



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

January 18, 2022
REGULAR MEETING
CLOSED SESSION 4:00 PM
OPEN SESSION 4:30 PM
AGENDA

PUBLIC ACCESS AND PARTICIPATION

To view the meeting, attend the meeting or provide comment, please see the options below.

To View the Meeting:

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

To Provide Comment to the Council:

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

If you would like to address the Council at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, **please submit the form prior to the conclusion of the staff presentation for that item.** Council has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to one and a half minutes per speaker. If more than 15 speaker cards are submitted for non-agenda items, the first 15 speakers will be randomly selected to speak at the beginning of the meeting, with the remaining speakers given an opportunity at the end. **(California Government Code §54954.3(b)).** Pursuant to Government Code Section 54954.2, the Council is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.

CALL TO ORDER / ROLL CALL

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

CLOSED SESSION

The Council will hold a Closed Session on the following:

1. Pursuant to Government Code Section 54957(b), the Council will meet with City Administrator, Personnel Officer, and/or City Attorney to consider the public employment related to the following position: Police Chief and Director of Housing

OPEN SESSION

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

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 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. **APPROVE A RESOLUTION AFFIRMING THE CITY OF OROVILLE'S NOTICE OF INTENT TO COMPLY WITH THE REQUIREMENTS OF SB 1383**

The Council will consider approving a resolution affirming the City of Oroville's Notice of Intent to Comply with SB 1383 regulations meeting its solid waste diversion requirements.

RECOMMENDATION

Resolution No. 9022 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE AFFIRMING THE CITY OF OROVILLE'S NOTICE OF INTENT TO COMPLY FOR THE REQUIREMENTS OF MANDATORY SOLID WASTE, RECYCLING AND ORGANICS COLLECTION SERVICES

2. **CONTRACT CHANGE ORDER #1 SEWER PROJECTS 1D & 1F**

Unanticipated field conditions required the City's contractor to expend time and materials beyond the contracted scope of the job. Staff requests additional funding be allocated.

RECOMMENDATION

It is recommended that the City Administrator be authorized to expend up to \$74,520.45 in additional funds for the subject project.

3. RATIFICATION OF THE OROVILLE RECYCLING MARKET DEVELOPMENT ZONE - ZONE INCENTIVE FUNDS APPLICATION AND AGREEMENT FOR FY 2021-22 THROUGH 2023-24

The Council may consider ratifying the submission of a three-year Oroville Recycling Market Development Zone (RMDZ) FY 2021-22 through 2023-24 (ZIF3) - Zone Incentive Funds (ZIF) Funding Application and Agreement in the amount of \$18,000.00.

RECOMMENDATION

Adopt Resolution No. 9023 – A RESOLUTION OF THE OROVILLE CITY COUNCIL RATIFYING ALL DOCUMENTS RELATING TO FISCAL YEAR 2021 – 22 THROUGH FISCAL YEAR 2023-2024 CALRECYCLE CITY OF OROVILLE RECYCLING MARKET DEVELOPMENT ZONE – ZONE INCENTIVE FUNDS FUNDING APPLICATION AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL PROGRAM DOCUMENTS.

4. EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND RONNIE BELSER

The Council will consider an employment agreement between the City of Oroville and Ronnie Belser for the position of Director of Code Enforcement for the City of Oroville.

RECOMMENDATION

Adopt Resolution No. 9024 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND RONNIE BELSER TO SERVE AS THE DIRECTOR OF CODE ENFORCEMENT – (Agreement No. 3400).

PUBLIC HEARINGS – 5:15 PM

The Public Hearing Procedure is as follows:

- Mayor or Chairperson opens the public hearing.
- Staff presents and answers questions from Council
- The hearing is opened for public comment limited to three (3) minutes per speaker. In the event of more than ten (10) speakers, time will be limited to one and a half (1.5) minutes. Under Government Code 54954.3, the time for each presentation may be limited.
- Speakers are requested to provide a speaker card to the City Clerk
- Public comment session is closed
- Council debate and action

5. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE CALIFORNIA, AMENDING TITLE 2, CHAPTER 2.08 OF THE MUNICIPAL CODE OF THE CITY OF OROVILLE AND ADOPTING REVISED DISTRICT VOTING BOUNDARIES AND ESTABLISHING A SEQUENCE FOR EACH DISTRICT ELECTION (FIRST READING)

The Council will consider the adoption of Ordinance No. 1862 to amend Title 2, Chapter 2.08 of the Municipal code of the City of Oroville to adopt revised District voting boundaries and to establish a sequence for each District election.

RECOMMENDATION

Establish, by majority vote, the timing of election for each district boundary; and

Waive the first reading and introduce by title only, Ordinance No. 1862 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING TITLE 2, CHAPTER 2.08 OF THE MUNICIPAL CODE OF THE CITY OF OROVILLE AND ADOPTING REVISED DISTRICT VOTING BOUNDRIES.

REGULAR BUSINESS

6. AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF OROVILLE AND TABLE MOUNTAIN GOLF CLUB, INC.

The Council will consider an amendment to the Lease Agreement with Table Mountain Golf Club, Inc. ("TMGC") adding a three-year addendum amending the lease revenue to allow for 1% of the 3% to be reinvested into the property.

RECOMMENDATION

Adopt Resolution No. 9021 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF OROVILLE AND TABLE MOUNTAIN GOLF CLUB, INC. – (Agreement No. 764-9).

7. WELCOME TO OROVILLE PUBLIC ART CONTEST

The Council will consider approving the artwork chosen by the Arts Commission to replace the existing Welcome to Oroville City Limit signs.

RECOMMENDATION

Staff recommends the approval of the attached artwork

REPORTS / DISCUSSIONS / CORRESPONDENCE

1. Council Announcements and Reports
2. Future Agenda Items
3. Administration Reports

[i.](#) Departmental Reports for December 2021

4. Correspondence

[i.](#) FERC Correspondence

[ii.](#) Butte County Mosquito & Vector Control District Notice

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on February 1, 2022 at 4:00 p.m.

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

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



CITY OF OROVILLE STAFF REPORT

TO: MAYOR CHUCK REYNOLDS AND COUNCIL MEMBERS

FROM: DAWN NEVERS, ASST. COMMUNITY DEVELOPMENT DIRECTOR

**RE: APPROVE A RESOLUTION AFFIRMING THE CITY OF OROVILLE'S
NOTICE OF INTENT TO COMPLY WITH THE REQUIREMENTS OF SB
1383**

DATE: JANUARY 18, 2022

SUMMARY

The Council will consider approving a resolution affirming the City of Oroville's Notice of Intent to Comply with SB 1383 regulations meeting its solid waste diversion requirements.

DISCUSSION

December 7, 2021, City Council adopted Ordinance 1861, amending Chapter 13.08 of Title 13 of the Oroville Municipal Code to meet the requirements of SB 1383. The franchise agreement amendments will include ordering new trucks, bins, and other items to comply with AB 341, AB 1826, and the SB 1383 Regulations. Recology is working to enhance their operations to meet the demands of the CalRecycle mandates and the timeline of the implementation plan.

In response SB 1383, Governor Newsom signed SB 619 (Laird, Chapter 508, Statutes of 2021) into law to support local governments as they design and implement successful organic waste recycling programs throughout the state. The law authorizes CalRecycle to waive civil penalties if a jurisdiction submits a Notification of Intent to Comply for some or all of the regulatory requirements and successfully implements a plan to correct their violations.

Due to long lead times, product shortages, and budget constraints, Recology will not meet the January 1, 2022, deadline for implementation of some of the regulations. The recycling consultant, Jennifer Arbuckle, has drafted an implementation plan (attached) to carry out the mandated compliance measures and integrate sustainability measures into the City's ongoing operations.

FISCAL IMPACT:

The costs for the consultant, Recycling Coordinator position and other related fees were previously approved by the Council.

RECOMMENDATION:

Resolution No. 9022 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE AFFIRMING THE CITY OF OROVILLE'S NOTICE OF INTENT TO COMPLY FOR THE REQUIREMENTS OF MANDATORY SOLID WASTE, RECYCLING AND ORGANICS COLLECTION SERVICES

ATTACHMENTS:

Resolution No. 9022

Notification of Intent to Comply Form

Implementation Plan

RESOLUTION NO. 9022 (2021)**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE AFFIRMING
THE CITY OF OROVILLE'S NOTICE OF INTENT TO COMPLY FOR THE
REQUIREMENTS OF MANDATORY SOLID WASTE, RECYCLING AND ORGANICS
COLLECTION SERVICES**

WHEREAS, the City of Oroville is committed to meeting its solid waste diversion requirements through program implementation of its Solid Waste, Recycling and Organic Mandatory Collection Implementation plan; and,

WHEREAS, the City of Oroville is committed to meeting its mandatory commercial recycling requirements, pursuant to PRC, Section 42649.3, through program implementation as directed by the Department of Resources Recycling and Recovery (CalRecycle); and,

WHEREAS, Senate Bill (SB) 1383 (Lara, 2016) was signed into law and establishes methane emissions reduction goals of 50 percent in the level of the statewide landfill disposal of organic waste from the 2014 level by 2020 and 75 percent by 2025 and increase edible food recovery by 20 percent by 2025; and,

WHEREAS, the Department of Resources Recycling and Recovery (CalRecycle) developed regulations in Title 14 Natural Resources, Division 7, Chapter 12: Short-lived Climate Pollutants in the California Code of Regulations to implement the goals in SB 1383; and

WHEREAS, Chapter 12 Article 3 (commencing with Section 18984) Organic Waste Collection Services requires jurisdictions implement an organic waste diversion program that provides organic waste collection services to all businesses and residences; and

WHEREAS, Section 42652.5 (c) of the Public Resources Code allows the governing body of a jurisdiction to adopt a resolution to submit a Notification of Intent to Comply if it is facing continuing violations of the Short-lived Climate Pollutants: Organic Waste Reductions requirement in Title 14 California Code of Regulations (14 CCR)

WHEREAS, the City of Oroville does not have the necessary existing collection containers or vehicles, to provide all residential, commercial, and industrial organic waste generators with organics collection service; and,

WHEREAS, the City of Oroville does not have the necessary staff needed to provide the necessary enforcement, training and monitoring; and

WHEREAS, the City of Oroville is committed to continue to acquire all the necessary equipment and collection materials needed for organics waste collection; and,

WHEREAS, the City of Oroville is committed to encourage businesses and residences to reduce and recycle organics materials; and,

WHEREAS, the City of Oroville developed a Notification of Intent to Comply describing the actions the City will take within the timelines established in 14 CCR section 18996.2 with a proposed schedule to remedy all violations in a timely manner.

WHEREAS, on January 1, 2022, the City will be in non-compliance of SB 1383 regulations and facing continuing violations and administrative penalties, unless a Notice of Intent to Comply is submitted and approved by CalRecycle by March 1, 2022.

THEREFOR, BE IT RESOLVED by the City Council of Oroville as follows:

Section 1. The City Council of Oroville finds:

- A.** City of Oroville Franchise waste hauler does not have the necessary carts, bins, or trucks to provide all residential, commercial, and industrial organic waste generators with organics collection service at this time
- B.** City of Oroville does not have the current needed staff to provide enforcement, training, and monitoring.
- C.** City of Oroville is committed to providing all residential, commercial, and industrial organic waste generators with organic collection service as the needed equipment becomes available.

Section 2. Based on the foregoing finding for the purpose and need to avoid violations and administrative civil penalties, the City Council of the City of Oroville hereby affirms the contents and timeline of its Notice of Intent to Comply

Section 3. City Council reserves the right to rescind this Resolution at any time.

Section 4. The City Clerk or her designee is hereby instructed to submit this Resolution to the Department of Resources Recycling and Recovery pursuant to California Code of Regulations Section 42652.5 (c) of the Public Resources Code.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on January 18, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chuck Reynolds, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Bill LaGrone, City Clerk

City of Oroville Mandatory MSW, Recycling, and Organic Recycling Compliance Recovery Plan								
Recycling Program Activities								
	Description	Purpose	Start Date	End Date	Frequency	Milestones	Estimated Completion Dates	Progress
Strategies								
Electronic	Information of recycling is available on website. Website updated as new information is posted.	Provide an easy way for businesses to find information about recycling.	2022	Ongoing	Review periodically at least semi-annually for updates and accuracy	Check the CalRecycle website quarterly to see if any additional information has been added. Add to City's website as appropriate	Next Review April 2022	
Print	Design and print program information flyer and cover letter. Flyer will be double sided with 1383 info on the other side.	Fully describe the law and the City of Oroville 1383 Mandatory Recycling and Organics Ordinance	1/1/2022	Ongoing	Annual updates as needed	Immediate update	12/31/2022	
	Mail a compliance letter and flyers to all residential, commercial and multifamily complexes not in compliance.	Inform all residents and commercial businesses of the law and how they can comply	January	Ongoing	Single mass mailing	This will be a single mass mailing	2/1/2022	
	Planning Department will include the commercial specific flyer with commercial building permit applications	Inform business customers who are getting construction permits of the law and how they can comply	January	Ongoing	Ongoing. Quarterly check to ensure sufficient stock and awareness of requirement.	Make them available immediately	Next review Jan 2022	
Direct Contact	Contact by phone and in person site visits businesses identified that meet the criteria that are not in compliance	Increase number of businesses that are in compliance with 1383 Ordinance	Annually	Ongoing	On going contact and follow up	In order to be in compliance by the end of 2023, the City will contact 185 businesses per quarter in order to reach all 743 businesses that have not yet been verified	12/31/2022	
	Contact by phone and in person site visits multi-family complexes identified that meet the criteria/threshold that are not in compliance				On going contact and follow up	Contact entities by phone and in person site visits to verify compliance or help them come into compliance by supplying carts for service, education and training or verify if an exemption is appropriate. In order to reach all entities by end of 2021, City will contact 25 complexes per quarter in order to contact all 54 Multi-Family complexes not yet verified	12/31/2022	
Monitoring								
	The City will identify all businesses that self-haul/back-haul and incorporate this into 1383 data.	Identify additional businesses that are recycling, but aren't being identified in the report. Potential to reduce the reported numbers of businesses not recycling	Annually	Ongoing	On going process	Review quarterly.	12/31/2022	
	Identify and monitor all businesses that are deemed as covered entities under 1383 Ordinance.	Identify which businesses to contact.	Annually	Ongoing	Repeat annually	Inform businesses how to comply and what services are available. Provide services or document whether an exemption is appropriate	On going program	
	Identify multi-family complexes that meet the requirements for 1383 compliance.		Annually	Ongoing	Repeat annually	Inform multi-family complex owners how to comply and what services are available. Provide services or document whether an exemption is appropriate		
Reporting	Give an update on education and outreach activities in the reporting year.	For EAR and 1383 reporting	Annually	Ongoing	Repeat annually	Included in EAR and 1383 report	Annual Compliance	
	Provide the number of covered businesses and multi-family residences and how many are not recycling.	For EAR and 1383 reporting	Annually	Ongoing	Repeat annually	Included in EAR and 1383 report	Annual Compliance	

	Describe follow-up efforts to those businesses and multi-family residences that aren't recycling / composting including how many were sent a letter, how many were called, and how many received a site visit.	For EAR reporting	Annually	Ongoing	Repeat annually	Include notes from direct contacts to include in EAR and 1383	Annual Compliance	
Orgaincs Program Activities								
	Description	Purpose	Start Date	End Date	Frequency	Milestones	Estimated Completion Dates	Progress
Strategies								
Electronic	Information of Orgaincs is available on website. Website updated as new information becomes available.	Provide an easy way for businesses to find information about composting and disposal options.	Complete	Ongoing	Review periodically at least semi-annually for updates and accuracy	Check the CalRecycle website quarterly to see if any additional information has been added. Add to City's website as appropriate	Next Review April 2022	
Print	Update and reprint program information flyer and cover letter. Using the same flyer which is double sided with 1383 info on the other sidefor mailing.	Fully describe the law and the City of Redding MSW, Recycling and Orgaincs Programs	1/1/2022	Ongoing	Annual updates as needed	Immediate update	12/1/2022	
	Mail flyer and cover letter to all multi-family complexes.	Inform subject properties of the law and how they can comply	Annually	Ongoing	Repeat annually	Semi-annual check	2/1/2022	
	planning dept.							
Direct Contact	Contact by phone businesses identified that meet the criteria that are not documented as being in compliance	Find out what they are doing with their organics and provide them with resources and information on options that are available at the City	Annually	Ongoing	On going	In order to be in compliance by the end of 2022, the City will contact 743 businesses per quarter in order to reach all 743 identified businesses that have not yet been verified	Next Review	
	Contact by phone multi-family complexes identified that meet the criteria/threshold that are not in compliance. Contact entities by phone to verify compliance or help them come into compliance by supplying carts for service or verify if an exemption is appropriate.	Obtain a reasonable estimate on how many properties divert organics by using landscaper services.	Annually	Ongoing	On going	In order to reach all entities by end of 2021, City will contact 25 complexes per quarter in order to contact all 54 Multi-Family complexes not yet verified	9/1/2022	
	SV, walk-in, approach to these things							
Monitoring	Identify and monitor all businesses that are deemed as covered entities under 1383 Ordinance.	Identify which businesses to contact.	Annually	Ongoing	Repeat annually	Inform businesses how to comply and what services are available. Provide services or document whether an exemption is appropriate	On going program	
	Identify multi-family complexes that meet the requirements for 1383 compliance.	Determine how many properties are subject to MORE.	Annually	Ongoing	Repeat annually	Inform multi-family complex owners how to comply and what services are available. Provide services or document whether an exemption is appropriate		
Reporting								
	Give an update on education and outreach activities in the reporting year.	For EAR reporting	Annually	Ongoing	Repeat annually.	Included in EAR	Annual Compliance	
	Total number of covered businesses:	For EAR reporting	Annually	Ongoing	Repeat annually.	Included in EAR	Annual Compliance	
	Total number of covered businesses not recycling organics:	For EAR reporting	Annually	Ongoing	Repeat annually.	Included in EAR	Annual Compliance	
	Total number of covered multifamily complexes:	For EAR reporting	Annually	Ongoing	Repeat annually.	Included in EAR	Annual Compliance	
	Total number of covered multifamily complexes not recycling green waste, landscape and pruning waste, and nonhazardous wood waste:	For EAR reporting	Annually	Ongoing	Repeat annually.	Included in EAR	Annual Compliance	
	What was done to inform those not recycling about the law and how to recycle?	For EAR reporting	Annually	Ongoing	Repeat annually.	Included in EAR	Annual Compliance	

	Description		January-21
Food Waste	<u>Current Activities:</u> • Inform businesses of new Sb 1383 law and mandatory organics collection coming in the next years as needed infrastructure becomes available Visit businesses to vet service level needs and get them set up with basic recycling services	Ongoing Efforts	X
	<u>Planning:</u> • Recology Ostrom Road Facility • Budget	Work with Recology to figure out needed rate increases to get all accounts on compost service by 2024.	x
Outreach	Update website w/ new information	Ongoing	Draft new language to reflect updated guidelines/rules/laws and services offered by the city, including exemption process
	Send out mailer to all businesses w/o recycling and organic service, informing of requirements and forms for requesting exemption evaluation		Identify which of those business (including new) that currently have "traditional" recycling and organics recycling services, and those that are in need of those services

Evaluation	Evaluate why businesses that are required to have services are non-compliant.	Ongoing	Identify top reasons for non-compliance, based on outreach/calls.
Enforcement	Evaluate exemption requests by customers to determine eligibility - review and evaluate exemptions as they are received	ongoing	
	Contamination: we are still determining how we will go about enforcement for non-compliant entities. We will be doing route reviews in 2022 as our franchise hauler does not have camera on any of their trucks at the moment and have not given us a timeframe when they will.	ongoing	SB 1383 requirement for regular route audits and enforcement regulations as dictated in SB 1383 City Ordinance
	Update Xcel sheet as businesses apply for exemptions and/or sign up for recycling services		
	Deliver services, within 7 days (normally their next collection day), to customers subject to the law who are not eligible for an exemption. Services will be set-up once customer has been directly contacted and informed of non-compliance status. New carts will be acquired from current Sourcewell contract (6-8 weeks lead time prior to COVID).	ongoing	x

1st Quarter		2nd Quarter		
February-21	March-21	April-21	May-21	June-21
X	X	X	X	X
X	X	X	X	X

Update language/content once approved	X	X	X	Add information about new services and changes as they become available
X	X	X	X	X

x	x	x	Reach out to businesses that continue to be non-compliant. Modify education/re-route businesses to city site - if identified as a shortfall.	X
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Establish Exemption Process as well as Exemption Application Form (make available on website once approved)	X	X	X	X
x	x	x	x	x
	X	X	X	X
x	X	X	X	X

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3rd Quarter			4th Quarter	
7/1/2021*	August-21	September-21	October-21	November-21
X	X	X	X	X
X	X	X	X	X

X	X	X	X	X
X	X	X	X	X

X	Re-evaluate businesses that are still not compliant.	x	x	X
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X	X	X	X	X
x	x	x	x	x
X	X	X	X	X
X	X	X	X	X

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December-21	
Completion of Cart distribution/deplo yment for recycling and depending on inventory commerical accounts that can use bin service	
X	
x	

Mandatory Recycling and Organics Recycling effective and 100% compliance by 2024	Our franchise hauler will not have the needed trucks and carts / bins to get everyone compliant until 3rd quarter 2024. We should be able to get everyone compliant with recycling by the end of 2022
X	
X	
X	

September 2021	
Food Waste and Recycling	What is the status to combine green and food waste?
	What is the status of proving all residents and commerical buisnessnes with mandatory recycling services
Education/ Outreach	What was the status of Oroville's outreach efforts: • March mailings to businesses and MFD • Efforts to reach noncompliant customers • Survey to local food banks, food recovery organizations • Conversations with edible food donors • Flyers, signage, letter for food donation guidelines
Reporting/ Re-evaluation	Did you make any modifications to education, outreach, or monitoring as a result of any outcomes?
Enforcement	• Do you have an update on your draft ordinance?
Infrastructure	What is the status of infrastructure, carts, containers,: • Was the budget for the purchasing of equipment approved? • What is the date for cart delivery and service?

December-21	January -22	
City Franchise Holder (Recology) does not have the needed carts nor collection trucks to provide composting services to all resident and commercial businesses. They anticipate having the needed infrastructure in place by Spring 2023.		
City Franchise Holder (Recology) does not have the needed carts available, carts have been ordered and are expected to arrive February 2021.		
New SB 1383 and mandatory recycling and organic information to go out to all residents and businesses Jan 1, 2022. Followed by quarterly update in Recology newsletter and bi-annual update from the City		
Yes with SB 1383 the City will now oversee all outreach and education efforts to assure compliance and proper reporting going forward		
City SB 1383 ordinance is in its second read and will be passed by Jan 1, 2022.		
Recology has ordered all the needed carts to get all residential and commercial customers on recycling service. Carts for organics will be available end of 2022. Trucks needed for new organics route have been ordered but there is a back log and will not be arriving until Spring 2023. City has secured organic capacity for all organics the City generate at the	Still need to do a rate review with Recology, we are aware	

aiting their cost breakdown

Mandatory Commercial Rec

		Goals	
		Dec. 21	Jan. 22
Businesses	How Many Commercial Customers Subscribed	429	448
	How Many Commercial Customers verified exemptions	0	
	How Many Commercial Customers contacted (phone)	0	25
	How Many Commercial Customers contacted (letters)	194	731
MF	How Many MFD Customers Subscribed	48	48
	How Many MFD Customers verified exemptions	0	
	How Many MFD Customers contacted (phone)	0	
	How Many MFD Customers contacted (letters)	0	
		Reporting	
		Dec. 21	Jan. 22
Businesses	Number of Commercial Accounts with 2+ cy/week	428	
	Total Number of Businesses Determined to be Exempt (de Minimus)	0	
	Total Number of Businesses that Self-haul	0	
	Number of Commercial Accounts Recycling	429	
	Number of Commercial Accounts not Recycling	314	
	Number of Phone Calls to Commercial Accounts	0	
	Number of Letters to Noncompliant Commercial Customers	194	
MF	Number of Multifamily Complexes w/5+ units	62	
	Total Number of Multifamily Complexes Exempt (de Minimus)	0	
	Total Number of Multifamily Complexes that Self-haul	0	
	Number Multifamily Complexes Recycling	48	
	Number Multifamily Complexes not Recycling	14	
	Number of Phone Calls to Multifamily Complexes	0	
	Number of Letters to Noncompliant MF Customers	0	

Mandatory Commercial Organics

		Goals	
		Dec. 21	Jan. 22
Businesses			
	How Many Commercial Customers Subscribed	50	
	How Many Commercial Customers verified exemptions	105	

	How Many Commercial Customers contacted (phone)	0	
	How Many Commercial Customers contacted (letters)	194	
MF	How Many MFD Customers Subscribed	0	
	How Many MFD Customers verified exemptions	0	
	How Many MFD Customers contacted (phone)	0	
	How Many MFD Customers contacted (letters)	0	
Reporting			
		Dec. 21	Jan. 22
Businesses	Number of Commercial Accounts with 2+ cy/week	428	
	Total Number of Businesses Determined to be Exempt (de Minimus)	105	
	Total Number of Businesses that Self-haul	0	
	Number of Commercial Accounts Organic Recycling	50	
	Number of Commercial Accounts not Organics Recycling	274	
	Number of Phone Calls to Commercial Accounts	0	
	Number of Letters to Noncompliant Commercial Customers	194	
MF	Number of Multifamily Complexes w/5+ units	62	
	Total Number of Multifamily Complexes Exempt (de Minimus)	0	
	Total Number of Multifamily Complexes that Self-haul	0	
	Number Multifamily Complexes Recycling	48	
	Number Multifamily Complexes not Recycling	14	
	Number of Phone Calls to Multifamily Complexes	0	
	Number of Letters to Noncompliant MF Customers	0	

ycling data

Feb. 22	Mar. 22	Apr. 22	May 22	Jun. 22	Jul. 22	Aug. 22	Sept. 22	Oct. 22
473	498	523	548	573	598	623	648	673
25	25	25	25	25	25	25	25	25
		731				731		
48	62	62	62	62	62	62	62	62

[illegible]

Recycling data

[illegible]

[illegible]

Nov. 22	Dec. 22
698	731
25	25
	731
62	62

The monthly goals will be compared with the numbers reported below.

109 of these are just cardboard so we need to get 423 account on single stream asap

Goal: 731 by 12/1/22

Goal: 731 by 1/30/22

Goal:

Nov. 22	Dec. 22

Nov. 22	Dec. 22

Please report your monthly goals for each item so they can be compared to the monthly reports below

Goal: all
731

Goal: to get as many accounts on commercial organics as Recology has bins for and can fit on their current route. Only 9 customers of these are for food waste. Current by yardwaste carts are not designed to hold food 12,31,2023

[illegible]

Mandatory

The monthly goals

Goals		December-21	January-22
Businesses	How Many Commercial Customers Subscribed	320	
	How Many Commercial Customers verified exemptions		
	How Many Commercial Customers contacted (phone)		
	How Many Commercial Customers contacted (letters)	194	
MF	How Many MFD Customers Subscribed	48	
	How Many MFD Customers verified exemptions	0	
	How Many MFD Customers contacted (phone)	0	
	How Many MFD Customers contacted (letters)		

Reporting		December-21	January-21
Businesses	Number of Commercial Accounts Trash	743	
	Number of Commercial Account Mixed Recycling	320	
	Number of Commercial Accounts CB only	109	
	Number of Commercial Accounts Yard Waste	68	
	Number of Commercial Accounts Food Waste	9	
	How Many Commercial Accounts do not have mixed recycling	423	
	How Many Commercial Accounts do not have yard waste	678	
	How Many Commercial Accounts do not have food waste	734	
	Total Number of Businesses Determined to be Exempt (de Minimus)		
	Total Number of Businesses that Self-haul		
	Number of Residential Accounts	3288	
	Number of Commercial Accounts Recycling	3177	
	Number of Residential Accounts Yard Waste	3197	
	How Many Residents do not have recycling	111	
	How Many Residents do not have yardwaste	91	
	Number of Phone Calls to Commercial Accounts	0	
	Number of Letters to Noncompliant Commercial Customers	0	
MF	Number of Multifamily Complexes w/5+ units	54	
	Total Number of Multifamily Complexes Exempt (de Minimus)	0	
	Total Number of Multifamily Complexes that Self-haul	0	
	Number Multifamily Complexes Recycling	48	
	Number Multifamily Complexes not Recycling	14	
	Number of Phone Calls to Multifamily Complexes	0	
	Number of Letters to Noncompliant MF Customers	0	

Mandatory

The monthly goals

		December-21	January-22
	How Many Commercial Customers Subscribed	9	

Businesses	How Many Commercial Customers verified exemptions	105	
	How Many Commercial Customers contacted (phone)	0	
	How Many Commercial Customers contacted (letters)	194	
MFD	How Many MFD Customers Subscribed	0	
	How Many MFD Customers verified exemptions	0	
	How Many MFD Customers contacted (phone)	0	
	How Many MFD Customers contacted (letters)	0	
Reporting		December-21	January-22
Businesses	Number of Commercial Accounts	743	
	Total Number of Businesses Determined to be Exempt (de Minimus)	105	
	Total Number of Businesses that Self-haul	0	
	Number of Commercial Accounts Recycling	429	
	Number of Commercial Accounts not Recycling	314	
	Number of Phone Calls to Commercial Accounts	0	
	Number of Letters to Noncompliant Commercial Customers	109	
MFD	Number of Multifamily Complexes w/5+ units	54	
	Total Number of Multifamily Complexes Exempt (de Minimus)	0	
	Total Number of Multifamily Complexes that Self-haul	0	
	Number Multifamily Complexes Recycling	0	
	Number Multifamily Complexes not Recycling	54	
	Number of Phone Calls to Multifamily Complexes	0	
	Number of Letters to Noncompliant MF Customers	0	

atory Commercial Recycling data

will be compared with the numbers reported below

[illegible][illegible]

Commercial Organics Recycling data

will be compared with the numbers reported below

February-22	March-22	April-22	May-22	June-22	July-22	August-22	September-22

[illegible][illegible]

[illegible][illegible]

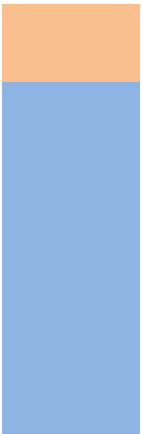
October-22	November-22	December-22

We really can't estimate until we know how many carts are coming and and how many

[illegible]

people we can set up.

[illegible]



Organics Tonnage Oroville

tons per year yard waste 1325

tons per year food waste 8.75

9 account with organic = 37 lbs per week

743 accounts to be added = 13.89 extra tons collected per year

Residential tonnage Yardwaste 1296 tons

Commerical tonnage yardwaste 28.1 tons

91 residential yw to be added 224 extra tons yardwaste per year = 1520 tons per year

3288 accounts to start foodwaste 152 tons food waste porject at 10%

Total tonnage ograincs per year 174 tons of food waste per year total

Notification of Intent to Comply

CalRecycle is providing this optional form as a convenience to assist jurisdictions (counties, cities, a county and city, or special districts providing solid waste collection services) for purposes of submitting a notification of intent to comply to CalRecycle [see Public Resources Code (PRC) section 42652.5(c)].

A jurisdiction may submit a notification of intent to comply if it is facing continuing violations of the Short-lived Climate Pollutants: Organic Waste Reductions requirements in Title 14 California Code of Regulations (14 CCR). The written notification of intent to comply, adopted by resolution of the jurisdiction's governing body, shall be sent to CalRecycle no later than **March 1, 2022**, to NOIC@CalRecycle.ca.gov.

A jurisdiction shall, at minimum, include the following in its notification:

1. A description, with specificity, of the continuing violations.
2. A detailed explanation of the reasons, supported by documentation, why the local jurisdiction is unable to comply.
3. A description of the impacts of the COVID-19 pandemic on compliance.
4. A description of the proposed actions the local jurisdiction will take to remedy the violations within the timelines established in 14 CCR section 18996.2 with a proposed schedule for doing so. The proposed actions shall be tailored to remedy the violations in a timely manner.

Upon approval by CalRecycle of a jurisdiction's notification and implementation of the intent to comply, a jurisdiction may be eligible for both of the following:

1. Administrative civil penalty relief for the 2022 calendar year pursuant to PRC section 42652.5(d).
2. A corrective action plan pursuant to 14 CCR section 18996.2.
 - a. CalRecycle may address through a corrective action plan any violations disclosed in a jurisdiction's notification that will take more than 180 days to correct. In this situation, the proposed actions and schedule in the jurisdiction's approved notification will be in effect until a corrective action plan is issued.

CalRecycle will respond in writing to a jurisdiction within 45 business days of receiving its notification with an approval, disapproval, request for additional information, or timeline for a decision on approval or disapproval. CalRecycle will include details about why a jurisdiction did not meet the requirements for a Notification of Intent to Comply when disapproving the jurisdiction's notification.

Please clearly print or type responses. Attach additional pages as necessary.

Jurisdiction Name: City of Oroville

County: Butte

Person Completing the Form:

First Name: Jennifer

Last Name: Arbuckle

Title: Consultant

Mailing Address: 1735 Montgomery Street

City: Oroville

Zip Code: 95965

Email Address: dnevers@cityoforoville.com

Phone Number: 530-370-2274

1. Select using the check boxes below or write in the continuing violations for each applicable regulatory section. For each selection, please describe the specific violations related to the regulatory section.

Example:

- ☒ (B) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services
- i. Not implementing mandatory residential foodwaste collection for all residents. Note: City already provides mandatory greenwaste collection to all residents*
 - ii. Not implementing mandatory commercial organics collection for all businesses under 2 cubic yards. Note: City already provides mandatory commercial organics collection to all businesses 2 cubic yard or more.*

Disclaimer: The list of possible continuing violations below is not inclusive of all potential violations of the regulations.

(A) 14 CCR section 18984 Combined Organic Waste Collection Services. *This requirement is not included since the requirements are further specified in sections 18984.1-18984.11.*

- ☐ (B) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services
- ☐ (C) 14 CCR section 18984.2 Two-Container Organic Waste Collection Services
- ☐ (D) 14 CCR section 18984.3 Unsegregated Single Container Collection Services
- ☐ (E) 14 CCR section 18984.4 Recordkeeping Requirements for Compliance with Organic Waste Collection Services
- ☐ (F) 14 CCR section 18984.5 Container Contamination Minimization
- ☐ (G) 14 CCR section 18984.6 Recordkeeping Requirements for Container Contamination Minimization
- ☐ (H) 14 CCR section 18984.7 Container Color Requirements
- ☐ (I) 14 CCR section 18984.8 Container Labeling Requirements
- ☐ (J) 14 CCR section 18984.11 Waivers Granted by a Jurisdiction
- ☐ (K) 14 CCR section 18985.1. Organic Waste Recovery Education and Outreach.
- ☐ (L) 14 CCR section 18985.2. Edible Food Recovery Education and Outreach
- ☐ (M) 14 CCR section 18985.3. Recordkeeping Requirements for a Jurisdiction's Compliance with Education and Outreach Requirements
- ☐ (N) 14 CCR section 18988.1. Jurisdiction Approval of Haulers and Self-Haulers
- ☐ (O) 14 CCR section 18988.3. Self-haulers of Organic Waste
- ☐ (P) 14 CCR section 18988.4. Recordkeeping Requirements for Compliance with Jurisdiction Hauler Program
- ☐ (Q) 14 CCR section 18989.1. CALGreen Building Codes
- ☐ (R) 14 CCR section 18989.2 Model Water Efficient Landscape Ordinance

- ☐ (S) 14 CCR section 18991.1. Jurisdiction Edible Food Recovery Program
- ☐ (T) 14 CCR section 18991.2. Recordkeeping Requirements for Jurisdiction Edible Food Recovery Program
- ☐ (U) 14 CCR section 18992.1. Organic Waste Recycling Capacity Planning
- ☐ (V) 14 CCR section 18992.2. Edible Food Recovery Capacity
- ☐ (W) 14 CCR section 18993.1. Recovered Organic Waste Product Procurement Target
- ☐ (X) 14 CCR section 18993.2. Recordkeeping Requirements for Recovered Organic Waste Procurement Target
- ☐ (Y) 14 CCR section 18993.3. Recycled Content Paper Procurement Requirements
- ☐ (Z) 14 CCR section 18993.4. Recordkeeping Requirements for Recycled Content Paper Procurement
- ☐ (AA) 14 CCR section 18994.2. Jurisdiction Annual Reporting
Note: This requirement is not included since jurisdictions are still expected to report to CalRecycle.
- ☐ (BB) 14 CCR section 18995.1. Jurisdiction Inspection Requirements
Note: Section 18995.1(a)(1) should not be included because a jurisdiction should already be completing this action due to the requirements of PRC Chapter 12.9 (commencing with Section 42649.8)
- ☐ (CC) 14 CCR section 18995.2. Implementation Record and Recordkeeping Requirements
- ☐ (DD) 14 CCR section 18995.3. Jurisdiction Investigation of Complaints of Alleged Violations
Note: This requirement is not included since jurisdictions are still expected to investigate complaints.
- ☐ (EE) 14 CCR section 18995.4. Enforcement by a Jurisdiction

Use the check box(es) below to write in the continuing violations for any regulatory section(s) not reflected above and describe the specific violations related to the regulatory section.

- ☒ (1) 14 CCR section 18984.1 Three- Container Organic Waste Collection Services
- i. Not implementing mandatory residential recycling or compostables collection for all residents.
- ii. No implementing mandatory commercial organics collection for all businesses under 2 cubic yards.
- ☐ (2) 14 CCR section 18992.2 Edible Food Recovery Capacity
- i. Have not completed edible food capacity planning.
- ☐ (3) 14 CCR section 18993.1 Recovered Organic Waste Product Procurement Target
1. Not purchasing compost or mulch.

2. A detailed explanation of the reasons why the jurisdiction is unable to comply, supported by documentation, if applicable.

1. Our franchise waste hauler does not have the needed cart inventory nor the needed collection trucks to provide all residential and commercial customers with organics service starting January 1, 2022.
2. Our franchise waste hauler has yet to provide a bid for new services so that we can work out a new rate structure to provide all residents with organic collection services. The city has asked for this data for the last year and is still waiting a reply.

3. City Recycling Coordinator recently retired, and we currently do not have a replacement, thus we do not currently have the staff needed to provide site assessments, enforcement, training, and monitoring needed to successfully get all residential and commercial accounts set up with organics collection.

3. A description of the impacts of the COVID-19 pandemic on compliance.

Pandemic has caused a production delay in receiving the needed carts and collection trucks, as well as, causing an employee gap making adding additional service routes infeasible at this time.

4. Provide a description of the proposed actions the jurisdiction will take to remedy the violations with a proposed schedule for completing each action. The proposed actions shall be tailored to remedy the violations in a timely manner. See optional format below.

Our franchise waste hauler has ordered additional recycling carts that are projected to be delivered February 2022, this will allow us to get all residential and commercial customers enrolled in the mandatory recycling portion of the program. Franchise waste hauler will purchase and provide the needed carts to get all residential customers on mandatory organics collection service by the end of 2022.

Franchise waste hauler also plans to order the needed organics carts for commercial business, as their current yard waste carts are not equipped to handle additional food waste without leaking. These carts are projected to be purchased by the end of 2022 and all business will be set up with needed carts per service level by the end of 2023 when the new trucks and organics routes will be online.

Regulatory Requirement: (B.i.) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services

Description: Not implementing mandatory residential foodwaste collection for all residents.

Note: City already provides mandatory greenwaste collection to most residents.

Action	Proposed Schedule
TASK 1: Hire and new Recycling Coordinator to implement all 1383 associated duties.	Date to be completed: 3/1/22
TASK 2: Finalize rate review and confirm new rate adjustments with franchised waste hauler.	Date to be completed: Unknown as of 1/12/22 we had not gotten an answer from Recology
TASK 4: Purchase and distribute additional organic waste collection carts for residential customers.	12/31/22
Inform all residential customers that they can start putting foodwaste into their organic carts, provide them with education and associated resources as available.	Date to be completed: 12/31/23

Regulatory Requirement: (B.ii.) 14 CCR section 18984.1 Three-Container Organic Waste Collection Services

Description: Not implementing mandatory commercial organics collection for all businesses under 2 cubic yards.

Action	Proposed Schedule
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TASK 1: Hire and new Recycling Coordinator to implement all 1383 associated duties.	Date to be completed: 3/1/22
TASK 2: Purchase two additional collection trucks and modify collection routes: all organics collected by the end of the 2023	Date to be completed: 12/1/ 2023
TASK 3. Purchase the needed organic collection carts for commercial customer and distribute and swap out current yardwaste containers	Date to be completed: 12/1/23
TASK 4: Perform site assessment to each business not receiving organic waste services to determine service level needs and provide them with the proper carts/bins, training and education needed to begin service.	Date to be completed: 12/31/23
TASK 5: Finalize rate review and confirm new rate adjustments with franchised waste hauler. Work with hauler to distribute appropriate containers to all commercial accounts. The city will obtain monthly reports from the hauler to monitor full distribution of carts.	Date to be completed: Unknown as of 1/12/22 we had not gotten an answer from Recology.

I hereby certify under penalty of perjury that the information provided herein is true and correct to the best of my knowledge.

Item 1.

Signature

Printed Name

Title

Date



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND MEMBERS OF THE CITY COUNCIL
FROM: MATT THOMPSON, ACTING CITY ENGINEER
RE: CONTRACT CHANGE ORDER #1 SEWER PROJECTS 1D & 1F
DATE: DECEMBER 21, 2021

SUMMARY

Unanticipated field conditions required the City's contractor to expend time and materials beyond the contracted scope of the job. Staff requests additional funding be allocated.

DISCUSSION

At its October 5, 2021, meeting the Council granted a request from staff for an additional \$120,000.00. I made the calculation for the required amount based on my recollection that Council had previously approved a 10% contingency. I have since reviewed the minutes and discovered that the Council had approved a 5% contingency. I therefore request that the Council retroactively establish a 10% contingency. I apologize to the Council for my oversight.

FISCAL IMPACT

The contract amount was for \$1,490,409.00. Staff is requesting an additional 5% to bring the contingency up to 10%. The additional 5% is equal to \$74,520.45.

RECOMMENDATION

It is recommended that the City Administrator be authorized to expend up to \$74,520.45 in additional funds for the subject project.

ATTACHMENTS

None

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND COUNCIL MEMBERS

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

**RE: RATIFICATION OF THE OROVILLE RECYCLING MARKET
DEVELOPMENT ZONE - ZONE INCENTIVE FUNDS
APPLICATION AND AGREEMENT FOR FY 2021-22 THROUGH
2023-24**

DATE: JANUARY 18, 2022

SUMMARY

The Council may consider ratifying the submission of a three-year Oroville Recycling Market Development Zone (RMDZ) FY 2021-22 through 2023-24 (ZIF3) - Zone Incentive Funds (ZIF) Funding Application and Agreement in the amount of \$18,000.00.

DISCUSSION

Staff is requesting that the Council approve the Oroville RMDZ ZIF **Reimbursable** Grant Funding Application and Agreement for Fiscal Years 2021-22 through 2023-24 (ZIF 3) (three years) in the amount of \$18,000. Staff is also requesting the Council to adopt a resolution authorizing the Mayor to sign the Funding Application and Agreement and the Letter of Designation. CalRecycle, operated by the State of California, has required that an Agreement and Resolution be submitted for these grant funds that will be used to promote the Oroville RMDZ, promote recycling and provide training for the Zone Administrator.

The goal of the RMDZ Program is to create a sustainable infrastructure and to enhance local markets for recyclable and compostable materials generated within California. The ZIF Program incentivizes local governments to provide outreach services, and to work closely with local post-consumer processing and manufacturing industries to stimulate the use of recyclable and compostable materials. By doing this, the ZIF program helps create jobs in the post-consumer commodities industry and diverts valuable resources from disposal.

The Funding Agreement funds will reimburse the City for amounts not to exceed \$13,500 for promoting the Oroville RMDZ for three years and \$4,500 will be

available for the costs associated with attending the annual Zone Works training for three years, 2021-22, 2022-23 and 2023-24.

TERM AND PAYMENTS

Fiscal Year	Funding Allowance
FY 2021-22	• Up to \$4,500 for Marketing & Outreach • Up to \$1,500 for Zone Works Training (2 people)
FY 2022-23	• Up to \$4,500 for Marketing & Outreach • Up to \$1,500 for Zone Works Training (2 people)
FY 2023-24	• Up to \$4,500 for Marketing & Outreach • Up to \$1,500 for Zone Works Training (2 people)
TOTAL	\$18,000

GUIDANCE FOR ZIF OUTREACH PROJECTS

The RMDZ provides vital targeted local marketing and outreach activities that may include, but are not limited to, the following: develop marketing materials, research feedstocks, conduct local workshops, attend and participate in RMDZ related events (In-State only), purchase of marketing information and software, and consulting services. ZIF3 funds are also provided to support travel to and from two Zone Works training workshop involving Zone Administrators in FY 2021–22 and for two Zone Works training workshops per year in FY 2022–23 and 2023–24, respectively.

FISCAL IMPACT

No fiscal impact to the General Fund.

RECOMMENDATIONS

Adopt Resolution No. 9023 – A RESOLUTION OF THE OROVILLE CITY COUNCIL RATIFYING ALL DOCUMENTS RELATING TO FISCAL YEAR 2021 – 22 THROUGH FISCAL YEAR 2023-2024 CALRECYCLE CITY OF OROVILLE RECYCLING MARKET DEVELOPMENT ZONE – ZONE INCENTIVE FUNDS FUNDING APPLICATION AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL PROGRAM DOCUMENTS.

ATTACHMENT(S)

Resolution No. 9023

State of California Department of Resources Recycling and Recovery Zone
Incentive Funds Application and Agreement

Letter of Designation – Grant and Payment Programs

Zone Incentive Fund Program Guidelines

**CITY OF OROVILLE
RESOLUTION NO. 9023**

A RESOLUTION OF THE OROVILLE CITY COUNCIL RATIFYING ALL DOCUMENTS RELATING TO FISCAL YEAR 2021–22 THROUGH FISCAL YEAR 2023-2024 CALRECYCLE CITY OF OROVILLE RECYCLING MARKET DEVELOPMENT ZONE – ZONE INCENTIVE FUNDS FUNDING APPLICATION AND AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE ALL PROGRAM DOCUMENTS

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

WHEREAS, pursuant to Public Resources Code section 48000 et seq. the Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the payment programs; and

WHEREAS, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment program.

WHEREAS, pursuant to Public Resources Code section 42023.1(g) CalRecycle is authorized to make payments to local governing bodies within a recycling market zone for services related to the promotion of the zone; and

NOW, THEREFORE, BE IT RESOLVED that the City of Oroville is authorized to submit an application to CalRecycle for any and all payment programs offered; and

BE IT FURTHER RESOLVED that the Mayor, or his/her designee, is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payment; and

BE IT FURTHER RESOLVED that this authorization is effective until rescinded by the Signature Authority or this Governing Body; and

The Council hereby ratifies all documents relating to the CalRecycle FY 2021-22 through 2023-24 (ZIF 3) Recycling Market Development Zone Zone Incentive Fund Program and authorizes the Mayor to sign the program documents.

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

PASSED AND ADOPTED by the Oroville City Council at a regular meeting on January 18, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chuck Reynolds, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Bill LaGrone, City Clerk



City of Oroville

OFFICE OF THE MAYOR

Chuck Reynolds
Mayor

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

Letter of Designation – Grant and Payment Programs

January 18, 2021

Pursuant to the Resolution authorizing an application for the Zone Incentive Fund Program FY 2021-22 through 2023-24 (ZIF3), I am the designated Signature Authority for City of Oroville. I am authorized by the Resolution to execute on behalf of the City of Oroville all documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure funds and implement the approved project. The Resolution also authorizes me to delegate this authority. Accordingly, I hereby delegate this authority to the Zoning Administrator.

This delegation is effective (*Choose only one of the following*)

- as long as the Resolution is in effect.

Signed by the authorized signature authority

Signature Authority's name: Chuck Reynolds
Title: Mayor
Address: 1735 Montgomery Street, Oroville, CA 95965
Telephone Number: (530) 538-2535

Zone Incentive Fund Program Guidelines

3rd Three Year Cycle (ZIF3)

Fiscal Year (FY) 2021-22 through FY 2023-24

The Zone Incentive Application (ZIF Application) and these Guidelines, once signed and approved by CalRecycle, shall constitute the Zone Incentive Fund Agreement (ZIF Agreement). Submittal of a Zone Incentive Fund Program, Cycle 3 (ZIF3) Application constitutes acceptance of these Guidelines as the controlling requirements for receiving, spending, accounting for Zone Incentive Funds and annual reporting.

Overview and Statutory Authority

The Department of Resources Recycling and Recovery (CalRecycle) administers the Recycling Market Development Zone (RMDZ) Program, which provides Zone Incentive Funds (ZIFs) to each zone for local outreach. The objective of this Agreement is to distribute and oversee ZIF funds for fiscal years (FYs) 2021–22, 2022–23, and 2023–24. Total funding for this Agreement is an amount not to exceed \$18,000 (see Terms and Payments section).

The goal of the RMDZ Program is to create a sustainable infrastructure and to enhance local markets for recyclable and compostable materials generated within California. The ZIF Program incentivizes local governments to provide outreach services, and to work closely with local post-consumer processing and manufacturing industries to stimulate the use of recyclable and compostable materials. By doing this, the ZIF program helps create jobs in the post-consumer commodities industry and diverts valuable resources from disposal. The ZIF Program provides targeted financial support to Zones to fund vital local marketing and outreach activities, and complements CalRecycle's marketing and outreach efforts to promote RMDZ services and activities.

California Public Resources Code (PRC) Section 42023.1(g)

These Guidelines describe the application and administrative processes to implement the Zone Incentive Fund Program, cycle 3 (ZIF3), authorized by PRC section 42023.1(g). ZIF Recipients (Recipients) are responsible and accountable for ensuring that expenditures are appropriate and that proper internal supporting documentation is maintained. To ensure full compliance with Zone Incentive Fund processes and requirements, ZIF3 applicants and Recipients must adhere to these Guidelines.

Timeline and Cycle Activity

Please note that new Zones that have designated and are approved as a new Zone may apply for this program at any time. Please contact your Zone Liaison for information and instructions on how to apply.

March 1, 2022: Application Due Date for Year One

- To receive Year 1 funding after the state budget is approved, Zones must have an approved application and an approved resolution in place with CalRecycle by March 1, 2022. The ZIF activity must not commence prior to approval.
- For existing Zones, the application must be uploaded to the Zone Information Reporting System (ZIRS) and an email must be sent to the ZIF Coordinators at RMDZZIRSHelp@calrecycle.ca.gov notifying them that this has been done.
- Approval will take place as soon as applications and required documents are submitted and approved. The ZIF Coordinator will inform you of approval.
- Contact the ZIF Coordinator with any questions.

- New Zones may apply as needed; contact the ZIF Coordinator.

Resolution Submittal

- The Resolution can be submitted after the application is submitted, but CalRecycle cannot approve the application until the resolution is received.
- If the approved resolution was not submitted with the application, it must be uploaded to the ZIRS.

March 1, 2023: Application Due Date for Year Two (FY2022-23)

- Zones that did not submit an application in time to receive year one funding may apply for year two and/or three funding. To be eligible for a full year of funding, an application and approved resolution must be submitted by the due date.
- Applications may be approved after the due date at a potentially reduced amount for that fiscal year.

October 20, 2023: Application Due Date for Year Three (FY2023-24)

- Zones that did not submit an application in time to receive year one or year two funding may apply for year three funding. To be eligible for the full year three funding, an application and approved resolution must be submitted by the due date.
- Applications may be approved after the due date at a potentially reduced amount for that fiscal year.

Definitions

For purposes of the ZIF, the following definitions apply:

Existing Zone: A Zone designated prior to July 1, 2021.

New Zone: A Zone designated after July 1, 2021.

Preapproval: Written, electronically communicated notification from the Zone Information Reporting System (ZIRS) that your ZIF Outreach Project has been preapproved by a ZIF Coordinator.

Recipient or ZIF Recipient: The recipient of funds pursuant to PRC § 42023.1(g). The Recipient may be a California local government entity associated with a Recycling Market Development Zone (RMDZ), including a chartered or general law city, a chartered or general law county, a city and county, a special district, or a joint powers authority. The Recipient may also be a non-governmental entity (e.g., a Chamber of Commerce, Economic Development Corporation or Commission, or Council, college, etc.) that has been given authorization to act on behalf of a RMDZ and authority to receive funds by the lead entity of that Zone.

Signature Authority: The title of the person authorized by an adopted Resolution or in the Letter of Designation to sign all program-related documents on behalf of the authorizing entity.

ZIF Agreement: A ZIF Application & Agreement document that is completed by the Zone Administrator, including concurrence with all provisions in this ZIF Guidelines document and which has been signed and approved by CalRecycle.

ZIF Application: A ZIF Application & Agreement document that has been completed and submitted to CalRecycle by the Zone Administrator.

ZIF Coordinator: The administrators of CalRecycle's Zone Incentive Fund Program and the Zone Incentive Reporting System (ZIRS).

ZIF Marketing & Outreach Projects: Projects designed, proposed, and executed by participating Zone Administrators that use ZIF funds to perform outreach and/or training activities in that particular zone or a combination of zones. All ZIF outreach projects must be approved by a ZIF Coordinator in ZIRS before the zone begins the project. Reports and invoices on all projects must be filed upon completion in ZIRS and before costs can be approved for reimbursement. The invoices must document what is being purchased or rented and must be marked paid.

Zone Administrator: RMDZ contact at the local level. The person selected by the RMDZ to administer the activities of the Zone and to report its activities to CalRecycle.

Zone Liaison: RMDZ contacts at CalRecycle. The CalRecycle staff person who receives the annual report for the zone.

Eligible Applicants

Local governing bodies within an RMDZ, and other entities administering a zone when authorized to receive ZIF funds on behalf of the zone, are eligible to apply for funding for marketing and outreach projects through the ZIF Program.

Electronic and Original Signatures

CalRecycle now allows for certified e-Signature on documents or forms that certify legally binding information.

Note: The e-Signature must be the Adobe Digital ID or through another certified digital signature program, and cannot be the "Fill and Sign" function within Adobe. Any documents using the "Fill and Sign" method, will be considered as incomplete and may be sent back to the applicant.

Public Records Requests

It is the policy of CalRecycle to make records requested by the public promptly available in accordance with the laws governing disclosure of records and information to the public. In general, all records in the possession of a state agency are public records subject to disclosure, unless a law provides that a particular kind of record or information is not a public record or is exempt or prohibited from disclosure.

Upon request, the entire contents of the submitted application are subject to public records requests. This may include contact information, project summary, uploaded documents, and scoring information. Public records may be requested from CalRecycle through the California Public Records Act Requests web page (<https://www2.calrecycle.ca.gov/Forms/ContactUs/PublicRecordsRequest/>).

Confidentiality

The following describes the treatment of certain confidential or proprietary information under the California Public Records Act (Government Code 6250, et seq.) and related

regulations. It also describes how questions are resolved on whether information is truly confidential, the legal protections for confidential information, and internal and program procedures to maintain confidentiality.

Confidential or Proprietary Information

Title 14 of the California Code of Regulations (14 CCR), [sections 17041-17046](https://www.calrecycle.ca.gov/Laws/Regulations/Title14/) (https://www.calrecycle.ca.gov/Laws/Regulations/Title14/), states that confidential or proprietary information shall include, but is not limited to:

- Personal or business-related financial data, customer client lists, supplier lists and other information of a proprietary or confidential business nature provided by persons in applications, reports, returns, certifications, or other documents submitted to [CalRecycle] which if released would result in harmful effects on the person's competitive position.
- Tax information prohibited from disclosure, pursuant to the Revenue and Taxation Code

Accordingly, appropriate documents submitted with an application that are clearly marked, on each page, "confidential or proprietary information" will be treated by CalRecycle pursuant to the procedures set forth in 14 CCR sections 17041-17046. However, the law does not treat documents marked as "confidential or proprietary information" (such as sales brochures, promotional literature, and other general non-financial documents) as confidential if they do not fall within the categories of protected financial documents listed above.

What if there is a question about what is confidential?

If CalRecycle receives a request to disclose data claimed by the applicant to be confidential, CalRecycle would notify the applicant of the request and state that the documents were under review to determine whether information was correctly identified as "confidential." If there was any question as to whether specific information was confidential, CalRecycle would contact the person(s) identified in the application to provide a justification and statement why the information is confidential. The process for evaluating confidentiality claims is set forth in section 14 CCR 17046.

What program procedures will keep information confidential?

Financial information will be evaluated and analyzed only by CalRecycle staff, kept confidential, and will be maintained with restricted access. Records no longer needed to provide the services offered under the grant program are periodically destroyed, when allowed by audit policies and state law.

Application Instructions

Item 3.

Application Access

The application platform, called the [Zone Information Reporting System \(ZIRS\)](https://secure.calrecycle.ca.gov/RMDZ/SignIn.aspx?ReturnUrl=%2fRMDZ%2f), is available on CalRecycle's website. (<https://secure.calrecycle.ca.gov/RMDZ/SignIn.aspx?ReturnUrl=%2fRMDZ%2f>). All Zone Incentive Fund application documents are uploaded into ZIRS.

The application process requires the following:

1. The CalRecycle ZIF Coordinator emails the Application & Agreement document to the Zone Administrators (ZA).
2. The applicant completes the Application & Agreement document, and the Signature Authority signs the document using a digital signature.
3. Upload the completed Zone Incentive Funds Application & Agreement document to CalRecycle in ZIRS.
4. Upload the Resolution to CalRecycle in ZIRS. CalRecycle cannot approve or fund ZIF expenditures for any purpose until both a ZIF Agreement and a funding Resolution are filed and approved.

Approval of the funds is also contingent upon having no outstanding debt(s) owed to CalRecycle.

If you have any questions regarding the application process, please contact your Zone Liaison.

CalRecycle Documents

Zone Incentive Funds Application & Agreement

The Application & Agreement document requests administrative information about the Zone such as contact information for the primary contact and Signature Authority, payment address, and a digital signature from the Signature Authority.

Applicant's Documents

Below is a list of documents that the applicant is responsible for preparing and uploading to ZIRS.

Authorizing Documentation

Examples of Zone Renewal Resolutions and resolutions for Zones that use a non-governmental entity, e.g. EDC, Chamber, etc., as the lead can be found in the [ZIF Chapter on the RMDZ Link to ZIF SharePoint](#) webpage.

Governmental Entity with an existing Resolution including Funding Authority

Some Applicants already have sufficient authority to apply for ZIFs in the form of an existing resolution, including a resolution granting authority to apply for all CalRecycle grant and payment programs. This authority may also have been provided as part of the Zone's resolution of designation or redesignation, and will be assumed to be effective until the end of the designation period, unless otherwise specified. These Applicants will not need to submit a new Resolution for this cycle. However, for those zones with Resolutions allowing delegation, it is highly recommended that you complete a Letter of Designation in order to simplify completion of other ZIF documents going forward.

Resolutions must:

- Authorize submittal of Zone Incentive Funds Applications.
- Identify the name of the job title (rather than the name of a person) authorized to sign on behalf of the Applicant (Signature Authority).
- (Optional but encouraged) authorize the Signature Authority to delegate his/her signature authority to another person identified by job title.

Resolutions for non-governmental applicants must come from the Zone's lead agency and must also authorize the non-governmental entity to apply for Zone Incentive Funds and to receive funds on behalf of the Zone's lead agency. Resolutions for ZIFs can either specify an end date or state that it is effective until rescinded.

Letter of Designation

The choice of the Signature Authority is very important because the individual who holds the designated job title is responsible for signing all Zone Incentive Fund documents for the entire cycle, after the initial ZIF Application is completed. When authorized by Resolution, an Applicant's Signature Authority may delegate to another person (identified by job title rather than name) the authority to sign and submit required ZIF documents, such as Applications, Zone Incentive Fund payment requests, or amendments. Signature delegation may be done either at the time of Application or later; however, the Letter of Designation (LOD) must be uploaded (by the Applicant) into the ZIRS and accepted by CalRecycle staff prior to the Designee's exercise of his/her authority.

The LOD must:

- Be prepared on the Applicant's official letterhead.
- Be signed by the Signature Authority.
- Contain a specific end date or state that it is effective until rescinded by the identified Signature Authority.
- Identify the job title of the Designee.
- Identify the scope of the Designee's authority.

Guidance for ZIF Outreach Projects

Zone Incentive Funds help zones create vital targeted local marketing and outreach activities that may include, but are not limited to, the following: develop marketing materials, research feedstocks, conduct local workshops, attend and participate in RMDZ related events (In-State only), purchase of marketing information and software, and consulting services. ZIF funds are also provided to support travel to and from two Zone Works training workshops involving Zone Administrators in FY 2021–22, FY 2022–23, and 2023–24, respectively.

Preapproval Request

Before beginning a particular marketing and outreach project, the Recipient shall use ZIRS to submit a Preapproval Request proposal to CalRecycle. The proposal shall include: 1) a detailed budget, 2) a brief description of how the funds will be spent, including whether the funds will purchase or rent equipment, 3) how the marketing or outreach activities will meet individual local marketing or business outreach objectives, 4) identify the audience, 5) identify the main purpose of an event, if funds are used for

an event, 6) identify program metrics.

Note: CalRecycle cannot fund any expenses incurred by the Recipient for marketing and outreach projects prior to ZIRS preapproval.

Examples of program metrics include, but are not limited to:

- The number of the public or businesses expected to be contacted or reached with outreach materials.
- The number of contacts expected to be initiated as a result of a postcard or brochure mailings.
- The number of new prospective businesses expected to be identified as a result of the purchase and use of a specialized mailing list or hiring of a specialized consultant.

Once submitted, the project proposal will go through the internal review process at CalRecycle, typically requiring 5-7 business days. Following this review, a ZIF Coordinator will send an email to the ZA, notifying them that either 1) the proposal has been approved and work may begin, or 2) that changes are necessary before the project can be approved. Recipients shall not begin work or incur costs on the proposed project until they receive formal written approval from a CalRecycle ZIF Coordinator through the ZIRS database.

Once a project has been approved, if the Zone Administrator wishes to modify the approved budget or scope of the project, this should be discussed with the ZIF Coordinator. Projects may only be modified in ZIRS via written approval from the ZIF Coordinator.

Note: Sometimes ZAs email questions about ZIFs to Zone Liaisons and other CalRecycle staff outside of ZIRS, e.g., through Outlook, etc. These emails do not constitute ZIF Approval. **The only ZIF Approval occurs in ZIRS.**

Perform Marketing and Outreach Activities

The Recipient shall perform marketing and outreach activities within the RMDZ. All marketing and outreach activities require prior preapproval of the activities and the budget (as described under the “Preapproval Request” heading). See Eligible Costs Section for Zone-related marketing and outreach activities.

Eligible and Ineligible Costs for ZIF Outreach Projects

Eligible costs include, but are not limited to:

- Graphics/Printing/Advertising
 - Advertising design and placement costs in industry and trade publications
 - Customizing brochures (using CalRecycle’s template and CARMDZ materials or materials developed by the local ZA, with CalRecycle’s approval)
 - Customizing and placement of PSAs (using CalRecycle materials or local ZA materials, with CalRecycle’s approval)
 - Duplicating/reprinting brochures, posters, and other program graphics
 - Developing/updating local Zone web pages
- Direct Zone Support/Outreach
 - Distribution expenses for brochures and follow-up letters

- Creation of localized marketing databases, newsletters, articles
- Feedstock for sample or test runs
- Cover costs for zone expansion or re-designation
- Industry Trade Shows, Conferences
 - Creation or upgrades for trade show display graphics and associated hardware (backdrop and lighting, etc.)
 - Exhibitor registration fees for Zone related events
 - Hosting Zone related events
 - Local and In-State travel for Zone related events (subject to the same travel rules that apply to Zone Works Training Workshops)
 - Specialized training related to Zone activities and skills
- Business Leads and Tracking
 - Purchasing costs for lists of leads for marketing
 - Purchasing of business tracking and communication software
 - Hiring a consultant to develop leads and tracking of zone businesses
- Other qualifying projects
 - Unique ZA initiated projects preapproved in writing by the LAMD ZIF Coordinator and Section Manager(s)

Ineligible Costs

- Ineligible costs include any costs not listed above.
- Food and drink costs are ineligible, except for those costs deemed eligible immediately before, during, and after Zone Works.
- Costs not authorized in advance under a Preapproval Request are ineligible with the exception that Zone Works does not require preapproval.
- Membership dues for the California Association of Recycling Market Development Zones.
- Membership dues for any other organization, unless it includes marketing and outreach for the zone, such as adding zone logos and links on the organization's website.
- Tips
- SWAG (Stuff We All Get), e.g., canvas bags for outreach.

Term and Payments

Marketing & Outreach funds are only available on or after July 1st of any given year. All unused Marketing & Outreach funds automatically roll over into subsequent years within the ZIF3 cycle.

Zone Administrators may use up to \$750 to attend each Zone Works workshop. The Zone Works Training Workshop section below describes how these funds can be used. Unused funds do not roll over to later workshops or to Marketing & Outreach funds.

Fiscal Year	Funding Allowance
FY 2021-22	• Up to \$4,500 for Marketing & Outreach • Up to \$750 for first Zone Works • Up to \$750 for second Zone Works

Fiscal Year	Funding Allowance
FY 2022-23	• Up to \$4,500 for Marketing & Outreach • Up to \$750 for first Zone Works • Up to \$750 for second Zone Works
FY 2023-24	• Up to \$4,500 for Marketing & Outreach • Up to \$750 for first Zone Works • Up to \$750 for second Zone Works
Total	\$18,000

Review and Award Process

Application Review Process

Disqualification of Application

CalRecycle will notify an applicant and provide the reasons for disqualification of an application (for example, due to lack of appropriate authorization), and will work with that applicant to create a version of the application that can be approved. If an application is not approved in a timely matter for any particular year, ZIF funds for that year are forfeited and cannot be rolled over to future year(s).

Notice of Approved Agreement

Upon approval of ZIF the Agreement, recipients will be notified by email that the approval has occurred and that they are authorized to incur costs and expend funds in furtherance of their programs. Note, however, that using funds for ZIF Marketing & Outreach Projects will require preapproval, as explained in "[Guidance for ZIF Outreach Projects](#)" above. Once submitted and approved, the Recipient is contractually bound to carry out the Zone Incentive Fund Program in accordance with the ZIF3 Guidelines. CalRecycle will provide the ZA with a copy of the completed Agreement that is signed by both parties (recipient and CalRecycle) that authorizes the recipient to incur costs and expend funds in furtherance of their programs. Expenditures incurred prior to a fully executed Application and Agreement and approved resolution cannot be reimbursed.

Payment Award Conditions

When awarded, this payment will be subject to these conditions:

1. The recipient must pay all outstanding debts due to CalRecycle, or bring current outstanding payments owed to CalRecycle, within 60 days of the award email date.

Failure to comply with any of these requirements will void the award.

Rollover of ZIF Funds

Should a ZA choose to actively combine more than one year of ZIF funding or defer use of current funds for later use, that ZA must have an approved ZIF Agreement in place and funds will automatically roll over. See details below under [Payments](#).

Payments

Note: All invoices must be itemized, whether they are for Zone Works expenses or

Marketing and Outreach expenses. Invoices must clearly state when purchases were made, and what was paid for, e.g., equipment was purchased or rented, dinner the night before the Zone Works workshop, etc. If ZIF funds are used to fund part of a larger project, like an environmental conference where the RMDZ is discussed and advertised, then the invoice must clearly state the total cost of the item, what portion of it is funded by ZIF funds, and what portion of it is funded by other funds. We encourage Recipients to use spreadsheets or similar organizational techniques to expedite the review and approval of reimbursement expenses. Recipients can use electronic or handwritten techniques to clearly itemize costs. The documentation must be organized in a way that CalRecycle staff can easily identify the expenses and what they paid for. If this is not done, or if the documents are uploaded in the wrong section of ZIRS, e.g., ZIF documents are put under the Documents tab vs. under the ZIF Documentation tab, then CalRecycle staff may request that the zone move those items to the appropriate link.

Food and drink costs are ineligible, except for those costs deemed eligible immediately before, during, and after Zone Works. Receipts are not required for eligible food and drink costs; however, it is the Recipient's responsibility to retain receipts and other records of the expense(s) and have them available for audit. Meal reimbursement amounts are maximums, not allowances. Recipients may claim only actual expense(s) and must have receipts substantiating the amount claimed. No reimbursement will be given for meals that were provided at the workshop (continental breakfasts are not considered to be meals).

Total funding for this Agreement is an amount not to exceed \$18,000 (eighteen thousand dollars) (See Table above). To accommodate the need of Recipients to support larger, multi-year marketing efforts, an individual Recipient will have four options for using the funds:

1. **Scenario 1:** The Recipient may use \$4,500 in July 2021 - June 2022, \$4,500 in July 2022 - June 2023, and \$4,500 in July 2023 - May 17, 2024.
2. **Scenario 2:** The Recipient may combine the first- and second-year funding for a total of \$9,000 to be used from July 2022 - June 2023, and separately use \$4,500 from July 2023 - May 17, 2024.
3. **Scenario 3:** The Recipient may use all of year one funding and then combine year two and year three funding.
4. **Scenario 4:** The Recipient may choose to combine all three fiscal years of funding for a total of \$13,500 to spend on projects during July 2023 - May 17, 2024.
 - a. Note: If a Recipient chooses this option, they cannot implement a project until July 1, 2023 or after, and they will have to submit invoices by May 17, 2024.
 - b. If a Recipient chooses this option, it is very important that they carefully assess whether the project can be completed between July 1, 2023 and May 17, 2024, i.e., the project(s) would need to be initiated, completed, and invoiced in approximately 10 months.

Acknowledgement

Recipients are not required to acknowledge CalRecycle's support when activities or projects funded by this Agreement are publicized in any media.

ZIF Outreach Project Reporting Requirements

Upon completion of all marketing and outreach activities, and when program activity

metric information is available, the Recipient shall submit the metrics and appropriate back-up documentation into the ZIRS database. A ZIF Coordinator will review the metrics and documentation in order to provide a recommendation to the ZIF Team regarding approval of the reimbursement request. A ZIF Coordinator shall review and accept or reject all reimbursement requests. Should a request be rejected, the ZIF Coordinator shall immediately coordinate with the Recipient to address the situation. However, only upon the ZIF Coordinator's written acceptance of the request may the reimbursement be made.

Zone Works Training Workshop

Zone Administrators are strongly encouraged to attend Zone Works training workshops, which offer a unique opportunity for ZAs, CalRecycle ZLs and Loan staff, and valued program partners to convene and discuss current issues and to coordinate business assistance activities. The success of such trainings is dependent on the attendance of the ZAs and the ZLs.

Travel reimbursement is subject to, and shall not exceed, the exempt rates in the California Code of Regulations Title 2, Chapter 3, Article 2, Section 599.615.1, et seq. All travel costs should be minimized wherever possible. In no event may Zone Works travel costs under this Agreement exceed \$750 per Zone Works training workshop. Unexpended Zone Works travel costs under \$750 may not be included in the budget for marketing and outreach activities.

With written preapproval from the ZIF Coordinator, and based on sufficient justification (e.g., the Zone is especially large, or an additional Zone Representative is being mentored by the ZA), a Zone may send a second representative to a Zone Works training workshop. If Zone Works travel costs exceed \$750 for an individual Zone Works training workshop due to an additional attendee, then the Recipient may request approval prior to attendance from the ZIF Coordinator for that zone to use Marketing and Outreach and/or unexpended Zone Works travel funds to cover the additional costs.

Compliance

The Recipient shall comply fully with all applicable federal, state, and local laws, ordinances, regulations, and permits.

Records Retention and Audit Considerations

Recipients are responsible and accountable for ensuring that expenditures are appropriate and that proper internal supporting documentation (including, but not limited to, the original signed Zone Incentive Funds Agreement) is maintained to provide clear separate tracking of ZIF funds and related transactions for fiscal program management and audit purposes. To ensure full compliance with ZIF's processes and requirements, Recipients must adhere to these Guidelines.

Recipients must account for all ZIFs in a manner that provides for clear tracking of expenditures in accordance with Generally Accepted Accounting Principles. Proper business procedures dictate that ZIF supporting documentation (including, but not limited to, the original signed Zone Incentive Funds Agreement) be retained in a single file to facilitate review and retention, as well as maintenance of a clear paper/audit trail.

ZIF funds are subject to audit. CalRecycle, the Department of Finance, the Bureau of State Audits, or their designated representative(s) shall have the right to review and to copy any records and supporting documentation pertaining to the use of ZIF funds and shall have the right to interview staff relevant to the audit. Recipients shall include this provision in all contracts and subcontracts funded in whole or in part from ZIF funds.

All such records shall be maintained by the Recipient for possible audit for a minimum of three (3) years after the ZIF term, or until completion of any action and resolution of all issues, which may arise as a result of any litigation, dispute, or audit, whichever is later.

Audit findings against Recipients can result in the need for reimbursement of ZIF funds, and/or ineligibility for future ZIF funds.

Termination for cause

In the event the Recipient fails to comply with the requirements of these Guidelines at the time and in the manner herein provided, CalRecycle may terminate the ZIF3 Agreement for that zone.

Indemnity

The Recipient agrees to indemnify, defend, and save harmless the State and CalRecycle, and their officers, agents, and employees from any and all claims and/or losses accruing or resulting from performance under this agreement or participation in the Zone Incentive Fund Program.

Changes to ZIF Guidelines

CalRecycle may make changes to these Guidelines, typically no more than once per year, provided that there is proper notice and consultation with all Zone Administrators, or at a minimum with CARMDZ. Every effort shall be made to achieve mutual agreement on any significant changes to the Guidelines. Effective changes shall then be communicated by CalRecycle to all ZAs.

CalRecycle may reduce funding amounts due to budget constraints or other factors.

Zone Incentive Funds Application and Agreement

FY2021–2022 through FY2023–2024 (ZIF3)

Recipient Information

1. Recipient Name: City of Oroville
2. RMDZ Name: City of Oroville
3. Agreement Number (assigned by CalRecycle): ZIF3-21-05

Payment Information

4. Funding Amount: \$18,000
5. Payee Address: 1735 Montgomery Street, Oroville, CA 95965
6. Payment Department: Finance

Contact Information

7. Primary Contact Name: Dawn Nevers
8. Primary Contact Title: Zoning Administrator
9. Signature Authority Name: Chuck Reynolds
10. Signature Authority Title: Mayor

Documents

11. Resolution uploaded ☐
12. Letter of Designation uploaded, if applicable ☒

Funding Source

Fund: Recycling Market Development Revolving Loan Subaccount

Reference: 603

Enactment Year: 1996

Object of Expenditure: 7600-G9000-217

Fi\$Cal Comparable Expenditure Information:
39707600/3700000227/5301150

Funding Corrections (if needed)

Fund:

Reference:

Enactment Year:

Object of Expenditure:

Fi\$Cal Comparable Expenditure Information:

Acceptance of Zone Incentive Fund Program Provisions

Applicant acknowledges that submittal of this document constitutes acceptance of all provisions as contained in the Zone Incentive Fund Program Guidelines. The Guidelines document is available at: [Chapter 5, Zone Incentive Funds, of the RMDZ SharePoint site.](#)

Penalty of Perjury Statement

I certify under penalty of perjury, under the laws of the State of California, that I am authorized to sign this document on behalf of the Recipient, that I have read the Zone Incentive Fund Program Guidelines, and that to the best of my knowledge and belief that information in this Agreement is true and correct.

X	
Signature of Signature Authority (as authorized in the Resolution)	Date
Chuck Reynolds	Mayor
Print Name of Signature Authority	Print Title of Signature Authority
X	
Signature of CalRecycle's Authorized Signatory	Title of CalRecycle Signature Authority

Important - Applicant/Recipient must obtain signature of Signature Authority, upload this document in its entirety to the ZIRS system, and retain the original document in Applicant's cycle file.



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND CITY COUNCIL MEMBERS

FROM: BILL LAGRONE, CITY ADMINISTRATOR

**RE: EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND
RONNIE BELSER**

DATE: JANUARY 18, 2022

SUMMARY

The Council will consider an employment agreement between the City of Oroville and Ronnie Belser for the position of Director of Code Enforcement for the City of Oroville.

DISCUSSION

The Council has previously interviewed and discussed the appointment of a Director of Code Enforcement, for the past several months.

Applications were accepted from both in house and out of house applicants earlier this year. Ronnie Belser was interviewed and received the recommendation of the Council for permanent placement into the position of Director of Code Enforcement.

Staff has prepared a contract to for Ronnie Belser to fill the position of Director of Code Enforcement. The terms of the contract include a starting salary of \$118, 720 for a term of three years. If approved the contract will be from January 19, 2022, to January 19, 2025. The final two years of the Contract must be approved by the Council annually. In October of 2022 If Belser wishes to continue the contract, he must submit a letter asking the Council for an extension. The Council would have to consider the letter and respond within 30 days to continue the contract. Please review the attached proposed contract for additional details of the contract. The contract is consistent with contracts for all Department Heads.

FISCAL IMPACT:

Funding will come from the Code Enforcement Department Budget.

RECOMMENDATION:

Adopt Resolution No. 9024 - A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND RONNIE BELSER TO SERVE AS THE DIRECTOR OF CODE ENFORCEMENT – (Agreement No. 3400).

ATTACHMENTS:

1. Agreement 3400

**OROVILLE CITY COUNCIL
RESOLUTION NO. 9024**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND
DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE EMPLOYMENT
AGREEMENT BETWEEN THE CITY OF OROVILLE AND RONNIE BELSER**

(Agreement No. 3400)

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

1. The Mayor is hereby authorized and directed to execute an Amendment to the Employment Agreement between the City of Oroville and Ronnie Belser. The Agreement is attached hereto as Exhibit "A".
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on January 18, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chuck Reynolds, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Bill LaGrone, City Clerk

EMPLOYMENT AGREEMENT BETWEEN THE CITY OF OROVILLE AND RONNIE BELSER

The employment agreement ("Agreement") is made and entered into on January 18, 2022, by and between the City of Oroville ("City") and Ronnie Belser ("Belser") to be effective January 19, 2022, both of whom understand as follows:

WHEREAS, City desires to employ the services of Belser as its Director of Code Enforcement; and

WHEREAS, it is the desire of the City Council ("Council") of the City to provide certain benefits, to establish certain conditions of employment and to set working conditions for Belser; and

WHEREAS, Belser desires to be employed as the Director of Code Enforcement Department of City.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties agree that the Agreement supersedes in total any prior employment agreements or Memorandum of Understandings between the parties, and further agree as follows:

Section 1. Duties:

City hereby agrees to employ Belser as the Director of Code Enforcement Department of City to perform the functions and duties specified for the position in the City Charter, Municipal Code of the City and such other legally permissible and proper duties and functions as the Council shall from time to time assign him.

Section 2. Term; Termination: Severance Compensation:

- A.** The term of this Agreement shall be effective January 19, 2022 and shall continue until January 19, 2023, at which time Belser may request a two (2) year extension of this contract. On or before October 19, 2022, Belser shall give written notice to City if he wishes to extend the agreement on the same terms and conditions. Thereafter the Council shall determine, within 30 days, whether or not it wishes to continue and/or extend the agreement and shall give written notice to Belser of its decision. If the Council approves the continuation and/or extension, the parties shall meet in an effort to agree upon the terms of a new or extended agreement. If the Council disapproves the continuation and/or extension, or if the parties fail to agree upon the terms of a new or extended agreement, this Agreement shall terminate as outlined above, and thereafter Belser shall not be entitled to any compensation except for any accrued vested benefits as listed above.
- B.** If Belser resigns his position as Director of Code Enforcement before the expiration date of the initial or any extended term of this Agreement; Belser shall give City a sixty (60) day written notice in advance to City. In such event, Belser shall not be entitled to the severance compensation provided for in Section 2.C of this Agreement. The City Administrator, in concurrence with the Council, may reduce the required notice to not less than thirty (30) days without penalty should Belser make such request.

- C. City may terminate this Agreement at any time with or without cause. If the City discharges Belser from his position, without cause, as Director of Code Enforcement, the City shall pay Belser a lump-sum cash payment equal to six (6) month's salary. In addition, Belser shall also be compensated for all vested accrued leave time, which is currently defined as all accumulated and unused vacation. However, in the event Belser is discharged for cause or for conviction of a crime, City shall have no obligation to pay any severance compensation except for any vested benefits. In any event, if the City chooses to terminate the agreement, Belser shall have the opportunity to retire from City employment through PERS, in lieu of termination.

Section 3. Random Drug Testing Policy:

Belser agrees to comply with the City of Oroville's Substance Abuse Policy Statement, as outlined in the City of Oroville's Policy and Procedures.

Section 4. Non-Industrial Injury/ Illness:

If Belser becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four successive weeks beyond any accrued leave, City shall have the option to terminate the Agreement, subject to the severance pay provisions of Section 2. C.; provided, however City shall be required to comply with the provisions of the Americans with Disabilities Act and the Californian Fair Employment and Housing Act.

Section 5. Salary:

City agrees to place Belser at Step A of the Assistant City Administrator salary schedule, an annual base salary of \$118, 720, upon the effective date noted above and payable at the same time and manner as other Council Appointed Employees of the City are paid.

Section 6. Performance Evaluation:

The Council shall direct the City Administrator to complete a performance evaluation of Belser by December 31st of each year of the contract and during any extension period of the contract and upon the Council's concurrence with the satisfactory review, Belser may receive a salary adjustment of up to one step of the salary schedule for his base salary, for an overall evaluation of 'M' or better. Such review and evaluation shall be in accordance with specific criteria developed jointly by the City Administrator and Belser. Such criteria may be added to or deleted from, as the City Administrator may determine from time to time, in consultation with Belser. The City Administrator's evaluation of Belser will be shared with the Mayor and Council. The Mayor and Council may add additional comments to Belser's final evaluation.

Section 7. Hours of Work; Administrative Leave:

Belser shall be employed on a full-time basis, and for optimal customer service should perform such work, during normal business hours. However, it is recognized that Belser shall be required to devote a great deal of time outside of normal office hours on business of City, and to that end

he shall be allowed to take 85 hours per calendar year of Administrative Leave, unless City and Belser agree upon an alternate amount of leave (which shall be documented in writing). Such leave may be taken only upon approval of the City Administrator. Belser shall have the option to cash out up to twenty (20) hours of administrative leave per calendar year.

Section 8. Bereavement Leave:

When compelled to be absent from work by reason of death of an immediate family member, or where death appears imminent, Belser shall be entitled to receive up to five (5) days Bereavement Leave, which shall not be charged against his sick leave. Before taking such leave, Belser shall notify, in writing, the City Administrator of the time of absence needed and the expected date of return to work.

The immediate family is defined as spouse; natural, step or legal child; parent; brother; sister; grandparent; grandchild; mother-in-law or father-in-law.

Section 9. Automobile Allowance:

City shall provide an automobile to Belser suitable for his use while performing his duties as the Director of Code Enforcement or compensate him if no vehicle is available at the rate of \$300.00 per month in compliance with Internal Revenue Regulation Section 1.274.5T(k)(6).

Section 10. Vacation and Sick Leave:

Belser shall continue to accumulate sick leave at the rate of one (1) workday for each month of employment. Belser shall be permitted to accumulate an unlimited amount of sick leave.

Belser shall accumulate vacation leave at the rate of fifteen (24) working days of vacation per year. Belser shall be permitted to accumulate an unlimited amount of vacation leave.

Section 11. Medical, Vision, Life, Disability and Dental Insurance:

The City shall pay one hundred percent (100%) of the premiums for Medical, Dental, Vision, Long-Term Disability and Life Insurance for Belser and his eligible dependents.

Section 12. Holidays: Belser is authorized to celebrate the following holidays:

- | | |
|---------------------------|---------------------------------------|
| 1. New Year's Day | 7. Labor Day |
| 2. Martin Luther King Day | 8. Veteran's Day |
| 3. Lincoln's Birthday | 9. Thanksgiving Day |
| 4. President's Day | 10. The Day After Thanksgiving Day |
| 5. Memorial Day | 11. Last Workday Before Christmas Day |
| 6. Independence Day | 12. Christmas Day |

Belser shall be compensated for each holiday at the straight time compensation rate.

Section 13. Technology Fee:

City shall provide a technology allowance to Belser in the amount of \$100/month to compensate him for the use of her private cell phone and laptop/tablet for City business.

Section 14. Uniform Allowance:

On the first pay period in December, and each first pay period in December thereafter; Belser shall receive an annual clothing allowance of \$100.00. This will constitute the clothing allowance for the following calendar year.

Section 15. Retirement:

Belser will pay 12% of the employee share of his CalPERS retirement contribution upon commencement of this agreement. In the event that any legislation mandates that the employee share increase above 12% during the term of this agreement or any extensions, Belser and City agree to negotiate terms for the implementation of any increase.

The City will continue to provide the single highest year benefit calculation and the 1959 Survivor Benefit at the 4th level for Belser.

Sick Leave Conversion at the Time of Retirement:

Upon regular retirement from the City of Oroville, Belser shall have the option to convert his unused sick leave balance to CalPERS service credit. In the alternative, Belser may convert his unused sick leave balance to a dollar value account at the rate of one month premium for each three (3) days of accrued but unused sick leave remaining on the books at the date of retirement to pay premiums for medical, dental and vision insurance. Belser may also elect to split his unused sick leave between the CalPERS service credit and dollar value account for insurance, subject to CalPERS requirements.

If Belser elects to convert his unused sick leave to a dollar value account to pay for medical, dental and vision insurance and it becomes exhausted, Belser shall have the option of continuing medical, dental and vision insurance coverage at his own expense, consistent with current City policy and Federal law. If, after his retirement, Belser becomes deceased before his dollar value account has been completely utilized, the remaining benefits shall be available to the surviving eligible family members.

Section 16. Deferred Compensation Plan:

The City shall provide a Deferred Compensation Plan for Belser. The City shall contribute 3% of Belser's base salary to Belser's Deferred Compensation Plan. In addition, the City shall match the first 2% that Belser contributes to Belser's Deferred Compensation Plan.

Section 17. Outside Employment:

During the term of the Agreement, and any extensions thereof, Belser shall only accept outside employment that involves teaching or training related to his profession and any existing agreements. Any outside employment shall not interfere with Belser's duties as while employed by the City and no other outside employment of any kind or character is permitted without having first obtained the prior approval of the Council.

Section 18. Dues and Subscriptions:

City agrees to budget for and to pay for professional dues and subscriptions of Belser necessary for his continuation and full participation in national, regional, state and local associations and organizations as are desirable for his continued professional participation, growth and advancement, and for the good of the City; provided, however, the amount of such dues and subscriptions shall not exceed the amount appropriated therefore in the annual budget.

Section 19. Professional Development:

- A. City agrees to budget for and to pay for travel and subsistence expenses of Belser for professional and official travel, meetings, and occasions to continue the professional development of Belser, and to adequately pursue necessary official functions for City and such other national, regional, state and local governmental groups and committees thereof which Belser serves as a member; provided, however, the amount of such travel and subsistence shall not exceed the amount appropriated therefore in the annual budget.
- B. City also agrees to budget for and to pay for travel and subsistence expenses of Belser for short courses, institutes and seminars that are necessary for his professional development, and for the good of the City; provided, however, the amount of such travel and subsistence shall not exceed the amount appropriated therefore in the annual budget.

Section 20. General Expenses:

City recognizes that certain expenses of a non-personal and generally job-affiliated nature shall be incurred by Belser, and hereby agrees to reimburse or to pay such general expenses up to an amount not to exceed the amount provided for such purposes in the Code Enforcement Department's portion of the annual City budget. The Finance Department is hereby authorized to disburse such monies in accordance with adopted City expense reimbursement policies.

Section 21. Civic Club Membership:

City recognizes the desirability of representation in and before local civic and other organizations, and Belser is authorized to become a member of such civic clubs or organizations. During the term of the agreement, City, at its sole discretion, may elect to pay some or all Belser's civic club membership expenses.

Section 22. Indemnification:

In addition to the requirements of state and local law, City shall defend, save harmless, and indemnify Belser against any tort, professional liability claim or demand, or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Belser's duties as Code Enforcement Director, except for any civil action or proceeding brought against Belser for actual fraud, corruption or actual malice. City, at its sole discretion, shall compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

Section 23. Bonding:

City shall bear the full cost of any fidelity or other bonds required of Belser under any law or ordinance.

Section 24. Other Terms and Conditions of Employment:

It is understood and agreed by City and Belser that Belser is an "at will" employee of the City appointed by the Council under the provisions of the City Charter. As such, Belser serves at the pleasure of City and is not subject to the provisions of the City of Oroville Personnel Rules and Regulations.

Section 25. Notices:

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- A. TO CITY: Mayor, City of Oroville, 1735 Montgomery Street, Oroville, CA 95965
- B. TO BELSER: Ronnie Belser at his permanent residence address on record with the City of Oroville

Alternatively, notices required pursuant to this Agreement may be personally served to the same persons as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the United States Postal Service.

Section 26. General Provisions:

- A. The text herein shall constitute the entire agreement between the parties.
- B. Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Belser.
- C. This Agreement shall not be assigned by Belser or City.
- D. This Agreement shall not be modified without the written consent of Belser and City.
- E. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement or portion thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Approved by the City Council of the City of Oroville at a meeting held January 18, 2022.

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

CITY OF OROVILLE

RONNIE BELSER

Charles Reynolds, Mayor

Ronnie Belser,
Director of Code Enforcement

APPROVED AS TO FORM:

Scott E. Huber, City Attorney



CITY OF OROVILLE STAFF REPORT

TO: MAYOR CHUCK REYNOLDS AND COUNCIL MEMBERS

FROM: BILL LAGRONE, CITY ADMINISTRATOR

RE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE CALIFORNIA, AMENDING TITLE 2, CHAPTER 2.08 OF THE MUNICIPAL CODE OF THE CITY OF OROVILLE AND ADOPTING REVISED DISTRICT VOTING BOUNDARIES AND ESTABLISHING A SEQUENCE FOR EACH DISTRICT ELECTION (FIRST READING)

DATE: JANUARY 18, 2022

SUMMARY

The Council will consider the adoption of Ordinance No. 1862 to amend Title 2, Chapter 2.08 of the Municipal code of the City of Oroville to adopt revised District voting boundaries and to establish a sequence for each District election.

DISCUSSION

Pursuant to Elections Code section 21601(a), the City is required to review its voting district boundaries following each decennial federal census. On October 19, 2021, the Council began a series of public hearings to revise the voting District Boundaries based on the new Census numbers. The Council held the required public hearings on October 19, 2021, November 18, 2021, December 16, 2021, and January 06, 2022, to introduce tentative maps and to receive public input. A community workshop was held on December 15, 2021, to ensure anyone that needed assistance creating their own version of a map had the proper assistance.

The tentative maps under consideration have been published pursuant to the Elections Code.

At the January 6, 2022, Special Council Meeting, Council gave direction to proceed with the adoption of District Map 29. The Council should determine the sequencing of the district elections.

If approved, this process will be in place for the November 2022 general election. The Council will consider adoption of the Ordinance.

FISCAL IMPACT:

The costs for the demographer and other related fees were previously approved by the Council.

RECOMMENDATION:

1. Establish, by majority vote, the timing of election for each district boundary; and
2. Waive the first reading and introduce by title only, Ordinance No. 1862 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING TITLE 2, CHAPTER 2.08 OF THE MUNICIPAL CODE OF THE CITY OF OROVILLE AND ADOPTING REVISED DISTRICT VOTING BOUNDRIES.

ATTACHMENTS:

1. ORDINANCE 1862
2. MAP 29

ORDINANCE NO. 1662

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, AMENDING TITLE 2, CHAPTER 2.08 OF THE MUNICIPAL CODE OF THE CITY OF OROVILLE AND ADOPTING REVISED DISTRICT VOTING BOUNDARIES.

WHEREAS, On October 6, 2020, the City Council of Oroville (“City”) adopted Ordinance No. 1846, changing the City from at large to by-district voting system, adopting boundaries for the City’s six voting districts and establishing an implementation schedule for conversion to by-district voting during the 2022 and 2024 election cycles: and

WHEREAS, pursuant to Elections Code section 21601(a), the City is required to review its voting district boundaries following each decennial federal census; and

WHEREAS, in 2019, the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (“FAIR MAPS”) Act (AB 849) amended the process and criteria by which the City must evaluate and adjust its voting district boundaries; and

WHEREAS, as permitted under Elections Code section 21607.1(e), on October 19, 2021, a duly noticed public workshop conducted by City staff and the City’s redistricting consultant, Q2 Data and Research, was held for the purpose of explaining the redistricting process under the FAIR MAPS Act and receiving public input regarding communities of interest and the composition of one of more council districts; and

WHEREAS, at the regular City Council meeting of November 18, 2021, and at the special City Council meeting of December 16, 2021, the City Council held public hearings to receive public input regarding communities of interest and the composition of districts including at the latter meeting public live map drawing; and

WHEREAS, on January 6, 2022, the map attached hereto as Attachment 1 accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each council district depicted, was posted as a draft map (“Draft Map 29”) on the City’s redistricting website; and

WHEREAS, at the regular City Council meeting held on January 18, 2022, the City Council held a public hearing to receive public input regarding the composition of one or more council districts and, as described in this Ordinance, selection of Draft Map 29 to be the City Council District Map as that term is used in the Oroville Municipal Code section 2.08, which Ordinance was thereafter introduced for a first reading at the same regular meeting of the City Council; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OROVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. The map described in this Ordinance and attached hereto as Exhibit A is hereby adopted as the “City Council District Map” as codified in Section 2.08.130 of the Oroville Municipal Code and incorporated therein by this reference.

SECTION 3 - Election Schedule- Section of 2.08.140 of the Oroville Municipal Code is revised as follows: Council Members shall be elected in Council Districts ___, ___, and ___ beginning at the general municipal election in November 2022, and every four years thereafter. Council Members shall be elected in Council Districts ___, ___, and ___ beginning at the general municipal election in November 2024, and every four years thereafter.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrase, or portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. This Ordinance shall be effective commencing on the thirtieth (30th) day after its adoption.

SECTION 6. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

PASSED AND APPROVED by the Oroville City Council at a meeting held on this 18th day of January 18, 2022, by the following vote:

YES:

NOES:

ABSTAIN:

ABSENT:

Chuck Reynolds, Mayor

APPROVED AS TO FORM:

ATTEST:

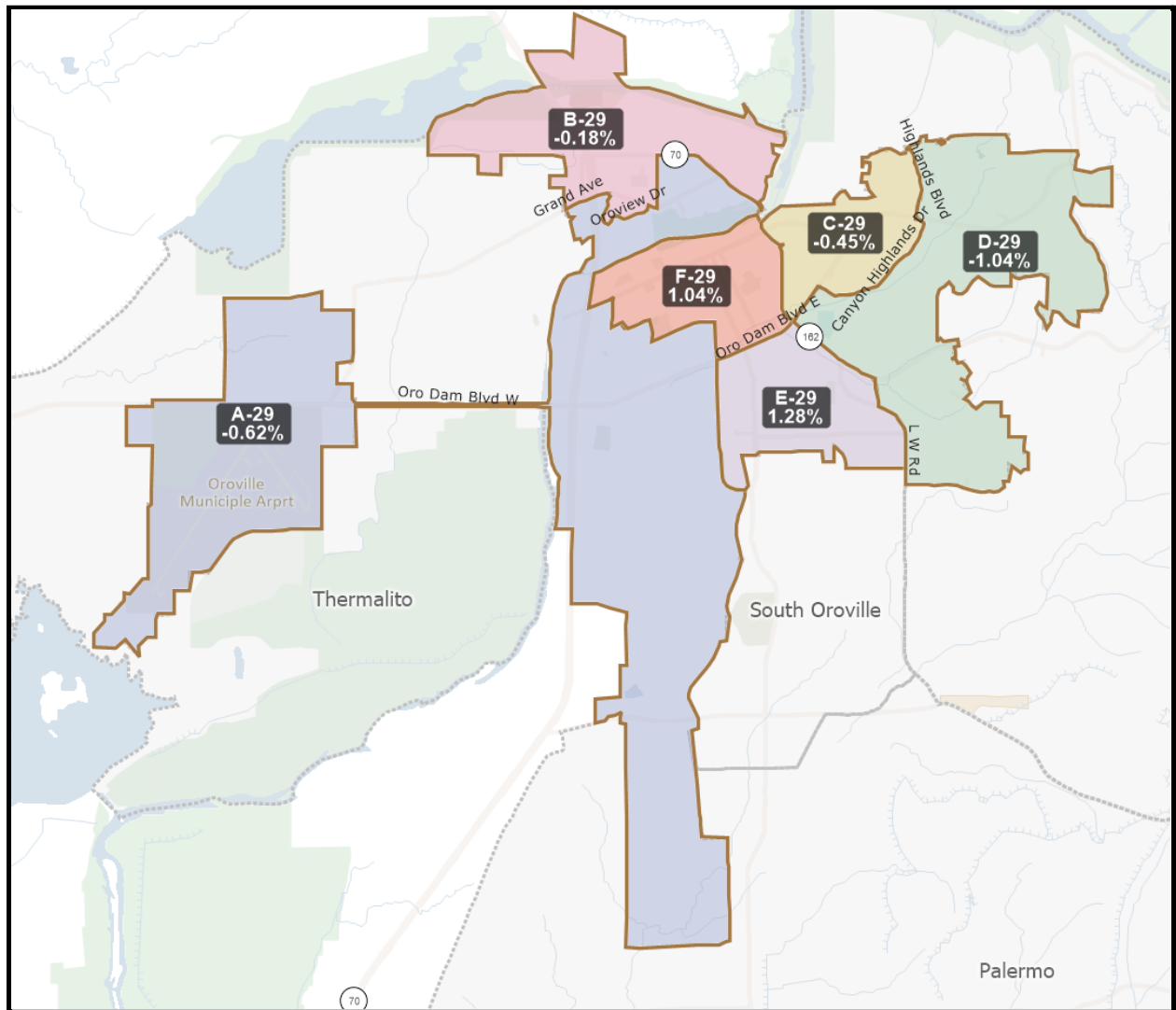
Scott E. Huber, City Attorney

Jackie Glover, Assistant City Clerk

Oroville City Council Redistricting 2021
December 13, 2021

Public Map Submission #12012021429

User Title: Our Town Map



Submission Comments: "This map is the most evenly split district map based on neighborhoods, communities of interest, districts and population density. This map allows for the most equal representation by a council member."

**CITY OF OROVILLE
STAFF REPORT**

Item 6.

TO: MAYOR REYNOLDS AND CITY COUNCIL

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

**RE: AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF
OROVILLE AND TABLE MOUNTAIN GOLF CLUB, INC.**

DATE: JANUARY 18, 2022

SUMMARY

The Council will consider an amendment to the Lease Agreement with Table Mountain Golf Club, Inc. ("TMGC") adding a three-year addendum amending the lease revenue to allow for 1% of the 3% to be reinvested into the property.

DISCUSSION

The most recent amendment to the lease agreement was approved on February 19, 2013, in which the Council approved to add a term to the Agreement in the event of a catastrophic loss of the facilities.

Presently, TMGC has requested a three-year addendum to the lease amending the lease revenue to the City from 3% of gross sales to 1% of the 3% to be reinvested into the property with the City paying 50% of the 1% reinvestment.

TMGC has requested that the City reimburse only 50% of the costs for the property reinvestments projects, not to exceed the 1%. Proposed projects will not commence without prior review and approval of scope of work and bids by City Administration. TMGC will provide the City with evidence of itemized receipts once each project is complete. The costs for which TMGC desires reimbursement from City for the repairs shall be documented with cost estimate(s) prepared by a qualified professional (i.e. engineer, contractor, etc.) TMGC has developed a project list of 10 priority items (attached).

FISCAL IMPACT

None at this time. Fiscal impact will only be realized once project are brought forward for approval and reimbursement.

RECOMMENDATION

Adopt Resolution No. 9021 – A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF OROVILLE AND TABLE MOUNTAIN GOLF CLUB, INC. – (Agreement No. 764-9).

ATTACHMENTS

Resolution No. 9021
Agreement No. 764-9
Project List

**OROVILLE CITY COUNCIL
RESOLUTION NO. 9021**

A RESOLUTION OF THE OROVILLE CITY COUNCIL AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF OROVILLE AND TABLE MOUNTAIN GOLF CLUB, INC.

(Agreement No. 764-9)

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

1. The Mayor is hereby authorized and directed to execute an amendment to the Lease Agreement between the City of Oroville and Table Mountain Golf Club, Inc. A copy is attached hereto as Exhibit "A".
2. The City Clerk shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regular meeting held on January 18, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chuck Reynolds, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Bill LaGrone, City Clerk

**AMENDMENT TO LEASE AGREEMENT NO. 764
BETWEEN THE CITY OF OROVILLE AND TABLE MOUNTAIN GOLF CLUB, INC.**

(Agreement No. 764-9)

This Ninth Amendment ("Amendment") dated January 18, 2022, is to Agreement No. 764 between the City of Oroville ("Lessor") and Table Mountain Golf Club, Inc. ("Lessee"). In consideration of the terms and conditions herein, the Lessor and the Lessee agree that Agreement No. 764 shall be amended as follows:

1. A three-year addendum to the lease amending the lease revenue to the City from 3% of gross sales to 1% of the 3% to be reinvested into the property with the City paying 50% of the 1% reinvestment.
2. Lessor will reimburse only for 50% of the costs for the property reinvestments projects, not to exceed the 1%. Lessee shall provide the City with evidence of itemized receipts. The costs for which Lessee desires reimbursement from Lessor for repairs shall be documented with cost estimate(s) prepared by a qualified professional (i.e. engineer, contractor, etc.).
3. Conflicts between the Agreement, including any prior amendments, and this Amendment shall be controlled by this Amendment. All other provisions within Agreement No. 764, including prior any prior amendments, shall remain in full force and effect.

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

CITY OF OROVILLE

TABLE MOUNTAIN GOLF CLUB, INC.

By: _____
Mayor Chuck Reynolds

By: _____

APPROVED AS TO FORM:

ATTEST:

By: _____
Scott Huber, City Attorney

By: _____
Bill LaGrone, City Administrator

Project list for 2022 at Table Mountain Golf Club

- 1) Security fence on the north side of the golf course along highway 164.**
- 2) Security fence along the west side, keeping individual's from entering the property on foot or with vehicles, causing damage to the course.**
- 3) Redirecting the drainage flow from the subdivision west of the golf course, moving excess water to the south of the course.**
- 4) Inspecting drainage culverts on the entire golf course, looking for weakened spots in the old galvanized pipe under the surface of the fairways.**
- 5) Maintenance building, siding to increase security of mowing equipment.**
- 6) Maintenance building, newer roof to avoid further leakage.**
- 7) Additional storage space to secure the newest mowing equipment recently purchased.**
- 8) Fueling station secured with a fence and upgraded diesel and gasoline tanks.**
- 9) Newer roofing for the cart storage buildings.**
- 10) Solar for the Pro shop and Bar and Grill.**



CITY OF OROVILLE STAFF REPORT

TO: MAYOR REYNOLDS AND COUNCIL MEMBERS

FROM: DAWN NEVERS, ASST. COMMUNITY DEVELOPMENT DIRECTOR

RE: WELCOME TO OROVILLE PUBLIC ART CONTEST

DATE: JANUARY 18, 2022

SUMMARY

The Council will consider approving the artwork chosen by the Arts Commission to replace the existing Welcome to Oroville City Limit signs.

DISCUSSION

Welcome to Oroville City Limit signs have not been replaced since 2006, during our centennial. There are approximately 16-18 signs throughout town and measure 30" x 24" in height. Staff plans to order 25 in case of damage or vandalism. The Welcome to Oroville public art contest was approved by the Oroville Arts Commission, it was open to all ages and closed on November 30, 2021. Submissions were required to meet the below requirements:

- Oroville Themed
- Digital Artwork
- Area Population
- Elevation
- City Population

The Arts Commission was presented with five submissions that met all requirements at the December 14th meeting and selected the attached image.

FISCAL IMPACT

Cost was approved in current general fund budget

RECOMMENDATION

Staff recommends the approval of the attached artwork

ATTACHMENTS

Art submission

Welcome TO



Area
Population
55,000

City
Population
23,951

OROVILLE

“City of Gold”

Incorporated 1906

Elevation 170’



City of Oroville

OFFICE OF THE CITY ADMINISTRATOR

1735 Montgomery Street
 Oroville, CA 95965-4897
 (530) 538-2433 FAX (530) 538-2468
www.cityoforoville.org

Monthly Department Report December 2021

BUILDING

- Permits Issued – **53**
- Applications Received – **59**
- Total Permits Finalized – **45**
- Business Licenses/Occupancies Issued – **3** (3 new business/ 0 owner change/0 location change)
- Continued increase in commercial, retail & drive-thru development interest
- Permit Violation Fees related to Stop Work Notices **\$1,189.00**

PLANNING

- Housing element consulting team completed community surveys and is writing first draft of the housing element. Staff review anticipated during week of January 17;
- Completed rezoning of several parcels to facilitate housing development.
- Currently reviewing 25 active planning and building permit applications including sign, zoning compliance, solar, rezoning and use permits.
- Completed review of 8 separate event, hope occupation and other administrative permits.
- Addressed dozens of phone, walk-in and email inquiries. This includes potential annexation, and industrial inquiries, plus many ADU, fence, and other residential inquiries;
- Blight windshield survey continuing in South Oroville, now scheduled for completion in January by RSG, funded by SB2 grant.
- Ruddy Creek annexation into the CSD's and LLMAD's underway.
- Supported the November & December Development Review Committee (DRC) meetings and November Planning Commission meetings. Projects reviewed included Yosemite Clean hydrogen/methane plant and Tractor Supply relocation to a new site.
- In process—Zoning code updates for fences, ADU's, street vendors, massage establishments, small lot development standards.
- Awaiting General Plan update consultant revised proposal for VMT incorporation into Transportation Element and greenhouse gas emissions inventory,

PARKS & TREES DEPARTMENT

The following is a list of things we are working on or accomplished in December:

- Mowing the parks and green areas on a routine basis
- Cleaning parks and green areas on a routine basis
- Conducted and attended numerous trainings and safety meetings
- Worked in all LLAD areas cleaning, pruning, and weeding
- Ran street sweeper on a regular basis
- Trimming small and medium sized trees for site clearances
- Install numerous street, regulatory, and warning signs
- Spray herbicides in various areas around the City including roadsides and airport
- Grinded stumps in various locations
- Spent 39 crew hours cleaning and repairing graffitied and vandalized areas throughout the parks and other facilities
- Filled over 350 potholes
- Picked up illegally dumped items on a routine basis throughout town
- Prune trees and clean shoulders along Oro Dam East and Glen Dr
- Dugout, formed, poured concrete on Larkin, Pierpont, Montgomery, and Safford St
- Picked up leaves under the City Leaf Program. Picked up numerous leaf piles throughout town
- Emergency repair of sinkhole on South 5th Ave
- Emergency tree work in various areas due to storms
- Clean various culverts, drop inlets, and ditches in anticipation of storms

This is a partial list and does not include some of the smaller or remedial tasks that we conduct on a day-to-day basis.

BUSINESS ASSISTANCE & HOUSING DEVELOPMENT DEPARTMENT

- Loan Portfolio Monitoring (insurance, deferment reviews, deceased borrower, late payments, payoffs)
- Veteran's Housing Development Corporation project
 - a. 119 Morningstar (in escrow)
 - b. 2420 Baldwin Ave. (under construction)
 - c. 711 Montgomery St.(design)
 - d. 1275 Mitchell Ave (parcel created, added to ENA to transfer, additional loan approved)
- CDBG DR-MHP- received 1 application for the entire allocation. In the process of reviewing/underwriting to submit to the state for a conditional approval. Project will be called Lincoln St. Apartments. They are also interested in a Phase 2 senior project at the same location.
- CDBG CV 2&3
 - Working with OCESD on the procurement of the Wyandotte Academy Improvement Project
 - Meeting with Community Action Agency flyers have been completed. Need to schedule a meeting with CAA for update.

- Rehab Contractor was selected and entered into contract. Will be advertising the rehab program on FB, Website and possible mailers.
- Loan requests from Prospect View Apartments \$1,000,000 and Veteran Village 2 Apartments \$1,750,000 was approved for affordable housing.
- Currently managing 15 grant agreements.

CITY CLERK

- 210 Public Records Request January 1, 2021 – December 31, 2021
- Agenda Management, Clerking and meeting processing for 77 meetings through December 31, 2021. Upcoming Meetings:
 - Council Meeting – February 1 and 15
 - Planning Commission – January 27 and February 24
 - Wyandotte Creek GSA –April 28
 - Arts and Parks Commission – February 8
 - SBF Steering Committee – January 26
 - Citizens Oversight Committee – February 22
- Records Management for Council approved documents
- Receiving and Processing City Claims
- City Hall Scanning Project
- Notarizing and recording documents
- Processing new commission and committee members for Commissions and Committees
- Assisting Departments with Record Searching and retrieval
- Updates and Changes to City Website related to the Clerks Department, Boards and Commissions.
- Assisting with the redistricting process

FINANCE DEPARTMENT

- Working with Auditors to finalize the City's CAFR (Comprehensive Annual Financial Report).
- Completing the annual State Controller report. This is a very large and labor-intensive report that takes a lot of time to complete
- Completed the annual Streets report for the State Controller
- Working with FEMA to close out projects
- Administering employee evaluations

HUMAN RESOURCES

- Processing new hires/terminations/resignations
- Training
- Interviews for Museum Curator and IT Analyst
- Scanning and purging former employee records
- Organizing DOT binder and preparing for possible audit

RDA/REAL ESTATE DIVISION

- Nothing to report

RECYCLING PROGRAM

- Working with consultant Jennifer Arbuckle to develop recycling Policies.

AIRPORT DIVISION

- Bi-weekly fuel testing (sumping)
- Repair inoperable runway and taxiway lighting
- Research and order equipment found through inspection process to need replacement due to time restrictions
- Hangar door repairs and maintenance
- Took part in Cal-Trans annual lighting and surface inspection

INFORMATION TECHNOLOGY

- Report not provided

GEOGRAPHIC INFORMATION SERVICES

- Districting Maps
- Addressing developing parcels

PUBLIC WORKS DEPARTMENT

Sewer Division

- Sewer pump station functional tests Mondays, Wednesdays and Fridays
- Monthly electrical generator and alarm system functional tests
- Monthly and bi-monthly “hot spot” sewer line cleaning
- USANorth utility locates daily
- Ongoing condition assessment via sewer line cleaning and CCTV inspections
- Grease and debris removal from wet well at Olive Glen pump station
- Ultrasonically located end of buried problematic storm drain line at Buttes Subdivision in preparation for new drop inlet installation.
- Cleaned sewer flow meters that meter flows from city lines into TWSD lines

Electrical

- Worked with contractors for Municipal Auditorium lighting R&R and installation of lighted billboard signs in front
- Traffic signal pole and wiring removal following collision Myers x Mitchell
- Traffic signal maintenance and functional checks
- Corp yard gate repairs
- Installed new traffic signal control cabinet Table Mountain x Grand Ave.

- Streetlight inspections once per week during night time hours
- Police/Fire electrical grounding halo installation for dispatch center relocation (for Motorola).

Fleet Maintenance Division

- December 2021 Repair Summary by department (see table below).

DECEMBER 2021 SUMMARY BY DEPARTMENTS						
	auto / light truck	heavy equip.	trucks 1-ton plus	small equip.	misc. repair	TOTAL
POLICE	20					20
FIRE			2			2
PW		1	3		1	5
PARK	1		2	3	2	8
SEWER				2	1	3
BLDG.						0
HOUSING						0
ADM	1					1
ENGINEERING						0
PLANNING						0
CODE ENFORCEMENT	3					3
AIRPORT						0
INFORMATION TECHNOLOGY	1					1
TOTAL	26	1	7	5	4	43

43

ENGINEERING

Projects and other activities

Project or Activity	Recent Activity	Next Milestone
NorthStar PSA	Prepared three TO	Council Approval
Third at Nelson Building Shell	Awaiting 3 rd Submittal	Issue Encroachment Permit
5 th Avenue Traffic Study	Petition Received from Citizen	Conduct Study
Pomona Traffic Study	Petition Received from Citizen	Conduct Study/
Sewer Projects 1D & 1F	All work completed	Council Agenda 1/18/22

Project or Activity	Recent Activity	Next Milestone
CEQA Adoption of VMT vs LOS	Staff has been working to resolve	Support Planning
Ruddy Creek Sub	Phasing discussions	Review phased plans
Linkside SD Lift Station	Comm with Golf Course	Revise Trigger Levels
Pavement Rehab 2022	TO for NorthStar	Council Approval
Table Mountain Blvd Art Wall	The wall is being incorporated into the frontage improvements for Olive Ranch.	Revisit Hatchery to Montgomery
Portland Loos	The Loos have been delivered	Rolls, Anderson, and Rolls produced PS&E.
Maverik's	Comm with Maverik re: frontage	Maverik to maintain frontage
Riverbend Apartments Ph 1	Construction has begun.	Completed
Riverbend Apartments Ph 2		Construction to begin soon
Mitchell Ave. Senior Apartments Ph1	Construction has begun.	
Mitchell Ave Sr Apartments Ph 2	Application for permits	Grading to begin soon.
Vista Del Oro Subdivision	Street light repaired	PG&E to activate circuit.
Linkside II Subdivision	Plans approved. Final map under review.	Construction anticipated to begin soon.
Mission Olive Grove Subdivision	Developer does not want street vacated.	Staff to produce punch list.
The Bluffs Subdivision	Staff continues to work with the owners to resolve the problems they have with sewer and storm drains.	Developer will correct deficiencies prior to the City accepting the facilities.
Olive Ranch Apartments Phase I	Construction is underway.	
Olive Ranch Apartments Phase II	Encroachment Permit issued for frontage improvements	
Olive Ranch Apartments Phase III	Application for permits	
Rte. 162 Ped-Bike-Mobility	Staff has worked with our consultants to resolve RW issues. Environmental work completed.	Development of PS&E. Modify consulting contract to include RW.
Construction Management RFP	Samples of RFP collected from other cities.	Post RFP.
Prospect View		Applications

Project or Activity	Recent Activity	Next Milestone
Elgin & Fort Wayne Topography and Drainage (South Oroville Drainage)	Staff has issued a T.O. to Gilbert Engineering	Wait of Topographic Survey
Tractor Supply TSM	Application received	Review Application
Parkside Drainage	Research of situation	Aid in resolution of civil matter.

ARTS AND PARKS COMMISSION

Parks Commission

All museums and parks are closed for maintenance until March, once open they will remain following CDC guidelines.

Parks Commission has requested a goal workshop, security/patrol discussion and several updates at next meeting. Next regular meeting will be February 8th at 5:15pm, welcoming two new commission members.

Arts Commission

“Welcome to Oroville Public Art Contest”, closed Nov. 30th, the Arts Commission was presented with five submissions at the Dec meeting. The selected submission will be on the January 18th Council agenda for final approval. Four beautification NOFA projects have been completed, one remaining.

Next meeting will be February 8th at 4pm, with a presentation from BAMA- Buttes Artist Mural Association and welcoming two new commission members.

PUBLIC SAFETY

Police Activity:

- Calls for Service 2,615
- Officer Initiated Incidents 552
- Park Patrols 8
 - **Total Incidents 3,175**
 - **Total Reports 383**
 - **Total Arrests 141**
 - **Total Citations 91**

Fire Activity:

- EMS Calls 289
- Traffic Accidents 34
- Fires 5
- Other 75
 - **Total 403**

YEAR TO DATE STATISTICS 2021**POLICE ACTIVITY:**

Calls for Service 37,111
Officer Initiated Incidents 7,398
Park Patrols 334
Total Incidents 44,843
Total 6,267
Total Reports 4,950
Total Arrests 2,053
Total Citations 1,128

FIRE ACTIVITY:

EMS Calls 4,455
Traffic Accidents 251
Fires 308
Other 1253

FEDERAL ENERGY REGULATORY COMMISSION
Office of Energy Projects
Division of Dam Safety and Inspections – San Francisco Regional Office
100 First Street, Suite 2300
San Francisco, CA 94105-3084
(415) 369-3300 Office – (415) 369-3322 Facsimile

December 29, 2021

In reply refer to:
Project No. 2100-CA

Ms. Gwen Knittweis, Chief
Hydropower License Planning and Compliance Office
California Department of Water Resources (DWR)
P.O. Box 942836
Sacramento, California 94236-0001

Re: Tenth Independent Consultant's Safety Inspection Report for Thermalito Forebay Dam

Dear Ms. Knittweis:

We have completed our review of the Tenth Independent Consultants' Safety Inspection Report (CSIR) for Thermalito Forebay Dam, FERC Project No. 2100 that was submitted with your July 15, 2019 cover letter. We have also completed our review of the Potential Failure Mode Analysis (PFMA) Report that was submitted under the same cover letter.

We accept the Tenth Part 12D report for Thermalito Forebay Dam. We agree with the Tenth Independent Consultant's recommendations listed in Section 1.3 of the report. The plan and schedule to address the recommendations resulting from the Independent Consultant's Tenth Part 12D inspection by the dates outlined in your letters dated September 13, 2019, December 20, 2019, and February 4, 2020 are acceptable. Our comment on your plan and schedule for addressing the report recommendations is included in Enclosure 1. Our comments on the Independent Consultant's report are included in Enclosure 2. We do have one general statement below:

- It remains DWR's responsibility to ensure that the Part 12D report conforms to FERC requirements prior to submitting the report for our review. In addition, the cover letter transmitting any consultant's report must contain the statement that your CDSE has reviewed the document and concurs or disagrees with the findings, conclusions, and recommendations of the report. This statement must be included in each letter transmitting work performed by a consultant.

Within 60 days of the date of this letter, please provide a response to our comment or a plan and schedule to address our comment. File your submittal using the Commission's eFiling system at <https://www.ferc.gov/ferc-online/overview>. For all Dam Safety and Public Safety Documents, select Hydro: Regional Office and San Francisco Regional Office from the eFiling menu. The cover page of the filing must indicate that the material was eFiled. For assistance with eFiling, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

We appreciate your cooperation in this aspect of the Commission's dam safety program. If you have any questions, please contact Ms. Edith Natividad at (415) 369-3334.

Sincerely,

A handwritten signature in blue ink that reads "Frank L. Blackett". The signature is fluid and cursive, with the first name "Frank" being more prominent.

Frank L. Blackett, P.E.
Regional Engineer

Enclosures (2)

**Comments on Responses to the Independent Consultants'
Recommendations**

Enclosure 1

1. Update your plan and schedule for addressing Recommendations R-6 and R-9.
2. Update the STID and DSSMP with documentation of the installation and monitoring of vibrating wire piezometers at the Ruddy Creek Embankment to address Recommendation R-30.
3. A full reprint of the STID was last submitted in 2005 and updated inserts were submitted in 2011, 2012, 2014, 2015, 2016, 2018, and 2019. A complete full reprint of the STID should be submitted to this office pending the completion of the Independent Consultant's review of the updated seismic and stability studies.

Comments on the Independent Consultants' Report

Enclosure 2

1. Section 7.8 of the CSIR provided a statement that the 10th Board will defer a detailed review of the Thermalito Forebay analyses until updated analyses in compliance with FERC requirements are provided for its review. This statement implies that the Independent Consultants did not conduct a thorough review of the stability analyses of record for Thermalito Forebay. This review is required to be completed by the Independent Consultants to fulfill the requirements of the Part 12D process and is DWR's responsibility to ensure the IC fulfill their roles prior to submitting the report for our review. Provide the report to the IC's and request they provide a review and comments on the study.
2. PFMs N-3, N-4, N-8, and N-9 were assigned a Category IV classification. However, the ICs concur with the PFMA Report suggestions for DWR to continue the existing surveillance and monitoring program related to these PFMs. Although the likelihood of failure may be low, this PFM is still physically possible. In addition, PFMs that have surveillance and monitoring associated with the PFM are not Category IV PFMs per our Engineering Guidelines. Provide engineering justification for not assigning these PFMs as Category I or II.
3. PFM N-11 was re-assigned a Category IV classification by the Independent Consultants based on their judgment considering the safety of the pipe-within-a-pipe design, the percentage of active sump pump time, the amount of flow, and the pipe condition. Although the likelihood and consequences of failure may be low, this PFM is still physically possible. The rationale for the Category IV should be supported with engineering calculations or facts to support the ICs judgement. Provide this additional justification to support a Category IV classification that requires no further monitoring and does not pose any threat to project safety.
4. PFM N-13 was assigned a Category IV classification with a rationale that additional information is needed regarding the penstock vacuum capability to withstand a vacuum if the vent is plugged. Based on the rationale, PFM N-13 should be classified at Category III PFM. Provide justification for not assigning the PFM as Category III, and a plan and schedule to provide the information to properly classify this PFM to something other than a Category IV.
5. PFMs S-1, S-3, and S-4 were assigned a Category IV classification. Although the likelihood and consequences of failure may be low, these PFMs are still physically possible. The rationale for the Category IV should be reviewed and reconsidered. Provide justification for not assigning the PFMs as Category I or II.
6. PFM S-7 was re-assigned a Category IV classification by the Independent Consultants based on their expertise, the dam specifics, and on the results of seismic studies. Although the likelihood and consequences of failure may be low, this PFM is still physically possible and has risk reduction measures that include

anchoring the structures. The rationale for the Category IV should be supported with engineering calculations or facts to support the ICs judgement for why this PFM is of no current nor future concern for dam safety and does not require monitoring.

7. PFM S-8 was re-assigned a Category IV classification by the Independent Consultants based on their expertise, the dam specifics, and on the results of seismic studies. Previous structural analyses have demonstrated that a 3-inch displacement would damage the penstock. Although the likelihood of failure may be low, this PFM is still physically possible. The rationale for the Category IV should be supported with engineering calculations or facts to support the ICs judgement for why this PFM is of no current nor future concern for dam safety and does not require monitoring.
8. PFM S-9 was re-assigned a Category IV classification by the Independent Consultants based on their expertise, the dam specifics, and on the results of seismic studies. The seismic ground motion parameters are under investigation, and based on these results, stability analyses for the structures should be updated. The rationale for the Category IV should be reviewed and reconsidered. Provide justification for not assigning PFM S-8 as Category III based upon the investigation into the ground motion parameters.

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December 29, 2021

In reply refer to:
Project No. 2100-CA

Ms. Gwen Knittweis, Chief
Hydropower License Planning and Compliance Office
California Department of Water Resources (DWR)
P.O. Box 942836
Sacramento, California 94236-0001

Re: Tenth Independent Consultant's Safety Inspection and Potential Failure Mode
Analysis Reports for Thermalito Diversion Dam

Dear Ms. Knittweis:

We have completed our review of the Tenth Independent Consultants' Safety Inspection Report (CSIR) for Thermalito Diversion Dam, FERC Project No. 2100 that was submitted with your July 15, 2019 cover letter. We have also completed our review of the Potential Failure Mode Analysis (PFMA) Report that was submitted under the same cover letter. The submittal also included the review of the Supporting Technical Information Documents (STID) submitted by letter dated November 2, 2018.

We accept the Tenth Part 12D report for Thermalito Diversion Dam and generally concur with the Tenth Independent Consultant's recommendations listed in Section 1.3 of the report. The plan and schedule to address the recommendations resulting from the Independent Consultant's Tenth Part 12D inspection by the dates outlined in your letters dated September 13, 2019 and February 4, 2020 are acceptable, with exceptions noted in Enclosure 1. Any comments on the general format of the February 4, 2020 plan and schedule are not addressed herein and will be responded to separately. Our comments on the Independent Consultant's report and the STID are in Enclosure 1. Our comments on the PFMA report is included in Enclosure 2.

Within 60 days of the date of this letter, please provide a response to our comment or a plan and schedule to address our comment. File your submittal using the Commission's eFiling system at <https://www.ferc.gov/ferc-online/overview>. For all Dam Safety and Public Safety Documents, select Hydro: Regional Office and San Francisco Regional Office from the eFiling menu. The cover page of the filing must indicate that the material was eFiled. For assistance with eFiling, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

We appreciate your cooperation in this aspect of the Commission's dam safety program. If you have any questions, please contact Ms. Edith Natividad at (415) 369-3334.

Sincerely,

A handwritten signature in blue ink that reads "Frank L. Blackett". The signature is fluid and cursive, with the first name "Frank" being more prominent.

Frank L. Blackett, P.E.
Regional Engineer

Enclosures (2)

Comment on Responses to the Independent Consultants
Recommendations and STID

Enclosure 1

1. Update the STID with documentation of the analysis and repair of the power canal slopes.
2. Provide the material properties used for the 2003 IDF and 2009 Seismic Stability Analyses in the STID.
3. Provide the updated stability analyses for comment and review. Incorporate the analyses in the STID.
4. Update the DSSMP and DSSMR to include instruments to monitor PFMs identified during the PFMA session.
5. Provide the pertinent hydrology information from Oroville Dam in the STID.
6. Recommendation R-22, stability analyses, pertains to R-18 from the 9th Part 12D Report, which the Appendix H of the report notes is still 'in progress'. The proposed schedule to not begin this work until 2022 with an inferred end point at or after the next Part 12D inspection, is not acceptable. Submit a plan and schedule to complete this recommendation, or provide strong engineering justification for delaying this Part 12D recommendation for 10 years after it was initially made.
7. Recommendations R-8, R-9, and R-11 each include phrasing for a 'screening level' or 'simplified' analysis to address the Category III PFMs they correspond to. DWR's proposed schedule to complete these by 2025, beyond the next Part 12D inspection, is not acceptable. Provide a revised plan and schedule to complete this recommendations more expeditiously.

1. PFMs N-9, H-9, H-10, S-5, and S-6 were assigned a Category IV classification. Although the likelihood of failure may be low, these PFMs are still physically possible. The rationale for the Category IV should be reviewed and the classification of these PFMs reconsidered as they do not appear to meet the requirements for a Category IV PFM.

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December 29, 2021

In reply refer to:
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Ms. Gwen Knittweis, Chief
Hydropower License Planning and Compliance Office
California Department of Water Resources (DWR)
P.O. Box 942836
Sacramento, California 94236-0001

Re: Tenth Independent Consultant's Safety Inspection Report for Fish Barrier Dam

Dear Ms. Knittweis:

This is in response to your letter dated July 15, 2019 that submitted the Tenth Independent Consultant's Safety Inspection Report (Part 12D report) for Fish Barrier Dam, part of the Feather River Project, FERC No. 2100. We have reviewed the submittal and we generally concur with the conclusions and recommendations made by the Independent Consultants (ICs) as stated in Sections 1.2 and 1.3 of the report. The report is accepted with the comments contained in the enclosure

The Potential Failure Modes Analysis (PFMA) Report that was submitted in conjunction with the Part 12D Report was also reviewed and meets the requirements and intent of Chapter 14 of the Commission's Engineering Guidelines.

The plan and schedule for addressing the ICs' recommendations submitted by letter dated September 13, 2019, as supplemented by letter dated February 4, 2020, is accepted.

The Supporting Technical Information Document (STID) update for Fish Barrier Dam submitted by letter dated October 8, 2018 was also reviewed with comments provided in the enclosure.

Within 60 days of the date of this letter, please provide a response to our comments or a plan and schedule to address our comments. File your submittal using the Commission's eFiling system at <https://www.ferc.gov/ferc-online/overview>. For all Dam Safety and Public Safety Documents, select Hydro: Regional Office and San Francisco Regional Office from the eFiling menu. The cover page of the filing must indicate that the material was eFiled. For assistance with eFiling, contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY).

We appreciate your cooperation in this aspect of the Commission's dam safety program. If you have any questions, please contact Mr. Wes Cooley at (415) 369-3340.

Sincerely,

A handwritten signature in blue ink that reads "Frank L. Blackett". The signature is fluid and cursive, with the first name "Frank" being more prominent.

Frank L. Blackett, P.E.
Regional Engineer

Enclosure

Enclosure

1. The ICs recategorized PFM N-1 to Category I, noting 'that additional information is needed to evaluate this issue', which is typically more appropriate for a Category III (voted for the PFMA workshop). Additional justification should be provided to substantiate the Category I for this PFM.
2. Section 5 of the STID should be updated to provide a summary of the foundation preparation (including grouting program) and a summary of noteworthy foundation discontinuities.
3. Subsequent to the STID Update submittal, minor changes occurred to the Faulting and Seismicity study, contained in a revision dated October 2018 (submitted December 28, 2018). The STID should be updated to incorporate these minor changes.
4. The minimum IDF for a low hazard dam is typically the 100-year flood. Information should be added to the IDF discussion in Section 6 of the STID to confirm the IDF of 200,000 cfs meets or exceeds this requirement. Also, in addition to information on the non-overpour right abutment, Section 6 should provide brief discussion on how the left abutment is expected to perform in the IDF. This could include information on the postulated scour PFM that was 'considered but not developed'.

Notice of Intent to Apply Public Health Pesticides for Vector Control Purposes to Surface Waters and Waters of the U.S. Within Butte and Glenn Counties.

- The Butte County Mosquito & Vector Control District intends to make public health pesticide applications to, over and adjacent to constructed conveyances, surface waters and other waters of the U.S. owned and controlled by an entity other than the District for vector control purposes per the requirements of the General NPDES Permit for Biological and Residual Pesticide Discharges for Vector Control Applications.
- The NPDES Permit requirements for listing of the Public Health Pesticides anticipated to be used were modified from the previous permit, to the new permit which was issued in 2016. The newer requirements specify that any pesticide product can be used that contains approved active ingredients, provided all pesticide label restrictions and instructions are followed. In addition, pesticides which fall under the "minimum risk" category can be used. The minimum risk pesticides have been exempted from FIFRA requirements. The following tables list the active ingredients approved for the FIFRA regulated pesticides.

Active Ingredients for larval mosquito control:

<i>Bacillus thuringiensis</i> subsp. <i>israelensis</i> (Bti)
<i>Bacillus sphaericus</i> (Bs)
Methoprene
Monomolecular Films
Petroleum Distillates
Spinosad
Temephos

Active Ingredients for adult mosquito control:

Deltamethrin
Etofenprox
Lambda-Cyhalothrin
Malathion
Naled
N-octyl bicycloheptene dicarboximide (MGK-264)
Piperonyl butoxide (PBO)
Permethrin
Prallethrin
Pyrethrin
Resmethrin
Sumithrin

- The purpose of the use of larvicide and adulticide pesticides containing these active ingredients is for the control of larval and adult mosquitoes to minimize the threat of mosquito-borne diseases and biting annoyances.
- The general time period for the application of the pesticides is January through December, 2022. Locations of expected use will be constructed conveyances, surface waters and other waters of the U.S. located within Butte and Glenn Counties.
- There are no known water use restrictions or precautions during treatment.
- Interested persons may contact the District at 530-533-6038 for additional information.

Matt Ball, District Manager, www.buttemosquito.com

Butte County Mosquito and Vector Control District, 5117 Larkin Road, Oroville, CA 95965-9250, 530-533-6038