundary survey of the two properties, determining where this sewer line is in relation to the property lines and developing the appropriate documents to establish the easement. The cost for NorthStar to perform this work is approximately \$6,330.00.

### **FISCAL IMPACT**

The funds in the amount of \$6,330.00 for the boundary survey and easement creation by NorthStar will come from Fund 400, Sewer Fund – Outside Services.

### **RECOMMENDATION**

Staff recommends that the Council direct the City Administrator to proceed with the issuing of Task Order 21 discussed above to NorthStar.

**ATTACHMENTS**

Task Order 21

NorthStar Proposal



## **EXHIBIT “A” SCOPE OF WORK**

Oro-Dam Boulevard Sanitary Sewer Easement

### **SERVICES PROVIDED**

NorthStar has prepared the following scope based on our understanding of the project at the time of this proposal and the Survey Team’s collective experience with similar projects. We appreciate the opportunity to discuss the scope of this project and the respective level of effort during the proposal process.

### **PROJECT DESCRIPTION**

The scope for the Oro-Dam Boulevard Sanitary Sewer Easement project is to survey an existing public sanitary sewer line that serves four(4) residential lots between Oro-Dam Boulevard and Orange avenue. Once the existing sanitary sewer line and lots have been surveyed, NorthStar will provide the city with a signed and stamped original plat and description to be used as Exhibits in the Grant of Easement documents prepared by others.

### **Task 1 Project Management**

NorthStar will perform the numerous services and activities associated with management of the contract. Diligent contract management for state funded contracts is a critical component in successfully managing public funds and maintaining the City’s positive standing with funding agencies.

#### **Project Administration and Overhead**

Project Administration and Overhead involves front office and project administration including, but not limited to, contract management, managing insurance policies, packaging, mailing and deliveries, billing, software setup, certified payroll invoicing, etc.

#### **Project Coordination**

Explicit and thorough communications with the City and with the sub consultants is vital to the success of any project, and as such the NorthStar Team segregates this as a separate scope and budget component to acknowledge and account for this element during the life of the project development. To effectively manage the project NorthStar anticipates meetings with the City of Oroville to review project progress and activities.

#### **Quality Assurance / Quality Control**

NorthStar approach to quality assurance and control program has been developed over the course of performing engineering consulting services for a variety of clients and complex projects over the past 40 years. Two primary methods for consistently delivering a quality product on-time and within budget are internal communications that established a clear level of expectations, and peer review for clarity and accuracy for salient deliverables.



Architecture  
Civil Engineering  
Planning  
Surveying

### Task 2a-b Surveying

NorthStar will provide Professional Land Surveying services to prepare a legal description and plat to be used in the creation of an easement. Our services shall include:

- Review the easement needs with the City.
- Review title report as provided by the City.
- Located property corner monuments to establish parcel locations as needed to create the public easement.
- Locate onsite improvements pertinent to the easement.
- Develop the easement alignment based upon field survey and the City’s review.
- Prepare a legal description and plat.
- Provide Client with a signed and stamped original plat and description to be used as Exhibits in the Grant of Easement documents prepared by others.

#### PROJECT ASSUMPTIONS

- Task 2 assumes that the City will have the sewer line marked on the surface. NorthStar will not provide underground utility locate services. If a material discrepancy is discovered during the survey, a Record of Survey may be necessary, as required by the Professional Land Surveyor’s Act (Business and Professions Code §8762). If this issue arises, The City will be informed of our findings and provided with an additional cost estimate to complete and record the required Record of Survey.

Preliminary Title Report	\$ TBD
Recording Fee	\$ TBD



**EXHIBIT "B"**  
**COST PROPOSAL**

**CONSULTANT FEE:** The estimated fee to complete the Scope of Services is: \$ 6,330.00

Task 1: Project Management	\$ 1,632
Task 2a: Survey - Field	\$ 2,010
Task 2b: Survey - Office	\$ 2,688



Architecture  
Civil Engineering  
Planning  
Surveying


**IN WITNESS WHEREOF**, the parties hereby execute this Agreement upon the terms and conditions stated above and on the date first above written.


**CLIENT: CLIENT:**

**BY:** \_\_\_\_\_  
**TITLE:** \_\_\_\_\_  
**SIGNED:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_

**BY:** \_\_\_\_\_  
**TITLE:** \_\_\_\_\_  
**SIGNED:** \_\_\_\_\_  
**DATE:** \_\_\_\_\_

**CONSULTANT: CONSULTANT:**

**BY:** Mekena Galka  
**TITLE:** Associate Engineer  
**LICENSE NO.** RCE 94638  
**SIGNED:**   
**DATE:** 2/7/24

**BY:** Tim Alldrin  
**TITLE:** Associate Surveyor  
**LICENSE NO.** PLS # 9684  
**SIGNED:**   
**DATE:** 2/7/24



**EXHIBIT "C"**  
**STANDARD HOURLY RATES**  
Effective July 1, 2023 through June 30, 2024\*

<b><u>Engineering/Surveying</u></b>	<b><u>Hourly Rate</u></b>
Principal Engineer/Surveyor	\$240.00
Senior Managing Engineer/Surveyor	\$220.00
Senior Engineer/Surveyor	\$196.00
Associate Engineer/Surveyor	\$172.00
Assistant Engineer/Surveyor	\$150.00
Junior Engineer	\$130.00
Senior Designer/Technician	\$142.00
Associate Designer/Technician	\$120.00
Assistant Designer/Technician	\$100.00
One Person with GPS/Robotic (Party Chief)	\$190.00
Two-Person Survey Crew	\$260.00
Party Chief (Prevailing Wage)	\$210.00
Two-Person Survey Crew (Prevailing Wage)	\$335.00
<b><u>Architecture</u></b>	<b><u>Hourly Rate</u></b>
Senior Architect	\$180.00
Project Architect	\$165.00
Assistant Architect/Senior Architectural Job Captain	\$150.00
Architectural Job Captain	\$135.00
Architectural Designer	\$120.00
Architectural Drafter	\$115.00
<b><u>Planning</u></b>	<b><u>Hourly Rate</u></b>
Principal Planner	\$180.00
<b><u>Administrative</u></b>	<b><u>Hourly Rate</u></b>
Project Management	\$170.00
Administrative	\$100.00
<b><u>Other</u></b>	<b><u>Rate</u></b>
Litigation Support – Expert Witness Testimony	\$500.00 per hour
Mileage	Current Federal Rate
Reproduction, Materials, Fees, Special Mail, etc.	Cost + 15%
Subcontractors	Cost + 15%

\*Rates typically increase 4-5% per year



**TASK ORDER #21**  
**FOR PROFESSIONAL SERVICES**

This Task Order is made and entered into as of \_\_\_\_\_, 2024, by and between the City of Oroville (“City”) and **NorthStar** (“Consultant”).

**RECITALS**

- A. The Consultant is licensed, trained, experienced and competent to provide Professional Services for as required by this Task Order, specifically conduct a boundary survey of APN#: 033-390-077 and 033-390-078, the existing City sewer line, and development of all appropriate documentation to establish a sewer easement for the existing City sewer line crossing the two properties listed; and
- B. The Consultant possesses the skill, experience, ability, background, license, certification, and knowledge to provide the services described in this Task Order on the terms and conditions described herein.
- C. City desires the Consultant to render professional services as set forth in this Task Order and in accordance with City Contract Number **3387** between the City and the Consultant.

**TASK ORDER**

1. Scope of Services. The Consultant shall complete all services in a professional manner. Consultant shall complete the services described in Consultant’s proposal attached as Exhibit “A” which is incorporated herein by reference.

2. Time of Performance. The services of Consultant shall commence upon execution of this Task Order and shall be completed at the end of Project close out.
3. Compensation. Compensation to be paid to Consultant shall be in accordance with the fee **budget/schedule** set forth in Exhibit “B,” which is attached hereto and incorporated herein by reference. **In no event shall Consultant’s compensation exceed the amount of \$6,330.00 without additional written authorization from the City.** Payment by City under this Task Order shall not be deemed a waiver of defects in Consultant’s services, even if such defects were known to the City at the time of payment.
4. Method of Payment. Consultant shall submit monthly billings to City describing the work performed during the preceding month. Consultant’s bills shall include a brief description of the services performed, the date the services were performed, the number of hours spent and by whom, a description of any reimbursable expenditures, the contract number, and the Task Order number. City shall pay Consultant no later than 30 days after approval of the monthly invoice by City staff.
5. Extra Work. At any time during the term of this Task Order, City may request that Consultant perform Extra Work. As used herein, “Extra Work” means any work which is determined by City to be necessary for the proper completion of Consultant’s services, but which the parties did not reasonably anticipate would be necessary at the execution of this Task

Order. Consultant shall not perform, nor be compensated for, Extra Work without prior written authorization from City.

6. Termination. This Task Order may be terminated by the City immediately for cause or by either party without cause upon fifteen days' written notice of termination. Upon termination, Consultant shall be entitled to compensation for services properly performed up to the effective date of termination.
7. Ownership of Documents. All plans, studies, documents and other writings prepared by and for Consultant, its officers, employees and agents and subcontractors in the course of implementing this Task Order, except working notes and internal documents, shall become the property of the City upon payment to Consultant for such work, and the City shall have the sole right to use such materials in its discretion without further compensation to Consultant or to any other party. Consultant shall, at Consultant's expense, provide such reports, plans, studies, documents, and other writings to City within three (3) days after written request.
8. Licensing of Intellectual Property. This Task Order creates a nonexclusive and perpetual license for City to copy, use, modify, reuse, or sublicense any and all copyrights, designs, and other intellectual property embodied in documents or works of authorship fixed in any tangible medium of expression, including but not limited to, data magnetically or otherwise recorded on computer diskettes, which are prepared or caused to be prepared by Consultant under this Task Order ("Documents and Data").

- Consultant shall require all subcontractors to agree in writing that City is granted a nonexclusive and perpetual license for any Documents and Data the subcontractor prepares under this Task Order. Consultant represents and warrants that Consultant has the legal right to license any and all Documents and Data. Consultant makes no such representation and warranty in regard to Documents and Data which may be provided to Consultant by City. City shall not be limited in any way in its use of the Documents and Data at any time, provided that any such use not within the purposes intended by this Task Order shall be at City's sole risk.
9. Confidentiality. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other Documents and Data either created by or provided to Consultant in connection with the performance of this Task Order shall be held confidential by Consultant. Such materials shall not, without the prior written consent of City, be used by Consultant for any purposes other than the performance of the services under this Task Order. Nor shall such materials be disclosed to any person or entity not connected with the performance of the services under this Task Order. Nothing furnished to Consultant which is otherwise known to Consultant or is generally known, or has become known, to the related industry shall be deemed confidential. Consultant shall not use City's name or insignia, photographs relating to project for which Consultant's services are rendered, or any publicity pertaining to the Consultant's services under

this Task Order in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of City.

10. Consultant's Books and Records.

- a. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services, expenditures and disbursements charged to City for a minimum period of three (3) years, or for any longer period required by law, from the date of final payment to Consultant to this Task Order.
- b. Consultant shall maintain all documents and records which demonstrate performance under this Task Order for a minimum of three (3) years, or for any longer period required by law, from the date of termination or completion of this Task Order.
- c. Any records or documents required to be maintained pursuant to this Task Order shall be made available for inspection or audit, at any time during regular business hours, upon written request by the City Administrator, City Attorney, City Finance Director, or a designated representative of these officers. Copies of such documents shall be provided to the City for inspection at City Hall when it's practical to do so. Otherwise, unless an alternative is mutually agreed upon, the records shall be available at Consultant's address indicated for receipt of notices in this Task

Order.

- d. Where City has reason to believe that such records or documents may be lost or discarded due to dissolution, disbandment or termination of Consultant's business, City may, by written request by any of the above-named officers, require that custody of the records be given to the City and that the records and documents be maintained by City Hall.
11. Independent Contractor. It is understood that Consultant, in the performance of the work and services agreed to be performed, shall act as and be an independent contractor and shall not act as an agent or employee of the City. Consultant shall obtain no rights to retirement benefits or other benefits which accrue to City's employees, and Consultant hereby expressly waives any claim it may have to any such rights.
12. Interest of Consultant. Consultant (including principals, associates, and professional employees) covenants and represents that it does not now have any investment or interest in real property and shall not acquire any interest, direct or indirect, in the area covered by this Task Order or any other source of income, interest in real property or investment which would be affected in any manner or degree by the performance of Consultant's services hereunder. Consultant further covenants and represents that in the performance of its duties hereunder no person having any such interest shall perform any services under this Task Order. Consultant is

not a designated employee within the meaning of the Political Reform Act because Consultant:

- a. will conduct research and arrive at conclusions with respect to its rendition of information, advice, recommendation, or counsel independent of the control and direction of the City or any City official, other than normal Task Order monitoring; and
- b. possesses no authority with respect to any City decision beyond rendition of information, advice, recommendation or counsel.

(FPPC Reg. 18700(a)(2).)

13. Professional Ability of Consultant. City has relied upon the professional training and ability of Consultant to perform the services hereunder as a material inducement to enter into this Task Order. All work performed by Consultant under this Task Order shall be in accordance with applicable legal requirements and shall meet the standard of quality ordinarily to be expected of competent professionals in Consultant's field of expertise.
14. Compliance with Laws. Consultant shall use the standard of care in its profession to comply with all applicable federal, state and local laws, codes, ordinances and regulations.
15. Licenses. Consultant represents and warrants to City that it has all licenses, permits, qualifications, insurance and approvals of whatsoever nature which are legally required of Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect or obtain at all times during the term

of this Task Order, any licenses, permits, insurance and approvals which are required by the City for its business.

16. Indemnity. Consultant agrees to indemnify and hold harmless the City, its officers, officials, employees and volunteers from and against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including reimbursement of reasonable costs and expenses in connection therein), arising from its negligent performance of this Task Order or its failure to comply with any of its obligations contained in this Task Order, except for any such claim arising from the negligence or willful misconduct of the City, its officers, agents, employees or volunteers. With regard to any claim alleging Consultant's negligent performance of professional services, Consultant's defense obligation under this indemnity paragraph means only the reimbursement of reasonable defense costs to the proportionate extent of its actual indemnity obligation hereunder.

17. Insurance Requirements, Incorporation and Conflicts. Consultant, at Consultant's own cost and expense, shall procure and maintain insurance, for the duration of the Task Order, as required under Contract Number [3387](#) between the City and the Consultant. The terms of Contract Number [3387](#) between the City and the Consultant are incorporated by reference as if fully set forth herein. To the extent that any conflict exists between Contract Number [3387](#) and this Task Order, the terms of Contract Number [3387](#) shall control.



18. Notices. Any notice required to be given under this Task Order shall be in writing and either served personally or sent prepaid, first class mail. Any such notice shall be addressed to the other party at the address set forth below. Notice shall be deemed communicated within 48 hours from the time of mailing if mailed as provided in this section:

If to City: **City Administrator  
City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965-4897**

If to Consultant: **Ross Simmons, Senior Managing Engineer  
111 Mission Ranch Blvd., Suite 100  
Chico, CA 95926  
rsimmons@northstareng.com**

19. Entire Task Order. This Task Order constitutes the complete and exclusive statement of agreement between the City and Consultant for this Task Order. All prior written and oral communications, including correspondence, drafts, memoranda, and representations are superseded in total by this Task Order in regard to professional services specifically provided under this Task Order. Other task orders issued to the Consultant by the City under Contract Number **3387** stand alone and are unaffected by this Task Order.
20. Amendments. This Task Order may be modified or amended only by a written document executed by both Consultant and City and approved as to form by the City Attorney.
21. Assignment and Subcontracting. The parties recognize that a substantial

- inducement to City for entering into this Task Order is the professional reputation, experience and competence of Consultant. Assignments of any or all rights, duties or obligations of the Consultant under this Task Order will be permitted only with the express prior written consent of the City. Consultant shall not subcontract any portion of the work to be performed under this Task Order without the prior written authorization of the City. If City consents to such subcontract, Consultant shall be fully responsible to City for all acts or omissions of the subcontractor. Nothing in this Task Order shall create any contractual relationship between City and subcontractor nor shall it create any obligation on the part of the City to pay or to see to the payment of any monies due to any such subcontractor other than as otherwise required by law.
22. Waiver. Waiver of a breach or default under this Task Order shall not constitute a continuing waiver of a subsequent breach of the same or any other provision under this Task Order.
23. Severability. If any term or portion of this Task Order is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Task Order shall continue in full force and effect.
24. Controlling Law Venue. This Task Order and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this Task Order shall be held exclusively in Butte County Superior Court or the United States District Court, Eastern District of

California.

25. Litigation Expenses and Attorney's Fees. If either party to this Task Order commences any legal action against the other part arising out of this Task Order, the prevailing party shall be entitled to recover its reasonable litigation expenses, including court costs, expert witness fees, discovery expenses, and attorneys' fees.
26. Execution. This Task Order may be executed in several counterparts, each of which shall constitute one and the same instrument and shall become binding upon the parties when at least one copy hereof shall have been signed by both parties hereto. In approving this Task Order, it shall not be necessary to produce or account for more than one such counterpart.
27. Authority to Enter Task Order. Consultant has all requisite power and authority to conduct its business and to execute, deliver, and perform the Task Order. Each party warrants that the individuals who have signed this Task Order have the legal power, right, and authority to make this Task Order and to bind each respective party.
28. Prohibited Interests. Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Task Order. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift

or other consideration contingent upon or resulting from the award or making of this Task Order. For breach or violation of this warranty, City shall have the right to rescind this Task Order without liability. For the term of this Task Order, no member, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Task Order, or obtain any present or anticipated material benefit arising therefrom.

- 29. Equal Opportunity Employment. Consultant represents that it is an equal opportunity employer and it shall not discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, national origin, disability, ancestry, sex or age. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

IN WITNESS WHEREOF, the parties have caused this Task Order to be executed on the date first written above.

CITY OF OROVILLE

By: \_\_\_\_\_  
Brian Ring, City Administrator

By: \_\_\_\_\_  
Jay Lowe, Department Manager

APPROVED AS TO FORM:  
By: Scott E. Huber, City Attorney  
Standard Task Order Form January 26, 2021

Attachments:

Exhibit A - Consultant Scope

Exhibit B – **Fee Proposal/Schedule**



**June 20, 2023  
MEETING MINUTES**

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This meeting was recorded live and can be viewed at [cityoforoville.org](http://cityoforoville.org) or on Youtube. The agenda was posted on June 16, 2023 at 12:25pm.

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## **CALL TO ORDER / ROLL CALL**

**PRESENT:** Council Members: Tracy Johnstone, Krysi Riggs, Scott Thomson, Janet Goodson, Shawn Webber, Vice Mayor Eric Smith, Mayor David Pittman

**STAFF:** City Administrator, Brian Ring; Assistant City Administrator, Ruth Duncan; Assistant City Clerk, Jackie Glover; Community Development and Public Works Director Dawn Nevers, Business Assistance and Housing Director, Amy Bergstrand; Code Enforcement Director, Ron Belser; City Attorney, Scott Huber; Chief of Police, Bill LaGrone

## **CLOSED SESSION**

The Council held a Closed Session on the following:

1. Pursuant to Government Code Section 54957(b), the Council will meet with the Personnel Officer and City Attorney related to the following positions: Public Works Director and Community Development Director.
2. Pursuant to Government Code section 54957.6, the Council will meet with Labor Negotiators and City Attorney to discuss labor negotiations for the following represented groups: Oroville Management Association; Oroville City Employees Association; Oroville Police Officers Association
3. Pursuant to Government Code section 54956.9(a), the Council will meet with the City Administrator, and the City Attorney relating to existing litigation: Albanese v. City of Oroville, United States District Court, Eastern District of California, Case No.2:22-cv-01131.
4. Pursuant to Government Code section 54956.9(a), the Council will meet with the City Administrator, and the City Attorney relating to existing litigation: City of Oroville v. Design Build Inc., Butte County Superior Court, Case No. 21-CV-03051.
5. 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 – One Cases.

## **OPEN SESSION**

1. Announcement from Closed Session
2. Pledge of Allegiance – Led by Council Member Riggs

3. Adoption of Agenda - Unanimously adopted the agenda by the following vote:

**Motioned by:** Council Member Goodson; **Seconded by:** Vice Mayor Smith

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**Noes:** None

**Absent:** None

**Abstention:** None

## PRESENTATIONS AND PROCLAMATIONS

Police Chief LaGrone introduced new Police Officers and Mayor Pittman swore them in.

Presentation made by Tom Bahr, Chico Airport Manager, regarding potential commercial passenger opportunities at the Chico Airport.

## PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

The following member(s) of the public submitted Public Comment on this item: Chuck Reynolds, The Cameraman, Bill Speer, Loni Lind, and Bobby O'Reiley.

## CONSENT CALENDAR

Consent calendar **items 1 - 10** 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. AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH R. L. HASTINGS & ASSOCIATES, FOR CDBG-DR MHP ADMINISTRATIVE SERVICES

The Council amended the Professional Services Agreement with R. L. Hastings and Associates, LLC (R. L. Hastings) for the administration of the City's Community Development Block Grant Disaster Recovery Multifamily Housing Program (CDBG-DR MHP) for the 2018 wildfire disasters for a grant term to December 31, 2026 by Adopting Resolution No. 9141 – (Agreement No. 3378) by the following vote:

**Motioned by:** Council Member Smith; **Seconded by:** Council Member Goodson

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**Noes:** None

**Absent:** None

**Abstention:** None

## 2. RESOLUTION DECLARING VARIOUS PROPERTIES SURPLUS LAND

The Council approved a resolution (Resolution No. 9142) declaring various city-owned properties Assessor's Parcel Numbers 012-021-011, 012-021-021, 012-021-022, 033-232-001 and 033-232-021 surplus, pursuant to the Surplus Land Act by the following vote:

**Motioned by:** Council Member Goodson; **Seconded by:** Vice Mayor Smith

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**Noes:** None

**Absent:** None

**Abstention:** None

## 3. AWARD OF CONTRACT TO GHIRARDELLI ASSOCIATES, INC. FOR CONSTRUCTION MANAGEMENT SERVICES

The Council directed staff to contract with Ghirardelli Associates for Construction Management services on the SR-162 Active Transportation Program (ATP) Pedestrian Safety and Mobility Improvement Project by the following vote:

**Motioned by:** Council Member Thomson; **Seconded by:** Council Member Riggs

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**Noes:** None

**Absent:** None

**Abstention:** None

## 4. SANK PARK PERIMETER FENCE AWARD OF CONTRACT TO PISOR FENCE DIVISION, INC.

The following member(s) of the public submitted Public Comment on this item: Bobby O'Reiley.

The City Council awarded a contract to Pisor Fence Division, Inc. as the lowest responsible bidder to fabricate and install a new fence and gates around the perimeter of Sank Park. The approved amount of \$449,990.00 (base bid) and a 10% contingency in the amount of \$44,990.00 should any deficiencies be discovered during the project, for a total of \$494,890.00; the City Council also adopted Resolution No. 9144. These motions occurred by the following vote:

**Motioned by:** Council Member Goodson; **Seconded by:** Vice Mayor Smith

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**Noes:** None

**Absent:** None

**Abstention:** None



## 5. TASK ORDER NO. 8 FOR PROFESSIONAL SERVICES AGREEMENT WITH TROVER CONSTRUCTION PROJECT MANAGEMENT, LLC

The City Council approved Task Order No. 8 under Professional Services Agreement with Trover Construction Project Management, LLC to perform construction management of City facility repair and remodel projects by the following vote:

**Motioned by:** Council Member Goodson; **Seconded by:** Vice Mayor Smith

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**Noes:** None

**Absent:** None

**Abstention:** None

## 6. CHANGE ORDER WITH R&R CONSTRUCTION FOR PORTLAND LOO PROJECT AT BEDROCK PARK

The Council approved Change Order #1 for the additional proposed work at Bedrock Park as part of the 2023 Portland Loo Project by the following vote:

**Motioned by:** Council Member Thomson; **Seconded by:** Council Member Johnstone

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith

**Noes:** Mayor Pittman

**Absent:** None

**Abstention:** None

## 7. AGREEMENT WITH INTERWEST FOR PLANNING SERVICES

The Council adopted Agreement No. 3460 -- A Services Agreement for professional Contract Planning Services by and between the City of Oroville and Interwest, Inc by the following vote:

**Motioned by:** Council Member Smith; **Seconded by:** Council Member Goodson

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**Noes:** None

**Absent:** None

**Abstention:** None

**8. APPLICATION FOR CALIFORNIA STATE PARKS RECREATIONAL TRAILS PROGRAM**

Item 5.

The Council adopted Resolution No. 9143 - Resolution of the Oroville City Council of City of Oroville Approving the Application for Grant Funds From the Recreational Trails Program by the following vote:

**Motioned by:** Council Member Smith;      **Seconded by:** Council Member Goodson

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**Noes:** None

**Absent:** None

**Abstention:** None

**9. PLACEMENT OF SOLID WASTE LIENS ON THE 2023-24 PROPERTY TAX ROLL**

The Council adopted Resolution No. 9138 – A Resolution of the Oroville City Council Adopting Direct Assessment for Delinquent Solid Waste Liens on the 2023-2024 Property Tax Roll and Authorizing the Mayor to Execute the Proposition 218 Certification of Tax Bill Levy by the following vote:

**Motioned by:** Council Member Smith;      **Seconded by:** Council Member Goodson

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**Noes:** None

**Absent:** None

**Abstention:** None

**10. FACTORY INCRESASES ON PURCHASE OF T380 AND T880 DUMP TRUCKS FOR STREET DEPARTMENT**

The Council approved the additional surcharge for the T380 of \$8,456.91 and the T880 of \$468.32 by the following vote:

**Motioned by:** Council Member Smith;      **Seconded by:** Council Member Goodson

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**Noes:** None

**Absent:** None

**Abstention:** None

## REGULAR BUSINESS

### 11. DOCUMENTARY FILM BEING MADE ABOUT THE OROVILLE CHINESE TEMPLE

The Council acknowledged receipt and approved the making of the film; and the request for \$5000.00 in supporting funds from the Community Enhancement Fund by the following vote:

**Motioned by:** Council Member Johnstone; **Seconded by:** Council Member Thomson

**Ayes:** Council Members Johnstone, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

**Noes:** None

**Absent:** None

**Abstention:** Council Member Riggs

## PUBLIC HEARINGS

### 12. 2023-24 ADOPTED BUDGET

The Council approved Resolution No. 9139 as well as the 2023-24 annual budget by the following vote:

**Motioned by:** Council Member Riggs; **Seconded by:** Council Member Goodson

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith

**Noes:** Mayor Pittman

**Absent:** None

**Abstention:** None

### 13. APPROPRIATIONS LIMIT

The Council conducted a public hearing and adopted the fiscal year 2023-24 Appropriations Limit by the following vote:

**Motioned by:** Council Member Riggs; **Seconded by:** Council Member Goodson

**Ayes:** Council Members Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith

**Noes:** Mayor Pittman

**Absent:** None

**Abstention:** None

## **PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS**

The following member(s) of the public submitted Public Comment on this item: Bill Speer

## **REPORTS / DISCUSSIONS / CORRESPONDENCE**

1. Council Announcements and Reports
2. Future Agenda Items
  - Updates on the Gateway Project requested
  - Update on the bike lane on Table Mountain requested
  - Requested staff look into what it would take to develop a City mobile app.

The following member(s) of the public submitted Public Comment on this item: Bill Speer

3. Administration Reports
  - . Departmental reports for council update - May 2023
  - . Police Department Monthly Report
4. Correspondence
  - . PG&E notice company request change rates for 2024. (A.23-05-012)

## **ADJOURN THE MEETING**

The meeting was adjourned at 7:28PM.

ATTESTED:

APPROVED:

\_\_\_\_\_  
Kayla Reaster, Assistant City Clerk

\_\_\_\_\_  
David Pittman, Mayor



## CITY OF OROVILLE STAFF REPORT

**TO: MAYOR PITTMAN AND COUNCIL MEMBERS**

**FROM: BRIAN RING, CITY ADMINISTRATOR**

**RE: PROPOSED REVISIONS TO CITY CHARTER**

**DATE: MARCH 5, 2024**

### **SUMMARY**

The Council previously directed staff to work with Council Member Goodson and Council Member Thomson on proposed changes to the City Charter to remove outdated language, update incorrect language and recommend changes to other sections of the Charter.

### **DISCUSSION**

Upon direction from the City Council, Council Member Goodson and Council Member Thomson worked with City Administrator Ring, Code Enforcement Director Belser, and City Attorney Representative David Ritchie (“Review Team”) to identify outdated language, update incorrect language and recommend changes to other sections of the City Charter.

The Review Team met on five separate occasions (August 17, 2023, September 5, 2023, September 11, 2023, November 6, 2023 and November 11, 2023) to thoroughly comb over the various sections of the existing Charter. Proposed changes to the Charter were finalized on February 6, 2024.

The Review Team is seeking additional feedback on the Charter and along with the proposed changes. Following feedback, additional work will be make on the draft changes, and brought back to the Council for final approval. From there, the Team will work to put the proposed changes on the ballot for the General Election in November.

### **FISCAL IMPACT**

None at this time.

### **RECOMMENDATION**

Provide City Charter Review Team input on proposed changes to City Charter and provide any additional input on Charter.

**ATTACHMENTS**

City Charter with proposed changes; and  
Summary of proposed City Charter changes.

## Charter Proposed Changes – Summary

- **Cleanup Items**

- Identified City Clerk also as City Administrator
- Including all Department Heads as Officers
- Cleaned up how Council Members are elected (stated “at large”)
- Removed language where it referenced other “body” beyond the Council making appointments
- Removed historic/outdated language included in Charter regarding prior Charter documents
- Removed language requiring Council meetings to start at 8:00pm
- Added correct Government Code language where needed (it cited old code sections)
- Struck language that spoke about posting and meeting requirements which is covered by the Brown Act
- Struck language re what a quorum is, again, covered by Brown Act
- Struck ordinances being typewritten
- Cleaned up prosecution language done by the City Attorney to that of violations of the municipal code (vs. contested criminal cases)
- Cleanup language with regard to the how the minutes of the Council Meetings shall be kept
- Changed the title of the Superintendent of Streets to Director of Public Works
- Struck language requiring every citizen to lend the Chief of Police aid when requested.
- Struck the requirement to have a Health Officer
- Cleaned up bond language in article XXI, Section 2
- Added updated government code section language to address filling the vacancy of elected officials
- Struck the requirement to have a free public library
- Changed budget presentation to the month of June
- Changed the bond indebtedness to comply with State law
- Struck the requirement to report to Council monthly a detailed statement of receipts and disbursements
- Expanded use of public dollars used to advertise the City, to also be used for a public benefit; and struck the cap of “4 cents on the \$100 of assessed valuation in any such year” (current cap is set by Council Policy)
- Updated the language on contracts and advertising
- Changed the section on fire protection (Article XIX) to state that the City shall provide fire prevention services and protection services

- **More Substantive Change Items**

- Struck the requirement to have a City Treasurer and replaced City Treasurer with Director of Finance in some portions
- Change how the Council and Mayor are compensated (by ordinance vs. by Charter)
- Revised the language Article III, Section 2, Right of Subpoena – changed from Mayor or Vice Mayor to City Attorney at the direction of the Council
- Struck much of the language in the Park Commission section, as the Commission functions in an advisory capacity to the Council
- Added language that if a vacancy (for appointed or elected positions) isn’t filled within 60 days, a Special Council meeting shall be held where an appointment shall be made (could be an interim appointment)

**THE CHARTER\***

§ 1. Name. **Article I.**

**Article 11.**

§ 1. Boundaries.

**Article III.**

§ 1. Powers of the city.

**Article IV.**

§ 1. Elections.

**Article V.**

§ 1. Initiative, referendum and recall.

**Article VI.**

§ 1. Officers and employees.

**Article VII.**

§ 1. The council.

§ 2. Meetings.

§ 3. Quorum.

§ 4. Ordinances.

**Article VIII.**

§ 1. Mayor.

§ 1a. Vice mayor.

§ 2. Right of subpoena.

**Article IX.**

§ 1. Planning commission.

**Article X.**

§ 1. Park commission.

**Article XI.**

§ 1. City attorney.

**Article XII.**

§ 1. City clerk.

§§ 1' 2. Repealed. **Article XIII.**

**Article XIV.**

§ 1. Expert accountant.

**Article XV.**

§ 1. City treasurer.

**Article XVI.**

§ 1. City engineer.

**Article XVIIa.**

§ 1. Superintendent of streets.

**Article XVII.**

§ 1. Repealed.

**Article XVIII.**

§ 1. Chief of police.

**Article XIX.**

§ 1. Chief of fire department.

**Article XX.**

§ 1. Health officer.

**Article XXI.**

§ 1. Oath of office.

§ 2. Official bonds.

§ 3. Administering oaths.

§ 4. Compensation.

§ 5. Repealed.

**Article XXII.**

§ 1. Vacancies.

§ 2. Additional duties of officers.



## CHARTER

**Article XXIII.**

§ 1. Library.

**Article XXIV.**

§ 1. Fiscal year.

§ 2. Tax system.

§ 3. Annual budget.

§ 4. Annual financial report.

§§ 5-14. Repealed.

**Article XXV.**

§ 1. Limit of bond indebtedness.

**Article XXVI.**

§ 1. Repealed.

**Article XXVII.**

§ 1. Advertising the city; inducing immigration.

**Article XXVIII.**

§ 1. Street and other public improvements.

§ 2. Contract work.

§ 3. Interest in contracts, etc., prohibited.

§ 4. Contracts.

**Article XXIX.**

§ 1. Franchises.

**Article XXX. Miscellaneous.**

§ 1. Official records.

§ 2. General laws applicable.

§ 3. Continuing officers and employees.

§ 4. Continuing ordinances in force.

§ 5. Continuing contracts in force.

§ 6. Validity.

§ 7. When Charter effective.

**Article XXXI. Initiative Measure to Be Submitted Directly to the Voters**

§ 1. Title.

§ 2. Findings.

§ 3. City of Oroville's boundaries, etc.

§ 4. Prison Initiative enacted.

§ 5. Transmittal to State.

§ 6. Severability.

§ 7. Amendment.

\* **Editor's note.** The Charter consists of Statutes 1933, p. 2904, as amended. It was adopted pursuant to section 8 of article XI of the state constitution, ratified by the qualified electors at a special municipal election held on October 22, 1931, approved and adopted by the state legislature and filed with the secretary of state on January 27, 1933. Amendments are indicated by the historical citations following the amended sections in parentheses. Unless so indicated, the Charter derives unchanged from the original ad. A frontal analysis consisting of a numerical listing of the catchlines has been added and a uniform system of capitalization has been employed.

**Article I.****Sec. 1. Name.**

The municipal corporation now existing and known as the "City of Oroville" shall remain and continue a body politic and corporate in fact and in law, by the name of the "City of Oroville" and by such name shall have perpetual succession.

**Article II.****Sec. 1. Boundaries.**

The boundaries of the City of Oroville shall continue as now established, and the territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

## CHARTER

## Article III.

**Sec. 1. Powers of the city.**

The City of Oroville may appear, sue and defend in all courts and places in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may, subject to the restrictions contained in this Charter, purchase, receive, hold and enjoy, sell, lease and convey real and personal property; receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for charitable and other purposes; and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, or lease or otherwise dispose of the same in accordance with the terms of any gift, bequest or trust; may improve any river or channels flowing through the city or adjoining the same; widen, straighten and deepen the channels thereof, and remove obstructions therefrom; construct and maintain embankments and other works to protect the city from overflow.

All rights and titles to property, all rights and obligations under contracts or trusts, and all causes of action of any kind in any court or tribunal vested in the City of Oroville or in any officer or employee thereof in his or her official capacity, at the time this Charter becomes effective,\* as well as all liabilities in contract or tort and causes of action involving the same insofar as they affect the city and/or any officer or employee thereof in his or her official capacity which shall be outstanding at the time this Charter becomes effective, shall continue without abatement or modification by reason of any provision hereof.

All ordinances or resolutions in force at the time this Charter takes effect and not inconsistent therewith shall continue in force until amended or repealed.\*\*

All public improvements or other proceedings legally authorized prior to this Charter shall be

carried to completion under previously existing laws or under this Charter.\*\*\*

The powers or duties vested in city officers, boards or commissions by law superseded by this Charter shall be exercised, continued and carried out by their successors or by other city officers, boards or commissions, consistent with the provisions of this Charter.

All functions of the city, and the powers and duties of officers and employees charged with the performance therefor, as these shall have been apportioned among departments and officers, and institutions, utilities, bureaus or other subdivisions thereof, as existing at the time this Charter shall go into effect, shall continue to be the functions of such departments and offices and the powers and duties of officers and employees assigned thereto, except as in, or under the authority of, this Charter otherwise specifically provided.

The legally authorized officers and employees of each of said departments and officers or subdivisions thereof shall continue as the officers and employees of said departments and offices or subdivisions thereof, subject to the conditions governing their respective appointments to such positions and except as in this Charter otherwise provided; and where part of the functions and duties of any department or office are by this Charter transferred or placed in any other department or office, the persons performing such functions and duties, shall be transferred therewith.

The compensations legally authorized for the several officers and employees shall be continued subject to the other provisions of the Charter.

The city may make and enforce all laws, ordinances and regulations necessary, convenient or incidental to the exercise of all rights and powers in respect to its affairs, officers and employees and shall have all rights and powers appropriated to a city, subject only to the

CHARTER

restrictions and limitations provided in this Charter, including the power to acquire and construct plants, works, utilities, areas, highways and institutions outside the boundaries

of the city, and maintenance and operations of the same, and the exercise of functions or maintenance of services outside the boundaries of the city, including the expenditure of funds therefor through any agency.

The specifications or enumeration in this Charter of particular powers shall not be exclusive.

The exercise of all rights and powers of the city when not prescribed in this Charter shall be as provided by ordinance or resolution of the city council.

- As to effective date of Charter, see Char., art. XXX, § 7.
- See also, Char., art. XXX, § 4 as to ordinances continued in force.
- See also, Char., art. XXX, § 5 as to contracts continuing in force.

Article IV.

Sec. 1. Elections.

General elections shall be held in the City of Oroville on the first Tuesday after the first Monday in November of each even-numbered year, under and pursuant to the general laws governing elections, so far as the same may be applicable, and except as herein otherwise provided. Persons elected in April of 1981, or their successors, shall hold office until November 12, 1984, and persons elected in April of 1983, or their successors, shall hold office until November 10, 1986.

Where there are full council terms and short council terms to be filled, the persons elected by the highest number of votes shall be elected to the full term offices. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot. {1941, p. 3484; 1955, c. 185; amended by vote of the people, April 12, 1983}W

Article V.

Sec.1. Initiative, referendum and recall.

Ordinances may be initiated, or the referendum exercised on ordinances passed by the council, under and in accordance with the constitution and general laws of the state, and any elective officer may be recalled from office under and in pursuance of the provisions of the constitution and general laws; provided, however, that initiative, referendum or recall petitions, must be signed by at least 25% of the number of eligible electors voting at the last general municipal election.

Commented [BR2]: Added to account for districts.

Article VI.

Sec. 1. Officers and employees.

The officers of the City of Oroville shall be a mayor, six members of the council, a City Clerk/City Administrator, a City Attorney, all City departments heads which include but are not limited to: a city treasurer/Director of Finance, a City Engineer, a street superintendent/Director of Public Works, a Director of Community Development, a Director of Code Enforcement, a Director of Business Development Assistance and Housing Development, a Chief of Police, and a Fire Chief, a health officer, In addition, a Planning commission, Commission and a Park Commission members, playground and recreation commission, and a board of five library trustees; provided, the council may by ordinance provide for such subordinate officers, assistants, deputies, clerks and employees as it deems necessary.

The members of the council shall be elected from the city at-large and shall hold office for four years and until their successors are elected and qualified.

The city clerk/city administrator and one or more deputy city clerks shall be appointed and hold office at the pleasure of the city council.

The city treasurer shall be elected and shall hold office for four years and until a successor is elected and qualified.

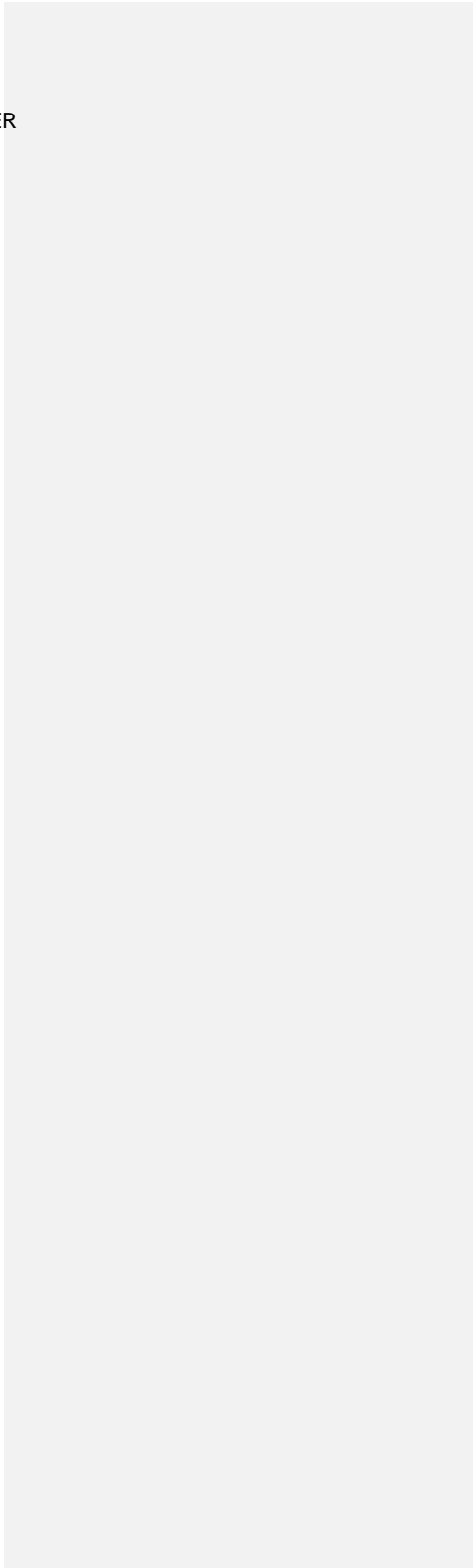
All other officers, assistants, deputies, clerks and employees shall be appointed as provided

Commented [BR1]: We did discuss suggesting term limits - however - we also discussed how that could be challenging now that we have districts in place. We can revisit this topic (term limits), if desired.

CHARTER

in this Charter or as the council may provide

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CHARTER

by ordinance in case no provision for their appointment is herein made, and they shall hold their respective offices or positions at the pleasure of the appointing power, except as otherwise herein provided.

Except as otherwise provided in this Charter, where the appointment of any officer, assistant, deputies, clerks or employees that is vested in the council, the appointment and removal must be made by a five-sevenths vote of the members. ~~Where such appointment is vested in any other body, the appointment and removal must be made by a four-fifths vote of the members of such body.~~

No increase or reduction shall be made in the compensation paid any appointive officer unless made by a five-sevenths vote of the council ~~or a four-fifths vote of such other body.~~ (1941, p. 3480; amended by vote of the people, April 12, 1983; amended by vote of the people, November 8, 1988)

**Article VII.**

**Sec. 1. The council.**

The legislative body of the City of Oroville shall consist of a mayor (elected at large) and six persons  ~~elected at large~~ which body shall be known as the council.

The members of the council shall be elected by the qualified voters of the city at a general municipal election to be held therein every even-numbered year as hereinbefore provided.

They shall hold office for a period of four years from and after the first Tuesday in January next succeeding the day of their election and until their successors are elected and qualified; ~~provided, the respective terms of the first council elected under this Charter shall be as follows, the three persons elected by the highest number of votes shall hold office for four years, the three persons elected by the next~~

~~highest number of votes shall hold office for two years. In the event that two or more persons shall be elected by the same number of votes, their term shall be fixed by lot.~~

The members of the council and the mayor shall receive ~~as~~ compensation as set by ordinance. ~~five dollars for each regular meeting attended; provided, however, that the total sum to be received by any one councilmember shall not exceed the sum of ten dollars per month.~~

The members of the council shall not be elected or appointed to any office or employment with the city, except as otherwise provided in this Charter.

In the event of resigning they shall not be entitled to vote on the selection of their successors.

The council shall have the power by ordinance to provide for and appoint such other commissions and officials as may seem in its discretion necessary and proper, such officers shall serve at the discretion of the council, and at a salary to be fixed by the council.

The council shall have the power by ordinance to combine any city offices, which in its discretion seems for the best interests of the city. (Amended by vote of the people, November 8, 1988)

**Sec. 2. Meetings.**

The council shall meet ~~at 8:00 p.m.~~ on the first Tuesday in January following the general municipal election and canvass the returns thereof. Should the first Tuesday fall on a holiday, the meeting shall be held the following day.

The new members and all newly elected officers shall then be inducted into office and a vice mayor shall be appointed as provided in Article VIII, section 1a.

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**Commented [BR3]:** Could not think of situation where this was applicable.

## CHARTER

The council shall hold a regular meeting at least once a month at such time as it shall fix by ordinance.

Special meetings may be called at any time by the mayor or by three councilmembers in accordance with the Government Code of the State of California, with the provisions of Section 54056 of the Government Code of the State of California as the same may be from time to time amended.

All meetings of the council shall be held in the City Hall unless the an alternative location is appropriately noticed. council by ordinance provides for another meeting place, and a All meetings shall be open to the public; provided, however, that whenever necessary or convenient to hold any meeting at some other place within the City of Oroville, the clerk may, upon written instruction by the mayor and after notice to the members of the council, designate another meeting place by posting written notice thereof at the regular place of meeting at least one hour prior to the time thereof. Such notice shall designate the place where and the time when such meeting is to be held, and a copy of such notice and the clerk's certificate of the posting thereof together with the mayor's instructions as aforesaid shall be read into and filed with the minutes of such meeting.

The council shall adopt rules for conducting its proceedings. (1941, p. 3480; amended by vote of the people, November 8, 1988; amended by vote of the people, November 6, 1990)

### Sec. 3. Quorum.

A majority of the council shall constitute a quorum for the transaction of any business, except as herein otherwise provided, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

### Sec. 4. Ordinances.

All proposed ordinances introduced in the council shall be in printed ~~or typewritten~~ form.

The enacting clause of all ordinances passed by the council shall read as follows: "The council of the City of Oroville do ordain as follows:"

The affirmative vote of a majority of the council shall be necessary to adopt any ordinance, resolution or claim against the city, which vote shall be taken by ayes and noes and entered upon the record.

No ordinance shall be passed by the council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular meeting.

A proposed ordinance may be amended or modified between the time of its introduction and the time of its final passage, provided its general scope and original purposes are retained.

All ordinances shall be signed by the mayor and attested by the city clerk, and shall be published in a manner that meets the requirements of State law (which could include publishing in local newspaper), an adjudicated newspaper of general circulation and circulated in the City of Oroville.

In lieu thereof, the publication of ordinances may be satisfied by either of the following actions:

1. The city council may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. Such summary shall be prepared by an official designated by the city council. A summary shall be published and a *certified* copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the city clerk at least five days prior to the city council *meeting* at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, the city

CHARTER

council shall publish a summary of the ordinance or amendment with the names of those city council members voting for and against the ordinance or amendment and the city clerk shall post in the office of the city clerk a certified copy of the full text of such adopted ordinance or amendment along with the names of those city council members voting for and against the ordinance or amendment; or

- 2. If the city official designated by the city council determines that it is not feasible to prepare a fair and adequate summary of the proposed or adopted ordinance or amendment, and if the city council so orders, a display advertisement of at least one-quarter page in a newspaper of general circulation printed and published in the County of Butte and circulated in the city shall be published at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter page shall be published. The advertisement shall indicate the general nature of, and provide information about, the proposed or adopted ordinance or amendment including information sufficient to enable the public to obtain copies of the complete text of such ordinance or amendment, and the names of those city council members voting for and against the ordinance or amendment.

Notwithstanding the foregoing, any ordinance declared by the council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency, may be introduced and passed at one and the same meeting, and if passed by a five-sevenths vote shall be-

come effective immediately. (Amended by vote of the people, November 5, 1996)

**Article VIII.**

**Sec. 1. Mayor.**

The mayor shall be elected and shall hold office for four years and until his or her successor is elected and qualified.

The mayor shall be the executive head of the city. In case of riot, insurrection or extraordinary emergency he or she shall assume general control of the city government, and all its branches and be responsible for the suppression of disorders and the restoration of normal conditions.

In the name and on behalf of the city he or she (or their designee) shall sign all contracts, deeds, bonds and other legal instruments to which the city is a party, and he or she shall represent the city at all ceremonial functions of a social or patriotic character when it is desirable and appropriate to have the city represented officially thereat.

He or she shall preside at all meetings of the council and shall vote as a member of the council, and shall receive such compensation as is hereinbefore provided for members of the council.

**Sec. 1a. Vice mayor.**

There shall be a vice mayor who shall be appointed by the city council to hold office at the pleasure of the council. He or she shall be a duly qualified and acting member of the council. In the event of the termination of his or her tenure of office as councilmember from any cause whatsoever, thereupon his or her tenure of office as vice mayor shall forthwith cease and determine. The appointment and removal of the vice mayor may be made by a majority vote of the council.

The vice mayor shall act as mayor pro tempore in the case of absence, illness, death or

## CHARTER

other disability of the mayor and while so acting shall have all of the rights, powers and duties of the mayor.

**Sec. 2. Right of subpoena.**

~~The mayor or vice mayor shall have power to administer oaths. The City Attorney, at the direction of the Council, may issue a subpoena, to compel the production of the books, papers, documents for the City, and to compel testimony whenever necessary in proceedings before the Council, and affirmations concerning any demand upon the treasury, and in all matters relating to the duties of the city council, and to witnesses examined in any investigation had by said council, or by any committee thereof duly authorized to make such investigation. Said mayor or vice mayor may issue subpoenas under his or her hand and the seal of such city, attested by the city clerk, to compel the attendance of witnesses before such city council or committee thereof. (1941, p. 3480.)~~

**Article IX.**

**Sec. 1. Planning commission.**

There shall be a board of planning commissioners consisting of the mayor as an ex-officio member without vote except in the case of a tie; and seven citizens to be appointed by the council to serve for four years each, without compensation.

The city planning commission shall have and exercise all the powers and duties which are now or may hereafter be granted to or imposed upon said department by state law, and such additional powers and duties as may be granted or imposed by ordinance for the regulation and control of the platting and subdivision of lands.

No ordinance shall be adopted by the council creating districts or zones for the purpose of regulating the use of lands, the height, bulk, location or use of buildings therein, and no ordinance changing, amending or altering any such ordinance shall be adopted until it shall have first been submitted to the board of city

planning ~~commissioners~~ commissioners for report and recommendation.

It shall be the duty of the planning commission within thirty days from the receipt of any such request from the council for its recommendation in regard to any such ordinance, to make and file its report thereon with the council, and should said board of city planning commissioners recommend against the approval of any such ordinance herein mentioned, the council may adopt such ordinance only upon majority vote of the whole of said council.

Should the board of city planning commissioners recommend the approval of any such ordinance, or fail to make any recommendation within the time mentioned herein, said council may adopt such ordinance by a majority vote of the whole council.

All plans for the location of public parks or public playgrounds shall be submitted to the city planning commission for report and recommendation. Such report shall be advisory only.

The department shall make reports and recommendations to the council and to the various departments of the city government on all matters involving the location of such public improvements.

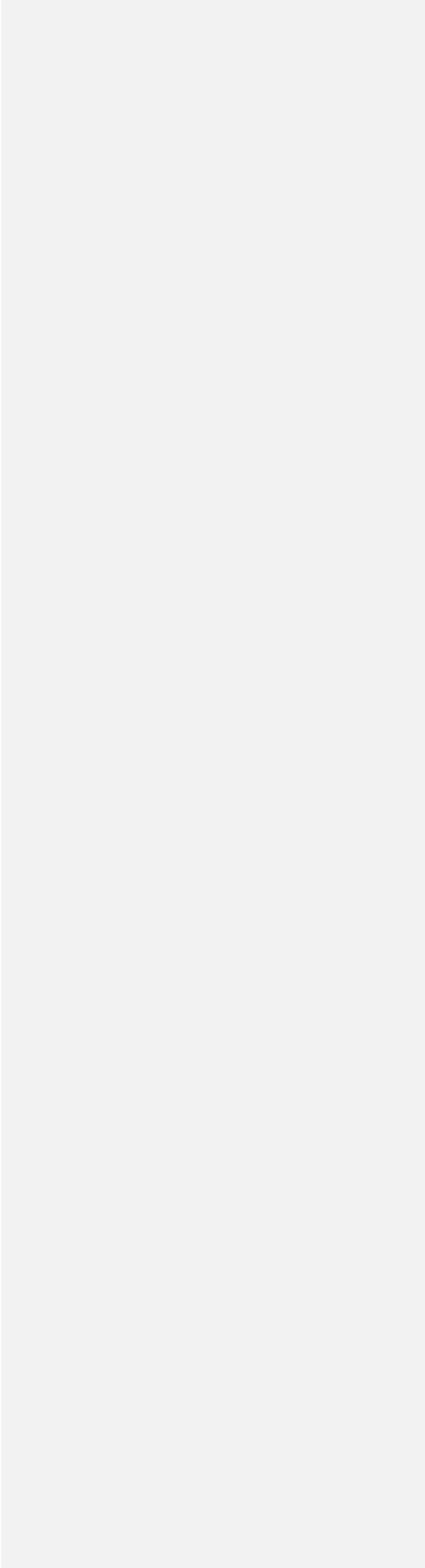
The city planning commission shall initiate studies and make reports and recommendations to the council and the various departments of the city government on subjects related to the opening and widening of streets and other physical conditions, connected with the development and expansion of the city.

It shall each year render to the mayor and council a report of its activities during the preceding year, and its proposals for the future. ~~The first city planning commission under this Charter shall be appointed by the council for one, two, three and four year terms respectively. Thereafter the members of said board shall be appointed as provided herein. At least~~



CHARTER

| 



CHARTER

three of the four members appointed as afore-  
said shall have been members of the city  
planning commission immediately prior to this  
Charter taking effect. (1961, c. 181; amended  
by vote of the people, April 12, 1983; amended  
by vote of the people, November 6, 1990)

Article X.

Sec. 1. Park commission.

There shall be a park commission consisting of  
five members to be appointed by the council  
each to serve for a term of five years, without  
compensation.

The Park's Commission shall advise the City  
Council on all matters pertaining to the operation  
and regulation of City Parks. The Council shall  
receive recommendations of the Commission  
prior to taking any action related to the Parks.  
department of parks shall have the power and  
duty:

1. To manage and control the parks owned  
or operated by the City of Oroville.
2. To establish, maintain and operate parks,  
with structures therein appropriate to park  
purposes, within or without city limits.
3. To construct and operate, sell, rent or  
lease concessions or privileges to be ex-  
ercised in the parks for the operation of  
boathouses, refreshment stands, restau-  
rants, amusement places or devices, par-  
cel checking rooms and lockers and other similar  
purposes.
4. To establish schedules of charges for  
special services.
5. To grant to the department of play-  
grounds and recreation the right to estab-  
lish, maintain and operate playground and  
recreation facilities on lands under the control  
of the department of parks upon such terms  
and conditions as shall be fixed by the board  
of park commis-sioners.
6. To have charge over and care of trees,  
plants and lawns in parking along public

streets, subject to street improvement  
authorized by the city.

7. To appoint a superintendent of parks who  
shall have general supervision of all parks and  
under direction of the park commission.

Appropriation may be made from the general  
city funds for park purposes. All money arising  
from appropriations above referred to or re-  
ceived by the department of parks from fees,  
sales, gifts or otherwise in connection with the  
operation of the department shall be placed to  
the credit of the department of parks in a fund  
to be known as the park fund.

No money in the park fund shall be used for any  
purpose other than the financial support of the  
department of parks.

The board of park commissioners shall have  
power to control and order, in the manner in this  
Charter provided, the expenditure of all money  
coming into the park fund, or from the sale of  
bonds authorized by the city for financ- ing the  
work of the park department, and to appropriate  
and expend the same for the pur- poses of the  
department, in accordance with the provisions  
of this Charter.

Said board may invest any surplus funds un-  
der its control in bonds or other evidences of  
indebtedness of the United States, the State of  
California, or of any political subdivision  
thereof, and the income derived therefrom shall  
be deposited in the city treasury to the credit of  
the park fund.

No real property shall be acquired by the city for  
park sites unless such sites are first ap- proved  
by the board of park commissioners.

Said board shall have full control over all park  
sites and no such sites shall be devoted to any  
other purpose in whole or in part without per-  
mission from said board.

Whenever funds are donated by any person or  
persons for the acquisition or construction of

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## CHARTER

~~any building, structure, work or improvement in a public park, and the donor or donors thereof shall, at the time of such donation, request the appointment of a special commission to take charge of the expenditure of such funds and to supervise the construction of such improvement, the council may, in its discretion, if said proposed improvement will increase the value of such park for park purposes, provide by ordinance for the appointment by the mayor, subject to the confirmation by a majority of the council, of a special commission to take charge of the supervision of the construction of such improvement and the expenditure of funds donated therefor.~~

~~In the event funds are donated in the manner provided for in this section for the maintenance of any such improvement at the time of construction thereof or otherwise, the council may, by ordinance, create a commission to be appointed under the provisions of this section, which shall have such powers and duties as to such construction or maintenance as may be conferred upon it by such ordinance.~~

~~All lands belonging to the city which may hereafter be set apart, or dedicated for the use of the public as a public park, shall forever remain to the use of the public inviolate.~~

this office if practicable.

## Article XI.

### Sec. 1. City attorney.

There shall be a city attorney who shall be appointed by the city council, to hold office at the pleasure of the council. He or she shall be an attorney-at-law, admitted to practice before the supreme court of the State of California, and shall have been in actual practice in the state for at least three years next preceding his or her appointment.

All other things being equal, an attorney who has had special training or experience in municipal corporation law shall be appointed to

**Commented [BR4]:** Consider striking this. The only commission with current "authority" is the planning commission. Could have this commission articulate its advisory functions via its bylaws.

CHARTER

The city attorney shall be legal advisor of the council and all other city officials. He or she shall draft all ordinances, resolutions, contracts or other legal documents, or proceedings required by the council, or other officials, except as may be otherwise provided.

He or she shall prosecute personally on behalf of the people ~~all contested criminal cases before the police violations of municipal code before the Superior Court, and~~ and shall perform such other legal services ~~as needed from time to time as the council may require without compensation in addition to his or her salary, unless such service requires his or her presence outside the City of Oroville.~~

He or she shall attend all meetings of the council unless excused therefrom by the council or mayor.

**Article XII.**

**Sec. 1. City clerk/City Administrator.**

The city clerk/city administrator shall be the clerk of the council.

It shall be the duty of the city clerk/city administrator or a deputy designated by him or her, to attend all sessions of the council and keep a full and correct record of the proceedings.

~~The proceedings of the council shall be kept in a book marked "Minutes of the Council." In addition, he or she shall keep a record of all book marked "Ordinances," into which he or she shall copy all city ordinances, certifying that each is a full and correct copy of the original ordinance, and stating that the same has been published as required by law.~~

~~Said record copy so certified shall be prima facie evidence of the contents of the ordinance, and of its passage and publication, and shall be admissible as such in any court or other proceeding. Such record shall not be filed, but shall be returned to the custody of the city clerk. He or she shall also keep a book marked "Resolutions" into which he or she~~

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C-10

## CHARTER

~~shall copy all resolutions passed by the council.~~

~~Both the books containing ordinances and resolutions shall be adequately and comprehensively indexed.~~

He or she shall conduct promptly, and keep a systematic record of, all correspondence between the council and others relating to city business.

He or she shall be the keeper of the corporate seal of the city and shall affix the same to instruments or writings requiring authentication.

He or she shall safely keep all records, documents, ordinances, resolutions, books, and such other papers and matters, as may be regularly delivered into his or her custody or required by law or ordinance to be filed with him or her.

~~He or she shall report to the city council monthly, a detailed statement of the receipts and disbursements of the city government and the state of the various funds, and show the balances of the budgeted appropriation, and of any special improvement fund that may exist; and at the expiration of the fiscal year make a detailed statement of the receipts and disbursements of the city during said year, specifying the different sources of revenue and the amount received from each, the several appropriations made by the city council, and the amount of money expended under each, and the objects for which they were made. (Amended by vote of the people, April 12, 1983)~~

**Article XIII.\***

\* Article XIII, of the Charter of the City of Oroville, relating to City Assessor and Board of Appraisers, is repealed. (Repealed by vote of the people, April 12, 1983)

**Article XIV.****Sec. 1. Expert accountant.**

The city shall retain a Certified Public Accountant to audit annually, in accordance with generally accepted auditing standards, the financial statements and accounts of the city.

It shall be the duty of the city clerk to keep on public display in his or her office a report of such audit for a period of sixty days after said audit has been filed. (Amended by vote of the people, April 12, 1983)

Commented [BR5]: Section is procedural/not needed.

**Article XV.****Sec. 1. City**

~~treasurer.~~ **Director of**

**Finance**

There shall be a ~~city treasurer~~ **Director of Finance** who shall be ~~elected every four years at the general election~~ **appointed by the Council**. It shall be his or her duty to collect all ~~taxes assessed by the city assessor otherwise~~.

He or she shall receive and keep safely all moneys and securities belonging to the city and coming into the hands, and pay out the same only on warrants signed by the proper officials, including the principal and interest due on bonds of the city, including improvement bonds.

~~The treasurer shall deposit within forty-eight hours of its receipt with a responsible banking institution, in the city, all funds coming into his or her possession, and shall obtain from such banking institution bonds or other collateral as security therefor, as provided by law. (Amended by vote of the people, April 12, 1983)~~

**Article XVI.****Sec. 1. City engineer.**

There shall be a city engineer who shall ~~be appointed by the city council to~~ hold office at the pleasure of the council.

Commented [BR6]: Redundant.

CHARTER

~~It shall not be necessary that he or she be a resident of the city at the time of his or her appointment.~~

As city engineer he or she shall be the custodian of, and responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, pertaining to his or her office and the work thereof, all of which he or she shall keep in proper order and condition, with full indices thereof.

~~He or she shall turn the same over to his or her successor upon relinquishing his or her office, who shall give him or her duplicate receipts therefor, one of which he or she shall file with the city clerk.~~

All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or her or under his or her direction or control during his or her term of office, shall be the property of the city.

He or she shall have supervision over all public work relating to the grading, paving, cleaning, lighting, watering and repairing of streets, the building of sewers and the disposal of sewage, garbage and rubbish, also of all other matters of an engineering character.

He or she shall have been at the time of his or her appointment a licensed and practicing civil engineer for a period of at least three years.

All other things being equal an engineer who has had special training or experience in municipal engineering shall be appointed to this office if practicable.

**Article XVIa.**

**Sec. 1. ~~Superintendent of streets~~Director of Public Works.**

There shall be a ~~superintendent of streets~~Director of Public Works who shall ~~be appointed by the council, to~~ hold office at the pleasure of the council. ~~He or she shall perform such duties as may be pre-~~

~~scribed now or hereafter, by ordinance or the general laws of the state.~~

**Article XVII.\***

\* Article XVII, of the Charter of the City of Oroville, relating to city court and city judge, is repealed. (Repealed by vote of the people, November 8, 1988)

**Article XVIII.**

**Sec. 1. Chief of police.**

There shall be a chief of police who shall be appointed by the city council to hold office at the pleasure of the council. He or she shall be the head of the police department of the city, shall make rules and regulations for the management of the department, and shall have all the powers that are now or may hereafter be conferred upon other peace officers by the laws of the state. It shall be the duty of the chief of police to preserve the public peace, and to suppress riots, tumults and disturbances. The orders of the chief of police shall be promptly executed by the police officers of the city ~~for, and every citizen shall lend the chief of police aid when so requested for the arrest of offenders,~~ the maintenance of public order or the protection of life and property.

~~The chief of police shall execute and return all process issued to the chief of police by legal authority.~~ The chief of police shall have authority and it is hereby made the duty of the chief of police to arrest persons violating any law of the state or ordinance of the city.

Persons convicted of violating city ordinances and sentenced to jail may be confined in the county jail of Butte County. The chief of police shall have such other powers and duties as may be prescribed by the council by ordinance. (Amended by vote of the people, November 8, 1988; amended by vote of the people, November 5, 1996)

**Commented [BR7]:** Procedural...not necessary to include here.

**Commented [BR8]:** Legal concerns.

**Commented [BR9]:** BCSO

CHARTER

Article XIX.

**Sec. 1. Chief of fire department Fire Protection**

~~There shall be a fire chief who shall be appointed by the city council and hold office at the pleasure of the council. He or she shall be head of the fire department of the city, and shall have charge of and supervision over all matters relating to the prevention and extinction of fires, and of all measures necessary to guard and protect all property impaired thereby. During the time of a fire, he or she shall have supreme authority over the territory involved therein, and all persons in the immediate vicinity of the fire during such time, including police officers, shall be subject to his or her orders.~~

~~The fire chief shall make rules and regulations for the government of the department, subject to the approval of the council.~~ City shall provide fire prevention and protection services.

Article XX.

**Sec. 1. Health officer.**

~~There shall be a health officer who shall be appointed by the city council and shall hold office at the pleasure of the council. He or she shall be a person who has been licensed to practice medicine in the State of California, or who has received special training in and been granted credentials in public health work. He or she shall exercise general supervision over the health and cleanliness of the city, and take all necessary measures for the preservation and promotion thereof. He or she shall enforce all laws, ordinances and regulations relative to the preservation and improvement of the public health, including those for the prevention of disease, the suppression of unsanitary conditions, and the inspection and supervision of the production, transportation, storage and sale of foodstuffs. (Amended by vote of the people, November 8, 1988)~~

Article XXI.

**Sec. 1. Oath of office.**

Every officer shall take and subscribe to the constitutional oath of office before entering upon the performance of his or her official duties.

**Sec. 2. Official bonds.**

~~All officers handling managing city funds and such other officers as the council may determine may be required to furnish a corporate surety bond in an amount to be determined by the Council, which surety bond shall be conditioned on the faithful performance of the duties imposed on that respective officer as herein prescribed. Any premium for such bond shall be a proper charge against the City. Officers shall give bonds for the faithful performance of their duties. The amount of said bonds shall be fixed by the city council. Such officers, before entering upon their official duties, shall execute a bond to the city in the penal sum required. Said bonds shall be approved by the council and filed with the city clerk, except the bond of the city clerk, which shall be filed with the mayor.~~

**Sec. 3. Administering oaths.**

Every elective officer and every chief appointive official, including all members of boards and commissions provided for in this Charter, or by ordinance, shall have the power to administer oaths or affirmations, in connection with any matter appertaining to the business of the city.

**Sec. 4. Compensation.**

The council shall by resolution fix the compensation of all officers, also the compensation of all deputies, assistants and employees of such officers. (Amended by vote of the people, November 8, 1988)

**Sec. 5. Reports of fees and commissions.**

Article XXI Section 5, of the Charter of the City of Oroville, relating to reports of fees and commissions, is repealed. (Repealed by vote of the people, November 8, 1988)

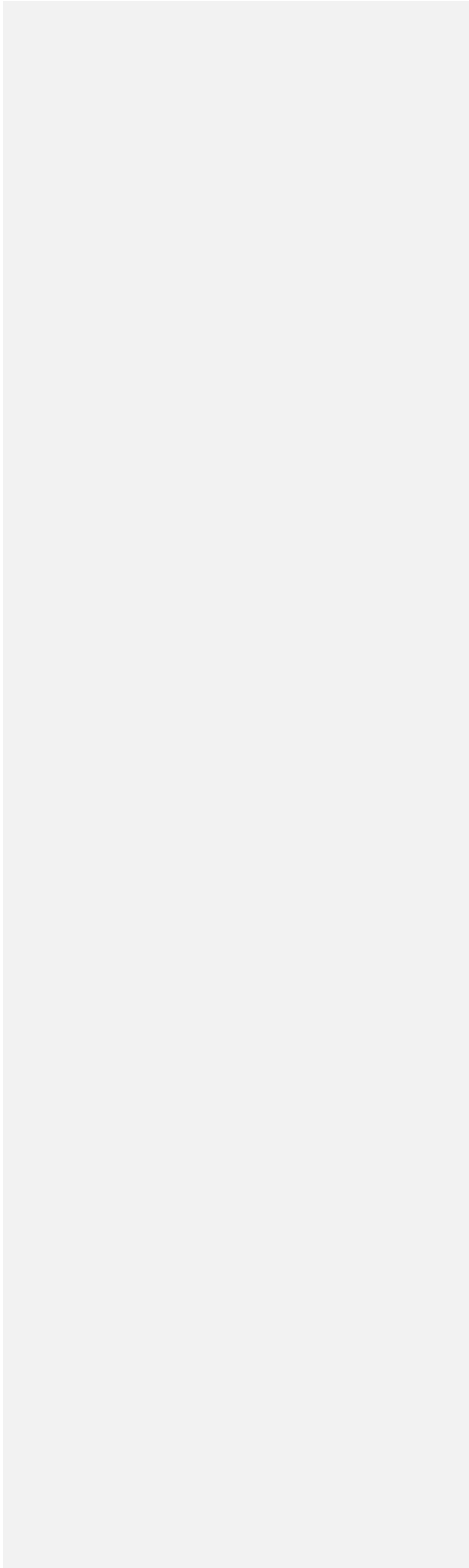
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**Commented [BR11]:** Similar language from City of Palmdale.

**Commented [BR10]:** Repeal this section - County provides.

CHARTER

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## CHARTER

## Article XXII.

pired terms, and such election shall be

## Sec. 1. Vacancies.

A. Any vacancy occurring in any office for Council appointed staff, from whatever cause arising shall be filled by appointment by the council; and, in the case of a vacancy in the office of mayor, vice mayor, or councilmember such appointment may be made by a majority vote of the council; provided, further, that if such vacancy exists in any elective office, ~~such appointee shall hold office only until the first Monday after the next succeeding general municipal election at which election a person shall be elected to serve for any balance of the unexpired term~~ the vacancy shall be filled in accordance to California Government Code Section 36512(b), as may be amended from time to time. Candidates for office for such un- expired term shall qualify in the manner provided in article IV, section No. 1 of this Charter.

~~8-1.~~ In the event a vacancy occurs in any elective office within twenty days before the next succeeding general municipal election then such vacancy may be filled by temporary appointment by majority vote of the council for the interim until the induction to office of councilmember elected thereat, at which time such vacancy shall be filled by the new council as hereinabove provided.

C. In the event that a vacancy exists in any elective or appointive office and the council fails to agree or for any reason does not fill such vacancy within sixty days after the same occurs, ~~then~~ a Special meeting shall be called and the vacancy shall be filled by majority vote at that meeting. The appointment may be an interim appointment. such vacancy shall be filled by appointment by the mayor. Such appointment shall be for the time and of like effect as though made by the council as hereinabove provided.

D. In the event that the seats of a majority of the council shall become vacant, then the city clerk shall call a special election at once to fill the vacancies for the unex-

**Commented [BR12]:** Only applicable to appointments made by Council.

**Commented [BR13]:** Allows business to continue/eliminated delays in filling positions - and provides a path with simple majority for these rare situations.

CHARTER

conducted substantially in the manner provided by law for holding general municipal elections.

- E. Except as herein otherwise provided, if any member of the city council of the city shall move outside the boundaries of their jurisdiction~~from the city~~, or fail to attend three consecutive regular city council meetings without the permission of the council, or shall resign, or be convicted of a felony, or be adjudged insane, or dies, his or her office shall thereupon become vacant.
- F. Notwithstanding any provision in this Charter contained, whenever any person has been elected or appointed to office and for any reason fails or neglects to file the official oath or bond, if required, or for any reason fails to qualify within thirty days after the commencement of the term of office, the council may declare the of-

fice vacant and proceed to fill the vacancy as hereinabove provided. (1941, p. 3480; amended by vote of the people, November 8, 1988; amended by vote of the people, November 6, 1990)

**Sec. 2. Additional duties of officers.**

In addition to duties herein specified, all officers and boards shall perform such other appropriate duties appertaining to their office as may be prescribed by ordinance or by the general laws.

**Article XXIII.**

**Sec. 1. Library.**

~~The free public library of the city shall be managed under and in accordance with the provisions of the general laws of the state relating to free public libraries. (Amended by vote of the people, April 12, 1983)~~

**Commented [BR14]:** City does not have any operational oversight of the County library located within the City.

CHARTER

Article XXIV.\*

\* Secs. 5 to 14. Repealed by vote of the people, April 12, 1983.

**Sec. 1. Fiscal year.**

The fiscal year of the city shall begin on the first day of July of each year, and end on the thirtieth day of June of the following year. (Amended by vote of the people, April 12, 1983)

**Sec. 2. Tax system.**

The council shall provide a system for the assessment, levy, and collection of city taxes upon real and personal property. By mutual agreement, the County of Butte shall perform those municipal functions which relate to the assessment of property for purposes of taxation, the equalization and collection of taxes levied for municipal purposes, the collection of assessments, and the sale of property for non-payment of taxes or assessments.

It shall be the duty of the ~~finance officer~~ Director of Finance, within the time prescribed by law, to compute the tax rates required to service outstanding municipal debt, and submit same to the city council.

Should the council fail to fix the tax rates within the time prescribed, then the tax rates of the previous year shall constitute the rates for the current year. (Amended by vote of the people, April 12, 1983)

**Sec. 3. Annual budget**

~~On or before the first day of~~ In the month of June of each year, the city administrator shall present to the council a proposed budget for the ensuing fiscal year. Such budget shall constitute the Preliminary Budget of the City of Oroville, and a copy of same shall be on file in the office of the city clerk. Not less than five days after the preliminary budget is filed, the city clerk shall fix a time for a budget public hearing.

Final adoption of the budget shall be not later than the first regular council meeting in July. Tax rates for purposes of the service of outstanding municipal debt shall be fixed not earlier than the first meeting in July, nor later than the last day of August. (Amended by vote of the people, April 12, 1983)

**Sec. 4. Annual financial report.**

It shall be the duty of the ~~finance officer~~ Director of Finance to prepare annually a consolidated financial report of the city, including such statements and schedules as may be necessary to adequately describe the financial condition of the city, and the results of its operations for the fiscal year. Insofar as practical, these statements shall be prepared in accordance with generally accepted accounting principles as applied to municipal corporations, and shall be subject to audit, as described in Article XIV above. (Amended by vote of the people, April 12, 1983)

Article XXV.

**Sec. 1. Limit of ~~b~~ Bond indebtedness.**

~~The bonded debt of the city shall~~ comply with State law. ~~at no time exceed a total of three and seventy-five one hundredths percent (3.75%) of the taxable value of all property taxable for city purposes; provided, however, that bonds issued for the acquisition, extension, betterment, or maintenance of municipally owned public utilities shall not be counted as part of such limitation.~~

~~Provided further, however, that such bonds shall have been voted by the electors of the City of Oroville.~~

~~Provided further, that on the initiative of the council by an appropriate resolution, and a majority vote of the electors at the next general municipal election thereafter, this limit may be lowered or raised. (Amended by vote of the people, April 12, 1983)~~

**Commented [BR15]:** Types of bonds can vary in requirements, we will follow State law.

**Commented [BR16]:** Will follow whatever the State law is

CHARTER

Article XXVI.\*

\* Article XXVI of the Charter of the City of Oroville relating to "Special Taxes and Bonds" is repealed. (Repealed by vote of the people, April 12, 1983.)

Article XXVII.

Sec. 1. Advertising the city; inducing immigration.

The council may appropriate and spend money from the funds of the city for any or all of the following purposes: Exhibitions, celebrations, fairs, entertainment of public guests, inducing immigration, and generally for the purpose of advertising the city or public benefit.

- A. ~~Provided, however, The Council may required~~ that any amount so appropriated and spent is equaled by the public body soliciting such funds from the council, and that such appropriation made by the council does not constitute more than 50% of such expenditure contemplated.
- 8. ~~Provided further, that the total appropriated for such expenditure shall not exceed 4 cents on the \$100.00 of assessed valuation in any one year.~~

Article XXVIII.

Sec. 1. Street and other public improvements.

- A. The improvement, widening, extending, opening and closing of streets, or rights of way owned by the city, or in which the city has an easement, whether within or without the limits thereof, and the planting of trees thereon, and the making of other improvements authorized by laws of the state, may be done, and assessments therefor may be levied in conformity with, and under the authority conferred by the general laws of the state now in effect, or which may hereafter be enacted.

- 8. Provided, that no such improvement shall be undertaken or enforced when the cost of such improvement exceeds the assessed valuation of any parcel of real property in front of which the improvement is to be made, as such assessed valuation appears on the assessment roll of the city for the previous year.

Where such improvement happens by reason of special conditions to exceed the assessed value of any one parcel of real property in the area to be improved, the city council may declare that it is in the public interest that such amount over said assessed valuation shall be paid from the general fund of the city.

If it appears that the assessed valuation of any one parcel of real property will prevent the formation of an improvement district, any citizen may call for a review of the assessed valuation of the real property in the proposed district, whereupon the board of appraisers shall reappraise and determine what valuation is right and proper.

Provided also, that the petitions for the improvement shall bear the signatures of the owners of 51% of the street frontage of property within the proposed district, before the city council can order the work to proceed.

- C. Provided, however, that the council may by ordinance adopt a procedure for the opening, extending, widening, closing and improvement of streets, alleys, rights of way or other public places, the laying of pipe and conduits, and the removal from buildings, lots and grounds, and the sidewalks opposite thereto, of dirt, rubbish, weeds, and other rank growth and materials, which may injure or endanger neighboring property, or the health or welfare of the inhabitants of the city, and for making and enforcing assessments

## CHARTER

against the property benefited, or affected thereby, or from which removal is made, for the cost of such improvements or removal, and may make such assessments a lien on such property superior to all other claims or liens thereon, except state, county and city taxes.

- D. ~~Provided, that no such ordinance shall prevent the council from proceeding under any of the general laws of the state now in effect or which may hereafter be enacted, subject, however, in all cases to the provisions of subsection B of this article; provided, however, that where the work or improvement undertaken under such ordinance or general law is necessary for the promotion or maintenance of public health or safety and the council by resolution so finds, the council may proceed subject to such ordinance or general law and the provisions of subsection B shall not apply thereto. Unless Council provides alternative direction, the City shall follow the general law of the State.~~ (1941, p. 3480)

### Sec. 2. Contract work.

In the erection, improvement and repair of all public buildings and works, in all street and sewer work or in or about embankments or other works for protection against overflow, and in furnishing any supplies or materials for the same, the Local Agency Public Construction Act of the State of California Public Contract Code as the same now exists or may hereafter be amended shall apply. (1955, c. 185; amended by vote of the people, November 8, 1988)

### Sec. 3. Interest in contracts, etc., prohibited.

No officer or employee of the city shall be or become directly or indirectly interested in, or in the performance of, any contract, or work or business, or in the sale or purchase of any article, the expense, price, or consideration of which is payable from the city funds, or in the

purchase or lease of any real estate or other property belonging to or taken by the city, except in his or her official capacity, on behalf of the city.

If any person in this section designated, other than in such official capacity, shall, during the time for which he or she was elected or appointed, acquire an interest in any contract with or work done for the city or any department, branch or office thereof, or in any franchise, right, or privilege granted by the city, unless the same shall be devolved upon him or her by law, he or she shall forfeit his or her office and be forever barred and disqualified from being elected, appointed or employed in the service of the city, and all such contracts shall be voidable at the option of the city council.

The ownership of less than five percent of the capital stock or shares of a corporation or association with which a contract may be made shall not be considered as constituting an interest in the contract within the meaning of this section.

### Sec. 4. Contracts.

The council shall advertise ~~annually when needed~~ for sealed proposals or bids for ~~services needed by the City in accordance to State law, printing and furnishing all letterheads, stationery, tax bills, account books and other printed matter likely to be required during the fiscal year.~~

~~Contracts for advertising or printing, as the case may be, shall be awarded to the lowest responsible bidder, provided no contract for advertising shall be awarded to any newspaper except a newspaper of general circulation, as that term is defined by Chapter 1 of Division 7 of Title 1 of the Government Code.~~

~~Any city officer may purchase and bind the city to pay for any item included in his or her budget not exceeding \$100.00 in any one complete purchase.~~

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## CHARTER

~~By order duly adopted by a vote of five members, the council may authorize any official to bind the city without advertising, in an amount not to exceed \$2,000.00.~~

~~All purchases shall be made and contracts for work shall be awarded in accordance with the Local Agency Public Construction Act of the State of California Public Contracts Code as the same now exists or may hereafter be amended.~~ (1955, c. 185; amended by vote of the people, November 8, 1988)

**Article XXIX.****Sec. 1. Franchises.**

Every franchise or privilege to construct, maintain or operate any railroad, or other means of transportation in or over any street or highway, or to lay pipes or conduits, or erect poles or wires or other structures in or across any street or highway for the transmission of gas, electricity, or other commodity, or for the use of public property or places now or hereafter belonging to the city, shall be granted under and in pursuance of the provision of the general laws of the state relating to the granting of franchises; provided no new franchise or the renewal of an existing franchise shall be granted except upon condition that at least two percent of the gross annual receipts derived from the use of such franchise shall be paid to the city. In all cases the applicant for a franchise shall advance the cost of advertising the same.

Every such franchise shall require the grantee thereof to agree to a joint use of its property to others, wherever practicable, and nothing herein shall be construed as prohibiting the council from requiring other conditions not inconsistent with the constitution or general laws.

No franchise or privilege so granted shall be sold, leased, assigned or otherwise alienated without the express consent of the council

given by ordinance and subject to the referendum.

Within six months after this Charter takes effect, every public utility and every owner of a public utility franchise, shall file with the city clerk, certified copies of all the franchises owned or claimed, or under which any such utility is operated.

The city shall compile and maintain a public record of all public utility franchises and of all public utility fixtures in the streets of the City of Oroville.

**Article XXX. Miscellaneous****Sec. 1. Official records.**

All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to proper rules and regulations for the efficient conduct of business of such department or office; provided, the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Copies or extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering the fee for such copies or extracts, and an additional fee for certifying. The city council, by resolution duly adopted, shall set the fee to be charged for copies or extracts and for certifying.

All officers and boards shall deliver to their successors all papers, books, documents, records, archives, and other properties pertaining to their respective offices or departments, in their possession or under their control. (Amended by vote of the people, April 12, 1983)

CHARTER

**Sec. 2. General laws applicable.**

All general laws of the state applicable to municipal corporations now or hereafter enacted, and which are not in conflict with the provisions of this Charter, or with ordinances hereafter enacted, shall be applicable to the City of Oroville.

The council may adopt and enforce ordinances which in relation to municipal affairs, shall control as against the general laws of the state.

Provided, that where a procedure for the exercising of any rights or powers belonging to a city, is provided by statute of the State of California, such procedure shall control and be followed unless a different procedure is provided in, or by ordinance enacted under authority of this Charter. (1955, c. 185; amended by vote of the people, April 12, 1983)

**Sec. 3. Continuing officers and employees.**

All officers, assistants, and employees in office when this Charter takes effect, shall continue to hold and exercise their respective offices or employment, under and subject to the terms and provisions of this Charter until the election or appointment and qualification of their successors in the manner prescribed in this Charter.

**Sec. 4. Continuing ordinances in force.** All lawful ordinances, resolutions, and regulations in force at the time this Charter shall take effect,\* and not inconsistent with its provisions, are hereby continued in force until the same shall have been duly amended, repealed or superseded.

\* See note to section 7 of this article.

**Sec. 5. Continuing contracts in force.**

All vested rights of the city shall continue and shall not in any manner be affected by the

adoption of this Charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this Charter. All contracts entered into by the city prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected hereunder.

**Sec. 6. Validity.**

If any article, section, or part of a section of this Charter is held legally invalid, it shall not be held to invalidate or impair the validity of any other section or part of section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

**Sec. 7. When Charter effective.\***

This Charter shall go into effect upon its approval by the legislature, except for the purpose of electing the officers provided for herein; for which purpose it shall go into effect on the expiration of the terms of the present elected officials.

\* **Editor's note:** The Charter was approved by the state legislature and filed with the secretary of state on January 27, 1933.

**Article XXXI. Initiative Measure to Be Submitted Directly to the Voters\***

\* **Editor's note:** This article was added in 2000.

**Sec. 1. Title.**

This measure shall be known as the People's Choice Prison Initiative (People's Initiative).

**Sec. 2. Findings.**

In order to maintain the quality of life as sought by the residents of the City of Oroville,

## CHARTER

it is hereby accepted as a right and an obligation:

1. To preserve the current level of health and safety services and other welfare issues as they relate to the residents of the City of Oroville;
2. To maintain the right to an orderly and evenly distributed rate of growth, keeping within the ability of the city to accommodate growth without straining available resources, be they provided by man or be they natural;
3. To be able to preserve the quality of public services, health services, social workers, sewage treatment plants and landfill adequacy, which are often threatened by excessive and rapid population growth impacts.

In keeping within the process prescribed in the California Election Code, the voters of the City of Oroville hereby exercise their right to the Initiative process whereby a constituency may obtain the will of the voters to decide on important issues which impact them directly.

Therefore the people of the City of Oroville do ordain as follows:

**Sec. 3. City of Oroville's boundaries, etc.**

That the entire City of Oroville, and all the territory included within the city boundaries are hereby zoned prison-free by the enactment of this, the People's Initiative.

**Sec. 4. Prison Initiative enacted.**

Should this initiative be enacted, any consideration of prison or any facility that has a function of incarcerating or housing prisoners shall be put forth on the ballot for approval by the voters disclosing to them the following:

- a. The proposed location of the prison;

- b. The type of prison (e.g. maximum security, minimum security, etc.);
- c. The size of prison;
- d. How the various factors impacting the public shall be mitigated;
- e. A commitment from the state, federal or any other agency that they will pay for the increased cost of direct and indirect services that result from the prison and that any cost incurred by the enforcement of this Section (4), Subparagraph (e) shall be borne by them;
- f. Any and all potential changes to the disclosed information.

**Sec. 5. Transmittal to State.**

Upon adoption of this initiative, the city council shall immediately transmit a copy of the initiative to the Governor of the State of California, the California Department of Corrections, and all other appropriate state agencies.

**Sec. 6. Severability.**

If any subsection, part, subpart, paragraph, subparagraph, clause or phrase of this initiative or any amendments or revision of this initiative is for any reason held to be invalid, the remaining portions will not be affected, but will remain in full force and in effect.

**Sec. 7. Amendment.**

No part of this initiative shall be amended or repealed except by passage of a ballot measure approved by a majority of voting.



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## CITY OF OROVILLE STAFF REPORT

**TO: MAYOR PITTMAN AND CITY COUNCIL MEMBERS**

**FROM: PATRICK PIATT, COMMUNITY DEVELOPMENT DIRECTOR,  
LARK MCNEILL, INTERWEST PLANNING GROUP**

**RE: FIRST READING OF AN AMENDMENT OF OROVILLE MUNICIPAL  
CODE SECTION 17.16.010 – ACCESSORY DWELLING UNITS**

**DATE: MARCH 5, 2024**

### SUMMARY

The City Council will consider amending Municipal Code Section 17.16.010 (“Accessory Dwelling Units”) to bring the City’s ordinance into compliance with state law. The name is also changed from the original “Second Dwelling Unit” ordinance. The Planning Commission recommended approval of the draft ordinance before you at its regular meeting of January 25, 2024, after consideration of the staff report, Planning Commissioner comments, and public comment. If approved by the City Council, the City Council will hold a second hearing to formally adopt the ordinance amending Municipal Code Section 17.16.010.

### DISCUSSION

The main changes to state law, including laws the Governor signed which went into effect January 1, 2024, are:

1. Allowing both accessory dwelling units (ADU)s and junior accessory dwelling units (JADU)s on the same property, in addition to the primary residence, for a total of three residences on an existing single-family lot.
2. Allows the creation of accessory dwelling units in multi-family zones.
3. Properties with JADUs must be owner-occupied.
4. Disallows local governments from requiring owner-occupancy of either a primary residence or an ADU on the same property until January 1, 2025. For properties with ADUs in existence before January 1, 2025, both residences can be rented out.
5. State law now allows local agencies to require ADUs to be “long-term” rentals of at least 60 days. The Planning Commission recommends not restricting rental terms, thus allowing ADU’s to be short term rentals (Airbnb, VRBO, etc.). The Council may accept or reconsider, in which case appropriate use restriction language would be added back to the ordinance.
6. Detached ADUs can now be legally subdivided with city parcel map approval and may be sold independently of the primary residence.

- 7. A State requirement that the City provide preapproved ADU building plans for use by any property owner wishing to pay for the use of the preapproved plans beginning January 1, 2025.
- 8. ADUs and JADUs may be prohibited if the proposed property is in the designated Very High Fire Hazard Zone and has only one direct point of access to a state highway.

The new ADU legislation greatly expands the ability of property owners to construct additional residences on their property. The new laws will allow a JADU, ADU, and a primary residence on every single-family zoned property. ADUs can be split from the original property through the parcel map process. This will allow the ADU owner to obtain a mortgage loan for the ADU. The new laws also allow multi-family zoned properties to have up to 25% of the allowable units as ADUs. Staff does not expect any existing low-income multi-family developments to add any ADUs due to restrictions on existing financing on these sites, and the difficulty in refinancing the existing loans to add a relatively low number of smaller units to the loans. Currently, almost all refinancing includes higher interest rates. There are no State grants to add ADUs to multi-family projects currently.

The adopted ADU ordinance must be submitted to HCD for approval.

**FISCAL IMPACT**

All ADUs and JADUs will pay applicable fees at the time building permit applications are submitted to the city. A discussion of the overall fees that apply to an ADU is included in the attached Planning Commission packet.

**RECOMMENDATION**

**Staff recommends the following actions:**

- 1. Adopt a Notice of Exemption for amendments to Municipal Code Section 17.16.0.**
- 2. Adopt Resolution [9232 XXXX](#)—FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING SECTION 17.16.010 (“ACCESSORY DWELLING UNITS”).**

**ATTACHMENTS**

- 1. Draft City Council resolution [9232XXXX](#), First reading of an ordinance - proposed amendments to Municipal Code Section 17.16.010.
- 2. Notice of Exemption (CEQA)
- 3. Planning Commission packet from the January 25, 2024, regular meeting



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

### NOTICE OF EXEMPTION

**TO:** Butte County Clerk  
25 County Center Drive  
Oroville, CA 95965

**FROM:** City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965

Project Title: Revisions to Municipal Code Section 17.160.010. (Accessory Dwelling Unit Ordinance)

Project Location – City wide

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: Adoption of revisions to a city-wide ordinance modifying regulations and development standards for residential accessory dwelling units.

Name of Public Agency Approving Project: City of Oroville

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

Exempt Status (Check One):

- 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: State type & section number:
  - Existing Facilities, Title 14, CCR, §15301.
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

*Existing Facilities, Title 14, CCR, §15301*

A project is exempt from CEQA if it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. This includes Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes). *This ordinance is applicable city-wide to existing residential properties and structures in compliance with State planning law. The additional residential units created through this ordinance are exempt from density restrictions pursuant to Government Code Section 65852.2.*

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

Lead Agency Contact Person: Wes Ervin

Telephone: (530) 538-2408

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

- Signed by Lead Agency
- Signed by Applicant



# City of Oroville

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 Oroville, CA 95965-4897  
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### PLANNING COMMISSION MEETING

Thursday, December 21, 2023

**RE: Modifications to Municipal Code Section 17.16.010 - Accessory Dwelling Unit Ordinance**

**SUMMARY:** The Oroville Planning Commission will review **proposed** modifications to Municipal Code Section 17.16.010 bringing the City's Zoning Ordinance into compliance with new changes in State law regarding accessory dwelling units.

**RECOMMENDATION: Staff recommends the following actions:**

1. **Conduct a Public Hearing** on the proposed ordinance.
2. **Recommend that the City Council Adopt the Notice of Exemption** as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA).
3. **Adopt** the recommended Findings for the draft ordinance.
4. **Adopt** Resolution No. P2023-~~23~~2 with recommendations to the City Council

**APPLICANT:** City of Oroville

**LOCATION:** all residential zones

**GENERAL PLAN:** all residential land use designations

**ZONING:** all residential zone districts

**FLOOD ZONE:** various

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt per Section 15303(a) of Title 14, California Code of Regulations.

**REPORT PREPARED BY:**

\_\_\_\_\_  
 Lark McNeill, Senior Planner  
 Interwest Planning Group

**REVIEWED BY:**

\_\_\_\_\_  
 Patrick Piatt, Director  
 Community Development Department

## PROJECT DESCRIPTION AND BACKGROUND

### HISTORY

Major changes in State accessory dwelling unit law occurred in 2022 and 2023, intended to significantly increase the number of accessory dwelling units constructed annually in the State of California. These changes also limit the ability of local agencies to regulate construction of the three types of accessory dwelling units: a detached or stand-alone ADU, an attached ADU, and a Junior ADU (JADU) construction. Some of these changes include:

- ~~2.1.~~ Allowing both accessory dwelling units (ADU)s and junior accessory dwelling units (JADU)s on the same property, in addition to the primary residence, for a total of three residences on an existing single-family lot.
- ~~3.2.~~ Allows the creation of accessory dwelling units in multi-family zones.
- ~~4.3.~~ Properties with JADUs must be owner-occupied.
- ~~5.~~ Both the primary residence and the ADU can be rented out. Disallows local governments from requiring owner-occupancy of either a primary residence or an ADU on the same property until January 1, 2025. For properties with ADUs in existence before January 1, 2025, both residences can be rented out.
- ~~6.4.~~ State law now allows local agencies to require ADUs to be “long-term” rentals of at least 30 days. The draft ordinance includes deed restriction requirements that no ADU or JADU may be rented out for less than sixty (60) days.
- ~~5.~~ Detached ADUs can now be legally subdivided with city parcel map approval and may be sold independently of the primary residence, either through the standard parcel map process or the SB-9 process.
- ~~7.6.~~ The city can generally require one new parking space for an ADU, a replacement space for a garage conversion, but no new spaces for a JADU.
- ~~8.7.~~ A State requirement that the City provide preapproved ADU building plans for use by any property owner wishing to pay for the use beginning January 1, 2025.
- ~~9.8.~~ ADUs and JADUs may be prohibited if the proposed property is in the designated Very High Fire Hazard Zone and has only one direct point of access to a state highway.

### DISCUSSION

The proposed ordinance brings the city into compliance with the newest State laws regulating ADUs and JADUs. The adopted ADU ordinance must be submitted to HCD for approval.

The State has allowed ADUs for many years. The State Department of Finance states that 20,638 ADUs were constructed in 2022. The State continues to suffer from a shortage of housing units, and the Legislature decided to make it more economically



feasible for average homeowners to construct an ADU on their property. The relatively high cost of constructing an ADU (currently \$159,000 to \$200,000 per ADU (not including city permit fees) has restricted ADU development. Financial lender institutions have been reluctant in the past to loan funds to construct ADUs in addition to the existing home loan on a property. In the past year more lenders and appraisers have become better educated about the benefits of an ADU.

The Governor signed new bills this year which go into effect January 1, 2024, which greatly expand the ability of property owners to construct additional residences on their property. The new laws will allow a JADU, ADU and a primary residence on every single-family zoned property. ADUs can also be split from the original property through the parcel map process. This will allow the ADU owner to obtain a mortgage loan for the ADU.

Any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service and on the impacts on traffic flow and public safety. The city may not deny an application for a ADU due to lack of parking. Parking for an ADU may now be located in the front, side or rear yard setback areas. No design standards may be applied to the ADU other than height limits specified in the draft ordinance, unless the ADU is proposed on the same property as a structure listed on the California Registry of Landmarks. In those cases, design criteria are allowed to be placed on the ADU so that it does not negatively impact the historic structure.

By law, JADUs are always attached to the primary residence and be no larger than 500 square feet. Either the primary residence or the JADU must be owner occupied. JADUs may be created within the interior of an existing residence. They may be created by minor additions to an existing residence. They cannot be free standing from the primary residence.

A State “exemption ADU”, found in Government Code section 65852(e), is an ADU of up to 800 square feet, 16 feet in height, and with four-foot side and rear yard setbacks. Every property owner has the right to construct an “exemption ADU” on her/his property. To give an example of an 800 square foot unit, a typical residential garage is 20’x20’= 400 square feet in size. An 800 square foot ADU is approximately the size of two typical residential garages. State ADU Law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. However, local fees ultimately impact the size of ADU a homeowner chooses to construct.

#### **Allowable Fees**

Most cities are finding that ADUs and JADUs are being constructed equal to or less than 750 square feet in size as larger ADUs and JADUs are subject to impact fees. ADUs and JADUs less than or equal to 750 square feet in size are exempt from impact fees but may be subject to separate water or sewer connection fees if requested by the property owner or required by the service provider. If an ADU is 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of

the ADU to the square footage of the primary dwelling unit. For example, a 2,000 square-foot primary dwelling with a proposed 1,000 square-foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling.

School districts are authorized to levy impact fees for ADUs equal to or greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet in size are not subject to school impact fees. The Oroville Union High School and the Oroville City Elementary School Districts currently charge a combined total of \$4.79 a square foot for new residential construction, applicable to all ADUs larger than 500 square feet.

### **Development Standards**

The city's zoning ordinance requires a 20-foot front yard setback for **RL Zones and all primary residences in all residential zones** **15 feet in R-1**. The draft ordinance requires a minimum 20-foot front yard setback unless adherence to that setback prevents an ADU of at least 800 square feet from being constructed on a property. If this occurs, the ordinance provides that the front yard setback necessary to allow an ADU of no less than 800 square feet be required. The draft ordinance requires a minimum four-foot side, and rear yard setback for an ADU, consistent with State law. The city may not require a larger setback unless the proposed ADU is located on a site designated on the California Register of Historical Resources, or that is listed on the National Register of Historic Places. A larger setback than four feet may then be required as necessary to protect the architectural or historical significance of the primary structure.

One new parking space is required for an ADU, with several exceptions listed in the attached draft ordinance. ADU parking spaces will be allowed in the front, rear, and side yard setback areas. No new parking spaces are allowed to be required for JADUs. New state laws prohibit cities from denying an ADU application due to lack of an on-site parking space.

New in the laws effective January 1, 2024, detached ADUs may now be sold separately from the primary residence through the City's parcel map application **process**. The applicant must pay all applicable fees to divide the property. The advantage to creating a separate lot for an ADU is that more financing is available to finance the construction of the ADU if it is on a separate lot. A lot created for an ADU cannot be subdivided through this same process again.

### **Potential Condominium**

Attached ADUs may be sold separately from the primary residence pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code). The Davis–Stirling Common Interest Development Act is the popular name of the portion of the California Civil Code beginning with section 4000, which governs condominium, cooperative, and planned unit development communities in California. Any ADU condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of the

City's subdivision ordinance. This is an expensive process, so staff anticipates processing very few of these applications.

### **Predevelopment Cost Grants**

The State has established a \$100 million grant program to assist in the construction of ADUs on single-family residential properties. Butte County property owners with an annual income of less than \$73,280.00 are eligible to apply for a CalHFA grant in the amount of up to \$40,000.00 for ADU predevelopment costs, such as soils reports, building permit fees, utility hookups, architectural and engineering fees. At \$40,000.00 per grant, this is a total of 2,500 grants throughout the State.

### **Multi-family zoned ADUs**

Effective January 1, 2024, accessory dwelling units are now allowed in multi-family zoned properties. Two detached accessory dwelling units are allowed on each multi-family property regardless of the zoning. Accessory units up to 25% of the number of existing units on a multi-family zoned property may be created within the existing floor area of the multi-family structure(s), or by constructing attached ADUs to the existing multi-family structure(s).

### **CHALLENGES**

The city is served by the California Water Service Company, the City's sanitary sewer system, the Sewage Commission- Oroville Region (SCOR), South Feather Water and Power, the Thermalito Water & Sewer District (TWSD) and Lake Oroville Area Public Utilities District (LOAPUD). The general manager with SCOR indicated that there are approximately 1,500 residential service connections available at this time. After improvements to the sewer facility are begun next year, SCOR anticipates an additional 1,500 to 1,800 residential services connections will be available. Applicants will need to contact their providers directly to ascertain service availability.

### **FISCAL IMPACT**

All ADUs and JADUs will pay applicable fees at the time building permit applications are submitted to the city.

### **PUBLIC NOTICE**

The meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

~~**RECOMMENDATION:** That the Planning Commission adopt/modify Resolution P2023-xx based on the findings in that resolution and forward their recommendation to the City Council for action.~~

### **ATTACHMENTS**

1. Resolution P2023-~~xx~~23
2. Notice of Exemption (CEQA)
3. Draft accessory dwelling unit ordinance dated 12-11-23.

## Oroville, California Municipal Code

### Title 17 ZONING

#### Chapter 17.16 USE-SPECIFIC REGULATIONS

##### **17.16.010 Accessory dwelling units.**

**Purpose.** Accessory dwelling units are intended to increase the supply of non-transient housing. Accessory dwelling units are permitted in all areas zoned to allow single-family or multifamily dwelling residential uses within the City limits unless the water and/or sewer provider indicates in writing to the City Building Department that it has insufficient capacity to serve the accessory or junior accessory dwelling unit. All accessory dwelling units must be rented out for terms longer than sixty (60) days. Any accessory dwelling unit may be rented separate from the primary residence. Any accessory dwelling unit (not including a junior accessory dwelling unit) may be sold separately from the primary residence as described in Government Code Section 65852.2(a)(10)(E) as amended.

**Relationship with the General Plan and Zoning.** Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit which conforms with the requirements of this Chapter shall be deemed to be consistent with the General Plan designation and zoning for the parcel, regardless of any limitations on residential density imposed by the General Plan or zoning. Accessory Dwelling Units shall not be counted when determining residential density for conformance with General Plan or Zoning.

##### **A. Definitions**

1. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
3. "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety

Code.

4. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
5. "Nonconforming condition" means a physical improvement on a property that does not conform to current zoning standards or building code.
6. "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
7. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
8. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
9. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
10. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

**B. Permit Required.**

1. A planning department application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Government Code Section 65901 or 65906 or any City ordinance regulating the issuance of variances or special use permits. The City shall either approve or deny the planning department application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the City receives a completed application if there is an existing single-family or multifamily dwelling on the lot.
2. If the planning department application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a building permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the planning department application for the accessory dwelling unit or the junior accessory dwelling unit until the City approves or denies the planning department application to create the new single-family or multifamily dwelling, but the planning department application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the City has not approved or denied the completed planning department application within 60 days, the planning department application shall be deemed approved.

3. A certificate of occupancy for an accessory dwelling unit shall not be issued before the certificate of occupancy is issued for the primary dwelling. An existing legally permitted accessory structure, accessory living unit, or family care unit may be converted into an accessory dwelling unit consistent with the provisions of the Chapter.
  4. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit must be reviewed with the application for the accessory dwelling unit and issued at the same time as the building permit for the accessory dwelling unit.
- C.** If the City denies a planning department application for an accessory dwelling unit or junior accessory dwelling unit, the City shall, within the time period described within this section, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
- D. Preapproved building plans.** Beginning January 1, 2025, the City shall make available preapproved building plans for ADUs. The City will charge a reasonable fee for the use of the preapproved building plans. The City shall comply with Government Code Section 65852.27, as amended, regarding preapproved building plans for any type of accessory dwelling unit.
- E. Addressing Accessory Dwelling Units.** All accessory dwelling units shall be assigned an address. The Building Department will inform local agencies, service providers, and the United States Postal Service of the address of the proposed accessory dwelling unit followed by an identifying letter or number.
- F. Junior accessory dwelling unit (JADU).** “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit has the same definition as defined by the State of California at the time an application for a junior accessory dwelling unit is received by the City. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
1. JADUs can only be constructed on a site with a proposed or existing single-family dwelling.
  2. No JADU may occupy more than 500 square feet of an existing residence.
  3. A JADU may be located within an existing legally authorized single-family dwelling that does not meet setback requirements and it would not be considered an expansion of a legal non-conforming structure unless the conversion increases the non-conformity of the structure.
  4. No additional on-site parking is required for a JADU.
  5. A separate entrance to the JADU shall be provided.
  6. A JADU may share a bath with the single-family dwelling or have its own bath.
  7. A JADU is required to include an efficiency kitchen as defined in Section 17958.1 of the State of California Health and Safety Code.

8. For the purposes of fire and life protection ordinances and regulations, a JADU is to be considered part of the single-family dwelling.
9. A JADU shall not be sold separately from the primary residence.

**G. Maximum Number of All Units.** There are four categories of the allowed number of ADUs and JADUs on a single parcel. (A) One ADU and one JADU are permitted per lot. The JADU must be within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety. (B) One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and cannot exceed a maximum unit size of 850 square feet. (C) Multiple ADUs within the portions of multifamily structures that are not used as livable space at the time of the conversion of the non-residential floor space to an ADU are permitted, and in up to 25 percent of the existing multifamily structures. (D) Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits prescribed in Government Code Section 65852.2 (as amended at the time of the building permit application) and four-foot rear and side yard setbacks.

**H. Location.** A second dwelling unit may be either attached to or detached from the primary dwelling unit on the parcel. The City shall not issue a certificate of occupancy for an accessory dwelling unit before the City issues a certificate of occupancy for the primary dwelling.

**I. Development Standards.** ADUs shall be subject to the fees and charges allowed by the State of California at the time an application for an ADU is submitted to the City. ADUs shall conform to height, setback, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction within the zone in which the ADU is located with the following exceptions:

1. The combined site coverage of the primary dwelling unit and any accessory structures on the parcel are limited to the maximum allowable site coverage in the underlying zone district. An ADU square footage is not included in calculating the maximum allowable site coverage in the underlying zone district. A minimum front yard setback in the applicable zone is required unless this setback would prohibit the construction of an ADU of less than 800 square feet on the subject property. When necessary to deviate from the front yard setback, the required minimum front yard setback to create an ADU of at least 800 square feet will be established on a case-by-case basis as demonstrated on the proposed ADU site plan. A minimum setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU.
2. An existing legally authorized accessory structure which does not meet front, rear or side yard setback requirements may be converted to an ADU or reconstructed to the same dimensions as the existing structure and converted to an ADU and would not be considered an expansion of a legal, non-conforming use unless the conversion increases the non-conformity of the structure.
3. For an ADU, off-street parking shall be provided in accordance with the provisions of Municipal Code Section [17.12.070](#), except that in districts with a minimum lot area of at least 5 acres, parking



spaces for the ADU may be surfaced with gravel. One (1) parking space is required per ADU, and the space may be provided through tandem parking. Parking for ADUs is allowed in front, rear and side setback areas. ADUs located: within one-half (½) mile walking distance of a public transportation stop along a prescribed route according to a fixed schedule, or located within one (1) block of a car share parking spot, or located entirely within the primary residence and the ADU does not result in a net increase in habitable floor area on the property, or located in an area where on-street permit parking is required, but such permits are not available to the tenant, or located within a designated historic district, are exempt from providing an additional off-street parking space.

4. All ADUs shall have exterior points of ingress and egress (door).
5. A maximum height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.
6. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit is also permitted.
7. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.
8. A maximum height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require a local agency to allow an accessory dwelling unit to exceed two stories.
9. The construction of ADUs units shall comply with City Building Code requirements in effect at the time of construction.
10. Fire sprinklers, however, shall not be required in an ADU or JADU if they are not required in the existing single-family or multifamily dwelling.
11. ADUs and JADUs are not allowed in a Very High Fire Hazard Zone as defined in Government Code Section 51178 unless the property has two separate points of direct access to a highway.
12. The property owner may elect to have a separate electrical and gas service provided to the JADU or ADU. The property owner may elect to have the JADU or ADU served by the existing electrical or gas service and will be required to upgrade any existing service connections as required by the building code or service provider.
13. Any ADU constructed on properties listed in the California Register of Historical Resources shall



conform to the City of Oroville Municipal Code Section 17.44.040, Downtown Historic Overlay as necessary to prevent adverse impacts on that property. Any ADU constructed on properties located within the Downtown Historic Overlay abutting a property listed in the California Register of Historical Resources shall conform to the City of Oroville Municipal Code Section 17.44.040, Downtown Historic Overlay as necessary to prevent adverse impacts to the listed property.

14. The total floor area for a detached ADU shall not exceed 1,200 square feet, except that in districts with a minimum lot size of at least 5 acres, the ADU floor area shall not exceed 2,000 square feet.
15. For an attached ADU, total floor space may not exceed one thousand (1,000) square feet or fifty (50) percent of the floor space of the existing or proposed single-family dwelling, whichever is less. In no instance shall the floor space of an attached ADU be restricted to less than one thousand (1,000) square feet for an attached ADU that provides more than one (1) bedroom or less than eight hundred fifty (850) square feet for an attached ADU that provides one (1) or less bedroom.
16. Notwithstanding any other provision of this section, an attached unit that qualifies as an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, shall be allowed regardless of the ratio between its floor area and the living area of the existing dwelling unit.
17. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

**K. Multi-family zoned property.** At least one accessory dwelling unit is allowed within an existing multifamily dwelling, and accessory dwelling units up to 25 percent of the existing multifamily dwelling units are allowed by right. Multiple accessory dwelling units may be created within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. Up to two accessory dwelling units are allowed on each multi-family zoned property, subject to the height and setback restrictions in this ordinance.

**L. Fees.** ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit. The construction of ADUs shall be subject to the payment of all fees applicable to the construction of a single-family dwelling on the same property.

**M. Sale of Accessory Dwelling Units.** Junior accessory dwelling units may not be sold separate from the primary residence on a legal lot.

**N. Sale of Accessory Dwelling Unit by a Qualified nonprofit corporation.** The City shall allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer as set forth in Government Code 65852.26 as amended, at the time an application under that section is submitted to the city. All conditions of Government Code 65852.26 apply, including but not

limited to the requirement for separate utilities for the ADU and a 45-year low-income restriction on the JADU or ADU, whichever is proposed.

(1) For purposes of this section, the following definitions apply:

(a) “Qualified buyer” means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(b) “Qualified nonprofit corporation” means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

#### **O. Use Restriction.**

1. Prior to obtaining a building permit for an ADU or JADU, a deed restriction, approved by the City, shall be recorded with the County Recorder's office, which shall include the prohibition on the use of any dwelling on the subject parcel for transient habitation. The deed shall state the ADU or JADU lease agreement shall be for a term equal to or greater than sixty (60) days.
2. The property owner shall provide the city, upon written request, a copy of the rental agreement with the occupant of the ADU or JADU. The ADU or JADU may not be sub-let or rented out to another individual or entity by the occupant.
3. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the zoning administrator, providing evidence that the ADU or JADU has in fact been eliminated. The City Building Department shall confirm this evidence in writing. The zoning administrator may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the zoning administrator's determination consistent with other provisions of this code. If the ADU or JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.
4. The deed restriction is enforceable by the zoning administrator or his/her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

**P. Conflicts** If this ordinance conflicts with State law at the time an ADU or JADU building permit is submitted to the city, the State law shall govern. Where the Zoning Ordinance is silent, State law shall prevail for ADUs and JADUs.

## ATTACHMENT 1

### CITY OF OROVILLE PLANNING COMMISSION RESOLUTION NO. P2023-23

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE, CALIFORNIA, recommending to the City of Oroville City Council modifications to Municipal Code Section 17.16.010 regarding accessory dwelling units.**

**WHEREAS**, the State of California adopted significant changes to the State planning law regarding accessory dwelling units which go into effect January 1, 2024; and

**WHEREAS**, accessory dwelling units are intended to increase the supply of non-transient housing; and

**WHEREAS**, the City of Oroville Planning Commission held a public hearing on December 21, 2023, about proposed modifications to Section 17.16.010 of the City of Oroville Municipal Code, received public comment, and recommended adoption of a Notice of Exemption for modifications to Municipal Code Section 17.16.010, and modifications to Municipal Code Section 17.16.010 to the City Council.

#### **FINDINGS:**

1. The draft ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15303(a), New Construction or Conversion of Small Structures, Title 14, CCR, §15303. This ordinance is applicable city-wide to existing residential properties and structures in compliance with State planning law.
2. The proposed regulations are consistent with State law pertaining to accessory dwelling units as of the date of this resolution.
3. The proposed regulations contained in the draft ordinance will encourage the construction of additional housing units within the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission as follows:

Section 1. That the Planning Commission recommends the City Council adoption of a Notice of Exemption pursuant to Section 15303(a), New Construction or Conversion of Small Structures, Title 14, CCR, §15303. This ordinance is applicable city-wide to existing residential properties and structures in compliance with State planning law. The additional residential units created through this ordinance are exempt from density restrictions pursuant to Government Code Section 65852.2.

Section 2. The Planning Commission recommends that the City Council adopt the proposed modifications to Municipal Code Section 17.16.010 to bring

this Section into compliance with Government Code Section 65852.2.  
as amended.

Section 3. The undersigned shall attest to the adoption of this Resolution.

**PASSED AND ADOPTED** by the Planning Commission of the City of Oroville at a regular meeting on December 21, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Carl Durling, Chairperson

ATTEST:

\_\_\_\_\_  
Patrick Piatt, Director of Community  
Development



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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

### NOTICE OF EXEMPTION

**TO:** Butte County Clerk  
25 County Center Drive  
Oroville, CA 95965

**FROM:** City of Oroville  
1735 Montgomery Street  
Oroville, CA 95965

Project Title: Revisions to Municipal Code Section 17.160.010. (Accessory Dwelling Unit Ordinance)

Project Location – City wide

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: Adoption of revisions to a city-wide ordinance modifying regulations and development standards for residential accessory dwelling units.

Name of Public Agency Approving Project: City of Oroville

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

Exempt Status (Check One):

- 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: State type & section number:
  - Existing Facilities, Title 14, CCR, §15301.
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

*Existing Facilities, Title 14, CCR, §15301*

A project is exempt from CEQA if it consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. This includes Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes). *This ordinance is applicable city-wide to existing residential properties and structures in compliance with State planning law. The additional residential units created through this ordinance are exempt from density restrictions pursuant to Government Code Section 65852.2.*

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

Lead Agency Contact Person: Wes Ervin

Telephone: (530) 538-2408

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

- Signed by Lead Agency
- Signed by Applicant

**ATTACHMENT 1****CITY OF OROVILLE  
RESOLUTION NO.  
9232****FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING SECTION 17.16.010 - ACCESSORY DWELLING UNITS**

**WHEREAS**, the State of California adopted significant changes to the State planning law regarding accessory dwelling units which go into effect January 1, 2024; and

**WHEREAS**, accessory dwelling units are intended to increase the supply of non-transient housing; and

**WHEREAS**, the City of Oroville Planning Commission held a public hearing on proposed modifications to Section 17.16.010 of the City of Oroville Municipal Code, received public comment, and recommended adoption of a Notice of Exemption for modifications to Municipal Code Section 17.16.010, and modifications to Municipal Code Section 17.16.010 to the City Council on December 21, 2023, and January 25, 2024; and

**WHEREAS**, at a duly noticed public hearing on xxx, 2024, the City Council considered the recommendation of the Planning Commission, property owners, and members of the public who are potentially affected by the changes described herein and considered the City's staff report regarding the proposed Amendment.

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

**Section 1.** Section 17.16.010 of the Oroville Municipal Code is amended as indicated in Exhibit 1 to this Ordinance.

**Section 2.** This ordinance shall become effective on May1, 2024, 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 March 5, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Mayor, David Pittman

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
City Attorney, Scott E Huber

\_\_\_\_\_  
Assistant City Clerk, Kayla Reaser



## EXHIBIT 1

**17.16.010 Accessory dwelling units.**

**Purpose.** Accessory dwelling units are intended to increase the supply of non-transient housing. Accessory dwelling units are permitted in all areas zoned to allow single-family or multifamily dwelling residential uses within the City limits unless the water and/or sewer provider indicates in writing to the City Building Department that it has insufficient capacity to serve the accessory or junior accessory dwelling unit. All accessory dwelling units must be rented out for terms longer than sixty (60) days. Any accessory dwelling unit may be rented separate from the primary residence. Any accessory dwelling unit (not including a junior accessory dwelling unit) may be sold separately from the primary residence as described in Government Code Section 65852.2(a)(10)(E) as amended.

**Relationship with the General Plan and Zoning.** Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit which conforms with the requirements of this Chapter shall be deemed to be consistent with the General Plan designation and zoning for the parcel, regardless of any limitations on residential density imposed by the General Plan or zoning. Accessory Dwelling Units shall not be counted when determining residential density for conformance with General Plan or Zoning.

**A. Definitions**

1. "Accessory dwelling unit" means an attached or a detached residential dwelling unit and garage that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
3. "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
4. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

5. "Nonconforming condition" means a physical improvement on a property that does not conform to current zoning standards or building code.
6. "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
7. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
8. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
9. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
10. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

**B. Permit Required.**

1. A planning department application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Government Code Section 65901 or 65906 or any City ordinance regulating the issuance of variances or special use permits. The City shall either approve or deny the planning department application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the City receives a completed application if there is an existing single-family or multifamily dwelling on the lot.
2. If the planning department application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a building permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the planning department application for the accessory dwelling unit or the junior accessory dwelling unit until the City approves or denies the planning department application to create the new single-family or multifamily dwelling, but the planning department application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the City has not approved or denied the completed planning department

application within 60 days, the planning department application shall be deemed approved.

3. A certificate of occupancy for an accessory dwelling unit shall not be issued before the certificate of occupancy is issued for the primary dwelling. An existing legally permitted accessory structure, accessory living unit, or family care unit may be converted into an accessory dwelling unit consistent with the provisions of the Chapter.
  4. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit must be reviewed with the application for the accessory dwelling unit and issued at the same time as the building permit for the accessory dwelling unit.
- C.** If the City denies a planning department application for an accessory dwelling unit or junior accessory dwelling unit, the City shall, within the time period described within this section, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
- D. Preapproved building plans.** Beginning January 1, 2025, the City shall make available preapproved building plans for ADUs. The City will charge a reasonable fee for the use of the preapproved building plans. The City shall comply with Government Code Section 65852.27, as amended, regarding preapproved building plans for any type of accessory dwelling unit.
- E. Addressing Accessory Dwelling Units.** All accessory dwelling units shall be assigned an address. The Building Department will inform local agencies, service providers, and the United States Postal Service of the address of the proposed accessory dwelling unit followed by an identifying letter or number.
- F. Junior accessory dwelling unit (JADU).** “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure and garage. A junior accessory dwelling unit has the same definition as defined by the State of California at the time an application for a junior accessory dwelling unit is received by the City. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
1. JADUs can only be constructed on a site with a proposed or existing single-family dwelling.
  2. No JADU may occupy more than 500 square feet of an existing residence.

3. A JADU may be located within an existing legally authorized single-family dwelling that does not meet setback requirements and it would not be considered an expansion of a legal non-conforming structure unless the conversion increases the non-conformity of the structure.
4. No additional on-site parking is required for a JADU.
5. A separate entrance to the JADU shall be provided.
6. A JADU may share a bath with the single-family dwelling or have its own bath.
7. A JADU is required to include an efficiency kitchen as defined in Section 17958.1 of the State of California Health and Safety Code.
8. For the purposes of fire and life protection ordinances and regulations, a JADU is to be considered part of the single-family dwelling.
9. A JADU shall not be sold separately from the primary residence.

**G. Maximum Number of All Units.** There are four categories of the allowed number of ADUs and JADUs on a single parcel. (A) One ADU and one JADU are permitted per lot. The JADU must be within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety. (B) One detached new construction ADU that does not maintain a minimum-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and cannot exceed a maximum unit size of 850 square feet. (C) Multiple ADUs within the portions of multifamily structures that are not used as livable space at the time of the conversion of the non-residential floor space to an ADU are permitted, and in up to 25 percent of the existing multifamily structures. (D) Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits prescribed in Government Code Section 65852.2 (as amended at the time of the building permit application) and four-foot rear and side yard setbacks.

**H. Location.** A second dwelling unit may be either attached to or detached from the primary dwelling unit on the parcel. The City shall not issue a certificate of occupancy for an accessory dwelling unit before the City issues a certificate of occupancy for the primary dwelling.

**I. Development Standards.** ADUs shall be subject to the fees and charges allowed by the State of California at the time an application for an ADU is submitted to the City. ADUs shall conform to height, setback, site plan review, fees, charges, and other zoning requirements

generally applicable to residential construction within the zone in which the ADU is located with the following exceptions:

1. The combined site coverage of the primary dwelling unit and any accessory structures on the parcel are limited to the maximum allowable site coverage in the underlying zone district. An ADU square footage is not included in calculating the maximum allowable site coverage in the underlying zone district. A minimum front yard setback of twenty (20) feet is required unless this setback would prohibit the construction of an ADU of less than 800 square feet on the subject property. When necessary to deviate from the twenty (20) foot front yard setback, the required minimum front yard setback to create an ADU of at least 800 square feet will be established on a case-by-case basis as demonstrated on the proposed ADU site plan. A minimum setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU.
2. An existing legally authorized accessory structure which does not meet front, rear or side yard setback requirements may be converted to an ADU or reconstructed to the same dimensions as the existing structure and converted to an ADU and would not be considered an expansion of a legal, non-conforming use unless the conversion increases the non-conformity of the structure.
3. For an ADU, off-street parking shall be provided in accordance with the provisions of Municipal Code Section [17.12.070](#), except that in districts with a minimum lot area of at least 5 acres, parking spaces for the ADU may be surfaced with gravel. One (1) parking space is required per ADU, and the space may be provided through tandem parking. Parking for ADUs is allowed in front, rear and side setback areas. ADUs located: within one-half (½) mile walking distance of a public transportation stop along a prescribed route according to a fixed schedule, or located within one (1) block of a car share parking spot, or located entirely within the primary residence and the ADU does not result in a net increase in habitable floor area on the property, or located in an area where on-street permit parking is required, but such permits are not available to the tenant, or located within a designated historic district, are exempt from providing an additional off-street parking space.
4. All ADUs shall have exterior points of ingress and egress (door).
5. A maximum height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

6. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit is also permitted.
7. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.
8. A maximum height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require a local agency to allow an accessory dwelling unit to exceed two stories.
9. The construction of ADUs units shall comply with City Building Code requirements in effect at the time of construction.
10. Fire sprinklers, however, shall not be required in an ADU or JADU if they are not required in the existing single-family or multifamily dwelling.
11. ADUs and JADUs are not allowed in a Very High Fire Hazard Zone as defined in Government Code Section 51178 unless the property has two separate points of direct access to a highway.
12. The property owner may elect to have a separate electrical and gas service provided to the JADU or ADU. The property owner may elect to have the JADU or ADU served by the existing electrical or gas service and will be required to upgrade any existing service connections as required by the building code or service provider.
13. Any ADU constructed on properties listed in the California Register of Historical Resources shall conform to the City of Oroville Municipal Code Section 17.44.040, Downtown Historic Overlay as necessary to prevent adverse impacts on that property. Any ADU constructed on properties located within the Downtown Historic Overlay abutting a property listed in the California Register of Historical Resources shall conform to the City of Oroville Municipal Code Section 17.44.040, Downtown Historic Overlay as necessary to prevent adverse impacts to the listed property.
14. The total floor area for a detached ADU shall not exceed 1,200 square feet, except that in districts with a minimum lot size of at least 5 acres, the ADU floor area shall

not exceed 2,000 square feet.

15. For an attached ADU, total floor space may not exceed one thousand (1,000) square feet. In no instance shall the floor space of an attached ADU be restricted to less than one thousand (1,000) square feet for an attached ADU that provides more than one (1) bedroom or less than eight hundred fifty (850) square feet for an attached ADU that provides one (1) or less bedroom.
16. Notwithstanding any other provision of this section, an attached unit that qualifies as an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, shall be allowed regardless of the ratio between its floor area and the living area of the existing dwelling unit.
17. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

**K. Multi-family zoned property.** At least one accessory dwelling unit is allowed within an existing multifamily dwelling, and accessory dwelling units up to 25 percent of the existing multifamily dwelling units are allowed by right. Multiple accessory dwelling units may be created within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. Up to two accessory dwelling units are allowed on each multi-family zoned property, subject to the height and setback restrictions in this ordinance.

**L. Fees.** ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit. The construction of ADUs shall be subject to the payment of all fees applicable to the construction of a single-family dwelling on the same property.

**M. Sale of Accessory Dwelling Units.** Junior accessory dwelling units may not be sold separate from the primary residence on a legal lot.

**N. Sale of Accessory Dwelling Unit by a Qualified nonprofit corporation.** The City shall allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer as set forth in Government Code 65852.26 as amended, at the time an application under that section is submitted to the city. All

conditions of Government Code 65852.26 apply, including but not limited to the requirement for separate utilities for the ADU and a 45-year low-income restriction on the JADU or ADU, whichever is proposed.

(1) For purposes of this section, the following definitions apply:

(a) “Qualified buyer” means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(b) “Qualified nonprofit corporation” means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

**O. Conflicts** If this ordinance conflicts with State law at the time an ADU or JADU building permit is submitted to the city, the State law shall govern. Where the Zoning Ordinance is silent, State law shall prevail for ADUs and JADUs.