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

March 21, 2023
REGULAR MEETING
CLOSED SESSION 4:00 PM
OPEN SESSION 4:30 PM
AGENDA

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/UCAoRW34swYl85UBfYqT7IbQ/
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. 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.

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 54956.8, the Council will meet with Real Property Negotiators, City Administrator, and the City Attorney, regarding the properties commonly known as APN: 033-232-001 and 033-232-021

2. 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.

OPEN SESSION

1. Announcement from Closed Session

2. Pledge of Allegiance

3. Adoption of Agenda

PRESENTATIONS AND PROCLAMATIONS

1. Proclamation honoring the Oroville Concert Association for 70 years of service to the Oroville Community

PUBLIC COMMUNICATION – HEARING OF NON-AGENDA ITEMS

This is the time to address the Council about any item not listed on the agenda. If you wish to address the Council on an item listed on the agenda, please follow the directions listed above.

CONSENT CALENDAR

Consent calendar **items 1 - 11** are adopted in one action by the Council. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

1. APPROVAL OF THE MINUTES

The Council may approve the minutes of March 7, 2023.

RECOMMENDATION

Approve the minutes of March 7, 2023.

2. AGREEMENT WITH ROYAL AIRE TO INSTALL MINI-SPLIT SYSTEM AT 33 CANYON HIGHLANDS DRIVE

The City Council may consider entering into an agreement with Royal Aire to install a mini-split system in city-owned 33 Canyon Highlands, in the amount of $17,922, plus 10% contingency.

RECOMMENDATION

Approve service agreement between the City of Oroville and Royal Aire to install a mini-split system at 33 Canyon Highlands Dr. in the amount of $17,922 plus 10% contingency.

3. HOUSING SUCCESSOR AGENCY ANNUAL REPORT

Receive and file the Housing Successor Agency Annual Report for Fiscal Year 2021-22.

RECOMMENDATION

Receive and file the Housing Successor Agency Annual Report for fiscal year ending June 30, 2022.

4. HOUSING ELEMENT ANNUAL REPORT

Receive and file the 2022 Housing Element Annual Progress Report

RECOMMENDATION

Receive and file the Housing Element Annual Progress Report for 2022.

5. CAPITAL PROJECT TASK ORDERS

The Council may direct staff regarding the issuing of three (3) task orders for the design of capital improvement projects.

RECOMMENDATION

Staff recommends that the Council direct the City Administrator to proceed with the task orders discussed above to NorthStar Engineering.

6. AMENDMENT TO CONTRACT WITH BUTTE CONSTRUCTION COMPANY FOR ROOF REPLACEMENT AND FECADE REPAIRS AND IMPROVEMENTS OF THE WEST WING OF CITY HALL

The Council may consider Amendment No. 1 to Agreement No. 3425 with Butte Construction Company for the additional cost of change orders due to discovery during demolition and remodel of the of the west wing of the City Hall facility.

RECOMMENDATION

Authorize staff to proceed with a budget adjustment for Contract Amendment No. 1, selecting Option A includes Change Orders 6, 8, 9, and 12-15, Change Order 11A for the cost to remove the solar and install a shut-off switch, and add in a $35,000 contingency from fund 302 Capital Improvement Fund Balance.

7. AUTOCAD CIVIL 3D ENGINEERING DESIGN SOFTWARE

The Council will consider approving the purchase of two one-year user licenses of AutoCAD Civil 3D design software.

RECOMMENDATION

Staff recommend approving the purchase of two one-year user licenses of AutoCAD Civil 3D design software.

8. RESOLUTION TO DECLARE EHMANN HOME A HISTORICAL LANDMARK

The Council may consider acknowledging the Resolution to Declare the Ehmann Home a Historical Landmark.

RECOMMENDATION

Acknowledge receipt of the request and approval of Resolution No. 9130 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, DECLARING THE EHMANN HOME A HISTORICAL LANDMARK

9. AUTHORIZATION TO TRANSFER CITY OF OROVILLE VEHICLE 79, 1999 FORD F-350 1 YARD DUMP TRUCK TO THE HOPE CENTER/CITY WORKS PROGRAM.

The Council will consider authorizing the transfer of City Vehicle 79, the 1999 Ford F350 pickup from Public Works to the Hope Center/City Works Program.

RECOMMENDATION

Authorize the transfer of City Vehicle 79, 1999 Ford F350 pickup, from Public Works to the Hope Center/City Works.

10. INVESTMENT POLICY ADOPTION FOR 2023

The Council will consider adopting the Statement of Investment Policy 2023 for the City of Oroville.

RECOMMENDATION

Adopt Resolution No. 9129 - A RESOLUTION AUTHORIZING ADOPTION OF AN INVESTMENT POLICY FOR THE CITY OF OROVILLE FOR 2023.

11. CONSOLIDATION OF FUNDS

The Council may consider the consolidation of Fund 302, Capital Improvements and Fund 303, Capital Projects Funds to one Fund- 302 and rename it to the Capital Projects and Improvement Fund.

RECOMMENDATION

Approve the consolidation of Funds 302 and 303 to one Fund 302 and rename it to the Capital Projects and Improvements Fund.

REGULAR BUSINESS

12. MID YEAR FINANCIAL REVIEW

The Council may receive a mid-year financial report for revenues and expenditures for the first six months of the fiscal year July 1, 2022, to December 31,2022.

RECOMMENDATION

Staff recommends the following budget adjustments:

Revenues

Increase Finance budget line item 2001-4830 Refunds and Reimbursements $10,000

Increase Code Enforcement budget 2311-4570 Federal Grants $120,000

Expenditures

Increase to Risk Management in the General Fund 100, line item 1701-6100 to cover increased property damages claims. $25,000

Increase to the Code Enforcement budget in the General Fund 100 of $95,000 to cover costs. 2311-6070 Fuel $10,000, 2311-6270 Office Expense $15,000, 2311-6360 Outside Services $95,000. Total budget adjustment increases to Code Enforcement $120,000.

Increase to Fire budget in the District Tax Fund 102, to cover lingered expenses from the prior year. 2802-5240 $12,548.00 for PERS costs, 2802-6070 Fuel $4,549.22, 2802-6260 Maintenance Vehicle $211.78

Increase to the Public Works budget in the District Tax Fund 102, $100,000 to cover engineering costs. 2902-5110 Salaries & Wages.

13. PARTNERSHIP WITH DEPARTMENT OF WATER RESOURCES ON SALMONID HABITAT AND BEDROCK PARK LAGOON IMPROVEMENTS

The Council will consider approval of a partnership with Department of Water Resources to improve salmonid habitat in the Feather River, which includes the Bedrock Park lagoon.

RECOMMENDATION

Authorize and direct staff to partner with the Department of Water resources for the rehabilitation of Bedrock Park Swim Lagoon for an estimated cost of $100,000 with a 20% contingency.

14. SANK PARK PERIMETER FENCE FINAL DESIGN PRESENTATION

The City Council will be presented with the final design schematics of the fence and gates around for the perimeter of Sank Park.

RECOMMENDATION

Provide direction to staff and authorize a maximum spending limit for the project.

15. COUNCIL GOALS AND PRIORITIES WORKSHOP FORMAT

At the request of Vice Mayor Smith and Council Member Webber, the Council will consider the format up the upcoming Goals and Priorities Workshop.

RECOMMENDATION

Provide staff direction.

16. COUNTY LIBRARY AD HOC COMMITTEE APPOINTMENTS

The Council will consider appointing two members to an ad hoc committee recently formed by the County, to review and assess alternatives with regard to how County libraries are structured and funded.

RECOMMENDATION

Appoint two City Council members to the County Library Ad Hoc Committee.

17. OROVILLE CHAMBER OF COMMERCE ANNUAL DINNER

The Council will consider the authorization for the purchase of one or two sponsor tables at the 2023 Oroville Chamber of Commerce Annual Dinner to be held on April 6, 2023.

RECOMMENDATION

Authorize Staff to purchase one or two tables for the city at the 2023 annual dinner.

18. OROVILLE REBRANDING AD HOC COMMITTEE CREATION AND MAYORAL APPOINTMENTS TO COMMITTEE

At the request of Vice Mayor Smith and Council Member Webber, the Council will consider creating an ad hoc committee to work with staff and North Star Place Branding & Marketing (North Star) on the City rebranding project.

RECOMMENDATION

The Council may create an ad hoc committee and approve the mayor's appointments of Council Member Krysi Riggs and Vice Mayor Eric Smith to sit on the committee.

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 / CORRESPONDENCE

1. Council Announcements and Reports
2. Future Agenda Items
3. Administration Reports
4. Correspondence
    i. Oroville Dam Citizens Advisory Committee - Three Year Report
    ii. Notice from PG&E - Amended request to increase rates (A.22-08-003)

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on April 4, 2023 at 4:00 p.m.

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

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

City of Oroville

A PROCLAMATION IN RECOGNITION OF THE OROVILLE CONCERT ASSOCIATION CELEBRATING 70 YEARS

WHEREAS, *The Oroville Concert Association (OCA), an all-volunteer non-profit, began in the summer of 1953, by hosting performances at Oroville High School until they later moved to the State Theatre; and*

WHEREAS, *the OCA has dedicated 70 years to enhancing the quality of life in Oroville by bringing live professional performances to our community and the organization continues to grow and thrive to this day; and*

WHEREAS, *their mission is to offer every man, woman and child in our community the opportunity to experience the magic of affordable, live, quality performances and they accomplish this by bringing professional artists to our community to perform; and*

WHEREAS, *each season the OCA continues to bring 5 live performances to our historic and beautiful State Theatre ensuring that professional performing arts remains accessible and affordable for our community; and*

WHEREAS, *the OCA through their free matinees for youth has provided 1,000's of youth their first opportunity to attend a concert, to be delighted with music, educated in cultural arts and experience professional artists; and*

WHEREAS, *70 years later, the OCA continues to make a lasting impact on our community through their dedication to the arts community.*

NOW THEREFORE, *I, David Pittman, Mayor of the City of Oroville, in concurrence with the Oroville City Council, hereby recognize the Oroville Concert Association for their dedication to community for the past 70 years and extend our sincere appreciation for the positive impact that their contribution to has made on enriching and improving the quality of life in Oroville.*

_____

David Pittman, Mayor

OROVILLE CITY COUNC
Public Safety Building
2055 Lincoln St
Oroville, CA. 95965

March 07, 2023
MINUTES

This agenda was posted on March 3, 2023. This meeting was recorded and may be viewed at cityoforoville.org and on YouTube.

CALL TO ORDER / ROLL CALL

Mayor Pittman opened the meeting at 4:35pm.

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

ABSENT: Council Member Krysi Riggs

STAFF: City Administrator Brian Ring, Assistant City Clerk Jackie Glover, City Attorney David Ritchie, Director of Code Enforcement Ron Belser, Chief of Police Bill LaGrone, Assistant Director of Community Development Dawn Nevers, Business Assistance and Housing Director Amy Bergstrand, Assistant City Administrator Ruth Duncan, several staff from the police department.

OPEN SESSION

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

AYES: Johnstone, Thomson, Goodson, Webber, Smith, Pittman
NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC COMMUNICATION – HEARING OF NON-AGENDA ITEMS

The following individuals spoke on non-agenda items:

- Bill Bosch
- The Cameraman
- Bill Speer
- Annie Terry
- Sal Rodrigues

CONSENT CALENDAR

Motion by Council Member Goodson and second by Council Member Johnstone to adopt the consent calendar. Motion passed unanimously.

AYES: Johnstone, Thomson, Goodson, Webber, Smith, Pittman
NOES: None
ABSTAIN: None
ABSENT: None

1. APPROVAL OF THE MINUTES

The City Council approved the minutes of February 21, 2023.

2. FORECLOSURE OF 58 RUSSELL PROCTOR WAY

The City Council adopted Resolution No. 9128 -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 58 RUSSELL PROCTOR WAY, OROVILLE (APN 030-490-102)

3. REMEDIATION AND REPAIRS AT 33 CANYON HIGHLANDS DRIVE

The City Council received information regarding the emergency remediation and repairs due to a water leak at 33 Canyon Highlands Drive.

4. CONSIDER AND ADOPT THE REVISED MASTER SALARY SCHEDULE

The City Council approved the Master Salary Schedule.

5. LETTER OF SUPPORT FOR ANNUAL CITY OF OROVILLE VISUAL AND PERFORMING ARTS SHOWCASE

The Council approved a letter of support for the first annual City of Oroville Visual and Performing Arts Showcase.

PRESENTATIONS AND PROCLAMATIONS – 5:00 PM

1. The City Council postponed honoring several youth teams for their hard work and achievement tentatively to the State of the City Address.

2. Several Police Department Staff were introduced and Sworn In including Administrative Staff, Dispatch, Municipal Law Enforcement Officers, Police Officers, and Chaplin

PUBLIC COMMUNICATION – HEARING OF NON-AGENDA ITEMS

There were no public speakers at this time.

REPORTS / DISCUSSIONS / CORRESPONDENCE

1. Council Announcements and Reports
    a. Smith – Spoke about March 18th – Arbor Days at the Convention Center
    b. Pittman – Attended and reported out on the Oroville Dam Citizens Oversight Board Meeting
    c. Johnstone – Thanked Ophir School for inviting them to Read Across America.
2. Future Agenda Items
    a. Thomson/Webber – Larger Flag for our city hall flagpole.
3. Administration Reports
    a. Belser – Spoke about the work of the department and thanked the Police Department and MLE's for their partnership and hard work.
    b. Nevers – Spoke about the rebranding, Museum Weekend, State Route 162 – sidewalk.
    c. Bergstrand – Spoke about the Oroville Rescue Mission Grant

4. Correspondence
    i. Your Voice of the Arts Award

ADJOURN THE MEETING

Mayor Pittman Adjourned the meeting at 6:06pm

APPROVED:

_____
Mayor David Pittman

ATTESTED:

_____
Assistant City Clerk Jackie Glover

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

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

RE: **AGREEMENT WITH ROYAL AIRE TO INSTALL MINI-SPLIT SYSTEM AT 33 CANYON HIGHLANDS DRIVE**

DATE: **MARCH 21, 2023**

SUMMARY

The City Council may consider entering into an agreement with Royal Aire to install a mini-split system in city-owned 33 Canyon Highlands, in the amount of $17,922, plus 10% contingency.

DISCUSSION

In July of 2014, staff entered into a Lease to Purchase Agreement with Denise Johnson for the appraised value of $139,000. City staff is now in the process of qualifying the tenant of 33 Canyon Highlands to purchase the home and complete the Lease to Purchase Agreement process. Mrs. Johnson is requesting the City install a mini-split system for more efficient heating and cooling of the home. Currently the home has an evaporative cooler that is not efficient during the hot summer days and the wall heater is currently inoperable. City staff and Mrs. Johnson have agreed to allocate a portion of the rent collected set-aside (15%) for down-payment (approximately $13,091.45) towards this cost of the mini-split installation and the remaining balance would be added to the price of the home. City will contract the work and pay for the installation but would be re-imbursed through the repayment of the loan and the down-payment set-aside.

Three estimates were received for this project:

Royal Aire: Option A - $21,957, Option B - $17,922

Feather River Aire: $12,895

De Air Company: $14,730

The Royal Aire Option B was chosen because the purchaser of the home feels that the mini-split system would be more energy efficient and cost effective for her family.

FISCAL IMPACT

There is no General Fund impact. Expenditures will be paid from Fund 221, Housing Program Fund and will be reimbursed through the down payment set-aside and loan repayments. Fund 221 has a current available balance of $972,399.00

RECOMMENDATION

Approve service agreement between the City of Oroville and Royal Aire to install a mini-split system at 33 Canyon Highlands Dr. in the amount of $17,922 plus 10% contingency.

ATTACHMENTS

A- Royal Aire Estimate
B- De Air Company Estimate
C- Feather River Aire

This document is now complete.

CLOSE

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ROYAL AIRE
HEATING • AIR • SOLAR

530.899.9999

Proposal to Install new Lennox HVAC equipment. See options.

Job #:
Date: 10/12/2022
Estimated Start: TBD
Time:

WORK ORDER

CUSTOMER INFORMATION
Customer Name: Denise Johnson
Project Address: 33 Canyon Highlands dr.
City: State: Zip:
Phone: Cell: 530-354-2356

BILLING INFORMATION ☒ SAME AS CUSTOMER INFORMATION
Billing Name:
Billing Address:
City: Oroville State: Ca Zip: 95966
Email: Denisejudyjohnson@yahoo.com

NEW EQUIPMENT

COMFORT

	STANDARD	GOOD	BETTER	BEST
☐ Air Conditioner	☐	☐	☐	☐
☐ Coil	☐	☐	☐	☐
☐ Furnace	☐	☐	☐	☐
☒ Package Unit	☐	☐	☒	☐
☐ Heat Pump	☐	☐	☐	☐
☐ Air Handler	☐	☐	☐	☐
☒ Mini Split	☐	☐	☐	☒
☐ ECO Water	☐	☐	☐	☐
☒ Thermostat	☐	☐	☐	☐

☐ Whole House Fan ☐ Water Heater
☐ Dual Fuel Tank/Tankless
☒ IAQ ☐ Zoned Comfort

A- Option for package unit on Roof, 2 ton system, LRP16 seer, 2-stage equipment. New cut-in ductwork(8). ..$21,957.00

B- Option for Mini-Split system 22 seer system, 36k BTU ground unit, with 4-heads, liv rm/kitch. 3-bedrms. $17,922.00

Scope Of Work: Options for heating and cooling with Package vs Mini split.

Design: H U D II HVAC Capacity: TBD

Equipment Location: Roof/ground/attic

ENERGY INDEPENDENCE
☐ Solar Module(s) With Manufacturer 25 Year Performance Warranty
☐ Enphase Inverter(s) With Manufacturer 25 Year Parts Warranty
☐ Enphase Ensemble With Manufacturer 10 Year Parts Warranty
☐ Customer Monitored Envoy With Manufacturer 2 Year Parts Warranty
☐ Combiner Box With Manufacturer 5 Year Parts Warranty
☐ 10 Year Workmanship Warranty

QUALITY INSTALLATION

☒ Drop Cloth/Floor Saver Protection
☒ Complete Cleanup & Vacuuming
☒ Replaced Components Disposal
☒ Permit
☒ Code Compliance
☐ Smoke ____ CO ____ Detector
☐ Insulation SF ____ R ____
☒ Certified Refrigerant Handling
☐ N.E.M. Interconnection
☒ Circuit Breaker
☒ Reconnect Exist. Wiring
☒ Power Circuit
☒ Weatherproof Elec. Disconnect
☒ Control Wiring
☐ Vibration/Shock Isolators
☒ Support X Pad X Curb ☐ Stand
☐ Reconnect Exist. Ductwork
☐ Insulate Ductwork
☐ Seal Ductwork
☒ Add Supply 7
X Material: ☐ Aluminum ☐ Galvanized
☒ Add Return 1
X Material: ☐ Aluminum ☐ Galvanized
☐ Flue Piping ☐ Metal ☐ PVC
☒ Condensate Piping/Pump
☐ Ceiling Saver Kit
☒ Optimized Refrigerant Piping
☒ Gas Piping Natural
☒ Architectural Piping Cover

Ancillary Work Provided By: None And Paid For By Royal Aire

QUALITY ASSURANCE WARRANTIES, GUARANTEE, AND SERVICE

HVAC
☒ Heat Exchanger 20
☒ Compressor 10
☒ Furnace Parts 10
☒ A/C Parts 10
☒ Labor 1

SOLAR
☐ Labor
☐ Module/Inverter Warranties

OUR PROMISES
☒ 100% Satisfaction
☒ No Lemons
☒ No Overtime

SERVICE & MAINTENANCE
☒ Semi-Annual Professional Service Visits
☐ Perpetual Labor Warranty With Club Plan (Up to 10 Years on HVAC)
☒ IAQA Visits 2 (HVAC)
☒ Licensed & Insured
☒ 100% Satisfaction Guarantee

Notes: Option A, is a package unit on the roof, we will remove existing evaporate cooler, Gas heat and electric cooling pkg. Option B, is a Mini Split heat pump all electric heat & Cool.

Site Inspection Provided By: Dave

SITE PLAN

Built 1961
3bed 1 bth.
912 sq ft.
Existing wall heater not working (to be removed).
Evaporate cooler on roof. (to be removed)w/package option.

INVESTMENT TERMS

*Only Items Listed Are Included In This Work Order

BUYERS RIGHT TO CANCEL
You, the buyer, may cancel this transaction in accordance with California law. See the notice of cancellation for an explanation of this right on the reverse side.

INVESTMENT

System Investment	Pending selection
A- forced air ducted	$21,957.00
B- ductless Mini Split	$17,922.00
Total Home Comfort Investment	
Less initial Investment	-
Balance Due Upon Completion	Tbd

☒ CASH ☐ FINANCING ☐ CHECK # Exp Date ___/___
ACCT # Auth Code Credit Plan Amount Financed

Description: Deposit balance upon completion/or paid in full. TBD.

All product features and/or representations of performance and/or outcome promised to me (verbally or in writing) are listed in the work order. Initials:

Customer Name: Denise Johnson Signature: Date: ___/___/___
Customer Name: Signature: Date: ___/___/___
Advisor Name: Dave Kirby Signature: Dave kirby Date: 10/12/2022

See Reverse Side for Terms & Conditions

DocuSign Envelope ID: 5C56C6DE-8D47-4A1B-B575-D118568CBAED

OUR PROMISES

Full Satisfaction Promise
We agree to accept total personal and complete responsibility for your full satisfaction with the materials and the work provided by us and paid for by you. During the first year, if you are not happy with the performance of the equipment, our service, our people, or for any reason, we will correct the problem to your satisfaction or we will remove the system that we installed within thirty (30) days of your request and refund the entire contract price.

No Lemons Promise
We recognize that not every manufactured piece of heating and cooling equipment is 100% perfect, 100% of the time. Since our customers should expect to receive 100% of the heating and cooling value they've invested in, we offer a "No Lemons" guarantee on our "Risk Free" systems. In other words, if the compressor in your air conditioner fails during the first year of ownership, or should the heat exchanger in your furnace crack during the 1st year of ownership, we will remove the "lemon" and install a completely new unit. If you've ever bought a "lemon" before, you'll truly appreciate our commitment to your long term satisfaction.

No "Overtime" Service Charges
Our commitment to our Club Members remains long after the installation date. We proudly extend to all our valued Club Members a Lifetime of No Overtime Service Charges! Which means if you are a Club Member that for 24 hours a day, 365 days a year we will deliver service, and you'll never pay extra. Over the life of your system, this benefit can add up to hundreds of dollars in future savings.

TERMS AND CONDITIONS OF SALE

Payment Terms
The entire invoice is due upon completion of described work.

Collection Costs
Buyer agrees that it shall pay all expenses incurred by the Contractor for

Buyer's Right to Cancel
You, the Buyer, have the right to cancel this contract within three business days, or five business days if you are 65 years of age or older. You may cancel by e-mailing, mailing, faxing, or delivering a written notice to the contractor at the contractor's place of business by

DE AIR COMPANY

2710 B, Feather River Blvd.
Oroville, CA 95965
State Contractors
Lic#478347

Telephone
(530) 534-8691
Fax (530) 534-1686

Proposal and Agreement

Customer Name DENISE JOHNSON Phone 530-354-2356 Date 10/13/2022

Address 33 CANYON HIGHLANDS Job Address _____

City, State, Zip _____ Work Phone (s) _____

We will furnish, install and service the equipment listed below at the price, terms and conditions outlined on both sides of this proposal.

EQUIPMENT SPECIFICATIONS

Make TRANE Model Number(s) 4YCC4030A1070A

SEER 14 EER 12 AFUE 80% Btuh Cooling 30,000 Btuh Heating 70,000 CFM 1200

Installation shall include: _____

INSTALL NEW 2.5 TON 14 SEER HVAC SYSTEM. EQUIPMENT TO BE ROOF MOUNTED WITH THE R-8 FLEX DUCT SYSTEM IN THE ATTIC SPACE

WILL REMOVE EVAPORATIVE COOLER AND WALL FURNACE, SHEET ROCK REPAIR NOT INCLUDED

- ☐ New 30 Amp disconnect
- ☐ New low voltage wiring
- ☐ New weather resistant equipment stand
- ☐ New reinforced equipment pad
- ☐ New properly sized refrigerant lines
- ☐ New clean, dry ACR copper tubing
- ☐ Insulate refrigerant suction line(s)
- ☐ Install refrigerant drier(s)
- ☐ Charge to manufacturer's specs
- ☐ Evacuate refrigerant system
- ☐ Remove existing equipment from premises
- ☐ Install energy saving setback thermostat
- ☐ New copper wire from _____ to UNIT
- ☐ Make air tight plenum transition
- ☐ _____ new supply diffuser(s)
- ☐ New duct run from _____ to _____
- ☐ Noise reducing flexible duct connector
- ☐ Balance for uniform supply air distribution
- ☐ New gas piping from _____ to UNIT
- ☐ Clean work area to customer's satisfaction
- ☐ New condensate drain system
- ☐ New condensate pump
- ☐ New high efficiency air filter
- ☐ New return air filter grill
- ☐ Meet all code requirements
- ☐ Complete system start up
- ☐ 10 year parts warranty
- ☐ 2 year labor warranty
- ☐ _____ year service agreement

TRANE 4YCY5030A1070A
15 SEER UNIT $15,720.00

Installed Price $ 14,730.00

Taxes $ INCLUDED

Total Amount $ 14,730.00

Down Payment $ _____

Balance Due $ _____

**ALL EQUIPMENT AND INSTALLATION SCHEDULE AR SUBJECT TO AVAILABILITY.
**QUOTE EXPIRES 14 DAYS FROM QUOTE DATE.

Terms: BALANCE DUE UPON STARTUP

Acceptance (Customer) Approval (Company)

By _____ Date _____ By _____ Date _____

Terms and Conditions

1. All orders not paid in full in advance are subject to approval by the Company's credit department.
2. This proposal may be withdrawn by the Company if not accepted within 30 days.
3. The Company shall provide only trained and qualified technicians employed or supervised by us.
4. All labor is to be performed during Company's regular working hours, unless noted in this proposal.
5. Warranty work is performed during the Company's normal Business hours, but can be performed after normal hours if Customer pays the difference between the standard labor rate and overtime labor rate.
6. Until final payment is made, the Company will retain the title to the materials and equipment it installs.
7. Unless noted in this proposal, payment is due in full upon completion of work. A monthly finance charge, equal to the highest allowable interest rate, may be levied on Customer's account if delinquent over 10 days.
8. In the event the Customer's account must be referred to attorneys for collection, Customer agrees to pay reasonable attorney fees, court costs and other collection costs.
9. Customer will carry fire, extended coverage and other necessary insurance.
10. Customer shall assume risk of loss or damage to equipment after it is set in place on the job.
11. Every attempt will be made to complete the work on the date(s) specified, but because the Company may have no control over equipment availability and delivery, all completion dates are estimates only.
12. The Company shall not be liable for damage, loss or delays resulting from fire, explosion, flooding, the elements, labor troubles, or any other cause beyond our control.
13. The Company shall use ordinary care in performing all work, but shall not be liable for incidental or consequential damages, or shall it be liable for injuries to persons or damage to property except those directly caused by negligent acts of Company's employees.
14. The Company shall not be responsible for any damages incurred due to inability of the building structure to properly support the installed equipment, or for expense incurred in removing, replacing or refinishing part of the building structure necessary for the performance of any service or installation, unless otherwise noted in this proposal.
15. The Company shall not be liable for any present and future taxes, charges or other governmental fees, or any items of equipment, labor or special tests required or recommended by insurance companies, equipment vendors or governmental authorities.
16. The Company shall not be liable for the identification, detection, abatement, encapsulation, storage, removal or transportation of any regulated or hazardous substances. Regulated or hazardous substances may include, but not limited to asbestos, certain refrigerants and refrigerant oils. If any such products or materials are encountered during the course of work, the Company can discontinue work until regulated or hazardous material have been removed or hazard or liability is eliminated. The Company shall receive an extension equal to the time of delay to complete the work and reserves the right to be compensated for any loss due to a delay.
17. This agreement contains the entire understanding between the Company and the Customer, any modifications, amendments or changes must be in writing and signed by both parties.
18. You may cancel this transaction, without any penalty or obligation, within three business days from the signed proposal date.
19. "Under the California Mechanics' Lien Law, and contractor, sub contractor, laborer, supplier, or other person or entity who helps to improve your property, but is not paid for his or her work or supplies, has a right to place a lien on your home, land or property where the work was performed and to sue you in court to obtain payment.

Feather River Aire
Heating & Cooling

REVISED PROPOSAL

Denise Johnson
33 Canyon Highlands Dr.
Oroville, CA 95965
530-354-2356
denisejudyjohnson@yahoo.com

May 18, 2020

PROJECT LOCATION: 33 CANYON HIGHLANDS DR., OROVILLE, CA 95966

Proposal to install 3 Ton Day & Night Roof Mount Cut-In Package Unit with all new R-8 insulated ducting as follows:

Day & Night 3 Ton Package Unit – Roof Mount Cut In
Model No. IPGD436090K001D – 14 SEER, R-410a, 208-230V
80% AFUE, 90,000 BTUs

Installation includes new roof curb, plenums, condensate lines, all new duct system cut-in, cut in all vents, all new R-8 insulated ducting (various sizes and lengths), boots, cans, wyes, registers, return air, dry-in shingles around unit, crane service, thermostat, permits, HERS testing, labor, and materials to complete the job. Warranty: One (1) year warranty on labor; Ten (10) year Day & Night factory warranty on the part.

JOB PRICE: $12,895.00

Revision Scope of Work Option: Remove existing dual wall furnace. Sheet rock and mud the both (2) wall areas. NOTE: Tape, texture and paint are not included. **Price: $250.00**

TOTAL JOB PRICE: $13,145.00

Feather River Aire is here to assist you in making an informed decision about your new heating and air conditioning system. Please contact us at 530-589-2260 if you have any questions or would like additional information. We do offer financing through the HERO and Benji Programs. Staff is available to help with that process so feel free to ask for more information. Thank you for considering Feather River Aire. We look forward to hearing from you.

PROPOSAL PREPARED BY:

Jason Nyberg, Owner

Feather River Aire, Inc.
1650 Feather River Blvd., Oroville, CA 95965
530-589-2260 - office_featherriveraire@yahoo.com

Proposal amount is a cash price (or check). Debit or credit card payments over $500 will be charged a 3% transaction fee.

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

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

RE: **HOUSING SUCCESSOR AGENCY ANNUAL REPORT**

DATE: **MARCH 21, 2023**

SUMMARY

Receive and file the Housing Successor Agency Annual Report for Fiscal Year 2021-22.

DISCUSSION

The City of Oroville ("City") is the Housing Successor Agency to the former Oroville Redevelopment Agency ("Housing Successor"). Health and Safety Code ("HSC") Section 34176.1 (enacted by Senate Bill 341 and related legislation) requires the Housing Successor to prepare an annual report documenting compliance with expenditure proportionality and other requirements pertaining to its Low- and Moderate-Income Housing Asset Fund ("Housing Asset Fund"). The report is due to the California Department of Housing and Community Development ("HCD") by April 1st annually. The report also must be presented to City Council and posted on the City's website.

Housing Successor staff and consultants have prepared a Housing Successor Agency Annual Report for the Fiscal Year ("FY") ending June 30, 2022. This report is being presented to City Council to receive and file and will be submitted to HCD.

The following sections summarize the Housing Successor's finances and compliance with various requirements.

HOUSING SUCCESSOR AGENCY ANNUAL REPORT SUMMARY

Low- and Moderate-Income Housing Asset Fund

The Housing Asset Fund includes all the assets that were transferred from the Oroville Redevelopment Agency ("Agency") to the Housing Successor upon dissolution of the former Agency. The assets included:

- Real properties;
- Personal property;

- Low- and Moderate-Income Housing Fund encumbrances;
- Loan/grants receivable; and
- Rents/operations (deferrals).

As of June 30, 2022, the Housing Asset Fund had a cash balance of $3,569,219 and a total portfolio value of $6,433,366. Most of the asset value is from loans receivable that are due to the Housing Successor.

The Housing Successor received $642,784 in revenues throughout FY 2021-22, which includes interest income, leases, loan payments, and miscellaneous revenues. For FY 2021-22, the expenditures were primarily administrative costs equating to $174,860 in total funds used.

Property Disposition

Upon the dissolution of redevelopment, the former Agency transferred 19 real properties and associated rental income to the Housing Successor. Since dissolution, 6 additional real properties were taken back by the Housing Successor because the loans defaulted and resulted in foreclosure.

Outstanding Inclusionary and Replacement Housing Obligations

At the time of its dissolution, the former Agency met its inclusionary and replacement housing requirements. Therefore, the Housing Successor is no longer subject to obligations related to inclusionary housing or replacement housing.

Income & Age Proportionality

If housing successors expend money on projects, State law requires at least 30% to be spent on extremely low-income rental housing in a five-year period, among other restrictions. Additionally, State law also sets a 20% maximum on assisting 60-80% AMI units. State law also sets a limit of 50% on the portion of publicly assisted deed-restricted rental housing that may be restricted to seniors. During FY 2021-22, the Housing Successor did not spend any funds on projects and is therefore in compliance with meeting these requirements.

Excess Surplus

Senate Bill 341 reinstated a requirement to prevent housing successors from accumulating an excess surplus, which is generally defined as unencumbered cash that exceeds the greater of $1 million or the aggregate amount deposited into the Housing Asset Fund in the preceding four years.

For FY 21-22, the Housing Asset Fund had a beginning cash balance of $3,106,731. The sum of deposits in the prior four years is $3,130,731. The amounts reported did not accumulate an excess surplus during FY 2021-22.

Homeownership Unit Inventory

State law requires the annual report to contain an inventory of any homeownership units assisted by the Housing Successor that require restrictions, covenants, or an adopted program

that protects Housing Asset Fund monies. The Housing Successor oversees 123 homeownership units with affordability restrictions.

FISCAL IMPACT

These are informational items with no fiscal impact.

RECOMMENDATION

Receive and file the Housing Successor Agency Annual Report for fiscal year ending June 30, 2022.

ATTACHMENTS

Attachment 1: Housing Successor Agency Annual Report for Fiscal Year 2021-22

HOUSING SUCCESSOR ANNUAL REPORT
City of Oroville Housing Successor

Fiscal Year 2021-22

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INTRODUCTION

This Housing Successor Agency Annual Report ("Annual Report") presents information on Fiscal Year ("FY") 2021-22 expenditures and activities as required by Health and Safety Code ("HSC") Section 34176.1(f), including but not limited to a housing successor's compliance with certain expenditure activities over the year as well as a five- and ten-year planning period.

HOUSING SUCCESSOR

The City of Oroville ("City") is the Housing Successor Agency ("Housing Successor") to the former Oroville Redevelopment Agency ("Agency"), which was dissolved with all other agencies statewide by the Legislature in 2012. At the time of dissolution, a housing successor was to be selected for the transfer of, and to be responsible for, the remaining assets and liabilities of a former redevelopment agency. The Housing Successor is responsible for maintaining housing assets transferred from the former Agency. Its main goal is to provide affordable housing for City residents.

SCOPE OF THIS HOUSING SUCCESSOR ANNUAL REPORT

This Annual Report is limited to the City's activities as it relates to its role as a housing successor. This may include, but is not limited to, financial activities, property disposition, loan administration, monitoring of covenants, and affordable housing development. This Annual Report describes compliance with various annual, five-year, and ten-year housing expenditure and production requirements. FY 2021-22 is the third year of the current five-year compliance period for income proportionality, which began July 1, 2019, and ends June 30, 2024.

This Annual Report is due to the State of California ("State") Department of Housing and Community Development ("HCD") by April 1 annually and must be accompanied by an independent financial audit. The City's audited financial statements will be posted on the City's website when available. This report is an addendum to the Housing Element Annual Progress Report required by Government Code Section 65400, which is submitted to HCD by April 1 annually.

ASSETS TRANSFERRED TO THE HOUSING SUCCESSOR

Upon the statewide dissolution of redevelopment in 2012, all rights, powers, committed assets, liabilities, duties, and obligations associated with the housing activities of the Agency were transferred to the Housing Successor. The Housing Successor prepared a Housing Asset Transfer ("HAT") form that

provided an inventory of all housing assets transferred from the Agency to the Housing Successor. This included:

1. Real properties;
2. Personal property;
3. Low- and Moderate-Income Housing Fund ("LMIHF") encumbrances;
4. Loans/Grants receivables; and
5. Deferrals.

All items on the HAT were approved by the California Department of Finance ("DOF") on September 5, 2012.

It is important to distinguish that Housing Successor assets that were not transferred from the former Agency or generated by or purchased with assets from the former Agency are not subject to HSC Section 34176.1. A copy of the HAT is provided in Appendix 1.

BACKGROUND

This section summarizes the legal requirements for use of housing successor assets that are addressed in this Annual Report.

LEGAL REQUIREMENTS ABOUT HOUSING SUCCESSORS

In general, housing successors must comply with three major requirements pursuant to HSC Section 34176.1:

1. Expenditures and housing production are subject to income and age targets.
2. Housing successors may not accumulate an "excess surplus," or a high unencumbered Housing Asset Fund balance based on certain thresholds.
3. Properties must be developed with affordable housing or sold within five to ten years of the DOF approving the HAT.

Appendix 2 provides a detailed summary of the reporting requirements that are addressed in this Annual Report.

PERMITTED USES OF HOUSING ASSET FUNDS

Under HSC Section 34176.1, former Agency assets and the revenues generated by those assets, are maintained in a Low- and Moderate-Income Housing Asset Fund ("Housing Asset Fund").[1] The Housing Asset fund replaced the former Agency's Low- and Moderate-Income Housing Fund. Housing Asset Funds may be spent on:

- **Administrative costs** for the operation of the housing successor agency. The law allows a housing successor to spend the greater of:
    - $200,000 per year adjusted annually for inflation, or
    - 5% of the statutory value of real property owned by the housing successor and the value of loans and grants receivable from the HAT ("Portfolio"), whichever is greater.

  The $200,000 per year adjusted for inflation in FY 2020-21 is $223,400 according to HCD; the FY 2021-22 is not being described in this section as HCD has yet to publish the adjusted administrative limit for FY 2021-22. The Housing Successor's FY 2021-22 Portfolio value was $6,433,366 of which 5% is $321,668. The FY 2021-22 administrative cost limit is the higher figure of $321,668.

- **Homeless prevention and rapid rehousing services** up to $250,000 per year if the former redevelopment agency did not have any outstanding inclusionary housing or replacement housing production requirements as of 2012. The City is eligible for this expense because the former Agency had met its inclusionary housing and replacement housing production requirements upon dissolution.

1 The Housing Asset Fund replaced the former Agency's Low- and Moderate-Income Housing Fund.

- **Affordable housing development** assists households up to 80 percent of the Area Median Income ("AMI"), subject to specific income and age targets over a five-year period.

  Five-Year Income Proportionality on Development Expenditures: Any Housing Asset Funds may be spent on the development of affordable housing projects affordable to low, very low, and extremely low-income households. "Development" is defined as "new construction", acquisition and rehabilitation, substantial rehabilitation as defined in HSC Section 33413, the acquisition of long-term affordability covenants on multifamily units as described in HSC Section 33413, or the preservation of an assisted housing development that is eligible for prepayment or termination or for which within the expiration of rental restrictions is scheduled to occur within five years."

  Over each five-year compliance period, the current one beginning July 1, 2019, at least 30 percent of such development expenditures must assist extremely low-income households (30% of AMI), while no more than 20 percent may assist low-income households (between 60-80% of AMI). The balance of the funds may be used on very low-income households (defined as households earning between 30% and 60% of AMI).

  The Housing Successor was in compliance with the first five-year compliance period which was from January 1, 2014, through June 30, 2019. The second, and current, five-year compliance period is from July 1, 2019, to June 30, 2024.

  Note that housing successors must report expenditures by category each year, but compliance with income proportionality limits is measured every five years. For example, a housing successor could spend all its funds in a single year on households earning between 60-80% of AMI, if it was 20 percent or less of the total expenditures during the five-year compliance period.

  Should a housing successor not spend at least 30% of its development expenditures on extremely low-income households, or exceeds the amount spent on low-income households, future expenditures are subject to greater restriction until these proportionality targets are met.

  Specifically, if a housing successor is unable to spend at least 30% of its development expenditures on extremely low units, it is required to increase this spending to 50% until compliant with the 30% threshold; a housing successor that spends more than 20% of its development expenditures on low-income units cannot spend any further funds on low-income developments until it is at or below the 20% threshold.

As such, tracking these expenditures and their progress over the corresponding five-year period is an important function of this Annual Report.

Ten-Year Age Proportionality on Units Assisted: If more than 50% of the total aggregate number of rental units produced by the city, housing successor, or former redevelopment agency during the past 10 years are restricted to seniors, the housing successor may not spend more Housing Asset Funds on senior rental housing.

It is important to stress that Housing Successor expenditure and production requirements are measured on different timeframes:

- **One-Year Limits:** Administrative Allowance and Homeless Prevention Allowance. Compliance is evaluated annually and resets every year.
- **Five-Year Limit:** Expenditures by Income Level. Compliance is evaluated over a fixed five-year period set by law, the current period being July 1, 2019, to June 30, 2024.
- **Ten-Year Limit:** Number of Senior Deed-Restricted Units Assisted. Compliance is evaluated based on a rolling ten-year period that is different every year, the current period being FY 2012-13 to 2021-22.

Appendix 3 describes Housing Asset Fund expenditure requirements in more detail, including the types of costs eligible in each category.

LIMITS ON THE ACCUMULATION OF HOUSING FUNDS (EXCESS SURPLUS)

State law limits how much cash a housing successor may retain and, if it fails to commit and spend these dollars in a reasonable timeframe, ultimately penalizes the housing successor by requiring unspent funds to be transferred to HCD for use on State housing programs.

HSC Section 34176.1(d) establishes a limit, known as an "excess surplus" on the amount of unencumbered Housing Asset Funds based on the greater of the following:

- $1,000,000, or
- The total amount of deposits made into the Housing Asset Fund over the preceding four years.

Only amounts more than this threshold are considered an excess surplus. Once an excess surplus is determined, a housing successor must account for these funds separately and encumber said monies within three years. If after the third year, the excess surplus has not been fully encumbered, the remaining balance of the excess surplus is to be transferred to HCD within 90 days. HCD is permitted to use these transferred excess surplus funds anywhere in the State under its Multifamily Housing Program or the Joe Serna, Jr. Farmworker Housing Grant Program.

As part of the Annual Report, a housing successor must disclose any excess surplus and describe the housing successor's plan for eliminating this excess surplus.

HOUSING ASSET FUND ACTIVITY

This section summarizes the Housing Asset Fund activities of the Housing Successor for FY 2020-21.

DEPOSITS AND FUND BALANCE

The Housing Successor deposited $642,784 into the Housing Asset Fund during FY 2020-21 from a variety of sources as shown in Table 1 below.

Table 1: Housing Asset Fund Deposits, 2021-22

Balance Type		Amount
Interest Revenue	$	11,411
Other Fees		31
Misc. Revenue		-
Lease to Own Payments		8,053
Interfund Transfers		6,087
Loan Fund Interest		42,067
Loan Principal Payments		138,177
Refund and Reimbursements		158,783
Sales of Capital Assets		278,175
Total	$	642,784

Source: City of Oroville, Fund 221 Revenue Report (06/30/22)

EXPENDITURES

The Housing Successor expended $174,860 in FY 2021-22, all on administrative costs. This amount included a special department expense, to assist the Veterans Housing Development Corporation in rebuilding a property. Other significant expenses were outside services, pensions, salaries, and inter-fund transfers.

ENDING CASH AND FUND BALANCE

The Housing Asset Fund balance as of June 30, 2022, was $3,572,960, as summarized in Table 2 below.

Table 2: Housing Asset Fund - Ending Balance as of June 30, 2022

Balance Type	Amount
Cash	$ 3,569,219
Accounts Receivable	-
Interest Receivable	5,670
Loans Receivable	6,046,552
Real Property Inventory	386,814
Accounts Payable	(1,573.95)
Unearned Revenue	(6,046,551.86)
Unearned Real Property Inventory	(386,814.05)
Lease 15% Housing	(355.29)
Ending Balance	**$ 3,572,960**

HOUSING SUCCESSOR PORTFOLIO

The Housing Successor Portfolio includes 9 properties and 42 loans receivable transferred from the former Agency. The Portfolio had a value of $6,433,366 as of FY 2021-22, as detailed in Table 3 below.

Table 3: Housing Successor Real Property and Loans Receivable Portfolio

Asset	Amount
Real Properties	
Value of Real Properties	386,814
Subtotal	*$386,814*
Loans Receivable	
Value of Loans Receivable	6,046,552
Subtotal	*$6,046,552*
Total Portfolio Value	**$6,433,366**

Source: City of Oroville Fund 221 Audit Sheet (06/30/22)

REAL PROPERTY AND DISPOSITION STATUS

The Agency originally transferred 19 real properties to the City on the HAT form. Since then, an additional 6 real properties were taken back by the Housing Successor because the loans defaulted and resulted in foreclosure. Table 4 below describes each property and its current development or disposition status. As of FY 2021-22, fifteen properties have been sold. The City will continue to evaluate each of the remaining twelve properties taking several factors into consideration, including whether it is more beneficial to develop properties to provide housing, or to receive sales proceeds to spend on affordable housing activities within the expenditure limitations set by HSC Section 34176.1.

Table 4: Properties Transferred from the Former Redevelopment Agency

HAT Item No.	Address	Property Type	Statutory Value	Status / Desired Action
REMAINING PROPERTIES				
1	1130 Pomona Avenue	Vacant land	12,514	Transferring to VHDC
2	1550 & 1560 Veatch St.	Vacant land	3,048	Transferring to VHDC
5	3265 Glen Avenue	Single-family	110,318	Transferring to VHDC
8	33 Canyon Highlands	Single-family	71,814	In contract for LPP
17	APN 033-232-021 (Oroville Dam Blvd)	Vacant land	-	Considering sale, development, or donation
18	APN 033-232-001 (Oroville Dam Blvd & Highlands)	Vacant land	-	Considering sale, development, or donation
97	3555 Argonaut Ave	Single-family	-	Foreclosed 2018
SOLD PROPERTIES				
3	1729 Boynton Avenue	Single-family	101,299	Sold at appraised value 4/12/19
4	3054 Spencer Avenue	Single-family	76,523	Sold on 12/28/16
6	1289 Robinson Street	Single-family	-	Sold in FY 2018-19
7	770 Robinson St.	Single-family	64,313	Sold on 7/21/16
9	2712 Spencer Avenue	Single-family	95,000	Sold through LPP in FY 2018-19
10	3027 Florence Avenue	Single-family	-	Sold through LPP
11	115 Worthy Avenue	Single-family		Sold through LPP
12	218 Windward Way	Single-family	125,000	Sold through LPP
13	1800 Pine Street	Single-family	-	Sold through LPP
14	2178 Bridge St.	Single-family	-	Sold through LPP
15	2950 El Noble Ave.	Single-family	22,119	Sold through LPP
16	1930 Grant Ave.	Single-family	65,000	Sold through LPP
19	1511 Robinson St.	Vacant land	-	Sold to PEP housing to develop Orange Tree Senior Housing
82	119 Morningstar	Single-family	-	Transferred to VHDC on 1/19/2022
98	3711 Ashley Ave	Single-family	-	Transferred to VHDC
101	2244 Mitchell Ave	Single-family	130,000	Sold on 9/22/2021 as a Market Rate Unit
100	2420 Baldwin Ave	Single-family	-	Transferred to VHDC
102	1250 Robinson	Single-family	165,000	Sold on 9/15/21 as a Market Rate Unit

COMPLIANCE WITH EXPENDITURES & PRODUCTION LIMITS

During FY 2021-22, the Housing Successor was in compliance with all annual and five- to ten-year planning period requirements as described in this section.

PROPORTIONALITY REQUIREMENTS

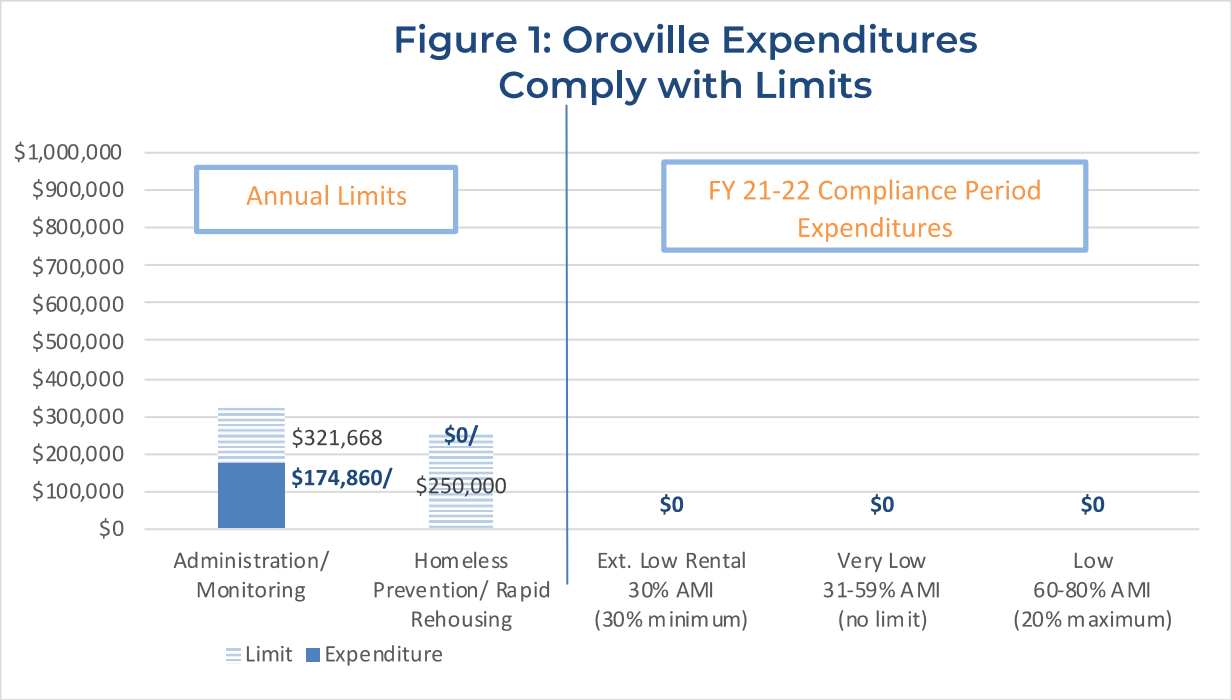
The Housing Successor fully complied with the Housing Asset Fund spending restrictions during the previous five-year compliance period of January 1, 2014, through June 30, 2019. While last year's report indicated that the Housing Successor had exceeded the 20% maximum of total expenditures on assisting 60%-80% of AMI units, the expenditure amount was reported incorrectly. Rather than the reported cost of $258,000, the actual amount in the low-income category was only $163,000, which was less than 20% of expenditures in that period.

As summarized in Figure 1 below, the Housing Successor has also fully complied with all the Housing Asset Fund spending restrictions for the current reporting period:

- The Housing Successor expended $126,709 on allowable administrative costs and was below the maximum limit amount of $321,668. The annual limit is greater than $200,000 plus inflation or 5% of the Housing Successor Portfolio balance. As shown in Table 3 earlier, the Portfolio balance is $6,433,366, of which 5% is $321,668.

- Since no homeless prevention or rapid rehousing expenses were made in FY 2021-22, the Housing Successor was therefore in compliance with the $250,000 spending restriction.

- For FY 2021-22, the Housing Successor did not spend any funds on affordable housing development costs, so it is in compliance with the five-year income proportionality targets.



The Housing Successor will ensure it meets all expenditure requirements going forward, throughout this five-year compliance period of July 1, 2019, through June 30, 2024, and future five-year compliance periods.

Failure to comply with the extremely low-income requirement in any five-year compliance period will result in the Housing Successor having to ensure that 50 percent of the remaining funds be spent on extremely low-income rental units until in compliance. Exceeding the expenditure limit for low households earning between 60-80% AMI in any five-year reporting period will result in the Housing Successor not being able to expend any funds on this income category until in compliance.

SENIOR RENTAL HOUSING LIMIT COMPLIANCE

The Housing Successor is compliant with the limit allowing no more than 50 percent of the total aggregate number of rental units produced within the preceding ten years to be restricted to seniors. The Housing Successor, City, and former Agency assisted 109 deed-restricted rental units in the last ten years, 52 of which are restricted to seniors, less than 50 percent. Table 5 details units assisted by the project.

Table 5: Deed Restricted Units Assisted in Last 10 years

Property	Senior Units	%	Non-Senior Units	%	Total Units
Orange Tree Senior Apartments	50	100%	0	0%	50
Hillview Ridge Apartments II	0	0%	57	100%	57
Sierra Heights	2	100%	0	0%	2
Total	**52**	**48%**	**57**	**52%**	**109**

Total Deed-Restricted Senior Units: **48%**

Source: City of Oroville

EXCESS SURPLUS

The Housing Asset Fund may not accumulate an "excess surplus", which is an unencumbered amount that exceeds the greater of $1 million or the sum of deposits in the prior four fiscal years. This requirement ensures that housing successors are actively spending available Housing Asset Funds on affordable housing.

Table 6 shows that the Housing Successor has not accumulated an excess surplus amount during FY 2021-22. The encumbered $2,750,000 is for two development loans for the Veteran's Housing Development Corporation ($1,750,000) and Oroville PSH Pacific Associates ($1,000,000). The latter is for a fully supportive housing project.

Table 6: Excess Surplus FY 2021-22

Step 1: Determine Unencumbered Cash Balance From Financials			
FY 21-22 Beginning Cash Balance		$ 3,106,731	
Less: Encumbered Funds		$ 2,750,000	
Unencumbered Amount			**$ 356,731**
Step 2: Determine Greater of $1M or Last 4 Deposits			
$1 Million, or		$ 1,000,000	
Last 4 years' deposits		$ 3,130,666	
FY 2020-21	*$ 951,996*		
FY 2019-20	*$ 880,377*		
FY 2018-19	*$ 951,996*		
FY 2017-18	*$ 346,297*		
Result: Larger Number			**$ 3,130,666**
Step 3: Excess Surplus is Amount Step 1 Exceeds Step 2, if Any			
(1) Unencumbered Amount		$ 356,731	
(2) Less: Larger Number From Step 2		$ 3,130,666	
Excess Surplus			**None**

Source: City of Oroville

The City will continue monitoring its deposits and fund balance to avoid any future excess surplus. If the Housing Successor has an excess surplus, it must be expended or encumbered within three fiscal years. If the housing successor fails to comply, it must transfer any excess surplus to HCD within 90 days of the end of the third fiscal year.

OTHER INFORMATION

TRANSFERS TO OTHER HOUSING SUCCESSORS

There were no transfers to another housing successor entity for a joint project under HSC Section 34176.1(c)(2).

HOMEOWNERSHIP UNIT INVENTORY

Homeownership units assisted by the Housing Successor that require restrictions, covenants, or an adopted program that protects Housing Asset Fund monies can be seen in Appendix 4.

APPENDIX 1 – HOUSING ASSET TRANSFER FORM

The HAT form is attached as a separate document.

APPENDIX 2 - HOUSING SUCCESSOR ANNUAL REPORT REQUIREMENTS

Health and Safety Code Section 34176.1(f)	
Housing Asset Fund Revenues & Expenditures	Total amount deposited in the Housing Asset Fund for the fiscal year. Amount of deposits funded by a Recognized Obligation Payment Schedule ("ROPS"). Statement of balance at the close of the fiscal year. Description of Expenditures for the fiscal year, broken out as follows: • Homeless prevention and rapid rehousing • Administrative and monitoring • Housing development expenses by income level assisted Description of any transfers to another housing successor for a joint project.
Other Assets and Active Projects	Description of any project(s) funded through the ROPS. Update on property disposition efforts (note that housing successors may only hold a property for up to five years unless it is already developed with affordable housing). Other "portfolio" balances, including: • The statutory value of any real property either transferred from the former Agency or purchased by the Housing Asset Fund • Value of loans and grants receivable Inventory of homeownership units assisted by the former Agency or the housing successor that are subject to covenants or restrictions or to an adopted program that protects the former Agency's investment of monies from the Low- and Moderate-Income Housing Fund.
Obligations & Proportionality	Description of any outstanding production obligations of the former Agency that were inherited by the Housing Successor. Compliance with proportionality requirements (income group targets), which must be upheld on a five-year cycle. Percentage of deed-restricted rental housing restricted to seniors and assisted by the former Agency, the Housing Successor, or the City within the past ten years compared to the total number of units assisted by any of those three agencies. Amount of any excess surplus, and, if any, the plan for eliminating it.

APPENDIX 3 – HOUSING ASSET FUND EXPENDITURE REQUIREMENTS

Health and Safety Code Section 34176.1		
Expense Category	Limits	Allowable Uses
Administration and Compliance Monitoring *Annual Limit*	**$321,668 maximum** for FY 2021-22 (limit varies each year)	Administrative activities such as: • Professional services (consultant fees, auditor fees, etc.) • Staff salaries, benefits, and overhead for time spent on Housing Successor administration • Compliance monitoring to ensure compliance with affordable housing and loan agreements • Property maintenance at Housing Successor-owned properties Capped at $200,000 adjusted annually for inflation or 5% of the statutory value of real property owned by the housing successor and the value of loans and grants receivable from the HAT ("Portfolio"), whichever is greater.
Homeless Prevention and Rapid Rehousing Solutions *Annual Limit*	**$250,000 maximum** per fiscal year	• Services for individuals and families who are homeless or would be homeless but for this assistance, including: • Contributions toward the construction of local or regional homeless shelters • Housing relocation and stabilization services including housing search, mediation, or outreach to property owners • Short-term or medium-term rental assistance • Security or utility deposits • Utility payments • Moving cost assistance • Credit repair • Case management • Other appropriate activities for homelessness prevention and rapid rehousing of persons who have become homeless.
Affordable Housing Development	No spending limit, but must comply with income and age targets	"Development" includes: • New construction • Acquisition and rehabilitation • Substantial rehabilitation • Acquisition of long-term affordability covenants on multifamily units • Preservation of at-risk units whose affordable rent restrictions would otherwise expire over the next five years

Health and Safety Code Section 34176.1		
Expense Category	Limits	Allowable Uses
	Income Targets *Fixed Five-Year Compliance Period* *(FY 2019-20 to 2023-24)*	Every five years (currently FYs 2020-2024), Housing Asset Funds must meet income targets: • At least 30% on extremely low-income rental households (up to 30% AMI or "Area Median Income") • No more than 20% on low-income households (60-80% AMI) Moderate and above moderate-income households may not be assisted (above 80% AMI). Failure to comply with the extremely low-income requirement in any five-year compliance period will result in having to ensure that 50 percent of remaining funds be spent on extremely low income rental units until in compliance. Exceeding the expenditure limit for low households earning between 60-80% AMI in any five-year reporting period will result in not being able to expend any funds on these income categories until in compliance.
	Age Targets *Rolling Ten-Year Period*	For the prior ten years (resets every year), a maximum of 50% of deed-restricted rental housing units assisted by the Housing Successor or its host jurisdiction may be restricted to seniors. If a housing successor fails to comply, Housing Asset Funds may not be spent on deed-restricted rental housing restricted to seniors until in compliance.

APPENDIX 4 – HOMEOWNERSHIP UNIT INVENTORY

Homeownership Unit Inventory			
Program	Address	Restriction Start Date	Restriction End Date
First Time Home Buyer Program	10 Ruxton	12/30/2008	12/29/2028
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Note: Does not include units assisted prior to 2003-04

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

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

RE: **HOUSING ELEMENT ANNUAL REPORT**

DATE: **MARCH 21, 2023**

SUMMARY

Receive and file the 2022 Housing Element Annual Progress Report

DISCUSSION

California ("State") law requires cities to submit a Housing Element Annual Progress Report ("APR") to the State's Department of Housing and Community Development ("HCD") by April 1 annually. The City of Oroville ("City") staff and consultants have prepared the 2022 APR to present to City Council, which reports on residential building activity in the calendar year 2022.

Failure to submit an APR within 60 days of the April 1st due date could result in court orders to compel compliance, and court sanctions if not completed as ordered. Failure to submit the APR for two or more consecutive years triggers Senate Bill ("SB") 35 provisions streamlining affordable multifamily housing development approvals, losing significant local control over the entitlement process.

HCD uses APR data to determine if a locality has not issued enough building permits to satisfy its Regional Housing Needs Allocation ("RHNA") by income category for a reporting period, subjecting it to SB 35 streamlining provisions until the next reporting period.

APR SUMMARY

Housing Development Activity

In the 2022 APR, Tables A and A2 of Attachment 1 summarize housing development activity for the 2022 calendar year (January 1 – December 31) as follows:

- Table A Development Applications: The City had 17 housing applications that were submitted proposing 152 units.

- Table A2 Building Permits Issued: The City issued 26 building permits for 178 housing units with 110 of those units being finished in the calendar year 2022.

Progress Meeting RHNA

Table B of Attachment 1 summarizes the City's progress in meeting its RHNA allocation for the 2014 to 2022 planning cycle. Based on the number of housing units issued a certificate of occupancy from 2014 to 2022, the City has a remaining need of 882 RHNA units.

Regional Housing Needs Allocation Progress

Income Level	RHNA Allocation (2014 to 2022)	2014	2015	2016	2017	2018	2019	2020	2021	2022	Total	Remaining Need
Very Low	419		2	8					366	136	512	-
Low	284	57	4	6			1		137	37	242	42
Moderate	306										0	306
Above Moderate	784	14	11	1	3	9	56	51	105		250	534
Total	**1,793**	**71**	**17**	**15**	**3**	**9**	**57**	**51**	**608**	**173**	**1004**	**882**

The City has fulfilled its RHNA allocation for the very low income levels; City staff will encourage opportunities to develop more units in the other income categories to help meet its RHNA allocation through 2023.

The City reported 34 above-moderate units permitted in the calendar year 2022; however, according to a response from HCD, the units will be counted in the 6th planning cycle. The reason for this is that the 5th planning cycle ended on June 15th, 2022 and the permits for those above moderate units were granted after that end date.

There are currently 968 units in the pipeline. Of those, 583 are affordable units and 385 are market rate or above units.

Sites Rezoned to Meet Shortfall Housing Need

Table C of Attachment 1 describes sites rezoned to accommodate a shortfall in housing needs in addition to those identified in the City's Housing Element. The City's 2014-2022 Housing Element included Appendix B of Attachment 2 – Residential Land Inventory which identified land and vacant residential sites available to accommodate their RHNA allocation of 1,793 housing units. 3,139 vacant sites were identified in Appendix B, which is adequate to fulfill the RHNA allocation. No additional sites have been rezoned at this time.

The City is also required to report on whether additional sites were rezoned to meet a new "no net loss" requirement enacted by SB 166 in 2017. If a city approves development on a site identified to accommodate RHNA needs in the Housing Element at a lower density or different income level than identified. The City needs to make a written finding that the need can be met by other sites identified in the housing element, or "identify and make available" other sites to accommodate the need within 180 days. Staff is analyzing development on vacant sites to report on in future APRs.

Housing Element Program Status

Table D of Attachment 1 requires the City to provide a status update on its Housing Element Programs. The staff has provided an update in Table D.

Table H of Attachment 1 requires locally owned or controlled lands declared surplus pursuant to Government Code Section 54221 or identified as excess pursuant to Government Code Section 50559. Cities or counties are required to report any land or property held in the community redevelopment trust fund. The staff has reported 1 property 3711 Ashley Avenue that was held, however, classified as exempt surplus land.

The Local Early Action Planning ("LEAP") table of Attachment 1 requires cities to report on any funding awarded by this grant. Staff reported $65,000 in awarded amounts for infrastructure planning and a blight study.

FISCAL IMPACT

These are informational items with no fiscal impact.

RECOMMENDATION

Receive and file the Housing Element Annual Progress Report for 2022.

ATTACHMENTS

Attachment 1: Annual Progress Report for 2022
Attachment 2: Appendix B

Inventory of Homeownership Units w/ Affordability Restrictions

City of Oroville

Program	Address	Restriction Start Date	Restriction End Date
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Note: Does not include units assisted prior to 2003-04

Please Start Here

General Information	
Jurisdiction Name	Oroville
Reporting Calendar Year	2022
Contact Information	
First Name	Amy
Last Name	Bergstrand
Title	Director of Housing
Email	abergstrand@cityoforoville.org
Phone	5305382584
Mailing Address	
Street Address	1735 Montgomery Street
City	Oroville
Zipcode	95965

Optional: Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

Click here to download APR Instructions

12_28_22

Optional: This runs a macro which checks to ensure all required fields are filled out. The macro will create two files saved in the same directory this APR file is saved in. One file will be a copy of the APR with highlighted cells which require information. The other file will be list of the problematic cells, along with a description of the nature of the error.

Optional: Save before running. This copies data on Table A2, and creates another workbook with the table split across 4 tabs, each of which can fit onto a single page for easier printing. Running this macro will remove the comments on the column headers, which contain the instructions. Do not save the APR file after running in order to preserve comments once it is reopened.

Optional: This macro identifies dates entered that occurred outside of the reporting year. RHNA credit is only given for building permits issued during the reporting year.

Link to the online system: https://apr.hcd.ca.gov/APR/login.do

Submittal Instructions

Please save your file as Jurisdictionname2022 (no spaces). Example: the city of San Luis Obispo would save their file as SanLuisObispo2022

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

1. **Online Annual Progress Reporting System - Please see the link to the online system to the left.** This allows you to upload the completed APR form into directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*

2. **Email -** If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

Jurisdiction	Oroville	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	06/15/2014 - 06/15/2022

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Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table A
Housing Development Applications Submitted

Project Identifier					Unit Types		Date Application Submitted	Proposed Units - Affordability by Household Incomes								Total Approved Units by Project	Total Disapproved Units by Project	Streamlining	Density Bo Applica
1					2	3	4	5							6	7	8	9	10
Prior APN+	Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Date Application Submitted+ (see instructions)	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Total PROPOSED Units by Project	Total APPROVED Units by project	Total DISAPPROVED Units by Project	Was APPLICATION SUBMITTED Pursuant to GC 65913.4(b)? (SB 35 Streamlining)	Ddi the housing development application seek incentives or concessions pursuant to Government Code section 65915?
Summary Row: Start Data Entry Below								0	124	0	28	0	0	0	152	209	0		
	035-520-035	3040 Florence Ave		B2201-001	MH	O	1/3/2022								0	1		No	No
	035-151-003	2074 Elgin St		B2208-046	MH	O	8/16/2022								0	1		No	No
	030-120-052	1421 21st St		B2209-038	MH	O	9/12/2022								0	1		No	No
	035-040-056	1 Lincoln St.		B2212-052	5+	R	12/21/2022		48		14				62	24		No	No
	035-040-056	1 Lincoln St.		B2212-053	5+	R	12/21/2022								0	24		No	No
	035-040-056	1 Lincoln St.		B2212-054	5+	R	12/21/2022								0	13		No	No
	031-110-043	135 Tuscany Dr		B2202-028	5+	R	2/9/2022		36		14				50	51		No	No
	031-150-079	145 Nelson Ave		B2201-037	5+	R	1/12/2022		40						40	40		No	No
	031-051-060	100 Jay Blue		B2202-012	5+	R	2/9/2022								0	23		No	No
	031-051-060	100 Jay Blue		B2202-013	5+	R	2/9/2022								0	24		No	No
	033-232-010	5 Midway Dr #A		B2212-069	ADU	O	12/29/2022								0	1		No	No
	031-051-005	293 Table Mountain Blvd #A		B2203-070	ADU	O	3/21/2022								0	1		No	No
	033-242-016	56 Valley View Dr		B2210-085	SFD	O	10/25/2022								0	1		No	No
	079-030-005	4001 Lower Wyandotte Rd		B2205-015	SFD	O	5/9/2022								0	1		No	No
	079-410-003	115 Pierpont Dr		B2201-039	SFD	O	1/14/2022								0	1		No	No
	035-191-021	2455 Greenville St		B2202-023	SFD	O	2/8/2022								0	1		No	No
	033-490-034	3420 Orange Ave #A & #B		B2202-009	SFA	O	2/2/2022								0	1		No	No
															0				
															0				
															0				
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Jurisdiction	Oroville	
Reporting Year	2022	(Jan. 1 - Dec. 31)
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Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table A2
Annual Building Activity Report Summary - New Construction, Entitled, Permits and Completed Units

Project Identifier					Unit Types		Affordability by Household Incomes - Completed Entitlement								
1					2	3	4							5	6
Prior APN+	Current APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Unit Category (SFA,SFD,2 to 4,5+,ADU,MH)	Tenure R=Renter O=Owner	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Entitlement Date Approved	# of Units issued Entitlements
Summary Row: Start Data Entry Below							0	0	0	0	0	0	0		0
	079-410-003	115 Pierpont Dr		B2201-039	SFD	O									0
	035-191-021	2455 Greenville St		B2202-023	SFD	O									0
	035-165-025	2725 Elgin St		B2207-047	SFD	O									0
	035-165-024	2727 Elgin St		B2207-048	SFD	O									0
	033-242-016	56 Valley View Dr		B2210-085	SFD	O									0
	030-550-025	6 Patrick Ct		B2009-034	SFD	O									0
	079-010-038	85 Brookdale Dr		B2011-033	SFD	O									0
	035-172-011	1915 Greenville St		B2102-010	SFD	O									0
	079-040-033	22 Pleasant Oak Ln		B2103-030	SFD	O									0
	033-500-001	1 Hawley Trl		B2103-49	SFD	O									0
	079-040-010	31 Butte Woods Dr		B2104-012	SFD	O									0
	068-070-002	16 Zepher Way		B2106-044	SFD	O									0
	031-051-005	293 Table Mountain Blvd #A		B2203-070	ADU	O									0
	031-052-068	223 Table Mountain Blvd		B2110-004	5+	R									0
	031-053-068	219 Table Mountain Blvd		B2110-005	5+	R									0
	031-053-068	217 Table Mountain Blvd		B2110-006	5+	R									0
	031-053-068	215 Table Mountain Blvd		B2110-007	5+	R									0
	035-240-043	400 Mitchell Ave		B2110-048	5+	R									0
	035-240-043	400 Mitchell Ave		B2110-049	5+	R									0
	031-150-079	145 Nelson Ave		B2201-037	5+	R									0
	031-051-060	100 Jay Blue Dr Bld 2		B2202-012	5+	R									0
	031-051-060	100 Jay Blue Dr Bld 1		B2202-013	5+	R									0
	031-110-043	135 Tuscany Dr		B2202-028	5+	R									0
	035-240-044	500 Mitchell Ave		B2101-025	5+	R									0
	035-240-044	500 Mitchell Ave		B2101-082	5+	R									0
	031-110-040	95 Tuscany Dr		B2101-027	5+	R									0
	035-240-044	Mitchell Ave		CA-2020-198	5+	R									0
	031-053-067,031-053-069,031-053-071,031-053-072,031-053-073,031-053-074	205 Table Mountain Blvd		CA-2020-199	5+	R									0
															0
															0
															0

Current APN	Affordability by Household Incomes - Building Permits								
	7							8	9
Current APN	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Building Permits Date Issued	# of Units Issued Building Permits
Summary Row	0	136	0	37	0	0	5		178
079-410-003								4/11/2022	0
035-191-021							1	6/21/2022	1
035-165-025							1	10/10/2022	1
035-165-024							1	10/10/2022	1
033-242-016							1	12/1/2022	1
030-550-025								4/6/2021	0
079-010-038								1/25/2021	0
035-172-011								6/30/2021	0
079-040-033								5/26/2021	0
033-500-001								8/26/2021	0
079-040-010								8/23/2021	0
068-070-002								8/4/2021	0
031-051-005							1	10/11/2022	1
031-052-068		34		14				4/6/2022	48
031-053-068								4/6/2022	0
031-053-068								4/6/2022	0
031-053-068								4/6/2022	0
035-240-043		26		9				4/28/2022	35
035-240-043								4/28/2022	0
031-150-079		40						6/8/2022	40
031-051-060								6/29/2022	0
031-051-060								6/29/2022	0
031-110-043		36		14				6/9/2022	50
035-240-044								6/23/2021	0
035-240-044								6/23/2021	0
031-110-040								4/6/2021	0
035-240-044									0
031-053-067,031-053-069,031-053-071,031-053-072,031-053-073,031-053-074									0
									0
									0
									0

Current APN	Affordability by Household Incomes - Certificates of Occupancy								
	10							11	12
Current APN	Very Low-Income Deed Restricted	Very Low-Income Non Deed Restricted	Low-Income Deed Restricted	Low-Income Non Deed Restricted	Moderate-Income Deed Restricted	Moderate-Income Non Deed Restricted	Above Moderate-Income	Certificates of Occupancy or other forms of readiness (see instructions) Date Issued	# of Units issued Certificates of Occupancy or other forms of readiness
Summary Row	0	78	0	28	0	0	29		135
079-410-003							1	10/13/2022	1
035-191-021									0
035-165-025									0
035-165-024									0
033-242-016									0
030-550-025							1	3/1/2022	1
079-010-038							1	6/30/2022	1
035-172-011							1	6/30/2022	1
079-040-033							1	8/11/2022	1
033-500-001							1	7/1/2022	1
079-040-010							1	1/27/2022	1
068-070-002							1	7/11/2022	1
031-051-005									0
031-052-068									0
031-053-068									0
031-053-068									0
031-053-068									0
035-240-043									0
035-240-043									0
031-150-079									0
031-051-060									0
031-051-060									0
031-110-043									0
035-240-044		26		9				11/17/2022	35
035-240-044								11/17/2022	0
031-110-040							21	11/17/2022	21
035-240-044									0
031-053-067,031-053-069,031-053-071,031-053-072,031-053-073,031-053-074		52		19				3/1/2022	71
									0
									0
									0

Current APN		Streamlining	Infill	Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	Term of Affordability or Deed Restriction	Demolished/Destroyed Units			Density Bonus				Notes
	13	14	15	16	17	18	19	20			21	22	23	24	25
Current APN	How many of the units were Extremely Low Income?+	Was Project APPROVED using GC 65913.4(b)? (SB 35 Streamlining) Y/N	Infill Units? Y/N+	Assistance Programs for Each Development (may select multiple - see instructions)	Deed Restriction Type (may select multiple - see instructions)	For units affordable without financial assistance or deed restrictions, explain how the locality determined the units were affordable (see instructions)	Term of Affordability or Deed Restriction (years) (if affordable in perpetuity enter 1000)+	Number of Demolished/Destroyed Units	Demolished or Destroyed Units	Demolished/Destroyed Units Owner or Renter	Total Density Bonus Applied to the Project (Percentage Increase in Total Allowable Units or Total Maximum Allowable Residential Gross Floor Area)	Number of Other Incentives, Concessions, Waivers, or Other Modifications Given to the Project (Excluding Parking Waivers or Parking Reductions)	List the incentives, concessions, waivers, and modifications (Excluding Parking Waivers or Parking Modifications)	Did the project receive a reduction or waiver of parking standards? (Y/N)	Notes+
Summary Row	67	0						0		0					
079-410-003	0	N	N												
035-191-021	0	N	N												
035-165-025	0	N	N												
035-165-024	0	N	N												
033-242-016	0	N	N												
030-550-025	0	N	N												
079-010-038	0	N	N												
035-172-011	0	N	N												
079-040-033	0	N	N												
033-500-001	0	N	N												
079-040-010	0	N	N												
068-070-002	0	N	N												
031-051-005	0	N	N												
031-052-068	5	N	N	Other		N/A									Disaster Tax Credits
031-053-068	0	N	N												
031-053-068	0	N	N												
031-053-068	0	N	N												
035-240-043	4	N	N	LIHTC		N/A									
035-240-043	0	N	N	Other											Disaster Tax Credits
031-150-079	40	N	N			N/A									
031-051-060	0	N	N												
031-051-060	0	N	N												
031-110-043	6	N	N	Other		N/A									Disaster Tax Credits
035-240-044	4	N	N	Other		N/A									Disaster Tax Credits
035-240-044	0	N	N												
031-110-040	0	N	N	Other											Disaster Tax Credits
035-240-044	0	N	N												
031-053-067,031-053-069,031-053-071,031-053-072,031-053-073,031-053-074	8	N	N	LIHTC		N/A									

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This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.

Please contact HCD if your data is different than the material supplied here

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

Income Level		1 RHNA Allocation by Income Level		2 2014	2015	2016	2017	2018	2019	2020	2021	2022	3 Total Units to Date (all years)	4 Total Remaining RHNA by Income Level
Very Low	Deed Restricted	419	-	-	-	-	-	-	-	-	366	-	512	-
	Non-Deed Restricted		-	-	2	8	-	-	-	-	-	136		
Low	Deed Restricted	284	-	50	-	-	-	-	1	-	137	-	242	42
	Non-Deed Restricted		-	7	4	6	-	-	-	-	-	37		
Moderate	Deed Restricted	306	-	-	-	-	-	-	-	-	-	-	-	306
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-		
Above Moderate		784	-	14	11	1	3	9	56	51	105	-	250	534
Total RHNA		**1,793**												
Total Units			**-**	**71**	**17**	**15**	**3**	**9**	**57**	**51**	**608**	**173**	**1,004**	**882**

Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).

	5 Extremely low-Income Need		2014	2015	2016	2017	2018	2019	2020	2021	2022	6 Total Units to Date	7 Total Units Remaining
Extremely Low-Income Units*	210		-	-	-	-	-	-	-	-	55	**55**	**155**

*Extremely low-income houisng need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

Jurisdiction	Oroville	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	06/15/2014 - 06/15/2022

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Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table C
Sites Identified or Rezoned to Accommodate Shortfall Housing Need and No Net-Loss Law

Project Identifier				Date of Rezone	RHNA Shortfall by Household Income Category				Rezone Type	Sites Description							
1				2	3				4	5	6	7	8		9	10	11
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Date of Rezone	Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income	Rezone Type	Parcel Size (Acres)	General Plan Designation	Zoning	Minimum Density Allowed	Maximum Density Allowed	Realistic Capacity	Vacant/Nonvacant	Description of Existing Uses
Summary Row: Start Data Entry Below																	

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Jurisdiction	Oroville	
Reporting Year	2022	(Jan. 1 - Dec. 31)

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.

1	2	3	4
Name of Program	**Objective**	**Timeframe in H.E**	**Status of Program Implementation**
Policy 1.1 Encourage Home Ownership	**Action 1.1.1: Provide homebuyer and first-time homebuyer assistance up to $100,000 or 45% of the purchase price of the home; whichever is less. The maximum purchase price allowed is $200,000; for each qualified household, with a goal of assisting five units per year. However, these terms are subject to change with program guideline chnages and a city council action item.**	**Application to be made annually, subject to the State application cycle.**	**The City was awarded HOME funding in 2019 in the amount of $1,000,000. City applied for and we have heard was awarded $1,000,000 of 2020 CDBG NOFA, no award letter has been received nor standard agreement executed. City applied for $1,650,000 for Mortgage Assistance in the 2019 CalHOME NOFA and was NOT funded.**
Policy 1.2 Work cooperatively with other governmental entities to reduce homelessness and facilitate the provision of shelter and services for those in need.	**Action 1.2.1: Continue to work with the Butte County Homeless Coalition Continuum of Care Coalition to reduce the number of homeless individuals in the area.**	**Throughout the planning period.**	**City Council has a member and alternate member on the Butte County CoC which meets at a minimum monthly to further CoC objectives that are then brought back to the city council and city staff to consider.**

Policy 1.2 Work cooperatively with other governmental entities to reduce homelessness and facilitate the provision of shelter and services for those in need.	**Action 1.2.2: Ensure that City zoning regulations for emergency shelters, transitional and supportive housing, and Single Room Occupancy (SRO) housing facilitate these uses consistent with state law, and provide assistance with grant applications for the development of new facilities to serve the homeless.**	**Continue to assist sponsors with applications for special needs housing on a project-by-project basis throughout the planning period.**	**On May 6, 2014, the City Council adopted Ordinance No. 1804 to amend the City's Zoning Code for fulfilling objects as specificed in the 2009-2014 Housing Element of the General Plan. The ordinance included regulations for emergency shelters, transitional and supportive housing, and SRO's to ensure consistency with state law. additionally, the City has a temporary ordinance allowing RVs and mobile homes on residential lots to alleviate the acute housing shortage caused by the Paradise Camp Fire and now the Bear Fire.**
Policy 1.2 Work cooperatively with other governmental entities to reduce homelessness and facilitate the provision of shelter and services for those in need.	**Action 1.2.3: Maintain and publicize a comprehensive listing of housing developments that serve low-income households, persons with disabilities, and other special needs populations.**	**The City provides updated lists to public entities and special service organizations annually and as requested. Additionally, the list is updated and posted on the City's website and shared with the Butte County Housing Authority as changes occur.**	**There is an updated list of affordable housing projects on the City's website under Services/Housing Development/Affordable Housing in Oroville.**
Policy 1.3: Continute to facilitate the provision for housing for persons with disabilities and for persons with limited or restricted mobility to enhance accessibility and mobility.	**Action 1.3.1: In accordance with the requirements of SB 520, the City will continue to allow for administrative approval of exceptions in land use regulations to provide reasonable accommodations for housing for persons with disabilities.**	**Continue to process requests for reasonable accommodation exdeditiously throughout the planning period.**	**Ordinance No. 1804 also created an administrative mechanism for a disabled person to file a request for reasonable accommodation to make specific housing available to one or more individuals protected under the Fair Housing Laws.**
Policy 1.4: Facilitate the production of farmworker housing in the City.	**Action 1.4.1: Continue to ensure that local zoning, development standards, and permit processing procedures for farmworker housing do not conflict with Health and Safety Code Sections 17021.5 and 17021.6.**	**Throughout the planning period.**	**Ordinance No. 1804 also included provisions to allow farmworker and migrant housing consistent with Health and Safety Code Section 17021.6.**

Policy 2.1: Minimize constraints to the development of affordable housing through supportive codes, ordinances, policies, and guidelines.	**Action 2.1.1: Continue to monitor the development review process to ensure that the City's review and approval (timing and cost) do not constrain residential development including multi-family and housing affordable to low- and moderate- income households. If the City's review and approval processes are found to unreasonably constrain development, the City will take action to amend the process or establish guidelines and other mechanisms to promote increased application certainty and reduce processing time to the extent feasible.**	**Annual review as part of the Housing Element Annual Report.**	**The City offers concurrent processing to streamline the development process and the zoning ordinance provides development incentives for low income housing including fast-track processing and desity bonuses. Pre-application / development review meetings help to minimize processing times by bringing all applicable agencies/City departments to one meeting to discuss a project, giving developers all information upfront to ensure a successful project completion.**
Policy 2.1: Minimize constraints to the development of affordable housing through supportive codes, ordinances, policies, and guidelines.	**Action 2.1.2: Track Housing Element implementation progress as part of the annual housing report submitted to the State Department of Housing and Community Development (HCD).**	**Submit update annually in accordance with state law.**	**In compliance.**
Policy 2.1: Minimize constraints to the development of affordable housing through supportive codes, ordinances, policies, and guidelines.	**Action 2.1.3: Periodically survey development application, plan check and inspection fees, impact fees and utility connection fees of other cities in the Butte County area to ensure that these City fees are reasonably related to the cost of services provided.**	**Fee surveys every two years.**	**On April 21, 2015 the City Council adopted Resolution No. 8353 updating its development impact fees in accordance with the findings of the City of Orovile Development Impact Fee Report completed by Willdan Financial Services on April 16, 2015. On June 7, 2016, the City Council updated the Community Development Department's portion of the City's Master Fee Schedule to adjust for inflation using the annual percentage change in Consumer Price Index. The development impact fees are currently in the process of being updated, and the City's Master Fee Schedule was last updated on June 7, 2020. The City Council adopted Ordiance No. 1843 on June 2, 2020 establishing a fee deferral program.**

Policy 3.1: Ensure that the City's inventory of residentially-zoned land is sufficient to accommodate development for all housing types and income levels commensurate with growth needs and the the Regional Housing Needs Assessment (RHNA).	**Action 3.1.1: Perform regular updates to the City's GIS system to track development and maintain an accurate list of vacant residential land in the City.**	**Annual updates**	**The City regularly maintains a list of vacant lands that are shared with the development community and updaged by GIS Staff.**
Policy 3.1: Ensure that the City's inventory of residentially-zoned land is sufficient to accommodate development for all housing types and income levels commensurate with growth needs and the the Regional Housing Needs Assessment (RHNA).	**Action 3.1.2: Continue to implement the no net loss provisions of AB 2292 to ensure the availability of adequate sites to accommodate the City's share of regional housing needs throughout the planning period.**	**Ongoing throughout the planning period.**	**On March 15, 2015, the City Council adopted an update to the City's zoning code and map which rezones many properties to conincide with the General Plan land use designations approved by the City in 2009. Many properties previously zoned for strictly commercial purposes now permit multi-family, high-density residential development.**
Policy 3.1: Ensure that the City's inventory of residentially-zoned land is sufficient to accommodate development for all housing types and income levels commensurate with growth needs and the the Regional Housing Needs Assessment (RHNA).	**Action 3.1.3: Coordinate an annual workshop with the Oroville Economic Development Corporation and its members to identify the housing needs of employees in the community in order to ensure that the City's land use plans support development of housing suitable for the local workforce as part of the City's overall economic development program.**	**Annual workshops throughout the planning period.**	**The City attended this year but was not a sponsor.**

Policy 3.2: Provide technical assistance to developers, nonprofit organizations, or other qualified private sector interests in seeking federal and state financing for affordable hosuing, including units affordable to extremely low income households and supportive housing for persons with developmental disabilities.	**Action 3.2.1: The City will actively work with interested developers to identify sources of funding and provide technical assistance in seeking fudning for the construction of new affordable multi-family housing, including units for large family households, extremely-low-income households, and persons with developmental disabilities. Funding to be pursued includes tax-exempt mortgage revenue bonds; HCD's Multifamily Housing Program; and low-income housing tax credits (LIHTC). The CIty shall also assist by providing letters of support for funding applications during the application process to increase the changes of a project receiving a funding award.**	**Monitor grant funding opportunities annually, provide assistance to affordable housing developers upon request, and continue to notify developers of funding opportunities as they arise throughout the planning period.**	**The City was awarded HOME funding for the development of the Sierra Heights Project for seniors. This project is currently under construction and should receive a certification of occupancy in march 2021. There will be 42 units for extremely low income seniors. Additionally, the City is applied for 2019 AHSC grant funding in the approximate amount of $17,000,000 to build an affordable family project on Table Mountain and Nelson, this project was NOT funded. The City is also working with the Veteran Housing Development Corporation to develop a supportive housing, multifamily project for low-income, 60% and below AMI Veterans. Also, the City has donated land to the Veterans Housing Development Corporation in order for them to build 12 townhomes to sell to income qualified Veterans along with 7 single family homes that the Veterans Development Corp will rehab and sell to income qualified vetreans all under 80% AMI. City worked with developers, who applied and were award tax credits for 5 affordable, mulit-family projects. This will bring 312 low-very low income units to Oroville over the next two years.**
Policy 4.1: Protect existing residential neighborhoods from deterioration and encroachment of incompatible or potentially disruptive land uses and/or activities.	**Action 4.1.1: Seek code enforcement grants to augment current code enforcement activities to supplement the graffiti removal program, to fund neighborhood clean-up fairs, and general code enforcement and community beautification efforts. Utilize neighborhood resources, including neighborhood groups to supplement City code enforcement activities. Where possible, link code enforcement activities to available funding for improvements and correction of violations.**	**Throughout the planning period.**	**The City of Oroville included $279,000 in funding for Code Enforcement in its 2017 CDBG Grant and will continue to look for additional grant funding. Additionallly, the City had developed a task force that will combine Municipal Law Enforcement Officers, Code Enforcement officers and staff from Parks and Trees that will be proactive in identifiying code related issues, citing and enforcement codes. City was awarded CalOES funds to assist with the hiring or additional code enforcement officers.**

Policy 4.2: Ensure adequate public facilities to support the development of housing.	**Action 4.2.1: Install an upgrade public service facilities (streets, curb, gutter, drainage facilities, and utilities) to encourage increased private market investment in declining, deteriorating and infrastruction-deficient neighborhoods.**	**Continuous and ongoing throughout the planning period.**	**The City if continually evaluating public facilities to ensure they are not declining or deteriorating. Major infrastructure improvements to sewer, storm water, and roads are based on condition, demands, and future needs. Impact fees are used to make the infrastructure investments to support growth, infill, and desification. The City and SCOR, the sewer treatment facility for the area,has been looking for grant funding to prepare for an expansion in order to keep up with the growth in the City since the Camp Fire and well as to run more efficiently.**
Policy 4.3: Facilitate housing rehabilitation and stabilize existing neighborhoods, particularly those with high foreclosure and vacancy rates.	**Action 4.3.1: To the extent funding is available, purchase abandoned homes, and provide rehabilitation assistance to improve deteriorated neighborhoods.**	**Annual grant applications.**	**Since the RDA has dissolved, the City does not have funding to proactively purchase abandoned homes to rehabilitate but is certainly looking for situations where there may be funds to cure properties in foreclosure and/or to receive via Deed in Lieu, that make sense financially. In circumstances where it is financially feasibly, the City will foreclose on properties that are in default to take back to either sell at market rate or rehab and sell to low income. The housing stock that the city has accumulated by Foreclosure have been approved for transfer to the Veterans Housing Development Corp in order for them to sell to low and extremly low income veterans.**
Policy 4.3: Facilitate housing rehabilitation and stabilize existing neighborhoods, particularly those with high foreclosure and vacancy rates.	**Action 4.3.2: The City shall continue to support the Owner Occupied Single Family Rehabilitation Program. The City expects to fund the rehabilitation of approximately 5 units over the next planning period.**	**Continuous and ongoing.**	**The City has no current grant funding for this activity. The City expects to assist no more than 3 rehabilitations over the next planning period using CalHome Program Income**

Policy 4.4: Encourage the preservation of the existing affordable housing stock in the City.	**Action 4.4.1: Continue regular contact with the California Housing Partnership Corporation (CPHC). The City will continue to pursue State and Federal funding sources such as the HOME, CDBG, and multi-family housing program (MHP) to assist the preservation of at-risk units. The City shall maintain dialogue with developers and on-site managers and shall continue to be a source of information and technical assistance to potential purchasers and tenants of properties that oculd potentially convert to market rate. Ensure that all owners and managers of affordable housing are provided with applicable state and federal laws regarding notice to tenants of the owner's desire to opt-out or prepay.**	**Throughout the planning period.**	**This program will be continued as funding becomes available.**

Policy 5.1: Support the intent and spirit of equal housing opportunity and the Fair Housing Act.	**Action 5.1.1: Require that all recipients of locally administered housing assistance funds acknowledge their responsibilities under fair housing law and affirm their commitment to the law. Coordinate and host regular workshops as a supplement to a tenant/landlord education program to provide managers, real estate professionals, and tenants about fair housing laws, race and disability discrimination, and familial status protections. Publicize fair housing and dispute resolution information through flyers/brochures in the lobby of City Hall, in the library, community cneters, senior centers, local social service offices, real estate offices, mortgage offices, management offices of housing complexes, and on the City's website.**	**The City will engage in continuous and long term monitoring of properties in receipt of locally administered housing funds to ensure compliance; annual workshops.**	**This program is continuous and ongoing. City staff has attended updated fair housing training.**
No Name	**Action 5.1.2: The City shall engage in a public noticing campaign to inform persons with disabilities of any age of their ability to locate in senior citizen independent living facilities that are funded with federal funds.**	**Public noticing campaign with materials updated annually.**	**The City currently has information materials for available senior housing options. The City works with Butte County Housing Authority, Community Action Agency, and other special interest groups to update the information annually. This program is continued.**
Policy 6.1: Encourage residential energy conservation through required compliance with current building codes and incentives for voluntary conservation efforts.	**Action 6.1.1: The City shall continue to require, at a minimum, that all new residential development comply with the energy conservations requirements of Title 24 of the California Administrative Code.**	**Throughout the planning period.**	**This remains a requirement enforced by the City's Building Department.**

No Name	Action 6.1.2: Assist in publicizing utility incentives for energy conservation through flyers and on the City's website.	Annual updates to flyers.	On February 2, 2016 the City Council has approved to include properties within the City of Oroville in three different Property Assessed Clean Energy (PACE) programs. 1)Ygrene Works, 2) HERO, and 3) Open PACE.

General Comments:

Jurisdiction	Oroville	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	06/15/2014 - 06/15/2022

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table E

Commercial Development Bonus Approved pursuant to GC Section 65915.7

Project Identifier				Units Constructed as Part of Agreement				Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
1				2				3	4
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Very Low Income	Low Income	Moderate Income	Above Moderate Income	Description of Commercial Development Bonus	Commercial Development Bonus Date Approved
Summary Row: Start Data Entry Below									

Jurisdiction	Oroville	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	06/15/2014 - 06/15/2022

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

Table F
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)

Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.

Activity Type	Units that Do Not Count Towards RHNA+ Listed for Informational Purposes Only				Units that Count Towards RHNA + Note - Because the statutory requirements severely limit what can be counted, please contact HCD to receive the password that will enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1+. For detailed reporting requirements, see the chcklist here:
	Extremely Low-Income+	Very Low-Income+	Low-Income+	TOTAL UNITS+	Extremely Low-Income+	Very Low-Income+	Low-Income+	TOTAL UNITS+	https://www.hcd.ca.gov/community-development/docs/adequate-sites-checklist.pdf
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Residential Units									
Mobilehome Park Preservation									
Total Units by Income									

Jurisdiction	Oroville	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	06/15/2014 - 06/15/2022

For up to 25 percent of a jurisdiction’s moderate-income regional housing need allocation, the plar

Project Identifier

1

Prior APN+	Current APN	Street Address	Project Name+
Summary Row: Start Data Entry Below			

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain a

Table F2

Above Moderate Income Units Converted to Moderate Income Pursua

ıning agency may include the number of units in an existing multifamily building that were converted to d
this table, please ensure housing developments meet the requirements descr

	Unit Types		Affordability by Hou		
	2	3			
Local Jurisdiction Tracking ID+	**Unit Category** (2 to 4,5+)	**Tenure R=Renter**	**Very Low-Income Deed Restricted**	**Very Low-Income Non Deed Restricted**	**Low- Income Deed Restricted**

auto-calculation formulas

nt to Government Code section 65400.2

eed-restricted rental housing for moderate-income households by the imposition of affordability covenants a
ribed in Government Code 65400.2(b).

sehold Incomes After Conversion				Units credited toward Ab RHNA
4				5
Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate-Income	Total Moderate Income Units Converted from Above Moderate

ınd restrictions for the unit. Before adding information to

ove Moderate	Notes
	6
Date Converted	**Notes**

Jurisdiction	Oroville	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	06/15/2014 - 06/15/2022

NOTE: This table must only be filled out if the housing element sites inventory contains a site which is or was owned by the reporting jurisdiction, and has been sold, leased, or otherwise disposed of during the reporting year.

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Table G

Locally Owned Lands Included in the Housing Element Sites Inventory that have been sold, leased, or otherwise disposed of

Project Identifier						
1				2	3	4
APN	Street Address	Project Name+	Local Jurisdiction Tracking ID+	Realistic Capacity Identified in the Housing Element	Entity to whom the site transferred	Intended Use for Site
Summary Row: Start Data Entry Below						

Jurisdiction	Oroville	
Reporting Period	2022	(Jan. 1 - Dec. 31)

NOTE: This tab
ALL surplus/ex

ANNUAL ELEMENT PROGRESS
Housing Element Implemer

For Butte County jurisdictions, please format the APN's

Table H
Locally Owned Surplus Site

Parcel Identifier

1	2	3	4
APN	**Street Address/Intersection**	**Existing Use**	**Number of Units**
Summary Row: Start Data Entry Below			
33452016000	3711 Ashley	Residential	1

ıle is meant to contain an invenory of
ccess lands the reporting jurisdiction owns

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

S REPORT
ıtation

as follows:999-999-999-999

es

Designation	Size	Notes
5	6	7
Surplus Designation	**Parcel Size (in acres)**	**Notes**
Exempt Surplus Land	0.13	None

Jurisdiction	Oroville	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	06/15/2014 - 06/15/2022

NOTE: SB 9 PROJECTS ONLY. This table only needs to be completed if there were lot splits applied for pursuant to Government Code 66411.7 OR units constructed pursuant to 65852.21.
Units entitled/permitted/constructed must also be reported in Table A2. Applications for these units must be reported in Table A.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

optional field

Cells in grey contain auto-calculation formulas

Table I

Units Constructed Pursuant to Government Code 65852.21 and Applications for Lot Splits Pursuant to Government Code 66411.7 (SB9)

Project Identifier				Project Type	Date	Unit Constructed			
1				2	3	4			
APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Activity	Date	Very Low Income	Low Income	Moderate Income	Above Moderate Income
Summary Row: Start Data Entry Below									

Jurisdiction	Oroville	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	06/15/2014 - 06/15/2022

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code65915(b)(1)(F)

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation

Not

Cells in g

Table J

Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915

Project Identifier				Project Type	Date	Units (Beds/Student Capacity) Approved						
1				2	3	4						
APN	**Street Address**	**Project Name+**	**Local Jurisdiction Tracking ID+**	**Unit Category** (SH - Student Housing)	**Date**	**Very Low- Income Deed Restricted**	**Very Low- Income Non Deed Restricted**	**Low- Income Deed Restricted**	**Low- Income Non Deed Restricted**	**Moderate- Income Deed Restricted**	**Moderate- Income Non Deed Restricted**	**Above Moderate-Income**
Summary Row: Start Data Entry Below												

Jurisdiction	Oroville	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	06/15/2014 - 06/15/2022

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	136
Low	Deed Restricted	0
	Non-Deed Restricted	37
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		5
Total Units		**178**

Note: Units serving extremely low-income households are included in the very low-income permitted units totals

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	0	0
SFD	0	4	8
2 to 4	0	0	0
5+	0	173	127
ADU	0	1	0
MH	0	0	0
Total	**0**	**178**	**135**

Housing Applications Summary	
Total Housing Applications Submitted:	17
Number of Proposed Units in All Applications Received:	152
Total Housing Units Approved:	209
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

Jurisdiction	Oroville	
Reporting Year	2022	(Jan. 1 - Dec. 31)

L

Please update the status of the proposed uses listed in the entity's application for funding and the c
50515.02 or 50515.03, as applicable.

Total Award Amount	$

Task	$ Amount Awarded	$ Cumulative Reimbursement Requested
Infrustructure Planning	$55,000.00	$0.00
Blight Study	$10,000.00	$0.00

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Tab

Completed Entitlement Issued by Affordability Summary	
Income Level	
Very Low	Deed Restricted
	Non-Deed Restricted
Low	Deed Restricted
	Non-Deed Restricted
Moderate	Deed Restricted
	Non-Deed Restricted
Above Moderate	
Total Units	

Building Permits Issued by Affordability Summary	
Income Level	
Very Low	Deed Restricted
	Non-Deed Restricted
Low	Deed Restricted
	Non-Deed Restricted

Moderate	Deed Restricted
	Non-Deed Restricted
Above Moderate	
Total Units	

Certificate of Occupancy Issued by Affordability Summary	
Income Level	
Very Low	Deed Restricted
	Non-Deed Restricted
Low	Deed Restricted
	Non-Deed Restricted
Moderate	Deed Restricted
	Non-Deed Restricted
Above Moderate	
Total Units	

ANNUAL ELEMENT PROGRESS REPORT
.ocal Early Action Planning (LEAP) Reporting
(CCR Title 25 §6202)
:orresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the

65,000.00	*Total award amount is auto-populated based on amounts entered in rows 15-26.*

Task Status
In Progress
In Progress

ble A2)

Current Year
0
0
0
0
0
0
0
0

Current Year
0
136
0
37

0
0
5
178

Current Year
0
78
0
28
0
0
29
135

e eligible uses specified in Section

Other Funding	Notes
None	
None	

CITY OF OROVILLE
STAFF REPORT

TO: **THE HONORABLE MAYOR AND MEMBER OF THE COUNCIL**

FROM: **MATT THOMPSON, ACTING CITY ENGINEER**

RE: **CAPITAL PROJECT TASK ORDERS.**

DATE: **MARCH 21, 2023**

SUMMARY

The Council may direct staff regarding the issuing of three (3) task orders for the design of capital improvement projects.

DISCUSSION

Staff is continuing development of capital improvement projects. Staff is proposing to issue three task order to NorthStar Engineering for design services under contract number 3387. Staff requests authority to proceed with the task orders for the following projects.

Task Order 10 – South 5th Ave from Cal Oaks Rd to Oro Dam Blvd. Pavement reconstruction, curb, gutter and ADA curb ramp compliance. $122,788.00

Task Order 11 – Lower Wyandotte from V7 Rd to Wyandotte Ave. Pavement reconstruction, and ADA curb ramp compliance. $106,243.00

Task Order 16 – Fogg Ave. Drainage improvements, and pavement rehabilitation. $63,341.00

FISCAL IMPACT

The funds in the amount of $292,372.00 will come from fund 5021-6360, Local Transportation Fund – Outside Services.

RECOMMENDATION

Staff recommends that the Council direct the City Administrator to proceed with the task orders discussed above to NorthStar Engineering.

ATTACHMENTS

Task Order 10
Task Order 11
Task Order 16

TASK ORDER #10
FOR PROFESSIONAL SERVICES

This Task Order is made and entered into as of _____, 2023, 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 production of plans, specifications, estimates, etc. for the repaving and restriping of 5th Ave, from Oro Dam Blvd to Cal Oak Rd and associated work; 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 $122,788.00 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.

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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.

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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**

NORTHSTAR

SCOPE OF WORK

SERVICES PROVIDED

NorthStar has prepared the following scope of services to develop the project design and subsequent construction bid documents that best supports the successful implementation of this project. This scope is based on our understanding of the project at the time of this proposal, a recent site visit, and the Design Team's collective experience with similar improvement 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 of work for the 5th Ave Project is to provide pavement replacement and a restriping plan along 5th Ave from Oro Dam Blvd E to Cal Oak Rd. In addition, NorthStar will make improvements to sidewalks and valley gutters where tree roots have caused buckling. The project estimate also includes the analysis of three ramps within the project limits and a design if they are not in compliance with ADA standards. The project scope includes surface drainage improvements by the addition of curb and gutter where necessary.

Task 1 Project Management

NorthStar will perform the numerous services and activities associated with management of the construction 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 includes front office and project administration including, but not limited to, managing insurance policies, packaging, mailing and deliveries, billing, Ajera 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 Design 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 expects to have a weekly one-hour meeting for a month duration with the City to review project progress and activities.

Quality Assurance / Quality Control

NorthStars 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; internal communications that established a clear level of expectations, and peer review for clarity and accuracy for salient deliverables.

CITY CONTRACT NO. 3387
TASK ORDER 10
EXHIBIT A

NORTHSTAR

Task 2 Topographic Survey and Basemapping

NorthStar will retain the services of an Aerial Photogrammetrist to perform a topographic survey and provide a base map suitable for the design of the new roadway rehabilitation projects. The survey will include the limits as depicted in Attachment A falling between the road right-of-ways. The topographic map shall include:

- Surface improvements
- Underground utilities compiled from utility surface features, as-built plans and franchise utility system maps (research performed by NorthStar). Invert elevations are excluded from this scope.
- Fence Lines
- Existing striping
- Tree canopy lines
- Right-of-way Lines compiled from record information
- Surface Roadway Features, tops, toes, etc.

The aerial photogrammetric map shall be prepared at a 1" = 20' scale with 1' contours. Supplemental ground surveys shall be performed at the requested curb returns and where trees have impacted the sidewalk grades and will be incorporated in the aerial base map.

The vertical control will be on the North American Vertical Datum of 1988 (NAVD88). The topographic survey will be compiled in AutoCAD Civil 3D 2018. A signed pdf file of the Topographic Base Map and the AutoCAD drawing file will be provided for the project teams use.

Preliminary research of existing record mapping along 5th Avenue within the project area shows that not all right-of-ways have been mapped. Right-of-way lines shown on existing maps within the project area will be depicted on the topographic survey where sufficient monuments can be found based on said record mapping.

Task 3 Design

Right of Way & Utility Coordination

NorthStar will identify the right of way to establish temporary construction signage, proposed fence relocation(s), tree removal, and other related permits and improvements if necessary.

NorthStar will coordinate with utility companies to identify utility conflicts and collaborate on appropriate avoidance or relocation solutions.

Civil Design: 35%, 60%, & 90% Plans

The 35% design completion serves multiple functions in the design process such identifying and resolving site specific prospective challenges. Utilizing this phase of development for problem solving and iterative design prevents unnecessarily expenditure of resources on an errant design trajectory.

Next, 60% design task will progress the 35% preliminary design by incorporation of discussed refinements and preferred alternatives. This task is intended to perform the bulk of the design

effort, and will include developing the bid item list, quantities, engineer's estimate, and special (technical) specifications.

Based on the City technical review and comments to the 60%, the project plans, specifications and estimate will be progressed to a 90% level of completion including preparation and inclusion of applicable bid documents. Additionally, this level of design will be developed to support submittal for the Request for Allocation for the construction phase of the project. The project plans will include label detailing, notes, and design refinements to support implementation of the project by any contractor. Similarly, project specifications and engineer's estimate will be refined to support successful implementation of the project.

DELIVERABLES:

- 90% Complete Civil Design
- Engineers Estimate
- General and standard specifications

Final Design and Contract Documents

After receiving comments from the 90% level of design, the Contract and Construction Documents will be refined to address applicable comments and best support constructability of the project.

DELIVERABLES:

- One set of hard copy (letter size) and digital copy (pdf and MS Word) 90% level of project Bid Book; including General, Standard Special, revised (as applicable), Amended (as applicable) Provisions;
- One set of hard copy (24x36) and digital copy (pdf or Design Review) 100% Contract and Construction Documents

Task 4 Storm Drain MS4

It is our understanding that the City of Oroville does not follow MS4 standards and specifications. It is assumed that storm drain MS4 management system complying with Post Construction Standards will not be required for this project and is not included in the proposal.

Although MS4 is not required, time has been included in the estimate to provide a clarification letter and supporting documentation to the City of Oroville.

Task 5 Bidding

NorthStar will route for signatures and deliver the Final (100%) Contract Documents for bidding purposes after completion of full review and subsequent modifications.

Additionally, NorthStar will aid the City during the construction bidding and awarding process. Specifically, NorthStar will provide technical support to the City by answering and documenting questions from potential bidders and staff. NorthStar will also provide written responses to contractor requests for information (RFI's) during the bidding process and draft addendums as applicable.

NorthStar will coordinate and assist the Client with the following:

- Answer any questions from contractors and/or bidders
- Responses will be provided via phone, email, formally response to submitted RFI's
- Prepare addendums to be released to the bidders

PROJECT EXCLUSIONS

- Environmental Review: including preparation of a Notice of Exemption (NOE) for the proposed project pursuant to CEQA Guidelines Section 15062 and Appendix E
- Landowner coordination: including right of way appraisals and acquisitions when necessary
- SWPPP can be provided for additional cost
- Construction staking can be provided for an additional cost
- Traffic control can be provided for an additional cost
- Prebid meetings are not included
- Underground utility improvements are not included
- ADA and asphalt improvements at the intersection of Oro Dam & 5th Ave are not included

NORTHSTAR

COST PROPOSAL

CONSULTANT FEE: The estimated fee to complete the Scope of Services is: **$** 122,788

Task 1: Project Management	$14,160
Task 2: Topographic Survey & Base Map	$42,788
Task 3: Design	$55,100
Task 4: MS4	$1,420
Task 5: Bidding	$9,320

CITY CONTRACT NO. 3387
TASK ORDER 10
EXHIBIT B

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:		**BY:**	
TITLE:		**TITLE:**	
SIGNED:		**SIGNED:**	
DATE:		**DATE:**	

CONSULTANT:		**CONSULTANT:**	
BY:	**Fritz Mckinley**	**BY:**	**Lambert O. Lowe**
TITLE:	**Senior Engineer**	**TITLE:**	**Senior Engineer**
LICENSE NO.	**RCE 59574**	**LICENSE NO.**	**RCE 59077**
SIGNED:		**SIGNED:**	
DATE:		**DATE:**	

NORTHSTAR

STANDARD HOURLY RATES

Effective July 1, 2022 through June 30, 2023*

Engineering/Surveying	**Hourly Rate**
Principal Engineer/Surveyor	$230.00
Senior Managing Engineer/Surveyor	$210.00
Senior Engineer/Surveyor	$188.00
Associate Engineer/Surveyor	$166.00
Assistant Engineer/Surveyor	$145.00
Junior Engineer	$125.00
Senior Designer/Technician	$136.00
Associate Designer/Technician	$115.00
Assistant Designer/Technician	$ 95.00
One Person with GPS/Robotic (Party Chief)	$185.00
Two-Person Survey Crew	$250.00
Party Chief (Prevailing Wage)	$205.00
Two-Person Survey Crew (Prevailing Wage)	$325.00
Architecture	**Hourly Rate**
Senior Architect	$175.00
Project Architect	$160.00
Assistant Architect	$145.00
Architectural Job Captain	$130.00
Architectural Drafter	$110.00
Planning/Environmental/GIS	**Hourly Rate**
Principal Planner	$175.00
Administrative	**Hourly Rate**
Project Management	$165.00
Administrative	$100.00
Other	**Rate**
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

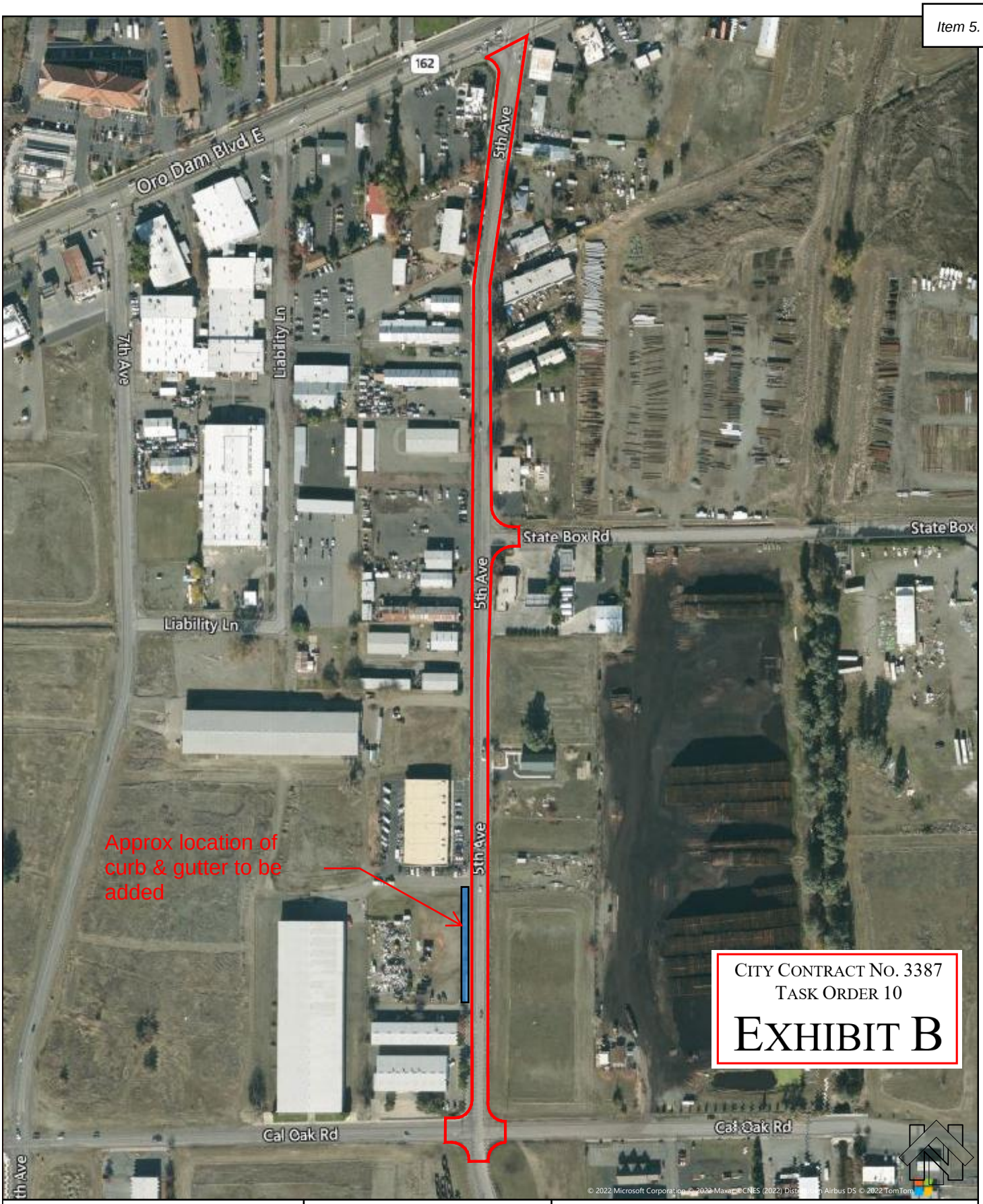
CITY CONTRACT NO. 3387
TASK ORDER 10

EXHIBIT B

Attachment A: Project Limits

CITY CONTRACT NO. 3387
TASK ORDER 10

EXHIBIT B



CITY CONTRACT NO. 3387
TASK ORDER 10

EXHIBIT B

NORTHSTAR
... Designing Solutions
111 MISSION RANCH BLVD. SUITE 100, CHICO, CA 95926
PHONE: (530) 893-1600 www.northstareng.com

CITY OF OROVILLE
1735 MONTGOMERY ST
OROVILLE, CALIFORNIA

PROJECT EXTENTS

5TH AVE

Job Number	Scale		Date: 4/25/2022
21-103	1"= 300' Horz.	N/A Vert.	Sheet 1 Of

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TASK ORDER #11
FOR PROFESSIONAL SERVICES

This Task Order is made and entered into as of _____, 2023, 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 production of plans, specifications, estimates, etc. for the repaving and restriping of Lower Wyandotte Rd from Wyandotte Ave to V7 Rd, and associated work; 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 $106,243.00 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.

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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.

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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.

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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:

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Exhibit B – **Fee Proposal/Schedule**

SCOPE OF WORK

SERVICES PROVIDED

NorthStar has prepared the following scope of services to develop the project design and subsequent construction bid documents that best supports the successful implementation of this project. This scope is based on our understanding of the project at the time of this proposal, a recent site visit, and the Design Team's collective experience with similar improvement 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 of work for the Lower Wyandotte Rd Project is to provide pavement replacement and restriping along Lower Wyandotte Road, please see Attachment A for a Project Extents Exhibit. In addition, NorthStar will analyze the three ramps at the intersection Wyandotte Ave and Lower Wyandotte Road. If these ramps do not comply with current ADA standards NorthStar will provide a revised design to bring ramp(s) up to code. NorthStar will also provide a driveway design and grading improvements in the City right of way near 3039 Lower Wyandotte Rd.

Task 1 Project Management

NorthStar will perform the numerous services and activities associated with management of the construction 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 includes front office and project administration including, but not limited to, managing insurance policies, packaging, mailing and deliveries, billing, Ajera 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 Design 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 expects to have a weekly one-hour meeting for a month duration with the City to review project progress and activities.

Quality Assurance / Quality Control

NorthStars 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; internal communications that established a clear level of expectations, and peer review for clarity and accuracy for salient deliverables.

CITY CONTRACT NO. 3387
TASK ORDER 11
EXHIBIT A

Task 2 Topographic Survey and Basemapping

NorthStar will retain the services of an Aerial Photogrammetrist to perform a topographic survey and provide a base map suitable for the design of the new roadway rehabilitation project. The survey will include the limits as depicted in Attachment A falling between the approximate road right-of-ways. The topographic map shall include:

- Surface improvements
- Underground utilities compiled from utility surface features, as-built plans, and franchise utility system maps (research performed by NorthStar). Invert elevations are excluded from this scope.
- Fence Lines
- Existing striping
- Tree canopy lines
- Surface Roadway Features, tops, toes, etc.
- Supplemental ground topo in the area indicated on the attached exhibit for driveway and utility locations
- Record mapping within the project area indicates the existence of some centerline monuments in Lower Wyandotte Road. NorthStar shall search for those monuments and depict them on the topographic survey.

The aerial photogrammetric map shall be prepared at a 1" = 20' scale with 1' contours. Supplemental ground surveys shall be performed at the requested curb returns and will be incorporated in the aerial base map.

The vertical control will be on the North American Vertical Datum of 1988 (NAVD88). The topographic survey will be compiled in AutoCAD Civil 3D 2018. A signed pdf file of the Topographic Base Map and the AutoCAD drawing file will be provided for the project teams use.

Right-of-way research and compilation is excluded from this scope.

Task 3 Design

Right of Way & Utility Coordination

NorthStar will identify the right of way to establish temporary construction signage, proposed fence relocation(s), tree removal, and other related permits and improvements if necessary.

NorthStar will coordinate with utility companies to identify utility conflicts and collaborate on appropriate avoidance or relocation solutions.

Civil Design: 35%, 60%, & 90% Plans

The 35% design completion serves multiple functions in the design process such identifying and resolving site specific prospective challenges. Utilizing this phase of development for problem solving and iterative design prevents unnecessarily expenditure of resources on an errant design trajectory.

Next, 60% design task will progress the 35% preliminary design by incorporation of discussed refinements and preferred alternatives. This task is intended to perform the bulk of the design effort, and will include developing the bid item list, quantities, engineer's estimate, and special (technical) specifications.

Based on the City technical review and comments to the 60%, the project plans, specifications and estimate will be progressed to a 90% level of completion including preparation and inclusion of applicable bid documents. Additionally, this level of design will be developed to support submittal for the Request for Allocation for the construction phase of the project. The project plans will include label detailing, notes, and design refinements to support implementation of the project by any contractor. Similarly, project specifications and engineer's estimate will be refined to support successful implementation of the project.

DELIVERABLES:

- 90% Complete Civil Design
- Engineers Estimate
- General and standard specifications

Final Design and Contract Documents

After receiving comments from the 90% level of design, the Contract and Construction Documents will be refined to address applicable comments and best support constructability of the project.

DELIVERABLES:

- One set of hard copy (letter size) and digital copy (pdf and MS Word) 90% level of project Bid Book; including General, Standard Special, revised (as applicable), Amended (as applicable) Provisions;
- One set of hard copy (24x36) and digital copy (pdf or Design Review) 100% Contract and Construction Documents

Task 4 Storm Drain MS4

It is our understanding that the City of Oroville does not follow MS4 standards and specifications. It is assumed that storm drain MS4 management system complying with Post Construction Standards will not be required for this project and is not included in the proposal.

Although MS4 is not required, time has been included in the estimate to provide a clarification letter and supporting documentation to the City of Oroville.

Task 5 Bidding

NorthStar will route for signatures and deliver the Final (100%) Contract Documents for bidding purposes after completion of full review and subsequent modifications.

Additionally, NorthStar will aid the City during the construction bidding and awarding process. Specifically, NorthStar will provide technical support to the City by answering and documenting questions from potential bidders and staff. NorthStar will also provide written responses to contractor requests for information (RFI's) during the bidding process and draft addendums as applicable.

NorthStar will coordinate and assist the Client with the following:

- Answer any questions from contractors and/or bidders
- Responses will be provided via phone, email, formally response to submitted RFI's
- Prepare addendums to be released to the bidders

PROJECT EXCLUSIONS

- Environmental Review: including preparation of a Notice of Exemption (NOE) for the proposed project pursuant to CEQA Guidelines Section 15062 and Appendix E
- Landowner coordination: including right of way appraisals and acquisitions when necessary
- SWPPP can be provided for additional cost
- Construction staking can be provided for an additional cost
- Traffic control can be provided for an additional cost
- Prebid meetings are not included
- Right of Way determination
- Sidewalk improvements
- Utility improvements
- Slope repair or erosion control

NORTHSTAR

COST PROPOSAL

CONSULTANT FEE: The estimated fee to complete the Scope of Services is: **$** 106,243

Task 1: Project Management	$12,340
Task 2: Topographic Survey & Base Map	$39,648
Task 3: Design	$45,275
Task 4: MS4	$1,420
Task 5: Bidding	$7,560

CITY CONTRACT NO. 3387
TASK ORDER 11
EXHIBIT B

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:		**BY:**	
TITLE:		**TITLE:**	
SIGNED:		**SIGNED:**	
DATE:		**DATE:**	

CONSULTANT:		**CONSULTANT:**	
BY:	**Fritz Mckinley**	**BY:**	**Lambert O. Lowe**
TITLE:	**Senior Engineer**	**TITLE:**	**Senior Engineer**
LICENSE NO.	**RCE 59574**	**LICENSE NO.**	**RCE 59077**
SIGNED:		**SIGNED:**	
DATE:		**DATE:**	

CITY CONTRACT NO. 3387
TASK ORDER 11
EXHIBIT B

NORTHSTAR

STANDARD HOURLY RATES

Effective July 1, 2022 through June 30, 2023*

Engineering/Surveying	**Hourly Rate**
Principal Engineer/Surveyor	$230.00
Senior Managing Engineer/Surveyor	$210.00
Senior Engineer/Surveyor	$188.00
Associate Engineer/Surveyor	$166.00
Assistant Engineer/Surveyor	$145.00
Junior Engineer	$125.00
Senior Designer/Technician	$136.00
Associate Designer/Technician	$115.00
Assistant Designer/Technician	$ 95.00
One Person with GPS/Robotic (Party Chief)	$185.00
Two-Person Survey Crew	$250.00
Party Chief (Prevailing Wage)	$205.00
Two-Person Survey Crew (Prevailing Wage)	$325.00
Architecture	**Hourly Rate**
Senior Architect	$175.00
Project Architect	$160.00
Assistant Architect	$145.00
Architectural Job Captain	$130.00
Architectural Drafter	$110.00
Planning/Environmental/GIS	**Hourly Rate**
Principal Planner	$175.00
Administrative	**Hourly Rate**
Project Management	$165.00
Administrative	$100.00
Other	**Rate**
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

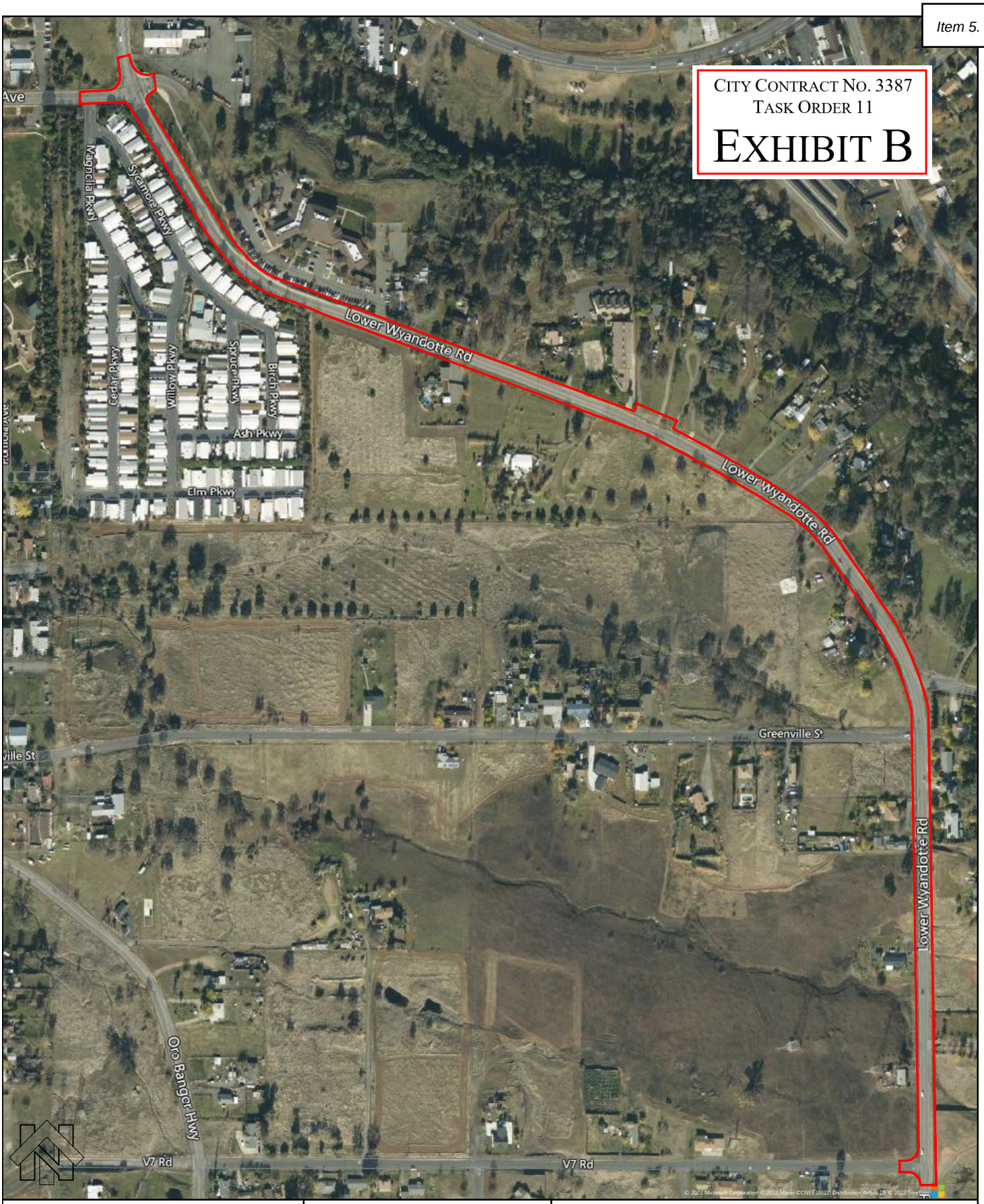
CITY CONTRACT NO. 3387
TASK ORDER 11

EXHIBIT B

Attachment A: Project Extents Exhibit

CITY CONTRACT NO. 3387
TASK ORDER 11

EXHIBIT B



NORTHSTAR
... Designing Solutions

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

CITY OF OROVILLE
1735 MONTGOMERY ST
OROVILLE, CALIFORNIA

PROJECT EXTENTS

LOWER WYANDOTTE RD

Job Number	Scale		Date: 5/5/2022
21-103	1"= 400' Horz.	N/A Vert.	Sheet 1 Of

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TASK ORDER #16
FOR PROFESSIONAL SERVICES

This Task Order is made and entered into as of _____, 2023, 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 production of plans, specifications, estimates, etc. for the drainage improvements and pavement rehabilitation of Fogg Ave, and associated work; 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 $63,341.00 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**

NORTHSTAR

SCOPE OF WORK

SERVICES PROVIDED

NorthStar has prepared the following scope of services to develop the project design and subsequent construction bid documents that best supports the successful implementation of this project. This scope is based on our understanding of the project at the time of this proposal, a recent site visit, and the Design Team's collective experience with similar improvement 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 of work for the Fogg Avenue Project includes AC replacement, addition of path of travel and storm drain infrastructure in front of lots 031-150-124 to 031-150-047. The scope will also include drainage improvements in front of lot 031-140-056 at the corner of Fogg and Nelson Ave, see Attachment A for project extents.

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 includes front office and project administration including, but not limited to, 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 Design 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 expects to have a weekly meetings with the City of Oroville to review project progress and activities.

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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 30 years. Two primary methods for consistently delivering a quality product on-time and within budget; internal communications that established a clear level of expectations, and peer review for clarity and accuracy for salient deliverables.

Task 2 Topographic Survey and Basemapping

NorthStar will perform a topographic survey and provide a base map suitable for the design of the new roadway rehabilitation project. The survey will include the limits as in Exhibit A falling between the road right-of-ways. The topographic map shall include:

- Surface improvements
- Underground utilities compiled from utility surface features, survey of storm drain system, as-built plans, and franchise utility system maps (research performed by NorthStar).
- Above ground utilities; power poles, hydrants, and utility lids.
- Fence Lines
- Trees larger than 5" diameter, measured at breast height.
- Right-of-way Lines compiled from record information if available
- Surface Roadway Features, tops, toes, edge etc.

The vertical control will be on the North American Vertical Datum of 1988 (NAVD88). The topographic survey will be compiled in AutoCAD Civil 3D 2018 and 2022. A signed pdf file of the Topographic Base Map and the AutoCAD drawing file will be provided for the project teams use.

Right-of-way lines shown on existing recorded maps within the project area will be depicted on the topographic survey where sufficient monuments can be found based on said record mapping.

Task 3 Design

Right of Way & Utility Coordination

NorthStar will identify the right of way from existing recorded maps if available to establish temporary construction signage, proposed fence relocation(s), tree removal, and other related permits and improvements if necessary.

NorthStar will coordinate with utility companies to identify utility conflicts and collaborate on appropriate avoidance or relocation solutions.

Civil Design: 35%, 60%, & 90% Plans

The 35% design completion serves multiple functions in the design process such identifying and resolving site specific prospective challenges. Utilizing this phase of development for problem solving and iterative design prevents unnecessarily expenditure of resources on an errant design trajectory.

Next, 60% design task will progress the 35% preliminary design by incorporation of discussed refinements and preferred alternatives. This task is intended to perform the bulk of the design effort, and will include developing the bid item list, quantities, engineer's estimate, and special (technical) specifications.

Based on the City's technical review and comments to the 60%, the project plans, specifications and estimate will be progressed to a 90% level of completion including preparation and inclusion of

applicable bid documents. Additionally, this level of design will be developed to support submittal for the Request for Allocation for the construction phase of the project. The project plans will include label detailing, notes, and design refinements to support implementation of the project by any contractor. Similarly, project specifications and engineer's estimate will be refined to support successful implementation of the project.

DELIVERABLES:

- 90% Complete Civil Design
- Engineers Estimate
- General specifications

Final Design and Contract Documents

After receiving comments from City of Oroville on the 90% level of design, the Contract and Construction Documents will be refined to address applicable comments and best support constructability of the project.

DELIVERABLES:

- One set of hard copy (letter size) and digital copy (pdf and MS Word) 90% level of project Bid Book; including

  General, Standard Special, revised (as applicable), Amended (as applicable) Provisions; Bid Documents
- One set of hard copy (24x36) and digital copy (pdf or Design Review) 100% Contract and Construction Documents

Task 4 Storm Drain MS4

It is our understanding that the City of Oroville does not follow MS4 standards and specifications. It is assumed that storm drain MS4 management system complying with Post Construction Standards will not be required for this project and is not included in the proposal.

Although MS4 is not required, time has been included in the estimate to provide a clarification letter and supporting documentation to the City of Oroville.

Task 5 Bidding

NorthStar will route for signatures and deliver the Final (100%) Contract Documents for bidding purposes after completion of full review and subsequent modifications.

Additionally, NorthStar will aid the City during the construction bidding and awarding process. Specifically, NorthStar will provide technical support to the City by answering and documenting questions from potential bidders and staff. NorthStar will also provide written responses to contractor requests for information (RFI's) during the bidding process and draft addendums as applicable.

NorthStar will coordinate and assist the Client with the following:

- Answer any questions from contractors and/or bidders
- Responses will be provided via phone, email, formally response to submitted RFI's

- Prepare addendums to be released to the bidders

PROJECT EXCLUSIONS

- Environmental Review: including preparation of a Notice of Exemption (NOE) for the proposed project pursuant to CEQA Guidelines Section 15062 and Appendix E
- Landowner coordination: including right of way appraisals and acquisitions when necessary
- SWPPP can be provided for additional cost
- Construction staking can be provided for an additional cost
- Traffic control plans
- Utility improvements other than drainage
- Right of way/ boundary survey

NORTHSTAR

COST PROPOSAL

CONSULTANT FEE: The estimated fee to complete the Scope of Services is: **$** 63,341.00

Task 1: Project Management	$9,272
Task 2: Topographic Survey & Base Map	$12,886
Task 3: Design	$32,419
Task 4: MS4	$1,826
Task 5: Bidding	$6,928

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:		**BY:**	
TITLE:		**TITLE:**	
SIGNED:		**SIGNED:**	
DATE:		**DATE:**	

CONSULTANT:		**CONSULTANT:**	
BY:	**Fritz Mckinley**	**BY:**	**Lambert O. Lowe**
TITLE:	**Senior Engineer**	**TITLE:**	**Senior Engineer**
LICENSE NO.	**RCE 59574**	**LICENSE NO.**	**RCE 59077**
SIGNED:		**SIGNED:**	
DATE:		**DATE:**	

NORTHSTAR

STANDARD HOURLY RATES

Effective July 1, 2022 through June 30, 2023*

Engineering/Surveying	**Hourly Rate**
Principal Engineer/Surveyor	$230.00
Senior Managing Engineer/Surveyor	$210.00
Senior Engineer/Surveyor	$188.00
Associate Engineer/Surveyor	$166.00
Assistant Engineer/Surveyor	$145.00
Junior Engineer	$125.00
Senior Designer/Technician	$136.00
Associate Designer/Technician	$115.00
Assistant Designer/Technician	$ 95.00
One Person with GPS/Robotic (Party Chief)	$185.00
Two-Person Survey Crew	$250.00
Party Chief (Prevailing Wage)	$205.00
Two-Person Survey Crew (Prevailing Wage)	$325.00
Architecture	**Hourly Rate**
Senior Architect	$175.00
Project Architect	$160.00
Assistant Architect	$145.00
Architectural Job Captain	$130.00
Architectural Drafter	$110.00
Planning/Environmental/GIS	**Hourly Rate**
Principal Planner	$175.00
Administrative	**Hourly Rate**
Project Management	$165.00
Administrative	$100.00
Other	**Rate**
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

CITY CONTRACT NO. 3387
TASK ORDER 16
EXHIBIT B

Attachment A: Project Extents Exhibit



CITY CONTRACT NO. 3387
TASK ORDER 16

EXHIBIT B

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

CITY OF OROVILLE
1735 MONTGOMERY ST
OROVILLE, CA

ATTACHEMENT A – PROJECT EXTENTS

FOGG AVENUE

Job Number	Scale		Date: 9/16/2022
21-103	N/A Horz.	N/A Vert.	Sheet 1 Of

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CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **DAWN NEVERS, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR**

RE: **AMENDMENT TO CONTRACT WITH BUTTE CONSTRUCTION COMPANY FOR ROOF REPLACEMENT AND FECADE REPAIRS AND IMPROVEMENTS OF THE WEST WING OF CITY HALL**

DATE: **MARCH 21, 2023**

SUMMARY

The Council may consider Amendment No. 1 to Agreement No. 3425 with Butte Construction Company for the additional cost of change orders due to discovery during demolition and remodel of the of the west wing of the City Hall facility.

BACKGROUND

For many years, the west wing of the City Hall facility has seen periodic roof leaks that have been minor and repairable by maintenance staff until recently. Additionally, the north facing wall of the west wing of City Hall receives the most exposure to the elements causing noticeable dry rot and much needed updating to the shell and exterior doors.

On April 22, 2022, a Request for Proposal (RFP) was published and posted for the replacement of the roofing over the west wing of City Hall in addition to repairs and improvements of the Montgomery Street facing façade of the west wing.

A mandatory walk through was held on May 9th, 2022, with nine contractors in attendance. The RFP closed on June 1, 2022, with one contractor submitting a proposal for the requested work.

Butte Construction Company proposed demolition of existing the roof, solar removal, roof replacement with a 30-year single ply TPO roof, façade stucco, refurbish existing exterior doors, and painting for the total estimated amount of $391,258.99 (for base bid, with alternatives 2 & 4).

Alternatives 1 (replacement of existing exterior doors) and alternative 3 (replacement of decorative barrel tile roof perimeter) were also approved should the refurbishment of the existing exterior doors not be possible and should the decorative barrel tile roof perimeter need replacement (to include underlayment) for a total of $80,331.00. These alternative have not been needed and that pre-authorized $80,000 remains available in the budget.

City Hall Roof & Facade Project Proposal Breakdown as Bid on June 1, 2022

Base Bid	$318,557.99
Alternative 2 – Refurbish (2) existing doors and frames	$15,351
Alternative 4 – Add 30 yr. poly roof (instead of 15 yr.)	$57,350
Contract Total	**$391,258.99**
15% Contract Contingency (for unforeseen repairs)	$58,688.85
Alternatives 1 & 3	$80,331.00
Contract Total w/Contingency and Alternatives	**$530,278.84**

DISCUSSION

As the demolition of the project commenced, additional deficiencies were immediately discovered. The deficiencies included substandard framing at the old apparatus bay doors, dry rot at street entry and roof areas, extra layers of roofing, and a solar voltage discovery. All of these deficiencies have caused an increase in labor and materials to correct. Below is a breakdown of the change orders, options A & B to Change Order 11, and photos of the identified issues are attached.

- **Change Orders 1-5, 7 & 10** - $52,051.87 (approved within contingency)
- **Change Orders 6, 8, 9, and 12-15 -** $92,012.80 (to be approved)
- **Change Order 11:**
  - Option A - $45,000.00 - to remove the solar on the east wing.
  - Option B **-** $3,500.00 to install a shut-off switch and leave the solar on the east wing.

Total of all Change Orders with Option A = $189,064.67
Total of all Change Orders with Option B = $147,564.67

Base Bid w/Alternative 2 & 4	$391,258.99
15% Contract Contingency (for unforeseen repairs)	$58,688.85
Contract Total w/Contingency	**449,947.84**
Alternatives 1 & 3 – pre-authorized by Council on 6/19/22	$80,331.00
Budgeted Contract Total w/Contingency and all Alternatives	**$530,278.84**
Contract Total w/all Change Orders & Option A	**$580,323.66**
Budget Adjustment Required	($50,044.82)
Contract Total w/ all Change Orders & Option B	**$538,823.66**
Budget Adjustment Required	($8,544.82)

Staff is recommending Option A for full removal of all solar and the safe disconnect of voltage discovery, and an additional $35,000 contingency should any remaining deficiencies arise. The approval of Option A would require a budget adjustment of $50,044.82.

FISCAL IMPACT

Authorize a budget adjustment of $50,044.82. The funds are available from Account No. 1301-6360-Outside Services, Fund 302 (Capital Improvement Fund Balance).

RECOMMENDATION

Authorize staff to proceed with a budget adjustment for Contract Amendment No. 1, selecting Option A includes Change Orders 6, 8, 9, and 12-15, Change Order 11A for the cost to remove the solar and install a shut-off switch, and add in a $35,000 contingency from fund 302 Capital Improvement Fund Balance.

ATTACHMENTS

Attachment A - Agreement Amendment No. 1
Attachment B – Exhibit A & B

AMENDMENT TO PROJECT CONTRACT AGREEMENT NO. 3425 FOR PROJECT CONTRACT BETWEEN THE CITY OF OROVILLE AND BUTTE CONSTRUCTION COMPANY, INC.

This Amendment dated March 21, 2023, is to the Project Contract Agreement No. 3425 between the City of Oroville ("City") and Butte Construction Company, Inc. ("Contractor").

A copy of Contract Agreement No. 3425 is attached as Exhibit "B" including all prior amendments.

In consideration of terms and conditions herein, City and Contractor agree that Agreement No. 3425 shall be amended as follows:

1. The Agreement shall be amended to include work related to the additional change orders for the Facility Roof Replacement and Facade Repairs project, which are enumerated in the scope documents. The scope documents and photos are attached as Exhibit A to this Amendment.

Base Bid w/Alternative 2 & 4	$391,258.99
15% Contract Contingency (for unforeseen repairs)	$58,688.85
Contract Total w/Contingency	**449,947.84**
Alternatives 1 & 3 – pre-authorized by Council on 6/19/22	$80,331.00
Budgeted Contract Total w/Contingency and all Alternatives	**$530,278.84**
Contract Total w/all Change Orders & Option A	**$580,323.66**
Budget Adjustment Required	($50,044.82)

2. The fee for all change orders outlined in Exhibit "A" as Option "A" will remain require a budget adjustment of $50,044.82. Payment is to occur as outlined in Exhibit "A". Option A includes Change Orders 6, 8, 9, and 12-15, Change Order 11A to remove the solar on the east wing, and add in a $35,000 contingency for any further unforeseen items. This will bring the total for Change Orders to $189,064.67.

3. Conflicts between the Agreement and any previous amendment to the Agreement shall be controlled by this amendment. All other provisions within Agreement No. 3425 as amended shall remain in full force effect.

CITY OF OROVILLE	BUTTE CONSTRUCTION COMPANY, INC.
David Pittman, Mayor	By:
ATTEST:	APPROVED AS TO FORM:
Brian Ring, City Clerk	Scott E. Huber, City Attorney

EXHIBIT A

Change Orders		PROPOSED	APPROVED
001-EXTERIOR WALL REPAIR	NA	$ -	$ -
002-EXTERIOR WALL REPAIR	UNKNOWN	$ 8,944.38	$ 8,944.38
003-INTERIOR DRY WALL & STAINED GLASS	UNKNOWN/REQUEST	$ 14,232.42	$ 14,232.42
004-STAIN HARDWOOD DOORS	REQUEST	$ 1,977.50	$ 1,977.50
005-INTERIOR SINGLE PANE GLASS	UNKNOWN	$ 1,513.69	$ 1,513.69
006-ROOFING-MATERIAL/LABOR	UNKNOWN	$ 23,361.34	
007-ROOFING/STUCCO REMOVAL +SHEATING	UNKNOWN	$ 19,608.26	$ 19,608.26
008-ROOFING-CENTER WALL	UNKNOWN	$ 10,539.17	
009-ROOFING-SIDING	UNKNOWN	$ 5,006.29	
010-ROOFING DRAIN REPAIR	UNKNOWN	$ 5,775.62	$ 5,775.62
011A- 2ND SOLAR OPTION A (REMOVAL)	VOLTAGE DISCOVERY	$ 45,000.00	
012 - DECORATIVE HARDSCAPE FAÇADE	AESTHETIC	$ 9,606.00	
013 - DRAINAGE ON SOUTH SIDE	UNKNOWN	$ 6,000.00	
014 - DRYROT ON ROOF SOUTH SIDE	UNKNOWN	$ 2,500.00	
015 - FURTHER CONTINGENCY	SAFEGUARD	$ 35,000.00	
TOTAL		$ 137,012.80	$ 52,051.87

REVIEWING
NOT APPROVED
ANALYZE
APPROVED



EVIDENCE OF
WATER INTRUSION

WALL IS FRAMED IN
AND NOT SECURED
TO REST OF
STRUCTURE





LARGEST CONCERNS-THE WALL WAS FRAMED IN HOWEVER WAS NOT ANCHORED OR SECURED TO THE REST OF THE STRUCTURE



AFTER PROPERLY FRAMED IN AND SECURED

THE FOLLOWING REPORT CREATED BY BUTTE ROOFING COMPANY AFTER DISCOVERY OF WORK OUTSIDE EXISTING SCOPE

Alfredo Trujillo

Butte Roofing Company

2/15/2023 | 10 Photos

1735 Montgomery St.

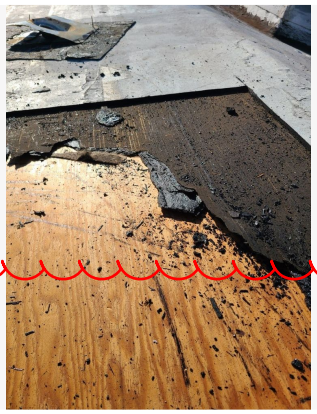
Additional layers on deck and walls

1



Project: City Hall
Date: 2/13/2023, 9:31am
Creator: Alfredo Trujillo

2



Project: City Hall
Date: 2/13/2023, 9:33am
Creator: Alfredo Trujillo

MORE MATERIAL THEN EXPECTED. INCFEASED LABOR COSTS FOR REMOVAL FROM FLAKING OF MATERIAL

3



Project: City Hall
Date: 2/15/2023, 11:02am
Creator: Alfredo Trujillo

4



Project: City Hall
Date: 2/15/2023, 11:03am
Creator: Alfredo Trujillo

North and West Walls

1



West Wall Core test with stucco

Project: City Hall
Date: 2/15/2023, 9:57am
Creator: Alfredo Trujillo

2



West wall with stucco

Project: City Hall
Date: 2/15/2023, 9:57am
Creator: Alfredo Trujillo

STUCCO DISCOVERED UNDER THE EXISTING ROOFING MATERIAL

3



North West corner with stucco

Project: City Hall
Date: 2/15/2023, 9:57am
Creator: Alfredo Trujillo

4



North East Section with Stucco

Project: City Hall
Date: 2/13/2023, 2:11pm
Creator: Alfredo Trujillo

Center Wall

1



Project: City Hall
Date: 2/15/2023, 11:07am
Creator: Alfredo Trujillo

North East Outside Siding Area

1



Project: City Hall
Date: 2/15/2023, 9:42am
Creator: Alfredo Trujillo

CITY OF OROVILLE
RESOLUTION NO. 9082

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO SIGN AND ACCEPT THE PROPOSAL WITH BUTTE CONSTRUCTION COMPANY AUTHORIZING BUTTE CONSTRUCTION COMPANY TO COMPLETE THE PROPOSED ROOF REPLACEMENT AND FECADE REPAIRS OF THE WEST WING OF CITY HALL IN THE AMOUNT OF $391,258.99 AND A 15% CONTINGENCY IN THE AMOUNT OF $58,688.85 SHOULD ANY DEFICIENCIES BE DISCOVERED DURING THE PROJECT.

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

1. The Mayor is hereby authorized and directed to sign and accept the proposal from Butte Construction Company, authorizing the proposed roof replacement and façade repairs and improvements of the west wing of City Hall, in the amount of $391,258.99 and a 15% contingency in the amount of $58,688.85, should any deficiencies be discovered during the project, for a total of $449,947.84.

Base Bid	$318,557.99
Alternative 2 – Refurbish (2) existing doors and frames	$15,351
Alternative 4 – Add 30 yr. poly roof (instead of 15 yr)	$57,350
Contract Total	**$391,258.99**
15% Contract Contingency (for unforeseen repairs)	$58,688.85
Contract Total w/Contingency	**449,947.84**

2. The Mayor also hereby authorizes staff to approve the proposed alternatives, should the discovery of their deficiency determine the need for replacement in the amount not to exceed the $80,331.00 as estimated in the Bid Proposal.

Alternative 1 – Replace (2) existing doors and frames	$18,696
Alternative 3 – Replace existing parapet barrel tile	$61,635
***Alternative 1 & 3 Total**	**$80,331**

3. 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 July 19, 2022, by the following vote:

AYES: Hatley, Smith, Pittman, Goodson, Riggs, Thomson, Reynolds

NOES: None

ABSENT: None

ABSTAIN: None

Chuck Reynolds, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Jackie Glover, Assistant City Clerk

PROJECT CONTRACT

THIS PROJECT CONTRACT (the "contract" or "Contract"), is made and entered into this 19th day of JULY 2022, by and between City of Oroville (referred to herein as the "Owner" or the "City") and Butte Construction Company (the "Contractor").

WITNESSETH: That the parties hereto have mutually covenanted and agreed, and by these presents do covenant and agree with each other as follows:

1) THE CONTRACT DOCUMENTS.

The complete contract is comprised of and may or may not include: Invitation for Bids; Information for Bidders; Bid Schedule; Proposal Form; Bidder's Bond; Contract; General Conditions; Special Provisions; Technical Provisions; Payment Bond; Performance Bond; Notice of Award; Notice to Proceed; Change Orders; Supplemental Drawings Issued; Drawings; Specifications and Contract Documents; All addenda or bulletins issued during the time of bidding or forming a part of the documents loaned to the bidder for preparation of the bid; The complete plans and provisions, regulations, ordinances, codes, and laws incorporated therein or herein by reference or otherwise applicable to the Project.

All of the above documents are intended to cooperate so that any work called for in one and not mentioned in the other, or vice versa, is to be executed the same as if mentioned in all said documents. The documents comprising the complete contract are hereinafter referred to collectively as the Contract Documents.

2) THE WORK.

Contractor agrees to furnish all tools, apparatus, facilities, equipment, labor and materials (except that specifically mentioned as being furnished by others) necessary to perform and complete the work in a "good and workmanlike manner" as called for, and in the manner designated in, and in strict conformity with the Plans, Detail Specifications, and other Contract Documents which are identified by the signatures of the parties to this Contract and are, collectively, entitled:

CITY HALL ROOF AND FACADE PROJECT
COMMUNITY DEVELOPMENT DEPARTMENT

3) CONTRACT PRICE.

The City agrees to pay and the Contractor agrees to accept, in full payment for the work above agreed to be done, the following compensation: $391,258.99. In no event shall Contractor's compensation exceed the amount of $391,258.99 without additional written authorization from the City. Payment by City under this Agreement 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

For the purpose of fixing the amount of bonds referred to in the Instructions to Bidders, it is estimated by both Parties that the total contract price shall be based on the Contractor's Base Bid amount.

4) DISPUTES PERTAINING TO PAYMENT FOR WORK.

Should any dispute arise respecting the true value of any work done or any work omitted, or of any extra work which the Contractor may be required to do, or respecting the size of any payment to the Contractor during the performance of this Contract, the dispute shall be informally mediated between the parties. Following such mediation, either party may file an action exclusively in the Butte County Superior Court or in the United States District Court, Eastern District of California. Under no condition shall there be a cessation of work by the Contractor during any such dispute. This article does not exclude recovery of damages by either party for delays.

5) PAYMENT.

Not later than the 20th day of each calendar month, the Contractor shall make a partial payment request to the City on the basis of an estimate approved by the Engineer of the work performed since the last partial payment request during the preceding month by the Contractor with five percent (5%) of the amount of each such estimate retained by the City, until completion of the Project and the recordation of a Notice of Completion of all work covered by this Contract. The City shall make any partial payments provided for in this contract to the Contractor within 30 days of the City's receipt of an undisputed and properly executed partial payment request from the Contractor. The City shall pay the Contractor interest on the amount of any portion of a partial payment, excluding retention amounts, not made to the Contractor within 30 days of the City's receipt of an undisputed and properly executed partial payment request from the Contractor at the legal rate set forth in California Code of Civil Procedure Section 685.010. Upon receipt of a partial payment request from the Contractor, the City shall review the partial payment request for the purpose of determining whether or not the partial payment request is a proper partial payment request. Any partial payment request determined by the City not to be a proper partial payment request suitable for payment shall be returned to the Contractor by the City within 14 days of the City's receipt of such partial payment request. A partial payment request returned to the Contractor by the City under the provisions of this section shall be accompanied by a written document setting forth the reason(s) why the partial payment request is not proper. The number of days for the City to make a certain partial payment provided for in this Contract, without incurring interest pursuant to this section, shall be reduced by the number of days by which the City exceeds the 14 day return period for such partial payment request, if determined to be improper, as set forth in this section. For the purposes of this section, a "partial payment" means all payments due to the Contractor under this contract, exclusive of that portion of the final payment designated as retention earnings. Also, for the purposes of this section, a partial payment request shall be considered properly executed by the City, if funds are available to pay the partial payment request and payment is not delayed due to an audit inquiry by the City's financial officer. The City will release Contractor's retention earnings within 45 days after recordation of Notice of Completion, as defined in California Civil Code Section 3093. Recordation of a Notice of

Completion for the Project by the City shall constitute the City's acceptance of the Project work.

6) TIME FOR COMPLETION.

All work under this contract shall be completed within a period of 180 working days from the date of the Contractor's receipt of a Notice to Proceed from the City.

7) EXTENSION OF TIME.

If the Contractor is delayed by acts of negligence of the City, or its employees or those under it by contract or otherwise, or by changes ordered in the work, or by strikes, lockouts, fire, unavoidable casualties, documentable delays in delivery of materials, review by outside agencies, or any causes beyond the Contractor's control, or by delay authorized by the City, or by any justifiable cause which the Engineer shall authorize, then the Contractor shall make out a written claim addressed to the City setting forth the reason for the delay and the extension of the time requested and forward a copy of the claim to the Engineer for approval. The Engineer will evaluate the claim and if the claim is justifiable, will request the City's approval. No such extension will be allowed unless written claim therefore has been made within 3 days after the delay became apparent.

If the Contractor fails or refuses to complete the work within the time specified, including authorized extensions, there shall be deducted from monies due the Contractor, not as a penalty, but as liquidated damages the sum of Five Hundred Dollars ($500.00) for each calendar day subsequent to the time specified for each project and the time the work is actually completed and accepted. Delays caused by adverse weather conditions or conditions for which the Owner is clearly responsible will be added to the contract time.

8) LABOR PROVISIONS.

The project is subject to both federal and state prevailing wages. The Contractor shall pay laborers the higher of either the federal or state prevailing wage rate determination for the trades to be utilized. The contractor and all subcontractors on the project shall complete electronic reporting of prevailing wage rate reports through the Department of Industrial Relations, with copies of such reports to be provided to the City.

9) CONTRACT WORK HOURS AND SAFETY STANDARDS REQUIREMENTS.

As used in the following provision, the term "laborers" and "mechanics" include watchmen and guards.

a. Overtime Requirements. Neither the Contractor nor any subcontractor contracting for any part of the Project which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek, whichever is greater.

b. Violation; Liability for Unpaid Wages; Liquidated Damages. In the event of any violation of the clause

set forth in paragraph a. above, the Contractor and any subcontractor responsible therefore shall be liable for the unpaid wages. In addition, the Contractor and subcontractor shall be liable to the City for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph a. above, in the sum of $3,000 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a. above.

c. Withholding for Unpaid Wages and Liquidated Damages. The City shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any monies payable on account of work performed by the Contractor or subcontractor under any such contract or any other Federal contract with the same Contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same Contractor, such sums as may be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph b. above.

d. Working conditions. Neither the Contractor nor any subcontractor may require any laborer or mechanic employed in the performance of any contract to work in surroundings or under working conditions that are unsanitary, hazardous or dangerous to his health or safety as determined under construction safety and health standards (29 CFR Part 1926) issued by the Department of Labor.

e. Subcontracts. The Contractor and any subcontractor shall insert in any subcontracts the clauses set forth in paragraphs a. through d. and also a clause requiring the subcontractor to include these clauses in any lower tier subcontracts. The Contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs a. through d.

10) NONDISCRIMINATION.

The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations. including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

11) DISADVANTAGED BUSINESS ENTERPRISE PROGRAM PROVISIONS.

The Contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as recipient deems appropriate.

The Contractor agrees to pay each subcontractor under this contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the Contractor receives from City. The Contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only

for good cause following written approval of the City. This clause applies to both DBE and non-DBE subcontractors.

12) CIVIL RIGHTS.

The Contractor assures that it will comply with pertinent statutes, Executive Orders and such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age or handicap be excluded from participating in any activity conducted with or benefiting from Federal assistance. This Provision binds the Contractor from the bid solicitation period through the completion of the contract. This provision shall be inserted in all subcontracts, subleases and other agreements at all tiers.

13) SOLICITATIONS FOR SUBCONTRACTS, INCLUDING PROCUREMENTS OF MATERIALS AND EQUIPMENT.

In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color or national origin.

14) INFORMATION AND REPORTS.

The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the City to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the City and shall set forth what efforts it has made to obtain the information.

15) SANCTIONS FOR NONCOMPLIANCE.

In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the City shall impose such contract sanctions as it may determine to be appropriate, including but not limited to:

a. Withholding of payments to the Contractor under the contract until the Contractor complies, and/or

b. Cancellation, termination or suspension of the contract, in whole or in part.

16) INSPECTION OF RECORDS.

The Contractor shall maintain an acceptable cost accounting system. The City, the Federal Aviation Administration, the Comptroller General of the United States or any of their duly authorized representatives shall have access to any books, documents, paper, and records of

the Contractor which are directly pertinent to this Contract or the Project for the purposes of making an audit, examination, excerpts, and transcriptions. The Contractor shall maintain all required records for 3 years after the City makes final payment and all other pending matters are closed.

17) RIGHTS IN INVENTIONS.

All rights to inventions and materials, if any, generated under this contract are subject to regulations issued by the City. Information regarding these rights is available from the City.

18) BREACH OF CONTRACT TERMS.

Any violation or breach of terms of this Contract on the part of the Contractor or its subcontractors may result in the suspension or termination of this Contract or such other action that may be necessary to enforce the rights of the City under this Contract. The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law.

19) TERMINATION OF CONTRACT BY CITY

a. The City may, by written notice, terminate this Contract in whole or in part at any time, either for the City's convenience or because of the Contractor's failure to fulfill its contract obligations. Upon receipt of such notice, services shall be immediately discontinued (unless the notice directs otherwise) and all materials as may have been accumulated in performing this Contract, whether completed or in process, delivered to the City.

b. If the termination is for the convenience of the City, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.

c. If the termination is due to failure to fulfill the Contractor's obligations, the City may take over the work and prosecute the same to completion by contract or otherwise. In such case, the Contractor shall be liable to the City for any additional cost occasioned to the City thereby.

d. If, after notice of termination for failure to fulfill contract obligations, it is determined that the Contractor had not so failed, the termination shall be deemed to have been affected for the convenience of the City. In such event, adjustment in the contract price shall be made as provided in the second paragraph of this clause.

e. The rights and remedies of the City provided in this clause are in addition to any other rights and remedies provided by law or under this contract.

20) INCORPORATION OF PROVISIONS.

The Contractor shall include the provisions of this contract in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations of

directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the City may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the Contractor may request the City to enter into such litigation to protect the interests of the City and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

21) CONTRACTOR CLAIMS OF $375,000 OR LESS.

Claims by the Contractor relating to the Project for (a) a time extension, (b) money or damages arising from work done by, or on behalf of, the Contractor on the Project for which payment is not expressly provided for or to which the Contractor is not otherwise entitled, or (c) an amount that is disputed by the City, with a value of $375,000 or less, are subject to the claims procedures set forth in California Public Contract Code Sections 20104, et seq., except as otherwise provided in this Contract and the incorporated documents, conditions and specifications.

22) LOBBYING AND INFLUENCING FEDERAL EMPLOYEES.

a. No Federal appropriated funds shall be paid, by or on behalf of the Contractor or its subcontractors, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant or the amendment or modification of any Federal grant.

b. a. If any funds other than Federal appropriated funds have been paid or will be paid by the Contractor or its subcontractors to any person for influencing or attempting to influence an officer or employee of the City, any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal grant, the contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobby Activities," in accordance with its instructions.

23) ASSIGNMENT OF CERTAIN RIGHTS TO THE CITY.

In entering into this Contract or a subcontract to supply goods, services, or materials pursuant to this Contract, the Contractor and/or subcontractor offers and agrees to assign to the City all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services, or materials pursuant to this Contract or the subcontract. This assignment shall be made and become effective at the time the City tenders final payment to the Contractor, without further acknowledgement by the parties.

24) ENERGY CONSERVATION REQUIREMENTS

The contractor agrees to comply with mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).

25) ATTACHMENTS

1) **Notice Inviting Bids**
2) **Contractor's Bid**
3) **Bidder's Bond**
4) **Addendum No. 1**
5) **Addendum No. 2**
6) **Addendum No. 3**

IN WITNESS WHEREOF, the parties have caused this Construction Contract to be executed on the day and year first herein written.

AGENCY: City of Oroville, A Municipal Corporation (First Party)

By: _____
Mayor, Chuck Reynolds

CONTRACTOR: Butte Construction Company (Second Party)

By: _____
(Authorized Representative) (Sign, Print Name and Official Title)

APPROVED AS TO FORM:

By: _____
City Attorney, Scott Huber

ATTEST:

By: _____
Assistant City Clerk, Jackie Glover

Premium: $6,869

SECTION 00 61 13.16

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS that we, The Ohio Casualty Insurance Company, as Surety and Butte Construction Company, as Principal, are jointly and severally, along with their respective heirs, executors, administrators, successors and assigns, held and firmly bound unto **City Of Oroville** ("the Obligee") for payment of the penal sum the penal sum of Three Hundred Ninety-One Thousand Two Hundred Fifty-Eight and 99/100 Dollars ($391,258.99) in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the Obligee, by resolution of its City Council has awarded to the Principal a Contract for the Work described as **CITY OF OROVILLE-CITY HALL ROOF AND FACADE PROJECT.**
WHEREAS, the Principal, has entered into an agreement with the Obligee for performance of the Work; the Agreement and all other Contract Documents set forth therein are incorporated herein and made a part hereof by this reference.

WHEREAS, by the terms of the Contract Documents, the Principal is required to furnish a bond ensuring the Principal's prompt, full and faithful performance of the Work of the Contract Documents.

NOW THEREFORE, if the Principal shall promptly, fully and faithfully perform each and all of the obligations and things to be done and performed by the Principal in strict accordance with the terms of the Contract Documents as they may be modified or amended from time to time; and if the Principal shall indemnify and save harmless the Obligee and all of its officers, agents and employees from any and all losses, liability and damages, claims, judgments, liens, costs, and fees of every description, which may be incurred by the Obligee by reason of the failure or default on the part of the Principal in the performance of any or all of the terms or the obligations of the Contract Documents, including all modifications, and amendments, thereto, and any warranties or guarantees required thereunder; then this obligation shall be void; otherwise, it shall be, and remain, in full force and effect.

The Surety, for value received, hereby stipulates and agrees that no change, adjustment of the Contract Time, adjustment of the Contract Price, alterations, deletions, additions, or any other modifications to the terms of the Contract Documents, the Work to be performed thereunder, or to the Specifications or the Drawings shall limit, restrict or otherwise impair Surety's obligations or Obligee's rights hereunder; Surety hereby waives notice from the Obligee of any such changes, adjustments of Contract Time, adjustments of Contract Price, alterations, deletions, additions or other modifications to the Contract Documents, the Work to be performed under the Contract Documents, or the Drawings or the Specifications.

In the event of the Obligee's termination of the Contract due to the Principal's breach or default of the Principal's obligations thereunder, within twenty (20) days after written notice from the Obligee to the Surety of the Principal's breach or default of the Contract Documents and Obligee's termination of the Contract, the Surety shall notify Obligee in writing of Surety's assumption of obligations hereunder by its election to either remedy the default or breach of the Principal or to take charge of the Work of the Contract Documents and complete the Work at its own expense ("the Notice of Election"); provided, however, that the procedure by which the Surety undertakes to discharge its obligations under this Bond shall be subject to the advance written approval of the Obligee, which approval shall not be unreasonably withheld, limited or restricted. The insolvency of the Principal or the Principal's denial of a failure of performance or default under the Contract Documents shall not by itself, without the Surety's prompt, diligent inquiry and investigation of such denial, be justification for Surety's failure to give the Notice of Election or for its failure to promptly remedy the failure of performance or default of the Principal or to complete the Work.

In the event the Surety fails to issue its Notice of Election to Obligee within the time provided for hereinabove, the Obligee may thereafter cause the cure or remedy of the Principal's failure of performance or default or to complete the Work. The Principal and the Surety shall be jointly and severally liable to the Obligee for all damages and costs sustained by the Obligee as a result of the Principal's failure of performance under the Contract Documents or default in its performance of obligations thereunder, including without limitation the costs of cure or completion of the Work exceeding the then remaining balance of the Contract Price; provided that the Surety's liability hereunder for the costs of performance, damages and other costs sustained by the Obligee upon the Principal's failure of performance or default under the Contract Documents shall be limited to the penal sum hereof, which shall be deemed to include the costs or value of any Changes to the Work which increases the Contract Price.

In the event that suit or other proceeding is brought upon this Bond by the Obligee, the Surety and Principal shall be jointly and severally liable for payment to the Obligee of all costs, expenses and fees incurred by the Obligee therewith, including without limitation, attorneys' fees.

IN WITNESS WHEREOF, the Principal and Surety have executed this instrument this 1st day of September, 20 22 by their duly authorized agent or representative

Butte Construction Company
(Contractor-Principal Name)

By: _____
(Signature)

NICK STARNES
(Typed or Printed Name)

Title: PRESIDENT

(Attach Notary Public Acknowledgement of Principal's Signature)

The Ohio Casualty Insurance Company
(Surety Name)

By: _____
(Signature of Attorney-In-Fact for Surety)

Elizabeth Collodi, Attorney-in-Fact
(Typed or Printed Name of Attorney-In-Fact)

(Attach: (i) Attorney-In-Fact Certification; (ii) Notary Public Acknowledgment of Authorizing Signature on Attorney-Fact Certification; and (iii) Notary Public Acknowledgement of Attorney-In-Fact's Signature.)

Contact name, address, telephone number and email address for notices to the Surety

Phyllis Jarvis
(Contact Name)

175 Berkeley Street
(Street Address)

Boston, MA 02116
(City, State & Zip Code)

(888) 398-8924 ( ) _____
Telephone Fax

Phyllis.Jarvis@LibertyMutual.com
(Email address)

ACKNOWLEDGMENT

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

State of California
County of Butte

On September 1, 2022 before me, Deanna Quintero, Notary Public
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

ARS3 DEANNA QUINTERO
COMM. # 2261479
NOTARY PUBLIC · CALIFORNIA
COUNTY OF BUTTE
Comm. Expires OCT. 6, 2022 ARS3

CALIFORNIA ACKNOWLEDGMENT CIVIL CODE § 1189

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

State of California
County of Butte

On September 1, 2022 *Date* before me, Andrea Job, Notary Public *Here Insert Name and Title of the Officer*,

personally appeared Nick Starnes *Name(s) of Signer(s)*,

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

ANDREA JOB
Notary Public - California
Butte County
Commission # 2337614
My Comm. Expires Nov 16, 2024

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

WITNESS my hand and official seal.

Signature andrea Job *Signature of Notary Public*

Place Notary Seal and/or Stamp Above

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

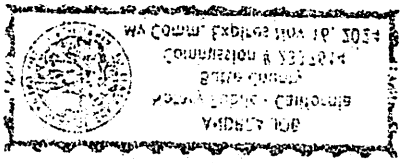
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer – Title(s): _____	☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General	☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer is Representing: _____	Signer is Representing: _____

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This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8208104-971829**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Bill Rapp; Brad Espinosa; Breanna Boatright; Claudine Gordon; Deanna Quintero; Dineen Fraser; Elizabeth Collodi; Hunter Smithson; Jason March; Jennifer Lakmann; John Hopkins; John J. Weber; Kathleen Le; Kris Lopes; Kristie Phillips; Mary Collins; Matthew Foster; Michael Feeney; Mike Taylor; Mindy Whitehouse; Pam Sey; Paula Senna; Peggy Trusty; Phil Watkins; Renee Ramsey; Samantha Watkins; Sara Walliser; Steven L. Williams; Tony Clark

all of the city of Chico state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 31st day of May, 2022.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: _____
David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 31st day of May, 2022 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.

Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: _____
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.
Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.
Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 1st day of September, 2022.

By: _____
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

SECTION 00 61 14

LABOR AND MATERIAL PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS that we, The Ohio Casualty Insurance Company, as Surety and Butte Construction Company, as Principal, are jointly and severally, along with their respective heirs, executors, administrators, successors and assigns, held and firmly bound unto **City Of Oroville** ("the Obligee") for payment of the penal sum the penal sum of Three Hundred Ninety-One Thousand Two Hundred Fifty-Eight and 99/100 Dollars ($391,258.99) in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT:

WHEREAS, the Obligee, by resolution of its City Council has awarded to the Principal a Contract for the Work described as **CITY OF OROVILLE-CITY HALL ROOF AND FACADE PROJECT**.

WHEREAS, the Principal, has entered into an Agreement with the Obligee for performance of the Work, the Agreement and all other Contract Documents set forth therein are incorporated herein by this reference and made a part hereof.

WHEREAS, by the terms of the Contract Documents, the Principal is required to furnish a bond for the prompt, full and faithful payment to any Claimant, as hereinafter defined, for all labor materials or services used, or reasonably required for use, in the performance of the Work.

NOW THEREFORE, if the Principal shall promptly, fully and faithfully make payment: (i) to any Claimant for all labor, materials or services used or reasonably required for use in the performance of the Work; (ii) of amounts due under the Unemployment Insurance Code for work or labor performed under the Contract; and (iii) of amounts required to be deducted, withheld and paid to the Employment Development Department from wages of the employees of the Principal and its Subcontractors under Section 13020 of the Unemployment Insurance Code with respect to work and labor under the Contract then this obligation shall be void; otherwise, it shall be, and remain, in full force and effect.

The term "Claimant" shall refer to any person, corporation, partnership, proprietorship or other entity including without limitation, all persons and entities described in California Civil Code §9100, providing or furnishing labor, materials or services used or reasonably required for use in the performance of the Work under the Contract Documents, without regard for whether such labor, materials or services were sold, leased or rented. This Bond shall inure to the benefit of all Claimants so as to give them, or their assigns and successors, a right of action upon this Bond.

In the event that suit is brought on this Bond by any Claimant for amounts due such Claimant for labor, materials or services provided or furnished by such Claimant, the Surety shall pay for the same and reasonable attorney's fees pursuant to California Civil Code §9554.

The Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, deletion, addition, or any other modification to the terms of the Contract Documents, the Work to be performed thereunder, the Specifications or the Drawings, or any other portion of the Contract Documents, shall in any way limit, restrict or otherwise affect its obligations under this Bond; the Surety hereby waives notice from the Obligee of any such change, extension of time, alteration, deletion, addition or other modification to the Contract Documents, the Work to be performed under the Contract Documents, the Drawings or the Specifications of any other portion of the Contract Documents.

[CONTINUED NEXT PAGE]

IN WITNESS WHEREOF, the Principal and Surety have executed this instrument this 1st day of September, 2022 by their duly authorized agent or representative.

Butte Construction Company
(Contractor-Principal Name)

By: _____
(Signature)

NICK STARNES
(Typed or Printed Name)

Title: PRESIDENT

(Attach Notary Public Acknowledgement of Principal's Signature)

The Ohio Casualty Insurance Company
(Surety Name)

By: _____
(Signature of Attorney-In-Fact for Surety)

Elizabeth Collodi, Attorney-in-Fact
(Typed or Printed Name of Attorney-In-Fact)

(Attach: (i) Attorney-In-Fact Certification; (ii) Notary Public Acknowledgment of Authorizing Signature on Attorney-Fact Certification; and (iii) Notary Public Acknowledgement of Attorney-In-Fact's Signature)

Contact name, address, telephone number and email address for notices to the Surety

Phyllis Jarvis
(Contact Name)

175 Berkeley Street
(Street Address)

Boston, MA 02116
(City, State & Zip Code)

(888) 398-8924 ( ) _____
Telephone Fax

Phyllis.Jarvis@LibertyMutual.com
(Email address)

ACKNOWLEDGMENT

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

State of California
County of Butte

On September 1, 2022 before me, Deanna Quintero, Notary Public
(insert name and title of the officer)

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

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

WITNESS my hand and official seal.

Signature _____ (Seal)

ARS3 DEANNA QUINTERO
COMM. # 2261479
NOTARY PUBLIC · CALIFORNIA
COUNTY OF BUTTE
Comm. Expires OCT. 6, 2022 ARS3

CALIFORNIA ACKNOWLEDGMENT CIVIL CODE § 1189

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

State of California
County of Butte

On September 1, 2022 *Date* before me, Andrea Job, Notary Public *Here Insert Name and Title of the Officer*,

personally appeared Nick Starnes *Name(s) of Signer(s)*,

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

ANDREA JOB
Notary Public - California
Butte County
Commission # 2337614
My Comm. Expires Nov 16, 2024

Place Notary Seal and/or Stamp Above

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

WITNESS my hand and official seal.

Signature *Signature of Notary Public*

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

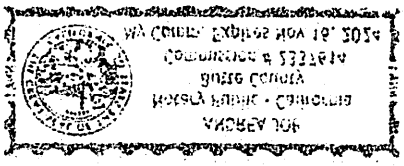
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer – Title(s): _____	☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General	☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer is Representing: _____	Signer is Representing: _____

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This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: 8208104-971829

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Bill Rapp; Brad Espinosa; Breanna Boatright; Claudine Gordon; Deanna Quintero; Dineen Fraser; Elizabeth Collodi; Hunter Smithson; Jason March; Jennifer Lakmann; John Hopkins; John J. Weber; Kathleen Le; Kris Lopes; Kristie Phillips; Mary Collins; Matthew Foster; Michael Feeney; Mike Taylor; Mindy Whitehouse; Pam Sey; Paula Senna; Peggy Trusty; Phil Watkins; Renee Ramsey; Samantha Watkins; Sara Walliser; Steven L. Williams; Tony Clark

all of the city of Chico state of CA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 31st day of May, 2022.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: _____
David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 31st day of May, 2022 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at King of Prussia, Pennsylvania, on the day and year first above written.

Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: _____
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.
Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.
Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 1st day of September, 2022.

By: _____
Renee C. Llewellyn, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, currency rate, interest rate or residual value guarantees.

For bond and/or Power of Attorney (POA) verification inquiries, please call 610-832-8240 or email HOSUR@libertymutual.com.

CITY OF OROVILLE
STAFF REPORT

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

FROM: **MATT THOMPSON, ACTING CITY ENGINEER**

RE: **AUTOCAD CIVIL 3D ENGINEERING DESIGN SOFTWARE**

DATE: **MARCH 21, 2023**

SUMMARY

The Council will consider approving the purchase of two one-year user licenses of AutoCAD Civil 3D design software.

DISCUSSION

The City currently uses AutoCAD LT which is a basic version of AutoCAD software intended for documentation and minimal 2D design. The Engineering Department would like approval to purchase two one-year user licenses for AutoCAD Civil 3D. Civil 3D is a more advanced computer aid drafting (CAD) software which would provide the City's engineering staff the ability to do design work on the City's capital improvement projects in house. This will improve collaboration with outside consultants and reduce the City's future dependance on outside consultants for design work.

FISCAL IMPACT

$5,600.00 from the Engineering Fund

RECOMMENDATION

Staff recommends approving the purchase of two one-year user licenses of AutoCAD Civil 3D design software.

ATTACHMENTS

None

OROVILLE COMMUNITY
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **DAWN NEVERS, ASST. DIRECTOR OF COMMUNITY DEVELOPMENT**

RE: **RESOLUTION TO DECLARE EHMANN HOME A HISTORICAL LANDMARK**

DATE: **MARCH 21, 2023**

SUMMARY

The Council may consider the Resolution to Declare the Ehmann Home a Historical Landmark.

DISCUSSION

Larry Tracy, the President of the Butte County Historical Society, has requested that the City of Oroville Declare the Ehmann Home a Historical Landmark.

- The Ehmann Home is a significant historical building that helps to tell the story of Freda Ehmann and her families' contributions to the community of Oroville.

- After the Ehmann family left Oroville, the home was sold to Butte County for use as an office building. In 1980 the building was deeded to the Butte County Historical Society (BCHS) through the legislative efforts of State Senator Ray Johnson of Chico, who had grown up in Oroville. After significant restoration, the Ehmann Home became the headquarters of BCHS.

- Hundreds of people have since toured the building and appreciated its significance to the history of Oroville.

- The Ehmann Home is not currently open due to old electrical wiring and plumbing and the windows need to be rebuilt. The purpose of the resolution is to help the BCHS obtain funding to assist with these repairs.

FISCAL IMPACT

There is no fiscal impact at this time.

RECOMMENDATION

Acknowledge receipt of the request and recommend that the City Council approve of the Resolution XXXX A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILE, CALIFORNIA, DECLARING THE EHMANN HOME A HISTORICAL LANDMARK

ATTACHMENT(S)

RESOLUTION XXX
Ehmann Home Information Sheet

CITY OF OROVILLE
RESOLUTION NO. 9130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, DECLARING THE EHMANN HOME A HISTORICAL LANDMARK

WHEREAS, The Ehmann Home, located on the corner of Lincoln and Robinson Streets, was designed by Chico architect John Morton, in the Colonial Revival/Craftsman architectural style and constructed in 1911 for Edwin Ehmann and his family, including his widowed mother, Freda Loeber Ehmann. Freda founded the ripe olive industry in California after perfecting a curing system for the olives grown in her Oroville Olive orchard. The Ehmann family was very involved in the Oroville community, with Edwin Ehmann serving as mayor and being very involved with the establishment of the Oroville YMCA.

WHEREAS, The Ehmann Home was of frame construction with a stucco and wood shingle exterior. The roof was hipped with a broad peak and dormer windows on three sides, as noted above. Bay windows were in the front parlor wall and in the center of the house on both sides. The classic touch appears in simple columns on the front porch, two round and two square.

WHEREAS, The interior of the home adheres to the standard room arrangement for its architectural style. A large hall opens to a parlor and then to a dining room. To the right of the door a “C” shaped staircase with square newel posts at the bottom and landing leads to the second floor. Three original stained-glass windows decorate the hall, one over the door and one on each landing. The downstairs includes a dining room, parlor, library, and hall, all of which have dark wainscoting. The dining room also has a plate rail. The woodwork is of superior cut and quality, imported from the Baltic countries.

WHEREAS, After the family moved from Oroville, the home was sold to Butte County for use as an office building. After the County no longer had a need for it, the Ehmann Home was deeded to the Butte County Historical Society in 1980 through the legislative efforts of State Senator Ray Johnson of Chico, who had grown up in Oroville. After significant restoration, the Ehmann Home became the headquarters of BCHS. Hundreds of people have since toured the building each year and appreciated its significance to the history of Oroville.

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

Section 1. The City Council of the City of Oroville does hereby declare the Ehmann Home a Historical Landmark.

Section 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 21, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

ATTEST:

Jackie Glover, Assistant City Clerk

Brief History of the Ehmann Home

The gracious home at the corner of Lincoln and Robinson Streets in Oroville was constructed in 1911 for Edwin Ehmann and his family, including his widowed mother, Freda Loeber Ehmann. Designed by Chico architect John Morton, the Colonial Revival/Craftsman architectural style was very popular in Oakland, where the family had lived prior to moving to Oroville to manage their growing olive processing business.

Built across from the County Courthouse on the edge of the downtown business district, and only a few blocks from the Ehmann Olive Plant, it was conveniently located for the family. The original home, whose style was also known as the "Classic Box" design, was a two-story rectangle, 55 feet by 40 feet, excluding the front and rear porches. A large unfinished attic with dormer windows on three sides comprised a third story.

The building was of frame construction with a stucco and wood shingle exterior. The roof was hipped with a broad peak and dormer windows on three sides, as noted above. Bay windows were in the front parlor wall and in the center of the house on both sides, The classic touch appears in simple columns on the front porch, two round and two square.

The interior of the home adheres to the standard room arrangement for its architectural style. A large hall opens to a parlor and then to a dining room. To the right of the door a "C" shaped staircase with square newel posts at the bottom and landing leads to the second floor. Three original strained glass windows decorate the hall, one over the door and one on each landing.

The downstairs includes a dining room, parlor, library, and hall, all of which have dark wainscoting. The dining room also has a plate rail. The woodwork is of superior cut and quality, imported from the Baltic countries.

The Ehmann family was very involved in the Oroville community, with Edwin Ehmann serving as mayor and being very involved with the establishment of the Oroville YMCA. After the family moved from Oroville, the home was sold to Butte County for use as an office building. After the County no longer had a need for it, the Ehmann Home was deeded to the Butte County Historical Society in 1980 through the legislative efforts of State Senator Ray Johnson of Chico, who had grown up in Oroville. After significant restoration, the Ehmann Home became the headquarters of BCHS. Hundreds of people have since toured the building each year and appreciated its significance to the history of Oroville.

CITY OF OROVILLE
STAFF REPORT

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

FROM: **RONNIE BELSER, DIRECTOR OF CODE ENFORCEMENT**

RE: **AUTHORIZATION TO TRANSFER CITY OF OROVILLE VEHICLE 79, 1999 FORD F-350 1 YARD DUMP TRUCK TO THE HOPE CENTER/CITY WORKS PROGRAM.**

DATE: **MARCH 21, 2023**

SUMMARY

The Council will consider authorizing the transfer of City Vehicle 79, the 1999 Ford F350 pickup from Public Works to the Hope Center/City Works Program.

DISCUSSION

In December 2016 the City of Oroville entered into an agreement with the Hope Center creating the City Works program. The program is partially funded by the City of Oroville. The program has shown success by beautifying our city, assisting all City departments with details, helping City Works employees to better their lives, build confidence and take pride in their work product.

City Works is in much need of equipment to maintain their work productivity. They currently have a one-yard truck that was donated by the City of Oroville in March of 2022. This truck needs tires (replacement cost $2,000 to $2,500), the headlights do not function, the orange Beacon light is damaged, and the motor needs extensive maintenance. Public Works is slated to receive (3) three new one-yard trucks any day. Truck 79 would alternatively be sent out to auction where the city will receive pennies on the dollar. Public Works Manager Wade Atteberry is in agreeance with the transfer.

Should the Council authorize the transfer, the transfer of title will occur and the Hope Center will take full ownership of this truck. All future registration and insurance responsibilities will be the responsibility of the Hope Center.

RECOMMENDATION:

Authorize the transfer of City Vehicle 79, 1999 Ford F350 pickup, from Public Works to the Hope Center/City Works.

ATTACHMENTS:

Photograph of City of Oroville's Ford F-350 one-yard pickup.



City of Oroville Vehicle 79, 1999 Ford F350 One Yard Dump Truck

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **KAROLYN J. FAIRBANKS, CITY TREASURER**

RE: **INVESTMENT POLICY ADOPTION FOR 2023**

DATE: **March 21, 2023**

SUMMARY

The Council will consider adopting the Statement of Investment Policy 2023 for the City of Oroville.

DISCUSSION

California Government code states that the Treasurer may annually render to the City legislative body a Statement of Investment Policy for consideration at a public meeting.

The only changes from the 2022 Policy is revision of sections 8.1.2 and 14.0 to provide for maximum maturity of five years (previously three years).

FISCAL IMPACT

None

RECOMMENDATION

Adopt Resolution No. 9129 - A RESOLUTION AUTHORIZING ADOPTION OF AN INVESTMENT POLICY FOR THE CITY OF OROVILLE FOR 2023.

ATTACHMENTS

Resolution No.
Investment Policy

CITY OF OROVILLE
RESOLUTION NO. 9129

A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING THE INVESTMENT POLICY FOR THE CITY OF OROVILLE FOR 2023

BE IT HEREBY RESOLVED by the Oroville City Council as follows:

a. The Council adopts the Investment Policy for 2023.

b. The City Clerk shall attest to the adoption of the Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on March 21, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
DAVID PITTMAN, MAYOR

APPROVED AS TO FORM:

_____
Scott E. Huber, City Attorney

ATTEST:

_____
Jackie Glover, Assistant City Clerk

City of Oroville
Statement of Investment Policy
2023

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City of Oroville
Statement of Investment Policy
2023

1.0 **Policy:** The City of Oroville (the City) shall invest public funds in such manner as to comply with all federal, state and local statutes; insure prudent money management; provide for daily cash flow requirements**;** and meet the objectives in priority order of safety, liquidity and return on investment.

2.0 **Scope**: This Investment Policy covers all financial assets under the direct authority of the City. In addition, funds held by trustees or fiscal agents are excluded from these rules; however, all funds are subject to regulations established by the state of California. The covered funds, and any new funds created by the City, unless specifically exempted by this policy, are defined in the City's Comprehensive Annual Financial Report.

3.0 **Prudence:** The standard of prudence to be used shall be the prudent investor standard and shall be applied in the context of managing the overall portfolio. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

3.1 Any investment official exercising his or her assigned authority with due diligence and prudence in accordance with the written procedures and the Investment Policy will not be held personally liable for any individual investment losses or for total portfolio losses provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 **Objectives:** The primary objectives of investment activities in order of priority shall be:

4.1 *Safety:* Safety of principal is the prime objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.

4.2 *Liquidity*: The City's investment portfolio shall be structured in a manner which strives to time the maturity of securities with cash requirements to remain sufficiently liquid to meet all operating

requirements which might be reasonably anticipated.

4.3 *Return on Investments: T*he City shall attempt to obtain a reasonable return after basic requirements of safety and liquidity have been met.

5.0 **Delegation of Authority:** Authority to manage the investment program is derived from the City Charter, City Code and the Government Code of the State of California. Management responsibility for the investment program is hereby delegated to the Treasurer who shall be responsible for all transactions undertaken and shall establish a system of controls and procedures. The City Council shall appoint someone to act only in the absence of the Treasurer. The Treasurer has the authority to sign all contracts related to the investment of public funds.

5.1 Investment Procedures: The Treasurer shall establish written procedures for the operation of the investment program consistent with this investment policy. The procedures should include reference to safekeeping, repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer and approved by the legislative body.

6.0 **Ethics and Conflicts of Interest:** Officers, employees, elected and appointed officials involved in the investment process shall act responsibly as custodians of the public trust; avoid any transaction that might impair the public confidence or the City's ability to serve the citizens; refrain from personal business activities that could conflict with proper execution of the investment program or could impair their ability to make impartial investment decisions and abide by the City's adopted Conflict of Interest Code incorporated by reference into this Investment Policy.

7.0 **Authorized Financial Dealers and Institutions**: To promote the optimum yield on the investment of City funds, investment procedures shall be designed to encourage competitive bidding on transactions from approved financial institutions and broker-dealers. Dealers and Institutions are defined in California Code as a member of a federally regulated securities exchange, a national or state-chartered bank, a savings association or federal association or a brokerage firm designated as a primary government dealer by the Federal Reserve Bank.

7.1 All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following : audited financial statements demonstrating compliance with state

and federal capital adequacy guidelines. proof of Financial Industry Regulatory Authority (FINRA) registration, proof of State of California registration and certification of having read the City's investment policy.

.**8.0** **Authorized Investments:** The Treasurer may invest city funds in the following instruments as specified under Section 53601 et seq., of the California Government Code, as now read or hereafter amended, and as further limited in this policy. In the case of bond proceeds permissible investments are limited to those specified in the bond documents in accordance with Section 5922 of the Government Code or other applicable laws. Investments in Deferred Compensation funds are limited to those investments allowed under Section 53609 of the Government Code.

8.1 Except as provided above, the following investments are authorized, as further limited herein:

- 8.1.1 Obligations of the U.S. Government – Maximum 100%
- 8.1.2 Time Certificates of Deposits - Maximum 30%. Deposits should not exceed five year maturity. Deposits will be collateralized or insured in accordance with the investment policy and placed with nationally or state chartered banks, a savings association and/or a state or federal credit union.
- 8.1.3 Local government investment pools - Maximum 100%. Investments will be made in accordance with laws and regulations governing these funds.
- 8.1.4 Repurchase agreements - Maximum 20%. Must be fully Collateralized at 110%, have a maturity of no more than 90 days, and will only be with primary dealers of the Federal Reserve Bank who have long term debt rated at AAA by Moody's or Standard and Poor.
- 8.1.5 Passbook Savings Account Demand Deposits - Maximum 50%. Deposits must be insured if under FDIC limit allowed by law, collateralized if over that limit, and not exceed $1,000,000 with one institution.
- 8.1.6 SEC Registered Money Market/Mutual Funds – Maximum 20%. Funds must consist of instruments permitted under Section 53601 of the Government Code.
- 8.1.7 Bankers' Acceptance - Maximum 40% and have a maturity of no longer than 180 days.
- 8.1.8 Investments held separately. Investment of bond funds will be made in conformance with the trust indenture for each issue. Such funds will be held separately when required.

8.2 If repurchase agreements are legal and authorized by policy, a Master Repurchase Agreement must be signed with the bank or dealer.

9.0 **Review of Investment Portfolio:** The securities held by the City must be in compliance with Section 8.0 Authorized and Suitable Investments at the time of purchase. To assure subsequent compliance, the Treasurer shall at least quarterly review the portfolio to identify any securities that do not comply and establish procedures to report to the City critical incidents of noncompliance.

1**0.0** **Investment Pools/Mutual Funds:** Governmental sponsored pools and/or mutual funds should be carefully reviewed prior to investing and should be monitored on an ongoing basis. Requisite information on the pool includes a statement of investment policy and objectives, a description of interest calculations and how it is distributed and how gains and losses are treated, a description of how the securities are safeguarded (including the settlement process) and how often the securities are priced and the program audited, a description of who may invest in the program, a schedule for receiving statements and portfolio listings, a description of how the pool/fund maintains reserves, earnings, etc. or is all income after expenses distributed to participants, and a fee schedule.

11.0 **Collateralization:** Investments in time certificates of deposit shall be fully insured up to the maximum allowed by law by the Federal Deposit Insurance Corporation**,** the National Credit Union Share Insurance Fund**,** or the Federal Savings and Loan Insurance Corporation, as appropriate. Investments in time certificates of deposit in excess of the maximum amount allowed by law shall be properly collateralized. Section 53652 of the California Government Code requires that the depository pledge securities with market value of at least 10% in excess of the City's deposit as collateral in government securities. The City Treasurer is responsible for entering into deposit contracts with each depository. Collateral for investments in Repurchase agreements must consist of U. S. Treasury obligations or U. S. Agency obligations. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 110% of market value of principal and accrued interest.

12.0 **Safekeeping and Custody:** All security transactions, including collateral for repurchase agreements shall be conducted on a delivery versus payment (DVP) basis. Securities will be held by a third party custodian, or in the case of bond proceeds the Trustee, designated by the Treasurer and evidenced by safekeeping receipts. The only exception to the foregoing shall be depository accounts and securities purchases made

with LAIF, time certificates of deposit and money market mutual funds, since the purchased securities are not deliverable.

13.0 **Diversification:** The purpose of diversification is to reduce the overall portfolio risks while attaining market average rates of return. The maximum allowable percentage of investments in any one category will be diversified as required by law, or as provided by this policy, whichever is lower. In addition, with the exception of U.S. Treasury securities and the Local Agency Investment Fund, no more than 50% of the total portfolio will be vested in a single security type or with a single financial institution (excluding demand deposits and bond proceeds if allowed by the bond trustee).

14.0 **Maximum Maturities:** No investment shall be made with a maturity of more than five (5) years unless the Governing Body specifically authorizes the investment. As a general rule the City will not invest in securities maturing more than two (2) years from date of purchase unless they represent reserve funds or other monies set aside to satisfy long term needs such as capital accumulation funds. To the extent possible, investment maturities will be matched against anticipated cash flow requirements.

15.0 **Internal Control:** The City shall establish an annual process of independent review by the external auditor. This review will provide internal control by assuring compliance with policies and procedures.

16.0 **Performance Standards:** The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles commensurate with the investment risk constraints and the cash flow needs. The basis used by the Treasurer to determine whether market yields are being achieved shall be to identify a comparable benchmark to the portfolio investment duration.

17.0 **Reporting:** The Treasurer shall provide a monthly report to the City Council regarding investment activity and returns on all portfolios which provide a clear picture of the status of the current investment portfolio. The report shall include: Type of investment, issuer, purchase date, date of maturity, amount of deposit or cost of the investment, face value of securities, current market value of securities, rate of interest and interest earnings. If any of the funds are managed by a contracted party, a description shall be included in the report. The report shall be reviewed and signed by the Treasurer, the Director of Finance and the City Administrator.

18.0 **Investment Policy Adoption:** In accordance with Section 53646(a) of

the California Government Code, the Treasurer may render annually to the City legislative body a Statement of Investment Policy for consideration at a public meeting. The City's Investment policy and any modifications shall be adopted by Resolution of the Oroville City Council. Any State Law changes during the year are automatically incorporated into this policy.

19.0 Glossary: Because this policy is available to the public as well as the governing body, a glossary of related terminology is a part of the policy.

Glossary

Accrued Interest. Interest earned but not yet received.

Agencies. Federal Agency securities and/or Government-sponsored enterprises.

Arbitrage. Generally, transactions by which securities are bought and sold in different markets at the same time for the sake of the profit arising from a difference in prices in the two markets.

Asked. The price at which securities are offered.

Bankers' Acceptances (BA's). A draft or bill of exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

Basis point. One basis point is one hundredth of one percent (.01).

Benchmark. A comparative base for measuring the performance or risk tolerance of the investment portfolio. A benchmark should represent a close correlation to the level of risk and the average duration of the portfolio's investments.

Bid. The price offered by a buyer of securities.

Bond. A financial obligation for which the issuer promises to pay the bondholder a specified stream of future cash flows including periodic interest payments and a principal repayment.

Bond Equivalent Yield (BEY). An annual yield, expressed as a percentage, describing the return provided to bond holders. A bond equivalent yield is double

the simple interest, semiannual yield.

Book value. The value at which a debt security is shown on the holder's balance sheet. Book value is the cost less amortization of premium or accretion of a discount.

Broker. A broker brings buyers and sellers together for a commission.

Certificate of Deposit (CD). A time deposit of funds in a bank or savings and loan association with a specific maturity evidenced by a certificate.

Collateral. Securities, evidence of deposit or other property, which a borrower pledges for repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Commercial Paper. Unsecured short-term promissory notes issued by corporations, with maturities ranging from 2 to 270 days, which may be sold on a discount basis or may bear interest. Firms with lower ratings or without well known names usually back their commercial paper with guarantees or bank letters of credit.

Comprehensive Annual Financial Report (CAFR). The official annual financial report of the City. It includes combined statements and basic financial statements for each individual fund and account group prepared in conformity with Generally Accepted Accounting Principles (GAAP).

Corporate Medium Term Notes. Unsecured promissory notes issued by corporations operating within the United States. The notes are in the one to five year maturity range.

Coupon. The annual rate of interest that a bond's issuer promises to pay the bond holder on the bond's face value. Also, a certificate attached to a bond evidencing interest due on a payment date.

Credit Risk. The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

Current Yield (Current Return). The interest paid on an investment expressed as a percentage of the current price of the security. Current yield is only accurate for investments purchased at par.

Custody. The service of an organization, usually a financial institution, of holding (and reporting) a customer's securities for safekeeping. The financial institution is known as the custodian.

Dealer. A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account .

Debenture. A bond secured only by the general credit of the issuer.

Delivery versus Payment (DVP). Delivery of securities with a simultaneous exchange of money for the securities.

Derivatives. Financial instruments whose return profile is linked to, or derived from, the movement of one or more underlying index or security, and may include a leveraging factor; or financial contracts based upon noticed amounts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities or commodities).

Discount. The difference between the cost price of a security and its maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

Discount Securities. Non-interest bearing money market instruments that are issued a discount and redeemed at maturity for full face value, (e.g., U. S. Treasury Bills).

Diversification. Dividing investment funds among a variety of securities, offering independent returns.

Duration. A measure of the sensitivity of the price (the value of principal) of a fixed-income investment to a change in interest rates. Duration is expressed as a number of years. Rising interest rates mean falling bond prices, while declining interest rates mean rising bond prices.

Federal Credit Agencies. Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g. S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC). A federal agency that insures bank deposits, currently up to $250,000 per entity**.**

Federal Funds Rate. The rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

Federal Home Loan Banks (FHLB). Government sponsored wholesale banks which lend funds and provide correspondent banking service to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

Federal National Mortgage Association (FNMA or Fannie Mae). A federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. FNMA is a private stockholder-owned corporation and assumes and guarantees that all security holders will receive timely payment of principal and interest. The corporation's purchases include a variety or adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are highly liquid and are widely accepted.

Federal Open Market Committee (FOMC), Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member, while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open market as a means of influencing the volume of bank credit and money.

Federal Reserve System. The central bank of the United States which consists of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members.

Government National Mortgage Association (GNMA or Ginnie Mae). Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by the FHA, VA or FHA mortgages.

Interest Rate. The annual yield earned on an investment, expressed as a percentage.

Liquidity. The quality of an asset that permits it to be converted quickly into cash without a significant loss in value.

Local Agency Investment Fund (LAIF). A special fund in the State Treasury which local agencies may use to deposit funds for investment and for reinvestment. Each agency is currently limited by LAIF to an investment of $50 million.

Marketability. The measure of ease with which a security can be sold in the secondary market.

Market Risk. Defined as market value fluctuations due to overall changes in the general level of interest rates structuring the portfolio based on historic and current cash flow analysis eliminating the need to sell securities prior to maturity and avoiding the purchase of long term securities for the sole purpose of short term

speculation.

Market Value - The price at which a security is trading and could presumably be purchased or sold.

Master Repurchase Agreement. A written contract covering all future transactions between the parties to repurchase-reverse repurchase agreements that establish each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer-lender to liquidate the underlying securities in the event of default by the seller-borrower

Maturity Date. The date upon which the principal or stated value of an investment becomes due and payable.

Money Market. The market in which short-term debt instruments (bills, commercial paper, bankers' acceptance, etc.) are issued and traded.

Mutual Fund. An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the Investment Company Act of 1940 and must abide by the Securities and Exchange Commission (SEC) disclosure guidelines.

Offer. The price asked by a seller of securities.

Open Market Operations. Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Portfolio. Collection of securities held by an investor.

Primary Dealer. A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks, and a few unregulated firms.

Principal. The face amount or par value of a debt instrument.

Prudent Person Standard. A standard of conduct where a person acts with care, skill, prudence, and diligence when investing or reinvesting.

Qualified Public Depositories. A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of the state, which has segregated for the benefit of the commission eligible collateral having a value of not less than its maximum liability and which has been approved by the Public Deposit Protection Commission to hold public deposits.

Rate of Return. The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (RP or REPO). A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security buyer in effect lends the seller money for the period of the agreement, and the terms of the agreement are structured to compensate him for this.

Reverse Repurchase Agreement (Reverse REPO). A reverse-repurchase agreement involves investor borrowing cash from a financial institution in exchange for securities. The investor agrees to repurchase the securities at a specified date for the same cash value plus an agreed upon interest rate. Although the transaction is similar to a repo, the purpose of entering into a reverse repo is quite different. While a repo is a straightforward investment of public funds, the reverse repo is a borrowing.

Safekeeping. A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

Secondary Market. A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities & Exchange Commission (SEC). Agency created by Congress to protect investors in securities transaction by administering securities legislation.

Treasury Bills. A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

Treasury Bonds. Long-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. government and having initial maturities of more than ten years.

Treasury Notes. Medium-term coupon-bearing U.S. Treasury securities issued as direct obligations of the U.S. Government and having initial maturities from two

to ten years.

Trustee. A Bank designated as the custodian of funds and the official representative for bondholders. In this capacity, the trustee is responsible for enforcing the bondholder's contract with the issuer.

Uniform Net Capital Rule. Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called net capital rule and net capital ratio. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

Yield. The rate of annual income return on an investment, expressed as a percentage. Income yield is obtained by dividing the current dollar income by the current market price for the security. Net yield or yield to maturity is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

CITY OF OROVILLE
STAFF REPORT

TO: **MAYOR PITTMAN AND COUNCIL MEMBERS**

FROM: **RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR - ADMINISTRATIVE SERVICES**

RE: **CONSOLIDATION OF FUNDS**

DATE: **MARCH 21, 2023**

SUMMARY

The Council may consider the consolidation of Fund 302, Capital Improvements and Fund 303, Capital Projects Funds to one Fund- 302 and rename it to the Capital Projects and Improvement Fund.

DISCUSSION

Currently the City has two separate funds for Capital Improvements and Capital Projects. Staff is recommending the consolidation of these two funds for simplicity and efficiency. The combined Fund will be named the Capital Projects and Improvements Fund. These activities are closely related and don't require a separation of Funds. The actual expense classification of "Project" vs "Improvement" can easily be identified by and expenditure line rather than needing two Funds.

A Capital Improvement is any expense over $125,000 to existing real property assets. A Capital Project is anything that is considered a new project over $125,000.

A consolidation will be more efficient for the upcoming budget cycle where the two different expense categories can be included in the same fund on separate expense lines.

All items identified for these types of expenditures will be presented to Council for approval.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

Approve the consolidation of Funds 302 and 303 to one Fund 302 and rename it to the Capital Projects and Improvements Fund.

ATTACHMENTS

None

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CITY OF OROVILLE
STAFF REPORT

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

FROM: **RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR, ADMINISTRATIVE SERVICES**

RE: **MID YEAR FINANCIAL REVIEW**

DATE: **MARCH 21, 2023**

SUMMARY

The Council may receive a mid-year financial report for revenues and expenditures for the first six months of the fiscal year July 1, 2022, to December 31,2022.

DISCUSSION

OVERVIEW

A look at the budgets vs actuals for the first half of the fiscal year 2022-23. The District Tax continues to be a vital part of the fiscal sustainability of the City. Revenues are expected to come in over $7 million for 2022-23.

GENERAL FUND

Revenues

Overall, the revenues are at 47% of the estimated budget received at December 31, 2023. This amount is very close to the 50% mark expected at mid-year.

Building fees are down for the first part of the year compared to the prior year. This might be an indicator of development slowing down. This revenue source is hard to estimate as there is a large variance that flows with development going on in the City. Code Enforcement has started receiving Federal Grant reimbursements that were not estimated at budget time.

Expenditures

General Fund expenditures are for the core functions of the City. Administration, Police, Fire and Public Works are some of the departments budgeted here. Overall, the General Fund has 69% of the expenditure budget still available at mid-year. Insurance cost has been difficult to budget as the cost has increased more than estimated.

DISTRICT TAX FUND

Revenues

Revenues for the District Sales Tax are consistent with projections. Careful attention and focus are required to monitor for variances or downturns. The economy has been a source of controversy this past year. Talk of a downturn that has not happened yet is predicted by some economists and rejected by others. We are watching this close to see if we will be affected.

Expenditures

District Tax expenditures are coming in less than budgeted. Most of the departmental expenses are on track except for Streets. There is a $1.5 allocation for road work that can only be completed when the weather cooperates.

DEBT

The City completed a new bond issuance for Pension Obligation Bonds in November 2021. The bonds were issued for $19.225 million dollars at a rate of 3.2%. This is not considered new debt as we already owed this liability, rather a transfer of debt from CalPERS to our bond holder, US Bank.

Council approved payoff of the American River Bank on October 18, 2022, at $2,193,503. According to the terms of our loan we can pay if off on April 3, 2023, for $2,247,920.86. This is a $54,417.86 difference. Staff is seeking authorization to pay the additional $54,417.86.

Balances at 12/31/23

American River Bank – Solar and Energy project	$ 2,193,503
Wells Fargo Penson Obligation Bonds 2	18,855,000
Total	$ 21,048,503
US Bank – Successor Agency Bonds	$ 11,075,000

FISCAL IMPACT

Increase in loan payoff of $54,417.86 due for payment April 3, 2023.
Budget Adjustments listed below to increase Council approved appropriations, there are no decreases requested.

RECOMMENDATION

Staff recommends the following budget adjustments:

Revenues

Increase Finance budget line item 2001-4830 Refunds and Reimbursements	$10,000
Increase Code Enforcement budget 2311-4570 Federal Grants	$120,000

Expenditures

- Increase to Risk Management in the General Fund 100, line item 1701-6100 to cover increased property damages claims. $25,000

- Increase to the Code Enforcement budget in the General Fund 100 of $95,000 to cover costs. 2311-6070 Fuel $10,000, 2311-6270 Office Expense $15,000, 2311-6360 Outside Services $95,000. Total budget adjustment increases to Code Enforcement $120,000.
- Increase to Fire budget in the District Tax Fund 102, to cover lingered expenses from the prior year. 2802-5240 $12,548.00 for PERS costs, 2802-6070 Fuel $4,549.22, 2802-6260 Maintenance Vehicle $211.78
- Increase to the Public Works budget in the District Tax Fund 102, $100,000 to cover engineering costs. 2902-5110 Salaries & Wages.

ATTACHMENTS

Budget worksheets

CITY OF OROVILLE

General Fund Revenues

July 1, 2022 through December 31, 2022

Department	Annual Budget	Year to Date Revenues	Budget Remaining	Percentage Remaining 50%
Administration	5,557	3,149	2,408	43%
Information Technology	35,000	14,074	20,926	60%
Finance	17,960	20,191	(2,231)	0%
Planning & Development Services	124,290	76,320	47,970	39%
Building	1,257,809	353,831	903,978	72%
Code Enforcement	17,000	146,479	(129,479)	0%
Police	513,745	225,655	288,090	56%
Fire	250,000	85,473	164,527	66%
Public Works	47,855	44,870	2,985	6%
Streets	404,169	260,099	144,070	36%
Vehicle Maintenance	887,877	163,699	724,178	82%
Parks & Trees	36,596	32,674	3,922	11%
General Government	18,902,287	9,231,803	9,670,484	51%
TOTALS	$ 22,500,145	$ 10,658,318	$ 11,841,827	53%

CITY OF OROVILLE

General Fund Expenditures

July 1, 2022 through December 31, 2022

Department	Annual Budget	Year to Date Expenditures	Budget Remaining	Percentage Remaining 50%
City Administrator	441,560	89,491	352,069	80%
City Attorney	265,450	50,056	215,394	81%
City Clerk	168,032	55,115	112,917	67%
City Hall	101,397	49,558	51,839	51%
Human Resources	467,748	109,881	357,867	77%
Information Technology	598,010	221,501	376,509	63%
Risk Management	620,904	626,761	(5,857)	-1%
Mayor and Council	215,114	107,349	107,765	50%
Finance	1,433,785	514,181	919,604	64%
Treasurer	45,501	20,434	25,067	55%
Planning & Development Services	1,315,478	297,244	1,018,234	77%
Building	640,071	407,360	232,711	36%
Code Enforcement	94,722	66,119	28,603	30%
Police	5,685,792	2,550,317	3,135,475	55%
Fire	6,118,542	223,552	5,894,990	96%
Public Works	436,267	84,839	351,428	81%
Streets	1,400,859	378,244	1,022,615	73%
Drainage	190,141	21,376	168,765	89%
Vehicle Maintenance	887,877	329,279	558,598	63%
Parks & Trees	1,107,164	469,491	637,673	58%
General Government	941,317	454,499	486,819	52%
TOTALS	$ 23,175,731	$ 7,126,648	$ 16,049,083	69%

CITY OF OROVILLE

District Tax Fund

July 1, 2022 through December 31, 2022

Revenues	Annual Budget	Year to Date Revenues	Budget Remaining	Percentage Remaining 50%
Total Sales Tax Revenue	$ 7,791,150	$ 2,831,437	$ 4,959,713	64%
Expenditures by Department	**Annual Budget**	**Year to Date Expenditures**	**Budget Remaining**	**Percentage Remaining 50%**
City Administrator	85,720	44,648	41,072	48%
City Hall	68,810	23,204	45,606	66%
Planning	93,696	14,879	78,817	84%
Code Enforcement	910,311	304,487	605,824	67%
Police	1,760,748	538,274	1,222,474	69%
Fire	0	17,309	(17,309)	0%
Public Works	29,359	64,193	(34,834)	0%
Streets	1,836,923	230,438	1,606,485	87%
Parks & Trees	1,068,547	302,790	765,757	72%
General Government	3,000,000	1,500,000	1,500,000	50%
General Reserve	1,500,000	750,000	750,000	50%
TOTALS	$ 10,354,114	$ 3,790,223	$ 6,563,891	63%

CITY OF OROVILLE
STAFF REPORT

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

FROM: **DAWN NEVERS, ASSISTANT COMMUNITY DEVELOPMENT DIRECTOR**

RE: **PARTNERSHIP WITH DEPARTMENT OF WATER RESOURCES ON SALMONID HABITAT AND BEDROCK PARK LAGOON IMPROVEMENTS**

DATE: **MARCH 21, 2023**

SUMMARY

The Council will consider approval of a partnership with Department of Water Resources to improve salmonid habitat in the Feather River, which includes the Bedrock Park lagoon.

DISCUSSION

City staff was contacted by the Department of Water Resources (DWR) regarding a grant project to enhance salmonid habitat in the Feather River in the vicinity of Bedrock Park's swim lagoon. Staff saw an opportunity to partner with DWR and asked that the project be implemented in a way that would improve the water conditions in the swim lagoon by modifying the river channel to increase water flow. The funding acquired by DWR will cover the costs for planning and permitting of the overall project as well as the costs for the construction work in the main river channel, and the City of Oroville would cover the cost for the work performed in the lagoon, a substantial cost savings to the City.

The project will be funded primarily by two grants between the State of California Natural Resource Agency Prop 68 – Protecting California's Rivers, Streams and Watershed Grant Program and the Central Valley Project Improvement Act – Fish and Wildlife Restoration Activities (US Department of Interior).

All activities will require obtaining permits from California Department of Fish & Wildlife, Regional Water Quality Control Board, US Army Corps of Engineers, permission from State Lands Commission, Central Valley Flood Protection encroachment permit, as well as State Office of Historic Preservation and Endangered Species Act Section 7 Consultation. Additionally, an Initial Study/Proposed Mitigated Negative Declaration was required and completed for the project. The City will see a substantial savings in dollars and staff time with DWR taking the lead on the project, agency consultation, completion of Initial Study/Proposed Mitigated Negative Declaration, permitting process, engineering design, the contractor bid solicitation/selection process, contractor inspection during construction.

The work in the main river channel to consists primarily of in-river spawning gravel placement. For this portion of the project, DWR will gain access and set up staging areas on the north bank of the river.

The lagoon portion of the project will consist of excavation of approximately 600 cubic yards of material from the entrance and 100 cubic yards of material from the exit of the lagoon to increase flows, provide fish rearing habitat, and reduce water stagnation in the lagoon. Material removed from the entrance will be hauled offsite and material from the exit will be placed on the south bank. The lower parking lot of Bedrock Park will be used as a staging area for the work for an estimated 7-10 days.

The grant funding is the mechanism to allow DWR to conduct work in the main river channel; for the work in the lagoon to occur, the City would need to cover these costs. This is estimated at $100,000 and staff is requesting a 20% contingency for any unforeseen issue that may arise. During the contractor bid solicitation/selection process, a separate bid will be provided for the work in the lagoon. If this amount exceeds $100,000, the work will not occur. In that case, the rest of the project (the portion in the main river channel) would still proceed.

FISCAL IMPACT

The City portion of the project is estimated at $100,000 and staff is requesting a 20% contingency for any unforeseen issue that may arise. Staff is requesting the funds to come from the Bedrock Park – Building Maintenance Improvements Account No. 3151-6110 and for the expenditure to be reimbursed by the recent settlement received from DWR following the spillway incident in the amount of $570,000.

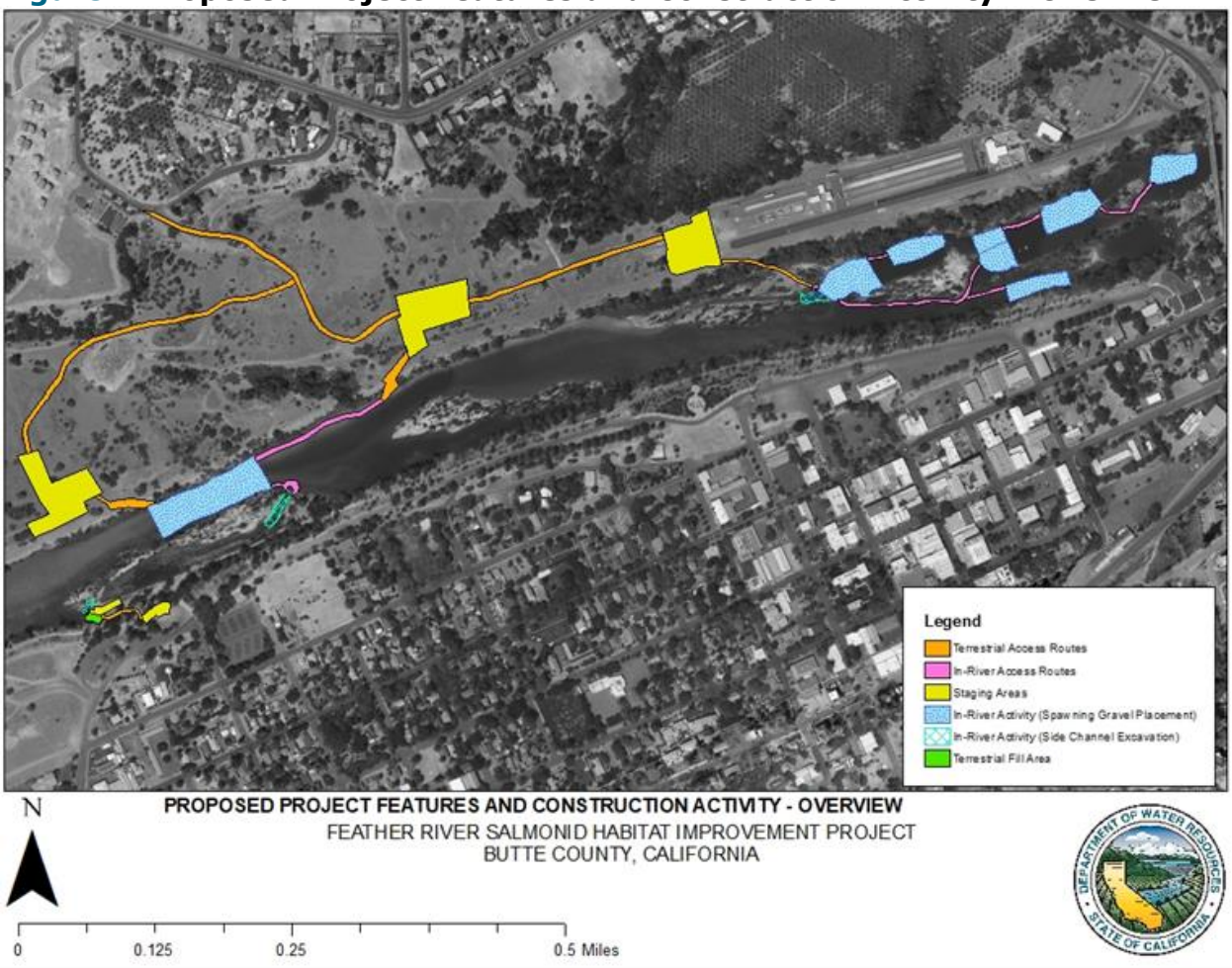
RECOMMENDATION

Authorize and direct staff to partner with the Department of Water resources for the rehabilitation of Bedrock Park Swim Lagoon for an estimated cost of $100,000 with a 20% contingency.

ATTACHMENTS

Project overview from California Department of Water Resources

Figure 1 Proposed Project Features and Construction Activity – Overview



CITY OF OROVILLE
STAFF REPORT

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

FROM: **DAWN NEVERS, ASST. COMMUNITY DEVELOPMENT DIRECTOR**

RE: **SANK PARK PERIMETER FENCE FINAL DESIGN PRESENTATION**

DATE: **MARCH 21, 2023**

SUMMARY

The City Council will be presented with the final design schematics of the fence and gates around for the perimeter of Sank Park.

DISCUSSION

Following the City Council's approval on September 7, 2021, of the application for Prop 68 Statewide Parks Per Capita funding to install a fence around the perimeter of Sank Park. Staff sought input from the Park Commission and the Historic Advisory Commission for the new fencing because the location is a city park and falls within the Downtown Historic Overlay.

The fencing will replace the deteriorating wood and chain link fence combination surrounding Sank Park with a custom wrought iron fence. The fence design elements were approved on by Council on April 19, 2022, and contained the following:

- 5' tall fence
- 6" curb under fence
- Ornate corner posts with finials
- Pickets will be slender with pointed tips
- (2) vehicle gates and (4) pedestrian gates
- Pedestrian gate at Montgomery Street entrance will be inset for a more pronounced entrance to have decorative elements
- Dusk to dawn hardware is desired for safety and to secure closure during the evening hours

The intent of the fence is to prevent further vandalism of the historic home and park grounds during the evening hours and preserve the historic character of the home. There have been numerous occurrences of vandalism on the park grounds and the home itself. One such incident was an arson fire on the front porch that was extinguished before too much damage was caused.

Following Council approval on April 19, 2022, a Request for Proposal (RFP) was published, and a mandatory job walk was help on August 25, 2022. Staff received two proposals with the low bidder's proposal not being fully responsive and proposing prefabricated fence panels. The second bidder proposed a fully custom fence that met all the criteria, but the cost was more than anticipated. Following discussion, Council directed staff to return with a presentation and fence renderings.

The Lott Home in Sank Park covers a full city block at over 1.6 acres. The museum is open two days per week for visitors and tours who wish to learn the rich history of Judge Lott and his family. The grounds are regularly rented for community events, private parties, and weddings. The park is open to the public from dawn to dusk for walks, picnics, or reading under one of the many shade trees.

The museum and grounds were bequeathed to the City of Oroville by Jesse Sank in 1961 in his last will and testament and the conditions of his bequest were for the Lott Home and Sank Park to be maintained as a park forever by the City.

The City Council accepted this gift and adopted Resolution No. 2010 accepting the bequest and stated their intentions to abide by the conditions set forth in the last will and testament.

The story of the home and park should be a reminder that the City of Oroville has accepted the responsibility of caring for the museum and grounds for the enjoyment of the community and visitors and to preserve the history that helped shape Oroville.

FISCAL IMPACT

A Per Capita allocation of $177,952.00 is available from the State Department of Parks & Recreation. Staff anticipates the bids received will exceed the $177,952 and has budgeted for $450,000 to make up the difference and $29,700 for Construction Management of the project (previously approved by City Council). The funds will come from Capital Projects Fund 303.

RECOMMENDATION

Provide direction to staff and authorize a maximum spending limit for the project.

ATTACHMENTS

Presentation



Sank Park Fence Design

History of Sank Park and the C.F. Lott Home

A Victorian revival style structure, the C.F. Lott Home was built in 1856 by "Judge" Lott, a gold-rush pioneer who helped form California's government and started the first Citrus Exchange in California.

Although the home is now over 150 years old, only two generations have lived in this house. Much of the original furnishings are on display to help tell the story of how the well-to-do lived "out west." The collection includes antique furnishings, paintings, rugs, textiles, clothes, silver, and glassware from the period 1849-1910.

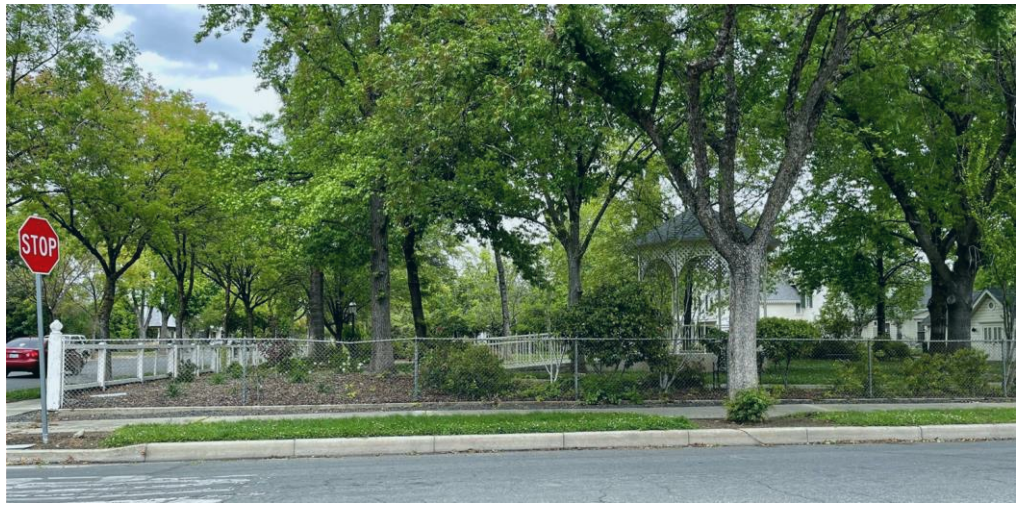
A tour of the house reveals stories of the Lott family and their importance to early California (the Judge was also a State Senator). It also retells his daughter, Cornelia's, love story with Jesse Sank and their eventual happiness.

Sank Park encompasses the entire city block that Judge Lott bought in 1855 for $200. The garden contains a profusion of flowers, including an outstanding hybrid rose area. The park also contains gas burning post lamps, a lovely gazebo as well as many colorful trees, and a picnic area in an orange grove. Surrounding the house is the carriage house with Jess and Cornelia's 1922 Buick.

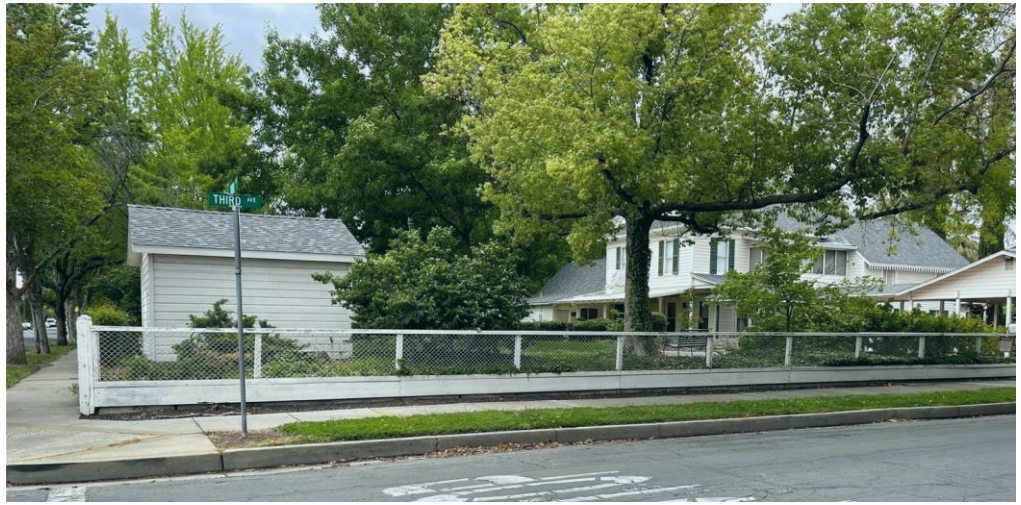
Museum and Park Uses

- Museum and grounds were donated to the City of Oroville in 1961 by Jesse Sank.
- The Lott Home in Sank Park is more than a museum.
- The grounds are regularly rented for community events and weddings.
- The park is open to the public from dawn to dusk for walks, picnics, or reading under one of the many shade trees.

Current Fence









Current Fence







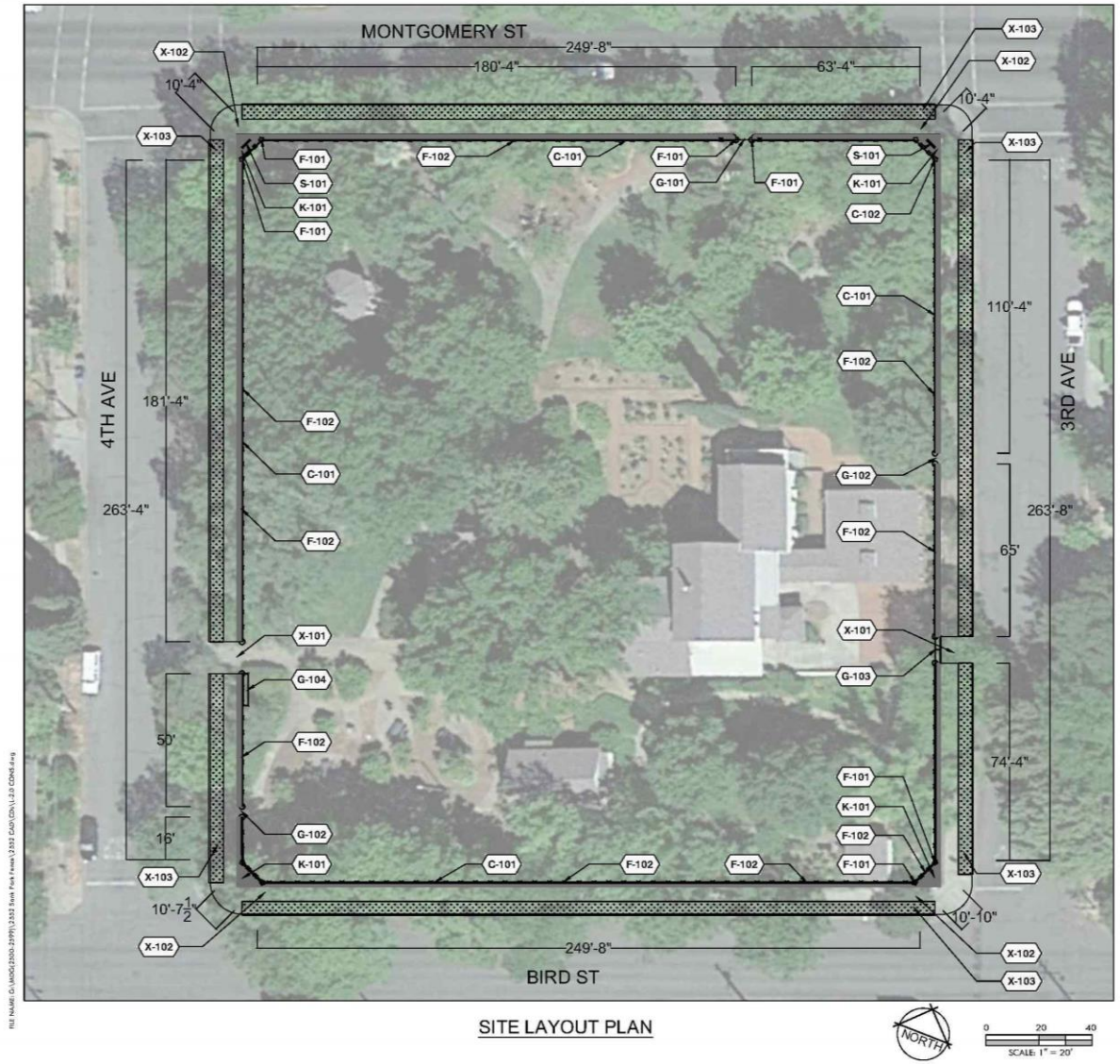


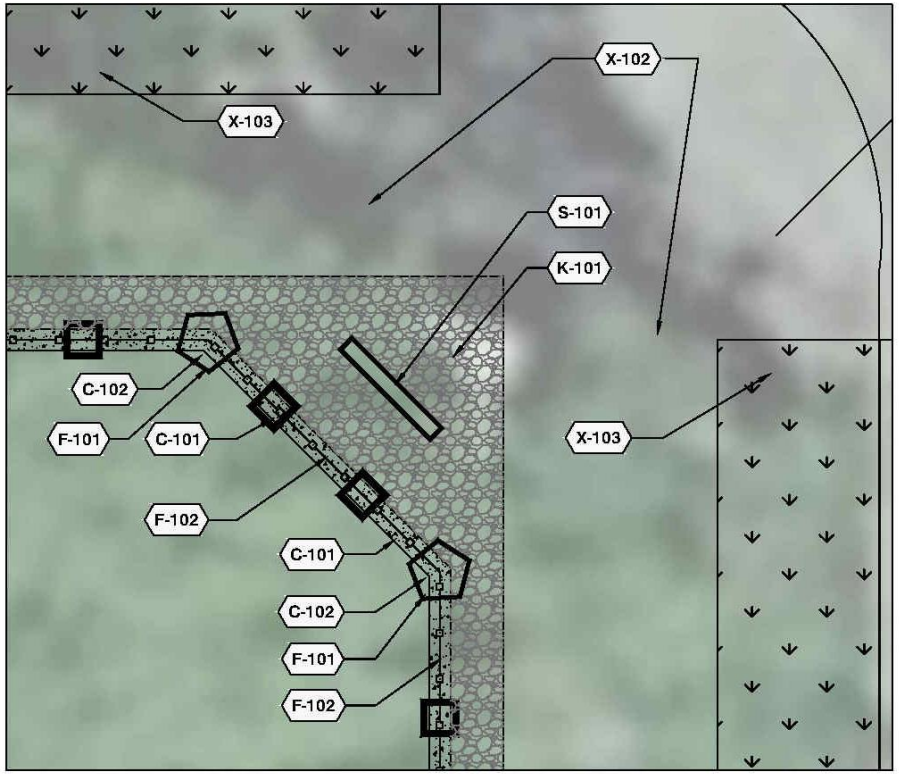
Timeline of Events:

- Sept. 2, 2021 – Council approved Per Capita funding application
- March 4, 2022 - Historic Advisory Commission recommendations received
- March 8, 2022 - Park Commission recommendations received
- April 19, 2022 – City Council reviewed Committee recommendations, provided input, and consolidated final design selections
- August 11, 2022 – Bid Documents published
- August 25, 2022 – Mandatory Job Walk held
- September 19, 2022 – Bid Opening
- October, 4, 2022 – Bids presented to Council
  Council requested return with presentation and fence renderings

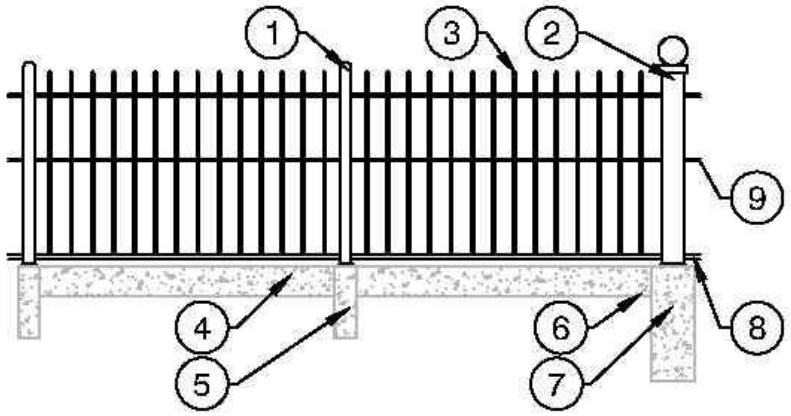
Final Consolidated Design Elements

- 5 foot tall fence to replicate that of a fence for a Victorian Revival home
- Color to be Satin Black
- Clean and narrow pickets that hosts a pencil arch at the top
- Corner posts with globe finials
- 2 vehicle gates, 4 pedestrian gates
- 6″ curb under fence (now 8″ for stability)
- Entrance gate posts and gate would be inset at Montgomery Street (this has changed due to existing elements)
- Dusk to dawn hardware is desired for safety and to secure closure during the evening hours





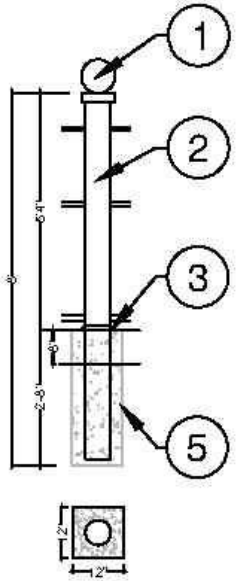
ENLARGEMENT OF MONTGOMERY AND 3RD STREET - NTS



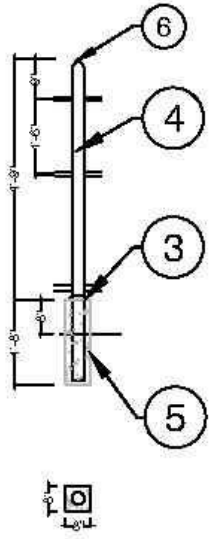
FENCE DETAIL (TYP.)

1. 4" ROUND SUPPORT POST WITH ROUND CAP
2. 6" CORNER AND ENTRANCE DECORATIVE SUPPORT POST WITH 8" BALL
3. 5/8" ROUND PICKETS
4. 8" CONCRETE CURB WITH SMOOTH BOARD FINISH AND 1/2" TROWEL RADIUS
5. 6" X 6" X 12" CONCRETE FOOTING FOR SUPPORT POST
6. NATIVE SOIL AND BASE LINE
7. 12" X 12" X 24" CONCRETE FOOTING FOR SUPPORT CORNER POST
8. 2"X2" CROSS BRACE BOTTOM
9. 1-1/4"X1-1/4" FLAT BEAM CROSS SUPPORT

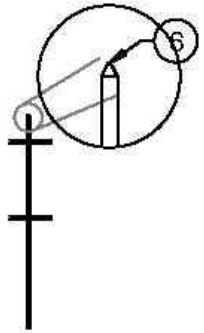
1 L3.0 FENCE DETAIL (TYP.)



CORNER/ENTRANCE DECORATIVE POST (TYP.)



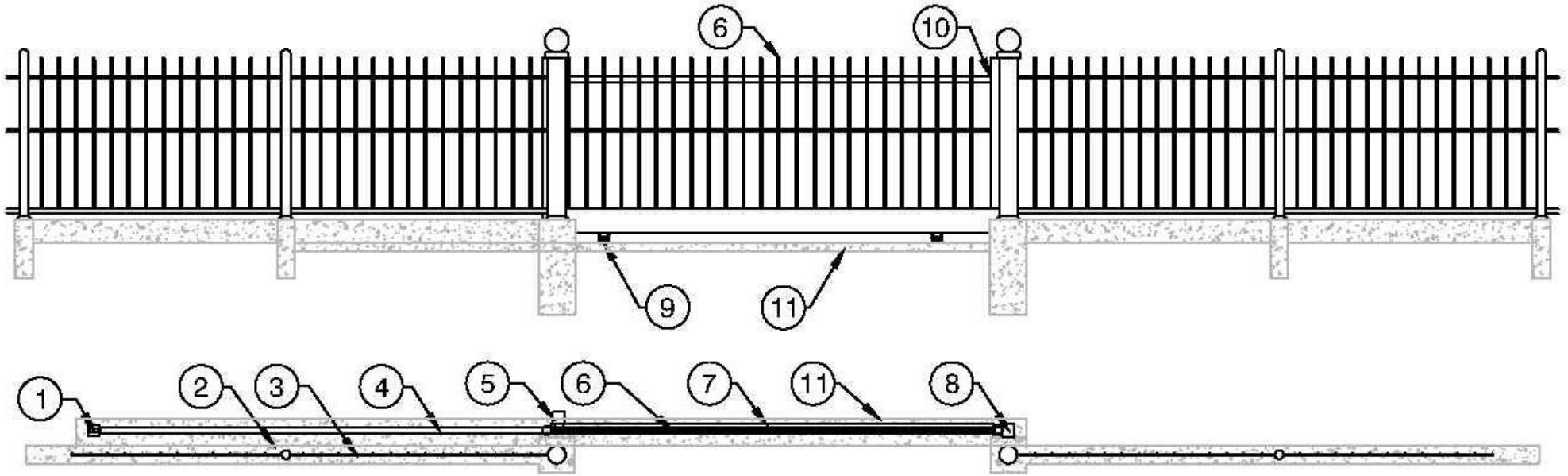
FENCE SUPPORT POST (TYP.)



FENCE PICKET (TYP.)

1. 6" DECORATIVE BALL
2. 6" POST
3. 1/2" TROWELED RADIUS
4. 4" ROUND POST
5. CONCRETE FOOTING - SMOOTH BOARD FINISH
6. 1/8" RADIUS TIP

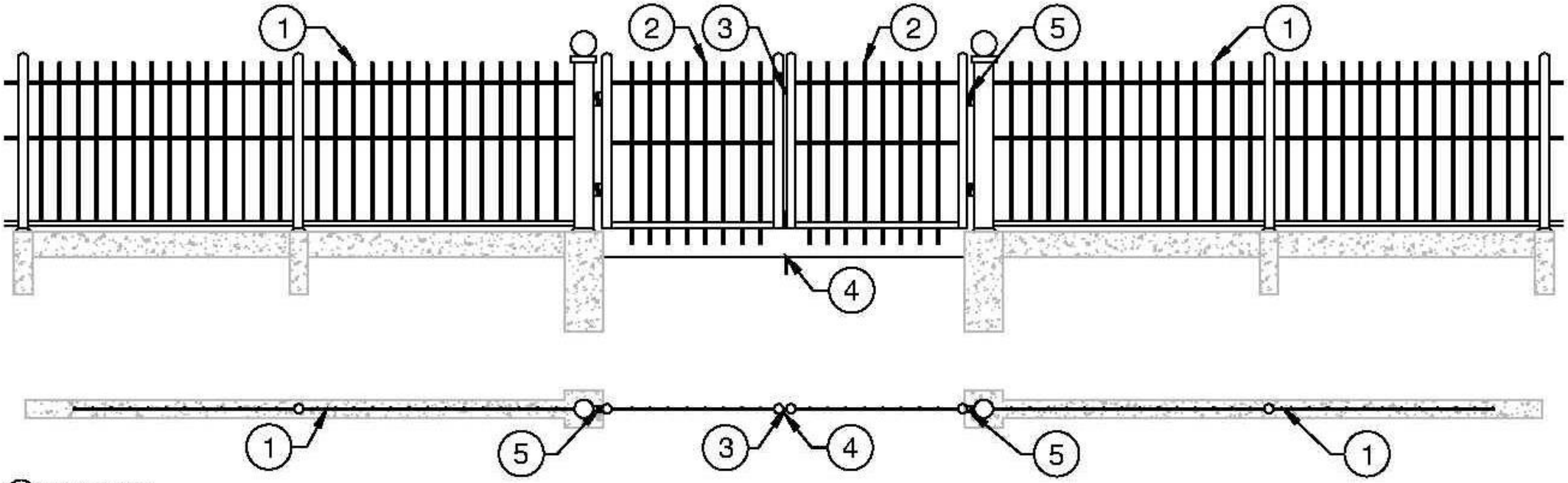
2 L3.0 FENCE POST - FOOTING DETAIL



1. GATE BACK STOPPER
2. 8" CONCRETE CURB
3. FENCE (TYP.)
4. GATE TRACK
5. GATE GUIDE POST
6. 12' ROLLING GATE - WITH PICKETS TO MATCH FENCE
7. GATE GUIDE BEAM
8. BOTTOM END CUP/GATE RECEIVER
9. GATE WHEELS
10. 6" **GATE LATCH** - LOCKAGE
11. FLAT CONCRETE SURFACE FOR GATE TRACK

NOTE:
1. FOR ALL GATE HARDWARE REFER TO L3.1 FOR SUGGESTED PIECES
2. ALL HARDWARE FOR GATES TO BE SAME AS OR BETTER THAN WHAT IS SUGGESTED

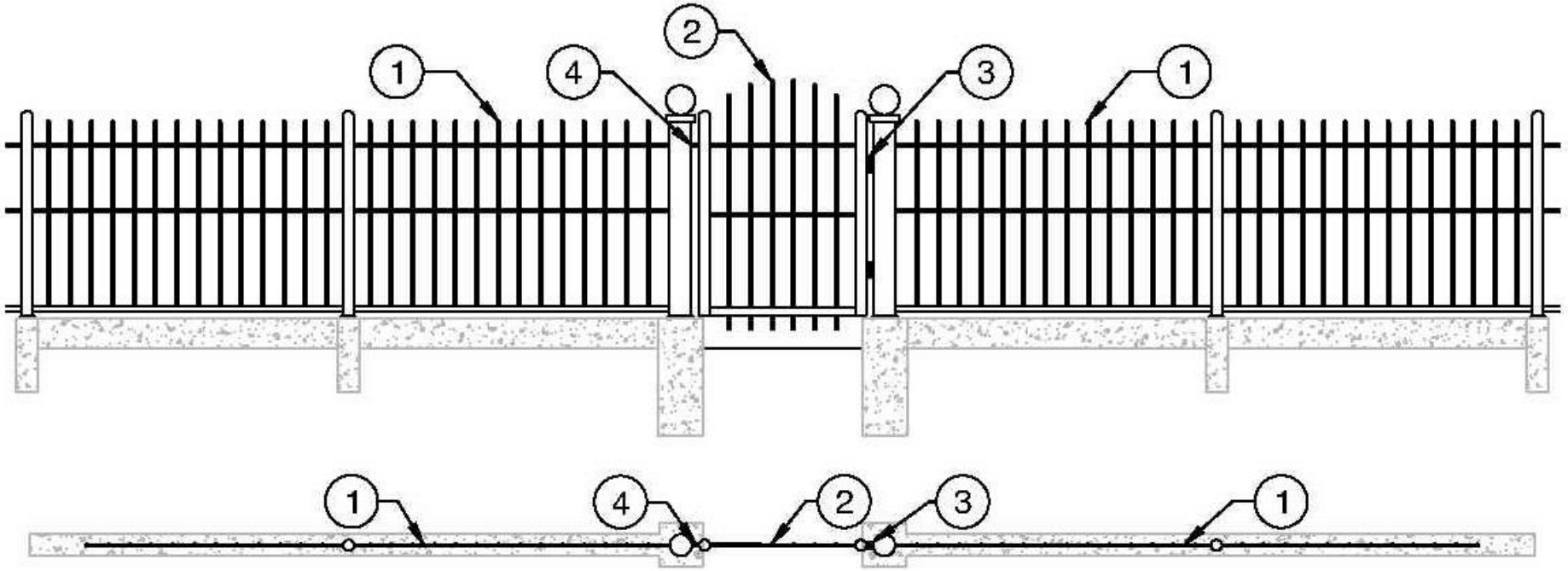
3 / L3.0 12' TRACKED GATE DETAIL



1. FENCE (TYP.)
2. 4'-8" X 5' HINGED GATE
3. STEEL BAR GATE LATCH 5" - LOCKADE
4. 1/2" ANCHOR BOLT - INSET 3/4" PIPE 2' INTO GROUND OT RECIEVE BOLT
5. HEAVY DUTY GATE BAR HINGE 7", BLACK, 700-900LBS

NOTE:
1. FOR ALL GATE HARDWARE REFER TO L3.1 FOR SUGGESTED PIECES
2. ALL HARDWARE FOR GATES TO BE SAME AS OR BETTER THAN WHAT IS SUGGESTED

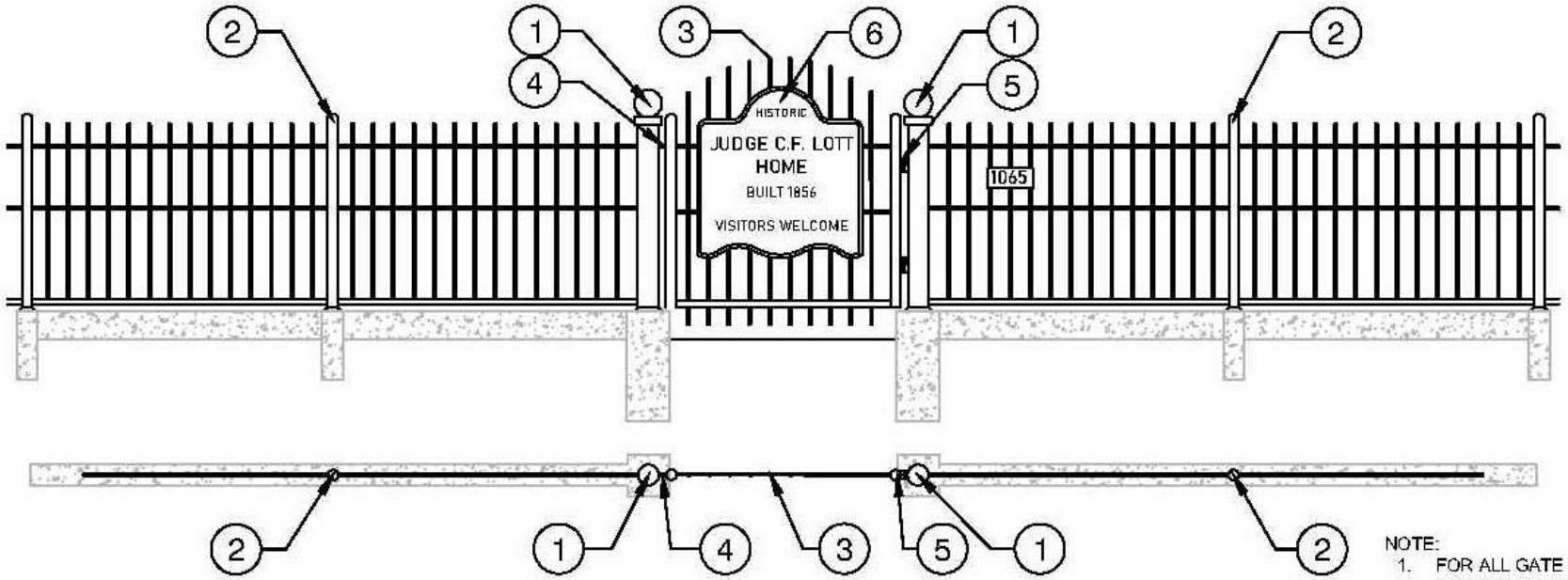
4 / L3.0 10' HINGED GATE DETAIL

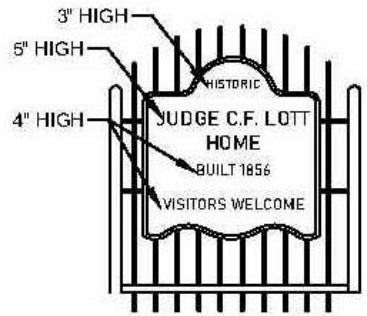


1. FENCE (TYP.)
2. 4'-8" X 4' HINGED GATE
3. HEAVY DUTY GATE HINGE - BANEL 7" BLACK, 700-900LBS
4. ANCHOR BOLT LATCH 6" WITH PAD LOCK

NOTE:
1. FOR ALL GATE HARDWARE REFER TO L3.1 FOR SUGGESTED PIECES
2. ALL HARDWARE FOR GATES TO BE SAME AS OR BETTER THAN WHAT IS SUGGESTED

5 / L3.0 4' HINGED GATE DETAIL



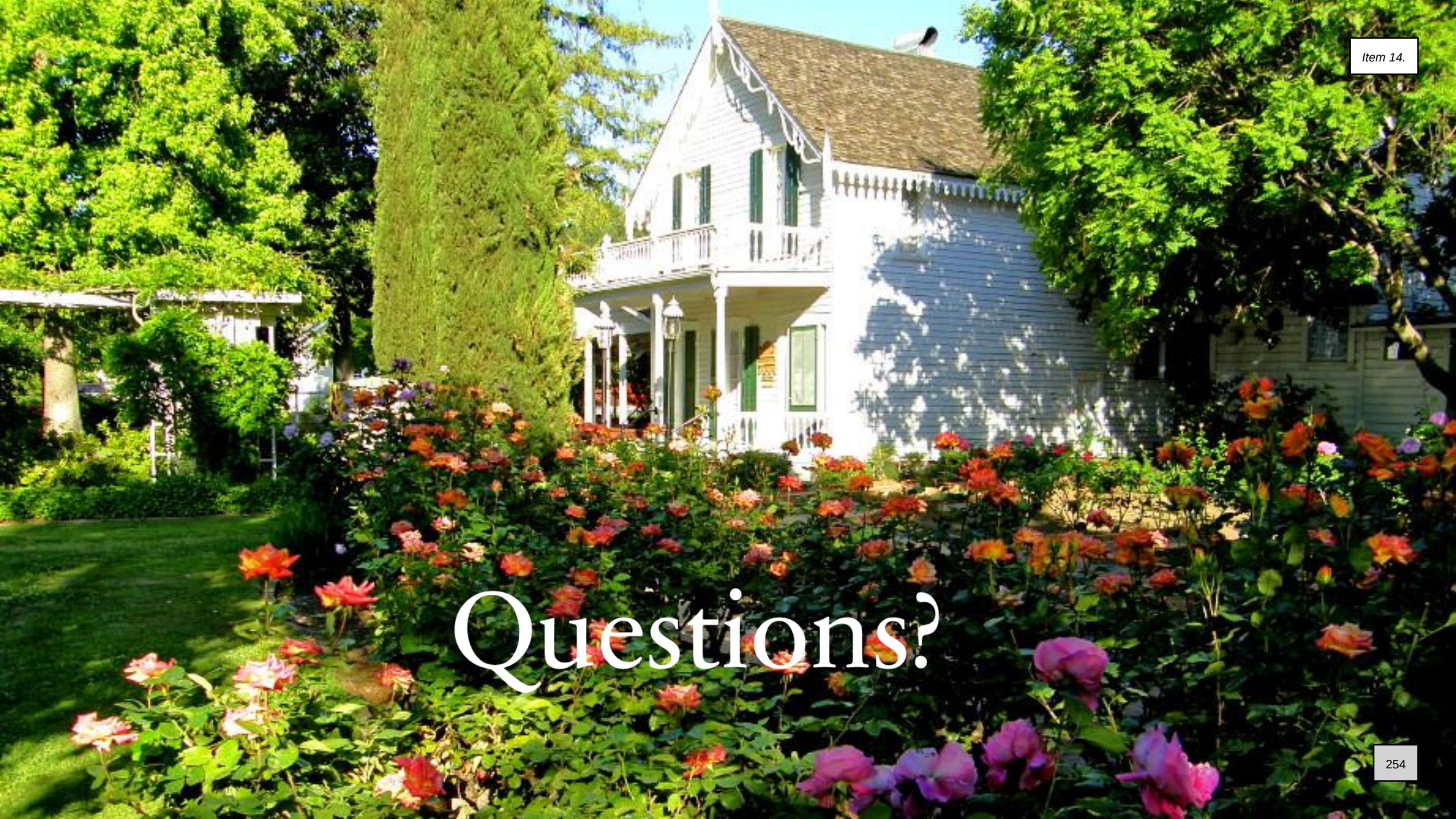


SIGN LETTER HEIGHTS

NOTE:
1. FOR ALL GATE HARDWARE REFER TO L3.1 FOR SUGGESTED PIECES
2. ALL HARDWARE FOR GATES TO BE SAME AS OR BETTER THAN WHAT IS SUGGESTED

1. 6' DECORATIVE POST WITH 6" BALL
2. FENCE (TYP.)
3. 6' WIDE HINGED GATE WITH PICKETS MATCHING FENCE
4. ANCHOR BOLT LATCH 5" WITH PAD LOCK
5. HEAVY DUTY GATE HINGE - 4" BLACK
6. 1/4" STEEL SIGN POWDER COATED: CHARCOAL BLACK, WITH 3/16" LETTERS POWDER COATED WHITE AND CLEAR ANTI-GRAFFITI COATING
7. 1/4" STEEL ADDRESS SIGN POWDER COATED: CHARCOAL BLACK, WITH 3/16" LETTERS 5" HIGH POWDER COATED WHITE AND CLEAR ANTI-GRAFFITI COATING

6 / L3.0 6' HINGED GATE - MAIN ENTRANCE DETAIL


Questions?

CITY OF OROVILLE
STAFF REPORT

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

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **COUNCIL GOALS AND PRIORITIES WORKSHOP FORMAT**

DATE: **MARCH 21, 2023**

SUMMARY

At the request of Vice Mayor Smith and Council Member Webber, the Council will consider the format up the upcoming Goals and Priorities Workshop.

DISCUSSION

The Council has discussed scheduling a Goals and Priorities Workshop to receive input from departments, residents and other City partners on the future needs of the City. Staff are requesting direction with regard to the format of how this workshop will be conducted.

Some of the options to consider include, however are not limited to, the following:

- Department presentations on successes in Fiscal Year 2022/23 along with opportunities;
- Input from the public and community partners;
- A platform for stakeholders to vote on their priorities for goals;
- Council deliberation.

FISCAL IMPACT

None

RECOMMENDATION

Provide staff direction.

CITY OF OROVILLE
STAFF REPORT

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

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **COUNTY LIBRARY AD HOC COMMITTEE APPOINTMENTS**

DATE: **MARCH 21, 2023**

SUMMARY

The Council will consider appointing two members to an ad hoc committee recently formed by the County, to review and assess alternatives with regard to how County libraries are structured and funded.

DISCUSSION

The Butte County Board of Supervisors recently made budget reductions related to the implementation of a classification and compensation study. These reductions included cuts to the County Library system, specifically including cuts to operational expenses, the use of consultants, subscriptions, and various membership, and a reduction in 8.5 staff allocations. The staffing reductions resulted in Library operational hours being reduced county-wide from 164 hours/week, to 120 hours/week. Specifically, the Oroville Library was reduced from being open 6 days/week to 4 days, and went from being open 39 hours/week to 29.

At its February 14, 2023 Board of Supervisors Meeting, County staff were directed to form an ad hoc committee, which would include the cities, to discuss alternatives to how a county-wide library system could be structured and funded.

FISCAL IMPACT

None

RECOMMENDATION

Appoint two City Council members to the County Library Ad Hoc Committee.

CITY OF OROVILLE
STAFF REPORT

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

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **OROVILLE CHAMBER OF COMMERCE ANNUAL DINNER**

DATE: **MARCH 21, 2023**

SUMMARY

The Council will consider the authorization for the purchase of one or two sponsor tables at the 2023 Oroville Chamber of Commerce Annual Dinner to be held on April 6, 2023.

DISCUSSION

The Oroville Area Chamber of Commerce is hosting the annual dinner to support the Chamber. The city has traditionally supported this event by purchasing one or two tables at the event. The cost of each table is $575.00. Each table includes seating and dinner for 8 people. The event will feature speakers from the Chamber and Member Businesses, regarding the business climate in the City of Oroville. This is an opportunity to support the Chamber as the Chamber supports and promotes the businesses of the city.

FISCAL IMPACT

Reduction of the Mayor's and Council's budget for services and supplies. There is currently $3,950 available in these budgets. The original budgets were $5,000.

RECOMMENDATION

Authorize Staff to purchase one or two tables for the city at the 2023 annual dinner.

CITY OF OROVILLE
STAFF REPORT

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

FROM: **BRIAN RING, CITY ADMINISTRATOR**

RE: **OROVILLE REBRANDING AD HOC COMMITTEE CREATION AND MAYORAL APPOINTMENTS TO COMMITTEE**

DATE: **MARCH 21, 2023**

SUMMARY

At the request of Vice Mayor Smith and Council Member Webber, the Council will consider creating an ad hoc committee to work with staff and North Star Place Branding & Marketing (North Star) on the City rebranding project.

DISCUSSION

The Council approved a contract with North Star on June 6, 2022, to lead the rebranding efforts for the City. Beginning in August of 2022, North Star toured Oroville, held focus group and stakeholder meetings and published community and regional surveys to gather information critical information about the community and the region.

The next steps in the Phase 2: Creative process include the following:

- **Logos**: North Star will present a minimum of five logo options for the City of Oroville that represent a variety of concepts
- **Color Palettes**: once the logo is selected, two color palettes are presented.
- **Looks**: two entirely different visual looks that allow you to choose how your brand will be conveyed in terms of headlines, photography style, special graphic elements, detailing and copy points.
- **Brand Style Guide**: This guide contains all the necessary information for using the logo, color palette, typefaces, language and other foundational creative elements to ensure consistency across all mediums.
- **Custom Deliverables (8-10)**: To assist in the communication of the final brand concept.
- **Final Report & Presentation**: North Star will compile your brand into a final oral presentation that summarizes the research, takes viewers through the foundational

creative development (narrative, strapline, logo and color palette), and through the steps of the action plan.

Following Phase 2 will be Phase 3: Action & Implementation. Following the brand's development, North Star has the ability to implement a strategic action and communications plan to begin the work of repositioning Oroville in the marketplace. This plan comprises the fundamental action steps that ensure the brand gains traction and maintains momentum.

Vice Mayor Smith and Council Member Webber requested that the Council consider creating an ad hoc committee to work with staff and North Star.

FISCAL IMPACT

None

RECOMMENDATION

The Council may create an ad hoc committee and approve the mayor's appointments of Council Member Krysi Riggs and Vice Mayor Eric Smith to sit on the committee.



Oroville Dam
Citizens Advisory Commission Report

CALIFORNIA
NATURAL
RESOURCES
AGENCY

CALIFORNIA NATURAL RESOURCES AGENCY

We are pleased to submit this first triennial report to the Legislature on the work of the Oroville Dam Citizens Advisory Commission.

The Commission was born of a public safety emergency in February 2017. In record-breaking storms that year, the Dam's main spillway and the emergency spillway suffered significant damage, and approximately 188,000 people downstream were evacuated on an emergency basis. The Dam was never compromised, and the spillways have been repaired and improved over the last five years. However, the emergency and the fear and concerns it raised made plain the critical importance of those managing the Oroville facilities to strengthen communication and information sharing with those who live, work, and recreate in this area.

Since its creation by the Legislature and Governor in 2018, the Commission has established a regularly scheduled forum where people from communities surrounding California's second-largest reservoir are updated on activities and ongoing safety efforts at the reservoir. These meetings allow local officials and residents to ask questions and offer input to the government officials who manage that reservoir and its Dam, and its associated facilities.

Meeting for at least two hours at a time, multiple times a year, the wide spectrum of representatives on the Commission have delved into subjects of keen concern to Oroville area residents: status of efforts by the Department of Water Resources (DWR) to complete improvements after the 2017 spillways incident; efforts to revamp the federal rules that guide flood control operations at Oroville Dam; assessments of downstream risk in major winter storms; and DWR's operations and maintenance practices. The Commission has made site visits, convened technical experts on an array of topics, and provided local residents opportunities to ask frank questions of high-level State decision makers.

As chair and vice chair of the Commission, we are grateful to those who have taken the time to raise concerns and offer input to the Commission. We also appreciate all of those in local, State, and federal government; academia; and the private sector who have shared their expertise. Lake Oroville plays a large role in California's economy and environment, and dam operators balance multiple needs that include flood control, water supply, environmental needs, electricity generation, and recreation. Maintaining safe operations of the Dam and reservoir as all these needs are met is essential. In the wake of the 2017 spillway incident, community questions and concerns regarding safety continue to be voiced. The role of the Commission as a forum to discuss and address these concerns remains vital.

The work of the Commission is ongoing, dynamic, and essential to ensure trust among State agencies and local communities. We are committed to listening to and working to address, as best possible, the questions and concerns of Oroville-area citizens, and we will encourage our successors to do so as well. Together we can continue to foster open dialogue that ensures the safety and effective operation of Lake Oroville.

Sincerely,

California Secretary for Natural Resources, Wade Crowfoot, Chair

California State Senator, Jim Nielsen, Vice Chair

Oroville Dam
Citizens Advisory Commission Report

CALIFORNIA NATURAL RESOURCES AGENCY

Executive Summary

The Oroville Dam Citizens Advisory Commission was established by Senator Jim Nielsen's Senate Bill 955 (2018), coauthored by Assembly Member James Gallagher. After the 2017 spillway incident, the Commission was created "to serve as a representative to the public for the purposes of providing public input and receiving information from the dam operator" and to "act as a unified voice from the communities surrounding Oroville Dam to provide public feedback, advice, and best practices to the dam operator."

The Commission serves as a public forum for discussing issues related to the Oroville Dam facilities, including maintenance and flood management elements on the Feather River. The Commission provides a public way to share information, feedback, and best practices, and to elevate questions and concerns from surrounding communities.

Between September 2019 and July 2022, the Commission held 11 meetings, including a public site visit to the Dam, and sponsored one flood safety stakeholder technical workshop. Dates of the Commission's public meetings:

- September 30, 2019
- November 20, 2019
- February 21, 2020
- August 21, 2020
- November 13, 2020
- February 19, 2021
- May 28, 2021
- August 27, 2021
- December 3, 2021
- March 25, 2022
- July 29, 2022

This report summarizes the Commission's first three years of work, which unfolded primarily in public meetings that involved updates and presentations on a wide range of topics, including but not limited to:

- The Oroville Dam Safety Comprehensive Needs Assessment
- Dam facilities annual maintenance plan
- Dam facilities asset management
- Dam safety from a regulatory and facility owner perspective
- Flood management projects
- Forecast-informed reservoir operations
- Piezometers

- Recreation
- Risk assessment
- Public safety partnerships
- Spillway cameras
- U.S. Army Corps of Engineers' Water Control Manual
- Winter operations

Through meeting presentations and discussions, the Commission has hosted an ongoing dialogue that elevated local residents' questions and concerns to leaders of DWR, which operates the Oroville Dam, and other State agencies including the California Natural Resources Agency, Department of Parks and Recreation, and Governor's Office of Emergency Services. In turn, State employees were provided the opportunity to build community understanding of the factors and constraints involved in managing and maintaining the centerpiece reservoir of the State Water Project (SWP), which provides flood control and water to two-thirds of Californians.

As required by Senate Bill 955, this triennial report provides:

- An overview of ongoing maintenance and improvements made at the Dam and its facilities;
- A register of communications received from the department and other parties to the Commission;
- Notice of upcoming plans made by the department for the Dam and its site; and
- An overview of flood management projects on the Feather River affecting public safety and flood risk reduction.

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1.0 Foreward

Senator Jim Nielsen's Senate Bill 955 (2018), coauthored by Assembly Member James Gallagher, established the Oroville Dam Citizens Advisory Commission. The Commission was created, "to serve as a representative to the public for the purposes of providing public input and receiving information from the dam operator" and to "act as a unified voice from the communities surrounding Oroville Dam to provide public feedback, advice, and best practices to the dam operator." In essence, the Commission is a forum for information sharing and feedback.

The 2017 Oroville Dam spillway incident was the impetus for Senate Bill 955 and the Commission. In February of that year, both the gated main spillway and the ungated emergency spillway suffered significant erosion scour damage while releasing flood waters that had flowed into Lake Oroville. Concerns for the stability of the spillway crest structures resulted in the temporary evacuation of approximately 188,000 residents downstream of the Dam.

Flood waters were successfully managed by making controlled reservoir releases down the damaged gated main spillway through May 2017, when the gates were closed for the year and the California Department of Water Resources (DWR) began repairs to the two spillways. By the fall of 2018, the entire 3,000-foot-long chute for the gated main spillway had been completely reconstructed, and major erosion-resistant armoring had been added to the emergency spillway. Following this incident, the Oroville Dam Citizens Advisory Commission was created to be a public forum for discussing issues related to the Oroville Dam facilities.

The Commission held its first meeting in September 2019 in the community of Oroville. California Natural Resources Agency (CNRA) Secretary Wade Crowfoot chairs the Commission with Senator Jim Nielsen serving as vice chair until his retirement from the California Senate on November 30, 2022. The Commission follows the Bagley-Keene Open Meeting Act.

The Commission Charter outlines its responsibilities to discuss maintenance, findings, reports, and upcoming actions, and to conduct other communications regarding operations, maintenance, and public safety activities at Oroville Dam and its facilities, and flood management elements on the Feather River. This includes the Dam's appurtenant structures such as the Feather River Hatchery and the Oroville Thermalito Complex.

This report summarizes the first three years of the Commission's work, following the requirements set forth in Senate Bill 955. It was drafted with guidance and input from volunteer members of the Commission: Butte County Supervisor, Bill Connelly, Butte County Sheriff's Office, Lieutenant Stephen Collins, and the office of Senator Jim Nielsen.

DRAFT

The Commission thanks the public for their input into the Report process and their ongoing engagement with the Commission at public meetings and other forums. The Commission posted to its website a dedicated landing page sharing a Draft version of the Report and information about the public comment period, process and parameters of the Report, as specified in Senate Bill 955.

The public input received is included in the Appendix of the Report and provides the Commission with items for consideration as it scopes agendas and topics for future Commission meetings and activities.

Under existing law, the Commission will publish a report every three years detailing the following four areas:

- An overview of ongoing maintenance and improvements made at the Dam and its site.
- A register of communications received from the department (DWR) and other parties to the Commission.
- Notice of upcoming plans made by the department for the Dam and its site.
- An overview of flood management projects on the Feather River affecting public safety and flood risk reduction.







2.0 Commission Structure

The Oroville Dam Citizens Advisory Commission is a 19-member advisory body within the CNRA. It is an independent entity, but its work occurs in conjunction with other efforts to address needs related to the Oroville Dam and its facilities. This includes the Oroville Dam Safety Comprehensive Needs Assessment (CNA), which was completed in 2021 to evaluate options for increasing long-term infrastructural and operational resilience of the Oroville facilities. The CNA was guided by participation and feedback from the Independent Review Board (IRB) and a community-based Ad Hoc Group, the latter of which had some overlap in member representation with the Oroville Dam Citizens Advisory Commission.

The Sacramento River Forum, enacted by Senator Nielsen's SB 1086 (1986), served as the model for the Oroville Dam Citizens Advisory Commission. The new Commission was also designed to be a cooperative forum that brings together multiple stakeholders for the purposes of information sharing, education and discussion, as well as a vehicle to connect stakeholders with State agency decision makers. Like the Sacramento River Forum, the Oroville Dam Citizens Advisory Commission is not a regulatory body. Instead, the Commission serves as a transparent public forum to share information and to provide public feedback, advice, and best practices.

The Commission comprises the following members:

- The Secretary for the CNRA or their designee, who shall be the Chairperson
- The Director of DWR or their designee
- The Director of the Department of Parks and Recreation or their designee
- The Director of the Office of Emergency Services (Cal OES) or their designee
- The Commander of the California Highway Patrol field division that services the County of Butte or their designee
- The member of the California State Senate representing the City of Oroville or their designee
- The member of the California State Assembly representing the City of Oroville or their designee
- The Chairperson may request the participation of other State agencies if particular expertise or input is warranted
- Two members appointed by the City Council of the City of Oroville
- Three members appointed by the Board of Supervisors of the County of Butte
- Two members appointed by the Board of Supervisors of the County of Sutter
- Two members appointed by the Board of Supervisors of the County of Yuba
- One county deputy sheriff appointed by the Sheriff of Butte County
- One county deputy sheriff appointed by the Sheriff of Sutter County

3.0 Key Groups and Terms

Oroville Dam Safety Comprehensive Needs Assessment (CNA)
Following the February 2017 spillway incident, DWR made commitments to federal and State dam safety regulators, the Federal Energy Regulatory Commission (FERC) and the California Division of Safety of Dams (DSOD) to assess all the facilities within the Oroville Dam Complex to identify any further Dam safety and operational needs. In addition, DWR committed to identifying potential measures to address those needs and reduce Dam safety risks should such measures be needed. This assessment became known as the Oroville Dam Safety CNA. It was published in November 2020.

Ad Hoc Group
Senator Nielsen and Assembly Member Gallagher appointed a group of community members to represent the community during the development of the CNA. The Ad Hoc Group's role was primarily to communicate accurate information and context about elements of the CNA under consideration – and the final document – to the stakeholders and interest groups that they represent. The Ad Hoc Group also provided community and stakeholder perspectives to the Independent Review Board (see below) as the Oroville Dam CNA was developed. The Ad Hoc Group received questions about the CNA from the community and interested parties and communicated relevant questions or concerns to the Independent Review Board.

Independent Review Board (IRB)
After the February 2017 spillway incident, DWR convened an IRB of dam safety technical experts to independently review key deliverables associated with the CNA and document its review of DWR's work products. Its members were national experts with diverse technical expertise, experiences, and perspectives. They represented disciplines in geotechnical, hydraulics, structures or hydraulic structures, operations, engineering geology, and environmental resources. Collectively, they had experience with safety and dam design modification of large dams, complex multi-purpose dam safety operations and projects, large government organizations, water policy, environmental science, and stakeholder engagement.

Federal Energy Regulatory Commission (FERC)
With authorities granted by Congress, the FERC licenses and regulates non-federal hydropower projects, including oversight of all ongoing project operations, including dam safety and security inspections, public safety, and environmental monitoring.

Forecast-Informed Reservoir Operations (FIRO)
FIRO is a reservoir-operations strategy that uses enhanced monitoring and improved weather and water forecasts to inform decision making to selectively retain or release water from reservoirs to optimize water supply reliability and environmental co-benefits and to enhance flood-risk reduction.

U.S. Army Corps of Engineers (USACE) Water Control Manual

The 1970 USACE Lake Oroville [Flood] Water Control Manual prescribes how the as-built reservoir must be operated for flood management. The USACE plans to update the Oroville manual.

Emergency Action Plan (EAP)

Senate Bill 92 of 2017 set forth new requirements focused on dam safety. As part of this legislation, dam owners must now submit inundation maps to DWR that show the flooding that could occur in a hypothetical dam failure or failure of critical dam structures. After the maps are approved, the dam owner must submit an EAP to Cal OES. An EAP outlines actions to be undertaken during an emergency to minimize or eliminate the potential loss of life and property damage. Dam owners must submit updated plans and inundation maps every 10 years, or sooner under certain conditions. Cal OES reviews and approves the emergency action plans. Senate Bill 92 set forth additional provisions for emergency action plans including compliance requirements, exercises of the plan, and coordination with local public safety agencies.

State-Federal Flood Operations Center (FOC)

Located in Sacramento, California, is a component of the Division's Flood Operations Branch (FOB). Year-round, the State-Federal FOC is the focal point for the gathering, analyzing, and disseminating flood and water-related information to stakeholders. During emergency situations, the State-Federal FOC provides a facility from which DWR can centrally coordinate emergency response state-wide.

4.0 Oroville Dam Citizens Advisory Commission Speakers, September 2019–October 2022

- Wade Crowfoot, Secretary, CNRA
- Christina Curry, Deputy Director, Cal OES
- Ted Craddock, Deputy Director, SWP, DWR
- Dave Duval, Manager of Division of Operation and Maintenance, SWP
- Joe Forbis, Manager of Water Management, USACE, Sacramento District
- California State Assembly Member James Gallagher
- Eric Halprin, Principal, Halprin Consultants
- John James, Water Operations Project Manager, Yuba Water Agency (YWA)
- John Leahigh, Principal Engineer, Division of SWP Operations, DWR
- Gary Lippner, Deputy Director of Flood Management and Dam Safety, DWR
- Brian Marshall, Fire Chief, Cal OES
- Bruce Muller, Chair, CNA, IRB
- Karla Nemeth, Director, DWR
- Lori Nezhura, Deputy Director of Planning, Preparedness, and Prevention, Cal OES
- California State Senator Jim Nielsen
- David Rennie, Manager, Asset Management, Division of Operations and Maintenance, DWR



- Dave Sarkisian, Manager of Dam Safety Services, SWP, DWR
- Eric See, Environmental Program Manager, Oroville Field Division, DWR
- Dr. Rune Storesund, Consulting Engineer, Storesund Consulting
- Sharon Tapia, Manager, Division of Dam Safety (DSOD), DWR
- Matt Teague, Superintendent, California State Parks
- John Yarbrough, Assistant Deputy Director, SWP, DWR

5.0 Three-Year Accomplishments

This report was prepared using sources from the Commission including meeting summaries, transcripts, and presentations. It summarizes most of the topics that commissioners considered between September 2019 and July 2022. The exceptions are a briefing commissioners received on DWR communications during Meeting 3 and a presentation by a representative from the State Water Contractors during Meeting 8. Two site visits also are not summarized here: DWR hosted a public tour of the Oroville facility prior to the Commission's second meeting on November 20, 2019; and commissioners participated in a tour of the joint State-Federal FOC in Sacramento on November 1, 2021.

The report is divided into the four overarching areas, as required by Senate Bill 955:

- An overview of ongoing maintenance and improvements made at the Dam and its site.
- A register of communications received from the department and other parties to the Commission.
- Notice of upcoming plans made by the department for the Dam and its site.
- An overview of flood management projects on the Feather River affecting public safety and flood risk reduction.



Additional detail and information on every topic covered can also be found in each meeting's presentation materials, summary and transcript. These reference materials are available online on the Commission webpage at https://resources.ca.gov/Initiatives/Oroville-Dam-Citizens-Advisory-Commission.

6.0 An overview of ongoing maintenance and improvements made at the dam and its site

With the Commission's focus on ensuring that the public has information about the safety and condition of the Oroville Dam and its facilities, many presentations to the Commission addressed maintenance and improvements. Presentations also focused on a variety of related topics including wildfire preparedness, recreation facilities, maintenance and funding, and regulatory oversight.

6.1 Fire Response and Prevention: Meetings 5 and 6

Wildfire risk is high in the region surrounding the Oroville Dam. Annual treatment and maintenance help mitigate the risk to dam facilities. The Commission received updates on fire-related activities during Meetings 5 and 6.

Meeting 5, November 13, 2020
Ms. Curry and Mr. Marshall presented an overview of the fire season and mitigation efforts. As of Meeting 5, the 2020 fire season had burned 4 million acres across California. In the Oroville region, the September 2020 North Complex Fire burned 320,00 acres in and around Butte County, destroying 1,523 single family homes and 51 commercial properties. Ms. Curry and Mr. Marshall emphasized the mutual aid system in their presentation. They covered the ways Cal OES and Butte County Sheriff's Office coordinate search and rescue, oversight of hazardous materials, and debris removal in advance of the rainy season.

Mr. Teague reported impacts to the recreation area from the August 2020 Potts Fire and the North Complex Fire. Debris collection and monitoring are done via vessels docked on the lake, per Mr. Craddock.

Meeting 6, February 19, 2021
Mr. Duval presented on the SWP Fire Modernization Program. Commissioners heard that DWR had hired consultants to evaluate and inspect each facility in the SWP and create core goals for the agency's fire modernization effort. They also learned that fire and life safety upgrades have been completed at Thermalito, as well as upgrades to the Hyatt Powerplant. Mr. Duval noted that annually, the Oroville Field Division works with the California Conservation Corps (CCC) and CAL FIRE to reduce flammable vegetation at the facility and on adjacent lands.

Senator Nielsen remarked that for many years, management of the forest and wildland was not prioritized, and California is now paying the price for this neglect with catastrophic fires, erosion, and runoff during the rainy season. The Senator commended the State for prioritizing forest management and shared that a few years prior, the State Budget allocated money for a CCC camp in Butte County.

Secretary Crowfoot emphasized that there has been strong bipartisan leadership in the Legislature and commitment with the Administration to make investments to not only fight fires but also reduce risk to help prevent catastrophic fire.

Mr. Duval addressed Commissioner Pittman's questions on DWR radio and emergency communications systems. He explained that DWR works closely with CAL FIRE and said DWR uses the communications system that CAL FIRE requires. Coordinates with GPS are used for emergency response. CAL FIRE and the State Fire Marshall reviewed all the plans for Hyatt hydroelectric facility and approved the upgrades.

6.2 Recreation Updates: Meetings 4, 5 and 7

The recreational facilities at Lake Oroville are an important asset to the community. These facilities attract thousands of visitors annually to swim, boat, water ski and camp. Although the focus of the Commission is largely public safety, it does receive recreation updates as part of its work. Recent drought years have caused lower lake levels and reduced access. In summer 2021, boat launch areas closed, and recreation access times were limited. Wildfires have also impacted recreation areas.

Meeting 4, August 21, 2020

Mr. Teague and Mr. See presented on the status of recreation access and the recreation improvement projects recently completed and currently underway. They provided an overview of recreation facilities, noted COVID-related closures and information about facilities reopening. Mr. Teague delivered a report on the recreation projects initiated after the spillway incident. He also gave an update on COVID-related impacts and on recreational attendance over the past four years, reflecting both paid and non-paid attendance. He discussed the Potters Fire impacts to the trail system. Council Member Pittman's question about Clay Pit State Vehicle Recreation Area, which recently came under State Parks jurisdiction, was noted as a topic that could be addressed at a future meeting. Mr. See presented information on the recreation projects started after the 2017 spillway incident.

Meeting 5, November 13, 2020

Mr. Teague focused his briefing on recent wildfire impacts at the reservoir and recreation area. The Potters Fire in August 2020 forced the temporary closure of the spillway. While that fire was contained, it burned very hot and caused extensive tree damage. Due to impacts, State Parks had planned to keep the North Fork and Potters trails closed in winter 2020–2021 and to reassess and complete hazard tree work in the spring. The North Complex Fire in September 2020 was slowed by extensive prescribed burns that had been completed around Loafer Creek that prevented the fire from burning into the Loafer Creek Marina, Kelly Ridge, and the City of Oroville where it could have caused significant damage. Mr. Teague discussed the close coordination between State, local, and federal agencies in addressing damage

repair immediately and the ongoing partnership with Pacific Gas & Electric (PG&E) to implement erosion prevention measures. Secretary Crowfoot emphasized that the kind of prescribed burns used around Oroville should be replicated throughout California to prevent and slow down catastrophic fires.

Meeting 7, May 21, 2021

Supervisor Connelly expressed concern that the Delta and its fish are being prioritized over local recreation needs. He asked for more compromise and water reserved for local recreation needs and if there is any assistance that can be provided to local houseboat owners whose boats are now in storage.

Secretary Crowfoot thanked the Supervisor for his comments on the importance of recreational opportunities at Lake Oroville. He said that per the SWP, water must flow to protect the drinking water quality from being fouled with salt water, which provides water to 27 million Californians (two-thirds of the State's residents).

Superintendent Teague said that the Parks Department sympathizes with houseboat owners and the private business owner of the marinas. He said that there have been years when boat owners have not had access to their boats and during the previous drought, boats were also removed from the lake. The Camp Fire in 2018, the North Complex Fire and COVID-19 all resulted in park closures, which impacted access. He said that the Department is working with the concession owner to set a realistic capacity number to avoid unforeseen conditions.

6.3 Winter Operations: Meetings 2, 5, 6 and 9

The Oroville Dam, the spillway and other facilities are critical to the safety and well-being of the surrounding communities in Butte and Yuba counties downstream on the Feather River. Each year, DWR engages in preparations to ensure that the dam and spillway are ready to handle the upcoming winter rainy season and potential large storms. Winter operations for the Feather River System and Oroville Dam Complex were important topics addressed by the Commission during Meetings 2, 5, 6 and 9.

Meeting 5, November 13, 2020

Due to the drought, Commissioners learned that the Oroville Dam capacity was at 42 percent, which was 69 percent of average for the time of year. The USACE Water Control Manual requires DWR to keep a certain level of space in the reservoir to accommodate inflows from large storms. For Lake Oroville, the upper portion of the reservoir pool needs to be available to store and attenuate incoming flows. The amount of available flood control storage needed depends on the time of year and how wet the upper watershed is prior to a storm. Dry conditions in 2020 meant that the lake was low enough that DWR did not need to release water to ensure sufficient space was available for flood control. The Commission learned that the National Oceanic and Atmospheric

Association (NOAA) long-range forecast suggested that drier conditions would continue through 2021. In addition, the Commission learned from Mr. Leahigh about how the National Weather Service and the California-Nevada Weather Forecast Center produce the inflow forecasts for Lake Oroville.

Meeting 6, February 19, 2021

Mr. Leahigh provided follow-up on winter operations and hydrology. For Water Year 2020, which was the tenth driest on record, most areas of Northern California reached 50 percent to 70 percent of normal precipitation. In February 2021, Water Year 2021 was the eighth driest on record for the first four months of the water year, which begins October 1. Low precipitation in recent years resulted in low storages at Oroville; at that time, the lake was just over one-third of capacity and 54 percent of historical average. Surface storage was below levels seen in 2014 and 2015, but in February 2021, snowpack levels were greater compared to those years.

Commissioners learned how water management becomes a challenge during dry years. Secretary Crowfoot followed up by explaining that State agencies were preparing for a period of extended drought and the potential impact on the 27 million Californians and agricultural users dependent on SWP deliveries. He emphasized Oroville's role in water supply. The State notified SWP contractors the previous September that allocations would be at 10 percent. With continued drought, California was predicted to enter Water Year 2022 in worse condition. In addition, commissioners learned that Sacramento Valley rice growers were on the threshold of not receiving full allocations for the year.

Meeting 9, December 3, 2021

Meeting 9 came shortly after an atmospheric river delivered a significant amount of rain in California. While this rain event helped, lake levels only rose by 7 percent as a result and the reservoir was then holding just 30 percent of its capacity.

In this meeting, commissioners were updated on the requirements for reservoir vacant space outlined in the current USACE Water Control Manual. The amount of vacant space required for flood control ranges from 0 percent to 22 percent, depending on both the time of the year and the level of soil saturation. The more saturated the soil in the watershed, the more vacant space is required to absorb peak inflows from large storms. Mr. Leahigh described how the current requirements are expected to be updated because of the FIRO effort and effort to develop a new Water Control Manual.

Adherence to the current flood control requirement of 13 additional feet of flood pool has not had any effect on storage in 2021. Given the unpredictable nature of precipitation in California, there is still a 25 percent to 30 percent chance that the flood pool could become relevant in the winter.

6.4 Dam facilities annual maintenance plan: Meetings 1 and 8

Facility maintenance is integral to the safety of downstream communities from the Oroville Dam. The Commission received updates on the facilities and DWR's annual maintenance process and budget during Meetings 1 and 8.

Meeting 1, September 30, 2019
Director Nemeth introduced the presentation by discussing her perspective on changes at the facility following the 2017 spillway incident. This includes increased investments in statewide infrastructure to serve multiple purposes — public safety, environmental protection, and provision of water. She framed her presentation with the fact that the Dam is integral to supplying water to 27 million Californians.

Mr. Yarbrough provided a presentation that addressed:

- Key features of the Oroville complex infrastructure;
- The downstream extent of DWR's area of authority versus the areas maintained by local reclamation districts;
- Oroville-related forums for public participation;
- Benefits provided by the Oroville facility, including water supply, flood management, environmental improvements, energy production, and recreation access; and
- Major activities and processes underway at Oroville.

Meeting 8, August 27, 2021
Mr. Duval provided the Commission with a presentation on DWR's SWP asset evaluation and project prioritization. Commissioners learned that the Asset Management Program uses an international standard (ISO 55001) that considers mandatory requirements, benefits, risk, and resources that meet the balance between performance, cost and risk. Risk-Informed Prioritization, or Risk Informed Decision Process, assesses risk for facilities and residents in the surrounding community and examines the severity of the result of failure. It includes risk identification, risk assessment, financial management and resource planning. Resources are reviewed in terms of necessary budget and technical expertise. The SWP Capital Prioritization Process includes condition assessment, monitoring, studies, project identification, risk evaluation, resource estimates and project prioritization.

Mr. Duval covered expenditures on annual operations and maintenance and capital projects. He shared that the spillway review is part of the annual process when FERC, the State DSOD, or DWR conducts inspections.

6.5 Dam safety from regulatory and facility owner perspective: Meeting 7

Understanding regulatory and public safety perspectives and related issues is critical to the work of the Commission as a public body. This topic was addressed in two presentations in Meeting 7.

Meeting 7, May 21, 2021

Ms. Tapia presented an overview of California's dam safety regulation program. DWR, through the DSOD, has regulatory authority for over 1,240 non-federally owned and operated dams, owned by more than 600 different owners, including water agencies, private companies, districts, individuals, cities, counties, and associations. Ms. Tapia explained the criteria that determine which dams are under State regulatory jurisdiction: dams that are 25 feet or more in height with 50-acre feet or more storage capacity. Classification of dams is categorized by downstream hazard potential should the dam fail when the reservoir is full. Commissioners learned during the presentation about the three national categories of severity of dam safety risk: low, significant, and high. California has an additional category: extremely high. Over half of DSOD regulated dams are considered high or extremely high.

DSOD has regulatory authority to supervise maintenance and operations of dams and reservoirs to protect loss of life and property. Low-hazard dams are inspected every two fiscal years, while all others must be inspected each fiscal year. DSOD also responds to dam safety incidents and emergencies.

Commissioners learned about the origin of California's Dam Safety Program. The State created the program in 1929, one year after the failure of the Saint Francis Dam in Los Angeles County. They were also briefed on recent dam safety initiatives and legislation including the Governor's four-point plan to bolster dam safety and flood protection, embodied in this legislation: AB 1270 (2018), SB 92 (2017), and AB 2516 (2018).

DWR has a role through DSOD as a dam safety regulator and additionally a role, through the SWP, as a dam owner. To avoid conflict, these two functions are organizationally and operationally separated within DWR.

Mr. Sarkisian addressed public safety issues from the perspective of a dam owner. There are 26 SWP dams, including 10 within the Oroville Field Division. Mr. Sarkisian shared that dam safety activities include surveillance and inspections; dam safety assessments; maintenance, design, and construction; emergency action plans; and independent reviews. Independent reviews occur every five years as part of the Director's Dam Safety Review Board and, for those dams with a FERC hydroelectric power license, every five years as part of FERC's Part 12D dam safety process.

Steps and actions to evaluate the SWP Dam Safety Program following the spillway incident included:

- Independent forensic team report;
- Owner's dam safety program audit;
- International Standards Organization ISO 55000 Standard/American Association of State Dam Safety Officials (ASDSO) peer review, which blended asset management standards with dam safety best practices to identify opportunities for improvements
- Management reviews/visits with peer; and
- Use of a dam safety program maturity matrices tool to benchmark the program against industry best practices
- Identified improvement areas include:
    - Update SWP Dam Safety Policy;
    - Define a top-down organizational structure to enhance communication, accountability, and responsibility for implementation of the SWP Dam Safety Program;
    - Increase training and interaction with dam safety organizations;
    - Implement cross-divisional dam safety teams;
    - Link SWP Dam Safety Program to the Division of Operations and Maintenance Asset Management Program; and
    - Foster culture of continuous improvement.

Mr. Sarkisian explained that the SWP took the recommendations and created multi-year Dam Safety Program initiatives. This began with 30 total, which became consolidated into 16, including:

- Solidify guiding documents;
- Complete SWP Dam Safety Program Functional Design implementation;
- Enhance DWR's approach to dam safety risk management;
- Enhance emergency preparedness;
- Identify Dam Safety Program-related core competencies;
- Formalize and expand Dam Safety Program training;
- Enhance industry outreach;
- Develop Dam Safety Program management-of-change program and communication plan; and
- Develop more formal dam safety management review.

6.6 Spillway Cameras: Meeting 8

Commissioners requested an update on the status of the temporary spillway cameras that had been installed after the 2017 incident and recently decommissioned.

Meeting 8, August 21, 2021

Mr. Yarbrough provided this presentation. After the spillway incident, DWR installed two temporary web cameras for the public because DWR had to restrict public access during reconstruction. The cameras allowed the public to see the facility. In early 2021, four years after the incident, DWR began to decommission the cameras. However, DWR was notified by staff in Senator Nielsen's and Assembly Member Gallagher's offices that members of the public noticed when the cameras were removed. DWR reinstalled the top temporary camera to maintain the public's ability to see the spillway. The bottom camera will not be reinstalled due to vandalism issues. DWR will keep the top temporary camera operational until a permanent solution is implemented.

6.7 Piezometers: Meeting 10

Piezometers are instruments that measures pore water pressure and are used to assess conditions within and under a dam. The measurement of pore pressures helps engineers understand and assess seepage through the dam or its foundation. Elevated pore pressures and excess seepage can have destabilizing effects on a dam and its appurtenant structures. The Commission has discussed DWR's plans to install additional piezometers at the Oroville facility throughout its meetings. Meeting 10 included a formal presentation.



Meeting 10, March 25, 2022

Mr. Sarkisian delivered an update on the status of the installation of additional piezometers at the Oroville Dam and recent work associated with the Palermo Tunnel, which moves water from the lake into the Palermo Canal.

The CNA recommended early implementation of this action. The

planned piezometer locations include the flood control outlet, the dam toe, the core block and the grout gallery.

In 2020, four piezometers were installed at the Flood Control Outlet Headworks and eight piezometers were installed at the dam toe. Mr. Sarkisian informed commissioners that eight core block and grout gallery piezometers will be installed soon. Data collected from these instruments will help determine if additional piezometers in other locations are warranted.

6.8 Palermo Tunnel: Meeting 10

The Palermo Tunnel is an important part of the Oroville infrastructure. It conveys water from Lake Oroville to the Palermo Canal, a source of water for the South Feather Water and Power Agency, which distributes water to the communities of Oroville, Palermo and Bangor.

Meeting 10, March 25, 2022

Mr. Sarkisian then covered the Palermo Tunnel in his update. He shared that to dewater the tunnel more reliably, the SWP refurbished the bulkhead of the tunnel used to block the tunnel intake. In his presentation, he detailed the engineering the SWP and its contractors undertook to remove, recoat, and reinstall the bulkhead.

Supervisor Connelly asked what the condition of the tunnel was and if there was a valve on the downstream side. Mr. Sarkisian shared with the Commission that the Palermo Tunnel's condition in 2016 was good and explained that downstream there is a tunnel plug that leads to a valve. Supervisor Connelly also inquired about seepage or leakage from the tunnel and whether there is a way to ensure that none occurs. Mr. Sarkisian explained that the conditions assessment and maintenance shows that the Tunnel is performing as designed and intended.

7.0 A register of summarized communications received by the Commission from DWR and other parties

May 24, 2021, Matt Mentink email to Rob Olmstead, Elizabeth Williamson and Elizabeth Whitmore
Matt Mentink emailed Rob Olmstead of Sen. Nielsen's office, Elizabeth Williamson of CNRA and Elizabeth Whitmore of DWR in advance of Meeting 7 to offer several suggestions for Commission operations and upcoming meetings.

August 27, 2021, Kevin Dossey sent email to Secretary Crowfoot on the Bidwell Boat Ramp extension
Kevin Dossey emailed Secretary Crowfoot of CNRA with questions and comments regarding the Bidwell Canyon Stage 3 Boat Ramp.

August 30, 2021, Director Nemeth email to Kevin Dossey regarding the Bidwell Boat Ramp Extension
DWR Director Nemeth responded to Kevin Dossey 's email to Secretary Crowfoot and communicated that her office would provide an update.

August 31, 2021, Robert Bateman email to Elizabeth Williamson (forwarded to Nancy Vogel)
Robert Bateman emailed Elizabeth Williamson of CNRA, who forwarded to NV of CNRA, questions they wanted shared with commissions regarding impacts to public safety from Oroville Dam releases. The email included a summary of a proposed study by Dr. Rune Storesund.

September 3, 2021, Matt Mentink email to Elizabeth Williamson, John Yarbrough, Rob Olmstead and Curtis Grima with document outlining recommendations following Meeting 8
Matt Mentink provided Commission and legislative staff with a document outlining recommendations for the Commission.

October 8, 2021, Kevin Dossey email to Director Nemeth regarding Loafer Boat Ramp and Bidwell Stage 3 ramp
Kevin Dossey emailed DWR Director Nemeth to comment on the commencement of the Loafer Point Boat Ramp project and inquire about progress on the Bidwell Stage 3 Ramp. Kevin Dossey also included a copy of remarks that they had prepared for the public comment section of Meeting 8.

November 5, 2021, Mr. Yarbrough email to Kevin Dossey regarding the Bidwell Boat Ramp Extension
John Yarbrough of DWR responded with an update on the Bidwell Canyon Stage 3 Boat Ramp Extension Project and provided information on the Loafer Point Boat Ramp project and the connection of the two projects.

December 1, 2021, Kevin Dossey email to John Yarbrough regarding the Bidwell Boat Ramp Extension and the Loafer Point Boat Ramp Extension
Kevin Dossey responded to Mr. Yarbrough's email regarding the two

projects and addressed his assessment that they are individual projects related to recreation access.

December 5, 2021, Matt Mentink email to Secretary Crowfoot
Matt Mentink emailed Secretary Crowfoot to follow up on the Meeting 9 (December 3, 2021). Matt Mentink outlined suggestions for the Commission that had been shared with John Yarbrough.

December 7, 2021, John Yarbrough email to Mr. Mentink
Mr. Yarbrough responded to Matt Mentink to address a December 5 email to Secretary Crowfoot. Mr. Yarbrough offered a phone conversation to discuss a path forward on the items Matt Mentink outlined in the communication to Secretary Crowfoot.

December 9. 2021, Matt Mentink email to Mr. Yarbrough
Matt Mentink emailed Mr. Yarbrough and several commissioners and other stakeholders to request adding FIRO as a topic for the Meeting 10 agenda and expressed interest in a phone conversation.

January 11, 2022, Matt Mentink email to John Yarbrough, Nancy Vogel, Rob Olmstead, Curtis Grima and Kearns & West with document outlining recommendations following Meeting 9
Matt Mentink provided Commission and legislative staff with a document outlining recommendations for the Commission.

February 8, 2022, Kevin Dossey email to John Yarbrough regarding the Bidwell Boat Ramp Extension
Kevin Dossey provided several documents related to the Bidwell project and FERC.

February 11, 2022, John Yarbrough sent email to Kevin Dossey regarding the Bidwell Boat Ramp Extension
John Yarbrough acknowledged the receipt of the FERC related documents and communicated that they had been shared with DWR staff.

March 28, 2022, Robert Bateman email to Secretary Crowfoot regarding Meeting 10
As Secretary of the Feather River Alliance, Robert Bateman emailed Secretary Crowfoot following Meeting 10. Robert Bateman noted inundation maps presented to the Commission and posed questions regarding the FERC relicensing process. He also acknowledged the Flood Safety Stakeholder Technical Workshop scheduled for April 2022.

April 20, 2022, Nancy Vogel email to Robert Bateman responding to their March 28, 2022 email
Ms. Vogel responded to Matt Mentink's letter regarding the FERC relicensing process.

April 29, 2022, Robert Bateman email to Kearns & West to follow up from the April 29, 2022 workshop
Robert Bateman emailed Kearns & West questions grouped by four main areas related to the Flood Safety Stakeholder Technical Workshop.

May 3, 2022, Robert Bateman email to Nancy Vogel regarding Meeting 10 and FERC

Robert Bateman emailed Nancy Vogel to raise several issues pertaining to the Feather River Alliance's perspective on the FERC licensing process. The email contained a letter the Feather River Recovery Alliance sent FERC on February 11, 2022.

August 10, 2022, Robert Bateman, Bill Connelly and Matt Mentink letter sent to Secretary Crowfoot and Director Nemeth regarding Commission formation

Robert Bateman, Bill Connelly and Matt Mentink signed a letter to the Commission related to the structure of the Commission meetings.

Please see the appendix for the items listed in this Register of Communications as well as the full text of all public comments received on the Draft Commission Report.

8.0 Notice of upcoming plans made by DWR for the dam and facilities

8.1 Dam facilities asset management: Meetings 8 and 11

Dam facilities management is integral to the Commission's ongoing discussions on Oroville and downstream public safety. Although the topics surface in many Commission's meetings, two presentations during Meeting 8 focused exclusively on the topic.

Meeting 8, August 27, 2021
Two back-to-back presentations addressed Oroville facilities maintenance. Mr. Duval presented on Oroville facilities asset management and the Oroville facilities annual maintenance plan. During the presentations, Commissioners learned how DWR bases its Asset Management Program on international standard (ISO 55001) that considers factors that balance performance, cost and risk. DWR uses this framework to review resources, projects, creates multi-year capital plans, and determines its budget needs.

Commissioners also received an update on the SWP's annual operations, maintenance, and capital project expenditures. Mr. Duval showed data from calendar years 2018 through 2022 and highlighted how the allocations increased annually. For example, projected expenditures for 2021 and 2022 were more than $100 million. Mr. Duval provided an overview of activities for the Hyatt Powerplant, the Thermalito Powerplant, the Thermalito Diversion Dam Powerplant, the Oroville Dam/Lake, Thermalito Forebay and Afterbay, and other locations, and the Upper Feather River dams and lake.

Commissioner questions focused on vegetation management and maintenance projects facilitated by better access due to drought conditions and lower lake levels.

Meeting 11, July 29, 2022
Mr. Rennie provided the first part of the update on the SWP asset management and operations and annual maintenance projects. He started with an overview of the SWP, which encompasses water supply, flood control, recreation, wildlife enhancement, and power generation. For operating expenses and capital projects for the Oroville Dam facility, commissioners learned that DWR annually spends between $80 million and $100 million. The update included an overview of the different types of maintenance conducted including condition assessment (inspections), civil maintenance, security, etc. as well as work on the infrastructure and upper watershed. Mr. Sarkisian told the Commission that in 2018 there was an approximately $300 million investment in the Emergency Spillway during the Spillway Recovery.

8.2 Water Control Manual: Meetings 3 and 9

The Oroville Dam is located within the USACE South Pacific Division's Sacramento District. It uses a Water Control Manual as a guiding document that provides operational instructions for dam management. The Oroville Dam Water Control Manual is being updated and commissioners have received two updates on this topic to date. Mr. Forbis provided both presentations. These presentations occurred during Meetings 3 and 9.

Meeting 3, February 21, 2020
Commissioners received a briefing on the USACE South Pacific Division Oroville Dam Reservoir Flood-Control Manual and the update process. The Sacramento District is one of four in the South Pacific Division. Mr. Forbis discussed the agency's authority related to flood control operations and Oroville Dam's flood space manual. He also covered water control manuals in general and the update process and timing.

USACE had recently updated the Folsom Dam Flood-Control Manual. Mr. Forbis discussed flood history and the auxiliary spillways and addressed FIRO and the Yuba-Feather River system.

Commissioners asked a variety of questions related to the USACE role and the manual update process. Commissioners heard that required reservoir space varies depending on the season and watershed soil saturation levels and that the agency is not responsible for upstream flood control. Maximum flow was set at 150,000 cubic feet per second coming from the Dam and the USACE coordinates with DWR for real-time operations. Director Nemeth explained how DWR works with both flood control agencies and the USACE to create operations plans for enhanced public safety. Mr. Forbis explained that dam owners have latitude to operate outside of the flood control space required by the USACE.

Commissioners heard that the USACE relies largely on its own data for the manual update process. Mr. Forbis was asked whether the $4 million in federal funding for the Oroville and New Bullards Bar Water Control Manual updates was adequate. He explained that it will likely cost more and that it is reasonable to expect the process to be completed within five years if there are no FIRO-related delays.

Commissioners learned about the differences between FIRO and the Water Control Manual update process. The FIRO effort focuses on how forecasting can be improved and then how that can be used in operations to improve flood protection and water supply, while the manual update establishes operational rules to best ensure flood protection. Commissioners heard that California has three primary watersheds participating in a FIRO process. Only the Yuba-Feather system involves multiple reservoirs.

Meeting 9, December 3, 2021

Mr. Forbis reviewed the two manual updates in progress during Meeting 9 and framed his briefing on the USACE's three main objectives in water control management: operating to the authorized purposes of a dam or project, maintaining the integrity of the project, and avoiding risk to public health and safety, life, and property both upstream and downstream. Commissioners heard again about the extensive process involved in updating water control manuals, and that the process takes multiple years to complete due to complexity. This includes establishing the project management plan, ensuring that the public and stakeholder outreach and communication and coordination is ongoing throughout the project, setting up the baseline hydrology, understanding existing conditions, developing alternatives, and reviewing and approving the proposed manual update. In addition, changes to the Oroville and New Bullards Bar Water Control Manual will be made collaboratively to benefit the entire region. Mr. Forbis and DWR staff said that the manual update would include recommended releases reflecting current conditions and the anticipated effects of climate change.

Progress includes:

- FIRO updates will be made in sync with the two manual updates;
- Project management, data management, and hydraulic plans for the Water Control Manual have been developed, and implementation has begun;
- The flood operation objectives and performance metrics for each project have been defined and established;
- Kickoff meetings between USACE, the YWA and DWR have been held; and
- Workshops were being scheduled with stakeholders.

8.3 Comprehensive Needs Assessment: Meetings 4 and 5

The Commission charter notes that the Oroville Dam CNA would evaluate options to increase the long-term infrastructural and operational reliance of Oroville facilities. Two bodies, the IRB and the community-based Ad Hoc Group, participated and provided feedback. Several members of the Ad Hoc Group also serve on the Commission: Senator Nielsen, Assembly Member Gallagher, Supervisor Connolly, and Genoa Northern (née Widener). The Commission heard updates during Meetings 4 and 5.

The CNA was a planning study launched tasked with:

- Identification and prioritization of Dam safety and operational needs;
- Identification of measures to improve the safety and reliability of Oroville Dam and its related structures; and
- Identification of potential plans (combinations of measures) for DWR to consider for future implementation and prioritization through normal practices and procedures.

Meeting 4, August 21, 2020

Director Nemeth acknowledged Senator Nielsen and Assembly Member Gallagher's work to set up the Ad Hoc Committee. Mr. Craddock and Mr. Yarbrough gave a presentation on the CNA. This meeting served as the forum to present preliminary results of the CNA, with the report being finalized by August 21, 2020 and a public release expected in October of 2020.

The speakers addressed how the CNA fits in with DWR's other dam safety-related activities, including its Capital Improvement Program, the FERC Level 2 Risk Assessment, the FERC Part 12D Inspection, and the USACE update to the Water Control Manual. They explained the six facility components analyzed to determine how a failure could occur, the likelihood of those failures, and consequences. They also discussed DWR's method for developing and prioritizing risk-reduction measures as well as the roles of the IRB and the Ad Hoc Group.

Commissioners received a briefing on the preliminary results. The CNA did not identify any dam safety issues that needed immediate risk-reduction actions. Several measures were identified for near-term implementation, and additional information was needed on several other measures.

Commissioner Northern expressed concern regarding DWR's prior approach to quantifying risk during inspections. Acknowledging that risk assessment is not an exact science, Northern mentioned that the IRB recommended that DWR compare the CNA and FERC Level 2 Risk Analysis to determine if there is a systematic reason DWR's estimates are lower. She requested that the FERC Level 2 Assessment of the Part 12D Inspection be addressed along with the CNA.

Assembly Member Gallagher asked DWR to provide high-level takeaways from the CNA, what needs more investigation, and what can be implemented in the short and long term. Mr. Yarbrough described areas that need further risk review – the headworks and area where the spillway connects to the embarkment. He gave an overview of capital improvement projects underway – refurbishing the intake gate, turbine shutoff valve and power lines at Hyatt, the installation of new turbine runners at Hyatt, upgrading the river valve system and refurbishing the flood control outlet gate structure. He also reported that DWR was almost done with the installation of piezometers.

Meeting 5, November 13, 2020

The CNA presentation served as an opportunity to review the process following the release of the final version of the CNA and conclusion of the Ad Hoc Group's work. Secretary Crowfoot acknowledged the Group's work and commended Assembly Member Gallagher and Senator Nielsen for their leadership. Assembly Member Gallagher emphasized the ways in which the process was technical but allowed for important community perspectives to be brought forward and incorporated. He stressed that the CNA was a first step, and that the Oroville Dam Citizens Advisory

Commission will help drive long-term implementation. Senator Nielsen and Secretary Crowfoot agreed.

Three speakers provided the presentation: Director Nemeth, Mr. Mueller, and Mr. Yarbrough.

Director Nemeth focused her remarks on the factors that led to a successful CNA process: DWR's expertise, input from the Independent Review Board, and feedback from the Ad Hoc Group. The CNA was a response to conclusions provided in the Independent Forensic Report completed by independent experts approved by FERC after the 2017 spillway incident.

Mr. Mueller's remarks addressed the IRB's members and experience. He also presented the IRB's perspective on dam safety and the status of its recommendations provided during the CNA process. Mr. Muller reported that DWR had addressed 74 of the IRB's 79 recommendations and provided an explanation of the five not implemented and commended DWR's continued work.

Mr. Yarbrough presented on behalf of DWR. He emphasized that the CNA concluded that no dam safety issues that need immediate risk-reduction have been identified. Commissioners learned how the FERC Part 12D Safety Inspection differs from the CNA and the next steps by DWR, which include the completion of early implementation projects, design of safety measures for the near term, deployment of $224 million for capital improvement projects, implementation of studies and surveillance enhancements, and integration of CNA measures into DWR's process.

Commissioners inquired about a new low-level outlet. Mr. Yarbrough explained that DWR does not see an immediate dam safety risk that would necessitate adding a new low-level outlet. DWR intends to continue to evaluate the head works structure to determine whether it will eventually need to be replaced or refurbished, along with the feasibility of both of those options. If neither is feasible, a new low-level outlet could be a viable alternative for continuing safe operations.

8.4 Risk Assessment: Meetings 7 and 10 and stakeholder technical workshop

With the Commission's genesis in the 2017 spillway incident, the topic of public safety risk has been a thread of discussion through most meetings. Discussions have centered on how to accurately assess risk, which is not a precise science. One of the challenges is that risk is assessed in a moment in time, and many factors — human, engineering, and scientific—affect risk assessment, scenarios and planning. Two Meetings, 7 and 10, included presentations on risk and the topic also served as the focus of a special stakeholder technical workshop held in April 2022.

Meeting 7, May 28, 2021

Dr. Storesund presented on risk assessment. He served as a member of the Ad Hoc advisory group on the CNA between 2018 and 2020. On May 10, 2021, he submitted a report to the committee outlining his reflections and recommendations.

His presentation in Meeting 7 addressed the socio-technical system that affects risk, which is a combination of physical performance risk and human/organizational factors, with safety being the goal. Dr. Storesund recommended performance insurance that places financial accountability on dam owners/operators and their consultants. According to Dr. Storesund, the insurance and bonding industry rate dams as high risk based on the lack of empirical performance data and doubt reliability of dam-risk assessments. He told the Commission that what is classified as failure is vague, and that several assessment methods should be used.

Dr. Storesund suggested that the Commission take several actions including:

- Re-engage the Independent Forensic Team and request a review of the implementation of lessons learned and provide a more concrete definition of "safe;"
- Acknowledge financial accountability associated with performance and identify who will receive payment if they need to be made whole in the aftermath of such an event. Use research, assumption audits, design assumptions, etc. and determine validity for today and future;
- Scrutinize asset management, operations, management methods and procedures; and
- Mandate life cycle-based management of all dam assets immediately.

Mr. Halprin presented on the state of dam safety programs in the United States. Previously Mr. Halprin worked for the USACE as Special Assistant for Dam and Levee Safety and served as Vice Chair of the National Committee on Levee Safety.

He told commissioners that risk analysis is a tool that modern programs use to show how facilities were designed and to project how they will perform. Risk is a framework to understand models and methodology, and engineering is a balance between various factors such as safety, prevention of loss of life and economic damage, and project benefits. Over time, tools to predict extreme events have improved but a need for more consultants in this field remains.

Commissioners received a historical overview of well-known dam safety failures that provided the basis of earlier standards for risk. Mr. Halprin told the Commission that modern dam safety programs shifted focus around 2000 because the prior standards were based on the wrong priorities and poor understanding of how infrastructure would perform. The risk-informed safety approach now used around the world includes:

- Understanding how things can fail and the risk associated;
- Risk-informed decisions;

- Sharing responsibilities via improved communication; and
- Governance: people, processes and policy.

Commissioners were briefed on the core questions used for a risk-informed view of infrastructure safety, which are:

- What are the hazards and how likely are they to occur?
- How will infrastructure perform in the face of those hazards?
- Who and what are in harm's way?
- How susceptible to harm are they?
- How much harm is caused?

Commissioners were briefed on the ways that modern dam safety programs address mitigating the effects of human factors in several ways, including:

- Command control for incident decision making;
- Risk-informed safety programs;
- Effective communications and public awareness;
- Training exercises;
- Continuing and periodic evaluations; and
- Qualification based roles and responsibilities.

Secretary Crowfoot asked that risk assessment be an ongoing topic during Meeting 7, which led to further discussion in Meeting 10 and the April 2022 flood safety stakeholder technical workshop.

Meeting 10, March 25, 2022

Dr. Storesund told commissioners that he believes there is an existing risk because elevated releases from the Oroville Dam over 150,000 cubic feet per second could be hazardous to downstream communities. He reported that he submitted a request to Cal OES to help provide funding for him to evaluate the impact of elevated releases and provide an updated set of inundation maps that accounts for extraordinary events and a probable maximum flood.

Ms. Curry told commissioners that she endorses the idea, and that staff has taken Dr. Storesund's input on inundation maps. Cal OES offers funds to help counties and cities update local hazard mitigation plans and it regularly works with government agencies to ensure that these plans are up to date. Dr. Storesund said he thinks DWR can provide the local 25 percent match in funding or in-kind services needed to obtain a grant from Cal OES.

Secretary Crowfoot suggested that DWR consider such a partnership but noted that the State must be mindful of funding procedures and potential conflicts, as many of the State agencies in question are members of the Commission.

Supervisor Conant inquired if Dr. Storesund's work would answer questions about whether an event was a once-in-a-hundred-year event or once-in-a-thousand-year event. Dr. Storesund replied that he could develop recurrence intervals to elevated releases with the caveat that those predictions would be based on past data that does not account for climate change.

Senator Nielsen thanked Cal OES for work on the statewide Next-Generation NG911 emergency system upgrade. Deputy Director Curry reciprocated and noted that the agency is committed to the modernized system.

Director Nemeth emphasized the importance of DWR and Cal OES working with county offices of emergency services and listening to local community needs. She applauded Butte County for its partnership with DWR on emergency preparedness.

Supervisor Conant asked if Cal OES should join the next meeting to speak on the integration of statewide and county office of emergency services. Secretary Crowfoot suggested that facilitators organize the appearance at future meeting. Dr. Storesund asked if counties could send letters of support for more inundation maps to Cal OES. He noted that Butte County already had done so.

Senator Nielsen asked if there was some way the accomplishments and work of the Commission since its inception could be publicized. Secretary Crowfoot tasked facilitators with compiling a list of the Commission's accomplishments that could be addressed at a future meeting.

Flood Safety Stakeholder Technical Workshop, April 21, 2022

In April 2022, the Oroville Dam Citizens Advisory Commission sponsored a Flood Safety Stakeholder Technical Workshop. The purpose of the workshop was to allow officials from CNRA, DWR, and other government agencies to hear directly from and speak directly to community stakeholders about their goals, interests and concerns related to flood safety and downstream communities. Meeting materials and a transcript have been posted to the Commission website. Participation in the workshop included a wide range of experts, including the National Weather Service, USACE, FEMA, DWR, Cal OES, and University of California, Berkeley's Center for Catastrophic Risk Management.

Workshop agenda and presentation topics included:

- Extreme precipitation;
- Designing for and managing large floods;
- Role of Oroville Dam in flood management;
- Inspection and channels;
- Floodplain mapping;
- Proposed risk planning study;

- Forecasting and noticing flood events;
- State-Federal FOC;
- Emergency action plans; and
- Opportunities for engagement and mitigation.

8.5 Forecast-Informed Reservoir Operations: Meetings 2 and 3

The Commission in its first three years received three presentations on FIRO. The topic was also briefly touched on during other meetings and discussions. FIRO is a reservoir operations strategy that uses improved weather and water forecasting and enhanced operational flexibility to allow reservoir operators to make better decisions about releasing or retaining water.

Meeting 2, November 20, 2019
The Commission's discussion regarding flood management and public safety touched on FIRO as a tool that helps water management agencies more effectively balance flood management and water supply in reservoir operations.

Meeting 3, February 21, 2020
Mr. Forbis covered FIRO during his briefing. FIRO will be used to help expedite the USACE Water Control Manual Update process.

Commissioners learned that FIRO is based on the theory that knowledge of runoff volumes and timing can result in optimal storage and release decisions. The FIRO effort focuses on how forecasting can be improved and then how that can be used in operations, while the manual update establishes operational rules to best ensure flood protection. However, Mr. Forbis explained that this is a challenge to do because of limited forecast data. FIRO focuses on how forecasting can be improved and used in operations. This differs, he told commissioners, from the USACE Water Control Manual Update, which establishes operational rules to best ensure flood protection.

9.0 An overview of flood management projects on the Feather River affecting public safety and flood risk reduction

Downstream flood management and flood preparedness presentations provided commissioners with an overview of flood management projects on the Feather River that affect public safety and flood risk reduction. These topics were specifically addressed in Meetings 2, 6, 9 and 10.

Meeting 2, November 20, 2019
The second Commission meeting provided an opportunity for commissioners to take a tour of the Oroville Dam facilities followed by a discussion of winter operations and safety.

Three individual presentations comprised the first winter operations update to the Commission. The presentations addressed:

- Yuba-Feather Flood Management System history and roles and responsibilities of local, State, and federal agencies;
- The coordinated use of infrastructure to serve water supply and flood management needs;
- Recent flood-risk reduction projects and maintenance, focusing on levee maintenance;
- Flood preparedness essentials including agency partnerships and flood insurance; and
- The importance of improved and better coordinated forecasts to maximize the efficacy of current flood control infrastructure in managing larger or more frequent storms.

Mr. Lippner provided extensive background about the Dam and its history to put current winter operations preparations into context. He stressed that it is impossible to fully eliminate risk and that flood preparation is key, as is proper maintenance of the levee system. Preparation for winter includes outreach to local government partners and the activation of the State-Federal FOC during needed events.

Commissioners also learned about reservoir flood control operations from Mr. Leahigh. He covered DWR's interim flood control planning, the upcoming completion of the CNA and the use of FIRO.

9.1 Flood Management Projects: Meetings 2, 6 and 9

Meeting 6, February 19, 2021
Mr. Lippner introduced the presentation on downstream flood safety partnerships for the Feather and Yuba rivers. Mr. James addressed how flood management agencies

collaborate on flood-risk reduction projects in preparation for emergencies, as well as FIRO. Commissioners learned that the agencies involved include the YWA, DWR, the USACE and the National Weather Service. The Bullards Bar Reservoir is the YWA's primary asset providing flood protection, hydroelectric power generation, and environmental benefits downstream.

Mr. James informed commissioners that reservoir flood operating rules for Lake Oroville and the New Bullards Bar Reservoir are based on time of year and do not include specific forecast-informed releases. YWA and DWR are working with the USACE to integrate FIRO. YWA is planning a secondary spillway that will serve as an additional outlet at New Bullards Bar that would reduce downstream water levels by two to three feet during large events. The second spillway combined with FIRO is estimated to double flood protection in some areas.

Director Nemeth shared with commissioners that the agency is working with the YWA and the USACE on the Water Control Manual Update. Mr. Leahigh explained that there is a great deal of overlap between FIRO and the Water Control Manual Update with this multi-agency process.

Meeting 9, December 3, 2021

Mr. Lippner provided a review of downstream flood management and preparedness. He briefed commissioners on the three broad categories that comprise DWR's flood management programs – responsive services (before and during events), proactive services that enhance local capacity to avoid or respond to events, and active services designed to reduce losses during events. Within these fall planning, floodplain management, flood risk reduction, systemwide maintenance and flood emergency response.

As this presentation occurred following the tour of the Flood Operations in November, Mr. Lippner addressed the public safety benefit of the facility. He also detailed how the Central Valley Flood Protection Plan, prepared by DWR and adopted by the Central Valley Flood Protection Board, is a long-range blueprint for Central Valley flood management. The next update will be released in 2022. The presentation concluded with an overview of flood risk reduction projects including the Small Community Flood Risk Reduction Program and the Rural Flood Risk Reduction programs. Commissioners learned that DWR champions the National Flood Insurance Program as instrumental in assessing and mitigating flood risk.

9.2 Public Safety Partnerships: Meeting 10

Meeting 10, March 25, 2022

Ms. Nezhura gave an overview of EAPs. These plans must adhere to Federal Emergency Management Agency guidelines and include updated inundation maps and emergency notification flowcharts. EAPs identify emergency conditions and specific

actions to minimize loss of life or property based on approved inundation maps. She covered how dam owners are mandated to coordinate with local law enforcement, fire, Cal OES and other State and federal agencies. They are also required to incorporate the results of this outreach into their EAPs and demonstrate to Cal OES that this outreach has been done. The presentation described the Oroville Dam EAP and the purpose of notification flowcharts. Ms. Nezhura shared that Oroville's hazard level was classified as "extremely high" based on the potential impact of dam failure on highly populated areas or critical infrastructure.

Mr. Sarkisian provided a presentation on inundation mapping and EAPs at the Oroville facility. Prior to 2017 the Oroville Dam did have inundation maps in its EAP. Senate Bill 92 (2017) raised inundation mapping and EAP requirements. The legislation enhanced public safety awareness and standards. Existing hydraulic models used to develop the Oroville inundation maps could be used to investigate a variety of flood scenarios. The bill mandated that dam owners, including the SWP, submit inundation maps for approval by the DWR's DSOD. EAPs must now account for uncontrolled releases from appurtenant structures, such as spillways. Mr. Sarkisian explained the maps contained in the Oroville EAP.

10.0 Conclusion

The Oroville Dam Citizens Advisory Commission has made significant progress in its first three years of existence, advancing its mandate as outlined in Senate Bill 955. Founded as a forum to increase communication and transparency, the Commission has held 11 productive public meetings and a technical stakeholder workshop. Commissioners toured the Oroville Dam facilities early in their work and participated in a briefing and tour of the State-Federal FOC facility in Sacramento at the end of 2021. Meetings have been well attended and productive and have contributed to the ongoing dialogue about the facility and public safety. The Commission monitors ongoing action items and requests that emerge during its meetings. In addition, the Commission has prioritized timely responses to stakeholder inquiries.

Over the last three years, Commissioners have helped shape discussions and raise topics to be addressed. The breadth of presentations has enabled commissioners, stakeholders, and the general public to become more familiar with not only the Oroville Dam and related facilities, but also Oroville's role in the SWP and regional flood protection. Presentations touched on all aspects of Oroville's operation including risk assessment and reduction, facility regulation and maintenance, and the impact of growing wildfire risk and the ongoing drought.

The 2017 spillway incident and downstream public safety remains at the forefront of the Oroville community. Commissioners, stakeholders and members of the public have asked important questions during each meeting. Commissioners, expert presenters, DWR staff, stakeholders and the public have consistently approached the proceedings as an opportunity to tackle difficult and complex topics thoughtfully. This positive, respectful tenor begins with Senator Nielsen and Assembly Member Gallagher, who were on the ground helping the community during the 2017 spillway incident and continue to represent the concerns of area residents.

During the inaugural meeting on September 19, 2019, Senator Nielsen urged commissioners to come together for a common purpose.

"This is a place to problem solve, to be aware, and for the public then to gain comfort that our State Water Project is working well. And we're very appreciative of the Governor for signing the legislation and its agency, the Resources Agency that Mr. Crowfoot heads, and the Department of Water Resources for their very expert, continued help and support for this project now that we're embarking on today."

The Oroville Dam Citizens Advisory Commission in its first three years has met the requirements and guidance established in Senate Bill 955 and this report serves as the record of this accomplishment. More work remains and the Commission will continue to meet regularly, learn from experts, discuss complex issues, and provide a

public forum to address topics related to the safety, operations and maintenance of the Oroville Dam and facilities.

Appendix

Register of Communications 35-69

Draft Report Public Comment 70-87

From: Matt Mentink <mentinkmatt@gmail.com>
Sent: Monday, May 24, 2021 12:07 PM
To: Rob Olmstead Deputy Chief Of Staff <rob.olmstead@sen.ca.gov>; Whitmore, Elizabeth (Liza)@DWR <Elizabeth.Whitmore@water.ca.gov>; Williamson, Elizabeth@CNRA <Elizabeth.Williamson@resources.ca.gov>
Cc: Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>; Curtis Grima <curtis.grima@asm.ca.gov>; Connelly, Bill <BConnelly@buttecounty.net>; Mat Conant <mconant@co.sutter.ca.us>; Genoa Widener <notjustaspillway@yahoo.com>; Ron Stork <rstork@friendsoftheriver.org>; Rune Storesund <rune@storesundconsulting.com>; Matt Mentink <mentinkmatt@gmail.com>
Subject: Oroville Citizen Advisory Commision meetings

In effort to ensure the Oroville CAC meetings continue to be informative and productive so as to develop DWR / Citizen trust, I would like to offer the following suggestions for the next two meetings; this week on safety and the August meeting on O&M Asset Management.

First during this week's meeting it's important to bring the commissioners up to speed regarding what has been already identified as safety concerns for each of the components at the Oroville facility. This should be done by creating a single document. Currently these issues are scattered across various reports including the; CNA summary, FERC 2019 Part 12 report, Level 2 report, DSOD inspection report, and the 2016 5 year capitalization plan already scheduled.

Additionally it's important to share with the commission what safety issues are not yet known, and the requested investigative studies requested by O&M, FERC and DSOD to remove these uncertainties. These requested studies should also be encapsulated into the above document by facility component for ease of understanding, reference and follow up.

Recently the CAC commission chose to follow the lead of the CNA Independent Review Board (IRB) and created a Recommendation Log to track the status of concerns raised during the CAC meetings. Likewise the above document could easily serve the same purpose in tracking the status of the various oversight agencies requests and recommendations within this all-encompassing document.

A similar format of requested safety projects and studies must currently exist within O&M for the purpose of scheduling and prioritizing. Using O&M's collective data, and formatting it into a public version for the CAC Commissioners would be invaluable in developing the trust with the downstream communities, which the Citizen Advisory Commission was designed to achieve.

Additionally, providing links to these various government oversight agencies reports, as advance material ahead of the meeting, would allow participants to come better informed, thus allowing more meeting time for relevant and meaningful questions to be answered. As recommended at the previous meeting, the CAC facilitator should create an avenue for advance questions to be submitted for the presenters to address during the meeting, and also for follow up questions to be submitted the week following the meeting.

Following these recommendations would ensure future meetings would be substantially worthy of our time, and develop the DWR / citizen partnerships that we can all be proud of.

Respectfully, Matt Mentink

Former CNA Ad Hoc member.

From: KEVIN DOSSEY <kdossey@comcast.net>
Sent: Friday, August 27, 2021 6:20 PM
To: Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>
Cc: Williamson, Elizabeth@CNRA <Elizabeth.Williamson@resources.ca.gov>; Nemeth, Karla@DWR <Karla.Nemeth@water.ca.gov>; Yarbrough, John@DWR <John.Yarbrough@water.ca.gov>; Teague, Matt@Parks <Matt.Teague@parks.ca.gov>; Wright, Aaron@Parks <Aaron.Wright@parks.ca.gov>; dpittman@cityoforoville.org; Connelly, Bill <BConnelly@buttecounty.net>
Subject: Bidwell Boat Ramp Extension - Lake Oroville

Dear Honorable Secretary Wade Crowfoot, California Natural Resources Agency,

Thank you for the opportunity to provide input during today's Oroville Dam Citizens Advisory Commission Public Meeting. As mentioned, I was going to run past the 3-minute time limit, so I truncated my discussion and committed to follow up with a written description of the Bidwell Canyon boat ramp issue at Lake Oroville. It was really a 4-part discussion with questions and assertions as follows:

1) Why is the Bidwell Canyon Stage 3 Boat Ramp Extension project not planned for this year?

2) The Bidwell Canyon project is a previously-approved Public Safety project and independent of the Loafer Point project.

3) It is not too late to get started on the Bidwell project and construct it this year.

4) Can project funds be obtained quickly from one or more of three potential funding sources?

For the more detailed discussion I had planned, please see the notes below that I prepared ahead of the meeting, with slight modifications for clarity.

****

I'm Kevin Dossey and live in Oroville, less than a mile from the lake.

My discussion is regarding a question many North State boaters have - “Why is the Bidwell Canyon Stage 3 Boat Ramp not planned for extension this year?”

After 34 years as a Civil Engineer with DWR, I retired a year-and-a-half ago. I worked 16 years at Oroville Field Division, mostly in the Recreation and Land Use Section. I was also OFD’s unofficial PIO for a few years, so I have the pulse on Lake Oroville recreation and safety issues.

There is great public concern regarding a Recreation/Safety issue, which has arisen due to lack of access to Lake Oroville. The low lake level creates a recreation hardship and also a public safety issue because no launching is available at the lake. Currently, emergency response on the lake and at the marinas would be limited to already-on-water State Parks boats.

At full pool, with 34 concrete boat ramp lanes at the 5 developed ramp facilities, Lake Oroville has more developed launch lanes than any other lake in California. With no boat ramps available at the lake right now, it is obvious that Lake Oroville needs longer (deeper) concrete boat ramps. I see in the May 2021 ODCAC Meeting minutes that DWR Director Nemeth acknowledged the need and mentioned extending the Bidwell ramp.

This historic low lake level – currently at 631’ and projected to go lower – has presented the perfect opportunity to extend launch ramps and finish already-started projects like the Bidwell Stage 3 Boat Ramp, the Loafer Point boat ramps, and the Lime Saddle Marina pedestrian access path. I understand contracting actions are underway on the two latter projects, but no equipment is on-site yet. I became aware last month that completion of the Bidwell Stage 3 BR was not funded for this year. Rather, Loafer Point ramp would be the focus.

The plan to build the Loafer Point boat ramp to about elevation 640’ was a result of the loss of the Spillway ramp (the largest boat ramp facility on the lake) for nearly 3 years because of the Spillways emergency - and during any future major work on the dam. And it was needed to make the lake accessible from Loafer Creek Recreation Area at all lake levels, thus reducing congestion at the Bidwell ramp and providing an alternative for boaters that would otherwise not be able to launch when Bidwell parking lots are full on Holiday weekends and visitors are turned away.

One could argue that the Loafer Point ramp will fulfill the needs of emergency access to the lake. However, on-water emergency response would be delayed because of the longer drive around to - and through - Loafer Creek Recreation Area to get to the Loafer Point ramp. If the emergency was at Bidwell Marina (the busiest area on the lake during low water conditions), the delay in boating around the point to get to the marina would further delay emergency response.

The Bidwell boat ramp is independent of the Loafer Point project. A major component of the 2006 FERC Settlement Agreement Recreation Management Plan (SARMP) was providing improved access to the lake between elevations 900' and 640' (implying 640' would be the lowest lake elevation). In this spirit, it was agreed to in the SARMP that the Bidwell ramp would be extended to elevation 640'. The ramp was targeted because it is the busiest boat ramp at the lake, near the largest marina, and provides the best lake access for local and visiting boaters and emergency responders.

By signing the New FERC License Settlement Agreement in 2006, DWR committed to doing what is right for the people and the environment. DWR was to make good on a lot of alleged "broken promises" regarding recreation.

In 2008, when it appeared the FERC license would be delayed because of pending revisions to the Biological Opinion, DWR's then-Deputy Director Ralph Torres wrote a memo specifying which New License projects would be authorized for early implementation (or pre-license construction). He agreed that the Bidwell boat ramp extension to 640' met the criteria for early implementation, primarily because of public safety. In early 2008, with the lake elevation projected to drop well below the bottom of the existing Bidwell Stage 2 ramp, Deputy Torres signed a Project Charter that authorized funding for construction of the ramp – which included construction to 675' or lower in 2008. And DWR committed to continuing opportunistic, future construction of the Bidwell ramp in 100-foot-minimum increments (15-foot vertical drops) until the concrete ramp extended down to 640' or lower.

The first portion of the Bidwell Stage 3 Boat Ramp project was completed in 2008. It included an access road, new concrete parking lot, and a 3-lane boat ramp down to elevation 675'. And in December 2015, another 100 feet of the ramp was added, down to elevation 660'.

Fast-forward to this year:

I had heard in early 2021 that – with severe drought conditions and the lake level forecasted to reach about 620' – the Bidwell Stage 3 ramp would be extended this summer/fall to 640'. In late-July, I was shocked to hear that funding for the project was not authorized and this prime construction opportunity would be foregone.

I have heard that environmental permits for construction were extended and current. I know that an archeological review is needed prior to construction. But that supplemental archaeological survey should be quick and easy, as the lake is now well below the elevation of the proposed boat ramp construction area.

Based on my intimate knowledge of the Bidwell Boat Ramp project, I think that extending the current ramp 133' (to elevation 640') could still be accomplished this year. Engineering drawing modifications (cutting-and-pasting prior plans) could be done in a couple of days, updated environmental surveys and notifications could be completed in a week, and contract documents could be revised in another week. The normal 6-month timeframe by the USACE for 404 Permit processing could be cut to a day – as demonstrated by the streamlined Spillways Emergency project permitting approvals, sometimes taking only a few hours. If the project work could be done using a Memorandum Directive or Change Order to the Loafer Point boat ramp project, construction could start by October 1st. The construction time frame - based on history - should be less than four weeks. Thus, the project could be completed by the end of October.

Even if the normal bidding and contracting process is used, which would add another 6 weeks to the timeline, construction could be completed by mid-December. Coincidentally, the average lake "turnaround" (or transition from dropping to rising) occurs in mid-December. Thus, it's not too late to get started on the project.

With a California budget surplus in the $40-billion range, I would hope money could be made available for this approximately $1/2-million public safety project. Knowing DWR project funding is atypical for public agencies, I would suggest tapping into DWR 4th Priority funds, State Parks' Division of Boating and Waterways capital outlay funds, and/or State Water Contractor funds.

In the spirit of improving recreation user and first responder access at Lake Oroville, enhancing public safety, and following through with prior commitments, I and many

other Lake users implore you to endeavor to make funds available for completion of the highly visible and important Bidwell Canyon Stage 3 Boat Ramp Extension project this year.

****

Again, thank you for your time and consideration of my input regarding the Bidwell Stage 3 Boat Ramp Extension project. Please forward or post as appropriate for responses and hopefully action.

Sincerely,

Kevin Dossey, P.E.

Concerned Oroville Citizen

kdossey@comcast.net

On 08/30/2021 8:54 AM Nemeth, Karla@DWR <karla.nemeth@water.ca.gov> wrote:

Thank you Mr. Dossey. I'll speak with my team and see what we can get done.

From: **Robert Bateman** <groberttbateman@gmail.com>
Date: Tue, Aug 31, 2021 at 11:11 AM
Subject: Question for Oroville Dam Citizens' Advisory Commission
To: Williamson, Elizabeth@CNRA <elizabeth.williamson@resources.ca.gov>
Cc: Connelly, Bill <bconnelly@buttecounty.net>, Genoa Widener <notjustaspillway@yahoo.com>, <james.gallagher@asm.ca.gov>, <jim.nielsen@sen.ca.gov>, Richard Thompson <jamcynic1@gmail.com>, Rune Storesund <rune@storesundconsulting.com>

Question for Commissioners
Impacts to Public Safety from Oroville Dam Releases

At the May meeting, Dr. Rune Storesund suggested that Commissioners should have information about the impact of expected dangerous events such as releases from the Dam between 150,000 cfs and 650,000 cfs. Since then, he has developed a proposal for a study of higher releases from the Dam. This study is moving forward.

Will the Citizens' Advisory Commission endorse this study and the ask the DWR, which referred him to the Commission, to assist, particularly in sharing their modelling?

There is no record of such a study having been completed although this information is normally required before a large dam is licensed. The information provided is critical to the operation of the reservoir as well as levee design and evacuation planning in at least 6 counties. With climate change driving extreme storms, releases in this range can be anticipated in future unless there is careful planning.

Dr. Storesund has provided the following brief summary of the project design. It is expected that the study will be completed by mid 2022. He has also provided the attached description of the statewide ARkStorm 2.0 project originally led by the USGS with which the high release study will be co-ordinated.

Robert Bateman
Secretary Feather River Recovery Alliance
8/31/2021

Impacts to Public Safety and Evacuation Planning in Butte, Glenn, Colusa, Yuba, and Sutter Counties, California
Draft

Principal Investigator: Dr. Rune Storesund, D.Eng., P.E., G.E., Director, SafeR³(rune@safer3.world)
Emergency Action Plans are required to be developed and submitted to FERC as part of licensing requirements established in the Code of Federal Regulations Title 18, Chapter 12 "Safety of Water Power Projects and Project Works." These plans must be "Designed to provide early warning to upstream and downstream inhabitants, property owners, operators of water-related facilities, recreational users, and other persons in the vicinity who might be affected by a project emergency." An emergency is defined as: Project emergency means an impending or actual sudden release of water at the project caused by natural disaster, accident, or failure of project works.
Oroville Dam was designed to release a maximum of approximately 650,000 cfs through the primary spillway (capacity of about 300,000 cfs) as well as additional releases through the emergency spillway (capacity of about 350,000 cfs). No emergency response information currently exists to inform first responders within the impacted areas for discharges greater than the routine discharge of 150,000 cfs.
This study, in collaboration with the Department of Water Resources (DWR), will leverage existing modeling completed for the full-breach of Oroville Dam to calculate and map inundation associated with discharges between 150,000 cfs and 650,000 cfs (at 50,000 cfs increments and at hourly timesteps) to inform emergency response personnel as to vulnerable areas (based on discharge) and serve as the foundation to develop release-specific emergency warning and evacuation plans to ensure public safety.

This study will coordinate with ArkStorm II, which considers a plausible extreme precipitation event

Hello Nancy,

I understand that you have taken on Lizzy Williamson's responsibilities with respect to the Oroville Dam Citizens' Advisory Commission.

Following the last virtual meeting I submitted the attached question and did not receive any response although previous to this meeting Lizzy said that the support for Dr. Storesund's study of the impact of high releases from the Dam would be included on the Agenda for the November/December meeting. I gather that this meeting will be held on December 3rd and request that support for Dr. Storesund's study be included on the agenda for this meeting.

Thank you,

Robert
530 370 3347

Recommendations following the August 27th 2021 CAC meeting

Recommendation # 16 - Public Asset Management (regulatory) Tracking Log

(reference page 90-91 of the transcripts from 5/28/2021 CAC Meeting)

SB 955 was enacted to ensure the downstream communities obtain the much needed cooperation from DWR regarding the asset management of the Oroville facilities. This intent is clearly stated in the CAC charter;

*G. **Cooperation from California State Agencies** -*

2. Provide all information reasonably requested by the commission regarding the construction, rehabilitation or reconstruction, operation, maintenance, and management of the dam, including:

A) Asset management plans regarding facilities and equipment of the dam,
B) Scheduled or anticipated repairs, restoration, or replacement of facilities or major equipment;
C) Changes in flood management rules; and
D) Provide updates of Feather River flood management activities,

The creation and implementation of a suggested public Tracking Log seems the most reasonable approach to satisfy the CAC charter. Easily designed and maintained, it can simplify enormous amounts of requests, from various sources into a single document for both CAC participants and internal leadership to monitor. The sources of recommended studies, and projects should include;

FERC Part 12 inspections, 2014 and later, (plus other relevant correspondence)
DSOS recommendations and concerns that are still open
Level 2 independent consultants recommendations (following the 2021 Spillway Event)
CNA task team recommendations (remedies for resilience and redundancy next 50 years)
Internal finding from the Oroville Dam Safety Division (self discovery)
2016 extraordinary fund / current 5 year capitalization projects (pre 2017 urgency)

Aside from the need for transparency regarding the above mentioned projects is the ongoing concern for the length of time it has taken to complete safety recommendations, in comparison to delivery projects. To help remedy these concerns, DWR's Asset Management now assigns risk metric scores to all SWP work for the purpose of prioritizing their budget and schedule. By having both the public tracking log and the Two year budget list: 1) the date project was first requested, 2) who made the request, and 3) the risk metric score / value assigned, all parties can compare the information on both documents to ensure that equalable scheduling is being done.

As a former CNA Ad Hoc member, I see the selection and quick completion of one of the ten alternative CNA plans as the utmost importance to the downstream communities. Therefor I suggest that all items within the public tracking log be categorized by the six tasks in the CNA, regardless of who made the request:

1) Spillway Capacity / PMF
2) Operations, New water control manual
3) FCO enhancement / reliability
4) Low Level Outlet, River Valve, Hyat
5) Embankment reliability and improvements
6) Instrumentation and Monitoring
7) Other

With three major flood events occurring within the 31 year period; 1986 1997, 2017, the long standing concerns, distrust and feeling of inequality by those living downstream are very real. Given historical weather patterns there is the potential for significant events every ten years. The length of time it takes to choose and complete the facility improvements contained in the CNA alternative plans will be an ongoing debate between the CAC, DWR and presumably the SWC's. The recommended public tracking log can be the foundation of those future conversations

1) Recommendation: High Level SWC member at future CAC asset management meetings

Having an open discussion with a regional general manager of the SWC at the last meeting was insightful to the workings within a particular geographic area, and a good place to start. Going forward it would be helpful to have a high level representative, or member of the finance committee present, when asset management is the lead item on the agenda.

Under the original state water contract, the DWR leadership Team had the authority to manage the assets of the SWP as they saw fit. Studies, repair or replacement projects were completed as needed, and SWC reserved the right to protest any such financial charges they didn't see fit.

Under the new water contract extension, the SWC enjoys a 50/50 membership in a newly created Financial Committee, where recommendations are made for any project that would require the approval of the Director of DWR. This equal power sharing within a committee that makes project recommendations, by the very party responsible to pay for those projects could create undue influence towards prioritizing delivery projects over safety when there is limited funding or human resources.

The minutes of the financial committee meeting, where decisions are made regarding the safety and reliability of the SWP should be public record and therefore provided as advance material to the CAC prior to future asset management meetings. For the CAC participants to better understand the justification for the recommendations coming out of the finance committee, it would be helpful to invite a SWC member of the committee to present their explanation and take questions at future CAC meetings, when asset management is the lead topic on the agenda.

2) Citizen Advisory Commission Report to the Lesistrators

A Lot of great information has been provided to the Citizen Advisory Commission during the first two years of its existence, and the DWR team should be commended for this effort. The downstream communities that once only knew of the problems at the Oroville Facility, are quickly learning all the work to ensure its resilience and redundancy for the next 50 Years of operation. With this transparency, trust and respect is beginning to develop.

The CAC report to the Legislators should reflect this groundbreaking accomplishment, and serve as evidence that similar citizen commissions should be used within the state. With the help of the CAC meeting facilitator, DWR should take the lead in writing this report, but not without caution.

The success of the commission should not blind us to any shortcoming the process might have had, and those opportunities should be equally represented within the report. The inclusion of shortcoming should include an explanation and possible resolution that would inform further commissioner and staff on the need for such continuous improvement . It's this part of the report that DWR may not be the best qualified lead author. Thus we will need to rely on accurate records of the CAC meetings to recall areas of disappointment or needed improvement, so commissioner co-authors can include as they see fit

Its recommended that such records as the transcripts, presentations, and recommendation log be preserved and used when writing the report. Were presentations geared towards high level concerns as requested, were questions answered fully and directly, and were the recommendations provided to DWR completed to the satisfaction of the CAC participants.

From: KEVIN DOSSEY <kdossey@comcast.net>
Sent: Friday, October 8, 2021 12:16 PM
To: Nemeth, Karla@DWR <Karla.Nemeth@water.ca.gov>; Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>
Cc: Williamson, Elizabeth@CNRA <Elizabeth.Williamson@resources.ca.gov>; Yarbrough, John@DWR <John.Yarbrough@water.ca.gov>; Teague, Matt@Parks <Matt.Teague@parks.ca.gov>; Wright, Aaron@Parks <Aaron.Wright@parks.ca.gov>; dpittman@cityoforoville.org; Connelly, Bill <BConnelly@buttecounty.net>
Subject: RE: Bidwell Boat Ramp Extension - Lake Oroville

Director Nemeth,

I see that the Loafer Point Boat Ramp project is underway - and that's great!

Has there been any progress on extending the Bidwell Stage 3 ramp? There is a lot of room to complete the project to elevation 640' or lower. Please see attached photos of the ramp area from 4 weeks ago. (the lake was at the same elevation as it is today)

Thanks,
Kevin Dossey

On 11/05/2021 9:07 AM Yarbrough, John@DWR <john.yarbrough@water.ca.gov> wrote:

Mr. Dossey,

Thank you for asking about the Bidwell Canyon Stage 3 Boat Ramp Extension project. DWR has extended this boat ramp multiple times in the past. The ramp was first extended down to elevation 675 feet in 2008 and then further to elevation 660 feet in 2015. DWR plans to eventually extend the ramp an additional 20 feet to elevation 640 feet. The timing of that project is uncertain, as it depends upon extremely low lake levels, resources, staffing, and other priorities.

Following the 2017 spillway incident, a key recreation facility, the Spillway Boat Ramp, was closed to allow for the reconstruction of the spillway. To offset any resulting recreation impact from this major reconstruction work, DWR elected to pursue early implementation of new recreation projects at Lake Oroville. Construction on one of these projects, the extension of the Loafer Point Boat Ramp, has been underway this last year.

The Loafer Point Boat Ramp project is planned to extend down to elevation 640 ft. DWR has been intending to take advantage of the unprecedently low lake levels that are occurring this year to extend the ramp further. DWR has focused its efforts on extending the Loafer boat ramp instead of the Bidwell Canyon Boat Ramp this year because a construction contractor was already mobilized and on site, and a full package of environmental permits had just been completed for this location. However, those plans are now being revisited after the recent storm resulted in an earlier than usual increase in reservoir elevation.

Thank you again for your interest in these recreation improvement projects.

Sincerely,
John Yarbrough

John Yarbrough | Department of Water Resources

Assistant Deputy Director

State Water Project

(916) 803-9203

On 12/01/2021 3:19 PM KEVIN DOSSEY <kdossey@comcast.net> wrote:

Mr. Yarbrough,

Thank you for your response. As you may know, I am intimately familiar with the previous work at the Bidwell Canyon Stage 3 Boat Ramp and DWR's commitment to improve the Loafer Point ramp, which is why I am recounting a brief history of DWR's decisions and commitments and attempting to offer a constructive path forward related to the Bidwell Ramp.

The Loafer Point Boat Ramp extension work is commendable and greatly appreciated. It will allow for an expanded recreation season at Loafer Creek Recreation Area during low water years and also reduce pressure on Bidwell Canyon Recreation Area during high visitation weekends. Further, it will provide an alternate launch ramp when the Bidwell Canyon Boat Ramp is occasionally closed on Holiday weekends because the parking lot reaches capacity.

However, the pending FERC P-2100 (Oroville Facilities) License's *Settlement Agreement Recreation Management Plan* describes the proposed Loafer Point project as a car-top launch area. The project underway is not really "early implementation" of the Loafer Point project, but is a completely re-designed and expanded project to offset the temporary loss (and potential future loss) of Spillway Ramp, which was reopened more than two years ago. Thus, the Loafer and Bidwell projects are independent and should be viewed as such when determining recreation project priorities.

The one boat ramp project that was authorized by DWR Management for "early implementation" more than 13 years ago is the Bidwell Canyon Stage 3 Boat Ramp. When DWR completed the first portion of that project to elevation 675' in 2008, there was a ribbon-cutting ceremony that was attended by local boaters, bass tournament organizers, Management from several State Agencies, and media. The Grand Opening of the deepest boat ramp at Lake Oroville was very well-received by the Public and helped improve DWR's reputation locally. The DWR Deputy Director conveyed to the public that the ramp would be further extended at each opportunity when lake levels were projected to drop at least 15 feet below the end of the existing new concrete ramp or latest ramp extension. (At a 15% design slope, the corresponding minimum 100-linear-foot extensions of the ramp were deemed a reasonable ramp length and scope-of-work worthy of initiating a new contract.)

In 2015 when the low-water opportunity arose, DWR made good on the 2008 commitment and extended the ramp 100 linear feet - to elevation 675'. Again, the project was well received by the Public and First Responders. And DWR continued to gain public confidence and support.

DWR Director Nemeth recognized at the May 28, 2021 Oroville Dam Citizens Advisory Commission meeting that the Bidwell Canyon boat ramp would only be open through early July 2021. She stated (per the Meeting #7 Transcript) that "...*these really dry*

conditions is an opportunity for the Department to extend boat launch deeper into the fluctuation zone of the reservoir. (and) *...an opportunity for us to build facilities that enable those boat launch ramps to be functional even during drought periods.*" She went on, "...*this is a way in which the Department is looking to maintain all the benefits of this facility, particularly the important recreation benefits to this community, even as we have a deeper fluctuation..."*

Then suddenly the Bidwell project, which would have cost less than 25% of the 2021 Loafer Point ramp extension cost estimate, was dropped. The reason for cancelling the 100%-designed, mostly-permitted, and relatively cheap Bidwell project is still a mystery.

Further, it was disturbing to hear DWR staff say at the November 5, 2021 Oroville Recreation Advisory Committee meeting that the Bidwell Stage 3 ramp would not be extended until a new FERC License is issued. The P-2100 License issuance has been pending for 15 years, so reviving the promised Bidwell project could be many years out if it is truly on hold until new License issuance. Meanwhile, the public recreation opportunities and response times of Emergency Responders will continue to suffer during low water conditions.

Since Bidwell Canyon receives the most visitors of all the recreation areas within the Oroville Facilities, I encourage DWR to uphold its 2008 commitment to extend the Bidwell Stage 3 Boat Ramp by putting it at the top of the list of project priorities for the next low water year, plan and budget appropriately, and acquire new or extended environmental permits so that the much-needed work can proceed at the earliest available opportunity.

Thank you,
Kevin Dossey

From: Matt Mentink <mentinkmatt@gmail.com>
Sent: Sunday, December 5, 2021 12:08 PM
To: Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>
Cc: Yarbrough, John@DWR <John.Yarbrough@water.ca.gov>; Rob Olmstead Deputy Chief Of Staff <rob.olmstead@sen.ca.gov>; James Gallagher <James.Gallagher@asm.ca.gov>; Vogel, Nancy@CNRA <Nancy.Vogel@resources.ca.gov>; Connelly, Bill <BConnelly@buttecounty.net>; Mat Conant <mconant@co.sutter.ca.us>; Genoa Widener <notjustaspillway@yahoo.com>; Ron Stork <rstork@friendsoftheriver.org>
Subject: CAC Meeting Apology

Secretary Crowfoot,

For the last 4 ½ years I've chosen to give countless hours of my invaluable time to help protect the safety and prosperity of the Feather River Basin. I've acquired the flood protection knowledge, the understanding of government to navigate the system, and continue to work on the personal demeanor to present and ask questions to achieve mutual goals.

Just because too many of my fellow citizens lack the time, skills or knowledge to join me, it doesn't mean they are not with me in these efforts. Being a lifelong resident, I know my concerns are their concerns, my questions are their questions, and my hopes are their hopes.

Following the phone call with John, I thought we had a mutual understanding on a future course of action:

- The Oroville CAC was here to stay and we should play the long game
- We would have repeating agenda topics for the quarterly meetings
- We do heavy foundational work now for those repeating topics
- Develop modified tracking logs, fault tree analysis, and other tools to streamline
- Introduce these tools at the appropriate 2022 meeting scheduled for those particular topics
- Once created, enjoy easy non-time consuming annual maintenance of the above tracking logs, fault analysis and other tools
- John would publicly propose this Road Map during 12/3/21 meeting

The "Welcome and Introduction" part of that meeting lasted 35 minutes without mention of the proposed course of action we discussed on the phone. The presentations and commissioner comment portion lasted 80 minutes, and the citizen portion was left with 5 minutes. By then, I felt dismissed. Unfortunately this dismissal was evident in my abrupt and direct delivery.

I was told by a former Director that you are a passionate and results oriented man. And the best way to work with you is to ask direct questions that are relevant to the agenda in a respectful manner. I will continue to strive to do just that.

Committed to mutual goals, Matt Mentink

From: Yarbrough, John@DWR <John.Yarbrough@water.ca.gov>
Sent: Tuesday, December 7, 2021 10:55 AM
To: Matt Mentink <mentinkmatt@gmail.com>
Cc: Nick Saffold <nsaffold@kearnswest.com>
Subject: RE: CAC Meeting Apology

Matt,

The agendas continue to be a challenge as we try to balance covering the areas that Commissioners are asking for information while leaving time for public participation. We are making adjustments to the next meeting to try to create more time for public discussion.

Thank you for recapping our discussion- I hadn't left that discussion knowing that you were expecting that I was going to report out to the commission. If you are available, I think it would be productive for us to get on the phone for another short discussion where I would like to include Nick. Nick can help make sure you and I are picturing the same forward path. Let us know if this works for you and I'll look for some potential times.

Thanks,

John

From: Matt Mentink <mentinkmatt@gmail.com>
Sent: Thursday, December 9, 2021 9:37 AM
To: Yarbrough, John@DWR <John.Yarbrough@water.ca.gov>
Cc: Nick Saffold <nsaffold@kearnswest.com>; Vogel, Nancy@CNRA <Nancy.Vogel@resources.ca.gov>; Rob Olmstead Deputy Chief Of Staff <rob.olmstead@sen.ca.gov>; James Gallagher <James.Gallagher@asm.ca.gov>; Curtis Grima <curtis.grima@asm.ca.gov>; Connelly, Bill <BConnelly@buttecounty.net>; Mat Conant <mconant@co.sutter.ca.us>; Genoa Widener <notjustaspillway@yahoo.com>; TKimmelshue@butteecounty.net; avasqeze@co.yuba.ca.us; Ron Stork <Rstork@friendsoftheriver.org>; Rune Storesund <rune@storesundconsulting.com>
Subject: Re: CAC Meeting Apology

John

Thanks for reaching back following the last meeting. I know your time is valuable, so it is truly appreciated. I hope you understand, that's why I've been attempting to streamline the CAC meetings, while still getting to the core questions in need of discussion.

The Idea of using 'Lessons Learned from the 1986 Flood" was not to shame or hold liable. It's an opportunity to reverse engineer an actual event. To examine all the points/ gates of possible human intervention within the fault tree. To ask ourselves what could we and should we do differently in the future.

From the last meeting, I'm feeling that FIRO will not yield an equalbe solution for both delivery and flood protection, without active CAC oversight. DWR has been forthright in keeping the CAC informed of the physical features at Oroville. It's now time we do the same with "Operations and Human Decisions" as it relates to the development of FIRO.

This is the reason I've requested a Fault Tree Analysis on the 1986 Flood. It will clearly show the 30 some points/ gates of possible human intervention. It will streamline these broad topics into a single document for future reference. I feel so strongly about this that I'll offer to hire a 3rd party consultant, and work with them to create this (FTA) prior to the next 2022 meeting where FIRO is on the agenda.

Let's have this next phone call. Since I'm not a current commissioner, I took the liberty to offer others a chance to add their insight and desires to help shape and streamline the future course of the Citizen Advisory Commission.

Respectfully, Matt Mentink,
1986 Flood vIctim, Oroville CNA Citizen Ad Hoc Member

From: Matt Mentink <mentinkmatt@gmail.com>
Sent: Tuesday, January 11, 2022 2:17 PM
To: Yarbrough, John@DWR <John.Yarbrough@water.ca.gov>; Saffold, Nick@KearnsWest <nsaffold@kearnswest.com>
Cc: Rob Olmstead Deputy Chief Of Staff <rob.olmstead@sen.ca.gov>; Vogel, Nancy@CNRA <Nancy.Vogel@resources.ca.gov>; Grima, Curtis <Curtis.Grima@asm.ca.gov>
Subject: Re: Oroville CAC meeting follow up call

John / Nick

Attached are copies of the requests made following the August 27th meeting and the advance questions for the December 3rd meeting that didn't make the recommendation log. These can be addressed when the topics are on the 2022 agenda

Attachment

December 3rd Oroville Citizen Advisory Commision Meeting

Scheduled for this upcoming meeting is CAC Action Tracker #13 - “Lessons learned from 1986 and 1997 flood events”. The request made 10 months ago at the 2-19-21 meeting talked of a reverse engineering approach, that goes beyond the simple conclusion of levee failure. It should break down all contributing factors in the event chain that could be reengineered to minimize the likelihood of recurrence. We are not looking for individuals to blame or liabilities to settle. Instead it should provide DWR and levee agencies the opportunity to highlight what was learned, improvements made, and vulnerabilities that still need to be addressed.

When reverse engineering the past events, four major contributing factors stand out; Rain Event, Facility Limitations, Dam Operations, and Levee Vulnerabilities. Drilling down further within those are numerous points for possible human intervention or “gates" within a Fault Tree Analysis (FTA). It’s time we understand the effect each of the lesser gates, within the four contributing factors, has on the whole system.

We are currently at a unique opportunity to greatly reduce the risk of High Water Events - Levee Failures. DWR is finalizing it’s Comprehensive Needs Assessment, and probable Low-level outlet. While ACOE is undertaking a new Water Control Manual to include Forecast Informed decision making. To a lesser effect, the State water contractors are renewing contracts and FERC is trying to wrap up relicensing

Thus it’s being Recommended that a Fault Tree Analysis be created. It would be a great visual tool for senior management and the Finance Committee during the CNA plan selection process. A roadmap during the development of the new FIRO water control manual. Act as a quick reference guide for those in Oroville’s operation center during an event. And it would provide the Citizen Advisory Commission the means to monitor the “Who, When and How” these intervention points were managed in the future.

Following are some of the points of intervention that may have been missed in 1986, 1997 and 2017. These questions could either be incorporated into our December 3rd

presentations, or answered later within the official meeting summary report. But more importantly, these and others need to be included in the creation of the Fault Tree Analysis.

Rain Event / Reservoir Inflows

The 1986 event was said to be a 1/70 year event, yet we have had 4-5 similar storms in a 70 year period, indicating that improved forecast modeling was needed. Q 1) - What does Atlas 14 tell us to prepare for in amounts, frequency and duration potential of future storms? How is that being utilized in future facility design and operations updates?

Has accelerating climate change and recent historical storms already made the guidance of Atlas 14 outdated. Q 2) - How frequently should Atlas 14 guidance change, and how will the revisions continuously change the joint water control manual for Oroville/ Bullards

Real time reservoir inflows at lake-level were used in the past to dictate and trigger spillway outflows in the original operations manual. Q 3) - How has inflow forecasting improved in regards to; upstream reservoir coordination, watershed rain monitors and river gauges, and how will the additional 24 hour lead time of inflows be utilized in the future?

Pre-event lake levels were guided by the Moisture Index of the watershed on a scale of 1 -11 in ground saturation. There wasn't any additional requirement to adjust for heavy snowpacks. Q 4 - How will the snowpack affect pre-event lake levels going forward?

In the past we didn't know the moisture content of the snowpack at different elevations within the watershed to accurately forecast runoff associated with warm atmospheric rivers. Q 5) - How will the water content of the snowpack at different elevations be measured and used to trigger early releases in the future?

Water Control Manual / Human Factors

Marysville Reservoir was to provide an additional 150,000 AF of flood storage for the Feather/ Yuba watershed when the first water control manual was created. Instead of increasing the hard storage at Oroville or Bullards, surcharge flows of 11 feet were to overtop the emergency spillway at Oroville as the FCO would throttle back to maintain a maximum of 3000,000 cf river flows at Marysville. Q 6) - How will the lack of hard flood storage Marysville Reservoir was to provide, be accounted for in the new FIRO water control manual?

The objective for creating a FIRO Water Control Manual is to customize the reservoir operations to the current rainy season and real time weather conditions. If managed properly it should reduce the water pressure on vulnerable levees associated with relying on the use of maximum outflows of 300,000 cf at Marysville. But it will also increase water supply by allowing more water to be stored in the current flood pool during drought conditions.

Q 7) - Please provide all the various; weather, watershed and reservoir data points, such as those mentioned above, that FIRO plans to use, in calculating the need for proactive human intervention.

Q 8) - Who is gathering all this various real-time data, and where is it transmitted to?

Q 9) - Is there a software application being developed to process the modeling for projected reservoir inflows / durations that will guide the proactive outflows.

Q 10) - Will the FIRO manual be "cut and dry" once modeling is created, that will dictate specific actions by the operators for the given conditions.

Q 11) - Please include all the possible FIRO "gates of human intervention" in the Fault Tree Analysis (FTA) being requested within the Citizen Advisory Commission.

Facility Limitations / Understanding

As we all witnessed during the 2017 Spillway Event, use of surcharge flows over the emergency spillway was not within the facility's capabilities, It was the last resort, and as such we operated without the 150,000 AF of flood storage Marysville Reservoir was to provide. Q 12) - Will further improvements be made to the Auxiliary spillway for surcharge operations, or will

FIRO account for the lack of storage with early releases
Due to the current elevation of the Flood Control Outlets (FCO), and lack of capacity and dependability of the River Outlet, early releases needed for FIRO are very limited. Most of the proposed CNA plans include a low-level outlet, but could be 10 years before its operational. Q 13) Will this delay switching to FIRO, or can FIRO be continually modified as facility improvements are completed

The Independent Forensic Team went in depth on the decision making within the operational center and the lack of available information to make critical decisions, such as the geology report for the Auxiliary Spillway. Q 14) Are we confident that all such reports are readily available. Are those in operations aware of the known and unknow facility vulnerabilities per the various internal and Part 12 safety inspections, Is that pertinent material also available for those in the operation center. Are the vulnerability of downstream levee also known, and available for the decision makers?

Levee Vulnerability
Levee failure has occurred 3 of 4 (75%) of the time the Feather River channel reached its maximum carrying capacity. 1956, 1986, 1997. Yet 300,000 cf flows at Marysville are still considered standard operating procedures for the water control manual. Q 15) - *How will this risk factor be incorporated into FIRO to make it a last option, similar to how surcharge flows (150,000 AF) over the emergency spillway was considered to be the last option.*
The 1986 levee failure was thought to be from underground head pressure seeping through a gravel pit or old river bed. Old river beds have been mapped under our levee system in numerous places. Q 16) - What mitigating actions such as relief wells or extended levee toes have been completed at these locations?
Another cause of levee failure the slouching of the saturated levee crest that occurs during rapid downramping of the river flows (1997?) This process was evident in 2117 when 100 year old river banks slouched during downramping. Oroville's current operation manual regulates spillway down ramp rates to 10,000 cf every 2 hours. But since the Middle and South Fork of the Yuba is largely unregulated the actual down ramping of the saturated levee is much greater than measured at the actual river gages. Q 17) - What is considered safe down ramping rates for the levee following 150,000 cf or 300,000 cf outflows and shouldn't the rate be measured by the actual river gages.
Levees have been greatly improved since the last failure, and downstream communities are grateful for the role DWR, and ACOE have played in that effort. Yet the near levee failure in Yuba City during the 2117 event with less than 50% of allowed outflows is evidence that levee certification isn't equivalent to dependability. Most levee districts look to this expert guidance for planning work projects and maintenance. Q 18) - What recent changes have been made to levee certification and cost sharing that will increase dependability.

From: KEVIN DOSSEY <kdossey@comcast.net>
Sent: Tuesday, February 8, 2022 12:45 PM
To: Yarbrough, John@DWR <John.Yarbrough@water.ca.gov>
Cc: Teague, Matt@Parks <Matt.Teague@parks.ca.gov>; Wright, Aaron@Parks <Aaron.Wright@parks.ca.gov>; dpittman@cityoforoville.org; Connelly, Bill <BConnelly@buttecounty.net>; Vogel, Nancy@CNRA <Nancy.Vogel@resources.ca.gov>; Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>; Nemeth, Karla@DWR <Karla.Nemeth@water.ca.gov>; Craddock, Ted@DWR <Ted.Craddock@water.ca.gov>; Hafner, Mark@DWR <Mark.Hafner@water.ca.gov>; See, Eric@DWR <Eric.See@water.ca.gov>; Zeitler, Kevin <zeitlerk@stifel.com>; Knaus, Claudia <claudiaknaus@gmail.com>
Subject: Bidwell Boat Ramp Extension Obligation - Lake Oroville

Hello John,

I am writing you to supplement the information I provided in my 12/1/2021 email (below) to you and several Oroville Dam Citizens Advisory Commission Members. I am cc'ing some Oroville Field Division staff and Oroville Recreation Advisory Committee members, as this issue was discussed at the ORAC meeting on Friday, 2/4/2022.

During the ORAC meeting on Friday, DWR stated that the remaining segment of the Bidwell Canyon Stage 3 Boat Ramp project at Lake Oroville would not be completed until after a New FERC License is issued. However, a September 2008 FERC Order amended the Project No. 2100 1994 Amended Recreation Plan (still current) to include the Bidwell Stage 3 project, thus making it a current FERC License requirement. Further, in an April 2016 DWR letter to FERC, DWR describes the second phase of the Bidwell ramp extension project, constructed in 2015, as "partial completion" of the ramp and commits to completing the project when the lake's water surface elevation is low enough.

In a search of the Federal Energy Regulatory Commission's eLibrary, I discovered several documents related to the 2008 Bidwell Canyon Stage 3 Boat Ramp project and the 2015 extension of that ramp. I listed the dates of the relevant filings (in FERC's year-month-day format) and FERC's eLibrary Description of the documents below.

For your convenience, I attached the two documents (**bold dates below**) supporting my belief that DWR is obligated to extend the ramp now - under the current FERC License and 1994 Amended Recreation Plan - rather than waiting for the new FERC License, which has been pending for 15 years.

FERC Document List:

20080730
California Department of Water Resources requests approval to amend the existing Recreation Plan to incorporate an extension of the Bidwell Canyon Boat Ramp etc under P-2100.

20080815

California Department of Water Resources submits Additional Documents Supporting the Proposed Bidwell Canyon Boat Ramp Extension under P-2100. (Permit Package)

20080910
Order approving amendment to Recreation Plan re California Department of Water Resources under P-2100. (attached)
(FERC ORDER APPROVING AMENDMENT TO RECREATION PLAN - Bidwell Ramp Extension, Issued September 10, 2008)

20150930
Department of Water Resources submits Notification of Bidwell Canyon Stage 3 Boat Ramp Extension Project under P-2100.

20160419
Department of Water Resources submits **Notification of Partial Completion of Bidwell Canyon Stage 3 Boat Ramp Extension Project** and As-built Drawings.
Note that within this DWR letter to FERC (attached), at the end of Paragraph 3, DWR states, "The *Recreation Management Plan calls for this ramp to be extended to elevation 640 feet; **the final segment of the project is expected to be constructed when Lake Oroville's water surface elevation is low enough to allow for it."*

Currently, Bidwell Canyon Boat Ramp Stages 1, 2, and 3 range in elevation from 900' (full pool) down to elevation 660'. Per existing final design plans, the last portion of the low-water Bidwell Stage 3 ramp would extend 20' vertically, down to elevation 640', the published "dead pool" elevation of Lake Oroville. The approximately $1/2-million project would extend 133 feet on-slope from the bottom of the existing 380-foot-long Stage 3 ramp.

Finally, thousands of public recreation users at Lake Oroville would be grateful if DWR takes advantage of the next extreme low-water occurrence (potentially this year) to construct the remaining portion of the boat ramp. Please review the two attached documents and reconsider DWR's position on postponing the last segment of the Bidwell Boat Ramp project.

Thank you,
Kevin Dossey
Concerned Oroville Citizen

From: Yarbrough, John@DWR

Sent: Friday, February 11, 2022 2:24 PM

To: KEVIN DOSSEY kdossey@comcast.net

Cc: Teague, Matt@Parks <Matt.Teague@parks.ca.gov>; Wright, Aaron@Parks<Aaron.Wright@parks.ca.gov>; dpittman@cityoforoville.org; Connelly, Bill<BConnelly@buttecounty.net>; Vogel, Nancy@CNRA <Nancy.Vogel@resources.ca.gov>; Crowfoot,Wade@CNRA <Wade.Crowfoot@resources.ca.gov>; Nemeth, Karla@DWR<Karla.Nemeth@water.ca.gov>; Craddock, Ted@DWR <Ted.Craddock@water.ca.gov>; Hafner,Mark@DWR <Mark.Hafner@water.ca.gov>; See, Eric@DWR <Eric.See@water.ca.gov>; Zeitler, Kevin<zeitlerk@stifel.com>; Knaus, Claudia claudiaknaus@gmail.com

Subject: RE: Bidwell Boat Ramp Extension Obligation - Lake Oroville

Kevin,

Thank you for providing these documents. I have shared them with the DWR team and we willbe giving them a look.

-John

From: Robert Bateman <groberttbateman@gmail.com>
Sent: Monday, March 28, 2022 3:05 PM
To: Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>
Cc: Connelly, Bill <BConnelly@buttecounty.net>; Genoa Widener <notjustaspillway@yahoo.com>; jim.nielson@sen.ca.gov; Vogel, Nancy@CNRA <Nancy.Vogel@resources.ca.gov>; Olmstead, Rob <rob.olmstead@sen.ca.gov>; Richard Thompson <iamcynic1@gmail.com>; Erik Johansen <Erik.Johansen@prezero.us>; Nemeth, Karla@DWR <Karla.Nemeth@water.ca.gov>
Subject: Oroville Dam Citizens Advisory Committee Meeting March 25 2022

Secretary Crowfoot/ Wade,

The proceedings of Citizens Advisory Commission meeting on Friday represented a positive step forward in establishing trust in the DWR among the local community. Thank you for overseeing this and for supporting Dr. Storesund's much needed study which will throw light into a number of dark corners and thus help establish the underlying truth about risks associated with the Dam.

As David Sarkisian noted, the DWR has only, at best, taken the first steps in developing inundation plans for releases from the Oroville Dam in excess of 150,000 cfs. Unless the management of the reservoir changes, so that downstream safety is given precedence over water supply, such high releases are inevitable in future.

The inundation map for Oroville shown in David Sarkisian's presentation could not have been meant to represent the effect of releases of 225,000cfs from the dam, as appeared to be the case. The inundation shown seemed to be equivalent to little more that the floods in 1985 and 1997/8 when releases were reported as being in the 160,000-180,000cfs range, although reported numbers are not necessarily accurate. At 225,000 cfs, it is difficult to believe that Oroville City would not be under 20 ft of water unless the levees are raised.

I tried to ask a follow up to my question as to the reason for FERC issuing, year after year, one-year unconditional operating licenses to the DWR, but the system did not allow this. Would it not encourage constructive dialogue to allow any member of the public 3 minutes to ask a question and follow ups rather than restrict comments and questions to one 3 minute period?

The answer given to my question, that FERC has its own procedures, was superficial. FERC has long made its requirements clear to DWR. For instance, in recent letters to the DWR questioning the CNA process and the methodology behind the DWR's plans, such as those for fixing the decrepit spillway head gates. DWR has not satisfied these requirements. In addition, the issues resulting from both the problematic 2005 Settlement Agreement and the inappropriate Alternative Licensing Process have not been addressed. Among other things, such unresolved issues have resulted in Butte County intervening in the licensing process and the FRRA submitting an intervention after the spillway incident which was denied on the basis that the deadline for interventions was some10 years ago.

So, it is the DWR's inaction that is holding up the relicensing process. My follow up question is: **Will the DWR provide the CAC with a list of their understanding of the outstanding issues on which FERC's refusal to issue a long-term license are based?**

The continued issuing of one-year licenses without conditions may suit the DWR, which can then ignore the requirements of obtaining a license and the State Water Contractors, who can avoid their obligations to maintain the Dam properly, but it makes a farce of regulation. As long as the Dam continues to be operated on the basis of a one-year unconditional license, it cannot be expected that those whose lives and livelihoods are regularly threatened by uncontrolled releases will trust the Dam operator.

Dr. Storesund made several recommendations relating to maintenance in his report to the CAC a year ago, among them conducting design assumption audits and implementing life-cycle based management. These were consistent with the recommendations of the Independent Forensic Team. If the DWR were to include procedures such as these in their approach to maintenance, they would go some way towards addressing the concerns of FERC. Unfortunately, apart from the final endorsement of the High Level release study after a year of procrastination, the CAC has not dealt with Dr. Storesund's report or its recommendations.

The April 22nd Technical Workshop is an encouraging step and may address Dam maintenance which is critical to flood control. It is important that the agenda and operation are not tightly controlled by the DWR as is the case with ORAC, the FERC mandated Community/DWR Committee that tries to deal with Recreation issues. In the documents issued prior to the CAC meeting last week, the brief for the Stakeholders Workshop included Dam facilities annual maintenance and asset management. If the workshop process is to be effective, these matters should be included in its scope.

The principal objective of the Feather River Recovery Alliance is to assist in the establishment of trust in the DWR. I finally believe that progress is being made towards this objective.

Respectfully,

Robert Bateman,
Secretary of the Feather River Recovery Alliance

From: Vogel, Nancy@CNRA <Nancy.Vogel@resources.ca.gov>

Sent on: Wednesday, April 20, 2022 5:35:52 PM

To: Robert Bateman <groberttbateman@gmail.com>; Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>

CC: Connelly, Bill <BConnelly@buttecounty.net>; Genoa Widener <notjustaspillway@yahoo.com>; jim.nielson@sen.ca.gov; Olmstead, Rob <rob.olmstead@sen.ca.gov>; Richard Thompson <iamcynic1@gmail.com>; Erik Johansen <Erik.Johansen@prezero.us>; Nemeth, Karla@DWR <Karla.Nemeth@water.ca.gov>

Subject: RE: Oroville Dam Citizens Advisory Committee Meeting March 25 2022

Hi, Mr. Bateman –

Thank you for your continued involvement in the Oroville Citizen's Advisory Commission. We hope that the OCAC helps government officials and citizens to develop a common understanding around critically important issues. To further this common understanding, I'm responding on behalf of the Secretary and DWR, and I'd like to clarify several important points within your e-mail.

First, safety is not negotiated in a FERC relicensing proceeding. The safety responsibilities of a dam owner, as required not only by FERC but also by the State's Division of Safety of Dams and industry best practice, do not change from license to license and remain in effect regardless of the status of any particular relicensing proceeding. The safety requirements continue within FERC's annual renewals of the current Oroville license and will continue with a new license. Importantly, these requirements are modified by FERC as needed without waiting for a relicensing proceeding to start or finish.

Second, the Natural Resources Agency wants FERC to issue the new license. DWR wants FERC to issue the new license and has written to FERC asking them to do so. In response to your specific question -- DWR is not aware of any remaining actions by DWR required by FERC for the license to be issued. I'll note that the pace of issuing new licenses is an expressed area of concern by dam operators across the nation.

I hope these clarifications are useful and I suggest you join DWR in asking FERC to issue the new license. The community and DWR have waited long enough.

Also, I hope you can join the OCAC-sponsored technical workshop this Friday on flood safety issues.

Sincerely,
Nancy Vogel

Nancy Vogel
Deputy Secretary for Water
California Natural Resources Agency
c: 916-296-2311

From: Robert Bateman <groberttbateman@gmail.com>
Sent on: Friday, April 29, 2022 6:58:57 PM
To: Nick Saffold <nsaffold@kearnswest.com>
CC: Richard Thompson <iamcynic1@gmail.com>; Connelly, Bill <bconnelly@buttecounty.net>; Genoa Widener <notjustaspillway@yahoo.com>; Erik Johansen <Erik.Johansen@prezero.us>; Rune Storesund <rune@storesundconsulting.com>
Subject: OCAC Follow up from workshop questions

Hello Nick,

The workshop was informative and a good step forward in providing information to help us all understand the issues relating to the Dam, river and the relevant environmental factors. Thank you for facilitating it.

During the workshop, I asked several questions to which, apart from the one about opening up the levees at the Oroville Wildlife Area, the answers needed elaboration. This may well have been because I did not myself clear or that the information is not readily available and/or complicated. The questions are relevant to our understanding of the information we are given by the DWR and thus to establishing trust in the DWR. So, I am putting them in writing and hope that the answers can be clarified.

1. How are the inflows and outflows at the Dam measured? As I understood the answer it was that estimates are made at several points and that these had been carefully checked in 2017 when the flow was reported as 100,000 cfs and found to be accurate. Would it be possible to provide information about where measurements or estimates are made, what instruments are used and what is the level of accuracy ? There are several numbers that have been reported for the maximum releases at the Dam during the 1997/8 flood ranging from 160,000cfs to 180,000cfs. It may be thought that we are being pedantic to ask for these details but court proceedings covering previous floods have shown that some estimates were initially recorded in pencil and then altered. Transparency is necessary for trust.
2. Why did the hypothetical map, shown at the March CAC meeting, of flooding around Oroville with a flow of 225,000 cfs show floods covering about the same area as was covered in the 1997/8 actual flood when the reported outflow from the Dam was reported as 160,000cfs? The answer. as I understood it, implied that the maps shown at the CAC meeting were illustrative rather than based on detailed studies. Is this correct? If so, the

study of the impact of high releases proposed by Dr. Storesund, with our strong support, is absolutely necessary. If there was a scientific basis for the flood map shown at the CAC meeting, is this data available?

3. What outflows from the Dam are used to assess the adequacy of the levees, in Oroville and elsewhere? From all I heard at both the March and April meetings, this is 150,000cfs. Is this correct? I understand that this was the maximum flow used in the original design. Climate change and the aging dam suggest that the appropriate maximum flow is likely to have increased. What steps are being taken to address this point? Apparently, the ArkStorm 2 study group which would provide critical data for forecasting likely rain and snow falls in future has not secured adequate funding. Is the DWR considering supporting this study?
4. In the workshop discussions, climate change was the focus for forecasting future maximum outflows from the Dam. In the past, these have been affected by failures in physical parts of the Dam due to inadequate maintenance or, as Ron Stork pointed out, poor original design and construction. As the Dam ages, the likelihood of such failures grows. The answer given that the DWR was satisfied with the present state of the Dam was not convincing, given the spillway failure which was totally unexpected. The robustness of the Dam was the subject of the Comprehensive Needs Assessment carried out by the DWR after the spillway incident. Despite the limitations of the CNA process, as pointed out by Dr. Storesund and members of the Ad Hoc Committee, the DWR is using the CNA conclusions to estimate risks, plan maintenance and improvements. Can any future workshop on flood control include an open and frank discussion of the adequacy of the CNA process?

While the workshop was really helpful, Matt Mentinck's suggestion that workshops should encourage dialogue on particular points so that there is clarity and any areas of agreement and uncertainty are understood would seem to make sense.

Robert
530 370 3347

From: Robert Bateman <groberttbateman@gmail.com>
Sent: Tuesday, May 3, 2022 7:01 AM
To: Vogel, Nancy@CNRA <Nancy.Vogel@resources.ca.gov>
Cc: Crowfoot, Wade@CNRA <Wade.Crowfoot@resources.ca.gov>; Connelly, Bill <BConnelly@buttecounty.net>; Genoa Widener <notjustaspillway@yahoo.com>; Olmstead, Rob <rob.olmstead@sen.ca.gov>; Richard Thompson <iamcynic1@gmail.com>; Erik Johansen <Erik.Johansen@prezero.us>; Nemeth, Karla@DWR <Karla.Nemeth@water.ca.gov>; jim.nielsen@sen.ca.gov; james.gallagher@asm.ca.gov
Subject: Re: Oroville Dam Citizens Advisory Committee Meeting March 25 2022

Good morning Nancy,

We appreciate your thoughtful reply to our comments following the March OCAC meeting. The OCAC meetings are doing a lot to improve understanding of the issues with the Dam. Since the prime purpose of the Feather River Recovery Alliance (FRRA) is to make sure that the DWR is trusted by the local community, we fully support the OCAC and do our best to contribute constructively.

To address your points, we understand the safety is not specifically involved in relicensing and the DOSOD is the prime regulator of risks. However, FERC has certain requirements for licensing dams and should not issue licenses or relicense dams that do not meet these requirements. Our contention is that the DWR has not satisfied several of these requirements. The FRRA has documented this in filings with FERC. One of these filings about the requirement to monitor the impact of levels of water flowing downstream is attached.

With respect to the DOSOD, the fact that it is part of the DWR does not increase our confidence in it as an independent regulator. Unfortunately, the DWR seems to advertise the connection rather than stress the DOSOD independence.

We are disappointed that the Department of Natural Resources and DWR think that it is appropriate for FERC to issue a license at this stage before the issues raised by the spillway incident and the limitations of the decade old Settlement Agreement have been properly addressed.

There are outstanding safety and design issues, including no low-level release, an unfinished emergency spillway, and decrepit spillway head gates. There is talk about resolving these but no plans and little action. FERC has informed the DWR of their dissatisfaction with the plans to upgrade the spillway gates. Also, the DWR does not appear to have adopted some of the more important recommendations of the Independent Forensic Teams Report or the FERC After Action Report.

FERC was deceived, and made a fool of, by the DWR's handling of the petition by an environmental group, including Friends of the River, warning FERC of the inadequacies of the emergency spillway a few years before it eroded during the spillway incident in 2017. The DWR, presumably speaking for the DOSOD, told FERC that this was not a problem despite the fact that the limited capacity of the emergency spillway, which was

basically designed as an overflow, had been known from the time the Dam was built. The DWR has work to do to establish Community trust and it would not be surprising if the distrust were shared by the FERC staff.

FERC also has a requirement, or at least a strong desire, that a Dam project has the support of the host Communities before a long-term license is issued.

Support for the DWR was damaged lastingly by the fact that local citizens and companies received no compensation or recognition for their costs amounting to several millions resulting from the evacuations in 1997/8 and 2017. The 2017 evacuation was the direct result of DWR inadequacies.

Butte County, the main host of Oroville Dam, has not agreed to the 2005 Relicensing Settlement Agreement which was the result of an egregious Alternative Licensing Procedure which alienated many organizations. This followed 50 years during which there was never a serious attempt to complete many of the recreation facilities offered to the Community when the authorities were seeking support for the original dam. Indeed, from the perspective of a resident of Oroville the maneuvers of the DWR continue to limit the sensible, systematic development of recreation.

The FRRA submission to FERC dated 11/19/2019, repeated in a Protest in Opposition to the Application for a New license dated 9/10 2021, spells out the recreation shortfall in detail. The Oroville Recreation Advisory Committee (ORAC) has withdrawn from the Settlement Agreement despite threats by DWR representatives to sue Board members if they voted to withdraw. Other organizations are considering withdrawal.

This dissatisfaction with the Settlement Agreement is caused primarily by the Recreation Provisions which many believe condemn Oroville to stagnation, quite unlike the outlook spelt out at the time of the original license. Money is of course needed, but the terms of the Settlement Agreement continue to treat local citizens as supplicants with little opportunity to use initiative or react to market forces.

Much as we would like to support the DWR's request for a new license, the proper conditions for a new long-term license have not been met and will not be until:

1. The information necessary to assure the downstream communities that the risks of inundation are minimized, and understood, with reasonable plans made for dealing with the potential impacts. The study proposed by Dr. Storesund is a good step towards satisfying this condition. Full co-operation of the DWR with this study would be evidence that the DWR is now taking a different approach to risk than that which led to the spillway fiasco. A Supplemental Environmental Impact Statement, as proposed by Butte County, and supported by the FRRA in its Protest of September 2021, would seem necessary unless other appropriate steps are taken.

2. The outdated Settlement Agreement, particularly the provisions for Recreation, has been revisited and renegotiated in good faith. Apart from organizations and individuals who benefit financially from the largesse of the DWR, there are very few who believe that these provisions are fair or will lead to a significant improvement in Oroville's attractiveness for recreation. Maybe the OCAC could play a role in reconciling the differing views on recreation to the benefit of all parties.

These conditions are consistent with the Petition we organized and sent to FERC 'To Hold the DWR Accountable' (Attached) signed in 2017 by 6,500 citizens.

Why should we support a relicensing agreement negotiated over 10 years ago under an irregular procedure? The only reason we have heard is that money, under the sole supervision of the DWR (ORAC would be abolished), would be provided when the new license is issued. This money, though, is significantly less than that promised when the Dam was built. The Community is entitled to it as long as the Dam operates whether a long-term license is issued or not, as the DWR has implicitly accepted by paying a portion of it during the license hiatus.

Sincerely,

Robert Bateman
Secretary, Feather River Recovery Alliance

To: Fellow Oroville Citizen Advisory Commissioners, CNA Ad Hoc & ORAC members
Subject: Formation of OCAC (Oroville Citizens Advisory Commission)

The Yuba-Feather watersheds have a long history of catastrophic floods. Since 1950, five major floods have resulted in 41 deaths, significant property damage, and devastating social and economic impacts. Following the 2017 spillway event, the Independent Forensic Team (IFT) Report, and the Oroville Comprehensive Needs Assessment (CNA) helped inform the legislatures that additional oversight was needed. SB955 (Nielsen) created The Oroville Citizen Advisory Commission, giving downstream Stakeholders the statue authority within the charter to inform decision-making at Oroville Dam.

> *" designed to ensure that multiple stakeholder perspectives and interests are informing decision-making at Oroville Dam".*
>
> *"While the Citizens Advisory Commission is an independent entity and will operate based on its own unique goals and the directions set forth in the law, the commission is not functioning in a vacuum.*
>
> *The Oroville Dam Safety Comprehensive Needs Assessment (CNA) is evaluating options for increasing long-term infrastructural and operational resilience of the Oroville facilities … The Citizens Advisory Commission will coordinate with these and other advisory bodies, including the Oroville Recreation Advisory Committee (ORAC), as needed to meet its objectives".*
>
> *"The commission will act as a unified voice from the communities surrounding Oroville Dam to provide public feedback and advice on best practices to the dam operator"*

But for the first three years of this ongoing commission, the citizen commissioners have not been; informing decision-making at Oroville Dam, operating on its own unique goals, coordinating with CNA Ad Hoc Group / ORAC members, or acting as a unified voice.

The preselected agenda topics have been a steady diet of top-down presentations full of general concept or preliminary knowledge that eat up the 2-hour clock, and leave little time for direct questioning, detailed answers, or documented evidence. It is the direct line of questioning that should be the main body of the Advisory meetings.

Citizen - an inhabitant of a particular town or city.

Advisory - having or exercising power to advise

Commission - a group of people who have been formally chosen to discover information about a problem or examine the reasons why the problem exists:
(Cambridge Dictionary)

To fulfill our legal and moral responsibilities granted within the charter, the Downstream Commissioner Group should:

Organize with Ad Hoc / ORAC members and act as a unified voice from the communities

Format the meetings to emphasize the importance of gathering stakeholders input on upcoming decisions at Oroville Dam. “If we do this, what does that look like at your end?”

Agendas should switch from a top-down DWR narrative to bottom-up direct questioning

Submit in-depth advance questions ahead of the Quarterly meetings to provide DWR adequate time to prepare their documented evidence, that these concerns are being resolved as quickly and efficiently as possible,

Use group messaging to protect individuals from personal consequences, thus freeing all commissioners to initiate those tough questions that DWR has been avoiding.

As a CAC commissioner, CNA Ad Hoc Group or ORAC please join us in the formation of the OCAC Downstream Commissioners Group to restore the safety and prosperity of the Feather River Basin.

We are not trying to turn the OCAC into a burdensome, time consuming process, but just the opposite. Simply spending the time going through the motions of the commission is where time is wasted. Addressing generational downstream concerns openly and honestly is time well spent.

Bill Connelly-Commissioner/CAN Ad Hoc Committee Member/17-year member of ORAC
Robert Bateman-Commissioner
Matt Mentink-CNA Ad Hoc Committee Member

I have to speak out, the issue of the spillway failure is not in anyway because of historically high flows. Higher flows into the lake historically accrued. The spillway incident happened as it wasn't built right, it wasn't maintained in a way to find out a pending failure, the flood pool wasn't great enough to handle the flows coming in, the emergency spillway was used as an axillary spillway when it was an emergency spillway meant to fail if necessary to save the dam and there was a loss of institutional knowledge on all these matters by DWR. It was never the inflows.

Bill

Nancy,

I have been working with Robert Bateman and Matt Mentink. I truly appreciate the great efforts and thoughts put into the Oroville Dam Citizens Advisory Commission including comments on the first tri –annual report. Generally agree with the points both have raised so after reading through this three times. I will comment on an issue raised about recreation.

The May 21, 2021 meeting 7 the problem I raised was the forced removal of the houseboats many of which are owned by people that do not have the means to do this. The question was passed down twice and ended up with Superintendent Teague who stated there will be a reduction of houseboats on the lake. I should of responded this is totally a wrong answer. The answer is to provide more moorings for low water usage. The houseboat removal is a reduction to recreation opportunities for all citizens and an economic hit on the Oroville Lake area. This is not how locals want to be treated. Would it cost yes but that cost needs to be passed on not to locals but to those using the water out of the lake.

Again a great effort in writing this report and I will let all other comments be covered by others.

How come it started underlining is beyond me secretary is out so edit at will LOL

Kind Regards

Bill

Bill Connelly
District 1 Supervisor
530-538-6834

Hi Eva,

It was a pleasure meeting you the other day.

I am in the process of finalizing some comments on the Report. These comments do not fit into the form which you are proposing to use for public comments. The comments are complementary to the my emails which were published in the Appendix to the report. As a Commissioner am I required to comply with the rather restrictive form for public comments?

I did raise the question as to how comments would be treated at the Commission meeting and, as I understood it, was told that comments would be considered for inclusion in the final report. There was no mention of them having to comply to a specific form.

Would it make sense for my comments and those of Matt Mentink, who has also been an active participant in the Commission proceedings, to be combined and possibly endorsed by the other Commissioners if that is possible?

Thank you,

Robert

Comments on the Oroville Dam Citizens Advisory Commission Report

(November 15th, 2022)

Robert Bateman

1. Introduction

One of prime purposes of a Commission, particularly one like the OCAC which is established in response to a dangerous incident, such as the spillway collapse and the unexpected erosion of the emergency spillway, is to explore and bring to light the fundamental reasons that make such a failure possible.

The 3 year Report provides a comprehensive description of the proceedings of the Commission but does not cover adequately the treatment of several more fundamental recommendations and issues which were 'delved into' but not translated into advice on which the DWR could be expected either to act upon or provide reasons for setting aside.

This meant that many of the basic reasons behind weaknesses and failures in the Dam and its operation were touched on but not explored or openly acknowledged. The comments here, which are based on 5 years reading about the Dam and on the information available from the CNA and OCAC meetings, are intended to point out the superficiality of the handling of several important topics. The suggestions and recommendations, if adopted, would provide Commissioners with information necessary for them to have a better understanding of the strengths and weaknesses in the management of the Dam and to offer constructive advice.

The presentation given by Dr. Rune Storesund, Director of the UC Berkeley Center for Catastrophic Risk Management and a CNA Ad Hoc Committee member, on 'Community Safety Following Comprehensive Study' was the only paper covering the safety (risks), operation and infrastructure of the Dam which was not given by someone from the DWR or representing an organization with either direct or indirect relationships with the DWR. Therefore, the recommendations that Dr. Storesund made deserved to be discussed and the DWR asked for detailed responses. This did not happen.

2. Summary of Suggestions and Recommendations

- The Commission should continue to emphasize the need for comprehensive, accurate inundation maps, particularly for high level releases from the Dam. These should be commissioned immediately and circulated as soon as possible. This may take at least a year.
- The limitations of the Comprehensive Needs Assessment (CNA) should be acknowledged and the DWR be asked to explain whether risk assessment methods such as design assumption audits and implementing life cycle analysis have been adopted and if not, why not.

- The conflicts and incentives that result from the original agreements governing the Dam should be openly acknowledged and steps taken to monitor and minimize any dangerous consequences.
- It should be realized that the State Water Contractors (SWC) are important participants in financing the Dam maintenance and renovation and thus in its operation. The SWC should be included in the Commission meetings so that they are available to explain their decisions and policies, as is the DWR.
- The Commission should have access to the information on which the State Water Project Finance Committee develops maintenance budgets and policies for maintenance and renovation as they affect Oroville Dam.
- The Commission should have the opportunity of reviewing the DWR's responses to the Independent Forensic Team's recommendations.
- The Commission should continue to encourage developments which allow Commissioners and CNA Committee Members to play a greater role in the Commission proceedings.

3. Inundation Maps

One recommendation of Dr. Storesund's that was acted on, although so far to a limited extent, was his recognition that the Comprehensive Needs Assessment (CNA) had not addressed the likely impact of high releases from the Dam particularly in the 180,000 cfs to 200,000cfs range. In 1997, the DWR's Chief Hydrologist forecast that the lake would fill and spill perhaps 250,000 cfs within 24 hours but the rain stopped sooner than he expected. Dr. Storesund offered to prepare a study of the impact of high releases. This was presented to DWR and submitted for a government grant. There was no opportunity for the Commission to endorse this study formally and the DWR, while supporting it in principle did not put much weight behind their support, unlike the local community which, through the Feather River Recovery Alliance, offered the requested financial community support.

The Commission has taken up the question of inundation maps as is noted in the Report. It has become clear that the inundation maps shown to the Commission were based on assumptions which resulted in them being quite unrealistic, certainly as far as those for the river around Oroville are concerned. The fact that, apparently, these were maps submitted to FERC, after the spillway incident, to illustrate the impact if the emergency spillway were to be undermined, does not give confidence that the DWR/Department of Safety of Dams could, at least in 2018, be trusted to give FERC accurate information necessary for FERC to act as an informed regulator. The information given by the DWR to FERC before the spillway incident was woefully misleading.

It has also become clear that there are a number of more realistic inundation maps prepared by other government agencies, such as FEMA, including ones for releases of 175,000cfs and 300,000cfs. The ones we have been shown were created at least 20 years ago and did not reflect improvements in the levees. But, we still do not know whether up to date accurate

inundation maps for releases up to at least 200,000cfs will be developed even though I asked a direct question at the October Commission meeting.

It is essential for physical protection of vital infrastructure, for evacuation planning, and for providing data for the cost/benefit of improvements that such maps be available. It was encouraging that the Chairman of the Commission requested that inundation maps remain on the agenda for the Commission's future meetings. There is a lot that still needs to be done in this area before we know how safe we are and to provide accurate information to those responsible for minimizing damage when releases are above 150,000cfs.

4. Governance, Maintenance and the SWC

Dr. Storesund also recommended that the DWR adopt maintenance procedures that are standard in well run Dams. These include performing design assumption audits and implementing life cycle based management. The Commission has not heard whether the DWR has considered adopting these straightforward risk management tools which were sadly lacking prior to the spillway incident. If they have not, what is the reason?

At present, at least from the viewpoint of an outside observer, the maintenance budgeting procedure seems to be that the SWP Project Finance Committee (PFC) develops a maintenance budget, perhaps based on the volume of water that is, or is forecast to be, available and the DWR then attempts to match the requirements to this budget. The SWC and DWR share control of the PFC but the powerful SWC holds the whip handle, not unreasonably since the SWC covers the cost of maintaining the Dam in return for getting free water. It is, however, inappropriate for customers with little or no accountability to be in control of the maintenance of a facility that involves significant risks to downstream communities.

This situation arose from the agreements made at the time the Dam was built which govern the financing of the Dam. The assumptions behind these agreements turned out to be unrealistic. The SWC does not receive the agreed volume of water nor did the Oroville Community receive the recreation enhancements that were promised. Mutual distrust is understandable and will remain until the situation is discussed and understood. The Commission has not broached this subject although it has influenced presentations.

Dangerous incentives result from the original governance. First, the DWR is under continual pressure to minimize maintenance costs which seem only to be justified as far as the SWC is concerned when they are required by regulation. This does not encourage a relationship between the DWR and FERC that puts safety first. Second, if lack of proper maintenance and improvements cause a crisis, as they did with the spillway incident, governments rather than the SWC will cover a large part of the costs which are a multiple of the cost of proper planned maintenance. Third, the problem of financing maintenance contributes to the reluctance of the DWR to discuss openly, and possibly to investigate closely, issues where the problems might be expensive to fix such as the need for a low-level release, the green spots and gates. Fourth, because of the strength and control of the SWC coupled with its reluctance to finance major

projects, the DWR is discouraged from adopting methods for assessing maintenance that are comprehensive and independent or from seeking genuinely independent advice from Dam professionals.

The DWR has stated that they have addressed many of the recommendations of the Independent Forensic Team, but as Dr. Storesund pointed out in his presentation there is little evidence that some of the more important ones, particularly those relating to culture which results from the governance, have been adopted. The Commission has not been given details of the DWR's response. A review of the DWR's response to the important IFT recommendations would build trust in the DWR.

The approaches recommended by Dr. Storesund for assessing maintenance needs would likely indicate that there is a substantial backlog in maintenance. Even if this is not the case, they would provide a scientific basis for forecasting what is needed to maintain a safe dam.

Given this background, it is not surprising that the DWR adopted the flawed CNA process after the spillway incident. The CNA conclusions are frequently mentioned in the Commission hearings with the assumption that these are actionable. FERC generally does not consider them to be. Quite rightly, because they are based on the collective opinions of DWR employees reviewed by an independent panel (IRB), who were presumably paid by the DWR. Many of the recommendations of the CNA Ad Hoc Citizens Committee that was a precursor of the Commission were ignored. The CNA was a valuable survey by those best in a position to assess the probable risks, but it was not comprehensive, as noted by the IRB, nor independent, as misleadingly claimed by the DWR. Until the conclusions are supported by scientific verifiable data, which could be developed using the methods proposed by Dr. Storesund, they are not actionable. The Commission has implicitly accepted the CNA conclusions as sound. This is doubtful. The Commission should be informed about the limitations of these conclusions. The Commission did not have the opportunity to question the CNA process adequately.

The Commission, which represents downstream communities and thus has safety as its main priority, should have access to the information on which the PFC makes asset management plans and on the decision-making process relating to maintenance and renovation. This is consistent with Section G2 in the Commission Charter. At present, the Commission just receives information on the DWR plans without any insight into the background or what alternatives were considered.

The involvement of the SWC in the Commission, which is not mentioned in the report, was brought up at an early Commission meeting. A representative from the SWC gave a presentation and a SWC representative sometimes attends the meeting but has no formal role. Consideration should be given to asking a representative of the SWC to be present at Commission meetings to answer questions about their decisions and decision-making process. The SWC involvement in developing the budget for maintenance of the Dam suggest that they should play a formal, public role in the Commissions proceedings along with the community and the DWR.

It is not likely that the governance of the Dam will be changed because of anything the Commission advises but the Commission can make sure the basic governance issues are recognized and keep a spotlight on risky DWR policies and actions that are an unforeseen consequence of the flaws in the governance. Transparency is essential for trust.

5. **Steering Committee**

The Commission is showing signs of becoming a needed, and previously missing, voice advocating for the minimization of risk to balance the other powerful interests. Recently, several of the Commissioners and CNA Ad Hoc Committee members have formed what we, with some presumption, called the OCAC Steering Committee. If this becomes a way for all Commissioners to get topics of interest to the local communities onto the Commission agenda, thus providing an opportunity for Commissioners to formulate well informed advice to the DWR, and allows for intelligent discussion of the DWR's responses, trust in the DWR will grow. Decisions relating to the Dam will have the benefit of a community perspective and the probability of further dangerous surprises resulting from the Dam will be reduced.

6. **Conclusion**

The Legislature was wise to adopt the initiative of Assembly Member Gallagher and Senator Nielsen to establish an independent advisory commission within the Department of Natural Resources. What has been missing is Commissioners playing their role by participating fully in Commission's process.

We have come a long way from the Legislative Hearing on the Dam and the spillway incident in early 2018, co-chaired by Assembly Member Gallagher, at which the then Secretary of Natural Resources and the Director of the DWR left the room as Professor Bob Bea started to comment on the fundamental problems with the Dam about which he published over 10 papers supported by detailed analysis. Professor Bea concluded that the governance of the Dam was dysfunctional and that as a result it had been operated incompetently - his actual words were harsher. The OCAC provides a forum for the Director of the DWR and the Secretary of the Department of Natural Resources to listen to constructive criticism and for the downstream communities to bring attention to their concerns. The Commission is already throwing light on dark corners and has the potential to do much more. It will be interesting to look back in 3 years' time and learn whether this potential has been realized.

Nancy,

Thanks for the flexibility in how comments to the 3-yr report can be submitted. I don't see these comments as how the DWR draft should be edited, but used as a supplement to their report. Stakeholder comments could simply be included in the report as a closing chapter, or at the very least, a permanent appendix to the report, a tool for continuous improvement.

As we discussed following the October meeting, stakeholders are very concerned that DWR is continuing their narrative that no additional Comprehensive Needs Assessment (CNA) safety projects are needed. **"** It may be that no further risk-reduction projects beyond the Interim Implementation Project and Other Interim Measures will be warranted for the near future, or even foreseeable future, particularly if there are major safety or operational needs elsewhere in the SWP. This is because the risks in this study for the Oroville facilities were not found to be unacceptable **"** (CNA Final Report) In other words, dam safety only needs to be so-called "tolerable" or only the lowest the regulators will allow.

The OCAC Charter references the need for the OCAC commissioners to coordinate with the CNA Ad Hoc members to further their objectives, and continuously follow up on the recommended safety projects within the CNA alternatives plans, and advocate for "As Low As Reasonably Possible (ALARP) public safety risks. " *the Oroville Dam Safety Comprehensive Needs Assessment (CNA) is evaluating options for increasing long-term infrastructural and operational resilience of the Oroville facilities. Two organizing bodies participate and offer feedback in that process: Independent Review Board (IRB) and a community-based Ad*

Hoc Group (AHG) ….. The Citizens Advisory Commission will coordinate with these and other advisory bodies, including the Oroville RecreationAdvisory Committee (ORAC), as needed to meet its objectives. (OCAC Charter)

Thanks for your contributions to the commission and equitable results for all parties involved

Matt Mentink CNA Ad Hoc Member

Oroville Citizen Advisory Commission 3-Yr Report to State Legislatures

Comments on the Commission Performance over the first three years

The Oroville Citizen Advisory Commission (OCAC) acting within the Nature Resource Agency, has provided the commissioners a good fountain of knowledge to better understand the more complex discussions yet to come. Many of the public's questions have been answered to a satisfactory level and DWR should be recognized for this preliminary knowledge and their time invested in the commission. The OCAC three year report clearly reflects these basic accomplishments.

Yet in the early stages of this ongoing commission there were many missed opportunities, and that should also be included in the report. Most notably was the downstream commissioners inability to fully exercise their advisory authority granted them in the Charter.

> **Citizen** - an inhabitant of a particular town or city.
> **Advisory** - having or exercising power to advise
> **Commission** - a group of people who have been formally chosen to discover information about a problem or examine the reasons why the problem exists:

For the citizens living in the City of Oroville and the Feather River Basin, the OCAC objectives are to " discover information about a problem and examine the reasons why the problem exists". They want to see the documenting evidence that the issues plaguing the 50 year Oroville Dam, 50 year old Water Control Manual, Fisheries/Recreation and local economies are being addressed timely, and its progress trackable.

It appears that DWR's objective and narrative is geared more at "see what we have done, everything is fine". The meeting agenda has been a steady diet of top-down presentations full of general concept or preliminary knowledge that eat up the 2-hour clock, and leave little time for direct questioning, detailed answers, or documented evidence.

It is the direct line of Citizen questioning that should be the main body of the Advisory meetings. Advance questions would provide DWR adequate time to prepare their response and gather documents for commissioner's review. They should create tracking logs or flow charts so that the Oroville Comprehensive Needs Assessment (CNA) safety projects can be identified, commissioner verified and scheduled as quickly as possible.

The Independent Forensic Team Report documented the past history of DWR's organizational culture, and that helped to convince the legislature to adopt SB 955 (Nielsen). Therefore when the downstream stakeholders pursue an uncomfortable line of questioning, they are not being disrespectful, but aware of the past DWR decisions that have plagued their communities. The Oroville Citizens Advisory Commissioners simply need to conduct their legal and moral responsibilities as defined within the OCAC Charter.

By structuring the OCAC meetings into an efficient, transparent and respectful process, we can bring home a unified voice of DWR trust, and partnerships that will be needed as we move in FIRO operations and the next 50 years of operations at Oroville dam.

Examples of Missed Informational Opportunities

1) Oroville Dam's Design Comparisons to Current Dam Industry Standards

What is not in compliance with current standards at the 50-yr old Oroville Dam?
(example - inability to timely evacuate reservoir water during an emergency event)
What was the original design life-expectancy for the different facility components
What mitigating factors are being done to compensate for the various lack of compliances?

2) Probable Maximum Flood (PMF) calculations -

Updated as the science improves and used to size spillway capacity.
FERC questions current calculations and it's infringement on the freeboard space
New science on ARkStorm could increase future calculations to overtop the dam

3) Regulatory (FERC, DSOD) Recommendations and Tracking Log

Citizen's concern for the length of time it takes to complete regulatory requests.
Tracking Log should include; date requested, objective, annual status updates

4) Oroville Dam's Comprehensive Needs Assessment (CNA) Risk Analysis Results

Risk Metrics Discrepancies between between the independent L2RA and DWR's
Review studies and Stakeholder perspective prior to the CNA safety plan selection.

1) Restore Spillways Design Capacity to Pass the Probable Maximum Flood
2) Support Development of Alternative Reservoir Outflow Enhancements
3) Flood ControlOutlet (FCO) Enhanced Reliability
4) Alternatives Evaluation for Low-Level Outlet
5) Oroville Dam Embankment Reliability and Improvements
6) Instrumentation and Monitoring for the Oroville Dam Complex

5) Asset Management's Risk Metrics Scheduling Priorities and Acceptable Risks

The risk metric values assigned to both safety and delivery projects
Prioritizes the scheduling of projects within the whole SWP based on risk values
Difference between tolerable risks and "As Low As Possible" (ALAP) risk goals

6) Budgeting, SWC Finance and Adequate Water Delivery

Financial agreements within the current SWC's contract extensions
Other methods for financing facility projects; SWC 50yr bonds, State bonds, annual budget
Obtaining adequate water deliveries needed to justify capital expenditures at Oroville Dam

7) Lessons Learned by reverse engineering or fault tree analysis of the 1986 /1997 flood events

Lacks 260,000 acre feet (28%) of additional flood pool storage at Marysville Reservoir
Outdated hydrology analysis, lacks flood pool adjustment for accurate rain on snow inflows
Levee failures during rapid down-ramping of uncontrolled flows on the saturated levees

8) Yuba-Feather FIRO Viability Assessment - Section 10 Recommendations

How FIRO operations can create the functional equivalent of 260,000 AF of storage?
How skillful are current weather and water forecasts to establish baselines for;
Atmospheric rivers, precipitation, snow-level, surface air temperature, steam inflow …

9) Inundation Maps and Downstream Consequences Report (Ford)

Commissioners review and verification of direct and indirect effects

10) Independent Forensic Team Report Recommendations

Owners of Dam Safety Program (ODSP),
Organizational Behavior

<u>Charter Governance</u> - Oroville Dam Citizen Advisory Commission

Excerpts and justification for Commissioner's Recommendations

B. Background

- **The current effort is intended to be cooperative in nature and designed to ensure that multiple stakeholder perspectives and interests are informing decision-making at Oroville Dam.**

  Currently the commissioners have not been brought into, or asked for advice on any decision-making issues. At best, they are being informed after the fact, instead of helping to inform the decisions

  <u>(R1)</u> - OCAC meeting format should be structured to emphasize the importance of gathering stakeholders input on upcoming decisions at Oroville Dam. "If we do this, what does that look like at your end? ". Stakeholder's perspective includes the methodology and analysis used by DWR attempting to justify their "no safety project needed" positions. Thus the documented evidence and studies for these DWR decisions should be presented to commissioners for review.

  The Oroville Dam Safety Comprehensive Needs Assessment (CNA) is evaluating options for increasing long-term infrastructural and operational resilience of the Oroville facilities. Two organizing bodies participate and offer feedback in that process: Independent Review Board (IRB) and a community-based Ad Hoc Group (AHG)

  The Citizens Advisory Commission will coordinate with these and other advisory bodies, including the Oroville Recreation Advisory Committee (ORAC), as needed to meet its objectives.

  The current interpretation of the charter treats the Comprehensive Needs Assessment Ad Hoc members and the Oroville Recreation Advisory Committee as simple citizen and limit their involvement to 3 minutes, during the Public Comment period, when time permits

  <u>(R2)</u> - Coordination with the Ad Hoc Group (AHG), and Oroville Recreation Advisory Committee (ORAC) adds years of knowledge and expertise to the commission. These individuals should help inform commissioners of upcoming decisions, provide bottom-up meeting presentations, and advise on organization and commission procedures. They should not be reduced to 3 minutes of public comment time but have the same ability to interject as the commissioners.

C. Funding

The commission is being run through the California Natural Resources Agency. The commission may, as directed by the legislation, receive in-kind assistance or funds, or both, from public and private sources. These funds are available to the commission upon appropriation by the Legislature.

Except for one citizen commissioner, all others are elected officials, sitting on numerous other local committees, having other time consuming commitments, with minimal staff at their disposal.

(R3) - Strong consideration should be given to seek funding for a paid assistant for the purpose of organizing the commissioners, communicating with the public preparing bottom-up presentations, auditing facilitator's meeting summaries, tracking logs and assisting in the 3-year reports.

D. Commission Membership

Members representing city or county perspectives will be selected to reflect the interests of the communities they represent.

(R4) - The charter does not require representatives to be elected officials, but simply appointed by. Thus the designated commissioner could be the best qualified, having the most time and knowledge required to be an active and contributing member..

Currently only one non- elected Citizen sits on the twenty member Citizen commission.

F. Commission and Commissioner Responsibilities

1) Each commissioner serves as a representative to the public for the purposes of providing public input to and receiving information from the dam operator.

(R5) - Suggest setting up a formal line of communication between the general public and the commissioners group, similar to the unique Email established by the CNA Ad Hoc Group

2) The commission will act as a unified voice from the communities surrounding Oroville Dam to provide public feedback and advice on best practices to the dam operator.

Advantages to group messaging is consistency of outbound messages to the public and media. And when there is an uncomfortable line of questioning to DWR, it would be a united group question, and not coming from a single individual.

(R6) - To speak as an unified voice requires downstream stakeholders to organize and a paid or volunteer assistant for the downstream steering committee should help coordinate this effort.

3) The commission will publish a report at least once every three years that provides the following:

DWR with its paid staffers assumed the lead role to draft the very report used to measure the success and failures of the DWR lead commission’s first three years.

The commissioner subcommittee tasked to audit and amend the DWR’s report currently comprises Supervisor Connelly, Lieutenant Collins, and the office of Senator Nielsen which received the draft report only after it was written.

(R7) - There needs to be an equitable and just process for inserting amendments from commissioners and citizens into the final report. This should be a separate Chapter within the report itself, therefore remaining part of the OCAC Commission's permanent record.

b) A register of communications received from State Agencies and other parties to the commission

Dismissive or evasive responses to uncomfortable lines of questioning usually indicates areas where commissioners need to step in and perform deeper discovery and follow up.

(R8) - Including a register of topics and questions requested but not properly addressed.

c) Notice of upcoming plans made by State Agencies for the dam and dam complex;

It was recommended at several meetings that a Regulatory Tracking Log be created to inform the commission of the recommendations made by Oroville's oversight agencies

(R9) - The Tracking Log should include recommendations made by both state and federal regulators, such as FERC, USACE, DSOD and 5 year capitalization plan, and should include: regulator, date first recommended, description & reason, and annual status updates.

4) The commission may reasonably request, from the Department of Water Resources Division of Flood Management; visits, briefings, or information regarding Feather River levees and levee-related flood risk.

Various studies requested by commissioners have only been mentioned as existing but not provided This includes; Inundation Maps, Downstream Consequence (Ford), Post 2017 Feather River sedimentation measurements, levee conditions/ vulnerabilities and current channel capacity ratings.

(**R10) -** Studies requested by commissioners should be provided for review

5) The commission is advisory only and has no authority to make regulations or rules to bind operations at the dam.

(R11) - But Commissioners should be making the rules for the operation and transparency of the Oroville Citizen Advisory Commision meetings

6) The commission shall have volunteers responsible for reviewing and approving commission meeting summaries.

(R12) - Given there has been noticeable omissions and deletions in the meetings summaries, there should be a more robust review process. This might include citizen volunteers or a paid commissioner assistant.

G.2) Provide all information reasonably requested by the commission regarding the construction, rehabilitation or reconstruction, operation, maintenance, and management of the dam, including, but not limited to, and as permitted by law, any of the following:

b) Scheduled or anticipated repairs, restoration, or replacement of facilities or major equipment

Of particular concerns to downstream citizens is the perception of long delays and inequitable scheduling between safety and water delivery projects. Asset Management has assigned risk values and created a tracking log to prioritize the scheduling for both types of projects. it has only been talked about in concept form and never shared publicly when requested, therefore skepticism remains.

(R13) - The commission should be able to review the Asset Management Risk Metric report that's used to prioritizing the scheduling of delivery verse safety projects

c) Changes in flood management rules;

The 50 year old Water Control Manual is being updated to a Forecast Informed Reservoir Operation (FIRO) that relies heavily on human skill and decision making. As of yet the commission has been kept out of this process.

Several requests were made for a reverse engineering kind of tool to identify the 20 some points of human intervention that contributed to the 1986 and 1997 floods. These “Lessons Learned” are at the very heart of the commission's objectives. As of yet DWR is being very evasive, even dismissive to this request.

(R14) - “Lessons Learned” from the 1986 and 1997 floods,should be identified and organized into a checklist during the development of the new Water Control Manual and CNA plan selection

(R15) - The recommendations within Section 10 of the Yuba-Feather FIRO Viability Work Plan, and its suggested metric tracking tools, for evaluating human forecasting skills be shared with the commission.

H.3 - Meeting summaries will be posted online for public access and will include:

The meeting coordinator will track action items identified at each meeting

All recommend actions, are a legitimate part of the meeting record and should not simply disappear from existence.

(R16) - The facilitator needs to accurately capture the public recommendations and ensure they become part of the Action Item Tracking Log. If it is determined a recommendation is not appropriate , that ruling should be noted in the status column of the log, and not simply omitted from the public record.

Questions and comments put forth by the commission

(R17) - Capturing all questions accurately, tracking responses and creating the format within the summary requires continual improvement.

(R18) - With limited meeting time for public questions, the ability to submit followup questions within 7 days after the meeting should continue to be a function of the facilitator.

Responses to commission questions from previous meetings

(R19) - Care should be taken by the Facilitator to accurately capture all questions, and ensure responses are satisfactorily answered . Difficult questions to DWR should not go unanswered or disappear from the meeting summary. Instead they should be recorded with post meeting questions, and answered at a later time by a subject matter expert.

Actions and decisions

(R20) - Currently the Actions and decisions are lost within the lengthy summary and not easily found. These important notes could be formatted separately, similar to, or within the Action Item Tracker for quick reference and follow up.

Conclusion

We are not trying to turn the OCAC into a burdensome and time consuming process for either side. It should become a more organized, time efficient and transparent process to address the generational downstream concerns openly and honestly. Only then will we build the trust and the partnerships needed.

Extending the idea of the “Action” Tracking Log to create both Regulatory and FIRO Recommendations Tracking Logs would greatly increase time efficiency. Improving meeting summaries for questions and answers would eliminate redundancy. Organizationing information and creating timeline/ flow charts around the six CNA Tasks would clarify if and when these recommended safety projects would be approved. Downstream stakeholders want to ensure the CNA alternative plan ultimately selected, archives the “As Low As Reasonably Possible” (ALARP) versus so-called “Tolerable” risk levels for the next 50 years of Dam operation.

The 20 recommendations listed above should be part of an action tracker log to monitor the progress and reshape the commission into the efficient and transparent process envisioned in the OCAC Charter. The first 3 year report to the legislators should include this and other tracking logs to demonstrate early accomplishments and monitor our progress into the future.

Dear Sir/Madam,

Thank you for publishing the Draft Report- Oroville Dam Citizens Advisory Commission Report, transparent communication, and the efforts to engage the public with the updated Advisory Commission envision.

Attached please see comments in the Comment Form requested. Looking forward to the Final Report and other pertinent updates regarding the Oroville Dam.

Thank you.
Respectfully,
Erin

Erin Huang - Public Comment Form

FULL NAME:	Erin Huang
EMAIL:	erincail0123@gmail.com
ORGANIZATION AFFILIATION OR COMMUNITY:	Yuba County

Comment #	Page #	Paragraph or Figure #	Comment: Importance	Comment: Issue	Comment: Solution	
1	PDF p.26 of 77 (Report footnumber 24)	Section 8.2 paragraph 5: "Mr. Forbis was asked whether the $4 million in federal funding for the Oroville and New Bullards Bar Water Control Manual updates was adequate. He explained that it will likely cost more and that it is reasonable to expect the process to be completed within five years if there are no Forecast-Informed Reservoir Operation (FIRO)-related delays."	Major	It is also important to fund the project with FEMA and/or other federal, regional, as well as local grants with phases. It is not clearly defined how the funding schedule will be implemented/received through out the project life cycle. Lack of funding schedule will pose the project to significant delay risks.	Define and implement a clear funding schedule. Allocate resources to support funding mechanisms.	
2	PDF p. 31 of 77 (Report footnumber 29)	Meeting 10, March 25, 2022. Paragraph 1	Major	There are numerous inundation maps out there. The Dam Breach Inundation Map Web Publisher is a fantastic tool and it was highly appreciated for the development of the interactive platform. FEMA FIRM maps, which most insurance policies are based on, however, did not look identical or include the dam breach information as approved by DSOD/USACE. A lot of the times the FEMA maps were outdated. It is quite confusing that each jurisdiction has its own inundation map when it speaks to which maps the public should follow.	A guideline/standard or comprehensive inundation maps comparison/development. This solution will allow the public with more consistent access to the inundation policies, maps, evacuation strategies and insurance.	

DATE: March 2, 2023
TO: STATE, CITY AND LOCAL OFFICIALS

NOTICE OF PACIFIC GAS AND ELECTRIC COMPANY'S AMENDED REQUEST TO INCREASE RATES FOR ITS ZONAL ELECTRIFICATION PILOT PROJECT APPLICATION (A.22-08-003)

CITY OF OROVILLE

MAR 06 2023

CITY CLERK DEPT.

Acronyms you need to know
PG&E: Pacific Gas and Electric Company
CPUC: California Public Utilities Commission

Why am I receiving this notice?
On August 10, 2022, PG&E filed its Zonal Electrification Pilot Project Application with the CPUC. On December 19, 2022, PG&E filed an amendment to the application at the direction of the CPUC.

Rather than investing in a planned gas line repair project, PG&E is proposing to retire approximately 32,000 feet of existing gas pipeline serving the California State University Monterey Bay campus and to facilitate the conversion of impacted buildings from gas to electric service, including appliances.

In support of this effort, PG&E is proposing to collect $29.3 million from customers over a 15-year period. Costs will be offset by savings from avoiding the gas repair project and the lack of ongoing maintenance of the gas system at this location. Any cost savings associated with electrification will be returned to customers.

Why is PG&E requesting this rate change?
This project is considered a gas safety mitigation strategy. As such, PG&E is proposing to recover costs from gas rates.

One of PG&E's strategies to achieve a net zero energy system and reduce CO2 includes retirement of gas pipelines where electrification is both cheaper and a better environmental and safety outcome for customers.

This Pilot Project will help meet California's climate goals while promoting long-term affordability for customers. This Pilot Project would be the largest such project and learnings will be applied to future electrification projects.

How could this affect my monthly gas rates?
Bundled gas customers receive transmission, distribution and procurement services from PG&E. Based on rates currently in effect, the bill for a typical residential customer averaging 33 therms per month would increase from $70.42 to $70.46, or 0.1% in the year of highest impact (2026).

Actual impacts will vary depending on usage and are subject to CPUC regulatory approval.

How does the rest of this process work?
This application was assigned to a CPUC Administrative Law Judge who will consider proposals and evidence presented during the formal hearing process. The Administrative Law Judge will issue a proposed decision that may adopt PG&E's application, modify it or deny it. Any CPUC Commissioner may sponsor an alternate decision with a different outcome. The proposed decision, and any alternate decisions, will be discussed and voted upon by the CPUC Commissioners at a public CPUC Voting Meeting.

Parties to the proceeding may review PG&E's application, including the Public Advocates Office. The Public Advocates Office is an independent consumer advocate within the CPUC that represents customers to obtain the lowest possible rate for service consistent with reliable and safe service levels. For more information about the Public Advocates Office, please call 1-415-703-1584, email: **PublicAdvocatesOffice@cpuc.ca.gov** or visit **PublicAdvocates.cpuc.ca.gov**.

Where can I get more information?

CONTACT PG&E
If you have questions about PG&E's filing, please contact PG&E at **1-800-743-5000**. For TTY, call **1-800-652-4712**. Para obtener más información sobre cómo este cambio podría afectar su pago mensual, llame al 1-800-660-6789 • 詳情請致電 1-800-893-9555.

If you would like an electronic copy of the filing and exhibits, please write to the address below:
Pacific Gas and Electric Company
Amended Zonal Electrification Pilot Project Application
(A.22-08-003)
P.O. Box 7442
San Francisco, CA 94120

CONTACT CPUC
Please visit **apps.cpuc.ca.gov/c/A2208003** to submit a comment about this proceeding on the CPUC Docket Card. Here you can also view documents and other public comments related to this proceeding. Your participation by providing your thoughts on PG&E's request can help the CPUC make an informed decision.

If you have questions about CPUC processes, you may contact the CPUC's Public Advisor's Office at:
Email: Public.Advisor@cpuc.ca.gov
Mail: CPUC Public Advisor's Office
505 Van Ness Avenue
San Francisco, CA 94102
Call: **1-866-849-8390** (toll-free) or **1-415-703-2074**

Please reference the **Amended Zonal Electrification Pilot Project Application A.22-08-003** in any communications you have with the CPUC regarding this matter.

03/21/2023

HANDOUTS

ITEMS TO BE ADDED
MARCH 21, 2023
CITY OF OROVILLE

ADDED ITEMS:	
The following item came to the attention of the City staff subsequent to the posting of the agenda for this March 21, 2023 meeting. Pursuant to Government Code Section 54954.2, staff is requesting the Council take action to add this item to the agenda.	
ACTION:	**Amend the Agenda to add Consent Item 11.5, as follows:** Letter in Support of H.R. 1586 – Forest Protection and Wildland Firefighter Safety Act of 2023 Council to consider approving a letter in support of H.R. 1586.

City of Oroville

OFFICE OF THE MAYOR

David W Pittman
Mayor

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March 21, 2023

The Honorable Doug LaMalfa
United States House of Representatives
408 Cannon House Office Building
Washington, DC 20515

Re: Letter in Support of H.R. 1586 – Forest Protection and Wildland Firefighter Safety Act of 2023

The Honorable Doug LaMalfa:

Please accept this letter as the City of Oroville's support for H.R. 1586. H.R. 1586 creates a Clean Water Act exemption for federal, state, local, and tribal firefighting agencies to use fire retardant to fight wildfires. The use of fire retardant is an essential tool to contain or slow the spread of wildfires. Currently the Forest Service and other agencies are operating under the assumption that a National Pollutant Discharge Elimination System (NPDES) permit is not required for the use of fire retardant because the regulations specifically state that fire control is a type of activity which a permit is not required.

This bill is needed due to an environmental group that is suing the Forest Service under the Clean Water Act to require a NPDES permit to use fire retardant. This group has requested an injunction on the use of fire retardant until the Forest Service receives this permit, which could take years. If the injunction is granted and fire retardant is not available for use in the 2023 fire year, firefighters and individuals living in forested communities would be in greater danger, and millions of acres of forested land and billions of dollars of infrastructure would be at risk.

On behalf of the Oroville City Council, we support H.R. 1586 and support our fire fighters having the tools needed in order to combat wildfires. Should you have any questions, please feel free to call Brian Ring, City Administrator, at 530.538.2433.

Respectfully,

David Pittman
Mayor, City of Oroville

Cc: Members, City of Oroville Council