

## CITY COUNCIL

Dennis Hoffman, Mayor  
Jeffrey A. Tolley, Vice-Mayor  
Bruce T. Roundy  
William "Billy" Irvin  
Chris Dobbs

## CITY OFFICIALS

Jennifer Schmitke  
City Clerk

Leticia Espinosa  
City Treasurer

# CITY OF ORLAND

INCORPORATED 1909

815 Fourth Street  
ORLAND, CALIFORNIA 95963  
Telephone (530) 865-1600  
Fax (530) 865-1632



## CITY MANAGER

Peter R. Carr

## AGENDA REGULAR MEETING, ORLAND CITY COUNCIL

**Tuesday, April 19, 2022**

**This meeting will be conducted pursuant to the provisions AB361 which suspends certain requirements of the Ralph M. Brown Act.**

**This City Council meeting will be held at Carnegie Center, 912 Third Street, Orland and teleconferenced using Zoom technology. Councilmembers and City staff may choose to be in person or remote.**

**The public is encouraged to participate in the meeting via Zoom or can participate at Carnegie Center.**

**ZOOM Link ID# 885 7191 1374**

**ZOOM Telephone - Please call: 1 (669) 900-9128**

### 1. CALL TO ORDER – 6:30 P.M.

### 2. PLEDGE OF ALLEGIANCE

### 3. ROLL CALL

### 4. ORAL AND WRITTEN COMMUNICATIONS

#### A. Public Comments:

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor. However, no formal action or discussion will be taken unless placed on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. Please direct your comments to the Mayor or Vice Mayor. **(Oral communications will be limited to three minutes).**

### 5. CONSENT CALENDAR

- A. Warrant List (payable obligations) (p.1)
- B. Approve City Council Minutes for April 5, 2022 (p.6)
- C. Receive and file Public Works and Safety Committee Minutes of February 8, 2022 (p.12)
- D. Municipal Code Truck Weight Limits (p.14)
- E. 2021 General Plan Implementation and Housing Element Annual Report (Adoption of Resolution) (p.15)

## **6. PUBLIC HEARING**

- A. Resolution Adoption – California Municipal Finance Authority (CMFA) – Scott Friend, City Planner (p.41)
- B. Tax and Equity Fiscal Responsibility Act (TEFRA) Bond Financing for the Liberty Bell Senior Apartment Project – Scott Friend, City Planner (p.59)
- C. Tax and Equity Fiscal Responsibility Act (TEFRA) Bond Financing for the Woodward Family Apartment Project – Scott Friend, City Planner (p.75)

## **7. ADMINISTRATIVE BUSINESS**

- A. Update: Homelessness & Homekey Project (Discussion/Direction) – Pete Carr, City Manager (p.83)
- B. Verbal Update on Drought Conditions and Water Connection Project (Discussion) – Pete Carr, City Manager
- C. Graffiti Abatement (Discussion/Direction) – Greg Einhorn, City Attorney (p.85)
- D. Fiscal Year 2022-23 Budget Discussion #2: Review Capital Projects, Fleet Schedules, Review General Fund, ARPA (Discussion/Direction) – Pete Carr, City Manager (p.87)

## **6. CITY COUNCIL COMMUNICATIONS AND REPORTS**

### **7. CLOSED SESSION**

- A. Public Comments: The Public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public comments are generally restricted to three minutes.
- B. CONFERENCE WITH LABOR NEGOTIATORS  
Government Code Section: 54957.6  
Agency Negotiators: Greg Einhorn  
Council Members Bruce Roundy and Billy Irvin  
Employee Organizations: United Public Employees of California Local #792 (Mid Management and General Units); Orland Police Officers Association; Unrepresented Employees (All other not in UPEC)

### **8. RECONVENE TO REGULAR SESSION**

### **9. REPORT FROM CLOSED SESSION**

### **10. ADJOURN**

**CERTIFICATION:** Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on April 14, 2022.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, in Orland or on the City's website at [www.cityoforland.com](http://www.cityoforland.com) where meeting minutes and audio recordings are also available.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office 865-1610 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

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**CITY MANAGER**

Peter R. Carr

## WARRANT LIST

April 19, 2022

Warrant	4/14/22	\$	215,741.57
Payroll Compensation	4/7/22	\$	103,116.96
		\$	318,858.53

**APPROVED BY**

\_\_\_\_\_  
 Dennis Hoffman, Mayor

\_\_\_\_\_  
 Jeffrey A. Tolley, Vice-Mayor

\_\_\_\_\_  
 Bruce T. Roundy, Councilmember

\_\_\_\_\_  
 William "Billy" Irvin, Councilmember

\_\_\_\_\_  
 Chris Dobbs, Councilmember

REPORT.: Apr 14 22 Thursday  
 RUN...: Apr 14 22 Time: 14:38  
 Run By.: Leticia Espinosa

CITY OF ORLAND  
 Cash Disbursement Detail Report  
 Check Listing for 04-22 thru 04-22 Bank Account.: 1001

PAGE: 001  
 ID #: PY-DP  
 CTL.: ORL

Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
055114	04/12/22	GLE14	GLENN COUNTY	-225.00	03172022u	Ck# 055114 Reversed
055186	04/13/22	VAL00	VALLEY PETROLEUM	-550.00	4753u	Ck# 055186 Reversed
055193	04/04/22	CHA03	Chaney & Miller Construct	27836.10	1380H	FENCING AT PICKLE BALL
055194	04/04/22	CHA03	Chaney & Miller Construct	15940.06	1386H	FENCING AT VINSONHALER PARK TENNIS COURT
055195	04/14/22	ABD00	ADVANCED DOCUMENT	120.00 209.65 38.28 168.03	69577 INV68872 INV68873 INV68874	MAINTENANCE ON STATEMENT MACHINE BD/PW/PLAN/COPIES PD/COPIER USAGE CITY HALL/COPIES
Check Total.....:				535.96		
055196	04/14/22	AME05	American River College	82.00	04042022	PD/REGISTRATION FIELD UPDATE TRAINING MAY 11-13
055197	04/14/22	AND06	EDGAR ANDRADE	100.00	MAY2022	MEASURE A UNIFORMS
055198	04/14/22	AND07	EDGAR ANDRADE	250.00	04042022	PD/PER DIEM TRAINING MAY 16-20
055199	04/14/22	AQU03	Aqua Metric	2404.59	87752	PW/WATER PARTS
055200	04/14/22	ARA00	ARAMARK UNIFORM SERVICES	1146.86	03312021	PW/UNIFORM CLEANING (MARCH)
055201	04/14/22	ASB00	WORLD OIL ENVIROMENTAL SE	95.00	1500-0081	PW/USED OIL PICK-UP
055202	04/14/22	ATT07	A T & T	171.31 49.67	04252022 FINALBILL	AC/PHONE LINE & INTERNET AC/PHONE LINE
Check Total.....:				220.98		
055203	04/14/22	ATT09	AT&T MOBILITY	844.76	3/3-4/2	OPD/CELL SVCS (14)
055204	04/14/22	BRY02	BRYANT ENTERPRISES, LLC	975.00	16270	FD/REPEATER PROJECT RACK MOUNT
055205	04/14/22	CAL14	Cal Signal Corp	500.00	8629	STREET/6TH & SOUTH (PERF CHECK/SIGNAL REALIGNMENT)
055206	04/14/22	CAM00	Gary Campbell	707.90	5039&9869	FD/MEASURE A-REIMB FOR PARTS REPEATER PROJECT
055207	04/14/22	CAR02	CARDMEMBER SERVICE	1502.93 633.16 1913.13 3243.00 1160.40 2977.80	3292022 03292022 MAR22REC APRIL2022 PDAPRIL22 PWAPRIL22	FD/MEASURE A-TRNG, HOTEL, FOOD, LOCKBOX, APPLE STORAGE LIB/OFFICE SUPPLIES, FIRST 5 GRANT PURCHASE REC/POOL SUPPLIES, ICLOUD PROGRAM PW/SUPPLIES, OFFICE SUPPLIES, WATER MEMBERSHIP PD/SUPPLIES, TRNG, INTERNET CONTRACT, MEMBERSHIP MULTI DEPT/MISC
Check Total.....:				11430.42		
055208	04/14/22	CES00	Kyle Cessna	100.00	MAY2022	MEASURE A UNIFORMS
055209	04/14/22	CES01	Kyle Cessna	150.00	04042022	PD/PER DIEM TRAINING MAY 11-13
055210	04/14/22	CHA01	Justin Chaney	1500.00	101	OPD/3 - EVIDENCE ROOM MATERIAL FOR BUILDING
055211	04/14/22	CLE05	JUDY CLEVER	50.00	04072022	AC/CLEANING OF GALLERY
055212	04/14/22	COM02	Comcast	291.40	APRIL2022	MULIT-DEPTS/INTERNET CONNECTION
055213	04/14/22	CON12	CONNECT TELCO	1000.00	2926	FD/MEASURE A-REPEATER PROJECT
055214	04/14/22	COR00	CORNING LUMBER CO., INC.	6113.58	04012022	PW/SUPPLIES YARD FENCE, PD/EVIDENCE ROOM
055215	04/14/22	COR02	Corning Chevrolet Buick	419.33	558,618	FLEET/PD & PW PARTS
055216	04/14/22	COR05	Corning Ford	660.29	49780	PW/FLEET PARTS
055217	04/14/22	ECL00	ECLECTIC HORSEMAN COMM.,	255.00	57989	AC/WEBSITE HOSTING
055218	04/14/22	EIN02	Gregory P. Einhorn	4000.00	14572	CA/CONTRACT SERVICES
055219	04/14/22	ELLO6	STEVE ELLIOTT	107.19	03312022	AC/GALLERY FACEBOOK ADVERTIZING
055220	04/14/22	END00	END2END, INC.	19602.00	2200393	PD/MEASURE A-ARMS MOBILE, ENTERPRISE, WEB PORTAL
055221	04/14/22	ENL00	ENLOE MEDICAL CENTER	1255.00	4082	PD/PRE-EMPLOYMENT PHYSICAL EXAM
055222	04/14/22	FAR03	Farwest Steel Corporation	1647.93	1868314&1	PW/NEW SHOP GATE
055223	04/14/22	FLE04	FLEMING, JOHN	1900.00	3/30-4/12	BD/INSPECTION SERVICES
055224	04/14/22	FLO03	JOSE FLORES	100.00	MAY2022	MEASURE A UNIFORMS
055225	04/14/22	FUL00	KRISTOPHER FULLMORE	100.00	MAY2022	MEASURE A UNIFORMS

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CITY OF ORLAND  
 Cash Disbursement Detail Report  
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PAGE: 002  
 ID #: PY-DP  
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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
055226	04/14/22	GAN00	Gandy & Staley Oil Co.	1876.36	205464	PW/DIESEL
055227	04/14/22	GOL01	GOLDEN STATE RISK	48484.78	041522-12	DENTAL/VISION & HEALTH INSURANCE
055228	04/14/22	GOL05	GOLDEN STATE EMERGENCY VE	19.11	CS038444	FD/MEASURE A-PARTS FOR TRUCK#20 FREIGHT
055229	04/14/22	GRA02	GRAINGER, INC.	1987.66	824805113	PW/SHOP & FLEET SUPPLIES
055230	04/14/22	GRO00	Ferguson Enterprises Inc	1634.50	1707524	PW/WATER MATERIALS
055231	04/14/22	HAR06	TRAVIS HARRIS	573.47	4122022	FD/MEASURE A-PER DIEM,MEALS & TRNG MAY1-6 & FLIGHT
055232	04/14/22	HEI01	VIRGIL HEISE	100.00	3012022	FD/JANITORIAL MARCH
055233	04/14/22	HIN03	Hinderliter deLlamas & As	300.00	SIN015646	SALES TAX AUDIT SVCS
055234	04/14/22	HOU05	HOUSING TOOLS	3395.00	2277/2305	HOME GRANT MONITORING
055235	04/14/22	JOH02	SEAN JOHNSON	100.00	MAY2022	MEASURE A UNIFORMS
055236	04/14/22	KEL01	KELLER SUPPLY COMPANY	1130.23	893	PW/MULTI-CHLOR (WELLS)
055237	04/14/22	LEA02	LLC / SACRAMENTO VALLEY D	25.00	5057	CC/FOLSOM MEETING 3/25/22
055238	04/14/22	LOW00	Katherine Lowery	100.00	MAY2022	MEASURE A UNIFORMS
055239	04/14/22	MAR16	RYAN MARTINDALE	100.00	04042022	PD/PER DIEM TRAINING MAY 23-24
055240	04/14/22	MAR17	MARTINDALE, RYAN	100.00	MAY2022	MEASURE A UNIFORMS
055241	04/14/22	MAR19	TIFFANY MARTIN	285.00	0001192	REC/RE-FUND CANCELED POOL PARTY
055242	04/14/22	MAT04	MATSON & ISOM	3924.00 987.50	83322 83000,830	MONTHLY BILLING (APRIL 2022) SECURITY UPGRADES, CON.RM COMP
			Check Total.....:	4911.50		
055243	04/14/22	MCM00	McMaster-Carr	206.19	75793824	PW/NEW GATE
055244	04/14/22	MEZ00	JODY MEZA	200.00	MARCH2022	LIB/MARCH TRAVEL WILLOWS LIB & BRANCHES
055245	04/14/22	MIL07	MILLS, DARYL	100.00	MAY2022	MEASURE A UNIFORMS
055246	04/14/22	MIL09	DARYL MILLS	250.00	04042022	PD/PER DIEM TRAINING MAY 23-27
055247	04/14/22	MJB00	MJB WELDING SUPPLY, INC	12.40	04122022	PW/CYLINDER RENTAL
055248	04/14/22	NAP00	NAPA AUTO PARTS	2699.98 279.11	03252022 626722&79	PW/PD-FLEET & PW/SHOP MATERIALS FD/MEASURE A-PARTS FOR TRUCK#20,ENGINE#28 & WF7
			Check Total.....:	2979.09		
055249	04/14/22	NOR29	NORTH VALLEY INDUSTRIES I	183.18	3239	REC/ADULT SOCCER AT ROOSEVELT FIELD 1 UNIT
055250	04/14/22	NUS00	NUSO, LLC	103.59	130634710	FD/MEASURE A-PHONE LINES
055251	04/14/22	ORE00	O'REILLY AUTO	809.47	03282022	PD/FLEET SUPPLIES
055252	04/14/22	ORH00	ORLAND HARDWARE	2283.99 30.36 82.47	04012022 492623 &4 493025&49	PW/MISC. SUPPLIES PD/PADLOCK & CARWASH SOAP FD/MEASURE A-BLUE DEF,NOZZLE
			Check Total.....:	2396.82		
055253	04/14/22	ORL12	Orland-Laurel Masonic Hal	400.00	APRIL2022	AC/RENT
055254	04/14/22	ORL15	Orland Saw & Mower	39.27 1352.56	44388 44950&449	PW/PARKS EQUIP MAIN. FD/MEASURE A-CHAIN SAW MAINT & QUICK CUT SAW
			Check Total.....:	1391.83		
055255	04/14/22	PAC07	PACE ANALYTICAL SERVICES,	4643.10	04122022	PW/LAB SERVICES
055256	04/14/22	PEN01	Carolyn Pendergrass	15.00	1346	NOTARY SERVICE
055257	04/14/22	PGE00	PG&E	9.86 15922.12	04082022 APRIL2022	REC/STANDBY POWER MULTI-DEPTS/UTILITY USAGE
			Check Total.....:	15931.98		
055258	04/14/22	PIE00	Candice Pierce	190.00	0001164	REC/RE-SCHEDULED POOL PARTY DOUBLE PAID
055259	04/14/22	PIN01	EDGAR PINEDO	100.00	MAY2022	MEASURE A UNIFORMS

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Check Listing for 04-22 thru 04-22 Bank Account.: 1001

PAGE: 003  
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Check Number	Check Date	Vendor Number	Name	Net Amount	Invoice #	Description
055260	04/14/22	QUI02	QUILL CORP.	130.37 121.82	23964332 24124350	REC/OFFICE SUPPLIES PD/MISC.OFFICE SUPPLIES
Check Total.....:				252.19		
055261	04/14/22	RED00	REDDING-EUREKA FREIGHTLIN	112.66	744001674	FD/MEASURE A-PARTS FOR ENGINE #28 & #31
055262	04/14/22	ROE02	Thomas Roenspie	100.00	MAY2022	MEASURE A UNIFORMS
055263	04/14/22	ROU01	Bruce Roundy	189.66	04112022	CC/MILEAGE REIMB
055264	04/14/22	SEI00	ROY R SEILER, C.P.A	3564.20	30490	ACCOUNTING PROFESSIONAL SERVICES
055265	04/14/22	SHA08	Shasta Safety Supply	377.09	22219	PW/SAFETY SUPPLIES
055266	04/14/22	SIM01	SIMPLOT	1605.48	46184	PARKS/CHEMICALS
055267	04/14/22	SON05	Sonsray Machinery	961.88	7066-1	PW/LOADER PARTS #72
055268	04/14/22	STO04	Jeffrey G. Dunn	213.00	03282022	PEST CONTROL SERVICES
055269	04/14/22	T&S01	T AND S DVBE, INC.	412.74	22-652,22	PW/STREET SIGN & SAFETY VEST
055270	04/14/22	TEH06	TEHAMA TIRE SERVICE	1752.33	691	PW/TRAILER FLEET
055271	04/14/22	TIA00	TIAA COMMERCIAL FINANCE,	246.93	8838364	PD/COPIER RENTAL
055272	04/14/22	TRA02	TRANSAMERICA	577.50	504544883	SUPPLEMENTAL INSURANCE
055273	04/14/22	TUR01	Rae Turnbull	45.00	04042022	AC/WEBSITE NEWSLETTER
055274	04/14/22	VAL01	VALLEY CLINICAL &	550.00	4753	PD/PRE-EMPLOYMENT EVAL OFFICE RECRUIT
055275	04/14/22	VLA00	RAYMOND J. VLACH	100.00	MAY2022	MEASURE A UNIFORMS
055276	04/14/22	WAS00	WASTE MANAGEMENT	572.89	305331	FD/MEASURE A-EXTRA PICKUP 20 YRD DUMPSTER
055277	04/14/22	WAT00	WATCH GUARD VIDEO	5980.25	QU0116001	PD/MEASURE A DIGITAL IN CAR VIDEO
055278	04/14/22	WES16	West Mitsubishi	1545.45	3-22-22-1	FD/MEASURE A-REIMB BLACK BUTTE REPEATER PARTS
055279	04/14/22	\T001	MARY THONGSAY	.71	000C20401	MQ CUSTOMER REFUND FOR THO0017
Cash Account Total.....:				215741.57		
Total Disbursements.....:				215741.57		
Cash Account Total.....:				.00		

REPORT.: 04/07/22 Code: LT10  
 RUN...: 04/07/22 Time: 16:01  
 Run By.: Detsy Guerrero

CITY OF ORLAND  
 PERIODIC REPORTS - TAX/BENEFIT WORKSHEETS  
 EMPLOYEE & EMPLOYER CONTRIBUTION WORKSHEET For TEHAMA BANK MEDICARE

PAGE: 001  
 ID #: SPSR  
 CTL.: ORL  
 PGM.: 2731

ID	EMPLOYEE NAME	SOC SEC NR	EARNINGS
ALV01	ALVA, MICAELA	XXX-XX-XXXX	1713.04
AND00	ANDRADE, EDGAR	XXX-XX-XXXX	2727.32
CAR03	CARR, PETER R	XXX-XX-XXXX	5745.72
CES00	CESSNA, KYLE A	XXX-XX-XXXX	3784.41
CHA01	CHANEY, JUSTIN	XXX-XX-XXXX	3880.43
CRA00	CRANDALL, JEREMY	XXX-XX-XXXX	2241.07
ESP00	ESPINOSA, LETICIA	XXX-XX-XXXX	1908.66
FEN03	FENSKE, JOSEPH H	XXX-XX-XXXX	2893.30
FLO00	FLORES, JOSE D	XXX-XX-XXXX	401.84
FUL00	FULLMORE, KRISTOPHER	XXX-XX-XXXX	3148.56
GAM00	GAMBOA, YADIRA	XXX-XX-XXXX	435.00
GUE01	GUERRERO, DEYSY D	XXX-XX-XXXX	2375.72
GUE02	GUERRERO, JORGE	XXX-XX-XXXX	2084.54
HAR00	ZOLLERHARRIS, TRAVIS	XXX-XX-XXXX	1882.21
JOH01	JOHNSON, SEAN KARL	XXX-XX-XXXX	4444.76
LOW00	LOWERY, KATHERINE	XXX-XX-XXXX	2749.86
MAR02	MARTINDALE, RYAN EUGENE	XXX-XX-XXXX	2819.34
MEJ00	APARICIO, LILIA MEJIA	XXX-XX-XXXX	2534.04
MEZ00	MEZA, JODY L	XXX-XX-XXXX	3715.26
MIL00	MILLS, DARYL A	XXX-XX-XXXX	2949.74
MON03	MONDRAGON, MEAGAN N	XXX-XX-XXXX	1303.52
MOR02	MORECI, CHRISTOPHER DAVID	XXX-XX-XXXX	1506.19
MYE00	MYERS, KEVIN	XXX-XX-XXXX	621.30
ORO02	OROZCO, EVVEN	XXX-XX-XXXX	120.00
ORO04	OROZCO, JORDAN	XXX-XX-XXXX	75.00
PAI01	PAILLON, MICHAEL	XXX-XX-XXXX	2026.67
PAN00	PANIAGUA, BLANCA A	XXX-XX-XXXX	416.40
PEN01	PENDERGRASS, REBECCA A	XXX-XX-XXXX	2981.47
PER00	PEREZ, MARGARITA T	XXX-XX-XXXX	1880.61
PIN00	PINEDO, EDGAR ESTEBAN	XXX-XX-XXXX	2889.45
POR00	PORRAS, ESTEL	XXX-XX-XXXX	1700.03
PUN00	PUNZO, GUILLERMO	XXX-XX-XXXX	1928.68
PUR01	PURCHASE, HEATHER	XXX-XX-XXXX	1392.41
RIC01	RICE, GERALD W	XXX-XX-XXXX	1978.67
ROD00	RODRIGUES, ANTHONY	XXX-XX-XXXX	2655.37
ROE00	ROENSPIE, THOMAS LUKE	XXX-XX-XXXX	4230.18
ROM00	ROMERO, ARNULFO	XXX-XX-XXXX	2892.95
SCH03	SCHMITKE, JENNIFER	XXX-XX-XXXX	2284.17
STE01	STEWART, ROY E	XXX-XX-XXXX	2797.62
SUA02	SUAREZ, BRYAN E	XXX-XX-XXXX	1998.67
SWI00	SWINHART, ROBERT	XXX-XX-XXXX	1747.23
VAL00	VALENZUELA, BRENDA	XXX-XX-XXXX	283.22
VLA00	VLACH, RAYMOND JOSEPH	XXX-XX-XXXX	4753.08
VON00	VONASEK, EDWARD J	XXX-XX-XXXX	4219.25
TOTAL FOR REPORT.....:			103116.96
			=====

**MINUTES OF THE ORLAND CITY COUNCIL**  
**REGULAR MEETING HELD APRIL 5, 2022**

**CALL TO ORDER**

Meeting called to order by Mayor Hoffman at 6:30 p.m.

Meeting opened with the Councilmember Bruce Roundy leading the Pledge of Allegiance.

**ROLL CALL**

Councilmember present: Councilmembers Bruce Roundy, Billy Irvin, Chris Dobbs,  
Vice Mayor Jeffrey Tolley and Mayor Dennis Hoffman

Councilmembers absent: None

Staff present: City Manager, Peter Carr; City Clerk, Jennifer Schmitke;  
Assistant City Manager/Director of Administrative  
Services, Rebecca Pendergrass; Police Chief, Joe Vlach;  
City Attorney, Greg Einhorn; Fire Chief, Justin Chaney

**ORAL AND WRITTEN COMMUNICATIONS**

**A. Public Comments:**

Ryan Bentz, 6024 Co Road 3, Introduced himself as C.K. Price's principal and announced that he is running for Superintendent of Schools in the upcoming election.

**CONSENT CALENDAR**

- A. Warrant List (payable obligations) (p.1)
- B. Approve City Council Minutes for March 15, 2022 (p.7)
- C. AB361 Compliance (p.18)
- D. Purchase of Materials for Evidence Facility (p.20)
- E. Fire Department Labor Cost Share MOU (p.21)
- F. Third Quarter Report on Fiscal Year Objectives (p.30)
- G. Receive and file Arts Commission Minutes of February 16, 2022 (p.32)
- H. Receive and file Arts Commission Minutes of March 16, 2022 (p.33)
- I. Receive and file Library Commission Minutes of January 10, 2022 (p.34)
- J. Receive and file Recreation Commission Minutes of January 26, 2022 (p.35)
- K. Zoning Code Amendment – Second Reading: Adoption of Objective Design Standards (p.38)
- L. Municipal Code Amendment ZCA #2022-02 – Second Reading: Proposed amendments to revisions to: Revise Title 17 Zoning to include new State requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units (p.63)
- M. Municipal Code Amendment ZCA #2022-03 – Second Reading: Proposed amendments include revisions to: Revise Title 17 Zoning to include requirements for Electric Vehicle Charging Stations (p.77)

Vice Mayor Tolley asked for a spelling correction on item 5L of the agenda and Councilmember Irvin asked to pull item 5D.

Action: Vice Mayor Tolley moved to accept the consent calendar except 5D and a correction on 5L, Councilmember Dobbs seconded. The motion carried by roll call vote 4-1.

AYES: Councilmember Roundy, Dobbs, Vice Mayor Tolley and Mayor Hoffman  
NOES: Councilmember Irvin  
ABSENT: None  
ABSTAIN: None

Councilmember Irvin asked if the Measure A fund should be used for the purchase of materials for the evidence facility since it is used for police and fire purposes and asked if it is legal to purchase materials from a current city employee's business. City Manager Carr responded by explaining that the ARPA funds being used in the case are from the public safety portion of Measure A. Mr. Carr stated that \$1500 is within the City Manager's spending authority but he wanted to bring the purchase to the City Council to be completely transparent and have the topic publicly documented due to its unusual circumstance.

Mayor Hoffman asked City Attorney Greg Einhorn if the City should have sent out bids for this project. Mr. Einhorn stated that he reviewed the project and due to the price of the project materials being so far below fair market value there was no impropriety.

Action: Councilmember Irvin moved to accept consent calendar item 5D, seconded by Vice Mayor Tolley, The motion carried by roll call vote 5-0.

AYES: Councilmember Roundy, Irvin, Dobbs, Vice Mayor Tolley and Mayor Hoffman  
NOES: None  
ABSENT: None  
ABSTAIN: None

## **ADMINISTRATIVE BUSINESS**

### **A. Verbal Update on Drought Conditions and Water Connection Project – Pete Carr, City Manager**

City Manager Carr announced there have been 11 newly reported to the County's dry well website as of January 1, 2022, 8 of those reported wells are completely dry.

Mr. Carr stated the City is currently waiting for the contract from the Department of Water Resources (DWR) to determine the scope of the project and the budget. Once the contract is approved City staff can begin having residents fill out the contract to connect to the City's water system. Mr. Carr shared that while the City is waiting for the contract the City's engineers are working with DWR's engineers to detail out the pipelines, well, and tank.

Mr. Carr announced that last week the Governor issued an executive order that ordered urban water suppliers move to stage 2 of their drought contingency plan, the City of Orland is not an urban water supplier just yet because the City is under 3000 water connections, but the City has initiated its own contingency plan and the council agreed effective as of May 1, 2022, the City will be in stage 2 of its contingency plan. City staff has notified the community at large as well as water customers via water statements and social media. Mr. Carr shared that the executive order also provides for streamlining of permits for recharging projects, requires that new ag permits will have to get approval from their ground water sustainability agencies, and directs more funding for DWR projects.

Mr. Carr stated the municipal wells are holding steady and they are still being checked weekly. Water consumption for March 2022 was 35.6 million gallons which was 34% less than March of 2013 but 6 million gallons more than March of 2021.

**B. Orland Area Water Supply Project – Pete Carr, City Manager**

Mr. Carr presented a resolution for adoption formally engaging the City with DWR in the current effort to increase water capacity and extend services to dry well properties. Mr. Carr explained that the resolution authorizes the City Manager to submit an application and to execute the contract, which Mr. Carr will bring to Council once it is complete.

An Orland resident asked where County residents can go to get help if they are without water. Mayor Hoffman stated that county residents should go to their supervisor if they have concerns. Mr. Carr shared that County residents who are out of water should go to the County website where they can find information on long term and short-term assistance programs as well as a link to report their well as dry.

Action: Councilmember Dobbs made a motion to adopt Resolution 2022-11 Authorizing the grant application, acceptance, and execution for the Orland area water supply project as proposed, seconded by Councilmember Roundy. The motion carried by roll call vote 5-0.

AYES:	Councilmember Roundy, Irvin, Dobbs, Vice Mayor Tolley and Mayor Hoffman
NOES:	None
ABSENT:	None
ABSTAIN:	None

**C. Fiscal Year 2022-23 Budget Discussion #1: Assumptions, Capital Improvement Planning, DIF, Staffing, General Fund – Pete Carr, City Manager**

Mr. Carr presented the first part of the draft proposed budget to Council for the next fiscal year 2022-2023 which starts July 1. Mr. Carr went over the assumptions for fiscal year 2023 sharing that the City isn't expecting any Covid 19 impact, Mr. Carr also shared with gas prices rising and private vehicle refueling slowing down, the City is hopeful that the freight transport refueling will offset any loss. Mr. Carr stated that even with softening general economic conditions and increased interest rates the City is not expecting anything to impede the construction of 100 new homes and three new apartment complexes. Mr. Carr shared that the Department of Water Resources (DWR) project will be a very big project and will consume significant admin, Public Works, Engineering and Building Department attention and resources.

Mr. Carr brought forward the capital projects and objectives list for Council to review. Vice Mayor Tolley asked if he could get the skatepark that he is interested in added to the objectives list for future consideration. Councilmember Roundy stated that Vice Mayor Tolley presented to the Recreation Commission, and he felt the skatepark should go through the process just like all other projects, and once it goes through the process it can then be added to the list. Council decided to hold off on adding the skatepark to the objectives until they get more community feedback.

Councilmember Roundy expressed his satisfaction for all the positive things happening in the City currently.

Mr. Carr went over staffing for the City and explained there would be minimal changes proposed. Currently one employee is filling two part-time administrative positions in public safety, half of the day at the Fire Department and the other half of the day at the Police Department. With increased workloads at the Fire Department and Police Department the impact is being felt, the suggestion is that those two half time positions become two full time positions, one at the Police Department and the other at the Fire Department. Mr. Carr stated the suggestion for the Public Works Department is to add one additional maintenance worker as well as another management level supervisor.

Councilmember Roundy stated that the City of Orland is growing significantly and with the growth the City will need more personnel, he would like to see criteria set up, so the City is prepared to expand services to meet future growth.

Mayor Hoffman opened the meeting to public comments.

Joseph Baugher, Orland resident asked if business licenses are regulated. Mr. Carr stated the City Treasurer does keep track of all the business licenses. Assistant City Manager Rebecca Pendergrass briefly explained the process the City Treasurer monitors licenses, using building permits as well as information from Orland residents when new businesses are operating without a license. Ms. Pendergrass also explained how the City Treasurer works with the Police Department to correct the situation when businesses do not have the proper licensing.

#### **D. Use of American Rescue Plan Act (ARPA) Funds – Pete Carr, City**

Mr. Carr presented the list of proposed use of ARPA Funds that were approved (items 1-13) at the September 21, 2021 meeting. Mr. Carr went over items that will not require ARPA funds such as item 5 traffic control and item 2B library roof and HVAC, monies will be coming from other areas or grants. Mr. Carr then went over the updated ARPA Funds worksheet that shows only approved and proposed items that can be funded using the ARPA Funds. Mr. Carr stated the items listed in red are in progress, the items in blue have been approved and the items in black have not yet been approved. Mr. Carr shared that the total revenue from ARPA was \$1,872,000, \$200,000 was allocated to General Fund and \$100,000 to Measure A Public Safety as fiscal stabilization.

Mr. Carr shared the Economic Development Commission (EDC) voted 4-0 at its March 8, 2022 meeting to recommend modification and prioritization of item 6 on the list, to extend City water and sewer services on the westside I-5 to County Road 16. The EDC also recommended the addition of a project to install electric vehicle (EV) charging stations somewhere in town.

Councilmember Irvin asked the date that the ARPA Funds had to be used by. Mr. Carr stated 2026.

Mr. Carr stated that item 14A is added to replace the current financial software that the City has been using for more than 30 years. Mr. Carr mentioned that the ARPA funding could possibly pay for \$50,000 while water and sewer could pay for the remainder. Ms. Pendergrass stated the software covers the City's utility billing, general ledger, payroll as well as many other areas of the City. Ms. Pendergrass stated the City started looking into changing software about 6 years ago, but the price was unreachable at the time.

Council discussed with staff a few different items from the list of proposed and approved funding items from the worksheet. Mr. Carr stated that nothing needed to be approved tonight but if anything was to be approved, he recommended item 4 which is public safety facility security and IT upgrades and item 6B allowing the City to start working on the EV charging stations.

Councilmember Roundy asked what the total would be for 14A, possibly \$100,000? Mr. Carr stated he hoped the amount would be around \$100,000, but the City is still looking at different software companies so there isn't a definite total amount yet. Mr. Roundy stated that item 14A should be moved to the top of the list as a high priority. Mayor Hoffman agreed with making the software a priority and getting that taken care of especially since the City is growing and adding new connections.

Councilmember Irvin suggested approving all items except the two largest projects cost-wise, item 6A (extending the water and sewer on the westside of I5 to County Road 16) and item 8(Streetscapes). Councilmember Dobbs agreed with Councilmember Irvin's suggestion.

Mayor Hoffman opened the meeting to public input at 8:00 pm.

Sheree Gray, Orland resident, asked how soon the EV charging stations could be up and running and she noted that most EV stations have a cost to use. Mayor Hoffman stated that hopefully the stations can be in an area that is close to downtown to bring in people who will in return eat and shop downtown which will help bring in revenue and sales tax for the City. Mr. Carr stated EV stations would not be a revenue stream but this would be an investment for the business community.

Trish Saint-Evan, Orland resident suggested the EV charging stations be located in a more convenient and safe areas of town, the current EV charging station is secluded and not as easily accessible. Ms. Saint-Evans stated she is in favor of the skatepark project and adding something for the youth in the community.

Action: Vice Mayor Tolley moved to approve item 4 and item 6B from the proposed Use of ARPA Funds worksheet, Councilmember Irvin amended the motion to include item 14A, seconded by Councilmember Dobbs. The motion carried by roll call vote 5-0.

AYES:	Councilmember Roundy, Irvin, Dobbs, Vice Mayor Tolley and Mayor Hoffman
NOES:	None
ABSENT:	None
ABSTAIN:	None

#### **E. Graffiti Abatement – Pete Carr, City Manager**

Mr. Carr briefly spoke about how the City began an aggressive campaign back in 2012-2013 to keep graffiti out of the town, stating that if graffiti was sprayed at night the City had it cleaned up by noon the next day which led to less graffiti around town. Mr. Carr stated that recently vandals have started graffitiing again, mostly on abandoned buildings, often gang related symbols and hate speech.

Mr. Carr presented background on Orland Municipal Code (OMC) chapter 8.28 which authorizes the City to take immediate action to remove graffiti from public facilities; this systematic response has proven very successful in reducing graffiti in recent years. Private property owners, however, are allowed 15 days to remove graffiti from the date of notification by the City. Mr. Carr's recommendation is to modify the current Municipal Code 8.28 to provide a more effective authority for removing graffiti more expeditiously due to the criminal nature of most graffiti experienced in Orland especially street gang indicators, to be removed within 24 hours.

Council discussed legal issues of possible modifications to OMC 8.28 with City Attorney Greg Einhorn and asked Mr. Einhorn to come back to Council with a few modification options for the Council to discuss and review at the next council meeting.

## **CITY COUNCIL COMMUNICATIONS AND REPORTS**

### **Councilmember Roundy:**

- Attended the Art gallery show Friday April 1, 2022.
- Will be attending Groundwater agency meeting Monday April 11, 2022.

### **Councilmember Irvin:**

- Spoke about an issue he is having with Waste Management trucks in his neighborhood.

### **Councilmember Dobbs:**

- None.

### **Vice Mayor Tolley:**

- Shared that he has been speaking to community members that are confused about the upcoming Habitat for Humanity project.
- Asked about dump day at the Fairgrounds, Mr. Carr stated he would reach out to WM and ask if this this could happen and would get back to Vice Mayor Tolley.
- Attended the Recreation Commission meeting Wednesday March 23, 2022 to present a skatepark project update.
- There will be another skatepark project discussion meeting Monday April 11, 2022 from 6-7 PM.
- Would like on a future agenda the homeless issue that Orland is facing currently.
- Would like on a future agenda to send out letters to CK Price and Orland High School Parents to see what their opinions are on a future skatepark.

### **Mayor Hoffman:**

- None.

## **CITIZEN COMMENTS ON CLOSED SESSION ITEMS**

Julie van Tol, 4<sup>th</sup> Street Café Owner, stated she wrote a letter to Council explaining she is selling her business and she hopes the City will allow for a change of lease involving entire the building with the new owner of the 4<sup>th</sup> Street Café. Ms. van Tol thanked Council and staff for supporting her business over the last 8 years.

Jorge Vasquez, Orland Resident introduced himself as the possible new owner of the 4<sup>th</sup> Street Café, Mr. Vasquez spoke a little about his background and growing up in Orland as well as what he hopes the future of 4<sup>th</sup> Street Café will look like.

## **ADJOURN TO CLOSED SESSION AT 8:54 PM**

### **CLOSED SESSION OPENED 9:04 PM**

CONFERENCE WITH REAL PROPERTY NEGOTIATORS: Government Code Section 54956.8

Property: 824 4th Street, Orland, California

Agency negotiators: Pete Carr; Greg Einhorn

Negotiating parties: Julie van Tol

Under negotiation: price and terms of payment

CONFERENCE WITH LABOR NEGOTIATORS: Government Code Section: 54957.6

Agency Negotiators: Peter R. Carr; Rebecca Pendergrass; Greg Einhorn  
Council Members Bruce Roundy and Billy Irvin  
Employee Organizations: United Public Employees of California Local #792  
(Mid Management and General Units); Orland Police Officers Association;  
Unrepresented Employees (All other not in UPEC)

**RECONVENE TO REGULAR SESSION AT 9:29 PM**

**REPORT FROM CLOSED SESSION –**

For the 824 4<sup>th</sup> Street topic Vice Mayor Tolley recused himself from the discussion, and direction was given to staff.

For the labor negotiations there was no reportable action.

**MEETING ADJOURNED AT 9:31 PM**

Jennifer Schmitke, Deputy City Clerk

Dennis G. Hoffman, Mayor

# PUBLIC WORKS & SAFETY COMMISSION

## Meeting Minutes

February 8, 2022

**1. Call to Order**

The meeting was called to order by Chairperson Paschall at 4:02 pm

**2. Pledge of Allegiance – led by Vice Chairperson Rossman**

**3. Roll Call**

Present: Chairperson James Paschall Sr., Vice Chairperson Monica Rossman, Commission  
Emil Cavagnolo, Commissioner Byron Denton, Commissioner John McDermott.

Councilmembers: None

Staff: Joe Vlach, Police Chief; Ed Vonasek, Director of Public Works;  
Jennifer Schmitke, Secretary/City Clerk; Justin Chaney, Fire Chief;  
Meagan Mondragon, Admin Technician

**4. Oral and Written Communications**

A. Citizen Business:

None

**5. Consent Calendar**

A. Approval of December 14, 2021 minutes

Commissioner Cavagnolo motioned to approve the December 14, 2021 minutes as presented seconded by Vice Chairperson Rossman, motion carried 4-0-1 by the following voice vote. Ayes: Cavagnolo, Paschall, McDermott and Rossman; Noes: None; Abstain: Denton; Absent: None.

**6. Public Works**

A. Compliance with AB 361

Public Works Director Ed Vonasek presented to the Commission that AB361 was signed into law in 2021, AB361 amends Government Code section 54953 to provide authority and specific requirements for public agencies to hold virtual meetings during a proclaimed state of emergency and remain in compliance with the Brown act. Mr. Vonasek shared that the Resolution presented tonight will be renewed every 30 days until the state of emergency is over.

Commissioner Cavagnolo motioned to approve AB361 compliance seconded by Vice Chairperson Rossman, motion carried 5-0 by the following voice vote. Ayes: Cavagnolo, Paschall, McDermott, Rossman, Denton; Noes: None; Abstain: None; Absent: None.

B. Public Works Department Updates

## **PUBLIC WORKS & SAFETY COMMISSION MINUTES**

February 8, 2022

Page 3

Chief Vlach stated he has done research on updating the truck routes and spoke with City Planner Scott Friend and Public Works Director Ed Vonasek looking specifically at if there are roads in town that are not engineered to handle the heavy weight, what he had found is that the roads are capable to handle the weight.

Chief Vlach asked the Commission if there are areas, routes, or roads they would like to continue limiting semi-trucks and commercial vehicles away from and what the Commission thought a reasonable weight-limit to raise threshold to due to vehicles being much heavier since the code was enacted years ago.

Vice Chairperson Rossman suggested that the limit be raised to 12,000 lbs. Chief Chaney suggested raised the limit to 15,000 lbs., stating that F550 and smaller would all comply.

Chairperson Paschall suggested raising the limit to 27,000 lbs. to allow for vehicle weight increase over the next few years.

Commission discussed and the recommendation to be taken to City Council was to increase the weight limit to 25,999 lbs. with no change to routes.

### **8. Commissioner Projects**

#### A. Discussion

Commission Denton suggested advertising online or on water statements the green waste chippings free to anyone who wants to pick them up due to the City not having a source to currently take them to.

### **9. General**

#### A. Schedule of Next Meeting

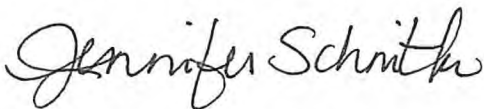
The next regularly scheduled Commission meeting will take place at Carnegie Center at 4 pm, April 12, 2022

### **10. Commissioner Communications**

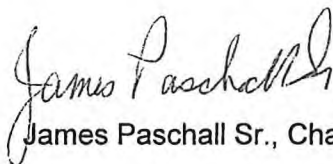
None

### **11. ADJOURNMENT – 4:39 PM**

Respectfully submitted,



Jennifer Schmitke, Secretary



James Paschall Sr., Chair

## CITY OF ORLAND

### CITY COUNCIL AGENDA ITEM #: 5.D.

**MEETING DATE: April 19, 2022**

**TO:** Honorable Mayor and Council

**FROM:** Joe Vlach, Chief of Police  
Ed Vonasek, Director of Public Works

**SUBJECT:** Municipal Code Truck Weight Limits

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The Public Works and Safety Committee will ask Council to raise the roadway weight limits prescribed in the Orland Municipal Code (OMC).

#### BACKGROUND

City Code 10.20.010 currently makes it unlawful for commercial vehicles weighing or carrying a load in excess of 4 tons (8,000 lbs.) to utilize city streets in commercial and residential zones, with exceptions for purposes of delivery and pickup in the normal operation of a commercial business and upon designated truck routes within the city limits.

Modern trucks (e.g.: Ford F250, F350, Chevy 2500, 3500, etc.) are in most circumstances registered to the State of CA as "commercial vehicles" and have a curb weight of 6,000 – 7,700 lbs. and payload capacity of 3,800 – 7,000 lbs. and can total 9,900 to 14,000 lbs. (total weight, or GVWR). This means most modern trucks driven by ordinary people in Orland are technically in violation of OMC 10.20.010.

For reference, a semi-truck with an empty trailer weighs around 35,000 lbs. The maximum weight for a semi-truck with a loaded trailer legally allowed in the United States is 80,000 lbs. A semi-truck without a trailer weighs between 10,000 and 25,000 lbs.

#### DISCUSSION

This issue was discussed by the Public Works and Safety Committee, taking into consideration the GVWR of modern trucks, and voted during the February 8, 2022, meeting to increase the OMC weight limit to 25,999 lbs. with no changes to the existing truck routes.

#### RECOMMENDATION:

Amend OMC 10.20.010 to a commercial vehicle weight limit of 25,999 lbs. with no changes to the existing truck routes.

#### Fiscal Impact of recommendation:

None.

Approved by City Manager:

*PRC*



## CITY OF ORLAND

### CITY COUNCIL AGENDA ITEM #: 5.E.

**MEETING DATE: April 19, 2022**

TO: City of Orland City Council  
FROM: Scott Friend, AICP – City Planner  
MEETING DATE: April 19, 2022; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **2021 General Plan Implementation and Housing Element Annual Report. Adoption of Resolution:** Presentation, acceptance and adoption of a Resolution accepting the City of Orland General Plan and Housing Element 2021 annual report as presented.

Adopt a Resolution accepting the 2021 General Plan and Housing Element Annual Report.

**Environmental Review:** No Action Required.

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#### **Summary:**

California Government Code Section 65400(a)(2) mandates that all cities and counties submit to their legislative bodies an annual report discussing the status of the General Plan and progress in its implementation. Additionally, the Department of Housing and Community Development (HCD) requires each City and County to submit a report by April 1<sup>st</sup> of each year documenting the Agency's progress towards implementing its Housing Element and meeting the Agency's Regional Housing Needs Allocation (RHNA) target. The report for the City of Orland was submitted to both the Office of Planning and Research (OPR) and the Housing and Community Development Department (HCD) as required by law and is included as **Attachment A** to this report. This item is an informational item for the City Council however staff is requesting the adoption of a Resolution accepting the report as presented. The report presents the data from the City's Planning and Building Departments for calendar year 2021 only. This item is being provided to and presented to the Planning Commission at their meeting on April 21<sup>st</sup>.

The report(s) have been submitted to the both State Agencies (HCD and OPR) in compliance with Government Code 65400(a)(2).

#### **Project Background**

California Government Code Section 65400(a)(2) mandates that all cities and counties submit to their legislative bodies an annual report on the status of the general plan and progress in its implementation. A copy of this progress report must also be sent to the Governor's Office of

Planning and Research (OPR) and the Department of Housing and Community Development (HCD) by April 1st of each year.

The intent is to ensure that the general plan directs all land use decisions and remains an effective guide for future development. Because the role of the general plan is to act as a “constitution” for the long-term physical development of a community and because it is required to be updated periodically to reflect current circumstances, it is critical that local planning agencies periodically review the general plan and its implementation. The report is a tool for doing this.

The main purpose and most important function of the report is to provide local legislative bodies with information regarding implementation of their general plans. The report must be presented to the local legislative body for their review and acceptance. This is typically done by placing the report on a regular meeting agenda as a consent or discussion item.

#### **Project Description**

Attached is the City of Orland 2021 General Plan / Housing Element Annual Progress Report (**Attachment A**). As discussed in the report, the City’s General Plan is considered a valid and useful document, and the goals, policies, and programs of the plan were advanced through the City’s actions throughout the 2021 calendar year.

Included in the 2021 General Plan / Housing Element Annual Progress Report is the Housing Element progress report data worksheets. The outline for this report is provided by HCD and the City follows this outline as it has been established for them. The data presented to HCD has been incorporated into the General Plan Annual Report however was provided to the State in the form of a Microsoft Excel spreadsheet consisting of eight tables with a number of categories as has been requested by the State. **Attachment A** only shows those that are relevant to the City for the 2021 report.

As shown in the report, three market rate homes and 33 lower-income single family homes and one market rate multifamily complex received building permits in Orland in 2018, while 14 lower-income single family homes received occupancy permits.

#### **Recommendation:**

Staff recommends that the City Council approve the 2021 General Plan/Housing Element Annual Report presented as **Attachment A** to this report, through adoption of City Council Resolution #2022-\_\_ (**Attachment B**) as required.

If the City Council determines that it intends to approve 2021 General Plan/Housing Element Annual Report, staff presents the following motions for consideration:

*I move that the City Council approve Resolution #2022-XX accepting the 2021 General Plan/Housing Element Annual Report.*

**ATTACHMENTS**

- **Attachment A** – City of Orland 2021 General Plan / Housing Element Annual Progress Report.
- **Attachment B** – City Council Resolution 2022-XX – accepting the 2021 General Plan/Housing Element Annual Report.



**City of Orland**  
2021 City of Orland  
General Plan/Housing Element  
Annual Report

Submitted by:  
**City of Orland Planning Department**  
815 Fourth Street  
Orland, CA 95963

**March 2022**  
(for calendar year 2021)

## ANNUAL HOUSING ELEMENT PROGRESS REPORT

City or County Name:

City of Orland

Mailing Address:

City of Orland

815 Fourth Street

Orland, CA 95963

Contact Person: Pete Carr

Title: City Manager

Phone: (530) 865-1608 FAX: (530) 865-1632 E-mail: peterc@cityoforland.com

Reporting Period by Calendar Year: from January 1, 2021 to December 31, 2021

These forms and tables, including the **Certificate of Accuracy**, are due to the Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR) on or before April 1, 2022. Submit separate reports directly to both HCD and OPR (Government Code Section 65400) at the addresses listed below:

**Department of Housing and Community Development**

Division of Housing Policy Development

P.O. Box 952053

Sacramento, CA 94252-2053

-and-

**Governor's Office of Planning and Research**

P.O. Box 3044

Sacramento, CA 95812-3044

## CERTIFICATION OF ACCURACY

The undersigned, in the capacity of City Manager on behalf of the City of Orland, has reviewed the information provided in the forms and report contained herein, and certifies, to the best of his knowledge, that the information provided herein is true and correct.

*(Scott Friend, City Planner for Peter R. Carr, City Manager)*



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Peter R. Carr, City Manager

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03/31/2022

Date



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## **BACKGROUND AND PURPOSE OF THE GENERAL PLAN ANNUAL REPORT**

### ***General – State Law and Local Planning***

California Government Code Section 65400(a)(2) mandates that all cities and counties submit to their legislative bodies an annual report on the status of the general plan and progress in its implementation. A copy of this progress report must also be sent to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD).

The intent is to ensure that the general plan directs all land use decisions and remains an effective guide for future development. Because the role of the general plan is to act as a "constitution" for the long-term physical development of a community and because it is required to be updated periodically to reflect current circumstances, it is critical that local planning agencies periodically review the general plan and its implementation. The report is a tool for doing this.

The main purpose and most important function of the report is to provide local legislative bodies with information regarding implementation of their general plans. The report must be presented to the local legislative body for their review and acceptance. This is typically done by placing the report on a regular meeting agenda as a consent or discussion item.

### ***City of Orland – Growth and the General Plan***

The City of Orland General Plan 2008–2028 was adopted by the City Council in February of 2012. Since the plan's adoption, the City has sought to implement the programs contained in it. However, as has been the case for much of the recent past, the programs related to development have been and remain a challenge for the City to implement due to the decline in land owner / developer application volume following the 'burst' of the housing bubble in 2007-2008; the impact of the COVID-19 pandemic on the City, region, State and global economies; impacts associated with global tensions; natural disasters (wildfires); and drought. After an increase in development and entitlement requests in 2006–2007, requests tapered in number with the exception being an unexplained increase in residential development interest in 2014 and an increase in development application in 2019-2020. An increase in non-residential development interest in 2014 and 2020 was also observed. Residential development activity remained mild in calendar year 2021 despite an increase in development interest, and inquiries, however only five (5) building permits for new single family residential homes and one building permit for a multifamily development construction/renovation project were issued. While the specific reasons for the increased interest in development in Orland are likely varied, staff believes that it is likely related to the continuation of low interest rates at a national level, broader housing- and overall- market price-point increases of the larger regional areas, lower overall costs of ownership, proximity to the Chico urban area, a move towards remote-work arrangements, Orland's market responsiveness and pro-investment philosophy along with Orland's favorable geographical location on major regional transportation routes.

These and other market forces, including the general fluctuations of the local job market, have resulted in a relatively steady overall rate of growth within the City with broader



swings in the residential development landscape along with corresponding growth and fluctuation in commercial development in the city. In general, the City has seen a steady if not subtle increase in the overall number of development permit applications submitted for development since 2015. This is reflected in the City's slow but steady growth rate. As a result of stable economic conditions and an aging population of property owner aged residents that has increased land turn-over rates, the City has seen renewed interest in land development seeking to leverage the opportunities that exist in the city and to take advantage of the city's growth profile.

Regardless of development interest in the city, the overall condition of the broader economy and the overall global uneasiness, the City's General Plan is a valid and useful document, and the goals, policies, and programs of the plan were advanced through the City's actions throughout the 2021 calendar year.

### ***City of Orland 6<sup>th</sup> Cycle (2021-2029) Housing Element***

The City of Orland 2021–2029 Housing Element (6<sup>th</sup> Cycle Housing Element) was adopted by the City Council in March of 2022. The Housing Element has been submitted to the State and is currently pending certification by the California Department of Housing and Community Development (HCD). The date of expected certification is unknown at this time.

The Housing Element outlines the City's goals, policies, and programs in relation to the provision of housing, addresses the City's success in implementing the previous Housing Element, and provides a detailed demographic and analytical evaluation of how the City is planning to accommodate its share of the region's housing allocation during the planning period (2021–2029).

The primary components of Housing Element remain consistent with the City's previous Housing Element. The findings of the 6<sup>th</sup> Cycle element suggest that the City has made strides toward the achievement of accommodating its regional fair share of affordable housing needs and will continue to move toward meeting the goals of the Housing Element, the region and the State.

## **EXECUTIVE SUMMARY**

As described in this report, the City of Orland General Plan is a useful and valuable tool to assist the City in providing policy direction to City decision-makers and information for city residents and interested parties.

In that context and in terms of the City of Orland and its General Plan, this report concludes the following:

- The City of Orland General Plan is a valid and useful document, which provides guidance and direction for the City as intended.
- In comparing current City of Orland General Plan projections to the current setting, it can be summarized that the main thrust of the General Plan projections are



correct; the plan recognized that limited new residential development would be necessary to meet projected demand.

- Detailed information about the city and the surrounding area is included in all of the elements of the current City of Orland General Plan. The overarching, supporting, and descriptive information is accurate and therefore useful.
- The adopted 2021–2029 Housing Element focuses on the City's developing progress toward meeting its regional housing needs allocation, with the land supply available to meet its targets.

## **I. IS THE GENERAL PLAN SERVING TO MEET ITS OWN GOALS?**

With regard to land use, all of the goals, policies, and programs set forth by the City of Orland General Plan stem from Goal 2.1, as follows:

- Goal 2.1 – Maintain and promote the qualities that make Orland a desirable community.

A determination as to whether Goal 2.1 is being met may be subjective, but there are objective measures as well. One metric to determine whether a community maintains its qualities is the presence of growth interests. The section titled Development Activity 2021 (on page 16) summarizes the development applications and activity that have occurred over the last year. Prior to that summary is a review of the stage set by the General Plan.

### ***General Plan Land Use Projections***

The City of Orland General Plan 2008–2028 made projections for both population and land use demands. The first section, Land Use, included the following under its Population and Demographics heading:

*...the population of the City of Orland experienced substantial growth in the 1990s. From 1990 to 2000, the population of the City increased by 24.3 percent, an average annual increase of 2.2 percent. By comparison, the population of Glenn County increased by just 6.7 percent during the same time period.*

*Between 2000 and 2005, the City of Orland and Glenn County each grew by an average of 1.4 percent. In 2005 and 2006, the growth that had been affecting California began to appear locally, and the population of Orland grew 4.5 and 2.8 percent in those two years.*

That same General Plan section contained a subsection titled Projected Population, which included the following:

*Three growth rates were used to develop the population estimates. The "High" growth rate is a 2.6 percent average annual growth rate, which was the growth rate of the City's population from 1970 to 2000. The "Medium" rates is a 2.2 percent average growth rate, which was the growth rate of the City's population from 1990*



*to 2000, the most recent years for which data is available. The “Low” growth rate is a 1.8 percent average annual growth rate. This was an arbitrarily selected rate, which was obtained by subtracting the Medium rate from the High rate, then subtracting the difference from the Medium rate.*

The General Plan applied these three separate growth rate scenarios to the existing population in order to estimate the population in the year 2028: 12,286 people under the “High” rate, 11,363 people under the “Medium” rate, and 10,506 people under the “Low” rate.

The same General Plan section contained a Projected Land Use Demands subsection, which analyzed the three separate growth rate scenarios in order to determine the need for 812 acres under the “High” rate, 657 acres under the “Medium” rate, and 510 acres under the “Low” rate.

### ***Current Setting***

The City of Orland 2021–2029 6<sup>th</sup> Cycle Housing Element states that the city has continued to grow from its humble beginnings of 292 residents to a community of over 8,527 (DOF est. January 1, 2021). The population of Orland grew significantly during the 1990s, resulting in a 23 percent increase between 1990 and 2000 and accounting for the large increase in the growth rate in 2000. A review of the population and growth estimates from the California Department of Finance (DOF) shows that the population of Orland increased by 1.8 percent during the 2020 to 2021 time period, from 8,374 in 2020 to 8,527 as of January 1<sup>st</sup>, 2021 (est.). Growth estimates during the 2021 calendar year have not yet been released by DOF.

The Housing Element identified a total of 3.38 acres of Residential Multiple Family (R-3) zoned lands with the realistic potential to result in 48 units, 30.4 acres of Residential One Family (R-1) zoned land with the realistic potential to result in 182 units and 2.44 acres of Planned Development zoned lands with the realistic potential to result in 43 units. It was concluded that the projections framed by the current General Plan regarding housing requirement needs accurately estimated the current setting relative to meeting the City’s Regional Housing Needs Allocation target as established by the State in that there is an adequate supply of appropriately zoned and designated land available for development in the City which could be developed serve to provide for the long-term housing needs of the City.

### ***Regional Housing Needs***

A Regional Housing Needs Allocation (RHNA) Plan is mandated by the State of California (Government Code Section 65584) for regions to address housing issues and needs based on future growth projections for the area. The State also establishes the number of total housing units needed for each region. Pursuant to California Government Code Section 65584, the California Department of Housing and Community Development (HCD) developed an RHNA Plan for Glenn County, which identifies a need for a specific number of new residential units in the county over an 8-year period (December 31, 2018, to November 30, 2029). The need for residential units is shared and distributed among each



of the communities in the county, with each community's share determined by its proportion of the county's overall household population.

The intent of the RHNA Plan is stated to be to help ensure that local jurisdictions not only address the needs of their immediate local community but also provide opportunity for their share of the overall housing needs for the broader region. Additionally, a major goal of the RHNA Plan as outlined by the State is to ensure that every community provides an opportunity for a mix of housing affordable to all economic segments of its population. The State believes that the RHNA Plan's jurisdictional housing allocations are made to ensure that adequate sites having appropriate zoning and entitlements are provided to address existing and anticipated housing demands during the planning period. Additionally, the RHNA Plan and Housing Element law attempt to ensure that market forces are not artificially inhibited relative to addressing the housing needs for all income-levels of a particular community.

Based on the RHNA Plan for Glenn County, the City of Orland's share of regional housing needs is 247 units.<sup>1</sup>

Orland has an estimated vacant land capacity adequate to construct both single-family and multi-family units in an amount sufficient to meet its 2021–2029 RHNA goal of 247 units. The 2021-2027 RHNA goal established by the State for the City consists of sixty-two (62) very-low-income units, thirty-one (31) low-income units, forty-four (44) moderate-income units, and one hundred and ten (110) above moderate-income units. Since 2014, approximately 125 residential units have been built in Orland. As it relates to the markets attempt to meet the RHNA set-forth by the State in the 5<sup>th</sup> cycle Housing Element period, the City was able to see built the full allocation of moderate-income units the allocation from the State for very-low (20) and above-moderate (36) income units have not been met.

### **Summary**

In comparing the General Plan's projections to the current setting, it can be concluded that the General Plan projections were correct that new residential development would be required to meet demand. The City's Housing Element identifies some new requirements (generally resulting from State legislation) that have created new targets for the City to meet, and through the required internal consistency, will work in concert to support the General Plan in addressing those goals. The City believes that the General Plan adequately identifies goals to meet existing and future desires of the City. The City has ensured that an ample amount of vacant land exists to accommodate the targeted RHNA unit allocation of 247 units. While the full targeted unit allocation for residential units pursuant to the RHNA Plan may not be physically constructed, Orland has made available appropriately zoned and designated land necessary to meet its RHNA allocation for units of all income levels.

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<sup>1</sup> The 2021-2029 6<sup>th</sup> Cycle RHNA Plan identifies the need for 93 units for very-low and low-income households, 44 units for moderate-income households, and 110 units for above moderate-income households.



## II. ADEQUACY OF THE CURRENT CITY OF ORLAND GENERAL PLAN

Government Code Section 65302 states that “the general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals.” At the time the 2008-2028 General Plan was written the state required seven elements be included. These are described in this report. Recent state legislation requires that an environmental justice element also be included in a general plan. According to Government Code Section 65302(h)(2) this element must be included in the general plan upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018. It, however, does not have to be a stand-alone element but the environmental justice goals, policies, and objectives can be included in other elements.

Also required because of recent state law revisions, upon the next revision of the housing element on or after January 1, 2014, (April 15, 2021 for Orland) the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones.

For one of the required elements, the *Housing Element*, the Government Code and the implementing guidelines of the State are very specific about contents, requirements, and frequency of adoption. The requirements for the other six elements are less specific. The Government Code requires that the Housing Element be reviewed and adopted or re-adopted at least every 8 years, while the other elements of the plan should be revised “as needed” to keep information current. The City of Orland General Plan contains all seven of the required elements and comprises a legally adequate General Plan.

The City of Orland General Plan was consistent with state requirements when it was adopted in February 2012 and remains consistent with state requirements to this day. The Housing Element (6<sup>th</sup> Cycle) was updated in 2021 and adopted in 2022 and is currently pending certification by the California Department of Housing and Community Development (HCD) to be in compliance with state housing element law.

As addressed above, the City of Orland has proceeded to comply with ever-changing State legislative requirements by adopting changes to the City’s General Plan to incorporate environmental justice provisions consistent with Senate Bill 1241, 99, 379 and 1000 and Assembly Bills 2140 and 747; adopting Vehicle Miles Traveled (VMT) standards consistent with the requirement of 743; and, complete streets policies consistent with the Complete Streets Act of 2008 (AB 1358). Additional General Plan amendments actions were taken to incorporate policy provisions and standards regarding flooding, drought, wildfire and climate change vulnerability.



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### ***Usefulness of the Plan***

The general plan has been described by the courts as “the constitution for development” (of a jurisdiction). All development approvals must be consistent with the general plan. Therefore, a general plan is useful if it provides up-to-date information, goals, policies, and programs that are consistent with current city growth policies and which are physically and economically feasible to implement.

The Orland General Plan elements are listed below, with a brief description of what they include, followed by a brief discussion and summary regarding currency and what was done in Orland in the 2021 calendar year to ensure that the goals, policies, and programs set forth in the General Plan have been addressed.

### **LAND USE ELEMENT**

*A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space...and other categories of public and private uses of land. [It]...shall include a statement of the standards of population and building intensity recommended for the various districts...*

The Land Use Element of the General Plan lists five goals, as follows:

- Goal 2.1 – Maintain and promote the qualities that make Orland a desirable community.
- Goal 2.2 – Maintain a compact urban form and preserve agricultural land outside of the City.
- Goal 2.3 – Create and maintain neighborhoods that ensure a high quality of life in Orland.
- Goal 2.4 – Promote the expansion and retention of existing commercial establishments and encourage new commercial development in the City.
- Goal 2.5 – Promote economic growth in the City of Orland through attraction and retention of industry in order to enhance employment opportunity and maximize the availability of goods and services within the community.

These goals contain several policies and programs that generally seek to ensure a high quality of life, efficient development, and economic growth. Within that framework, staff worked on the following items throughout the 2021 calendar year to ensure that the goals set forth in the General Plan have been addressed:

- All development proposals within the City are required to comply with an established design review process. (Goal 2.1; Program 2.1.A.4)



- The processing approvals for various commercial endeavors such as the Butte Community College campus project, the Orland Truck Wash project, and the Maverick Fueling Station project. (Goal 2.4; Goal 2.5)

Summary/Conclusion: The Land Use Element is useful and adequate in its characterization of the nature of the City and the General Plan's overarching goals and policies. No amendments to the Land Use Plan to alter land use designations on the City's adopted land use diagram were made nor required in 2021. Changes were made to the General Plan in the form of policies however no changes were made to the Land Use Element.

### CIRCULATION ELEMENT

*A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan...*

Ten goals are listed in the Circulation Element of the Orland General Plan, as follows:

- Goal 3.1 – Plan for, provide and maintain a circulation system that permits the safe and efficient movement of people and goods throughout the City and Orland Planning Area.
- Goal 3.2. – Establish a system of safe and efficient Local, Collector, and Arterial roads to reduce travel time and improve traffic safety that is consistent with the land use patterns of the City.
- Goal 3.3 – Formulate and adopt circulation design and improvement standards that require a level of service consistent with the demands generated by proposed development, public safety, and the efficient use of public and private resources and which are uniformly applied in the Orland Planning Area.
- Goal 3.4 – Achieve a coordinated regional and local transportation system that minimizes traffic congestion and efficiently serves users.
- Goal 3.5 – Provide safe and efficient parking and loading facilities for all nonresidential land uses.
- Goal 3.6 – Encourage transportation alternatives to the automobile.
- Goal 3.7 – A non-vehicular circulation system linking important public places within the community.
- Goal 3.8 – A safe sidewalk system which provides maximum opportunities for pedestrian traffic throughout the City.



- Goal 3.9 – Contribute toward improving the air quality of the region through more efficient use of private vehicles and increased use of alternative transportation modes.
- Goal 3.10 – To provide the highest level of roadway maintenance for City residents.

The goals contain several policies and programs that generally seek to enhance the movement of goods and people throughout the city, provide safe walking routes for residents, and maintain and improve the quality of the roadways within the city. During the 2021 calendar year, the City undertook the following measures to advance the Circulation Element:

- Preparation and processing of the Highway 32/Walker Street Streetscape Improvement project. The City has completed and adopted the plan for the Highway 32/Walker Street corridor streetscape design improvement. This design includes pedestrian, bicycle and circulation improvements which will also assist in commercial access. (Goal 3.1; Goal 3.2; Goal 3.4; Goal 3.6; Goal 3.7; Goal 3.8; Goal 3.9)
- The City of Orland modified the text of the Circulation Element to incorporate the provisions of Senate Bill 743 via the inclusion of policies and standards recognizing Vehicle Miles Traveled (VMT) as the traffic/circulation metric to be used in compliance with California Environmental Quality Act (CEQA) standards. (Goal 3.1; Goal 3.2; Goal 3.6; Goal 3.7; Goal 3.8; Goal 3.10)
- The City of Orland modified the text of the Circulation Element to incorporate the provisions of Assembly Bill 1358 also known as the Complete Streets Act of 2008 via the inclusion of policies and standards recognizing the multi-functional use of the public right-of-way and public City streets. (Goal 3.1; Goal 3.6; Goal 3.7; Goal 3.8; Goal 3.9)
- The City of Orland pursued additional grant funding to construct Phase II of an approximately 0.91-mile-long multi-use, non-motorized path in order to provide linkage between the residential neighborhoods in the Project area and the City's Community Center and Lely Aquatic Park. Phase I of project construction was completed in late 2019 and the City is seeking funding for the completion of the project (Phase II). (Goal 3.1; Goal 3.6; Goal 3.7; Goal 3.8; Goal 3.9)

**Summary/Conclusion:** The Circulation Element in the General Plan is devised and designed to support the Land Use Plan and policies for both current uses and future growth. The Circulation Element was amended in 2020 via General Plan Amendment #2020-01 via the adoption and incorporation of goals, policies, and programs addressing complete streets and vehicle-miles-traveled standards. With the inclusion of these policies and standards, the element remains current, implementable, and relevant. The Circulation Plan within the element continues to serve to facilitate the implementation of the Land Use



Plan, and the assumptions and projections supporting its designations of streets and roadways are accurate and provide a legally adequate and viable plan.

### SAFETY ELEMENT

*A safety element for the protection of the community from any unreasonable risks associated with the effects of [...earthquakes, dam failures, subsidence, liquefaction and other known geologic hazards]. It shall also address evacuation routes, peak load water supply requirements...*

The Safety Element of the Orland General Plan lists nine goals, as follows:

- Goal 4.1 – Ensure that the City of Orland and involved local agencies are able to effectively respond to emergency situations that may threaten the people and property of Orland.
- Goal 4.2 – Minimize the risk of personal injury and property damage resulting from flooding.
- Goal 4.3 – Protect people and property within the City of Orland against fire-related loss and damage.
- Goal 4.4 – Provide police and emergency medical services in a well-planned, cost-effective, and professional manner.
- Goal 4.5 – Ensure a range of health care services are conveniently available to City residents.
- Goal 4.6 – Minimize the threat of personal injury and property damage due to seismic and geologic hazards.
- Goal 4.7 – Minimize the risk of personal injury, property damage, and environmental degradation resulting from the use, transport, disposal, and release/discharge of hazardous materials.
- Goal 4.8 – Minimize the potential for hazards related to rail service in and around the City of Orland.
- Goal 4.9 – Ensure public safety during airport operations.

The City has taken great strides in 2021 to advance the goals and programs of the Safety Element and to ensure that it remains as a valid, current and legally adequate element of the General Plan. These efforts included:

- The City continued to fund the Orland Police Department, which in turn has continued to provide a high quality, community-appropriate level of law enforcement services. (Goal 4.4; Program 4.4.A.3)



- Annually, the City implements the fire hydrant replacement project. This project replaces older fire hydrants which need updating in the city, as necessary (Goal 4.3; Goal 4.7)
- The City assisted in the purchase, using development impact fees collected by the City, of a new front-line response fire truck for the Orland Volunteer Fire Department. (Goal 4.3; Goal 4.4)
- The City pursued and was awarded grant funding to acquire additional safety equipment and vehicles (side-by-side and bulldozer) for the Orland Volunteer Fire Department. (Goal 4.3; Goal 4.4)
- The City added additional policies and programs to the Safety Element addressing flood hazards; wildland fire hazards, climate change, formal incorporation of the Glenn County Multi-Jurisdictional Hazard Mitigation Plan; and social justice and equity provisions via General Plan Amendment (GPA) #2021-01. (Goal 4.1, Policies 4.1A and 4.1B, Program 4.1.B.2; Goal 4.2, Policy 4.2.a, Programs 4.2.A.1; Goal 4.3, Policy 4.3.A, Policy 4.3.B and 4.3.C; new Goal 4.7, new Policy 4.7.A, and new Programs 4.7.A.1 - 4.7.A.8.)

Summary/Conclusion: The Safety Element contains information and goals, policies, and programs regarding emergency preparedness, flood and geologic hazards, fire and police protection, and hazardous waste and materials. The element was significantly updated via General Plan Amendment 2021-01 as outlined, and since its adoption and with the newly adopted text, is a current, useful, and adequate element of the General Plan.

#### OPEN SPACE, CONSERVATION, AND PUBLIC FACILITIES ELEMENT

*A conservation element for the conservation, development and utilization of natural resources including water...soils, rivers...and other natural resources.*

Ten goals are listed in the Open Space, Conservation, and Public Facilities Element of the Orland General Plan, as follows:

- Goal 5.1 – Promote and protect the continued viability of agriculture surrounding Orland.
- Goal 5.2 – Ensure that all mining activity is appropriately permitted and that mines are effectively reclaimed.
- Goal 5.3 – Minimize impacts to wildlife and wildlife habitat as new development occurs within the Orland Planning Area.
- Goal 5.4 – Maintain and protect air quality within the City of Orland at acceptable levels as defined by state and federal standards.



- Goal 5.5 – Reduce the contribution of greenhouse gases from existing sources and minimize the contribution of greenhouse gases from new construction and sources.
- Goal 5.6 – Conserve, enhance, and manage water resources, protect their quality, and ensure an adequate long-term supply of water for domestic, agricultural, industrial, and recreational use.
- Goal 5.7 – Protect the quantity and quality of community water supplies.
- Goal 5.8 – Provide quality wastewater service to all existing and future City residents.
- Goal 5.9 – Provide for the collection, transport, and stormwater in a safe manner to protect people and property from damage arising from storm drainage.
- Goal 5.10 – Develop and sustain an integrated and cohesively designed park system that is complementary to existing and proposed development as well as the natural environment. This shall include development and maintenance of a network of recreational trails, bicycle lanes and bikeways.

The City made an effort in 2021 to advance the goals and programs of the Open Space, Conservation, and Public Facilities Element. This effort includes:

- The City will continue to maintain and protect air quality in Orland at the acceptable levels as defined by state and federal standards. (Goal 5.5; Policies 5.5.A, B, and G)
- The City installed wastewater aeration equipment at the treatment plant which enhances the treatment abilities of the plant and assist in an increased capacity. (Goal 5.6; Goal 5.8)
- The City implemented various sewer and water pipe replacement projects. The projects replaced existing deteriorating concrete pipes with new, Polyvinyl chloride (PVC) pipe. (Goal 5.8)
- The City upgraded the pump at the Eva Drive well site to assist in the production of water in the city (Goal 5.6; Goal 5.7)
- The City continued to implement the water system Supervisory Control and Data Acquisition (SCADA) program. SCADA provides monitoring and control capabilities to the city water system. (Goal 5.6; Goal 5.7)
- The City is working closely with Glenn County and the State Department of Water Resources (DWR) to implement a project design to assist with the on-going drought and its impact on local groundwater wells and groundwater levels. (Goal 5.6, Policies 5.6.A and 5.6.E; Goal 5.7, Policies 5.7.A and 5.7.B)



Summary/Conclusion: The Open Space, Conservation, and Public Facilities Elements remain useful and relevant and has served the City well over the last year. The element has not been formally amended since its adoption, however the goals, policies, and programs of the element remain applicable, valid and useful.

### NOISE ELEMENT

*A noise element which shall identify and appraise noise problems in the community. [It] shall...analyze and quantify, to the extent practicable...current and projected noise levels for all of the following sources...[including highways, industrial uses, and others identified by Council as contributing to the community noise environment]. Noise contours shall be shown for all of these sources...The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element...*

The Noise Element of the General Plan includes one goal, as follows:

- Goal 6.1 – Protect citizens of Orland from the harmful effects of exposure to excessive noise. Additionally, protect existing noise-sensitive land uses from new uses that would generate noise levels that are incompatible with those uses and discourage new noise-sensitive land uses from being developed near sources of high noise levels.

Summary/Conclusion: The Noise Element contains standards and guidelines that protect both existing noise-generating uses and new potentially noise-sensitive land uses. The Noise Element contained within the General Plan has been used by staff and has provided valuable guidance and policy direction for the City. The Noise Element contained within the General Plan is current and accurate and remains useful and legally adequate.

### HOUSING ELEMENT

*The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. [It] shall identify adequate sites for housing, including rental housing, factory-built housing, and mobile homes, and shall make adequate provision for the existing and projected needs of all economic segments of the community... (Section 65580).*

*Each local government shall review its housing element as frequently as appropriate.... (Section 65588)*

The Housing Element of the General Plan includes five goals, as follows:

- Goal HQL-1 - It is the goal of the City of Orland to promote the development and preservation of housing that meets health and safety standards, and enhances existing neighborhoods, services, and the environment.



- Goal HQY-1 – Support and encourage the preservation of existing housing and the construction of new housing at a range of costs and in quantities to meet the needs of all income groups, including the very-low, low and moderate-income groups.
- Goal AH-1 Actively support and promote the preservation and development of housing affordable to all income levels, especially households who are very-low, low- and moderate-income.
- Goal FH-1 – Improve fair housing choice and equitable access to opportunity.
- Goal EC-1 – It is the goal of the City to promote the conservation of natural resources and energy in housing production and maintenance.

In 2015, programs in the Housing Element resulted a General Plan Amendment and rezone to allow for high density residential development. The result was the change in the General Plan land use designation of Commercial to High Density Residential. The zoning change converted the current zoning of C-2, Community Commercial, to R-3, Residential Multiple Family-Professional.

In 2018, the City Zoning Ordinance was revised to comply with new Accessory Dwelling Unit legislation. This latest revision resulted in complete conformity of the Zoning Ordinance with state law. No other revisions were necessary due to programs in the Housing Element or new state housing legislation.

In 2021, the City repealed and adopted the City existing Housing Element and adopted in March of 2022, the 6<sup>th</sup> Cycle 2021-2029 Housing Element. The 6<sup>th</sup> Cycle Housing Element was comprehensively revised to comply with the requirements of HCD and State Legislation. The Site Inventory included in the 2021-2029 6<sup>th</sup> Cycle Housing Element identified that the City had adequate land that was appropriately zoned to provide an opportunity for the market to meet RHNA targets during the planning period.

Summary/Conclusion: The long-term housing goal is to facilitate and encourage housing that fulfills the diverse needs of the community. The 2021-2029 6<sup>th</sup> Cycle Housing Element was adopted in March of 2022 and is pending certification by the California Department of Housing and Community Development Department (HCD) for compliance with state housing element law. The document was submitted following its adoption and the City awaits certification by the Department. Generally speaking, the Housing Element provides information and policy guidance on issues including affordable housing and housing for special needs groups and identifies potential programs that the City utilizes to help fill underserved housing needs in the community.

The 2021-2029 6<sup>th</sup> Cycle Housing Element contains 5 goals, 15 policies and 26 programs designed to establish the City's approach to the planning of housing in Orlando. The City only saw five market rate homes issued Occupancy Permits in Orlando in 2021. However, 31 income-qualified single-family homes and one income-qualified multifamily complex were permitted in 2020 and planning approvals and entitlements were issued or approved



for a new 32-unit Senior Living Apartment complex (Liberty Bell Senior Apartments), a 21+ units permanent supportive housing project (Habitat for Humanity/Orlanda Inn), and, a 36 unit income-qualified family apartment complex (Woodward Garden Apartments). Additionally, the City approved building permits for the addition of two (2) new units at an existing multi-family housing apartment complex (Shasta Gardens) along with a new managers unit and issued permits for the renovation of 15+ units at the same location.

An additional 97+/- single-family housing units are in the process of being developed in the City and another 260+ units are currently in the entitlement process.

The 2014-2021 Housing Element functioned as a useful and adequate element of the General Plan over the course of its life span and the newly adopted 2021-2029 Housing Element is anticipated to serve the City in the same manner for the next eight (8) years.



## Overall Summary

The City of Orland adopted its current General Plan via a comprehensive update of six of the seven required elements in 2012. Amendments have been made to various elements of the plan during the last decade to ensure that the plan remains relevant, implementable, and accurate. The document has been and continues to provide policy guidance and direction in a meaningful manner. The City's General Plan is legally adequate and sufficiently and adequately represents the City's policy direction and vision. The plan is current and is inclusive of all newly adopted legislation and incorporates all legislative updates as of the time of its last amendment in March of 2022.

## DEVELOPMENT ACTIVITY 2021

As discussed previously, after a substantial increase in development and entitlement requests in 2006–2007, requests tapered in number afterwards, with the exception of a significant increase in residential development in 2011. However, the amount of development in the more recent years (2012–2019) was relatively low. In 2020 the pace of development increased slightly with more significant activity occurring in 2021.

In 2021, the City of Orland Building Department processed a total of five (5) building permits for new primary residential dwellings and an additional four (4) building permits for Accessory Dwelling Units. One unit was lost via destruction (fire) during the period.

In 2021, the Planning Department process 29 projects consisting of use permits, parcel adjustments (mergers and lot line adjustments), parcel maps, subdivision maps CEQA studies. The City initiated the processing of two (2) tentative subdivision maps, one (1) tentative parcel map, two (2) lot merger, and two (2) lot split and 17 use permits. In addition, the city reviewed three (3) site plans and processed applications for one (1) annexation conditional use permits.

The table below shows a summary of applications submitted in 2021.

### Planning Applications – 2021

Application Type	# of Applications	Status
Conditional Use Permit	0	---
Sign Use Permit	4	4 (approved)
Fireworks Sales Use Permit	6	6 (approved)
General Plan Amendment	0	---
Zoning Ord. / Zoning Map Amendment	0	---
Lot Merger	2	2 (approved)
Lot Split	2	2 (approved)
Parcel Map	1	1 (approved)
Subdivision Map	2	2 (in process)
Subdivision Map extension	1	1 (approved)
Variance	0	---



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Annexation	1	1 (approved)
Site Plan Approvals	3	3 (approved)
Rezoning	0	---

### **Summary**

Orland has seen a fluctuation in residential development activity over the last decade with 10 units in 2015, 44 units in 2016, 7 units in 2017, 46 units in 2018, 17 units in 2020 and 5 units in 2021. The majority of units a seventy-two (72) have been developed by the Community Housing Improvement Program's (CHIP) two projects identified as the Heartland and Benson Estates projects, designed to allow income-qualified households to purchase a single-family home. In 2021, all five (5) building permits were issued for non-CHIP single-family market rate homes.

As indicated previously in this report, the City of Orland General Plan provides meaningful direction to elected and appointed officials, City staff, landowners, citizens, and parties interested in the future of Orland. Through the end of calendar year 2021, the General Plan remained essentially unchanged in its foundational direction and policies despite being updated to reflect new legislation and new General Plan requirements. The plan was amended in 2014, with one change to a land use designation, and again in 2019 to add a new land use designation however there were no changes to the General Plan's goals, policies, and programs that accompanied those changes. Substantial changes were made during the year 2021 of which none of the changes change the value, applicability or core-direction of the City. The current General Plan provides accurate and useful policy guidance for the City. The document is adequate and functional, and succeeds in meeting its own goals, policies, and programs in serving the needs of the City of Orland.



## REFERENCES

1. City of Orland. *City of Orland General Plan 2008–2028 (adopted - 2012)*.
2. 2021 City of Orland Planning Department Application Processing Log.
3. City of Orland. *City of Orland General Plan 2021-2029 Housing Element*.
4. California Department of Finance. Demographic Research Unit, E-5 Report (2021).



**CITY OF ORLAND  
CITY COUNCIL RESOLUTION CC 2022-\_\_**

**ACCEPTING AND APPROVING THE PRESENTATION OF THE  
2021 GENERAL PLAN AND HOUSING ELEMENT ANNUAL PROGRESS REPORT**

**WHEREAS**, California Government Code Section 65400(a)(2) mandates that the City to complete the General Plan/Housing Element Annual Progress Report, and;

**WHEREAS**, the City Council of the City of Orland, California considered the matter at their normally scheduled and noticed public meeting on April 19, 2022 and accepted and approved the report as presented, and

**WHEREAS**, Planning Staff of the City of Orland, California submitted the report as directed and as provided by law.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Orland approves and accepts the 2021 General Plan and Housing Element Annual Progress Report as required.

The foregoing Resolution was adopted by the City Council of the City of Orland on the 19<sup>th</sup> day of April 2022 by the vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Dennis Hoffman, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Schmitke, City Clerk



## CITY OF ORLAND

### CITY COUNCIL AGENDA ITEM #: 6.A.

**MEETING DATE: March 19, 2022**

TO: City of Orland City Council  
FROM: Scott Friend, AICP – City Planner  
MEETING DATE: March 19, 2022; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Resolution Adoption – California Municipal Finance Authority (CMFA). Public Hearing.** Adoption of a Resolution authorizing and directing that the City of Orland join the California Municipal Finance Authority (the “CMFA”), a joint exercise of powers authority and public entity of the State of California for the purposes of authorizing project financing for the Liberty Bell Senior Apartments and Woodward Family Apartment projects.

**Recommendation:** Adopt a Resolution to join the CMFA.

**Environmental Review:** Not applicable

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#### SUMMARY:

Adopt a resolution to approving participation in the California Municipal Finance Authority (the “CMFA”), a joint exercise of powers authority and public entity of the State of California.

#### Recommendations

1) Staff recommends that the City Council approve a Resolution joining and approving participation in the California Municipal Finance Authority (the “CMFA”), a joint exercise of powers authority and public entity of the State of California.

#### **California Municipal Finance Authority:**

The CMFA was created on January 1, 2004 pursuant to a joint exercise of powers agreement to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout California. To date, over 330 municipalities have become members of CMFA.

The CMFA was formed to assist local governments, non-profit organizations and businesses with the issuance of taxable and tax-exempt bonds aimed at improving the standard of living in California. The CMFA’s representatives and its Board of Directors have considerable experience in bond financings.

**Fiscal Impact:**

The Bonds to be issued by the CMFA for the Project will be the sole responsibility of the Borrower, and the City will have no financial, legal, moral obligation, liability or responsibility for the Project or the repayment of the Bonds for the financing of the Project. All financing documents with respect to the issuance of the Bonds will contain clear disclaimers that the Bonds are not obligations of the City or the State of California but are to be paid for solely from funds provided by the Borrower.

The Board of Directors of the California Foundation for Stronger Communities, a California non-profit public benefit corporation (the “Foundation”), acts as the Board of Directors for the CMFA. Through its conduit issuance activities, the CMFA shares a portion of the issuance fees it receives with its member communities and donates a portion of these issuance fees to the Foundation for the support of local charities. With respect to the City of Orland, it is expected that that a portion of the issuance fee attributable to the City will be granted by the CMFA to the general fund of the City. Such grant may be used for any lawful purpose of the City.

**Environmental Determination:**

Not Applicable

**Recommendation/Summary:**

In light of the foregoing, and in order to support affordable housing, staff of the City and the CMFA recommend that the City adopt the Resolution in favor of joining the CMFA .

If the City Council determines that it intends to approve the matter as recommended, the following motion is offered for Council consideration:

**Sample Motions:**

1. Approval of Resolution:

*I move that the City Council adopt Resolution 2022-\_\_\_ approving and adopting a Resolution authorizing and directing that the City of Orland join the California Municipal Finance Authority (CMFA) for the purposes of authorizing project financing from the Authority for the Liberty Bell Senior Apartments Affordable Housing Project and the Woodward Family Apartment project.*

**ATTACHMENTS:**

- **Attachment A – Resolution authorizing the use of TEFRA financing**
- **Attachment B – California Environmental Quality Act (CEQA) Notice of Exemption (NOE)**
- **Attachment C – Notice of City Council Public Hearing**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING, AUTHORIZING AND DIRECTING  
EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT  
RELATING TO THE CALIFORNIA MUNICIPAL FINANCE  
AUTHORITY AND APPROVING THE ISSUANCE OF REVENUE  
BONDS BY THE AUTHORITY FOR THE PURPOSE OF FINANCING OR  
REFINANCING THE ACQUISITION, CONSTRUCTION, AND  
IMPROVEMENT OF CERTAIN FACILITIES FOR THE BENEFIT OF  
ORLAND SENIOR ASSOCIATES AND ORLAND FAMILY  
ASSOCIATES, CALIFORNIA LIMITED PARTNERSHIPS**

**WHEREAS**, pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the "Act"), certain public agencies (the "Members") have entered into a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement") in order to form the California Municipal Finance Authority (the "Authority"), for the purpose of promoting economic, cultural and community development, and in order to exercise any powers common to the Members, including the issuance of bonds, notes or other evidences of indebtedness; and

**WHEREAS**, the City of Orland (the "City"), has determined that it is in the public interest and for the public benefit that the City become a Member of the Authority in order to facilitate the promotion of economic, cultural and community development activities in the City, including the financing of projects therefor by the Authority; and

**WHEREAS**, there is now before this City Council (the "City Council") the form of the Agreement; and

**WHEREAS**, the Agreement has been filed with the City, and the members of the City Council, with the assistance of its staff, have reviewed said document; and

**WHEREAS**, the Authority is authorized to issue and sell revenue bonds for the purpose, among others, of financing or refinancing the construction, acquisition and rehabilitation of capital projects; and

**WHEREAS**, Orland Senior Associates and Orland Family Associates, California Limited Partnerships (the "Borrowers") a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner, has requested that the California Municipal Finance Authority (the "Authority") adopt a plan of financing providing for the issuance of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 (the "Code") in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed \$10,000,000 and \$15,000,000 in aggregate principal amount (the "Bonds"), to finance or refinance the acquisition, construction, improvement and equipping of a senior multifamily rental housing project located at 134 North 6<sup>th</sup> Street and at the Northeast Corner of Woodward Avenue & East Swift Street (APN 041-081-028), Orland, California (the "Project"); and

**WHEREAS**, in order for the interest on the Bonds to be tax-exempt, Section 147(f) of the Code, requires that an “applicable elected representative” of the governmental unit, the geographic jurisdiction of which contains the site of facilities to be financed with the proceeds of the Bonds, hold a public hearing on the issuance of the Bonds and approve the issuance of the Bonds following such hearing; and

**WHEREAS**, the Authority has determined that the City Council is an “applicable elected representative” for purposes of holding such hearing; and

**WHEREAS**, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and, the requirements of Section 4 of the Agreement; and

**WHEREAS**, notice of such public hearing has been duly given as required by the Code, and this City Council has heretofore held such public hearing at which all interested persons were given an opportunity to be heard on all matters relative to the financing or refinancing of the Project and the Authority’s issuance of the Bonds therefor; and

**WHEREAS**, it is in the public interest and for the public benefit that the City Council approve the issuance of the Bonds by the Authority for the aforesaid purposes;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, AS FOLLOWS:**

Section 1. The foregoing recitals are true and correct.

Section 2. The Agreement is hereby approved and the Mayor or the designee thereof is hereby authorized and directed to execute said document, and the City Clerk or such Clerk’s designee is hereby authorized and directed to attest thereto.

Section 3. The City Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds (a) by the “applicable elected representative” of the governmental unit having jurisdiction over the area in which the Project is located in accordance with Section 147(f) of the Code and; (b) by the City Council in accordance with Section 4 of the Agreement.

Section 4. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 5. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation or operation of the Project; (iii) make any contribution or advance

any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 6. The executing officers(s), the City Clerk and all other proper officers and officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions herein authorized.

Section 7. The City Clerk shall forward a certified copy of this Resolution and an originally executed Agreement to the Authority in care of its counsel:

Ronald E. Lee, Esq.  
Jones Hall, APLC  
475 Sansome Street, Suite 1700  
San Francisco, CA 94111

Section 8. This resolution shall take effect immediately upon its passage.

ADOPTED by the City Council of the City of Orland at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**[SIGNATURE PAGE FOR JPA AGREEMENT]**

IN WITNESS WHEREOF, the City of Orland has caused this Agreement to be executed and attested by its duly authorized representatives as of the \_\_\_\_ day of \_\_\_\_\_, 2022.

Member:

CITY OF ORLAND

By \_\_\_\_\_

Name:

Title:

ATTEST:

\_\_\_\_\_  
Clerk

**JOINT EXERCISE OF POWERS AGREEMENT  
RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY**

THIS AGREEMENT, dated as of January 1, 2004, among the parties executing this Agreement (all such parties, except those which have withdrawn as provided herein, are referred to as the "Members" and those parties initially executing this Agreement are referred to as the "Initial Members"):

**WITNESSETH**

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the California Government Code (in effect as of the date hereof and as the same may from time to time be amended or supplemented, the "Joint Exercise of Powers Act"), two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, each of the Members is a "public agency" as that term is defined in Section 6500 of the Joint Exercise of Powers Act; and

WHEREAS, each of the Members is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare; and

WHEREAS, each of the Members may accomplish the purposes and objectives described in the preceding preamble by various means, including through making grants, loans or providing other financial assistance to governmental and nonprofit organizations; and

WHEREAS, each Member is also empowered by law to acquire and dispose of real property for a public purpose; and

WHEREAS, the Joint Exercise of Powers Act authorizes the Members to create a joint exercise of powers entity with the authority to exercise any powers common to the Members, as specified in this Agreement and to exercise the additional powers granted to it in the Joint Exercise of Powers Act and any other applicable provisions of the laws of the State of California; and

WHEREAS, a public entity established pursuant to the Joint Exercise of Powers Act is empowered to issue or execute bonds, notes, commercial paper or any other evidences of indebtedness, including leases or installment sale agreements or certificates of participation therein (herein "Bonds"), and to otherwise undertake financing programs under the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California to accomplish its public purposes; and

WHEREAS, the Members have determined to specifically authorize a public entity authorized pursuant to the Joint Exercise of Powers Act to issue Bonds pursuant to the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California; and

WHEREAS, it is the desire of the Members to use a public entity established pursuant to the Joint Exercise of Powers Act to undertake the financing and/or refinancing of projects of any nature, including, but not limited to, capital or working capital projects, insurance, liability or retirement programs or facilitating Members use of existing or new financial instruments and mechanisms; and

WHEREAS, it is further the intention of the Members that the projects undertaken will result in significant public benefits to the inhabitants of the jurisdictions of the Members; and

WHEREAS, by this Agreement, each Member desires to create and establish the “California Municipal Finance Authority” for the purposes set forth herein and to exercise the powers provided herein;

NOW, THEREFORE, the Members, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

**Section 1.     Purpose.**

This Agreement is made pursuant to the provisions of the Joint Exercise of Powers Act. The purpose of this Agreement is to establish a public entity for the joint exercise of powers common to the Members and for the exercise of additional powers given to a joint powers entity under the Joint Powers Act or any other applicable law, including, but not limited to, the issuance of Bonds for any purpose or activity permitted under the Joint Exercise of Powers Act or any other applicable law. Such purpose will be accomplished and said power exercised in the manner hereinafter set forth.

**Section 2.     Term.**

This Agreement shall become effective in accordance with Section 17 as of the date hereof and shall continue in full force and effect until such time as it is terminated in writing by all the Members; provided, however, that this Agreement shall not terminate or be terminated until all Bonds issued or caused to be issued by the Authority (defined below) shall no longer be outstanding under the terms of the indenture, trust agreement or other instrument pursuant to which such Bonds are issued, or unless a successor to the Authority assumes all of the Authority’s debts, liabilities and obligations.

**Section 3.     Authority.**

**A.     CREATION AND POWERS OF AUTHORITY.**

Pursuant to the Joint Exercise of Powers Act, there is hereby created a public entity to be known as the “California Municipal Finance Authority” (the “Authority”), and said Authority shall be a public entity separate and apart from the Members. Its

debts, liabilities and obligations do not constitute debts, liabilities or obligations of any Members.

**B. BOARD.**

The Authority shall be administered by the Board of Directors (the "Board," or the "Directors" and each a "Director") of the California Foundation for Stronger Communities, a nonprofit public benefit corporation organized under the laws of the State of California (the "Foundation"), with each such Director serving in his or her individual capacity as a Director of the Board. The Board shall be the administering agency of this Agreement and, as such, shall be vested with the powers set forth herein, and shall administer this Agreement in accordance with the purposes and functions provided herein. The number of Directors, the appointment of Directors, alternates and successors, their respective terms of office, and all other provisions relating to the qualification and office of the Directors shall be as provided in the Articles and Bylaws of the Foundation, or by resolution of the Board adopted in accordance with the Bylaws of the Foundation.

All references in this Agreement to any Director shall be deemed to refer to and include the applicable alternate Director, if any, when so acting in place of a regularly appointed Director.

Directors may receive reasonable compensation for serving as such, and shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a Director, if the Board shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose.

The Foundation may be removed as administering agent hereunder and replaced at any time by amendment of this Agreement approved as provided in Section 16; provided that a successor administering agent of this Agreement has been appointed and accepted its duties and responsibilities under this Agreement.

**C. OFFICERS; DUTIES; OFFICIAL BONDS.**

The officers of the Authority shall be the Chair, Vice-Chair, Secretary and Treasurer (defined below). The Board, in its capacity as administering agent of this Agreement, shall elect a Chair, a Vice-Chair, and a Secretary of the Authority from among Directors to serve until such officer is re-elected or a successor to such office is elected by the Board. The Board shall appoint one or more of its officers or employees to serve as treasurer, auditor, and controller of the Authority (the "Treasurer") pursuant to Section 6505.6 of the Joint Exercise of Powers Act to serve until such officer is re-elected or a successor to such office is elected by the Board.

Subject to the applicable provisions of any resolution, indenture, trust agreement or other instrument or proceeding authorizing or securing Bonds (each such resolution, indenture, trust agreement, instrument and proceeding being herein referred to as an "Indenture") providing for a trustee or other fiscal agent, and except as may otherwise be

specified by resolution of the Board, the Treasurer is designated as the depository of the Authority to have custody of all money of the Authority, from whatever source derived and shall have the powers, duties and responsibilities specified in Sections 6505, 6505.5 and 6509.5 of the Joint Exercise of Powers Act.

The Treasurer of the Authority is designated as the public officer or person who has charge of, handles, or has access to any property of the Authority, and such officer shall file an official bond with the Secretary of the Authority in the amount specified by resolution of the Board but in no event less than \$1,000.

The Board shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants.

The Board shall have the power, by resolution, to the extent permitted by the Joint Exercise of Power Act or any other applicable law, to delegate any of its functions to one or more of the Directors or officers, employees or agents of the Authority and to cause any of said Directors, officers, employees or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Board or the Authority.

#### D. MEETINGS OF THE BOARD.

##### (1) Ralph M. Brown Act.

All meetings of the Board, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California), or any successor legislation hereinafter enacted (the "Brown Act").

##### (2) Regular Meetings.

The Board shall provide for its regular meetings; provided, however, it shall hold at least one regular meeting each year. The date, hour and place of the holding of the regular meetings shall be fixed by resolution of the Board. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

##### (3) Special Meetings.

Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the Government Code of the State of California. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(4) Minutes.

The Secretary of the Authority shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

(5) Quorum.

A majority of the Board shall constitute a quorum for the transaction of business. No action may be taken by the Board except upon the affirmative vote of a majority of the Directors constituting a quorum, except that less than a quorum may adjourn a meeting to another time and place.

E. RULES AND REGULATIONS.

The Authority may adopt, from time to time, by resolution of the Board such rules and regulations for the conduct of its meetings and affairs as may be required.

**Section 4. Powers.**

The Authority shall have the power, in its own name, to exercise the common powers of the Members and to exercise all additional powers given to a joint powers entity under any of the laws of the State of California, including, but not limited to, the Joint Exercise of Powers Act, for any purpose authorized under this Agreement. Such powers shall include the common powers specified in this Agreement and may be exercised in the manner and according to the method provided in this Agreement. The Authority is hereby authorized to do all acts necessary for the exercise of such power, including, but not limited to, any of all of the following: to make and enter into contracts; to employ agents and employees; to acquire, construct, provide for maintenance and operation of, or maintain and operate, any buildings, works or improvements; to acquire, hold or dispose of property wherever located; to incur debts, liabilities or obligations; to receive gifts, contributions and donations of property, funds, services, and other forms of assistance from person, firms, corporations and any governmental entity; to sue and be sued in its own name; to make grants, loans or provide other financial assistance to governmental and nonprofit organizations (e.g., the Members or the Foundation) to accomplish any of its purposes; and generally to do any and all things necessary or convenient to accomplish its purposes.

Without limiting the generality of the foregoing, the Authority may issue or cause to be issued Bonds, and pledge any property or revenues as security to the extent permitted under the Joint Exercise of Powers Act, or any other applicable provision of law; provided, however, the Authority shall not issue Bonds with respect to any project located in the jurisdiction of one or more Members unless the governing body of any such Member, or its duly authorized representative, shall approve, conditionally or unconditionally, the project, including the issuance of Bonds therefor. Such approval may be evidenced by resolution, certificate, order, report or such other means of written approval of such project as may be selected by the Member (or its authorized representative) whose approval is required. No such approval shall be required in

connection with Bonds that refund Bonds previously issued by the Authority and approved by the governing board of a Member.

The manner in which the Authority shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which a California general law city could exercise such powers and perform such duties. The manner in which the Authority shall exercise its powers and perform its duties shall not be subject to any restrictions applicable to the manner in which any other public agency could exercise such powers or perform such duties, whether such agency is a party to this Agreement or not.

**Section 5. Fiscal Year.**

For the purposes of this Agreement, the term "Fiscal Year" shall mean the fiscal year as established from time to time by resolution of the Board, being, at the date of this Agreement, the period from July 1 to and including the following June 30, except for the first Fiscal Year which shall be the period from the date of this Agreement to June 30, 2004.

**Section 6. Disposition of Assets.**

At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 2, after payment of all expenses and liabilities of the Authority, all property of the Authority both real and personal shall automatically vest in the Members in the manner and amount determined by the Board in its sole discretion and shall thereafter remain the sole property of the Members; provided, however, that any surplus money on hand shall be returned in proportion to the contributions made by the Members.

**Section 7. Bonds.**

From time to time the Authority shall issue Bonds, in one or more series, for the purpose of exercising its powers and raising the funds necessary to carry out its purposes under this Agreement.

The services of bond counsel, financing consultants and other consultants and advisors working on the projects and/or their financing shall be used by the Authority. The expenses of the Board shall be paid from the proceeds of the Bonds or any other unencumbered funds of the Authority available for such purpose.

**Section 8. Bonds Only Limited and Special Obligations of Authority.**

The Bonds, together with the interest and premium, if any, thereon, shall not be deemed to constitute a debt of any Member or pledge of the faith and credit of the Members or the Authority. The Bonds shall be only special obligations of the Authority, and the Authority shall under no circumstances be obligated to pay the Bonds except from revenues and other funds pledged therefor. Neither the Members nor the Authority shall be obligated to pay the principal of, premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Members nor the faith and credit of the Authority shall be pledged to the payment of the

principal of, premium, if any, or interest on the Bonds nor shall the Members or the Authority in any manner be obligated to make any appropriation for such payment.

No covenant or agreement contained in any Bond or related document shall be deemed to be a covenant or agreement of any Director, or any officer, employee or agent of the Authority in his or her individual capacity and neither the Board of the Authority nor any Director or officer thereof executing the Bonds shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

#### **Section 9.     Accounts and Reports.**

All funds of the Authority shall be strictly accounted for. The Authority shall establish and maintain such funds and accounts as may be required by good accounting practice and by any provision of any Indenture (to the extent such duties are not assigned to a trustee of Bonds). The books and records of the Authority shall be open to inspection at all reasonable times by each Member.

The Treasurer of the Authority shall cause an independent audit to be made of the books of accounts and financial records of the Authority by a certified public accountant or public accountant in compliance with the provisions of Section 6505 of the Joint Exercise of Powers Act. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When such an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member and also with the county auditor of each county in which a Member is located; provided, however, that to the extent permitted by law, the Authority may, instead of filing such report with each Member and such county auditor, elect to post such report as a public record electronically on a website designated by the Authority. Such report if made shall be filed within 12 months of the end of the Fiscal Year or Years under examination.

The Treasurer is hereby directed to report in writing on the first day of July, October, January, and April of each year to the Board and the Members which report shall describe the amount of money held by the Treasurer for the Authority, the amount of receipts since the last such report, and the amount paid out since the last such report (which may exclude amounts held by a trustee or other fiduciary in connection with any Bonds to the extent that such trustee or other fiduciary provided regular reports covering such amounts.)

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section, shall be borne by the Authority and shall be a charge against any unencumbered funds of the Authority available for that purpose.

In any Fiscal Year the Board may, by resolution adopted by unanimous vote, replace the annual special audit with an audit covering a two-year period.

**Section 10. Funds.**

Subject to the applicable provisions of any Indenture, which may provide for a trustee or other fiduciary to receive, have custody of and disburse Authority funds, the Treasurer of the Authority shall receive, have the custody of and disburse Authority funds pursuant to the accounting procedures developed under Sections 3.C and 9, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions of purposes of this Agreement.

**Section 11. Notices.**

Notices and other communications hereunder to the Members shall be sufficient if delivered to the clerk of the governing body of each Member; provided, however, that to the extent permitted by law, the Authority may, provide notices and other communications and postings electronically (including, without limitation, through email or by posting to a website).

**Section 12. Additional Members/Withdrawal of Members.**

Qualifying public agencies may be added as parties to this Agreement and become Members upon: (1) the filing by such public agency with the Authority of an executed counterpart of this Agreement, together with a copy of the resolution of the governing body of such public agency approving this Agreement and the execution and delivery hereof; and (2) adoption of a resolution of the Board approving the addition of such public agency as a Member. Upon satisfaction of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

A Member may withdraw from this Agreement upon written notice to the Board; provided, however, that no such withdrawal shall result in the dissolution of the Authority so long as any Bonds remain outstanding. Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Board which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing.

**Section 13. Indemnification.**

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Director or an officer, employee or other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Director or an officer, employee or other agent of the Authority, against expenses, including attorneys fees, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

**Section 14. Contributions and Advances.**

Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Authority by the Members for any of the purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution or advance. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Authority and the Member making such advance at the time of such advance. It is mutually understood and agreed to that no Member has any obligation to make advances or contributions to the Authority to provide for the costs and expenses of administration of the Authority, even though any Member may do so. The Members understand and agree that a portion of the funds of the Authority that otherwise may be allocated or distributed to the Members may instead be used to make grants, loans or provide other financial assistance to governmental units and nonprofit organizations (e.g., the Foundation) to accomplish any of the governmental unit's or nonprofit organization's purposes.

**Section 15. Immunities.**

All of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, and other benefits which apply to the activity of officers, agents or employees of Members when performing their respective functions within the territorial limits of their respective public agencies, shall apply to the same degree and extent to the Directors, officers, employees, agents or other representatives of the Authority while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

**Section 16. Amendments.**

Except as provided in Section 12 above, this Agreement shall not be amended, modified, or altered, unless the negative consent of each of the Members is obtained. To obtain the negative consent of each of the Members, the following negative consent procedure shall be followed: (a) the Authority shall provide each Member with a notice at least sixty (60) days prior to the date such proposed amendment is to become effective explaining the nature of such proposed amendment and this negative consent procedure; (b) the Authority shall provide each Member who did not respond a reminder notice with a notice at least thirty (30) days prior to the date such proposed amendment is to become effective; and (c) if no Member objects to the proposed amendment in writing within sixty (60) days after the initial notice, the proposed amendment shall become effective with respect to all Members.

**Section 17. Effectiveness.**

This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of each of the Members on the date that the Board shall have received from two of the Initial Members an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Initial Member approving this Agreement and the execution and delivery hereof.

**Section 18. Partial Invalidity.**

If any one or more of the terms, provisions, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

**Section 19. Successors.**

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the other Members.

**Section 20. Miscellaneous.**

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

This Agreement shall be governed under the laws of the State of California.

This Agreement is the complete and exclusive statement of the agreement among the Members, which supercedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the Members relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the City of Orland has caused this Agreement to be executed and attested by its duly authorized representatives as of the \_\_\_\_ day of \_\_\_\_\_, 2022.

Member:

CITY OF ORLAND

By \_\_\_\_\_

Name:

Title:

ATTEST:

By \_\_\_\_\_

Name:

Title:



## CITY OF ORLAND

### CITY COUNCIL AGENDA ITEM #: 6.B.

**MEETING DATE: March 19, 2022**

TO: City of Orland City Council  
FROM: Scott Friend, AICP – City Planner  
MEETING DATE: March 19, 2022; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Tax and Equity Fiscal Responsibility Act (TEFRA) Bond Financing for the Liberty Bell Senior Apartment Project. Public Hearing.** A public hearing under the Tax and Equity Fiscal Responsibility Act (“TEFRA”) in connection with the proposed issuance of revenue bonds by the California Municipal Finance Authority (the “CMFA”), a joint exercise of powers authority and public entity of the State of California, in an amount not to exceed \$10,000,000, (the “Bonds”), to finance or refinance the acquisition, construction, improvement and equipping of a senior multifamily rental housing project located at 134 North 6th Street, Orland, California (the “Project”).

Recommendation: Adopt a resolution to approve the financing of the Project by the CMFA.

**Environmental Review:** Staff recommends that the City Council determine that the proposed action is *exempt* from further CEQA review pursuant CEQA Guidelines Section 15061(b)(3), the “Common Sense Exemption”.

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#### **SUMMARY:**

Conduct a public hearing under the Tax and Equity Fiscal Responsibility Act (“TEFRA”) on March, 22 2022 in connection with the proposed issuance of revenue bonds by the California Municipal Finance Authority (the “CMFA”), a joint exercise of powers authority and public entity of the State of California, in an amount not to exceed \$10,000,000, (the “Bonds”), to finance or refinance the acquisition, construction, improvement and equipping of a senior multifamily rental housing project located at 134 North 6th Street, Orland, California (the “Project”).

Adopt a resolution to approve the financing of the Project by the CMFA.

#### **Recommendations**

1) Conduct the public hearing under the requirements of TEFRA and the Internal Revenue Code of 1986, as amended (the “Code”).

2) Adopt the resolution approving the issuance of the Bonds by the CMFA for the benefit of Orland Senior Associates, a California Limited Partnership (the "Borrower") a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner, to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following).

**Background:**

The Borrower requested that the CMFA serve as the municipal issuer of the Bonds in an aggregate principal amount not to exceed \$10,000,000 of tax-exempt revenue bonds. The proceeds of the Bonds will be used to finance the Project.

In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of Orland must conduct a public hearing (the "TEFRA Hearing") providing for the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. Prior to such TEFRA Hearing, reasonable notice must be provided to the members of the community. Following the close of the TEFRA Hearing, an "applicable elected representative" of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project.

**California Municipal Finance Authority:**

The CMFA was created on January 1, 2004 pursuant to a joint exercise of powers agreement to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout California. To date, over 330 municipalities have become members of CMFA.

The CMFA was formed to assist local governments, non-profit organizations and businesses with the issuance of taxable and tax-exempt bonds aimed at improving the standard of living in California. The CMFA's representatives and its Board of Directors have considerable experience in bond financings.

**Fiscal Impact:**

The Bonds to be issued by the CMFA for the Project will be the sole responsibility of the Borrower, and the City will have no financial, legal, moral obligation, liability or responsibility for the Project or the repayment of the Bonds for the financing of the Project. All financing documents with respect to the issuance of the Bonds will contain clear disclaimers that the Bonds are not obligations of the City or the State of California but are to be paid for solely from funds provided by the Borrower.

The Board of Directors of the California Foundation for Stronger Communities, a California non-profit public benefit corporation (the "Foundation"), acts as the Board of Directors for the CMFA.

Through its conduit issuance activities, the CMFA shares a portion of the issuance fees it receives with its member communities and donates a portion of these issuance fees to the Foundation for the support of local charities. With respect to the City of Orland, it is expected that a portion of the issuance fee attributable to the City will be granted by the CMFA to the general fund of the City. Such grant may be used for any lawful purpose of the City.

**Environmental Determination:**

Staff recommends that the City Council determine that the proposed action is categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) - the “*Common Sense Exemption*” as it can be seen with certainty that there is no possibility that the granting of project financing authority to the CMRA through the issuance of Bonds would have a significant effect on the physical environment, and therefore the project is not subject to further CEQA review.

A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment A - Notice of Exemption**.

**Recommendation/Summary:**

In light of the foregoing, and in order to support affordable housing, staff of the City and the CMFA recommend that the City conduct the TEFRA Hearing and adopt the resolution in favor of the issuance of the Bonds by the CMFA.

If the City Council determines that it intends to approve the matter as recommended, the following motion is offered for Council consideration:

**Sample Motions:**

1. California Environmental Quality Act (CEQA):

*I move that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the General Rule.*

2. Approval of Resolution:

*I move that the City Council adopt Resolution 2022-\_\_\_ granting financing authority to the CMFA for the Liberty Bell Apartments Affordable Housing Project.*

**ATTACHMENTS:**

- **Attachment A – Resolution authorizing the use of TEFRA financing**
- **Attachment B – California Environmental Quality Act (CEQA) Notice of Exemption (NOE)**
- **Attachment C – Notice of City Council Public Hearing**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND  
APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL  
FINANCE AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS  
IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED  
\$10,000,000 FOR THE PURPOSE OF FINANCING OR REFINANCING THE  
ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING  
OF LIBERTY BELL COURTYARDS APARTMENT AND CERTAIN  
OTHER MATTERS RELATING THERETO**

**WHEREAS**, Orland Senior Associates, a California Limited Partnership (the "Borrower") a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner, has requested that the California Municipal Finance Authority (the "Authority") adopt a plan of financing providing for the issuance of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 (the "Code") in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed \$10,000,000 in aggregate principal amount (the "Bonds"), to finance or refinance the acquisition, construction, improvement and equipping of a senior multifamily rental housing project located at 134 North 6<sup>th</sup> Street, Orland, California (the "Project"); and

**WHEREAS**, pursuant to Section 147(f) of the Code, the issuance of the Bonds by the Authority must be approved by the City of Orland (the "City") because the Project is located within the territorial limits of the City; and

**WHEREAS**, the City Council of the City (the "City Council") is the elected legislative body of the City and is one of the "applicable elected representatives" required to approve the issuance of the Bonds under Section 147(f) of the Code; and

**WHEREAS**, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement"), among certain local agencies, including the City; and

**WHEREAS**, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority;

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

Section 1. The foregoing resolutions are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code by the

**Attachment A**

applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation, installation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 6. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the City Council of the City of Orland this \_\_\_\_\_, 2022.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

Attest:

By: \_\_\_\_\_  
City Clerk

**Attachment A**

**Notice of Exemption****Form D**

**To:** ■ Office of Planning and Research  
PO Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

**From:** (Public Agency) City of Orland  
815 Fourth Street,  
Orland, CA 95963  
*(Address)*

■ County Clerk  
County of Glenn  
526 West Sycamore Street  
Willows, CA 95988

**Project Title:** Liberty Bell Senior Apartment Project - Financing.

**Project Location - Specific:**

North of the northwest corner of Almond Way and 6<sup>th</sup> Street , Orland, CA 95963  
APN 045-100-131 and 045-100-097

**Project Location – City:** Orland      **Project Location – County:** Glenn

**Description of Nature, Purpose, and Beneficiaries of Project:** The Project is the adoption by the City of Orland of a Resolution authorizing the issuance of municipal bond financing through the California Municipal Financing Authority (CMFA) for use for the Liberty Bell Senior Apartment Project.

The beneficiaries of the action (“project”) will be the developer of the project and future residents.

**Name of Public Agency Approving Project**

City of Orland

**Name of Person or Agency Carrying Out Project:**

California Municipal Financing Authority (CMFA)

**Exempt Status: (check one)**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);  
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); Declared Emergency (Sec. 21080(b)(3); 15269(a));  
☒ Categorical Exemption. State type and section number: 5061(b)(3), the Common-Sense Exemption  
☐ Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**

The project involves the authorization of the issuance of bond financing only. The proposed action will have no impact to the physical environment as the action only involves a project financing mechanism.

**Lead Agency**

**Contact Person:** Peter C. Carr      Area Code/Telephone/Extension: (530) 865-1600

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: City Manager

■ Signed by Lead Agency

Date received for filing at OPR:      N/A

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on \_\_\_\_\_, 2022, a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 (the "Code") will be held with respect to a proposed plan of financing providing for the issuance by the California Municipal Finance Authority (the "Authority") of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Code in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, in an amount not to exceed \$10,000,000 (the "Bonds"). The proceeds of the Bonds will be used to: (1) finance or refinance the acquisition, construction, improvement and equipping of Liberty Bell Courtyards, a senior multifamily rental housing project located at 134 North 6<sup>th</sup> Street, Orland, California; and (2) pay certain expenses incurred in connection with the issuance of the Bonds. The facilities are to be owned by Orland Senior Associates, a California Limited Partnership (the "Borrower") or a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner.

The Bonds and the obligation to pay principal of and interest thereon and any redemption premium with respect thereto do not constitute indebtedness or an obligation of the Authority, the State of California or any political subdivision thereof, within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of any of them. The Bonds shall be a limited obligation of the Authority, payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the Borrower.

The hearing will commence at 6:30 p.m. or as soon thereafter as the matter can be heard, and will be held in the City Council Chambers, 815 Fourth Street, Orland, California. Interested persons wishing to express their views on the issuance of the Bonds or on the nature and location of the facilities proposed to be financed or refinanced may attend the public hearing or, prior to the time of the hearing, submit written comments.

Additional information concerning the above matter may be obtained from, and written comments should be addressed to, City Clerk, City of Orland, 815 Fourth Street, Orland, California 95963.

Dated: \_\_\_\_\_, 2022

*(published April 9, 2022)*



## CITY OF ORLAND

### CITY COUNCIL AGENDA ITEM #: 6.C.

**MEETING DATE: March 19, 2022**

TO: **City of Orland City Council**  
FROM: Scott Friend, AICP – City Planner  
MEETING DATE: March 19, 2022; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Tax and Equity Fiscal Responsibility Act (TEFRA) Bond Financing for the Woodward Family Apartment Project. Public Hearing.** A public hearing under the Tax and Equity Fiscal Responsibility Act (“TEFRA”) in connection with the proposed issuance of revenue bonds by the California Municipal Finance Authority (the “CMFA”), a joint exercise of powers authority and public entity of the State of California, in an amount not to exceed \$15,000,000, (the “Bonds”), to finance or refinance the acquisition, construction, improvement and equipping of a multifamily rental housing project located at the Northeast Corner of Woodward Avenue & East Swift Street, Orland, California (the “Project”).

Recommendation: Adopt a resolution to approve the financing of the Project by the CMFA.

**Environmental Review:** Staff recommends that the City Council determine that the proposed action is *exempt* from further CEQA review pursuant CEQA Guidelines Section 15061(b)(3), the “Common Sense Exemption”.

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#### SUMMARY:

Conduct a public hearing under the Tax and Equity Fiscal Responsibility Act (“TEFRA”) on March, 22 2022 in connection with the proposed issuance of revenue bonds by the California Municipal Finance Authority (the “CMFA”), a joint exercise of powers authority and public entity of the State of California, in an amount not to exceed \$15,000,000, (the “Bonds”), to finance or refinance the acquisition, construction, improvement and equipping of a multifamily rental housing project located at the Northeast Corner of Woodward Avenue & East Swift Street, Orland, California (the “Project”).

Adopt a resolution to approve the financing of the Project by the CMFA.

#### Recommendations

- 1) Conduct the public hearing under the requirements of TEFRA and the Internal Revenue Code of 1986, as amended (the “Code”).

2) Adopt the resolution approving the issuance of the Bonds by the CMFA for the benefit of Orland Family Associates, a California Limited Partnership (the "Borrower") a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner, to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following).

**Background:**

The Borrower requested that the CMFA serve as the municipal issuer of the Bonds in an aggregate principal amount not to exceed \$15,000,000 of tax-exempt revenue bonds. The proceeds of the Bonds will be used to finance the Project.

In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of Orland must conduct a public hearing (the "TEFRA Hearing") providing for the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. Prior to such TEFRA Hearing, reasonable notice must be provided to the members of the community. Following the close of the TEFRA Hearing, an "applicable elected representative" of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project.

**California Municipal Finance Authority:**

The CMFA was created on January 1, 2004 pursuant to a joint exercise of powers agreement to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout California. To date, over 330 municipalities have become members of CMFA.

The CMFA was formed to assist local governments, non-profit organizations and businesses with the issuance of taxable and tax-exempt bonds aimed at improving the standard of living in California. The CMFA's representatives and its Board of Directors have considerable experience in bond financings.

**Fiscal Impact:**

The Bonds to be issued by the CMFA for the Project will be the sole responsibility of the Borrower, and the City will have no financial, legal, moral obligation, liability or responsibility for the Project or the repayment of the Bonds for the financing of the Project. All financing documents with respect to the issuance of the Bonds will contain clear disclaimers that the Bonds are not obligations of the City or the State of California but are to be paid for solely from funds provided by the Borrower.

The Board of Directors of the California Foundation for Stronger Communities, a California non-profit public benefit corporation (the “Foundation”), acts as the Board of Directors for the CMFA. Through its conduit issuance activities, the CMFA shares a portion of the issuance fees it receives with its member communities and donates a portion of these issuance fees to the Foundation for the support of local charities. With respect to the City of Orland, it is expected that that a portion of the issuance fee attributable to the City will be granted by the CMFA to the general fund of the City. Such grant may be used for any lawful purpose of the City.

**Environmental Determination:**

Staff recommends that the City Council determine that the proposed action is categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) - the “*Common Sense Exemption*” as it can be seen with certainty that there is no possibility that the granting of project financing authority to the CMFA through the issuance of Bonds would have a significant effect on the physical environment, and therefore the project is not subject to further CEQA review.

A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment A - Notice of Exemption**.

**Recommendation/Summary:**

In light of the foregoing, and in order to support affordable housing, staff of the City and the CMFA recommend that the City conduct the TEFRA Hearing and adopt the resolution in favor of the issuance of the Bonds by the CMFA.

If the City Council determines that it intends to approve the matter as recommended, the following motion is offered for Council consideration:

**Sample Motions:**

1. California Environmental Quality Act (CEQA):

*I move that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the General Rule.*

2. Approval of Resolution:

*I move that the City Council adopt Resolution 2022-\_\_\_\_ granting financing authority to the CMFA for the Woodward Family Apartment project.*

**ATTACHMENTS:**

- **Attachment A – Resolution authorizing the use of TEFRA financing**
- **Attachment B – California Environmental Quality Act (CEQA) Notice of Exemption (NOE)**
- **Attachment C – Notice of City Council Public Hearing**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND  
APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL  
FINANCE AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS  
IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED  
\$15,000,000 FOR THE PURPOSE OF FINANCING OR REFINANCING THE  
ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING  
OF WOODWARD FAMILY APARTMENTS AND CERTAIN OTHER  
MATTERS RELATING THERETO**

**WHEREAS**, Orland Family Associates, a California Limited Partnership (the "Borrower") a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner, has requested that the California Municipal Finance Authority (the "Authority") adopt a plan of financing providing for the issuance of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 (the "Code") in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed \$15,000,000 in aggregate principal amount (the "Bonds"), to finance or refinance the acquisition, construction, improvement and equipping of a multifamily rental housing project located at the Northeast Corner of Woodward Avenue & East Swift Street (APN 041-081-028), Orland, California (the "Project"); and

**WHEREAS**, pursuant to Section 147(f) of the Code, the issuance of the Bonds by the Authority must be approved by the City of Orland (the "City") because the Project is located within the territorial limits of the City; and

**WHEREAS**, the City Council of the City (the "City Council") is the elected legislative body of the City and is one of the "applicable elected representatives" required to approve the issuance of the Bonds under Section 147(f) of the Code; and

**WHEREAS**, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement"), among certain local agencies, including the City; and

**WHEREAS**, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority;

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

Section 1. The foregoing resolutions are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the

**Attachment A**

issuance of the Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation, installation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 6. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Orland this \_\_\_\_\_, 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

By: \_\_\_\_\_  
City Clerk

**Attachment A**

**Notice of Exemption****Form D**

**To:** ■ Office of Planning and Research  
PO Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

**From:** (Public Agency) City of Orland  
815 Fourth Street,  
Orland, CA 95963  
(Address)

■ County Clerk  
County of Glenn  
526 West Sycamore Street  
Willows, CA 95988

**Project Title:** Woodward Family Apartment Project - Financing.

**Project Location - Specific:**

203 E. Tehama Street. South of E. Tehama Street, East of Woodward Avenue and north of E. Swift Street , Orland, CA 95963  
APN 041-081-002

**Project Location – City:** Orland **Project Location – County:** Glenn

**Description of Nature, Purpose, and Beneficiaries of Project:** The Project is the adoption by the City of Orland of a Resolution authorizing the issuance of municipal bond financing through the California Municipal Financing Authority (CMFA) for use for the Woodward Family Apartment Project.

The beneficiaries of the action (“project”) will be the developer of the project and future residents.

**Name of Public Agency Approving Project**

City of Orland

**Name of Person or Agency Carrying Out Project:**

California Municipal Financing Authority (CMFA)

**Exempt Status: (check one)**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);  
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); Declared Emergency (Sec. 21080(b)(3); 15269(a));  
☒ Categorical Exemption. State type and section number: 5061(b)(3), the Common-Sense Exemption  
☐ Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**

The project involves the authorization of the issuance of bond financing only. The proposed action will have no impact to the physical environment as the action only involves a project financing mechanism.

**Lead Agency**

**Contact Person:** Peter C. Carr **Area Code/Telephone/Extension:** (530) 865-1600

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Title:** City Manager

■ Signed by Lead Agency

**Date received for filing at OPR:** \_\_\_\_\_ N/A

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on \_\_\_\_\_, 2022, a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), will be held with respect to a proposed plan of financing providing for the issuance by the California Municipal Finance Authority (the "Authority") of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Code in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, in an amount not to exceed \$15,000,000 in aggregate principal amount (the "Bonds"). The proceeds of the Bonds will be used to: (1) finance or refinance the acquisition, construction, improvement and equipping of Woodward Family Apartments, a multifamily rental housing project located at the Northeast Corner of Woodward Avenue & East Swift Street (APN 041-081-028), Orland, California; and (2) pay certain expenses incurred in connection with the issuance of the Bonds. The facilities are to be owned by Orland Family Associates, a California Limited Partnership (the "Borrower") or a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner.

The Bonds and the obligation to pay principal of and interest thereon and any redemption premium with respect thereto do not constitute indebtedness or an obligation of the Authority, the State of California or any political subdivision thereof, within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of any of them. The Bonds shall be a limited obligation of the Authority, payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the Borrower.

The hearing will commence at 6:30 p.m. or as soon thereafter as the matter can be heard, and will be held in the City Council Chambers, 815 Fourth Street, Orland, California. Interested persons wishing to express their views on the issuance of the Bonds or on the nature and location of the facilities proposed to be financed or refinanced may attend the public hearing or, prior to the time of the hearing, submit written comments.

Additional information concerning the above matter may be obtained from, and written comments should be addressed to, City Clerk, City of Orland, 815 Fourth Street, Orland, California 95963.

Dated: \_\_\_\_\_, \_\_\_\_\_

*(published April 9, 2022)*



## CITY OF ORLAND

### CITY COUNCIL AGENDA ITEM #: 6.C.

**MEETING DATE: March 19, 2022**

TO: City of Orland City Council  
FROM: Scott Friend, AICP – City Planner  
MEETING DATE: March 19, 2022; 6:30 p.m., Carnegie Center, 912 Third Street, Orland, CA 95963

SUBJECT: **Tax and Equity Fiscal Responsibility Act (TEFRA) Bond Financing for the Woodward Family Apartment Project. Public Hearing.** A public hearing under the Tax and Equity Fiscal Responsibility Act (“TEFRA”) in connection with the proposed issuance of revenue bonds by the California Municipal Finance Authority (the “CMFA”), a joint exercise of powers authority and public entity of the State of California, in an amount not to exceed \$15,000,000, (the “Bonds”), to finance or refinance the acquisition, construction, improvement and equipping of a multifamily rental housing project located at the Northeast Corner of Woodward Avenue & East Swift Street, Orland, California (the "Project").

Recommendation: Adopt a resolution to approve the financing of the Project by the CMFA.

**Environmental Review:** Staff recommends that the City Council determine that the proposed action is *exempt* from further CEQA review pursuant CEQA Guidelines Section 15061(b)(3), the “Common Sense Exemption”.

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#### SUMMARY:

Conduct a public hearing under the Tax and Equity Fiscal Responsibility Act (“TEFRA”) on March, 22 2022 in connection with the proposed issuance of revenue bonds by the California Municipal Finance Authority (the “CMFA”), a joint exercise of powers authority and public entity of the State of California, in an amount not to exceed \$15,000,000, (the “Bonds”), to finance or refinance the acquisition, construction, improvement and equipping of a multifamily rental housing project located at the Northeast Corner of Woodward Avenue & East Swift Street, Orland, California (the "Project").

Adopt a resolution to approve the financing of the Project by the CMFA.

#### Recommendations

- 1) Conduct the public hearing under the requirements of TEFRA and the Internal Revenue Code of 1986, as amended (the “Code”).

2) Adopt the resolution approving the issuance of the Bonds by the CMFA for the benefit of Orland Family Associates, a California Limited Partnership (the "Borrower") a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner, to provide for the financing of the Project, such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following).

**Background:**

The Borrower requested that the CMFA serve as the municipal issuer of the Bonds in an aggregate principal amount not to exceed \$15,000,000 of tax-exempt revenue bonds. The proceeds of the Bonds will be used to finance the Project.

In order for all or a portion of the Bonds to qualify as tax-exempt bonds, the City of Orland must conduct a public hearing (the "TEFRA Hearing") providing for the members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the financing of the Project. Prior to such TEFRA Hearing, reasonable notice must be provided to the members of the community. Following the close of the TEFRA Hearing, an "applicable elected representative" of the governmental unit hosting the Project must provide its approval of the issuance of the Bonds for the financing of the Project.

**California Municipal Finance Authority:**

The CMFA was created on January 1, 2004 pursuant to a joint exercise of powers agreement to promote economic, cultural and community development, through the financing of economic development and charitable activities throughout California. To date, over 330 municipalities have become members of CMFA.

The CMFA was formed to assist local governments, non-profit organizations and businesses with the issuance of taxable and tax-exempt bonds aimed at improving the standard of living in California. The CMFA's representatives and its Board of Directors have considerable experience in bond financings.

**Fiscal Impact:**

The Bonds to be issued by the CMFA for the Project will be the sole responsibility of the Borrower, and the City will have no financial, legal, moral obligation, liability or responsibility for the Project or the repayment of the Bonds for the financing of the Project. All financing documents with respect to the issuance of the Bonds will contain clear disclaimers that the Bonds are not obligations of the City or the State of California but are to be paid for solely from funds provided by the Borrower.

The Board of Directors of the California Foundation for Stronger Communities, a California non-profit public benefit corporation (the “Foundation”), acts as the Board of Directors for the CMFA. Through its conduit issuance activities, the CMFA shares a portion of the issuance fees it receives with its member communities and donates a portion of these issuance fees to the Foundation for the support of local charities. With respect to the City of Orland, it is expected that that a portion of the issuance fee attributable to the City will be granted by the CMFA to the general fund of the City. Such grant may be used for any lawful purpose of the City.

**Environmental Determination:**

Staff recommends that the City Council determine that the proposed action is categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) - the “*Common Sense Exemption*” as it can be seen with certainty that there is no possibility that the granting of project financing authority to the CMRA through the issuance of Bonds would have a significant effect on the physical environment, and therefore the project is not subject to further CEQA review.

A Notice of Exemption was prepared for this project and has been included with this staff report as **Attachment A - Notice of Exemption**.

**Recommendation/Summary:**

In light of the foregoing, and in order to support affordable housing, staff of the City and the CMFA recommend that the City conduct the TEFRA Hearing and adopt the resolution in favor of the issuance of the Bonds by the CMFA.

If the City Council determines that it intends to approve the matter as recommended, the following motion is offered for Council consideration:

**Sample Motions:**

1. California Environmental Quality Act (CEQA):

*I move that the City Council determine that the project is categorically exempt from further review under the California Environmental Quality Act (CEQA) pursuant to Section §15061(b)(3), the General Rule.*

2. Approval of Resolution:

*I move that the City Council adopt Resolution 2022-\_\_\_\_ granting financing authority to the CMFA for the Woodward Family Apartment project.*

**ATTACHMENTS:**

- **Attachment A – Resolution authorizing the use of TEFRA financing**
- **Attachment B – California Environmental Quality Act (CEQA) Notice of Exemption (NOE)**
- **Attachment C – Notice of City Council Public Hearing**

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORLAND  
APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL  
FINANCE AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS  
IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED  
\$15,000,000 FOR THE PURPOSE OF FINANCING OR REFINANCING THE  
ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING  
OF WOODWARD FAMILY APARTMENTS AND CERTAIN OTHER  
MATTERS RELATING THERETO**

**WHEREAS**, Orland Family Associates, a California Limited Partnership (the "Borrower") a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner, has requested that the California Municipal Finance Authority (the "Authority") adopt a plan of financing providing for the issuance of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 (the "Code") in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, and at no time to exceed \$15,000,000 in aggregate principal amount (the "Bonds"), to finance or refinance the acquisition, construction, improvement and equipping of a multifamily rental housing project located at the Northeast Corner of Woodward Avenue & East Swift Street (APN 041-081-028), Orland, California (the "Project"); and

**WHEREAS**, pursuant to Section 147(f) of the Code, the issuance of the Bonds by the Authority must be approved by the City of Orland (the "City") because the Project is located within the territorial limits of the City; and

**WHEREAS**, the City Council of the City (the "City Council") is the elected legislative body of the City and is one of the "applicable elected representatives" required to approve the issuance of the Bonds under Section 147(f) of the Code; and

**WHEREAS**, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement"), among certain local agencies, including the City; and

**WHEREAS**, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the Authority;

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

Section 1. The foregoing resolutions are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the

**Attachment A**

issuance of the Bonds by the Authority, for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this Resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, construction, rehabilitation, installation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 6. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Orland this \_\_\_\_\_, 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

By: \_\_\_\_\_  
City Clerk

**Attachment A**

**Notice of Exemption****Form D**

**To:** ■ Office of Planning and Research  
PO Box 3044, 1400 Tenth Street, Room 212  
Sacramento, CA 95812-3044

**From:** (Public Agency) City of Orland  
815 Fourth Street,  
Orland, CA 95963  
(Address)

■ County Clerk  
County of Glenn  
526 West Sycamore Street  
Willows, CA 95988

**Project Title:** Woodward Family Apartment Project - Financing.

**Project Location - Specific:**

203 E. Tehama Street. South of E. Tehama Street, East of Woodward Avenue and north of E. Swift Street , Orland, CA 95963  
APN 041-081-002

**Project Location – City:** Orland **Project Location – County:** Glenn

**Description of Nature, Purpose, and Beneficiaries of Project:** The Project is the adoption by the City of Orland of a Resolution authorizing the issuance of municipal bond financing through the California Municipal Financing Authority (CMFA) for use for the Woodward Family Apartment Project.

The beneficiaries of the action (“project”) will be the developer of the project and future residents.

**Name of Public Agency Approving Project**

City of Orland

**Name of Person or Agency Carrying Out Project:**

California Municipal Financing Authority (CMFA)

**Exempt Status: (check one)**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);  
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); Declared Emergency (Sec. 21080(b)(3); 15269(a));  
☒ Categorical Exemption. State type and section number: 5061(b)(3), the Common-Sense Exemption  
☐ Statutory Exemptions. State code number: \_\_\_\_\_

**Reasons why project is exempt:**

The project involves the authorization of the issuance of bond financing only. The proposed action will have no impact to the physical environment as the action only involves a project financing mechanism.

**Lead Agency**

**Contact Person:** Peter C. Carr **Area Code/Telephone/Extension:** (530) 865-1600

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Title:** City Manager

■ Signed by Lead Agency

**Date received for filing at OPR:** \_\_\_\_\_ N/A

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## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on \_\_\_\_\_, 2022, a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986 (the "Code"), will be held with respect to a proposed plan of financing providing for the issuance by the California Municipal Finance Authority (the "Authority") of exempt facility bonds for a qualified residential rental project pursuant to Section 142(a)(7) of the Code in one or more series issued from time to time, including bonds issued to refund such exempt facility bonds in one or more series from time to time, in an amount not to exceed \$15,000,000 in aggregate principal amount (the "Bonds"). The proceeds of the Bonds will be used to: (1) finance or refinance the acquisition, construction, improvement and equipping of Woodward Family Apartments, a multifamily rental housing project located at the Northeast Corner of Woodward Avenue & East Swift Street (APN 041-081-028), Orland, California; and (2) pay certain expenses incurred in connection with the issuance of the Bonds. The facilities are to be owned by Orland Family Associates, a California Limited Partnership (the "Borrower") or a partnership of which Pacific West Communities, Inc. (the "Developer") or a related person to the Developer is the general partner.

The Bonds and the obligation to pay principal of and interest thereon and any redemption premium with respect thereto do not constitute indebtedness or an obligation of the Authority, the State of California or any political subdivision thereof, within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of any of them. The Bonds shall be a limited obligation of the Authority, payable solely from certain revenues duly pledged therefor and generally representing amounts paid by the Borrower.

The hearing will commence at 6:30 p.m. or as soon thereafter as the matter can be heard, and will be held in the City Council Chambers, 815 Fourth Street, Orland, California. Interested persons wishing to express their views on the issuance of the Bonds or on the nature and location of the facilities proposed to be financed or refinanced may attend the public hearing or, prior to the time of the hearing, submit written comments.

Additional information concerning the above matter may be obtained from, and written comments should be addressed to, City Clerk, City of Orland, 815 Fourth Street, Orland, California 95963.

Dated: \_\_\_\_\_, \_\_\_\_\_

*(published April 9, 2022)*

## **CITY OF ORLAND**

### **CITY COUNCIL AGENDA ITEM #: 7.A.**

**MEETING DATE: April 19, 2022**

**TO:** Honorable Mayor and Council  
**FROM:** Pete Carr, City Manager  
**SUBJECT:** Update: Homelessness & Homekey Project (Discussion/Direction)

---

City Manager will provide updated information about homelessness and the current Homekey project in Orland.

#### **BACKGROUND**

The City has been actively participating for many years on the Glenn County Continuum of Care – the local task force coordinating and addressing housing and other social services.

After months of extensive consideration and a site visit to a similar facility in Sutter County, City Council in December approved submission of an application to the State for Homekey grant funding to transform the dilapidated 13-room Orlanda Motel into a 33-room permanent supportive apartment project for people in need of housing with social services support. The City partnered with Glenn County and Habitat for Humanity in planning this project and submitting the application. City departments including planning, engineering, building, administration, law enforcement, fire and public works have all been engaged in the project.

#### **DISCUSSION**

City Manager will provide a verbal update to inform the Council about progress of this Homekey project including:

- ☐ Scope of homelessness in Glenn County and Orland
- ☐ Award of Homekey grant funding
- ☐ Ownership of the property
- ☐ Relocation of residents
- ☐ Demolition
- ☐ Construction
- ☐ Estimated occupancy timeframe
- ☐ City cost recovery

**RECOMMENDATION:** Consider and direct City Staff.

**Fiscal Impact of Recommendation:** No significant unreimbursed out-of-pocket costs to City. Project is paying normal development impact fees (DIF) and permit fees.

## CITY OF ORLAND

### CITY COUNCIL AGENDA ITEM #: 7.C.

**MEETING DATE: April 19, 2022**

**TO:** Honorable Mayor and Council  
**FROM:** Greg Einhorn, City Attorney  
**SUBJECT:** **Graffiti Abatement** (Discussion/Direction)

---

City staff will continue discussion with Council about options for graffiti abatement.

#### **BACKGROUND**

Orland Municipal Code (OMC) chapter 8.28 defines, prohibits and provides methods for removal of graffiti. The City takes immediate action to remove graffiti from public facilities; this systematic response has proven very successful in reducing graffiti in recent years. Private property owners, however, are allowed 15 days to remove graffiti from the date of notification by the City.

Council and staff discussed this issue April 5. Questions arose about legal and practical matters. Council asked the City Attorney to return with alternative options for enforcement of graffiti abatement on private property. Staff also asked Council to set reward valuations as suggested by municipal code.

#### **DISCUSSION**

Council is advised to consider proposed draft code language to this effect:

Private property owners shall remove graffiti from their property within 48 hours after notification to the property owners, or after posting of notification by the City upon the subject property, to remove such graffiti.

The City may provide private property owners up to an additional 14 days to remove graffiti after notification and/or posting at the discretion of the City.

Failure to remove graffiti within the time allowed shall automatically cause the building or property to be deemed a nuisance.

Once established as a nuisance, the City can remove it immediately if deemed to be a safety issue, per 8.24.140.

#### **RECOMMENDATION**

Direct Staff to prepare a draft ordinance modifying OMC 8.28 to provide:

1. The definition of graffiti should be expanded to include displays of gang insignia such as colored bandanas and gang-related art displays.
2. Graffiti indicating gang references or hate speech must be removed from private property within 48 hours, after which it is deemed a public nuisance presenting a real and present

danger and thus subject to immediate removal or covering by the City at the property owner's expense.

3. Graffiti on any fence or building facing and proximate to the public right-of-way to include alleys ways and streets may be removed or covered immediately by the City without prior notice to the property owner except that one attempt will be made to notify the property owner immediately in person.
4. Rewards may be paid at the discretion of the city manager up to \$1000 per occurrence and the informant may remain anonymous as to City disclosure of identity.

**Fiscal Impact of Recommendation:**

Possible reduced cost in administering the code as presently written. Potential for several \$1000 rewards to be paid per year from the general fund.

**CITY OF ORLAND**  
**CITY COUNCIL AGENDA ITEM #: 7.D.**

**MEETING DATE: April 19, 2022**

**TO:** Honorable Mayor and Council  
**FROM:** Pete Carr, City Manager  
**SUBJECT:** **Fiscal Year 2022-23 Budget Discussion #2:**  
**Fleet Schedules, Measure A Public Safety, ARPA** (Discussion/Direction)

---

City staff will brief Council and seek direction on ongoing progress in preparing a draft proposed budget for the next fiscal year.

**BACKGROUND**

City staff is preparing a draft budget for the fiscal year 2022-23 (FY23) which starts July 1. The budget will represent the City's best estimate of probable revenues and a spending plan to support operations and projects consistent with Council direction. Staff will continue to analyze revenue projections and collect cost estimates to produce an evolving budget picture in anticipation of an adoptable budget before July 1<sup>st</sup>.

**DISCUSSION**

This evening's discussion will expand on the April 5<sup>th</sup> initial discussion about capital projects for FY23 by introducing updated fleet replacement schedules, preview the draft Measure A budget, and review recent changes made to the ARPA list.

Direction received from Council this evening will further inform staff analysis as we proceed with formulation of the final proposed budget which is planned for presentation to Council for consideration of adoption on June 7<sup>th</sup>. In intervening Council sessions we will examine General Fund expenditures by departments, water and wastewater utility funds, and the City's updated debt obligations schedule.

Fleet Replacement

Fire and Police are updated and presented indicating needed replacements for the coming fiscal year; the Public Works replacement plan is deferred to May 3 when we discuss water and sewer funds. Note that Fire and Police vehicle costs are assigned to Measure A Public Safety Fund.

Measure A Public Safety

Anticipated revenue for the Measure A Public Safety Fund and planned expenditures are presented, along with an update on how this year and next year's activity affects the fund balance. The proposed uses are consistent with the intent of the Fund.

### ARPA

American Rescue Plan Act (ARPA) funds are shown here as adjunct to the City budget, consistent with overall capital and other projects plans. This list is updated as approved by Council April 5<sup>th</sup>, with some format improvements.

#### Attachments (4):

- A. Fire Department Fleet Replacement Schedule
- B. Police Department Fleet Replacement Schedule
- C. Measure A Public Safety FY23 Budget and Fund Balance
- D. ARPA list 4.19.22

### **RECOMMENDATION**

Provide direction at Council discretion. Staff will proceed with budget preparation accordingly.

#### **Fiscal Impact of Recommendation:**

Budget will balance revenues with expenditures as it provides for operational and improvement project objectives and will maintain or build fund reserves.

### OVFD Replacement Schedule Proposal-March 2021

Year, Fiscal	Description	Expenditure	Appropriated	Balance
			Opening Balance	<b>\$338,000.00</b>
18/19	Measure A		\$100,000.00	\$438,000.00
19/20	Measure A		\$100,000.00	\$538,000.00
20/21	Chief truck/grass truck	\$230,000.00	\$100,000.00	\$408,000.00
21/22	Measure A		\$200,000.00	\$608,000.00
22/23	Engine 27 *	\$520,000.00	\$200,000.00	\$288,000.00
23/24	Measure A		\$200,000.00	\$488,000.00
24/25	Measure A		\$200,000.00	\$688,000.00
25/26	Measure A		\$200,000.00	\$888,000.00
26/27	Measure A		\$200,000.00	\$1,088,000.00
27/28	Measure A		\$200,000.00	\$1,288,000.00
28/29	Measure A		\$200,000.00	\$1,488,000.00
29/30	Measure A		\$200,000.00	\$1,688,000.00
30/31	Measure A		\$200,000.00	\$1,888,000.00
32/33	Measure A		\$200,000.00	\$2,088,000.00
33/34	Engine 25	\$1,200,000.00	\$200,000.00	\$1,088,000.00
34/35	Measure A		\$200,000.00	\$1,288,000.00
35/36	Chief truck/grass truck		\$200,000.00	\$1,488,000.00
36/37	Measure A		\$200,000.00	\$1,688,000.00
37/38	Measure A		\$200,000.00	\$1,888,000.00
38/39	Measure A		\$200,000.00	\$2,088,000.00
39/40	Measure A		\$200,000.00	\$2,288,000.00
40/41	Measure A		\$200,000.00	\$2,488,000.00
41/42	Ladder 26	\$2,500,000.00	\$200,000.00	\$188,000.00

\* Original cost of \$790,000, received an USDA Grant for \$270,000

## Police Department Fleet Replacement Schedule

UNIT#	YEAR	TYPE	MAKE/MODEL	VALUE \$	PLATE	MILEAGE	REPLACE
500	2017	SUV/COP	CHEVY TAHOE	\$50K	1536949	14211	
501	2017	SUV	CHEVY TAHOE	\$65K	1550088	38315	FY25
502	2017	SUV	CHEVY TAHOE	\$65K	1550087	11754	
503	2017	SUV/SGT	CHEVY TAHOE	\$65K	1539263	25726	
504	2014	SUV	FORD EXPLORER	\$65K	1394949	77889	FY23
505	2019	SUV	CHEVY TAHOE	\$65K	PAPER	19591	
506	2017	SUV/K9	CHEVY TAHOE	\$65K	1536867	30346	
507	2017	SUV	CHEVY TAHOE	\$65K	1550089	16361	
508	2015	SUV/K9	CHEVY TAHOE	\$65K	1485724	43986	
509	2017	SUV	CHEVY TAHOE	\$65K	1536866	28804	
45510	2017	SUV/SGT	CHEVY TAHOE	\$65K	1536868	44067	FY25
511	2020	SUV/4x4	CHEVY TAHOE	\$65K	PAPER	6218	
OLD5	2010	SD	FORD C/V	\$65K	1234927	75797	FY23
CSO	2002	PU	GMC SIERRA	\$60K	1293413	99481	FY22
TRIP	2008	SD	FORD C/V	\$45K	1389776	89080	

Attachment B

**DRAFT**

**CITY OF ORLAND**  
**2022-2023 Budget - Measure A Public Safety Sales Tax Fund**

Anticipated Revenues FY 22-23: \$ 1,300,000

Budgeted Expenditures FY 2023:

<b>Fire:</b>	Ladder truck payment (seventh of ten annual payments)	\$ 77,000
	Facility & Equipment Maint & Improvements*	\$ 55,000
	Equipment for Engine 27	\$ 100,000
	SCBA, Turnouts*	\$ 52,000
	Training Facility Improvements	\$ 50,000
	Volunteer Support*	\$ 40,000
	Communications -- pagers, dispatch*	\$ 42,000
	Radio repeater project (final phase)	\$ 60,000
	Potential VGA grant match for radios	\$ 20,000
	Fuel, Travel and Training	\$ 31,000
	Set aside for fire apparatus replacement schedule	\$ 200,000
	Set aside for future public safety facility	\$ -
		<u>\$ 727,000</u>

\* = shared with Rural

<b>Police:</b>	Patrol vehicles (two new) purchases	\$ 165,000
	Patrol vehicle maintenance	\$ 25,000
	Police Communications -- Dispatch and Radios	\$ 110,000
	Police rifles, road emergency and medical equipment	\$ 40,000
	Maintenance, Renewal and Licensing, FirstNet	\$ 87,000
	OPD Promotional Materials, Fuel Contingency	\$ 13,000
		<u>\$ 440,000</u>
<b>Public Works:</b>	Fire hydrants, safety equipment, road signs	\$ 120,000
	Capital per equip replacement schedule	\$ 13,000
		<u>\$ 133,000</u>

Total Budgeted Allocations 2022-2023: \$ (1,300,000)

Balance: \$ -

**DRAFT**

**CITY OF ORLAND**  
**2022-2023 Budget - Measure A Public Safety Sales Tax Fund**  
**FUND BALANCE**

<b>Audited Fund Balance: June 30, 2021</b>	<b>\$ 1,194,330</b>
Original FY21-22 Budget, Revenues	\$ 1,050,000
Changes (+ ARPA fiscal stabilization)	\$ 225,000
Original FY20-21 Budget, Expenditures	\$ (1,101,000)
FY21-22 Net change	\$ 174,000
	<b><u>\$ 1,368,330</u></b>
<b>Projected Fund Balance: June 30, 2022</b>	
Anticipated Revenues FY22-23:	\$ 1,300,000
Budgeted Expenditures FY22-23:	\$ (1,300,000)
Budgeted Fund Balance, June 30, 2023	<b><u>\$ 1,368,330</u></b>
Purchase of Apparatus (Cash)	\$ -
Projected Fund Balance, June 30, 2023	<b><u>\$ 1,368,330</u></b>

Set Asides (S/A)	Set Aside in Prior Years	Set Aside FY 2022-23	Sub-total Set Aside	Purchase from S/A	Reserve Balance	
Set aside for future Public Safety apparatus & equipment	\$ 608,000	\$ 200,000	\$ 808,000	\$ (520,000)	\$ 288,000	
Set aside for future Public Safety facility	\$ 100,000	\$ -	\$ 100,000	\$ -	\$ 100,000	
Balance of set asides			\$ 908,000	\$ (520,000)	\$ 388,000	\$ 388,000
Available Fund Balance after set asides, June 30, 2023						<b><u>\$ 980,330</u></b>

**Proposed Use of ARPA Funds Worksheet****DRAFT**

City of Orland approved 4.5.22

Updated 4.19.22

*red = approved and done or in progress; blue = approved; black = not yet approved*

<b>Revenue from ARPA (sales tax backfill)</b>		<b>\$1,872,000</b>	
General Fund fiscal stabilization		\$200,000	
Measure A Fund Public Safety fiscal stabilization		\$100,000	
<b>ARPA Funds Available for Expenditure</b>		<b>\$1,572,000</b>	
<b>Use of Funds</b>		<b>Approved</b>	<b>Proposed</b>
1	Radio signal upgrades for OPD and OVFD (M-A)	\$60,000	
2A	OPD/City Hall roof and floor repairs	\$120,000	
2B	Library roof and HVAC repairs -- match State	\$80,000	
3	Evidence storage & security improvements (M-A)	\$80,000	
4	Public Safety Facility Security and IT upgrades (M-A)	\$160,000	
5	Extend westside I-5 water & sewer to CR16	\$300,000	
6	Construct EV charging stations in town	\$50,000	
7	Facade Improvement program	\$30,000	\$30,000
8	Streetscapes (benches, planters, streetlamps, etc.)		\$200,000
9	Lely ballfield lighting LED lamps (1 field per year)	\$85,000	\$85,000
10	Pump track -- match Park & Rec DIF	\$12,000	
11	Orland Area Chamber of Commerce equip/supplies	\$7,000	
12	Arts Commission revenue backfill	\$3,000	
13	Construct welcome sign at east end of City	\$30,000	
14	Replace financial software (1/2 GenFund, 1/2 Utilities)	\$50,000	
15	Loan payoff: 5th St parking lot		\$70,000
16	Leverage for business/city advertising tower @ I-5		\$150,000
<b>Total Lines 1-16</b>		<b>\$1,067,000</b>	<b>\$535,000</b>

**Total Remaining:****\$505,000***M-A = charged to Measure A Public Safety Fund*