



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA FEBRUARY 15, 2023 6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COUNCIL

BOB WOTEN, MAYOR
JERAMY CHAPDELAIN, VICE MAYOR
LAKHVIR GHAG, COUNCILMEMBER
ASHLEY HERNANDEZ, COUNCILMEMBER
NANCY SANTANA, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on this agenda. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection at City Hall, 9955 Live Oak Boulevard, Live Oak, during normal business hours. Such documents are also available on the City of Live Oak's website at www.liveoakcity.org, subject to staff's availability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's office at (530) 695-2112 x107. Requests must be made at least 24 hours in advance.

- **Remote Viewing:**

- Members of the public can view a livestream of the meeting online at https://liveoakca.granicus.com/ViewPublisher.php?view_id=1.
- Members of the public can access the Zoom webinar as follows:
 - **Join by Electronic Device:**
<https://us02web.zoom.us/j/83331149000>
 - **Join by Phone:**
1-669-900-6833 or 1-833-548-0282 (Toll Free)
Webinar ID: 833 3114 9000

- **Public Comment:** Members of the public can submit general public comments, as well as comment on specific agenda items in the following ways:
 - **Public Attendance:** Members of the public who attend in person may make comments from the Council Chamber podium.

- **Live Remote Public Comment:** Members of the public can submit a live remote public comment by:
 - *Joining the virtual Council meeting via the link below. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes.*

<https://us02web.zoom.us/j/83331149000>
 - *Joining the virtual Council meeting by calling the phone number below. When public comment is opened, dial *9 to raise your hand and be called upon to speak for up to 3 minutes.*

1-669-900-6833 or 1-833-548-0282 (Toll Free)
Webinar ID: 833 3114 9000
 - **Email Public Comment:** Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via email to the City Clerk at cmenchaca@liveoakcity.org. Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that emailed comments will NOT be read aloud by staff during the meeting.
 - **eComment Feature:** Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via the eComment feature at https://liveoakca.granicus.com/ViewPublisher.php?view_id=1. Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that eComments will NOT be read aloud by staff during the meeting.
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CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE AND INVOCATION****CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY****PRESENTATIONS AND RECOGNITIONS****PUBLIC COMMENT**

Any person wishing to address the City Council on general jurisdictional matters or consent calendar items may do so at this time. If you are commenting on an agenda item, your comments will be heard at the time that item is scheduled for discussion. The City Council adopted a time limit of three minutes per person. The Brown Act does not allow for Council discussion of items not on the agenda. Councilmembers may only a) refer the matter to staff; b) ask for additional information; c) request a report back; or d) provide a limited factual response for items not listed on the agenda.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

1. City Council Meeting Minutes
Recommendation: Approve the February 1, 2023, City Council Regular Meeting minutes.
(Clarissa Menchaca, City Clerk)
2. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies Meetings Under AB 361
Recommendation: Adopt resolution.
(Nicole Rosser, City Attorney)
3. Memorandum of Understanding (MOU) with Public Employees Union Local #1
Recommendation: 1) Approve MOU with Public Employees Union Local #1; and 2) Authorize the Mayor to sign.
(Aaron Palmer, City Manager)

BUSINESS ITEMS

4. Award Construction Management Contract to Unico Engineering of Folsom, California for the Pennington Road West Project
Recommendation: 1) Award contract to Unico Engineering to provide construction management services for the Pennington Road West Project; and 2) Authorize the City Manager to sign.
(Ron Walker, Public Works Director)
5. Draft Ordinance Amending Chapter 2.04 "Rules and Regulations Governing the Conduct of Council Meetings, Proceedings and Business"
Recommendation: Review the proposed Draft Ordinance Amending Chapter 2.04 "Rules and Regulations Governing the Conduct of Council Meetings, Proceedings and Business" and provide feedback to the City Attorney to bring back for First Reading and Introduction of Ordinance.
(Nicole Rosser, City Attorney)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

COUNCILMEMBER COMMENTS

CLOSED SESSION

After the Closed Session the City Council will leave the Council Chambers and the meeting will be adjourned by operation of law due to lack of a quorum. If there is any reportable Closed Session Action, a report will be made at the beginning of the next regular Council meeting. After the Closed Session Item descriptions are read by the City Attorney, all members of Council, applicable Consultants and Staff are asked to join the Closed Session meeting.

6. Conference with Labor Negotiators Pursuant to California Government Code Section 54957.6:
Agency Designated Representatives: Aaron Palmer, City Manager
Employee Organization: Confidential and Unrepresented Employees

ADJOURNMENT



**City of Live Oak
Report to City Council**

Meeting Date: February 15, 2023

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the February 1, 2023, City Council Regular Meeting minutes.

Attachments:

[Minutes](#)



LIVE OAK CITY COUNCIL

MINUTES
FEBRUARY 1, 2023
6:00 PM

MEMBERS OF THE COUNCIL

BOB WOTEN, MAYOR
JERAMY CHAPDELAIN, VICE MAYOR
LAKHVIR GHAG, COUNCILMEMBER
ASHLEY HERNANDEZ, COUNCILMEMBER
NANCY SANTANA, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

CALL TO ORDER

Meeting called to order by Mayor Woten at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:00 pm.

ROLL CALL

Present: Councilmembers Hernandez, Santana, Ghag, Vice Mayor Chapdelaine, and Mayor Woten

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilmember Hernandez led the Pledge of Allegiance. Vice Mayor Chapdelaine delivered the invocation.

CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY

There were no corrections and/or changes to the agenda.

PRESENTATIONS AND RECOGNITIONS

PUBLIC COMMENT

The following member of the public addressed the Council: Sutter County Sheriff Brandon Barnes.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

MOTION: APPROVE THE CONSENT AGENDA.
(MOTION: GHAG; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

1. City Council Meeting Minutes
Clarissa Menchaca, City Clerk
Council action: January 18, 2023, City Council Regular Meeting minutes approved.

2. Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies Meetings Under AB 361
Nicole Rosser, City Attorney
Council action: Resolution No. 03-2023 adopted.

BUSINESS ITEMS

3. Consideration of Appointments to the Live Oak Planning Commission
Kevin Valente, Planning Director

Kevin Valente, Planning Director, provided a report for the Council.

Bernie Didario addressed questions from the Council.

Public Comment was opened and closed without any speakers.

MOTION: REAPPOINT AARON PAMMA AND JERRY STEWART TO FOUR-YEAR TERMS ENDING JANUARY 31, 2027.

(MOTION: CHAPDELINE; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

MOTION: APPOINT BERNIE DIDARIO TO A TWO-YEAR TERM ENDING JANUARY 31, 2025.

(MOTION: HERNANDEZ; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

4. Approval of Initial Study Mitigated Negative Declaration and Project Mitigation Monitoring Program (MMP) for the P Street Lift Station
Ron Walker, Public Works Director

Ron Walker, Public Works Director, introduced the item.

Bill Lewis, and Neal Colwell with KSN Engineers, addressed questions from the Council.

Public Comment was opened and closed without any speakers.

MOTION: ADOPT RESOLUTION APPROVING THE P STREET LIFT STATION PROJECT IS/MND AND THE P STREET LIFT STATION PROJECT MMP.

(MOTION: CHAPDELAINE; SECOND: WOTEN)

VOTE: MOTION PASSED UNANIMOUSLY

Reference Resolution No. 04-2023.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

There were no items removed from the Consent Agenda for Council consideration and action.

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

There were no updates from the City Attorney or City Manager.

COUNCILMEMBER COMMENTS

Councilmember Ghag highlighted his attendance at a trustee training in Orange County for the Yuba-Sutter Mosquito and Vector Control Board.

Councilmember Hernandez announced she will be meeting with Jeff from SAYLove to potentially bring SAYLove to Live Oak.

Vice Mayor Chapdelaine touched on his attendance at the Sutter Animal Services Authority meeting.

Councilmember Santana commented on the idea of having a dog park in Live Oak.

ADJOURNMENT

Mayor Woten adjourned the meeting at 6:47 pm.

Bob Woten, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



City of Live Oak Report to City Council

Meeting Date: February 15, 2023

Title: Findings to Hold Virtual City Council, Commission, Committee, Board and Other City Bodies Meetings Under AB 361

Contact Information: Nicole Rosser, City Attorney

Background: On March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings completely telephonically or by other electronic means. As the City Council is well aware, this allowed City Council meetings to be conducted by Zoom with councilmembers and staff all joining from remote locations.

The suspension of certain provisions of the Brown Act was further extended by the Governor on June 11, 2021 by the issuance of Executive Order N-08-21 which continued to allow for complete virtual City Council (and other legislative body) meetings until September 30, 2021.

On September 16, 2021, Governor Newsom signed AB 361 to amend the Brown Act to allow legislative bodies to meet via teleconference during a proclaimed state of emergency in accordance with procedures established by AB 361 rather than under the Brown Act's more narrow standard rules. AB 361 allows legislative bodies to meet virtually, provided there is a state of emergency, and either (1) state or local officials have imposed or recommended measures to promote social distancing; or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees.

AB 361 preserves many of the provisions of the earlier executive orders, while also adding new requirements to the management of remote and teleconference public meetings in order to better achieve the levels of transparency that the Brown Act demands. Specifically, AB 361 imposes two new rules on remote public meetings:

1. Local governments and agencies hosting teleconference meetings in lieu of traditional in-person public meetings must permit direct public comment during the teleconference, and must leave open the opportunity for public comment until the comment period for a given item is closed during the

ordinary course of the meeting. The opportunity to make public comment must be of a sufficient duration so as to allow actual public participation.

2. Any action by the governing body during a public teleconference meeting must occur while the agency is actively and successfully broadcasting to members of the public through a call-in option or an internet-based service option. If a technical disruption within the agency's control prevents members of the public from either viewing the meeting of the public agency, or prevents members of the public from offering public comment, the agency must cease all action on the meeting agency until the disruption ends and the broadcast is restored. Action taken during an agency-caused disruption may be challenged as a violation of the Brown Act.

The City has been implementing the above stated requirements for conducting public meetings and is in full compliance with AB 361, thus there will be no change of the currently established procedures. Teleconference accessibility via call-in option or an internet-based service option (via the Zoom Webinars platform) is listed on the published agenda for each meeting as well as on the City's website and the City provides access for public comment opportunities in real time.

In order to continue to qualify for AB 361's waiver of in-person meeting requirements, the Council must adopt a resolution making the findings required by AB 361. This resolution will become a standing item on the City Council's agenda, it must be approved at every meeting until the proclaimed state of emergency is ended. The findings must include (a) state or local officials continue to recommend measures to promote social distancing, or that (b) an in-person meeting would constitute an imminent risk to the safety of attendees. The findings need not be in the form of a resolution, but a resolution is helpful in formalizing these findings.

The enclosed resolution makes the required findings under AB 361, and if adopted, it will allow the City to continue to offer teleconference accessibility for public meetings, to help mitigate the spread of COVID-19, as well as during other state-proclaimed emergencies where physical attendance may present a risk.

Lastly, it is important to note that having virtual meetings under the provisions of AB 361 is optional. If the Council wishes, it may meet in person or in a hybrid format.

Fiscal Impacts: None.

Recommendation: Adopt resolution.

Attachments:

[Resolution](#)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK MAKING FINDINGS AND
DETERMINATIONS UNDER AB 361 FOR THE CONTINUATION OF VIRTUAL MEETINGS AND
AUTHORIZING VIRTUAL CITY COUNCIL, COMMISSION, BOARD, AND OTHER CITY MEETINGS PURSUANT
TO AB 361

The City Council of the City of Live Oak does hereby find, order and resolve as follows:

WHEREAS, all meetings of the Live Oak City Council are open and public, as required by the Ralph M. Brown Act (Cal. Gov't Code section 54950 et seq.), so that any member of the public may attend, participate and view the legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and requirements; and

WHEREAS, Government Code section 54953(e) requirements include but are not limited to (1) the existence of a state of emergency declared by the Governor pursuant to Government Code section 8625 and (2) State or local officials have imposed or recommended measures to promote social distancing; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic and as of the date of this Resolution, the proclaimed state of emergency remains in effect; and

WHEREAS, on March 17, 2020, Governor Gavin Newsom issued Executive Order N-29-20, which suspended and modified the teleconferencing requirements under the Brown Act (California Government Code Section 54950 et seq.) to allow local legislative bodies to hold public meetings via teleconference; and

WHEREAS, on June 11, 2021, Governor Gavin Newsom issued Executive Order N-08021, which extended the provisions of N-29-20 concerning the conduct of public meetings through September 30, 2021, and the Governor subsequently signed legislation revising Brown Act requirements for teleconferenced public meetings (Assembly Bill 361, referred to hereinafter as "AB 361"); and

WHEREAS, to preserve public health and safety, the State Public Health Officer has issued various orders and guidance regarding COVID-19 prevention measures, which includes references and a statement of support for social distancing recommendations; and

WHEREAS, the California Department of Industrial Relations has issued COVID-19 Prevention regulations in Title 8 of the California Code of Regulations (Section 3205 et seq.); and

WHEREAS, based on the foregoing, the City Council finds that (1) the Governor's Proclaimed State of Emergency as a result of the COVID-19 pandemic is currently in effect and has not been terminated, and (2) State officials have imposed or recommended measures to promote social distancing; and

WHEREAS, the City Council has considered the circumstances of the state of emergency, including all information relate to this matter, the associated staff report; and

WHEREAS, in light of the foregoing, the City Council desires to continue to have the flexibility to meet via tele/video conference and the City Council finds that it and its legislative bodies shall be permitted to conduct their meetings by teleconferencing without compliance with Government Code section 54953(b)(3) pursuant to section 54953(e), and such legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed by section 54953(e)(2).

NOW, THEREFORE BE IS RESOLVED, FOUND AND ORDERED by the Live Oak City Council as follows:

1. The facts set forth in the above recitals are true and correct and incorporated into this resolution by reference.
2. As a result of the continuing COVID-19 state of emergency declared by Governor Newsom, State officials continue to impose or recommend measures to promote social distancing based on the State Public Health Officer's guidance and recommendations supporting social distancing and the Department of Industrial Relations' issuance of COVID-19 Prevention regulations through Title 8 of the California Code of Regulations, section 3205 et seq. promoting social distancing in the workplace.
3. Under the present circumstances, the City Council by and through its City Manager, is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this resolution including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
4. This Resolution shall take effect immediately upon adoption and shall be effective until the earlier of (i) Thirty (30) days from adoption of this Resolution or (ii) such time as the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without compliance with Section 54953(b)(3).
5. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

PASSED AND ADOPTED by the City Council of the City of Live Oak this 15th day of February, 2023, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Bob Woten, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



City of Live Oak Report to City Council

Meeting Date: February 15, 2023

Title: Memorandum of Understanding (MOU) with Public Employees Union Local #1

Contact Information: Aaron Palmer, City Manager

Location: City Wide

Background: The City has finished negotiating it's labor agreement with Public Employees Union Local #1. The Union has unanimously approved this agreement.

Analysis: The following has been agreed to by the Union and the City:

- 1) 2.7 year contract expiring June 30, 2025
- 2) Four percent (4.0%) Cost of Living Adjustment effective November 1, 2022. Two percent (2.0%) Cost of Living Adjustment effective July 1, 2023. Two percent (2.0%) Cost of Living Adjustment effective July 1, 2024.
- 3) The following positions will receive 50% of the equity adjustments, from the most recent salary survey, and will be effective November 1, 2022:
 - Financial Analyst - 5.5% increase
 - Recreation Supervisor - 5.5% increase
 - Management Analyst -10.5% increase
 - Sr. Administrative Assistant - 5.5% increase
 - Administrative Assistant Financial Services - 4% increase
 - Administrative Assistant Public Services - 9% increase
 - Wastewater Treatment Plant Operator III - 2.5% increase
- 4) The City will add one floating holiday (8.0 hours) to each employee's holiday bank.
- 5) Each employee will receive a one-time one thousand dollar (\$1000.00) bonus
- 6) Employee On-Call pay will increase an additional ten dollars (\$10.00) per day to a total of fifty dollars (\$50.00) per day when on-call.
- 7) Effective November 1, 2022, the City will contribute eighty-five percent (85.0%) towards employees monthly medical coverage and Employees will contribute fifteen percent (15.0%). Effective July 1, 2023, the City will contribute eighty-eight percent (88.0%) towards employees monthly medical coverage and Employees will contribute twelve percent (12.0%). Effective July 1, 2024, the City will contribute ninety percent (90.0%) towards employees monthly medical coverage and Employees will contribute ten percent (10.0%).

Fiscal Impacts: The MOU will be for 2.7 years. The Finance Director has been involved with the process and has given recommendations of sustainable funding levels. The cost for the contract is as follows: FY 22/23 - \$53,812.71. FY 23/24 - \$107,134.25. FY 24/25 - \$141,619.01.

Recommendation: 1) Approve MOU with Public Employees Union Local #1; and 2) Authorize the Mayor to sign.

Attachments:

[MOU Between City of Live Oak and Public Employees Union Local #1](#)

MEMORANDUM OF UNDERSTANDING CONCERNING THE GENERAL BARGAINING UNIT

PREAMBLE

This Memorandum of Understanding, hereinafter referred to as the "Memorandum" or "MOU", is made by and between the City of Live Oak, hereinafter referred to as the "City", and Public Employees Union Local #1, hereinafter referred to as the "Union", representing employees who are members of the General Bargaining Unit. The classifications represented are listed as in the attached Salary Schedule to this MOU. This MOU constitutes the result of meeting and conferring in good faith between the City and the Union, pursuant to the California Government Code and the City Employer-Employee Relations Policy.

ARTICLE I - MANAGEMENT RIGHTS

1.1 Management Rights

The Union recognizes that it is the exclusive right of the City, except as otherwise provided in this MOU or the City Employee Relations Policy, to make all decisions of a managerial or administrative character, including, but not limited to:

- 1) To manage and direct its business and personnel.
- 2) To manage, control, and determine the mission of the City, its departments, building facilities, and operations.
- 3) To create, change, combine or abolish jobs, policies, departments, and facilities in whole or in part.
- 4) To subcontract or discontinue work for economic or operational reasons.
- 5) To specify or assign work requirements and require overtime.
- 6) To schedule working hours and shifts.
- 7) To adopt rules of conduct and penalties for violation thereof.
- 8) To take whatever action necessary to prepare for and to operate in an emergency.
- 9) To hire, promote, transfer, assign, classify positions, retain employees, and to suspend, demote, discharge, or take disciplinary action against employees.
- 10) To layoff, demote or furlough employees from duties because of lack of funds, in the interest of economy, or other legitimate reasons. City Management shall determine the classifications and employees to be laid off based on the operational needs of the City.
- 11) To determine the policies, standards, procedures, methods, means and personnel by which the City operations are to be conducted.

Nothing in this MOU shall be construed to interfere with the City's right to manage its operation in the most efficient and economical manner consistent with the best interests of the City's residents.

ARTICLE 2 - UNION RIGHTS

2.1 The City of Live Oak recognizes the Union, as the recognized bargaining representative for the purpose of negotiating wages, hours, and working conditions for all employees of the City whose classifications are contained within the attached salary schedule to the MOU. Both parties recognize their mutual obligation to bargain or meet and confer pursuant to the MMBA and all governing laws.

2.2 Employee Orientation and Payroll Deduction

- a) City of Live Oak will allow the Union to meet with new employees hired into the bargaining unit for a total of 45 minutes. The meeting shall occur during the employee orientation or within 15 days of the employee being hired.
- b) Upon certification by the Union that an employee has signed a deduction authorization, the City of Live Oak will deduct the appropriate dues or fees from the employee's pay, as established and as may be changed from time to time by the Union and remit such dues or fees to the Union. Employee requests to cancel or change deductions must be directed to the Union, rather than the City of Live Oak. Deductions will continue unless the employee mails a written revocation to the Union in accordance with the terms of the authorization form, or absent any such terms, by mailing a written revocation to the Union that is postmarked during the thirty (30)-day period immediately prior to the annual anniversary date on which the employee signed the authorization form.
- c) The Union shall provide a membership list to the City of Live Oak. The list will include:
 - a. Employee Name.
 - b. Date of Request - The date of request should be prior to the Friday before pay day. Any requests received by end of business on the Friday before pay day will take effect on that payroll.
 - c. Effective Payroll Date
 - d. Union to provide the calculation of dues for new members.
- d) City of Live Oak shall:
 - a. Provide the Union an annual copy of the payroll schedule. Or Provide the Union an annual copy of the payroll processing dates. Provide a termination/leave list by email with the date of termination or effective date of leave (if known).
 - b. Remit to the Union all dues, fees, and assessments in a timely manner, normally within 15 days from the date that such monies were withheld from the employee's payroll.

e) Hold Harmless:

- a. In accordance with government Code 3502.5 (b), UNION agrees to hold City of Live Oak harmless from all claims, demands, suits or other forms of liability that may arise against the City of Live Oak for or on account of any deduction made from the wages of such employees pursuant to this memorandum of understanding.

2.3 Notices and Meetings

- a) The Union may use City conference rooms and similar building facilities for meetings with employees in the unit it represents; may post material on bulletin boards located (as provided below) to serve employees in the unit it represents; and may visit work locations to confer with its members regarding grievances or other business within the scope of representation or otherwise provided for within this Agreement.
- b) Use of City meeting facilities requires reasonable advance notice to the appropriate City official and is subject to City use of such facilities; provided, however, that once scheduled, such Union meetings may not be cancelled by the City except under emergency situations. The City may establish reasonable regulations governing the use of City facilities as provided by this section. At each office location, a bulletin board shall be provided. No publication shall be posted by the Union which indicates City action or approval when none has been given.
- c) Duly authorized representatives of the Union shall be permitted, at all times, that employees in the unit it represents are working, to enter offices to transact business within the scope of representation and to observe conditions under which employees are employed and carry out their responsibilities; provided, however, that Union representative shall, upon arrival at the facility, notify the person in charge of the areas he/she wishes to visit. Access shall not be unreasonably denied. If denied, the reason or reasons for denial must be stated.
- d) The Union may transmit reasonable amounts of materials through the City's email system, except as prohibited by law.

2.4 Union Release Time

On an annual basis, the City will authorize up to 30 (non-cumulative from year-to-year) hours of Union Release Time for Officers, Board Members and Stewards to conduct Local 1 business:

- o Board Meetings
- o Union Trainings
- o New Employee Orientations

The representative or other designee will provide notice to his/her immediate supervisor or, in the absence of said supervisor, to the Department Head. Approval will be required, and time will be documented.

2.5 Shop Stewards

Shop stewards shall be established to help employees handle the initial step in the grievance process.

The Union agrees to notify the City Human Resources Director of the names, classifications, and departments of all Shop Stewards.

A reasonable amount of time will be granted the employee and the Shop Steward to handle initial grievance.

If an employee wishes to discuss a grievance on City time with the Shop Steward, the employee shall be allowed an opportunity to verify if the steward is available to be seen. The supervisor shall determine if the employee can be released at the time requested. If the employee is not released, the supervisor shall set an alternative time as soon as practical.

In the event the steward is unable to be released by his/her immediate supervisor at the time requested, the supervisor shall arrange a release time as soon as practical thereafter.

ARTICLE 3 - HOURS OF WORK

3.1 Business Hours

Regular business hours for the City are Monday through Friday from 8:00 a.m. through 5:00p.m. The City Council shall approve the business hours for any department that does not operate under the regular schedule.

3.2 Hours of Work

Department Heads shall establish the work schedules for employees in their department. The schedule shall normally provide for a work week of forty (40) hours (8:00 a.m. to 5:00 p.m.) for all employees except for those employees assigned to shift work. The schedule for shift work employees shall be established to accomplish maximum coverage of a twenty-four (24) hour day without violating applicable local, state, or federal labor laws.

3.3 Rest Period

Subject to the discretion and control of the Department Heads, all employees may be allowed a paid rest period not to exceed fifteen (15) minutes for each three (3) consecutive hours of work, but the total number of rest periods in anyone (1) working day shall not exceed two (2).

Rest periods shall not be combined with another rest period or meal break, combined with arrival at work, and may not be postponed until the end of the day to enable the employee to leave early. Within these limitations, rest periods shall be scheduled in accordance with the requirements of the department and shall be taken at such location as designated by the Department Head.

3.4 Lunch Period

All City employees normally shall be allowed an unpaid lunch period which shall be scheduled generally in the middle of the work shift. The exact time and duration of such lunch period shall be within the discretion of the Department Head. The lunch period shall not be counted as part of the total hours worked and the employee must be relieved of all duty during the lunch period. However, for some employees a lunch period is included in the actual performance of assigned duties and included as part of the total hours worked.

3.5 Alternative Work Schedules

An alternative work schedule is a pre-scheduled, fixed and continuous schedule of hours that deviates from the standard schedule of the City. Alternative work schedules shall be established by mutual written agreement between the Union and their respective Department Heads, with approval by the Director of Employment. Such schedule shall allow the employee to work the standard number of hours within each workweek and shall not exceed ten (10) hours in any workday.

The purpose of permitting alternative work schedules including enabling employees to travel off-peak, meet transit and ride-sharing schedules, extend office hours, and help employees meet personal and professional responsibilities.

Alternative work schedules must be in the best business interests of the employing department. Factors to be considered by the Department Head include safety concerns, customer service requirements, equipment availability, administrative burden, need for supervision, job performance, budgetary limitations, access to support staff, and other liability concerns. Department Heads have the right to return employees to a standard schedule with reasonable notice.

3.6 Flexible Work Schedules

By mutual agreement between the employee and their immediate supervisor, a flexible work schedule shall be permitted.

ARTICLE 4 - PAYMENT OF SALARY

4.1 Compensation Plan

The compensation of all officers and employees of the City are fixed and determined pursuant to the provisions of the City's Personnel Rules and Regulations and the Salary Schedule by Classification as from time to time amended. The compensation shall represent full salary compensation for the services of those officers and employees by virtue of their respective employment.

4.2 Pay Periods

The pay periods for all employees shall be bi-weekly. Salaries will normally be paid on the first Friday following the completion of a pay period. When a holiday falls on a payday, the payday will be transferred to the previous workday.

4.3 Temporary and Part-Time Employee Compensation

Except as otherwise provided in these rules, all temporary employees and part time employees working fewer than 40 hours per pay period on a regular basis shall not be entitled to any type of fringe benefits afforded to regular full-time and part-time employees. The hourly rates of pay for such employees constitute complete compensation for services rendered.

4.4 Limited Term Employee Compensation

Salaries for limited term employees shall be at the hourly rate established for such limitedterm employees at the time of employment, provided that a regular employee temporarily transferred or assigned a limited term employment shall not receive less than the compensation which he/she would have received had the temporary transfer or assignment not been made including any merit increases to which he/she would otherwise have been entitled. If such regular employee is temporarily appointed to a position in a class having a higher salary range, such employee's salary shall be computed in accordance with applicable regulations. Limited term employees shall be paid in proportion to their normal hours of work compared to regular full or part-time employees consistent with the date of employment and length of service.

4.5 Separation Pay

When an employee separates from the City service in the middle of a payroll period, said employee shall receive his or her final check at the next regularly scheduled payday for that period. Notice of such separation shall be filed immediately with the Director of Employment.

4.6 Fees, Commission, Compensation

Any City employee who receives a fee, commission, or compensation for performance of any

regularly assigned City duty or function, other than the compensation paid to the employee by the City by virtue of his/her office or position, shall promptly tender such money to the City to be deposited in the City treasury and upon receipt shall become the property of the City of Live Oak.

4.7 Official Payroll Records

The Director of Employment maintains the official City payroll records. The Department Head is responsible for ensuring the accuracy of departmental input to said records, including proper documentation of employee overtime and compensatory time.

4.8 Retirement System

Adhering to the Public Employees Retirement System (PERS) law with regard to eligibility and payroll deduction, regular employees and appointed department heads employed by the City shall be members of PERS. Elected officials may be members, as provided by law and the terms of the contract in effect between the City and PERS. The City Council may amend the contract as provided by law. The City Manager shall advise the Council regarding policy matters concerning the contract or amendments to it.

4.9 Retirement Benefits for New Members of PERS after January 1, 2013

Effective January 1, 2013, all new permanent employees who are also new members of PERS, hired by the City of Live Oak will be subject to the retirement benefit limitations established by AB340 (Chapter 296, Statutes of 2012) and AB 197 (Chapter 297, Statutes of 2012).

New employees who are determined to be classic members of PERS will receive the same retirement formula as employees of the City of Live Oak as of December 31, 2012.

4.10 Employee Contribution for New Employees after July 1, 2013

Effective July 1, 2013, all new permanent employees, including those defined as classic members of PERS, who are hired by the City of Live Oak will pay the full employee share of PERS, as implemented in Government Code Section 20691, and determined by City of Live Oak Resolution 16-2013.

4.11 Bilingual Pay

The City has identified certain positions which require bilingual language skills. Positions approved for bilingual pay will generally be those rendering services linking the City with clients who are largely monolingual in a language other than English. Designated bilingual employees will be expected to continue to perform all other job duties required of them by their classification.

4.12 Qualification

To qualify for a bilingual position, employees must be State certified or pass a City qualifying language test in the relevant language at the option of the City.

4.13 Premium Compensation

Designated bilingual employees shall be paid a premium compensation in the amount of \$125 per month for bilingual pay.

Bilingual pay will be payable at the full monthly rate in any month a designated bilingual employee is on paid status at least half of the month. If a designated bilingual employee is on unpaid status or has been placed on paid administrative leave for more than half of the month, the bilingual pay will be reduced by half. No bilingual pay will be paid in a month if an employee is on LWOP or paid administrative leave for the entire month.

Designated bilingual employees hired or assigned bilingual pay within the first 15 days of the month shall receive the full monthly rate for their first month of employment; those hired or assigned bilingual pay after the 15th of the month will receive half of the bilingual pay for their first month of employment.

Designated bilingual employees leaving City service during the first 15 days of the month will receive half of the bilingual pay for that month; those leaving service any time after the 15th of the month will be paid the full monthly rate.

4.14 Overtime, Comp Time, Callback and Standby

Employees are eligible to earn overtime, callback, and standby pay except for those employees in bona fide professional, administrative and executive positions, and elected officials, all as defined by the Fair Labor Standards Act (FLSA). All positions in City government are classified as either overtime exempt or non-exempt under the FLSA. The rules in this section apply to non-exempt employees. Any time worked in excess of a normal workweek by overtime exempt employees is considered part of the duties and responsibilities of the position and overtime shall not be paid.

4.15 Overtime Policy

It is the policy of the City to limit overtime scheduling to mission essential activities that cannot be performed at any other later date or during the normal workday. Managers are expected to aggressively manage overtime to ensure such expenses are incurred only for unusual, occasional situations beyond the manager's control, which must be handled within a given time.

The City reserves the right to direct and schedule overtime when the City determines that necessity demands additional service. While overtime work will normally be on a voluntary basis, the City may direct that employees perform overtime when the work situation dictates, with the scheduling of that overtime left to the City.

All overtime worked must be pre-approved by the employee's supervisor or manager. It is the responsibility of each employee to adhere to assigned work schedules. At no time shall an employee work overtime without prior express approval by the employee's supervisor or manager. Failure to secure pre-approval for overtime may result in disciplinary action.

It is further the policy of the City to adhere to the requirements of the FLSA. If any of the provisions of this Rule conflict with the FLSA, the FLSA controls.

4.16 Overtime Defined

"Overtime" is authorized work in excess of forty (40) hours within a workweek. The City's workweek is a seven (7) day cycle from 12:00 a.m. on Sunday to 12:00 midnight on Saturday. Overtime is computed on all hours, including sick leave, vacation, holiday, and compensatory time off, in excess of 40 hours for the entire workweek.

Work in excess of 8 hours during a regular ~~work day~~ **workday** is not considered overtime. Where employees are required to work hours in excess of their normal workday hours, departments may adjust work hour schedules for such employees during the remainder of the workweek.

4.17 Compensation for Overtime

- a) Overtime shall be paid at a rate equal to one and one-half (1½) times the employee's regular rate of pay.
- b) All overtime shall be paid on the payday relating to the pay period that the overtime is worked except where work periods require payment subsequent to such work period or unless an eligible employee requests that the overtime be credited as compensatory time and such request is granted by the Department Head or designated representative in accordance with these Rules and Regulations.
- c) All overtime entitlement shall be computed to the nearest quarter of an hour.

4.18 Compensatory Time

Based on business need and with approval of the City Manager, non-exempt employees who work in excess of forty (40) hours in a workweek, may accrue compensatory time off in lieu of overtime pay, as provided herein. Compensatory time off accrues at the rate of one and one-half times the employee's regular rate of pay for each hour worked during the workweek in excess of 40 hours. Employees may accrue and use compensatory time in lieu of overtime only upon pre-approval of their Department Head or his/her designated representative. Compensatory time may be accumulated to a total of not more than eighty (80) hours per calendar year. In no event may an employee be allowed to accrue compensatory time above the maximum provided in this Section. The City may, at the employee's option, reimburse an employee for compensatory time accrued to minimize the unfunded liability of high balances. Any employee may request in writing that a portion or all of the time on record with the City be paid at the earliest possible payroll period. Upon termination, employees shall be paid for all

unused compensatory time. Payout of accumulated compensatory time off may be made to an employee in June or December of each fiscal year. Employees who request such a payout must do so by requesting such payout to the payroll office at least thirty (30) calendar days in advance.

4.19 Standby Pay

A non-exempt employee may be scheduled or assigned to perform standby duty. The City Manager must approve all standby duty assignments.

Standby duty is where a non-exempt employee is required to respond to a call for service which is received after normal working hours within a required response time. During standby duty, the employee has freedom of movement in personal matters but must be available to be contacted by the department by telephone as necessary and be able to respond within a required response time of forty-five (45) minutes. Employees required to respond to the P Street lift station shall be required to respond within twenty (20) minutes until the scheduled improvements are completed. Standby duty is compensated at a rate of ~~\$40~~ **\$50.00** per twenty-four hour shift for both weekdays and weekends. **Employee's cell phone allowance will increase to \$100.00 per month for employees required to be on call.** Refusal to be available for scheduled or assigned standby duty or not responding to a call in the required time period may result in disciplinary action.

4.20 Emergency Callback Policy

A non-exempt employee who is called back to work by his/her manager after the employee has left the worksite for the day or on a scheduled day off shall be compensated at the rate of time and a half pay for the time worked with a minimum of pay equivalent to three (3) hours at straight time. Such overtime shall be computed for work performed from the time of reporting to the place of work, to the time of completion of work at such place. When an employee on standby duty responds to a phone call not requiring return to work, he or she shall be compensated for the actual time worked.

4.21 Compensation for Holiday Work

Full-time non-exempt employees who are required to work on paid City holidays shall be compensated at the overtime rate for any work during the holiday in addition to their normal rate of pay.

4.22 Salary Schedule

A six-step salary schedule, with employee annual movement on the salary schedule subject to completion of a satisfactory annual performance evaluation.

4.23 Longevity

A longevity adjustment of 3% for any employee who completes fifteen (15) years of service with the City and a longevity adjustment of 3% for any employee who completes twenty (20)

years of service with the City.

4.24 Education Reimbursement

A reasonable reimbursement to an employee who is taking approved and accredited classroom study which will result in a professional certification which is related to the employee's assigned job classification.

4.25 Cost of Living Adjustment

~~All members of the bargaining unit will receive a four percent (4.0%) Cost of Living Adjustment effective November 1, 2021.~~

All members of the bargaining unit will receive a four percent (4.0%) Cost of Living Adjustment effective November 1, 2022. A two percent (2.0%) Cost of Living Adjustment effective July 1, 2023. A two percent (2.0%) Cost of Living Adjustment effective July 1, 2024. Each Employee will also receive a one-time one thousand dollar (\$1000.00) bonus upon City Council approval of MOU.

4.26 Equities

The following positions will receive ~~the 50%~~ of their ~~following~~ equity adjustments effective November 1, ~~2021~~ 2022:

Financial Analyst - ~~2.75%~~ 5.5% increase
Recreation Supervisor - ~~2.75%~~ 5.5% increase
Management Analyst - ~~5.25%~~ 10.5% increase
Sr. Administrative Assistant - ~~2.75%~~ 5.5% increase
Administrative Assistant Financial Services - ~~2.0%~~ 4% increase
~~Administrative Assistant Public Services - 9% increase~~
Wastewater Treatment Plant Operator III - ~~1.25%~~ 2.5% increase

ARTICLE 5 - LEAVE

5.0 Vacation

5.1 Purpose

The City recognizes the importance of uninterrupted periods of rest and relaxation for its employees. Therefore, the City provides a vacation plan based upon continuous length of service to the City as set forth herein.

5.2 Eligibility

All exempt employees, regular full-time employees and regular part-time employees who are eligible for benefit coverage under the "Benefit Program" section of these rules are eligible to accrue vacation leave as outlined below. Temporary employees are not eligible for vacation accrual. Limited term employees are only eligible for vacation accrual with written approval of the City Manager.

5.3 Rate of Accrual

Eligible employees who are in a paid status of eighty (80) hours per pay period shall earn vacation leave with pay at the following bi-weekly rates per pay period. Eligible part-time employees who are in a paid status for at least forty (40) hours per pay period shall earn vacation at a pro-rated rate based on actual hours in paid status per pay period.

Length of Continuous City Service	Beginning on employee's employment, and until the employee's 3 year anniversary	3 Years up to 10 Years Beginning on employee anniversary date.	10 Years up to 15 Years Beginning on employee anniversary date.	15 Years up to 24 Years Beginning on employee anniversary date.	24 Years and Over Beginning on employee anniversary date.
Days Per Year	10	15	17	19	20
Hourly Accrual for each hour of pay during the regularly scheduled work period	.0384615	.0576923	.0653846	.0730769	.076923
Hours Per Year	80	120	136	152	160

Employees shall not exceed credit for more than the maximum listed above in any pay period. Such credit shall be applied to the employee's vacation accumulation account only after completion of each pay period.

5.4 Maximum Accumulation

Earned vacation for each eligible employee with less than five (5) years of continuous service as a regular employee shall be credited at the end of each biweekly payroll period, computed on the basis of hours of paid service, and may be accumulated to a total of not more than thirty (30) working days. Earned vacation for each eligible employee with more than five (5) years of continuous service as a regular employee shall be credited at the end of each biweekly payroll period, computed on the basis of hours of paid service, and may be accumulated to a total of not more than forty (40) working days. Earned vacation for each eligible employee with more than ten (10) years of continuous service as a regular employee shall be credited at the end of each biweekly payroll period, computed on the basis of hours of paid service, and may be accumulated to a total of not more than forty-five (45) working days. After reaching the maximum accrual, an employee does not accrue additional vacation time until the employee

uses sufficient vacation time to fall below the maximum permissible accrual.

5.5 One Year Defined as Twenty-Six Biweekly Pay Periods

For purposes of this section, one year shall be equivalent to twenty-six (26) biweekly payperiods.

5.6 No Vacation Accrual While on Leave Without Pay

Eligible employees who are on leave without pay shall not accrue vacation during such unpaid absence. Eligible full-time employees who are not in a paid status for a full eighty (80) hours during a pay period will be credited with the appropriate prorated accrual based on the above hourly rates and actual hours in a paid status.

5.7 Vacation Accrual During Probation

Vacation begins accruing with the first pay period following hire as outlined above but is not available for use until employee has served six cumulative months with the City. Eligible part-time regular employees shall receive a pro-rated vacation credit. Future vacation accruals shall be in accordance with the vacation accrual rates specified herein.

5.8 Scheduling and Granting Vacation

For regular employees in the classified service, each Department Head or appointed designee shall be responsible for scheduling the vacation of his/her employees in such a manner as to achieve the most efficient functioning of the department and City service. A request for vacation by an employee shall be submitted in writing in advance to the Department Head or designee. Vacations shall be taken at such time as may be approved by the Department Head or designee, but also, as far as practical, considering the wishes of the employee. No vacation shall be granted to, or taken by an employee, without the consent of the Department Head or his/her designated representative.

5.9 Terminal Vacation Pay

An eligible employee separating from City service who has not taken his/her earned vacation, if any, shall receive the hourly equivalent of his/her salary for each hour of vacation earned up to the end of the last full pay period worked, based on the pay rate in effect for each person on the last day actually worked. When separation is caused by death of an employee, payment shall be made to the estate of such employee, or in applicable cases, as provided by Section 630 of the Probate Code.

5.10 Sick Leave

5.10.1 Purpose

The purpose of sick leave pay is to further the health and general welfare of City employees, as well as ensuring maximum and reasonable job attendance. Sick leave is not a right to be used at the employee's discretion; rather it is a privilege of paid time away from work when an employee's absence becomes necessary for one of the following reasons:

- a) The employee's injury or illness;
- b) the employee's exposure to contagious disease;
- c) the employee's dental, eye and other physical or medical examination or treatment by a licensed practitioner;
- d) illness or disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery from any of the foregoing;
- e) to attend to the death or illness or other health needs of the employee's child, parent, spouse, or domestic partner; and
- f) for specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking.

5.10.2 Eligibility

All employees are eligible to accrue sick leave as outlined below.

5.10.3 Rate of Accrual

Paid sick leave shall accrue as follows:

- a) All eligible full-time employees shall accrue 4.0 hours of sick leave per pay period to be used in accordance with the sick leave rules and regulations of this Section.
- b) Any part-time employee shall accrue sick leave on a pro-rata basis of actual hours worked.
- c) No sick leave credit shall be earned when an employee is on leave without pay.

5.10.4 Sick Leave Use

- a) Employees who are unable to work for one of the reasons specified in this Section are required to contact their Department Head or other designee before the beginning of their work shift on each day of absence unless the employee is on an approved leave of absence.
- b) When an employee has been absent due to his or her own illness or injury for four or more consecutive workdays, the employee will be required to provide a note from his or her health care provider releasing the employee to work.
- c) Department Heads are responsible for approving sick leave use for the purposes

identified in this Section.

- d) Where a Department Head or the Director of Employment believes there has been a misuse of sick leave time, an employee may be required to provide substantiation of the need for sick leave from a health care provider.
- e) Where an eligible employee has exhausted all paid sick leave, upon request of the employee, the absence may be charged to accrued vacation leave.
- f) An employee who is absent from work by reason of disability and is receiving State Disability Insurance (SDI) benefits shall be required to integrate any paid time off used (sick leave, vacation, administrative leave, holiday, compensatory time off, etc.) as when added to his/her disability indemnity will result in payment to him /her of his/her full salary. An employee shall accumulate vacation leave and sick leave only during such portion of absence from work during which he/she uses previously earned vacation leave, sick leave, administrative leave, or compensatory time off.
- g) An employee, who previously used paid leave balances, pending payment from SDI or Workers' Compensation, shall be entitled to reinstate a portion of such balances equal to the hourly value of the SDI or Workers' Compensation payment.

5.10.5 Recordkeeping

- a) Sick leave shall be certified by the Department Head to the City's Director of Employment on payroll forms provided by the City's Director of Employment. The City's Director of Employment shall maintain complete and accurate sick leave records for all employees.
- b) When a regular employee is transferred to or appointed to another City Department, sick leave credit shall be assumed by the new department.
- c) When an employee terminates employment for any reason other than layoff or retirement, his or her sick leave balance will be eliminated. When an employee is reinstated from layoff, he or she will be credited with any accrued sick leave which accumulated prior to layoff. When an eligible employee retires, any unused sick leave days will be converted to service credit at the rate of .004 years of service for each day of sick leave provided there is less than 120 days between the member's separation date and retirement date.
- d) Accrued sick leave will not be cashed out on termination.

5.11 Bereavement Leave

Whenever any regular full-time employee or regular part-time employee who is eligible for benefit coverage under the "Benefit Program" section of these rules believes it necessary to be absent from duty because of the death of a father, father-in-law, mother, mother-in-law, stepparent, brother, sister, wife, husband, spouse, registered domestic partner, child,

stepchild, grandparent, grandchild, person for whom the employee is legal guardian or other family member living the employee's household, he/she may request from his/her Department Head to be absent for not more than forty (40) working hours with pay for purposes of bereavement leave. A copy of the death certificate may be required prior to payment for such leave.

ARTICLE 6 - HOLIDAYS

6.1 Eligibility

All regular full-time and regular part-time employees of the City shall be entitled to holiday time off with pay as provided herein.

In order to be eligible for holiday pay, an employee must either be at work or on paid leave on the ~~work day~~ **workday** immediately preceding the holiday or day observed in lieu of the holiday and the workday immediately following the holiday or day observed in lieu of the holiday.

6.2 Established Holidays

Except as otherwise provided in this Section, the following are City-recognized holidays:

1. January 1, New Year's Day
2. Third Monday in January, Martin Luther King, Jr. Day
3. Third Monday in February, President's Day
4. Last Monday in May, Memorial Day
5. July 4, Independence Day
6. First Monday in September, Labor Day
7. November 11 - Veteran's Day
8. Thanksgiving Day
9. The Friday following Thanksgiving Day
10. December 24, the day before Christmas
11. December 25, Christmas Day
12. New Year's Eve Day (effective 2018)
13. ~~Two~~ **Three** floating holidays to be taken by the employee during the calendar year.

~~For the calendar year of 2018 only, the City will offer the dates of December 26, 27, 28, as paid holidays. This paid holiday observance will discontinue and not be observed thereafter.~~ **Where practical, the City will continue to allow the practice of closing and/or working a skeleton crew during the holiday season.**

6.3 Floating Holiday

Credit for ~~two~~ **three** (~~2~~ **3**) floating holidays shall be posted to an eligible employee's

balance on January 1 of every year. Upon hire a new employee shall be prorated at ~~1.33~~ **2.00 hours per month**. Hours shall be rounded up to the nearest whole hour. An eligible employee may take his/her floating holiday at any time within 12 months of the credit, contingent upon approval of his/her Department Head. The floating holiday must be taken within the calendar year and does not carry forward into the next calendar year. Floating Holidays may be taken in one (1) hour increments.

Each employee must consider the needs of the service when requesting floating holiday leave and must receive advance approval from the Department Head prior to taking the time off.

6.4 When a Holiday Falls on Saturday or Sunday

Whenever a holiday falls on Sunday the following Monday shall be observed as a holiday, and whenever a holiday falls on a Saturday the preceding Friday shall be observed as a holiday.

6.5 When Scheduled Day Off Falls on a Holiday

A regular employee who's regularly scheduled days off fall on any holiday shall be entitled to an additional day off typically within the same pay period as the holiday occurs.

6.6 Part-Time Regular Employees - Holiday Pay

Part-time regular employees shall be entitled to paid time off for holidays on a pro-rata basis based on actual hours worked in the biweekly pay period which included the holiday.

6.7 No Pay for Holiday Following Last Day in Pay Status

A regular employee who is terminating his/her employment for reasons other than paid City retirement, and whose last day as a paid employee is the day before a City holiday, shall not be paid for such holiday.

6.8 Holiday Pay for Non-Exempt Employees

A regular full or part-time employee who is non-exempt from the FLSA and who is required to work a holiday, in addition to receiving the regular rate of pay, shall receive either equivalent time off at the rate of time and one-half, or pay at the rate of time and one-half in accordance with the provisions governing overtime.

ARTICLE 7 - HEALTH INSURANCE COVERAGE

7.1 Eligibility

Regular full-time employees, regular part-time employees working at least 40 hours per pay period on a regular basis, are eligible to participate in the City's health insurance programs.

7.2 Employee Co-Pay

Eligible employees shall be required to make premium contributions towards health, dental, vision and life insurance programs. The amount of such employee co-pay for any given fiscal year shall be available from the Director of Employment and may be adjusted from time to time based upon changes in health care insurance costs to the City. ~~For calendar year 2019 the City shall pay 90% of premium costs for health insurance and dental insurance; for calendar year 2020 the City shall pay 86% of premium costs for health insurance and dental insurance; for calendar year 2021 the City shall pay 82% for health insurance and dental insurance.~~

Effective November 1, 2022 the City shall begin to contribute eighty-five percent (85.0%) toward monthly medical premium and Employees shall contribute fifteen percent (15.0%) toward monthly medical premium.

Effective July 1, 2023 the City shall contribute eighty-eight percent (88.0%) toward monthly medical premium and Employees shall contribute twelve percent (12.0%) toward monthly medical premium.

Effective July 1, 2024 the City shall contribute ninety percent (90.0%) toward monthly medical premium and Employees shall contribute ten percent (10.0%) toward monthly medical premium.

The City shall pay 100% for vision insurance for the term of this agreement.

7.3 Employees With Other Group Health Insurance Coverage and Not Enrolled In A City Sponsored Health Plan

When an eligible employee elects not to enroll in a City sponsored health plan and she/he is covered, as primary or as a dependent, on another employer group health plan, the City may provide such employee with a compensation payment in lieu of coverage, upon proof of such other coverage and signing of a health insurance waiver form. The amount of such compensation shall be set at \$275 monthly. Such special compensation shall begin on the first day of the month following receipt by the City Manager or other designated employee of satisfactory evidence of such other insurance coverage and a fully executed waiver form. If other insurance is provided by a PERS sponsored health plan, the employee shall comply with all requirements established by PERS for members who are eligible for coverage under one or more PERS plans.

To continue eligibility for special compensation, health insurance coverage must be re-verified and a new waiver form signed during the open enrollment period each year.

This special compensation is separate from and is not included in the City sponsored IRS 125 Plan.

7.4 Coverage During Leave of Absence

All exempt and regular employees on leaves of absence with pay will have their health insurance premium paid in accordance with this Article. An exempt or regular employee

on leave of absence without pay may continue their coverage on the City's health plan under the following conditions:

- 7.4.1 If the employee returns prior to the end of the calendar month in which the leave started there will be no charge for the continuance of the City's health plan premium;
- 7.4.2 If the leave extends past the end of the calendar month in which the employee leaves, the employee will be charged with the insurance premiums based on an appropriate daily rate until he/she returns to work. The employee must pay for such coverage on or before the first day of the month and will be reimbursed for a daily rate of return; and
- 7.4.3 If the employee decided not to pay, the employee shall be terminated from coverage (effective the first day of the calendar month) for the duration of the leave of absence. The employee shall be notified that coverage shall not be reinstated until the first of the month following his/her return to duty unless the employee returns on the first of the month at which time the insurance will be started immediately or the employee is returning from approved military leave.

7.5 Cobra Continuation

The City provides COBRA continuation benefits consistent with the requirements of law. Following a termination of employment, or other qualifying event, an eligible employee may be able to continue their health care coverage at their own expense.

ARTICLE 8 - JOINT LABOR MANAGEMENT COMMITTEE

8.1 The parties agree that regular communication between the parties leads to more harmonious labor management relations and to the establishment of trusting relationships. Toward that end the parties agree to the formation of a Joint Labor Management Committee.

The joint labor management committee shall be comprised of up to three (3) individuals from the bargaining unit and up to three (3) individuals from management. A union representative or their designee and the City Manager or their designee may participate too.

The JLMC shall meet at least twice a year to address items of mutual concern. Each party may agendaize up to three (3) issues for any scheduled meeting, and the parties may agendaize additional issues by mutual agreement. Both parties agree to notify the other of any proposed agenda items at least three (3) calendar days in advance of the scheduled meeting.

ARTICLE 9 – DISCIPLINARY ACTION & APPEAL

9.1 Applicability of Section

Any regular employee in the classified service may be reprimanded, suspended, demoted, dismissed, or reduced in pay for cause.

9.2 Causes for Discipline

Any of the following causes are sufficient causes for reprimand, dismissal, suspension, demotion, or reduction in pay; but the list is illustrative rather than restrictive, and reprimands, dismissals, suspensions, demotions, or reductions in pay may be based on reasons other than those specifically mentioned:

- a) Intentional misrepresentation or concealment of any material fact in connection with obtaining employment.
- b) Unsatisfactory performance.
- c) Unexcused neglect of duty.
- d) Insubordination.
- e) Dishonesty.
- f) Consuming, possessing, or being under the influence of alcohol, illegal drugs, or unauthorized prescription medications while on duty.
- g) Unexcused absence, excessive absences, or tardiness.
- h) Conviction of a felony that is rationally related to employee's job.
- i) Discourteous treatment of the public or other employees.
- j) Political activity, which is in violation of federal or state laws.
- k) Negligent or willful damage to public property or waste of public supplies or equipment.
- l) Misappropriation or misuse of city funds or property.
- m) A physical or mental condition or disability which prevents the performance of the essential functions of the employee's position.
- n) Violation of safety rules.
- o) Discrimination, including harassment and retaliation, on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, sexual orientation, or veteran status.
- p) Activity which brings discredit to the City.
- q) Violation of any departmental rule or order.
- r) Any other good cause for discipline.

9.3 Letters of Reprimand

- a) The appointing authority may issue a formal letter of reprimand to an employee. Such reprimand letters should contain:
- b) A specific description of the event or circumstance giving rise to the letter of reprimand with sufficient details to adequately apprise the employee of the problem;

- c) The specific policies, rules or expectations violated;
- d) A statement of what the employee must do to correct the situation; and
- e) An indication that more serious disciplinary action may occur should unsatisfactory performance or conduct reoccur.
- f) Within 30 days of receipt of a letter of reprimand an employee may file a response to the letter of reprimand. The employee's response shall be placed in the employees personnel file with the letter of reprimand.

A letter of reprimand shall become part of the employee's personnel file. There is no right to appeal a letter of reprimand.

If after three (3) years, there is no further disciplinary action the employee may request their supervisor to have the letter of reprimand removed from the personnel file. If their supervisor and the City Manager agree, the letter shall be destroyed.

9.4 Notice of Dismissals, Demotions, Suspensions and Reductions in Pay

A regular employee in the classified service against whom dismissal, demotion, suspension, or reduction in pay is proposed shall be provided with written notice of the proposed action prior to the effective date thereof. Written notice shall be provided by personal delivery or certified mail and the effective date of the action may be taken five calendar days following service of the notice to the employee. Such written notice shall include:

- a) A description of the action proposed to be taken and its effective date or dates.
- b) A clear and concise statement of the reasons for such action, including the acts or omissions on which the disciplinary action is based.
- c) A statement advising the person of the right to respond either orally or in writing, to the appointing authority prior to its effective date.
- d) A statement that a copy of the materials upon which the action is based is attached or available for inspection upon request.
- e) A statement advising the person that a copy of the written notice shall be filed in the employee's official personnel record.
- f) At any time before the appointing authority's final decision on discipline is made, the appointing authority may file or permit the filing of an amended or supplemental notice. All parties shall be notified thereof. If the amended or supplemental notice presents new reasons or charges the agency shall afford respondent a further opportunity to respond to the appointing authority orally or in writing as to the new reasons or charges before the effective date of the discipline.

9.5 Administrative Leave

Under appropriate circumstances, an employee may be removed from the workplace prior to receiving written notice of proposed discipline and while an investigative and disciplinary process is pending. Such leave may be paid with approval of the City Manager.

9.6 Suspension

A disciplinary suspension without pay imposed by the appointing authority shall not exceed two (2) biweekly pay periods (28) calendar days. Any paid leave shall not be included in the 28 - calendar day suspension limitation.

9.7 Final Action

Following the employee's opportunity for response to a proposed dismissal, demotion, suspension, or reduction in pay as set forth in section 9.4, or if no response is timely received, the appointing authority shall deliver a notice of final decision to the employee. The notice shall be delivered personally to the employee or by certified mail. If dismissal, demotion, suspension, or reduction in pay is imposed, the notice shall inform the employee of his/her right to appeal as set forth below.

9.8 Right of Appeal

- a) Any regular employee in the classified service who is suspended, demoted, dismissed, or reduced in pay, may appeal from the final notice of disciplinary action by filing a notice of appeal with the City Clerk within fourteen (14) calendar days after service on such employee of the written notice of disciplinary action as herein above provided. If a notice of appeal is not filed within fourteen (14) days, the final notice of disciplinary action shall become final.
- b) Within thirty (30) calendar days of receipt by the City Clerk of a notice of appeal, the City Council will conduct a hearing on the appeal. During the hearing, the City Council will review the written appeal, response to the appeal, and receive testimony from the employee and the appointing authority. Upon conclusion of the hearing, the City Council may adopt, amend, modify, or reject the disciplinary action. The decision of the City Council shall be final and conclusive.
- c) If discipline imposed resulted in loss of pay, and the decision results in reduction or elimination of loss of pay, the pay loss shall be restored to the employee based on the number of standard work hours lost computed at his/her then based hourly rate.
- d) The provisions of Section 1094.5 and 1094.6 of the Code of Civil Procedure shall be applicable to proceedings under this section.

9.9 Hearing

The hearing shall be conducted as follows:

- a) Oral evidence shall be taken only on oath or affirmation.
- b) Each party shall have these rights: to call and examine witnesses, to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence against him or her. If respondent does not testify in his or her own behalf, he or she may be called and examined as if under cross-examination.
- c) The hearing need not be conducted according to technical rules relating to evidence and witnesses, except as hereinafter provided. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of the evidence over objection in civil actions.
- d) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but over timely objection shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. An objection is timely if made before submission of the case or on reconsideration.
- e) The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing.
- f) The presiding officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

The hearing shall be recorded by tape recording or steno graphically by a court reporter. Subpoenas and subpoenas ducas tecum shall be authorized upon request to the City. All hearings shall be held in executive session pursuant to Government Code Section 54957 unless the employee requests a public hearing.

ARTICLE 10 - GRIEVANCE PROCEDURE

10.1 Purpose

- a) This grievance procedure shall be used to process and resolve grievances arising under this Agreement.
- b) The purposes of this procedure are:
 - (1) To resolve grievances informally at the lowest possible level.
 - (2) To provide an orderly procedure for reviewing and resolving grievances promptly.

- (3) To determine and correct, if possible, the causes of grievances.

10.2 Definitions

- a) A grievance is a complaint of one (1) or a group of employees, or a dispute between the City and the Union involving the interpretation, application, or enforcement of the express terms of the Agreement.
- b) As used in this procedure, the term "immediate supervisor" means the individual who assigns, reviews, and directs the work of an employee.
- c) As used in this procedure, the term "party" means an employee, the Union, or the City.

10.3 Time Limits

Each party involved in a grievance shall act quickly so that the grievance may be resolved promptly. Every effort should be made to complete action within the time limits contained in the grievance procedure, but, with the written consent of all parties, the time limitation for any step may be extended.

10.4 Presentation

An employee or Union representative, or both, may present a grievance while on duty.

10.5 Application

Grievances, as defined in Section 10.2 above, shall be brought through this procedure.

10.6 Informal Discussion

The grievance initially shall be discussed with the immediate supervisor. The employee may be represented by a steward. Within five (5) working days, the immediate supervisor shall give his or her decision or response.

10.7 Formal Grievance - Step 1

- a) If an informal grievance is not resolved to the satisfaction of the grievant, or if there is reason to bypass the informal step, a formal grievance may be initiated. A formal grievance may be initiated no later than:
 - (1) Ten (10) working days after the event or circumstance occasioning the grievance; or
 - (2) Within five (5) working days of the decision rendered in the informal grievance procedure, whichever is later.
- b) However, if the informal grievance procedure is not initiated as specified in Section 10.6, the period in which to bring the Step 1 grievance shall not be extended by Subsection (2) of Subsection a. of Section 10.7.

- c) A formal grievance shall be initiated in writing on a form and shall be filed with the Department Manager/Director. The employee may be represented by a steward.
- d) The Department Manager/Director shall answer the grievance within ten (10) working days of the filing of the formal grievance at Step 1.

10.8 Formal Grievance - Step 2

- a) If the grievant is not satisfied with the decision rendered pursuant to Step 1, he or she may appeal the decision within ten (10) working days to the City Manager or his or her designee. The employee may be represented by a steward.
- b) Within ten (10) working days, the appointing authority or his or her designee shall respond in writing to the grievant. If the City Manager or his designated representative determines that it is desirable, he or she shall hold conferences or otherwise investigate the matter. The City Manager shall provide a written response to the grievant and the union, which, absent appeal, shall be final.

10.9 Formal Grievance - Step 3 City Council

If the City Manager or his/her designated representative fails to respond in writing, as provided in Step 2, or if the response is not satisfactory to the Union, the Union shall have the right to refer the matter to Step 3. Such referral shall be made by written demand submitted to the City Clerk within ten (10) working days of receipt of his decision.

Within thirty (30) calendar days of receipt by the City Clerk of a notice of appeal, the City Council will conduct a hearing on the appeal in accordance with its rules. During the hearing, the City Council will review the written appeal, respond to the appeal, and receive testimony from the union, the employee, and the City Manager. Upon conclusion of the hearing, the City Council will provide its formal response no later than the next regularly scheduled City Council Meeting. The decision of the Council shall be final.

Following the exhaustion of the Grievance Procedure the union is not prohibited from filing a complaint with PERB.

10.10 Response

If the City fails to respond to a grievance within the time limits specified for that step, the grievant shall have the right to appeal to the next step, except that only the Union shall have the right to refer the matter to Step 3.

10.11 Copy of Decision

At each step of the formal grievance procedure, a copy of the decision shall be sent to the Union at the same time as the decision is sent to the grievant.

ARTICLE 11 – SERVEREANCE PROVISION

If any term, provision, covenant, or condition of this MOU is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions of this MOU shall continue in full force and effect.

ARTICLE 12 – DURATION

This Agreement shall take effect upon adoption by the Live Oak City Council and continue until ~~October 31, 2022~~ June 30, 2025. The parties agree to initiate negotiation of the successor to this MOU no later than ~~August 1, 2022~~ April 1, 2025.

By the City:

By Public Employees Union Local #1:

Date: _____

Date: _____

By: _____

Bob Woten, Mayor

By: _____

Ron Slaven

By: _____

Tony Acosta

By: _____

Gregg Aleck

By: _____

Roman Ontiveros

By: _____

Oziel Alvarado



City of Live Oak Report to City Council

Meeting Date:	February 15, 2023
Title:	Award Construction Management Contract to Unico Engineering of Folsom, California for the Pennington Road West Project
Contact Information:	Ron Walker, Director of Public Works
Background:	The Pennington Road West Project area will encompass Pennington Road generally from Connecticut Avenue to the Union Pacific Railroad Tracks. The project will rehabilitate 1/3 mile of Pennington Road, including structural section replacement as well as curb, gutter, and sidewalk improvements. The consultant will serve as the City's Resident Engineer for the project, and with appropriate staff performs inspection, materials testing, contract administration services, quality control testing, traffic management, safety, stormwater quality, labor compliance services, construction staking, public relations, and outreach, claims mitigation, and document control and construction management. The project is being funded with money that has a Federal funding component, and therefore must comply with the Caltrans Local Assistance Procedures Manual, which required the City to develop and advertise a Request for Proposal for the construction management part of the project. Once awarded, the City Manager will negotiate any possible cost savings.
Fiscal Impacts:	Total cost not-to-exceed \$297,817.67.
Recommendation:	1) Award contract to Unico Engineering to provide construction management services for the Pennington Road West Project; and 2) Authorize the City Manager to sign.
Attachments:	

[Unico Engineering DBE Commitment part 2](#)
[Unico Engineering - Proposal to Provide Construction Management Services](#)
[RAR Cost Proposal](#)
[RAR Tech Proposal - Pennington Rd West Project CM Services](#)
[Grading and Evaluation Sheets - Pennington Road West Project CM](#)

City of Live Oak
Pennington Road West - Construction Management

		UNICO							Geocon							KMP							
		Cesar Montes de Oca, PE Resident Engineer	Maren Sinclair, EIT Assistant RE	Patrick Leonard Construction Inspector	Rob Markes Survey Manager	Tim Pringle Party Chief	Tony Perez Rodman	Ryan Ming Sr. Land Surveyor	Jeremy Zorne Principal Engineer	Project Engineer	Senior Staff Engineer	Project Coordinator	Field Supervisor	Administrative Assistant	Materials Tester Group 3 (PW - Reg)	Materials Tester Group 3 (PW OT)	Sarah Modeste Principal in Charge	Lisa Serra Project Coordinator					
Direct Labor Rate		\$ 85.00	\$ 70.00	\$ 65.00	\$ 80.00	\$ 75.04	\$ 72.04	\$ 60.50	\$ 75.00	\$ 45.00	\$ 35.00	\$ 30.00	\$ 38.00	\$ 25.00	\$ 46.84	\$ 70.26	\$ 74.52	\$ 47.77	TOTALS				
Overhead Rate		135.75%							185.82%							197.64%							
Fee		10%																					
Task #	Task Description	Hours																		Direct Labor Costs	Indirect Costs	Fee	Total
1	Pre-Construction Services	10	40	20															\$ 4,950.00	\$ 6,719.63	\$ 1,166.96	\$ 12,836.59	
2	Construction Management Services	180	360	600	8	40	40	40	2	6	12	6	4	2	76	8			\$ 93,787.12	\$ 129,991.72	\$ 22,377.88	\$ 246,156.72	
3	Public Relations and Outreach																30	25	\$ 3,429.85	\$ 6,373.35	\$ 980.32	\$ 10,783.52	
4	Post-Construction Services	20	40	20															\$ 5,800.00	\$ 7,873.50	\$ 1,367.35	\$ 15,040.85	
Total Hours		210	440	640	8	40	40	40	2	6	12	6	4	2	76	8	30	25	Tasks Subtotal		\$ 284,817.67		

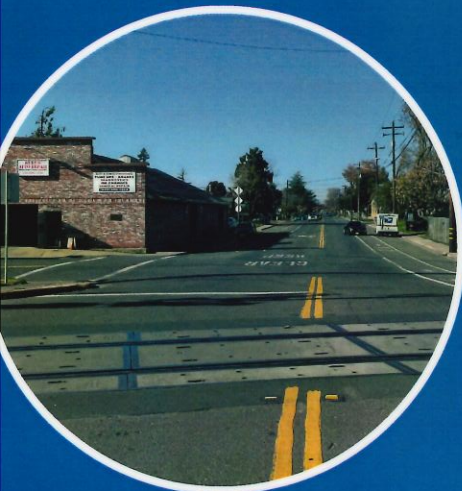
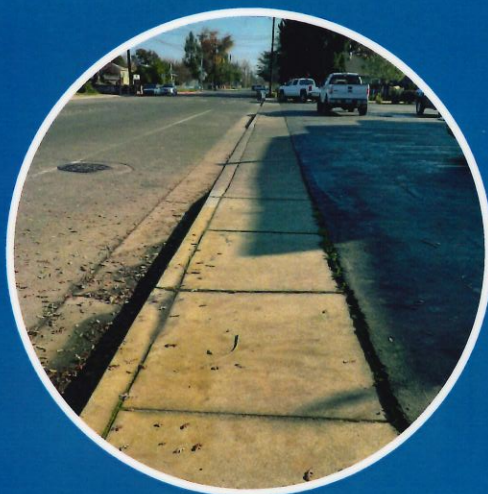
Other Direct Costs		Total
Lab Testing		\$ 10,920.00
Public Outreach		\$ 2,000.00
ODC Subtotal		\$ 12,920.00

TOTAL		\$ 297,737.67
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PROPOSAL TO PROVIDE
CONSTRUCTION MANAGEMENT SERVICES

Pennington Road - West Project

JANUARY 6, 2023



January 6, 2023

Ron Walker | Director of Public Works
City of Live Oak | Department of Public Works
9955 Live Oak Boulevard
Live Oak, CA 95953

**Subject: Proposal to Provide Construction Management Services for the
Pennington Road – West Project**

Dear Mr. Walker,

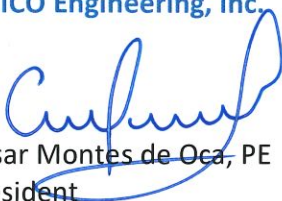
Pennington Road is a key City arterial crossing SR 99 and linking residents to businesses, schools, and public amenities. The Pennington Road – West project will rehabilitate 1/3 mile of Pennington Road; repair and replace structural sections of pavement; and upgrade curb, gutter, and sidewalks to current ADA standards. This contract requires a tenured construction management team that is proficient in pavement rehabilitation/overlay, pedestrian and bicycle safety improvements, traffic control plans, and public outreach with project stakeholders.

As a prime DBE firm, UNICO has provided construction management and inspection services on numerous federally funded infrastructure projects and is ready and committed to perform the services outlined in the RFP and will adhere to the contract requirements.

The UNICO team will be led by Resident Engineer, **Cesar Montes de Oca**, with **Patrick Leonard** as the Construction Inspector, **Maren Sinclair** as the Assistant Resident Engineer, materials testing provided by Geocon, and public outreach provided by KMP Strategies. UNICO and its teaming partners are currently providing these services for multiple cities (Lincoln, Citrus Heights, Elk Grove, Folsom, Rocklin, West Sacramento, and Woodland) under current contracts for very similar projects. This project will be delivered from UNICO's field office in Woodland, CA.

As the President of UNICO, I am authorized to bind the company and can be reached at 530.903.9023 or via email at cesar@unicoengineering.com. We look forward to working with the City on this project.

Sincerely,
UNICO Engineering, Inc.



Cesar Montes de Oca, PE
President

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Firm History and Background

About UNICO



UNICO is a certified DBE firm fully committed to providing high quality construction management, systems engineering, and land surveying services to public and private clients. UNICO serves clients throughout Northern California with a current staff of over 90 from our corporate office located in Folsom, and branch offices in San Diego, Concord, and Oakland, and field offices in Sacramento, Woodland, Paradise, and Angels Camp. Our success is measured by the success of our clients, our responsiveness, and the quality and value of our work. Top on our priority list is to understand our clients' objectives and expectations. We provide value to our clients by sharing their goal of effectively managing the costs of the projects which we are assigned. UNICO offers:

- **Construction Management**
- **Water, Sewer, Electrical, Bridge, Roadway, and Facilities Inspection**
- **Value Engineering**
- **Office Engineering and Labor Compliance**
- **Construction Staking and Verification**
- **Drone Surveying**

UNICO has provided construction management and inspection services for local agencies throughout California. Assignments have ranged from providing a single inspector to a full construction management team. **UNICO can provide construction management support in the form of Resident Engineers, Assistant Resident Engineers, Structures Representatives, ITS Specialists and Office Engineers, as needed.**

About Geocon



Geocon Consultants, Inc.
(Geocon) is a California
Corporation established

in 1971 as a professional engineering consulting firm providing comprehensive geotechnical engineering, environmental consulting, materials testing, and special inspection services for over 51 years. Geocon employs over 280 technically strong and highly motivated engineers, geologists, environmental scientists, and technicians. State-of-the-art geotechnical and materials testing laboratories, extensive inventories of field equipment and instrumentation, comprehensive technical libraries, and advanced data-management systems, support each office. Geocon will provide materials testing.



The UNICO team on-site during paving operations at the Kammerer Road Reconstruction project for the City of Elk Grove

About KMP

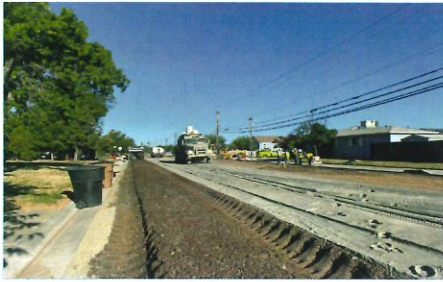


KMP Strategies LLC (KMP) is a woman-owned, full-service public outreach and education firm. KMP is recognized for its hands-on approach and ability to understand technical project aspects and relay details to non-technical stakeholders. KMP quickly adapts to project needs, identifies the best person for each role, and successfully navigates challenges while maximizing opportunities. KMP serves as trusted advisors and extensions of client staff while bringing a fresh perspective.

Relevant Project Experience

The UNICO team has provided construction management and inspection services on a variety of federal, state, and locally-funded infrastructure projects, including bicycle and pedestrian safety improvements, intersection improvements, traffic signal upgrades, and microsurfacing as identified in the table below. Additional descriptions and client reference information for select assignments are provided on the following pages.

Client Name Project Name	Project Elements									
	Roadway Improvements	Bicycle/Pedestrian Safety Improvements	Intersection Improvements	Traffic Signal/Electrical Upgrades	ADA Compliant Curb, Gutter, Sidewalk	Utility Coordination	Paving Operations	Landscaping	Vehicular/Pedestrian Traffic Control	Construction Staging
City of Lincoln First Street Resurfacing, Phases 1 and 2	◆	◆	◆		◆	◆	◆		◆	
City of Lincoln Lincoln Boulevard, Phases 1 and 3	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
City of Elk Grove Citywide Curb Ramp Improvements	◆	◆			◆	◆	◆		◆	◆
City of Citrus Heights 2020 Residential Street Resurfacing	◆				◆	◆	◆		◆	
City of Woodland Kentucky Avenue Widening	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Town of Paradise Almond Street Multi-Modal Improvements	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
City of Citrus Heights Sunrise Boulevard Complete Streets, Phases 1, 2A, and 3	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
City of Citrus Heights Sylvan Road Accessibility and Safety Improvements	◆	◆	◆	◆	◆	◆	◆		◆	
City of Lincoln E. Joiner Parkway Widening	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
City of Roseville RSTP Microsurfacing	◆	◆	◆	◆	◆		◆		◆	
City of Woodland Gibson Road Rehabilitation	◆	◆		◆	◆	◆	◆	◆	◆	◆
City of Sacramento Bell Avenue Complete Street Rehabilitation	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
City of Elk Grove Railroad Street and Old Town Plaza Phase 2 and 3 Improvements	◆	◆	◆		◆	◆	◆		◆	
City of Elk Grove Bruceville Road and Poppy Intersection Signalization	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
City of Elk Grove Pedestrian Crossing	◆	◆		◆		◆	◆		◆	
Town of Paradise On-System and Off-System Culvert Repairs and Replacements						◆	◆		◆	



First Street Resurfacing, Phase 1 *City of Lincoln*

This federally-funded project included street reconstruction consisting of Full Depth reclamation with concrete (FDR-C) with Hot Mix Asphalt pavement on First Street and O Street, full depth removal and replacement of AC and AB on the short north-south street segments, and pavement delineation.

In addition, the project included construction of underground storm drainage improvements and sewer main and manhole replacements. Segments of curb and gutter and sidewalk were removed and reconstructed, as well as reconstruction of pedestrian ramps to meet current Americans with Disabilities (ADA) Standards for Accessible Design.

Similarities to Pennington Road-West

- Roadway Improvements
- Bicycle/Pedestrian Safety
- Curb, Gutter, Sidewalk Repair

Reference Information

- Araceli Cazarez, PE I
City of Lincoln | 916.434.2400 |
araceli.cazarez@lincoln.ca.gov

Project Dates

- February to November 2020

Key Staff

- PIC: Cesar Montes de Oca
- ARE: Maren Sinclair
- Materials Testing: Geocon



Lincoln Boulevard Resurfacing *City of Lincoln*

This project resurfaced Lincoln Boulevard from the end of the bridge deck at Ingram Slough to the bridge deck at Auburn Ravine.

The project also reconstructed access ramps at eight (8) locations, replaced vehicle and bike detector loops, added handholes and pedestrian push buttons at two intersections, and provided new traffic striping markings and markers.

The resurfacing consisted of grinding the existing asphalt and replacing with rubberized hot mixed asphalt.

Similarities to Pennington Road-West

- Roadway Improvements
- Bicycle/Pedestrian Safety
- Curb, Gutter, Sidewalk Repair

Reference Information

- Araceli Cazarez, PE I
City of Lincoln | 916.434.2400 |
araceli.cazarez@lincoln.ca.gov

Project Dates

- March to September 2020

Key Staff

- PIC: Cesar Montes de Oca
- ARE: Maren Sinclair
- Materials Testing: Geocon



Citywide Curb Ramp Improvements *City of Elk Grove*

This \$1.5 million project removed barriers and improved pedestrian accessibility and safety by reconstructing 77 ramps at locations through the City. Of the 77 ramps, 72 are ADA curb ramp replacements triggered by the resurfacing improvements for the 2019 Pavement Slurry Seal and Resurfacing Project.

Five additional ramps were included near schools to improve pedestrian accessibility and safety. The project is funded with a combination of Measure A Sales Tax monies and Community Development Block Grant funds.

Similarities to Pennington Road-West

- Curb, Gutter, Sidewalk Repair
- Construction Staging
- Utility Coordination

Reference Information

- Shoaib Ahrary I
City of Elk Grove | 916.627.3445
sahrary@elkgrovecity.org

Project Dates

- June to December 2019

Key Staff

- PIC: Cesar Montes de Oca
- ARE: Maren Sinclair
- Materials Testing: Geocon



Almond Street *Town of Paradise*

As part of the Town of Paradise's On-Call CM contract, UNICO is a subconsultant to Psomas on several task order assignments.

This \$8 million project adds sidewalks, curbs, and gutters to Almond Street between Pearson Road and Elliott Road.

In addition, construction widens Almond Street to incorporate Class II bicycle lanes on both sides of the roadway. The project also includes underground drainage. The gap closure includes infill of sidewalks, curbs, gutters, and bike lanes/routes along Elliott, Birch, Fir, Foster, and Black Olive Drive in Paradise's commercial core.

Similarities to Pennington Road-West

- Residential/Commercial Driveways
- Roadway Improvements
- Sidewalk, Curb and Gutter

Reference Information

- Jessica Erdahl | Town of Paradise | 530.872.6291 x103
jerdahl@townofparadise.com

Project Dates

- June 2022 to Ongoing

Key Staff

- PIC: Cesar Montes de Oca
- CI: Patrick Leonard



2020-21 Residential Resurfacing *City of Citrus Heights*

UNICO has held an on-call construction management and inspection contract with the City of Citrus Heights since 2014. Services and roles provided to date include Resident Engineer, Assistant Resident Engineer, Office Engineer, and Construction Inspector on a variety of assignments ranging from residential resurfacing to encroachment permit inspection.

This project includes asphalt concrete overlay, minor pavement reconstruction, pavement grinding, construction of curb and gutter, construction of storm drains and drainage inlets, adjusting manholes, and restoring striping and signing at various locations within the City.

Similarities to Pennington Road-West

- Roadway Improvements
- Curb, Gutter, Sidewalk Repair
- Paving Operations

Reference Information

- Regina Cave | City of Citrus Heights | 916.785.2448
rcave@citrusheights.net

Project Dates

- January 2020 to January 2022

Key Staff

- PIC: Cesar Montes de Oca
- ARE: Maren Sinclair
- CI: Patrick Leonard
- Materials Testing: Geocon



Kentucky Avenue Widening *City of Woodland*

This federally funded project widened Kentucky Avenue from 2 to 4 lanes from East Street to College Street and reconstruct the roadway as a Complete Street from East Street to West Street.

The \$9 million project included a major redesign of the street that includes new bicycle lanes, new landscaped-separated sidewalks, cement treated subgrade (CTS), drainage improvements, landscape medians, a new traffic signal at College Street, and modifications to signals at West Street and East Street.

Similarities to Pennington Road-West

- Roadway Improvements
- Bicycle Facilities
- Landscape Medians
- Pedestrian Crossing

Reference Information

- Diana Ayon | City of Woodland | 530.661.5967 |
diana.ayon@cityofwoodland.org

Project Dates

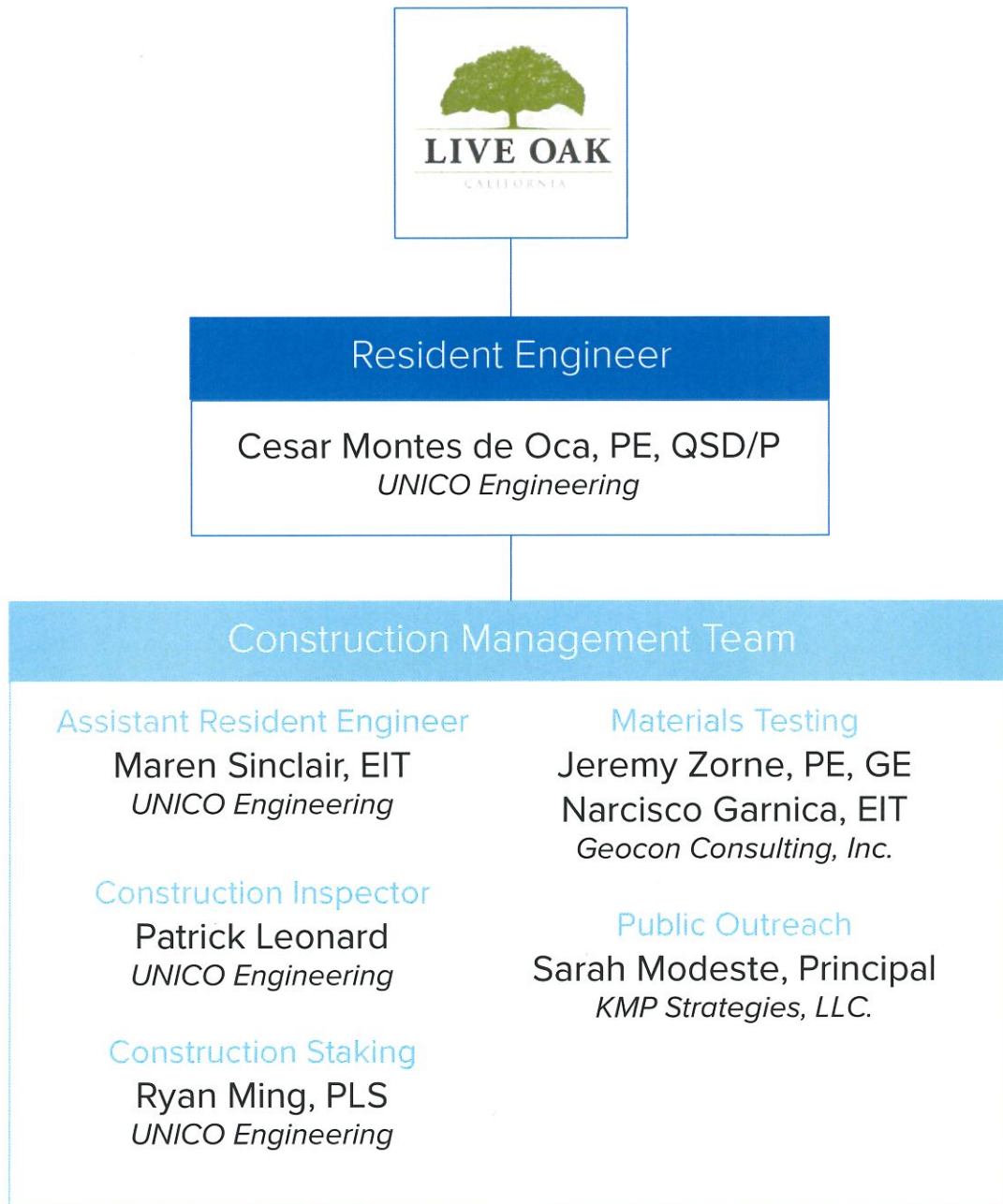
- March 2017 to November 2019

Key Staff

- PIC: Cesar Montes de Oca
- AE: Maren Sinclair
- Materials Testing: Geocon

Project Team Qualifications

The UNICO team includes construction management, inspection, and materials testing professionals with experience in the construction of roadway improvements, bicycle and pedestrian safety, intersection improvements, traffic signal/electrical upgrades, and microsurfacing. Each team member will work collaboratively with City staff, the Contractor, and project stakeholders to efficiently deliver this contract.



Project Team Qualifications

Team Member	Qualifications and Proposed Project Responsibilities
UNICO Engineering	
Cesar Montes de Oca, PE, QSD/P Resident Engineer - BS Civil Engineering - Professional Civil Engineer - CA - Qualified SWPPP QSD/P	Cesar has 16 years of civil engineering, construction management and inspection experience for public infrastructure projects. Prior to forming UNICO, Cesar, was the Storm Water Manager for the City of Citrus Heights from 2010 to 2013. Cesar has developed a strong understanding of municipal constraints, priorities, and working with the public. Cesar will provide project oversight of the day-to-day field operations, lead the weekly progress meetings, review and approve the Contractor's progress pay estimates, and provide technical submittal review.
Maren Sinclair, EIT, QSP Assistant Resident Engineer - BS Civil Engineering - Engineer In Training - CA - Qualified SWPPP QSP	Maren has performed the roles of Assistant Resident Engineer, Office Engineer and labor compliance, and has performed construction inspection on locally and federally funded projects. She started her career assisting with Storm Water Quality Programs for three local cities and is a certified QSP. As the Assistant Resident Engineer, Maren will be the primary point of contact to the City and will coordinate directly with the Contractor. Maren will be responsible for managing the budget, scope, document control, quality reporting, and coordination with stakeholders. She will verify that the work completed meets the City's standards and QAP.
Patrick Leonard Construction Inspector 40 Hr. OSHA Trenching and Excavation Training 40 Hr. CA MUTCD Traffic Control - Confined Space Competent Person	Patrick has more than 30 years of experience, managing construction projects overseeing subcontractors, maintaining field schedules, monitoring safety adherence, project progression, and expense tracking. Patrick's leadership ability to negotiate with engineers, site inspectors, and developers have ensured project completion on time and on budget. Patrick will provide day-to-day field inspection, including documentation of the work completed each day, as well as the equipment and materials used and Contractor personnel onsite. Patrick will serve as a key point of contact with the traveling public and will work closely with Maren and Sarah to disseminate Project updates and concerns to the UNICO team and the City.
Ryan Ming Construction Staking Professional Land Surveyor - CA	Ryan has over 20 years of experience in managing land surveying activities and staffing. He has thorough knowledge of principles, practices and procedures of boundary surveys, ALTA surveys, topographical surveys, construction surveys and control surveys. Ryan will coordinate with UNICO's in-house survey team and will lead the construction staking activities. Ryan will coordinate with UNICO's in-house survey team and will lead the construction staking activities.
Geocon Consultants, Inc.	
Jeremy Zorne, PE, GE Materials Testing Project Manager - MS Civil Engineering - BS Civil Engineering - Professional Civil and Geotechnical Engineer - CA	Jeremy has 25 years of experience conducting and managing geotechnical and materials testing, as well as special inspection projects. This includes transportation infrastructure (roadways, bridges, and retaining walls), public buildings, parks and recreation facilities, education facilities, and residential developments. Jeremy will work with Cesar and Maren to respond to the materials testing requests, including earthwork and roadway construction, subgrade and aggregate, shoulder backing, concrete, hot mix asphalt, and special inspection, as necessary. Jeremy will also coordinate, monitor, log, report, and resolve deficiencies for the field and laboratory testing required to confirm compliance with the City's QAP.
Narciso Garnica, EIT Materials Testing Field Technician - BS Civil Engineering - Engineer-In-Training - CA	Narciso has more than 11 years of experience working in the geotechnical engineering and material testing industry undertaking responsibilities as staff engineer, project manager, and special inspector. His certifications include ICC, ACI, and Caltrans. Narciso supervises Geocon's technical field staff and will work closely with Jeremy to dispatch technicians and conduct the materials testing.
KMP Strategies	
Sarah Modeste Public Outreach BA Communication and Sociology	Sarah has 18 years of experience and is highly regarded for her expertise in designing and managing public outreach and communication programs. She advises clients on public policy education, design/construction outreach, and stakeholder identification and engagement. For this project, she will provide proactive stakeholder outreach that includes multiple touch points to increase project awareness and benefits and manage construction-related interactions with residents and the traveling public.

Project Understanding and Approach

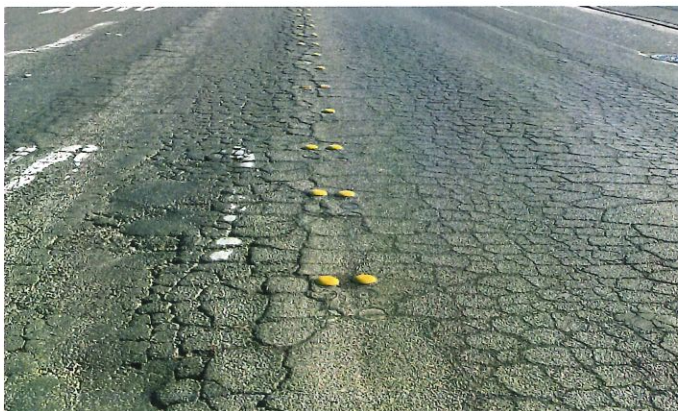
Project Understanding

The Pennington Road Rehabilitation Project consists of reconstructing 1/3 mile of the roadway section and replacement of the existing curb and gutter starting just West of Connecticut Avenue and ending near the Union Pacific Railroad tracks. The main work items include:

- Removal of the existing pavement section
- Removal of the existing base materials under the pavement section
- Placement of 5 inches of hot mix asphalt over 13 inches of Class II aggregate base over compacted subgrade
- Removal and reconstruction of sidewalk, curb, and gutter
- Placement of new pedestrian access ramps to meet current ADA standards
- Construction of new residential and commercial driveways
- Adjustment of existing utility facilities, placement of new drainage inlet, followed by new striping

Removal and Replacement of AC and AB:

Pavement rehabilitation will consist of removal and hauling off the existing asphalt materials to a designated site. The placement of the 5 inches of new hot mix asphalt will be in layers on a newly compacted and approved subgrade. To confirm quality and proper construction of the pavement section, UNICO and Geocon will review the proposed asphalt mix design prior to placement of the approved materials.



Underground Improvements:

Although the project is primarily a surface improvement project, it does include raising existing valve boxes, sewer manholes, and installation of new drainage inlet.

Curb and Gutter:

The project will remove the existing curb and gutter and reconstruct 1,201 LF of 5" barrier curb and gutter at various locations. Grade verification will be critical when inspecting the construction of the new curb and gutter.



Pedestrian Access Ramps and Sidewalks:

The project includes the replacement and construction of 12 ADA pedestrian access ramps and over 4,400 SF of sidewalk. UNICO has extensive experience inspecting ADA improvements for Cities in the region. UNICO will complete the inspection form the following day of ramp construction completion allowing potential repairs to be scheduled quickly.

UNICO has developed an electronic inspection form, including clearance, transition and slope measurements, pan depth and lip height to help determine ADA compliance. By having the electronic template, we can quickly enter the data in the field providing fast and accurate records of the inspection. By using conditional formatting in Excel to highlight any dimension or slope that does not meet ADA standards we can quickly identify non-complaint features when they are measured in the field.

During the inspections, UNICO will document any non-complaint slopes or dimension with photographs. At least two pictures will be taken: one showing the whole ramp and one close-up of the level or tape reading.

Challenges and Solutions

UNICO has reviewed the plans and specifications provided and have performed a site walk. Based on the review and field walk, the following project challenges have been identified.

Unsuitable Materials

The roadway surface material consists of broken asphalt pieces for the entire length of the project. Throughout the years, rain water has penetrated the asphalt causing subgrade saturation. During the subgrade excavation, we may encounter unsuitable materials beyond what the new structural calls for in the contract documents. This will cause execution of a change order for removal of the additional unsuitable and placement of new subgrade materials.

Solution: UNICO's Inspector will monitor the roadway excavation item and inform the City PM of any additional unsuitable materials discovered during the excavation. Upon approval by the City PM, a field directive followed by a change order will be issued to direct the Contractor to remove the unsuitable materials and to place contract approved materials. The Contractor will be reimbursed per contract bid item for this work.



Impact to Private Properties, City Park, and Businesses

The proposed improvements on Pennington Road will have an impact on the existing private residences, Memorial Park, and a few businesses. The proposed work may cause minor delays for residents to access their property.

Solution: UNICO will work with KMP to notify the impacted residents and business owners of the upcoming project prior to start of the work followed by providing project updates of the upcoming activities.

Removal and Placement of New Sidewalk, Curb, and Gutter

The existing sidewalk, curb and gutter does not meet ADA standards and will be replaced by new sidewalk, curb and gutter. One of the challenges is making sure the existing power poles installed within the sidewalk are protected in place and the new improvements are built around them to meet the minimum sidewalk width without encroaching on private properties. Another challenge is the condition of the subgrade under the existing sidewalk, the plans call for placement of 2" of Class 2 AB prior to placement of the new concrete.

Solution: UNICO's Inspector will monitor this operation to verify the subgrade material is suitable prior to concrete placement.



Public Outreach and Project Communications:

Keeping the public informed with a clear communications protocol is a critical component of a successful project.

Solution: UNICO and KMP will be the communication and coordination hub for the project. We will create a project specific email address and filing system (cloud based). This will ensure that RFI, submittals, Field Change Directives, Change Orders, Materials Tags and all other project documentation is tracked, logged, distributed and filed efficiently. Additionally, UNICO and KMP will monitor the Contractor public notifications and schedule to keep property owners, agencies, utilities, and schools informed.

Safety and Traffic Impacts:

This project will have construction related traffic.

Solution: UNICO will enforce the City approved traffic control plans, monitor the conditions, and report any unsafe driving conditions. As necessary, UNICO will coordinate with the City and the Contractor to make modifications to the traffic control plans, if it is determined in the field that improvements can be made.

Project Approach Methodologies

UNICO will bring a spirit of cooperation and partnering to the City of Live Oak. As part of the City's team, UNICO's approach includes **responsiveness, quality, cost management, and schedule management.**

Responsiveness

The UNICO team is built to be flexible and responsive to meet the needs of the City. Resident Engineer **Cesar Montes de Oca** and Assistant Resident Engineer, **Maren Sinclair**, are dedicated to this project and is available to serve in a variety of different project roles. To facilitate responsive communication, UNICO will:

- Manage this project from a local office in Woodland to be on-site during construction and available for consultation.
- Return calls and emails within one hour.
- Respond to emergency inspection requests within one hour.

Quality

UNICO's quality approach has two components: (1) product and materials quality; and (2) filing and documentation quality.

- **Product and Materials Quality:** Geocon will provide materials testing services in accordance with the QAP. UNICO's inspection team provides product quality and added value by identifying materials that appear out of specification in the field. This includes identifying products out of contract compliance prior to installation.
- **Filing and Documentation:** UNICO will manage, file, and document this project in accordance with the Caltrans LAPM. UNICO has delivered more than 100 federally funded projects using

a rigorous filling protocol that dictates that the project be audit ready to efficiently manage the funding and reporting requirements. UNICO uses a three stage internal auditing process, with reviews occurring at the beginning, middle and the end of the project.

Cost Management

UNICO uses a variety of techniques to deliver projects on budget, including:

- Developing quantity sheets and back-checking the quantities provided by the design team and bid schedule. UNICO performs a site visit to confirm reasonable limits, and then recommends adjustments as necessary to avoid cost overruns.
- Tracking quantities daily and preparing monthly quantity sheets to forecast cost and recommend changes that could offset extra work items.
- Forecasting quantities and comparing these to the completed quantities to identify items that could exceed the original budget. This forecasting also included overruns, underruns, approved change orders, field change directives, and potential claims.
- Tracking quantities and payment requests per funding source to provide the City the necessary reimbursement information.

Schedule Management

UNICO will manage the construction schedule with a practical plans-based understanding of the sequence of activities. We will meet with the Contractor for a schedule kick-off meeting to verify and confirm the project approach leading to the baseline schedule submissions. UNICO will provide monthly schedule review for contract compliance and to keep the project on time.

Scope of Services

UNICO has reviewed the City's Scope of Services provided in the RFP and have included our understanding of each task to demonstrate our ability to provide the required services.

Pre-Construction Services

Construction Management Plan: If requested, UNICO's Construction Management Plan will be modified to be project specific and submitted for City approval. The Plan will indicate the standards and level of effort that the UNICO team will adhere to during the work and describe deliverables to be received by the City. The Plan describes the level of effort anticipated to be maintained by the Resident Engineer, Assistant Resident Engineer, and Inspector for the various activities during the construction period and project closeout. The Plan describes the deliverables and timing for periodic reports. Status reports as requested shall include summaries of work that is currently being performed, behind schedule, unresolved deficiencies and defective work, outstanding change orders, and the status of any claims.

- **Deliverables:** Two copies of final Construction Management Plan.

Review Resident Engineer Files: UNICO will review the RE Pending File consisting of Design Engineer memos to the Resident Engineer, and technical reports and studies. UNICO has already performed a systematic review of the Plans, Specifications, and Estimate (PS&E). The review considers: access during construction, traffic control and phasing, utility relocations and impacts, work zone clearances during operations, impacts to the public, right-of-way agreements, environmental constraints and mitigations, geotechnical considerations, survey and staking information, line and grades, roadway geometry and details, existing conditions, transitions and conforms, and specialty construction items.

- **Deliverables:** UNICO will prepare a matrix with the review comments, and a memo including recommendations from the constructability review, as well as any other pertinent information, and a set of redline plans.

Pre-Construction Meeting: Prepare for and conduct a pre-construction conference with the Contractor awarded the construction contract, Caltrans, and City staff. The intent of this meeting is to outline major project milestones and meet key personnel.

- **Deliverables:** Meeting agenda, minutes, and action items.

Document Pre-Construction Site Conditions: At the beginning of the project, UNICO will document existing conditions with photographs and video. We will document private properties in relation to the right-of-way agreements. Video and images will be collected monthly and used to determine progress, document construction activities, and aid with public outreach presentations.

- **Deliverables:** Pre-construction photographs; Field notes; Utility location report.

Construction Management Services

Project Management, Administration, Project Coordination, and Correspondence:

UNICO's Resident Engineer will serve as the focal point for coordination among the Contractor, Design Engineer, City, Caltrans, other agencies, utility companies, and other parties.

The Resident Engineer will also maintain close contact with the City Project Manager and copy the City Project Manager on correspondence. We will provide updates and seek input on items that affect cost, schedule, and impacts to the residents.

Resident Engineering/Document Control:

As requested by the City, UNICO will prepare the daily reports and provide document control for the project. UNICO will organize the project filing system based on Caltrans LAPM.

UNICO will prepare weekly statements of working days to keep the Contractor on notice regarding the total number of working days they have to complete the project, and the point at which liquidated damages will be assessed.

- **Deliverables:** Submittals, change orders, pay request, and RFIs.

Meetings: UNICO will prepare meeting agendas and minutes, facilitate meetings and track project issues through to completion. UNICO will bring the updated logs for submittals, Request for Information (RFI), Contract Change Orders (CCO), an overall update on the Contractor's progress and identification of any safety concerns to the weekly construction meetings. UNICO will require the Contractor to provide weekly look-ahead schedules.

- **Deliverables:** Meeting agenda, minutes, and action items.

Schedule: UNICO's Resident Engineer will be responsible for performing an in-depth review of the baseline CPM schedule and review of the Contractor's monthly updates. As necessary, he will perform time impact analysis to assist with time extension negotiations.

- **Deliverables:** Monthly progress report describing key issues, cost status, and schedule status.

Payment Recommendations: UNICO will measure, document, and prepare Quantity Sheets using CMIS to compare and approve progress pay estimates. The quantity sheets will comply with Caltrans LAPM requirements. Additionally, UNICO will use its quantity forecasting tool to recognize potential quantity overruns early and manage the budget.

- **Deliverables:** Monthly progress payment requests.

Submittals (Shop Drawings) and RFIs: UNICO will process and track RFIs and submittals. Our team will coordinate with the Design Engineer and City to provide responses. We will respond timely and assess the responses provided by the Designer to minimize impacts to the schedule and budget. As necessary, we will identify submittals out of compliance and require substitution request forms from the Contractor to properly review the submittals. Submittals, including shop drawings, will be signed, and stamped as required by the contract.

To keep the project moving forward and on-time, we will work with the Contractor to understand the importance of RFIs and submittals and prioritize those that have the most significant impact on the project.

- **Deliverables:** Submittal review log; Submittal comments and approval; RFI log.

Labor Compliance: UNICO will track and review certified payroll and request notices of non-performance, as necessary. We will monitor the project email daily and file the attachments and correspondence.

- **Deliverables:** Certified Payroll Reports and monthly site interviews.

Notices of Non-Compliance: UNICO will issue notices of non-compliance for work not in compliance with the contract documents and track the items to ensure correction of deficiencies is documented. If safety violations are observed, UNICO will take immediate action for correction.

Construction Staking and Surveying: UNICO will confirm the existing project survey control and establish survey control based on the plans and expectations of work. Anticipated staking will include subgrade, toes of slopes, shoulders, pavement, drainage, intersection conforms, crosswalks, signals, curbs flashing beacons, and other features requested by the CM team.

Additional Items that may be calculated and surveyed include clearing stakes, slope stakes, volume/quantity surveys or other items identified by the CM team.

Change Orders and Claims Management: UNICO is proactive in solving construction problems and looks for opportunities to partner with the Contractor. We will evaluate the change orders for merit and coordinate with the Contractor to analyze the supporting costs. Similarly, we compare the Contractor's time request with our own independent time impact analysis. Recommendations are made to the Project Manager based on who initiated the change, the need for the change, and time and cost impacts.

UNICO believes in approaching the project with a "partnering" mentality to resolve issues at the lowest possible level within the dispute escalation ladder. If a claim arises, UNICO will analyze additional compensation claims that are submitted during the construction period and prepare responses.

- **Deliverables:** Change orders, claims administration, including coordinating and monitoring claims response preparation, logging claims, and tracking claims status.

Traffic Management Coordination: UNICO will review traffic control and management/staging submittals for conformity with the Caltrans Manual of Traffic Control for Construction and Maintenance Work Zones, Specifications, and California MUTCD.

During the schedule review, our Resident Engineer will review the traffic control submittals for inclusion on the schedule to avoid delays or conflicts. Our Inspector will document traffic control operations in the Daily Report (DR) and make suggestions when necessary to increase safety and minimize conflicts.

- **Deliverables:** Traffic control plan submittal.

Construction Observation/Inspection Services: UNICO's Inspector will monitor the Contractor's daily activities and document the project for City review.

- Perform construction inspection of the work performed by the Contractor for compliance with the Plans and Specifications, the City's QAP, and applicable federal, state, and local codes.
- Document the inspection in daily inspection reports (DR); available for review by the City the following day.
- Take photographs and record video during construction. Photographs will be included in the daily reports and electronically filed in the project folder.
- Assist with monthly progress payment recommendations by making measurements of bid items on the project cost breakdown, checking the percent complete in the field, and assisting with Contractor meetings to resolve any differences in percent complete.
- Monitor water pollution control BMPs. Our Inspector will track the performance of BMPs and include in the DR.
- Mark-up a field blue-line set of drawings to incorporate Contractor record drawing markups; prepare punch lists; coordinate and conduct final inspection; and assist with equipment testing and startup and other matters relating to construction of the project.

Quality Assurance Testing: Geocon's services will be provided on an as-needed basis as requested by UNICO's Inspection team. Based on initial review of the project information provided, the following scope of services will be anticipated:

- Attend a pre-construction meeting, as requested
- Sample native soils for laboratory testing
- Sample, test, and approve import soil (if required) and aggregate materials
- Test and observe pavement subgrade compaction
- Test and observe AB placement and compaction
- Test and observe hot mix asphalt (HMA) pavement construction
- Provide on-going geotechnical engineering consultation in the field throughout the duration of the project, as needed
- Coordination and dispatch of materials testing technicians
- QA review field and laboratory testing reports
- Provide ongoing geotechnical and materials testing engineering consultation
- Review/Respond to Contractor RFIs as-needed
- Review Contractor and supplier submittals, as needed
- Prepare and submit required final reports

Exclusions:

- HMA Job Mix Formula (JMF) verification testing. We assume the contractor will submit a current and valid JMF.
- Compliance laboratory testing for liquid asphalt binder (accept based on submittal/certificate of compliance).

Public Relations and Outreach

KMP will work closely with the UNICO team to mitigate potential impacts before and during construction. It is critical that businesses, residents, and those passing through the project area are aware of impacts in advance of construction.

- **Information Line:** Establish a dedicated project email address and phone number. Business cards will be provided to the team to redirect questions to the information line.
- **Collateral Materials:** Develop up to two collateral materials to inform the community/stakeholders about the project.
- **Existing City Communication Channels:** Provide content to the City for distribution via The Appeal Democrat, email, and the City's existing social media channels with project milestones and traffic impact updates.
- **Business & Resident Outreach:** Identify parcels/groups impacted by construction activities and, in partnership with the City, facilitate conversations.
- **Project Coordination:** Attend weekly CM meetings and maintain constant communication with the CM team to mitigate issues and provide residents/businesses with the most updated information regarding construction.

Post-Construction Services

Final Punch List: UNICO will walk the project to review outstanding items to prepare a final punch list. The list will be used to track items that are incomplete, require corrective action or are subject to testing. UNICO will conduct a walk-through with the Contractor verifying the punch-list items are satisfactorily completed before acceptance of work.

- **Deliverables:** Final Punchlist.

Project Files and Acceptance: UNICO will collect as-built drawings, warranty and lien information, data sheets, and manuals. The project records will be neat and organized in accordance with the Caltrans LAPM and delivered to the City in electronic and binder formats.

- **Deliverables:** As-built drawings, warranty and lien information.

Final Estimate: UNICO will balance the project quantities and prepare the project documentation for final payment. We will prepare a balancing change order and will confirm that the project records (including labor compliance and grant funding requirements) are in order prior to authorizing final payment.

- **Deliverables:** Balancing Change Order (if necessary); Final Pay Request.

Claims Resolutions and Schedule Analysis (If Needed): If necessary, UNICO will bring our in-house licensed Engineer and Attorney with extensive Caltrans claims experience.

- **Deliverables:** Claim resolution and detailed schedule analysis.

Appendix: Project Team Resumes





Cesar Montes de Oca, PE, QSD/P

Resident Engineer

Mr. Montes de Oca has performed the role of Resident Engineer, Assistant Resident Engineer, and Senior Inspector. His resume includes a variety of public infrastructure projects, as well as private residential and commercial land development projects. He has managed and inspected multiple projects, including roadway rehabilitation, underground utilities, storm drain infrastructure, overlays, Cured in Place Pipe (CIPP), and many others. Prior to forming UNICO Engineering, Mr. Montes de Oca, was the Storm Water Manager for the City of Citrus Heights from 2010 to 2013.

Years of Experience

- Total: 16
- With UNICO: 8

Education

- BS Civil Engineering, California State University, Sacramento (2006)

Registration

- Professional Engineer – CA #C74090 (2009)
- Qualified SWPPP Developer/Practitioner (QSD/P) #00833

Certifications

- Caltrans Resident Engineer Academy
- NASSCO Certified CIPP Inspector

Affiliations

- American Public Works Association
- American Society of Civil Engineers

Relevant Project Experience

First Street Resurfacing, Lincoln, CA

Resident Engineer/Principal in Charge. This project includes street reconstruction consisting of Full Depth reclamation with concrete (FDR-C) with Hot Mix Asphalt pavement, full depth removal and replacement of AC and AB, and pavement delineation. The project also includes underground storm drain, sewer main and manhole replacements, curb, gutter, sidewalk and ADA improvements. Responsible for project management, resident engineering services and public outreach.

Lincoln Boulevard Resurfacing, Lincoln, CA

Resident Engineer/Principal in Charge. This project resurfaced Lincoln Boulevard from the end of the bridge deck at Ingram Slough to the bridge deck at Auburn Ravine. The project also reconstructed access ramps at eight locations, replaced vehicle and bike detector loops and handholes at two intersections, added pedestrian push buttons at two intersections and provided new traffic striping, markings, and markers. Responsible for project management, resident engineering services and public outreach.

Citywide Curb Ramp Improvement, Elk Grove, CA

Resident Engineer/Principal in Charge. This \$1.5 million project removed barriers for accessibility and improved pedestrian accessibility and safety by reconstructing 77 ramps at locations through the City. Of the 77 ramps, 72 are ADA curb ramp replacements triggered by the resurfacing improvements for the 2019 Pavement Slurry Seal and Resurfacing Project. Five additional ramps were included near schools to improve pedestrian accessibility and safety. Responsible for project management, resident engineering services and public outreach.

Kentucky Avenue Widening, Woodland, CA

Principal in Charge. This federally funded project widened Kentucky Avenue from 2 lanes to 4 lanes and reconstructed the roadway as a complete street. The project included major redesign of the street implementing new bicycle lanes, new landscaped-separated walks, drainage improvements, landscape medians and a new traffic signal. Responsible for contract management, staffing and client relations.

2020 Residential Street Resurfacing, Citrus Heights, CA

Principal in Charge. This project included asphalt concrete overlay, minor pavement reconstruction, pavement grinding, construction of curb and gutter, construction of storm drains and drainage inlets, adjusting manholes, and restoring striping and signing at various locations within the City. Responsible for contract management, staffing, and client relations.



Maren Sinclair, EIT

Assistant Resident Engineer

Ms. Sinclair has more than five years-experience in the engineering field starting as an intern assessing a storm water conveyance system, inspections for an industrial general permit site including sampling, and BMP design recommendations. As an Engineer she has worked on multiple wet utility projects, including water model analysis, cost estimates, and water resources engineering support for land development and has assisted with Storm Water Quality Programs for three local cities. Maren has performed the roles of Assistant Resident Engineer, Office Engineer, and labor compliance, in addition to construction inspection on locally and federally-funded projects.

Years of Experience

- Total: 7
- With UNICO: 4.5

Education

- BS Civil Engineering, California State University, Sacramento (2016)

Registration

- Engineer-in-Training - CA #167114 (2019)

Relevant Project Experience

First Street Resurfacing, Lincoln, CA

Assistant Resident Engineer. This project included street reconstruction consisting of Full Depth reclamation with concrete (FDR-C) with Hot Mix Asphalt pavement, full depth removal and replacement of AC and AB, and pavement delineation. The project also included underground storm drain, sewer main and manhole replacements, curb, gutter, sidewalk and ADA improvements. Responsible for RFIs, tracking extra work tickets, submittal review, document control and labor compliance.

Lincoln Boulevard Resurfacing, Lincoln, CA

Assistant Resident Engineer. This project resurfaced Lincoln Boulevard from the end of the bridge deck at Ingram Slough to the bridge deck at Auburn Ravine. The project also reconstructed access ramps at eight locations, replaced vehicle and bike detector loops and handholes at two intersections, added pedestrian push buttons at two intersections and provided new traffic striping, markings, and markers. Responsible for RFIs, tracking extra work tickets, submittal review, document control and labor compliance.

2020 Residential Resurfacing, Citrus Heights, CA

Assistant Residential Engineer. This project included asphalt concrete overlay, minor pavement reconstruction, pavement grinding, construction of curb and gutter, construction of storm drains and drainage inlets, adjusting manholes, and restoring striping and signing at various locations within the City. Responsible for RFIs, tracking extra work tickets, submittal review, document control, and labor compliance.

2019/2020 City Wide Curb Ramp Improvements Project, Elk Grove, CA

Office Engineer. This \$1.5 Million project removes barriers to accessibility and improves pedestrian accessibility and safety by reconstructing 77 ramps at locations through the city. Of the 77 ramps, 72 are ADA curb ramp replacements triggered by the resurfacing improvements for the 2019 Pavement Slurry Seal and Resurfacing Project. Five additional ramps were included near schools to improve pedestrian accessibility and safety. Responsible for document control and labor compliance.



Patrick Leonard

Construction Inspector

Mr. Leonard has more than 30 years of experience supervising and managing a range of multi-million-dollar construction projects. He is an adaptive team builder with a proven record of success in achieving quality work on time and on budget with expertise in daily field operations. He is experienced in overseeing subcontractors, maintaining field schedules, monitoring safety, plan reading and specifications, monitoring progress, tracking expenses, and negotiating with engineers, site inspectors, and developers to ensure project completed on time and on budget. He is skilled at identifying and resolving inefficient operational practices and has strong leadership skills and the ability to motivate others to optimize production.

Years of Experience

- Total: 32
- With UNICO: 5.5 Years

Education

- 40 Hr. OSHA Trenching and Excavation Training
- 40 Hr. CA MUTCD Traffic Control
- Confined Space Competent Person

Relevant Project Experience

Almond Street Rehabilitation, Paradise, CA

Construction Inspector. This \$8 million project adds sidewalks, curbs and gutters to Almond Street between Pearson Road and Elliott Road. In addition, construction widens Almond Street to incorporate Class II Bicycle Lanes on both sides of the roadway. The project also includes underground drainage. Responsible for inspection, daily reports, coordination with materials tester, verification of materials and quantity reports.

Skyway Road Rehabilitation, Paradise, CA

Construction Inspector. This federally funded project utilized Emergency Relief funds to reconstruct approximately 2.5 miles of the existing Skyway Road from Crossroad Road to 900-foot north of Center Street, as well as replacing existing concrete curbs, gutters, sidewalks, driveways, and curb ramps to meet current federal ADA standards. Methods used to rehabilitate Skyway included Full Depth Reclamation with Concrete (FDR-C), grind and overlay, traditional full-depth removal and replacement of AC and AB, and pulverization of the existing roadbed. Other improvements included signalization upgrades, adding new push buttons, and new traffic striping and markings to the roadway. Responsible for inspection, daily reports, coordination with materials tester, verification of materials, and quantity reports.

2020 Residential Street Resurfacing, Citrus Heights, CA

Construction Inspector. This project included asphalt concrete overlay, minor pavement reconstruction, pavement grinding, construction of curb and gutter, construction of storm drains and drainage inlets, adjusting manholes, and restoring striping and signing at various locations within the City Responsible for inspection, daily reports, coordination with materials tester, verification of materials, and quantity reports.

2018 Residential Street Resurfacing and ADA Accessibility, Citrus Heights, CA

Construction Inspector. This project included asphalt concrete overlay, minor pavement reconstruction, pavement grinding, construction of curb and gutter, construction of storm drains and drainage inlets, adjusting manholes, and restoring striping and signing at various locations within the City Responsible for inspection, daily reports, coordination with materials tester, verification of materials, and quantity reports.



Ryan Ming, PLS

Senior Land Surveyor

Mr. Ming is a professional land surveyor with over 20 years of experience in managing land surveying activities and staffing; responsible for ensuring that sound land surveying principles are followed and that quality assurance goals are obtained; as well as participating in the development of best practices related to land surveying. Mr. Ming has thorough knowledge of principles, practices and procedures of boundary surveys, ALTA surveys, topographical surveys, construction surveys and control surveys. He also has thorough knowledge of parcel map, boundary line adjustments, legal description and easement preparation and submittals.

Years of Experience

- Total: 22
- With UNICO: 5

Registration

- Professional Land Surveyor - CA #8409

Expertise

- Boundary Determination
- Topographic Surveys
- Legal Descriptions
- Mapping
- Field Supervision
- ALTA Surveys
- Construction Staking

Relevant Project Experience

McHenry Avenue Corridor Widening, Phase II, Stanislaus County, CA

Senior Land Surveyor. This project widens the existing two-lane rural roadway to 5 total lanes (2 north bound lanes, 2 south bound lanes, and 1 continuous left turn/median lane). The project limits start at the intersection of McHenry Avenue and Hogue Road and extend north to the south abutment of the McHenry Avenue Bridge over the Stanislaus River. The approximate length of road widening was 0.75 miles. Responsible for topographic, boundary and right of way surveys, as well as construction staking.

Walerga Road at Dry Creek Bridge Replacement, Placer County, CA

Senior Land Surveyor. This HBP project replaces the Walerga Road Bridge over Dry Creek. The new bridge is a 100.5 feet wide and 513.5 feet long cast-in-place post-tensioned box-girder bridge with four 12-foot-wide lanes, two 4-foot-wide shoulders, a 12-foot-wide Class 1 Bikeway, and an 8-foot-wide walkway. Roadway approaches will be modified to accommodate the new higher profile. Responsible for project control verification, staking calculations and construction staking.

SR 49/Main Street Roundabout, Plymouth, CA

Senior Land Surveyor. This project replaces the intersection of Main Street and Highway 49 with a single lane modern roundabout. Responsible for calc sheets and construction staking.

Red Hawk Casino Expansion, Shingle Springs, CA

Senior Land Surveyor. This project includes the expansion of the Red Hawk Casino to include a new 120,000 square-foot, five-story, 150-room hotel. The expansion also includes a new outdoor terrace, fitness center, pool, and entertainment center. The entertainment center features an 85,000 square-foot multi-level family fun center featuring go-kart track, bowling alley, and arcade. Responsible for project control verification, staking calculations, and construction staking.

New Fishing Platform at Gray Lodge Wildlife Area, Gridley, CA

Senior Land Surveyor. The Gray Lodge Wildlife Area is a sanctuary and resting area for more than 1 million waterfowl. Protected and maintained by the Bureau of Reclamation, California Department of Fish and Wildlife, California Natural Resources Agency, Ducks Unlimited, Butte County, and the Biggs-West Gridley Water District, the area provides food, water, and shelter for more than 300 species of resident and migrant birds and mammals. The New Fishing Platform enhances recreational fishing activities and was constructed in 2020. Responsible for project control verification, staking calculations, and construction staking.

Years of Experience

- 25 Years (25 Years with Geocon)

Education

- MS, Civil Engineering (Geotechnical), California State University, Sacramento
- BS, Civil Engineering, California State University, Sacramento

Registrations

- CA: Geotechnical Engineer, No. 2636
- CA: Professional Engineer, Civil, No. 60936

Mr. Zorne has over 25 years of experience conducting and managing geotechnical and materials testing, as well as special inspection projects throughout California and has been with Geocon for his entire professional career. His diverse project experience includes transportation infrastructure (roadways, bridges, and retaining walls), public buildings, parks and recreation facilities, water/wastewater treatment and distribution facilities, educational facilities, commercial/industrial development, and residential developments. He is currently managing several on-call contracts for various agencies throughout California. He has a well-known reputation for responsive service and his dedication to providing cost-effective, practical solutions for difficult geotechnical challenges.

EAST JOINER PARKWAY WIDENING, LINCOLN, CALIFORNIA

The project consisted of widening approximately one mile of East Joiner Parkway from the City of Lincoln boundary on the south to Twelve Bridges Road in the north and included approximately 420 feet of Fieldstone Drive from the intersection with East Joiner Parkway. Intersection improvements at East Joiner Parkway and Fieldstone Drive included a roundabout.

Fieldstone Drive will be widened to accommodate a center median with left-turn pockets, and realign to accommodate a right-turn and left-turn lane into the roundabout at East Joiner Parkway. New pavement for the widening consisted of Cement Treated Subgrade (CTS) capped with Hot Mix Asphalt, Type A (HMA-A). The existing pavement and the new HMA-A will be overlaid with gap-graded Rubberized Hot Mix Asphalt (RHMA). Mr. Zorne was the project manager.

FIRST STREET RESURFACING PROJECT, PHASE 2, LINCOLN, CALIFORNIA

Geocon provided Quality Assurance (QA) Materials Testing Services in accordance with City, State and Federal standards and in accordance with the City's Quality Assurance Program (QAP). The project consisted of reconstructing First Street from H Street to the alley between K and L Streets. Pavement rehabilitation included Full Depth Reclamation with cement (FDR-C) and Hot Mix Asphalt (HMA). The project also included underground storm drainage improvements (approximately 350 LF) and various curb and gutter and sidewalk replacement as well as pedestrian ramp replacement for ADA compliance. Mr. Zorne was responsible for Geocon's QA/QC Program.

GIBSON ROAD IMPROVEMENTS, WOODLAND, CALIFORNIA

Geocon conducted Quality Assurance (QA) Materials Testing Services for the Gibson Road Improvements. The project consisted of reconstructing approximately 10,600 linear feet of Gibson Road between East Street and County Road 98. The project improvements included installation of bicycle lanes, sidewalk, pavement rehabilitation, ADA corner improvements, install a Rectangular Rapid Flashing Beacon (RRFB) pedestrian system at California Street, minor storm drain improvements, traffic signal improvements, and restripe the roadway with narrower travel lanes, buffered bike lanes, and green Methyl-Methacrylate (MMA) system. The project is federally funded by a Regional Surface Transportation Program Grant administered by SACOG. The pavement rehabilitation consisted of full-depth reclamation with cement (FDR-C), a process which pulverizes and blends the existing pavement section materials with subgrade soil and Portland cement. The compacted and cured cement-treated layer then receives a hot mix asphalt (HMA) overlay.

LINCOLN BOULEVARD REPAVING, LINCOLN, CALIFORNIA

The Project consisted of approximately 2,600 linear feet (approximately ½ mile) of pavement rehabilitation along Lincoln Boulevard. The pavement rehabilitation included pavement repairs (digs/patches), pavement grinding, installing a rubberized stress absorbing membrane interlayer (SAMI-R), and placing a 2-inch asphalt overlay using gap-graded rubberized hot mix asphalt (RHMA-G).

Years of Experience

- 11 Years (3 Years with Geocon)

Education

- BS, Civil Engineering, California State University, Sacramento

Registrations

- CA: Engineer-In-Training, No. 143631

Certifications

- ACI: Concrete Field Testing Technician-Grade 1, Strength Testing Technician, No. 01265308
- ICC: Soils Special Inspector, Structural Masonry Special Inspector, Reinforced Concrete Special Inspector
- Caltrans: 125 AGG, 125 HMA, 231, 375, 504, 518, 539, 540, 543, 556, 557
- Nuclear Density Gauge Technician
- Radiation Safety Officer

Mr. Garnica has over 11 years of experience working in the geotechnical engineering and material testing industry throughout the Central Valley and Northern California. Through the years, he has developed a dynamic skill set by undertaking various responsibilities as staff engineer and project manager. Mr. Garnica also has substantial experience as a special inspector and currently holds a wide range of certifications including ICC, ACI, and Caltrans. Mr. Garnica supervises Geocon's technical field staff.

GIBSON ROAD IMPROVEMENTS, WOODLAND, CALIFORNIA - Geocon conducted Quality Assurance (QA) Materials Testing Services for the Gibson Road Improvements. The project consisted of reconstructing approximately 10,600 linear feet of Gibson Road between East Street and County Road 98. The project improvements included installation of bicycle lanes, sidewalk, pavement rehabilitation, ADA corner improvements, install a Rectangular Rapid Flashing Beacon (RRFB) pedestrian system at California Street, minor storm drain improvements, traffic signal improvements, and restripe the roadway with narrower travel lanes, buffered bike lanes, and green Methyl-Methacrylate (MMA) system. The project is federally funded by a Regional Surface Transportation Program Grant administered by SACOG. The pavement rehabilitation consisted of full-depth reclamation with cement (FDR-C), a process which pulverizes and blends the existing pavement section materials with subgrade soil and Portland cement. The compacted and cured cement-treated layer then receives a hot mix asphalt (HMA) overlay.

EAST JOINER PARKWAY WIDENING, LINCOLN, CALIFORNIA - The project consisted of widening approximately one mile of East Joiner Parkway from the City of Lincoln boundary on the south to Twelve Bridges Road in the north and included approximately 420 feet of Fieldstone Drive from the intersection

with East Joiner Parkway. Intersection improvements at East Joiner Parkway and Fieldstone Drive included a roundabout. Fieldstone Drive will be widened to accommodate a center median with left-turn pockets, and realign to accommodate a right-turn and left-turn lane into the roundabout at East Joiner Parkway. New pavement for the widening consisted of Cement Treated Subgrade (CTS) capped with Hot Mix Asphalt, Type A (HMA-A). The existing pavement and the new HMA-A will be overlaid with gap-graded Rubberized Hot Mix Asphalt (RHMA). Mr. Garnica performed materials testing.

FIRST STREET RESURFACING (PHASE 1), LINCOLN, CALIFORNIA - The project consisted of reconstructing First Street from just west of O Street to just east of the alley east of L Street. Pavement rehabilitation included Full Depth Reclamation with cement (FDR-C) and Hot Mix Asphalt (HMA) on First Street and O Street and full-depth removal and replacement of HMA and aggregate base (AB) on the adjacent north/south street segments that intersect First Street. The project also included underground storm drainage improvements, sewer main replacement, and various curb and gutter and sidewalk replacement as well as pedestrian ramp replacement for ADA compliance. Mr. Garnica was the materials technician.

WEST MAIN STREET BIKE AND PEDESTRIAN, WOODLAND, CALIFORNIA - The City of Woodland project consisted of reconstructing approximately 5,500 linear feet of West Main Street between West Street and County Road 98. Improvements included installation of bicycle lanes, sidewalk, pavement rehabilitation, ADA corner improvements, and traffic signal improvements. The proposed pavement rehabilitation consisted of full-depth reclamation (FDR), a process which pulverizes and blends the existing pavement section with subgrade soils and cement. The cement treated layer then receives a hot mix asphalt (HMA) overlay. Geocon provided Quality Assurance (QA) Materials Testing Services in accordance with City, State and Federal standards and in accordance with the City's Quality Assurance Program (QAP). Mr. Garnica served as a materials testing technician for this project.



CONTACT

Office Address: 1721 2nd St, #100
Sacramento, California 95811

(916) 548-1982

sarah@kmpstrategies.com

www.kmpstrategies.com

linkedin.com/in/sarahmodeste

EDUCATION

University of Tulsa, 2003
Bachelor of Arts
Communication & Sociology

AFFILIATIONS

Sacramento Tree Foundation's
Hanami Line, Events Committee

SARAH MODESTE, PRINCIPAL

Sarah is highly regarded for her expertise in designing and managing public outreach and communication programs. With more than 17 years of experience, she advises clients on public policy education, construction outreach, and stakeholder identification and engagement. As a trusted advisor to local governments, trade associations, and business groups, Sarah has the ability relate to stakeholders and establish trusted relationships that provide opportunities for collaborative communication with hard-to-reach constituents.

Considered one of the primary practitioners in construction outreach, Sarah has been fortunate to work on some of the largest capital improvement projects throughout Northern California, totaling more than \$2 billion in construction activities. She uses her technical understanding of project planning, design, and environmental requirements to shape comprehensive outreach strategies.

Accelerated Water Meter Project (AWMP)

AWMP is a \$250 million water meter-retrofit project and one of the most significant capital improvement projects in City of Sacramento, Department of Utilities (DOU) history. The City of Sacramento also needed to address aging infrastructure, which meant that many of the installations would need to include additional improvements, such as relocating or replacing fire hydrants and installing new main lines. KMP is responsible for the development, production, and management of a multifaceted outreach campaign, which includes stakeholder engagement, community outreach, direct mail production, website design, a dedicated hotline, media communication, and Council coordination.

City of Sacramento, Department of Utilities, 3rd Street Sewer Project (3rd Street)

The project alignment runs the entire length of 3rd Street between the Sacramento Valley Station and U Street, a stretch that includes some of the City's most prominent businesses and high traffic areas, including: Golden1 Center, Capitol Mall, CalPERS Headquarters, Crocker Art Museum, the primary entrance into the Old Sacramento Waterfront, and two connection points to Interstate 5, residences, and many others. Significant outreach was conducted in advance of construction to gather information regarding special events, peak traffic flows and delivery schedules. KMP was key in establishing relationships during the meetings in advance of construction that have been maintained during construction, providing direct lines of communication, and allowing the construction management team to evaluate changes in real time.

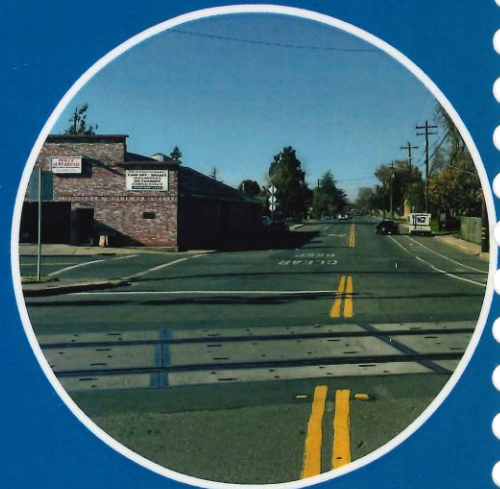
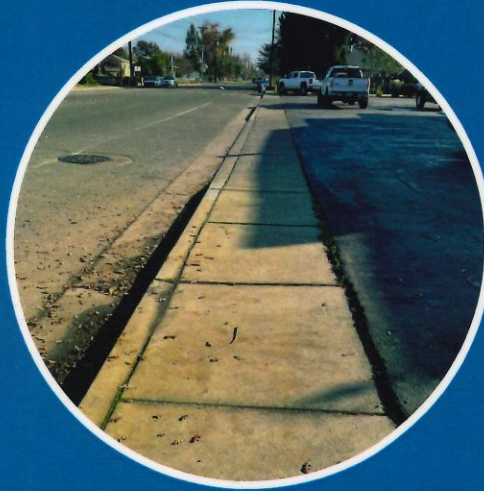
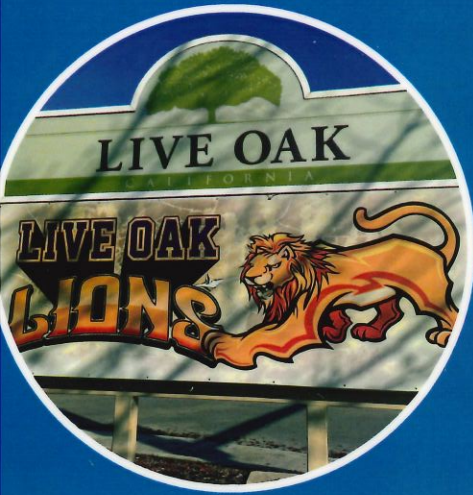
West Capitol Avenue Road Rehabilitation & Safety Enhancement Project (WCA)

The WCA is a \$1.3 million road rehabilitation and safety enhancement project. West Capitol Avenue is envisioned as the City of West Sacramento's Downtown. A central core with a vibrant main street that takes advantage of its prime location, provides an attractive setting for a variety of land uses including the Civic Center, Community Center, Transit Hub, as well as residential, commercial, and urban parks that are accessible via multiple modes of transportation. KMP developed and implemented a comprehensive public outreach strategy for WCA. KMP is responsible for the development, production, and management of a multifaceted outreach campaign, which includes stakeholder engagement, community outreach, direct mail production, website design, a dedicated information line and media communication.

References

Supervisor Patrick Kennedy, District 2
Sacramento County Board of Supervisors
E: supervisorkenedy@saccounty.net
T: 916.874.5481

Nina Buelna, Senior Supervising Engineer
City of Sacramento, Dept. of Utilities
E: lbuelna@cityofsacramento.org
T: 916.808.3161



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DBE | SBE | MBE CERTIFIED

COST PROPOSAL

Client: City of Live Oak

Project: Pennington Road - West Project

Date: January 6, 2023

Staff Classification	Project Manager		Resident Engineer		Engineering Technician		Survey Crew (PW)		Construction Inspector (Office)		Construction Inspector (PW)		Sierra Geotech DBE Inc.	
Staff Proposed	Rabo, P.		Rabo J.											
Hourly Rate	\$114.11		\$122.94		\$93.33		\$369.89		\$82.97		\$177.32			Total
1. Preconstruction Services	8 hrs	\$ 912.88	24 hrs	\$ 2,950.56	hrs	\$ -	hrs	\$ -	24 hrs	\$ 1,991.40	hrs	\$ -		\$ 5,854.84
2. Construction Management Services	40 hrs	\$ 4,564.40	144 hrs	\$ 17,703.36	40 hrs	\$ 3,733.20	48 hrs	\$ 17,754.72	48 hrs	\$ 3,982.80	420 hrs	\$ 74,474.40	\$ 40,000.00	\$ 162,212.88
3. Public Relations and Outreach	8 hrs	\$ 912.88	8 hrs	\$ 983.52	hrs	\$ -	hrs	\$ -	16 hrs	\$ 1,327.60	hrs	\$ -		\$ 3,224.00
4. Post Construction Services	24 hrs	\$ 2,738.64	24 hrs	\$ 2,950.56	hrs	\$ -	hrs	\$ -	32 hrs	\$ 2,655.20	hrs	\$ -		\$ 8,344.40
Total	80 hrs	\$ 9,128.80	200 hrs	\$ 24,588.00	40 hrs	\$ 3,733.20	48 hrs	\$ 17,754.72	120 hrs	\$ 9,957.00	420 hrs	\$ 74,474.40	\$ 40,000.00	\$ 179,636.12

Note: Changes to the scope of work, schedule, or need for overtime would result in the revision of this proposed fee estimate.
The City's QAP was not provided for reference so an allowance has been provided for Materials Sampling and Testing. Actual costs will be in accordance with applicable 10-H forms.



Professional Services Proposal for Pennington Road – West Project Construction Management Services

**City of Live Oak
Federal Aid Project
No. STPL-5297 (007)**

Prepared on January 6, 2023 by:



January 6, 2023

Mr. Ron Walker
 Director of Public Works
 City of Live Oak
 Department of Public Works
 9955 Live Oak Blvd.
 Live Oak, CA 95953

**Subject: Professional Services Proposal for Pennington Road – West Project
 Construction Management Services**

Dear Mr. Walker:

Based on our review of the Request for Proposals, we have prepared the enclosed proposal to provide Construction Management Services for the City of Live Oak Pennington Road - West Project.

Rolls, Anderson & Rolls (RAR) is a local engineering firm comprised of professional engineers, professional land surveyors, AutoCAD technicians, field inspectors, surveyors, and supporting clerical staff. RAR has one office located at 115 Yellowstone Drive, Chico, California. Our firm has extensive experience providing local agencies with construction management services for locally, state and federally funded projects. We have previously provided these services to the City of Live Oak for the O Street Improvement Project, Pennington Road Complete Streets Rehabilitation Project, Live Oak Community Trail Project (Phases 1 and 3), Larkin Road Reconstruction Project, and the Pennington Road Walkway Project. RAR proposes to use one subconsultant for materials testing services on this project.

We understand the Pennington Road - West project is a single phase project with federal funding and will require particular attention to the Caltrans Local Assistance Procedures Manual during construction. We believe our firm is uniquely qualified to coordinate with the City of Live Oak, Caltrans and RAR team members to complete this project in an efficient and timely manner.

RAR has not received any addenda, nor have we found any addenda on the City's website. We are pleased to have this opportunity to continue our working relationship with the City of Live Oak. Should you have any questions please contact Paul Rabo at prabo@rarcivil.com or (530) 895-1422.

Sincerely,

ROLLS, ANDERSON & ROLLS



Paul W. Rabo
 Vice President

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EXECUTIVE SUMMARY

Company Background

ROLLS, ANDERSON & ROLLS (RAR)

RAR was founded in 1971 as Ellis Rolls & Associates, a Sole Proprietorship. In 1973 the firm became a California Corporation and the current company name of *Rolls, Anderson & Rolls* was created. Since then, RAR has been providing a broad range of engineering and surveying services to both public and private clients. In addition, RAR has been providing consulting city engineering and surveying services to small cities since 1971. We have extensive experience providing cities with prompt and professional assistance with the many facets of public works projects and various governmental processes. RAR has experience with and is capable of providing services that comply with federal and state funding requirements. Currently RAR provides consulting city engineering and surveying services for the cities of Davis, Live Oak, Tehama and Oroville.

RAR's professional staff includes five registered civil engineers and four registered land surveyors that provide many years of experience to projects. Supporting staff includes engineering technicians, AutoCAD drafting technicians, and field surveyors. Three of our engineers are Qualified SWPPP Developers (QSD's) that are certified to prepare and design Storm Water Pollution Prevention Plans (SWPPPs) and perform site inspections and stormwater sampling during construction as required by the State Water Resources Control Board Construction General Permit. Staff members are combined into project teams and are committed and available as needed for specific projects. RAR has only one office located in Chico, California.

RAR would provide a scope of services that includes:

- ❖ Capital improvement project management: evaluation of project alternatives, project development, programming, and design
- ❖ Project coordination and correspondence
- ❖ Preparation of responses to RFI's during construction
- ❖ Performing construction administration including schedule management
- ❖ Performing construction inspection and labor standards compliance
- ❖ Preparation of contract change orders
- ❖ Responding to claims
- ❖ Preparation of LAPM forms for state and federally funded projects
- ❖ Providing assistance with permitting for state/federal agencies and utility companies
- ❖ Design and preparation of roadway and highway improvement plans for public works projects
- ❖ Preparation of PS&E packages
- ❖ A.D.A. Accessibility design for public facilities
- ❖ Performing reviews of material submittals
- ❖ Preparation of construction pay estimates
- ❖ Preparation of storm water pollution prevention plans (SWPPPs)
- ❖ Topographic surveys
- ❖ Right-of-way, boundary, and easement surveys
- ❖ Base mapping
- ❖ Preparation of records of survey and corner records
- ❖ Preparation of legal descriptions and plat maps
- ❖ Performing construction staking
- ❖ Performing quality assurance surveys
- ❖ Performing quality assurance testing
- ❖ Performing public outreach
- ❖ Preparation of construction punch lists
- ❖ Preparation of as-builts plans



SIERRA GEOTECH

Established in 2017, Sierra Geotech offers full scope of geotechnical consulting services, ranging from site reconnaissance and subsurface explorations, to detailed geotechnical engineering design, geotechnical report preparation, materials testing and special inspections during construction. They are located in Rocklin, California and serve several public agencies in the surrounding counties. Using remote and field-based mapping and investigation techniques they can gather geotechnical data to help clients plan, design, and construct many types of public infrastructure such as roads, bridges, buildings, and water conveyance facilities.

Sierra Geotech is the Sacramento region's first Disadvantaged Business Enterprise (DBE) specializing in geotechnical engineering, materials testing, special inspections, and environmental services. They have a state-of-the-art soils and aggregate testing lab in Rocklin, California that is accredited by Caltrans, AASHTO Materials Reference Laboratory (AMRL), and the US Army Corps of Engineers. Sierra Geotech has Caltrans, National Institute for Certification In Engineering Technologies (NICET), American Concrete Institute (ACI) certified soils, materials and concrete testing technicians. Sierra Geotech staff have extensive experience in providing geotechnical consulting, materials testing and special inspections for new roadways, roadway widenings, full-depth reclamation of existing pavements, at-grade intersection improvements, roundabouts, bike paths, pedestrian enhancements, and grade-separated pedestrian crossings.

Relevant Project Experience

Pennington Road Reconstruction, Live Oak, CA

RAR provided the City of Live Oak with surveying, engineering, and project management services for a Community Development Block Grant (CDBG) funded project located along Pennington Road from Larkin Road to Orchard Way. The project consisted of the construction of curb, gutter and sidewalk, Class II bike lanes, curb ramps in accordance with ADA requirements, intersection improvements, reconstruction of Pennington Road, installation of striping and signage, replacement of the existing domestic water main, and installation of new storm drainage facilities. Services provided by RAR included topographic and right-of-way surveying, design and preparation of plans, specifications and estimates, and coordination with utility companies. RAR also provided construction staking, inspection, and management services during construction. Construction of the project was completed in 2017. Scott Rolls was the Project Manager and both Scott and Paul Rabo performed construction inspection. RAR services were provided within the project schedule and budget established for each project phase.

Larkin Road Reconstruction Project (7th Cycle State SR2S), Live Oak, CA

RAR provided the City of Live Oak with surveying, engineering, and project management services for a Safe Routes to School funded project along Larkin Road between Elm Street and Pennington Road. The project consisted of infilling curb, gutter and sidewalks along Larkin Road, installing curb ramps, the addition of underground storm drainage infrastructure, pavement grinding and replacement, re-striping the road to include Class II Bikeways, installation of signage meeting California MUTCD requirements, and installation and maintenance of stormwater BMP's during construction activities. Services provided by RAR included topographic and right-of-way surveying, design and preparation of construction plans, preparation of specifications and construction cost estimate, securing project approval from DSA, contract administration throughout construction, coordination with utility companies, construction staking and construction inspection. During the entire course of the project, RAR coordinated with and received input from city staff. RAR prepared the project to comply with state funding requirements and processed the project through Caltrans Local Assistance. Construction of the project was completed in February, 2012. Scott Rolls was the Project Manager and Jeff Rabo performed construction inspection. RAR services were provided within the project schedule and budget established for each project phase.

Pennington Road Walkway Improvements, Live Oak, CA

RAR provided the City of Live Oak with surveying, engineering and project management services for a State Proposition 1B funded project that involved construction of curb, gutter and sidewalk along Pennington Road between Luther Road and Connecticut Road to provide a pedestrian pathway between existing sections of sidewalk, installation of underground storm drain infrastructure, constructing small concrete retaining walls along the back of sidewalk to allow project grading to conform within the city right-of-way, installing curb ramps, pavement grinding and replacement, roadway widening, and installing striping and signage conforming to California MUTCD standards.

Throughout design and construction, RAR coordinated with the City of Live Oak to provide a project that would meet stakeholder requirements. Scott Rolls was the Project Manager and Paul Rabo performed construction inspection. Construction of this project was completed October, 2011.

Tehama Street Rehabilitation and Road Improvements, Orland, CA

RAR provided the City of Orland with construction management and inspection services for a local and state funded project along Tehama Street between Woodward Avenue and Northern California Railroad. The project included the reconstruction of 0.75 miles of roadway, intersection improvements, installation of curb, gutter, sidewalk, and storm drainage facilities, installation of striping and signage, and addressing utility conflicts. Services provided by RAR included construction management, performing field inspections, documenting project progress through daily inspection reports and photographs, responding to RFIs, preparing pay estimates, tracking base bid and alternative bid quantities, tracking working days and controlling items of work, preparing and approving contract change orders, coordinating materials sampling and testing, maintaining project folders in an orderly manner, and ensured public safety through the job site.

Through the course of this project RAR was faced with challenges including final designs that lacked information, non-responsive sub-contractors, and poor workmanship. RAR was able to coordinate resolutions with the city and contractor to overcome the obstacles. Minor delays to the project schedule were incurred; however, RAR succeeded in delivering a quality project for the city. Construction of the project was completed in November, 2020. Paul Rabo served as the project manager and Jeff Rabo performed duties as the Resident Engineer. RAR services were provided within the project schedule and budget set by the city.

5th Street and Gyle Road Rehabilitation, Tehama, CA

RAR provided the City of Tehama with project management, surveying, and engineering services for a Federal Highways Administration (FHWA) funded project along 5th Street, between E Street and I Street, and Gyle Road, between I Street and Hall Road. The project consisted of grinding and replacing 0.9 miles of asphalt roadway, intersection improvements, construction of roadway ditches, installation of storm drainage facilities, guardrail, and installation of striping and signage. Services provided by RAR included topographic and right-of-way surveying, design and preparation of plans, specifications, and estimates, managing the public bid process, evaluating bids and recommending award of contract, contract administration throughout construction, construction staking and construction inspection. Other services provided included the preparation of Request for Authorizations for preliminary engineering and construction, right-of-way certifications, Disadvantaged Business Enterprise (DBE) goal calculations, PS&E packages, award packages, and various checklists. RAR also prepared a project study report (PSR), environmental studies & permits (E&P) and construction allocation packages for submittal to the California Transportation Commission (CTC) and prepared materials testing request for proposals for the preliminary engineering and construction phases. All work was performed in accordance with the Caltrans Local Assistance Procedures Manual (LAPM). Construction of the project was completed in March, 2017. Keith Doglio was the Principal-in-Charge, Paul Rabo was the Project Manager and both Paul and Jeff Rabo performed construction inspection. RAR services were provided within the project schedule and budget established for each project phase.

Papst Avenue Improvements from State Route 32 to Bryant Street

RAR provided the City of Orland with project management, surveying, and engineering services for a state funded project along Papst Avenue between State Route 32 and Bryant Street. The project consisted of reconstruction 0.25 miles of roadway, intersection improvements, installation of curb, gutter, sidewalk, and storm drainage facilities, and installation of striping and signage. Services provided by RAR included topographic and right-of-way surveying, design and preparation of plans, specifications, and estimates, managing the public bid process, evaluating bids and recommending award of contract, contract administration throughout construction, construction staking and construction inspection. Other services provided included the preparation of California Transportation Commission Allocation Requests for preliminary engineering and construction, right-of-way certifications, PS&E packages, award packages, and a Project Study Report (PSR) equivalent. All work was performed in accordance with the Caltrans Local Assistance Procedures Manual (LAPM). Construction of the project was completed in August, 2016. Ken Skillman was the Principal-in-Charge, Paul Rabo was the Project Manager, Jeff Rabo was the Resident Engineer and both Paul and Jeff performed construction inspection. RAR services were provided within the project schedule and budget established for each project phase.

PROJECT APPROACH

We understand the City of Live Oak has opened bids for the construction of roadway improvements along Pennington Road from Connecticut Avenue to the Union Pacific Railroad Tracks. The project proposes to rehabilitate approximately 0.33 miles of roadway including structural section replacement and construction of curb, gutter, and sidewalk. The project is being federally funded and requires compliance with the Caltrans Local Assistance Procedures Manual (LAPM).

To help the City achieve a cost-effective and timely project, RAR has assembled a team of experienced professionals including a Project Manager (PM), Resident Engineer (RE), Licensed Surveyor, Construction Inspector and materials testing team to provide the City with prompt and professional construction management services. Each member of our team would contribute their specific skills to complete the project in a timely and cost-effective manner.

RAR proposes City staff coordinate directly with the PM during construction. The PM would communicate regularly with the RE and other team members and would provide project updates to City staff. The RE would be responsible for coordination and communication with the City's contractor.

The RAR team would begin construction management services with a review of approved project plans and specifications to become familiar with the project layout and order of construction operations. The PM would coordinate with City staff, contractor, and RAR team members to schedule a pre-construction meeting. During the meeting we would discuss the submittal of material and shop drawings, submittal of a traffic control plan, establish a construction timeline, including major project milestones and the estimated project completion, and request the contractor provide locations of material and equipment storage areas. If storage areas will be located on private property, we would request the contractor obtain letters of permission from the private property owners. RAR would also coordinate with the contractor to establish construction staking needs and a proposed staking schedule.

Prior to construction beginning, we would provide construction staking as needed to mark the limits of curb, gutter, sidewalk and pavement removal. During construction, RAR would provide curb, gutter, and sidewalk construction staking at the request of the contractor. We have assumed a maximum of six (6) site visits would be required to complete the construction staking.

RAR has assumed a full time (8 hours/day; 5 days/week) construction inspector would not be required. Instead, we propose a part-time construction inspector be onsite two to three days (minimum) a week to review construction methods, prepare construction inspection documentation, and coordinate schedules with the contractor. Project construction documentation would be prepared in accordance with Caltrans Local Assistance requirements.

During construction, RAR would provide labor compliance services including performing random Equal Employment Opportunity (EEO) interviews and checking certified payrolls for compliance with the federal prevailing wage rates. We have assumed the City has registered the project with the California Department of Industrial Relations (DIR) and the State will perform a check of certified payrolls for compliance with state prevailing wage rates. On a monthly basis, RAR would review the project construction progress and evaluate the percentage of work completed for each bid item in the construction contract. The team would prepare and facilitate the execution of four (4) progress and one final pay estimates.

If during construction, changes to materials, methods or the construction scope are necessary, the RE would review the proposed change and prepare preliminary contract change order documentation for review. The PM would review the change order documents and negotiate change order costs, as necessary. Before final acceptance, the change order would be provided to the contractor and City staff for review and signature. RAR would prepare and facilitate the execution of all contract change orders in accordance with LAPM requirements. If the contractor requires additional information or direction during construction, we would assist with the preparation and approval of Requests for Information (RFI). This would include coordination with the design consultant to obtain additional or revised design information.

Throughout the construction phase, RAR would coordinate with the materials sampling and testing team to ensure the City's Quality Assurance Program (QAP) is being followed. RAR would also coordinate with utility companies to avoid conflicts with existing utilities, if required. RAR understands residents and businesses along Pennington Road would be impacted during construction activities. We would coordinate with the contractor and perform outreach with citizens for any work that may affect access or use of their property.

At the conclusion of construction activities RAR would perform a walkthrough of the project and prepare a consolidated punch list of remaining work and items that need to be corrected. RAR would coordinate the completion of the punch list items with the contractor. Throughout construction RAR would track changes and prepare a set of as-built plans. RAR would deliver a copy of all project files and as-built plans to the City for archiving.

A peer review of all work and deliverables would be provided by licensed surveyors/engineers within the RAR organization to guarantee the City is receiving quality service. Resumes for RAR and Sierra Geotech key staff members have been provided on the following pages.

ROLLS, ANDERSON & ROLLS KEY STAFF RESUMES

PAUL W. RABO, Principal Engineer

Education: B.S. in Civil Engineering,
California State University, Chico - 2004

Registration: Registered Civil Engineer No. 72209, California - 2007
Qualified SWPPP Developer (QSD) Certificate No. 21787

Affiliations: American Society of Civil Engineers
American Water Works Association

Experience:

2002 – Present Rolls, Anderson & Rolls:

Project Manager and Design Engineer for residential, commercial, and educational developments in Northern California. Projects have involved design of roadways, storm drainage, sanitary sewer systems, pump stations and water systems. Associated tasks with these projects included performing boundary surveys, topographic surveys and construction staking, preparation of construction cost estimates, technical specifications, erosion control plans, storm water pollution prevention plans including sampling, testing and inspections required during construction, and preparation of parcel maps, subdivision maps, and records of survey.

Project Manager, Resident Engineer, Design Engineer, and Construction Inspector for municipal improvement projects that included funding from the American Recovery and Reinvestment Act, United States Department of Agriculture, Community Development Block Grant, State Water Revolving Fund, California Transportation Commission, and the State Transportation Improvement Program. Associated tasks included the preparation of plans, specifications, cost estimates, bid documents and contract documents for roadway, storm drainage, sanitary sewer, domestic water, municipal water well, and bikeway improvement projects. Tasks also include providing contract administration and labor compliance services.

2001 – 2002 California Department of Transportation:

Chainman of a survey crew on a variety of projects including construction staking, level loops, topographic surveys, property surveys and photogrammetric control.

Projects:

- ❖ Live Oak Community Trail Phases 1 through 4, Live Oak, CA
- ❖ Maxwell Drive Safe Routes to Schools Project, Paradise, CA
- ❖ Sycamore Glen and Mountain Vista Subdivisions Bike Path, Chico, CA
- ❖ Pearson/Recreation Drive Signalization Project, Paradise CA
- ❖ South Street Reconstruction Project, Orland, CA
- ❖ Papst Avenue Reconstruction, Orland, CA
- ❖ Sixth Street Improvements, Orland, CA
- ❖ Eva Drive Municipal Well, Orland, CA
- ❖ Pennington Road Walkway, Live Oak, CA
- ❖ Pennington Road Rehabilitation, Live Oak, CA
- ❖ Lateral 40 Underground Project, Orland, CA
- ❖ 5th Street & Gyle Road Project, Tehama, CA
- ❖ Highway 32/Papst Signal, Orland, CA
- ❖ Sycamore Street Sewer Main Project, Gridley, CA
- ❖ Randolph Avenue Sewer Main Project, Gridley, CA

JEFFREY I. RABO, Principal Engineer

Education: B.S. in Civil Engineering,
California State University, Chico - 2007

Registration: Registered Civil Engineer No. 87152, California - 2017

Experience:

05/2004 – Present Rolls, Anderson & Rolls:

Project design, contract administration and construction inspection for municipal projects, residential subdivisions and commercial developments for municipal agencies. Knowledgeable about construction materials and methods concerning pipeline excavation and installation, roadway reconstruction and concrete forming and placement.

Assisted in design and drafting for residential, commercial and public works projects in Northern California. Projects have involved design of roadways, storm drainage, sanitary sewer systems and water systems. Associated tasks with these projects included cost analysis, technical specification preparation and surveying assistance.

Chainman of a survey crew on a variety of jobs including construction staking, topographic surveys, property surveys and photogrammetric control.

Property boundary resolution and preparation of parcel maps, subdivision maps, and records of survey.

Projects

- ❖ O Street Improvement Project, Live Oak, CA
- ❖ Traffic Signal Installation and Intersection Modifications, Live Oak Blvd (SR99) at Elm Street, Live Oak, CA
- ❖ Asphalt Rehabilitation Project, Live Oak, CA
- ❖ 2016 Sewer Pond Improvement Project, Orland, CA
- ❖ Papst Avenue Reconstruction, Orland, CA
- ❖ Eva Drive Municipal Well, Orland, CA
- ❖ 5th Street and Gyle Road Rehabilitation, Tehama, CA
- ❖ City of Gridley Boat Launch, Gridley, CA
- ❖ Sewer Main Construction Project, Gridley, CA

Shaun Vemuri, PE, MBA

Managing Principal, Principal Engineer



Registrations/Certifications

- Professional Engineer in California #87196, Washington #55344, Texas, and Kentucky
- Caltrans Certifications: CT 125, CT 204, CT 105, CT 125, CT 201, CT 202, CT 205, CT 216, CT 217, CT 226, CT 227, and CT 229

Education

- BS, Civil Engineering
- MS, Civil Engineering, University of Kentucky, Kentucky
- MBA, University of Kentucky, Kentucky

Focus Areas

- Geotechnical, Civil, Special Inspections, Testing, and Source Inspections

Biography

Shaun Vemuri is a licensed geotechnical engineering professional and senior project manager with extensive experience in transportation infrastructure projects. He is the managing partner of Sierra Geotech. He has managed and delivered transformational projects of all sizes for public agency and private sector clients in California and across the United States, Australia, New Zealand, and India. In a career spanning over 17 years, he has led numerous client engagements where geotechnical engineering challenges and material testing issues were complex and critical. He has served as project manager for materials testing and inspections on numerous projects.

Project Experience

2018 Roseville RSTP Arterial Resurfacing, City of Rocklin, CA

Overseeing the compaction test reports, subgrade inspections and testing, aggregate base inspections and testing, and asphalt inspections and testing for the City of Roseville on the 2018 Regional Surface Transportation Program (RSTP) resurfacing project at various arterial and collector roadways throughout the City. Contracted with the CM Firm.

Washington Blvd Expansion, City of Roseville, CA

Geotechnical Project Manager for the materials testing and inspections portion of the project that involved the rehabilitation and resurfacing improvements for this Federal Aid project on Washington Blvd in City of Roseville.

Mountain Ranch Road Pavement Rehabilitation and Resurfacing, Improvements, Calaveras County, CA

Geotechnical Project Manager for the materials testing and inspections portion of the project that involved the rehabilitation and resurfacing improvements for this Federal Aid project on Mountain Ranch Road in Calaveras County, CA.

Six Mile Road Pavement Rehabilitation and Resurfacing, Calaveras County, CA

Geotechnical Project Manager for the materials testing and inspections portion of the project that involved rehabilitation and resurfacing of Six Mile Road in Calaveras County, CA.

Spring Street Pavement Rehabilitation and Mosquito Road Stabilization, City of Placerville, CA

Principal for the material testing of the construction materials, Asphalt Compliance Testing, Slurry Seal Compliance Testing, and the construction material inspection of the in-place construction materials for the proposed pavement rehabilitation. This project is for two City capital improvement projects, the Spring Street Pavement Rehabilitation and Mosquito Road Stabilization Project, which were combined into one project for bidding purposes.

Hector Avelica

Field Service Manager



Certifications

- Radiation Safety Officer, Nuclear Gauge Operator, Troxler Electronic Laboratories
- Caltrans CT 521, CT 523.1 Section B.1 & B.2, CT 523.2 Section B.3, CT 524, CT 533, CT 504, CT 518, CT 539, CT 540, CT 543, CT 556, and CT 557
- American Concrete Institute: ACI Self-Consolidating Concrete Testing Technician, ACI Concrete Laboratory Testing Technician - Level 1, ACI Aggregate Testing Technician - Level 1, and ACI Concrete Field Testing Technician – Grade I

Education

- BA, Construction Management/Business (Pending), Heald College, San Francisco, CA

Years of Experience/Years with Firm

- 10/2

Biography

Hector Avelica is an experienced geotechnical laboratory technician and field inspector specializing in construction observation and special inspections. With more than 10 years of experience, he is highly capable of overseeing and supervising inspection and testing activities by junior inspectors and subconsultants. He leads project-based special inspection teams to successful project delivery and serves as the main point of contact in the field for enforcing compliance with contract plans and specifications.

Mr. Avelica's expertise encompasses several key trades, including soil, asphalt, and reinforced concrete. Hector holds certifications from American Concrete Institute and Caltrans. A proactive problem solver with proven track record of confidently and tactfully dealing with and correcting substandard or defective work. He maintains positive business relationships with clients, contractors, subcontractors, and material suppliers.

Project Experience

Mountain Ranch Road Improvements, San Andreas/Calaveras County, CA

Inspector assisting with the Field Observation Reports, and Materials Testing and Inspections for the Subgrade, Aggregate Base, and Hot Mix Asphalt placement for this Federal Aid project that will make improvements to Mountain Ranch Road and Government Center Drive in San Andreas, CA.

State Route 49 Bicycle and Pedestrian Improvements at Various Locations, City of Auburn, CA

Field Inspector performing the field density testing subgrade testing and approval, field sampling, source inspections and testing of concrete, and preparation of quality assurance documents, which stretches 4.4 miles from the Interstate 80/State Route 49 interchange to Dry Creek Road. The project will improve 21 lane miles of a roadway with Hot Mix Asphalt overlay and construction crews will install new traffic signals at Locksley Lane/Shale Ridge Road. Highway shoulders and pedestrian facilities will be upgraded to Americans with Disabilities Act standards. Other improvements include rehabilitating the existing pavement and drainage, upgrade of pedestrian and bicycle facilities, and Class II bicycle lanes installed at the northbound and southbound ramps on State Route 49 between Elm Avenue and Dry Creek Road. This will assist with bike timing loops to assist bicyclists traveling the four-mile stretch. Work began in July 2019 on this \$40.5 million project with funding provided by Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017.

Six Mile Road Improvements Project, Murphys, CA

Field Inspector to verify the for the Materials Testing and Inspections are done in accordance with the County Standards for Aggregate Base and Hot Mix Asphalt placement. Six Mile Road is a two-lane road that is paved, except for a 1.3 mile gravel-surfaced segment between CAL FIRE's Vallecito Conservation Camp and Vallecito Bluffs Road. It runs from State Route 4 near Vallecito to Algiers Street in Murphys. It serves as parallel capacity to State Route 4, as well as a route from State Route 4 to a local venue that hosts concerts and other events. This project added road base and paving with Hot Mix Asphalt of 1.1 miles of this segment.

SCOPE OF SERVICES

RAR understands the City of Live Oak has determined there is a need to obtain construction management services to help the City oversee the completion of roadway improvements on Pennington Road. RAR proposes the following scope of services to assist the City with their construction management needs:

Task 1 Preconstruction Services

RAR would obtain and review the approved project plans, specifications and contract documents and review the notice of award and notice to proceed to establish the beginning of contract time and estimated completion date. Necessary project files would be established in accordance with LAPM guidelines. RAR would attend a meeting with the City and design consultant to review the project design.

The RE and Construction Inspector would attend the pre-construction meeting to assist the City in responding to contractor questions and establish major project milestones, schedules, and submittals.

RAR would review and approve a traffic control plan provided by the contractor and distribute copies to project stakeholders as required. After reviewing the traffic control plan, RAR would prepare a construction management plan including two components: A description of the construction scope and construction mitigation measures. The mitigation measures would address ways for the project to limit its impact to adjacent properties, residents, business owners and stakeholders.

Task 2 Construction Management Services

RAR would spearhead the coordination efforts between the contractor, city staff, design engineer, and project stakeholders. To provide a cost savings to the City we have assumed weekly meetings would not be necessary during construction. Any potential schedule or construction concerns would be identified and discussed during the pre-construction meeting. Potential issues that arise after the pre-construction meeting would be evaluated by RAR to determine if a field meeting is necessary. All correspondence would be maintained in project files in accordance with the LAPM.

Work would include reviewing the contractor's proposed work schedule to determine what the controlling items of work may be. A Statement of Working Days would be prepared each week to track the contract time that has elapsed and to document days where progress was delayed due to weather or other reasons. RAR would prepare and submit a monthly progress report describing key issues, construction cost status and the current construction schedule. We have assumed a total of four (4) progress reports would be prepared.

RAR would perform a thorough field review at the end of each month to determine the completion percentage for each contract bid item and to take inventory of materials being stored at the project site. RAR would prepare a maximum of four (4) progress pay estimates and distribute them to the contractor and City for review and approval. During construction, RAR would assist staff with tracking quantities and costs of participating and non-participating items.

RAR would coordinate the review and approval of project submittals and shop drawings for conformance with the project plans and specifications and City improvement standards. Work would also involve the preparation of a submittal distribution list to track the review and approval process. RAR would coordinate with the City's Public Works Director to approve material substitutions.

If during construction the contractor requires additional information, RAR would review and process a maximum of four (4) RFIs. Work would include the preparation of responses and shop drawings, and conducting necessary meetings to discuss and resolve any concerns.

During construction, RAR would perform labor compliance including reviewing certified payrolls for compliance with federal prevailing wage rates and performing a minimum of one EEO interview for each trade that performs work on the project. A monthly report on labor compliance would be submitted to the City.

RAR would prepare field staking notes, perform construction staking (maximum of six site visits), and check staking notes. Work would involve coordination with the contractor to establish a schedule and to resolve and/or correct construction staking errors or deficiencies. We have assumed construction staking would be needed to establish sawcut limits and curb, gutter, and sidewalk finish grade.

RAR would review potential claims and requests for contract change orders submitted by the contractor and evaluate the need to complete the claim or change order process. RAR would prepare a maximum of four (4) contract change orders, including supporting documentation, as required. The change order would be prepared in accordance with the LAPM and distributed to the contractor and City for review and approval.

RAR would provide part-time construction inspection, review and approve field installations and construction methods, review traffic control measures for conformance with the approved traffic control plan, notify the contractor of any corrective measures to be taken, prepare inspection reports and track working days and project progress. Work would include taking photographs of construction progress, maintaining redlines to the improvement plans, preparing punch lists, and performing a final inspection.

During construction RAR would coordinate with the contractor to schedule material sampling and compaction testing in the field. Field sampling and testing results would be compared to project plans and specifications and the City's Quality Assurance Program. Failing tests would be reviewed and discussed with the contractor. A plan would be developed, as needed, to correct the failed tests.

Task 3 Public Relations and Outreach

Work would involve coordination with residents, business owners and other stakeholders within or adjacent to the project area. RAR would prepare information for distribution to the public, including construction updates and impacts. All notices would be sent to the City for approval prior to distributing to the public. We propose to have notifications distributed 48 hours prior to work occurring in the affected area.

Task 4 Post Construction Services

RAR's construction inspector would perform a final site review to evaluate the completion of all project bid items and prepare a consolidated punch list. RAR would inspect the completion of all punch list items, prepare a final pay estimate for review and approval by the contractor and City, and prepare a final set of as-built improvement plans. A copy of all project files and signed as-built plans would be delivered to the city for archiving.

Our Proposal is Based on these Assumptions:

1. All field work would be completed within 90 working days from issuance of the Notice to Proceed to the General contractor.
2. A maximum of four (4) progress pay estimates and one (1) final pay estimate would be prepared.
3. A maximum of four (4) contract change orders would be prepared.
4. A maximum of four (4) Requests for Information would be prepared.
5. A maximum of six (6) site visits for construction staking.
6. One project punch-list would be prepared.
7. Certified payrolls would be submitted online to the Department of Industrial Relations website for compliance review by the state.

Work Not Included in Scope of Services

1. Design and preparation of plans and project specifications.
2. Modification of the approved improvement plans.
3. Preparation or modification of the contract documents.
4. Providing services that would require a state contracting license.
5. Providing safety inspections of construction personnel.
6. Reviewing certified payrolls for compliance with state prevailing wages.
7. Special Inspections, as identified in the California Building Code.
8. Preparation of a Storm Water Pollution Prevention Plan (SWPPP), water pollution control drawings, or completion of a notice of intent on the State's SMARTs website.
9. Performing SWPPP inspections, sampling, testing, or reporting.
10. Providing traffic control.
11. Meetings. Preparation for and attendance at any meetings, except as described in Tasks 1 thru 4, would be in addition to the proposed cost and would be provided on a time and materials basis.

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

Attached is a completed Exhibit 10-01 and DBE certification.

EXHIBIT 10-01 CONSULTANT PROPOSAL DBE COMMITMENT

1. Local Agency: City of Live Oak 2. Contract DBE Goal: 21%
 3. Project Description: Pennington Road - West Project
 4. Project Location: Pennington Road
 5. Consultant's Name: Rolls, Anderson & Rolls 6. Prime Certified DBE: ☐

7. Description of Work, Service, or Materials Supplied	8. DBE Certification Number	9. DBE Contact Information	10. DBE %	
Materials sampling and testing	46066	Sierra Geotech DBE Inc, c/o Sharath Vemuri, 916-934-2167	22.00	
Local Agency to Complete this Section		11. TOTAL CLAIMED DBE PARTICIPATION	22.00 %	
17. Local Agency Contract Number: _____	18. Federal-Aid Project Number: _____			
Consultant's Ranking after Evaluation: _____			IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required. <u>Paul W. Rabo</u> 12. Preparer's Signature Paul W. Rabo 14. Preparer's Name Principal Engineer 16. Preparer's Title <u>01/06/2023</u> 13. Date (530) 895-1422 15. Phone	
Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.				
21. Local Agency Representative's Signature	22. Date			
23. Local Agency Representative's Name	24. Phone			
25. Local Agency Representative's Title				

DISTRIBUTION: Original – Included with consultant's proposal to local agency.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

Certified Profile

CLOSE WINDOW [Print](#)**Business & Contact Information**

BUSINESS NAME	SIERRA GEOTECH DBE INC
OWNER	SHARATH VEMURI
ADDRESS	2250 SIERRA MEADOWS DR, STE A ROCKLIN, CA 95677 [map]
PHONE	916-934-2167
EMAIL	strategy.excel@gmail.com
WEBSITE	http://www.sierrageotech.com
ETHNICITY	Subcontinent Asian American
GENDER	Male

Certification Information

CERTIFYING AGENCY	California Department of Transportation
CERTIFICATION TYPE	DBE - Disadvantaged Business Enterprise
CERTIFIED BUSINESS DESCRIPTION	

Commodity Codes

Code	Description
CA WCC C8710	ENGINEERING
CA WCC C8713	CONSULTANT, ENVIRONMENTAL
CA WCC C8720	CIVIL ENGINEERING
CA WCC C8723	Materials Testing Services
CA WCC C8765	DRAFTING
CA WCC C8780	ENGINEERING- GEOTECHNICAL
CA WCC I8734	LABORATORY TESTING AND ANALYSIS
NAICS 541330	Engineering services
NAICS 541340	Drafting services
NAICS 541380	Testing Laboratories and Services
NAICS 541611	Administrative Management and General Management Consulting Services
NAICS 541620	Environmental consulting services

Additional Information

WORK DISTRICTS/REGIONS	All work districts/regions
CUCP PUBLIC DIRECTORY CERTIFICATION NUMBER	46066

STATE OF CALIFORNIA

DEPARTMENT OF

TRANSPORTATION

CALTRANS ACCREDITATION LABORATORY INSPECTION REPORT

Expiration Date: 2021-10-07

Inspected By: Jackie Treat

IA No.: 107

Phone: 916-926-7453

RSP #: 1709

File: Material Category 500

Laboratory: Sierra Geotech DVBE, DBE Inc.

Address: 4470 Yankee Hill Rd. Suite 110 Rocklin
CA, 95677

Lab QC Mgr.: Shaun Vemuri

E-mail: shaun@sierrageotech.com

Telephone: 916-917-6673

Fax #.:

A certified Independent Assurance (IA) visited this laboratory on 2021-01-12

Only the equipment to be used on Caltrans Construction projects and/or local construction projects on the National Highway System was checked for qualification. At the time of Caltrans Accreditation, this laboratory had all necessary equipment to perform the test methods indicated below.

Testing personnel shall be Caltrans Qualified and possess a current Caltrans Certification Form TL-0111 or AASHTO Proficiency Form TL-0115 prior to performing any sampling or testing.

CT 105	CT 125 AGG	CT 125 GEN	CT 201	CT 202
CT 204	CT 211	CT 212	CT 216	CT 217
CT 226	CT 231	CT 375	CT 504	CT 518
CT 521	CT 523.1 Section B.1 & B.2	CT 524	CT 533	CT 539
CT 540	CT 543	CT 556	CT 557	

A visual check was performed and documents provided as necessary for the following items:

☒ Facility Safety Manual	☒ Copies of current applicable test procedures
☒ Laboratory Procedures Manual	☒ Calibration and service documentation
☒ Laboratory Quality Control Manual	☒ Calibration stickers affixed to test equipment
☒ Proper test equipment	(dated within the 12 months)

On 2021-01-12, this laboratory was Caltrans Qualified by:

Jackie Treat # 107

(Printed name of IA person)

Jackie Treat

(Signature of IA person)

Request for Proposal Grading Sheet – Pennington Road – Construction Management

UNICO

Consultant/Firm Name:		
Criteria	Max Points	Rating
5 paper copies and one electronic copy (flash Drive) of the technical proposal.	10	10
Proposal shall not exceed a total of 25 pages, (double sided printed pages count as two. Pages) including a transmittal/cover letter and table of contents.	10	10
11 x 17-inch pages count as one page; no more than 3 11 x 17 inch pages will be allowed.	10	10
Font shall be no smaller than 10 point.	10	10
Company brochures shall not be included.	10	10
Consultant's proposed team resumes, and DBE participation statements are excluded from the proposal page count.	10	10
Consultant shall submit a second separate sealed envelope with a Cost Proposal, including a detailed breakdown of engineering services provided by tasks identified in the Scope of Services summary included as Attachment C. Both a hard (paper) copy and a flash drive containing a copy of the Cost Proposal shall be provided.	10	10
Both the technical proposal and cost proposal shall be submitted in separate sealed envelopes clearly marked with the name and address of the business in the upper left-hand corner. "City of Live Oak Construction Management Pennington Road West" shall be clearly marked in the lower right-hand corner of the envelope.	10	10
Both the technical and cost proposal shall be submitted together at the location and time specified in Section 1.2.	10	10
TOTAL	90	90

EvaluatorPrint Name: Arson PalmerSignature: Arson PalmerDate: 1-19-23Contract Office

Initials: _____

Date: _____

RFP Consultant Evaluation Sheet – Pennington Road – Construction Management

Consultant/Firm Name: Unico Engineering		
Criteria	Max Points	Rating
The Firm's demonstrated experience and knowledge of successfully completing projects of a similar nature, and complexity, including associated references.	20	15
The proposed team's recent demonstrated experience and knowledge of successfully completing projects of a similar nature, complexity, and size. Relevant experience of the proposed project manager and other key personnel are of high importance.	20	18
Understanding of the project's objectives and issues.	15	15
A thoughtful, realistic, and clearly articulated project approach.	15	15
Ability of the team to complete the work in a timely and cost-effective fashion.	10	10
Ability to work collaboratively and communicate effectively with City representatives.	10	10
Compliance with proposal requirements.	5	5
Level of effort of RFP proposal.	5	5
Total	100	93

Evaluator

Print Name: Aaron Palmer

Signature: Aaron Palmer

Date: 1-20-23

Contract Office

Initials: _____

Date: _____

Request for Proposal Grading Sheet – Pennington Road – Construction Management

RAR

Consultant/Firm Name:		
Criteria	Max Points	Rating
5 paper copies and one electronic copy (flash Drive) of the technical proposal.	10	10
Proposal shall not exceed a total of 25 pages, (double sided printed pages count as two. Pages) Including a transmittal/cover letter and table of contents.	10	10
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Both the technical and cost proposal shall be submitted together at the location and time specified in Section 1.2.	10	10
<u>Total</u>	<u>70</u>	<u>70</u>

EvaluatorPrint Name: Aaron PalmerSignature: Aaron D PalmerDate: 1/27/23Contract Office

Initials: _____

Date: _____

RFP Consultant Evaluation Sheet – Pennington Road – Construction Management

Consultant/Firm Name: <u>Rolls Anderson Rolls Civil Engineers</u>		
Criteria	Max Points	Rating
The Firm's demonstrated experience and knowledge of successfully completing projects of a similar nature, and complexity, including associated references.	20	14
The proposed team's recent demonstrated experience and knowledge of successfully completing projects of a similar nature, complexity, and size. Relevant experience of the proposed project manager and other key personnel are of high importance.	20	9
Understanding of the project's objectives and issues.	15	8
A thoughtful, realistic, and clearly articulated project approach.	15	11
Ability of the team to complete the work in a timely and cost-effective fashion.	10	7
Ability to work collaboratively and communicate effectively with City representatives.	10	6
Compliance with proposal requirements.	5	5
Level of effort of RFP proposal.	5	4
Total	100	64

Evaluator

Print Name: Aaron Palmer

Signature: Aaron D Palmer

Date: 1-20-23

Contract Office

Initials: _____

Date: _____

Request for Proposal Grading Sheet – Pennington Road – Construction Management

Consultant/Firm Name: <u>Unico Engineering</u>		
Criteria	Max Points	Rating
5 paper copies and one electronic copy (flash Drive) of the technical proposal.	10	10
Proposal shall not exceed a total of 25 pages, (double sided printed pages count as two. Pages) including a transmittal/cover letter and table of contents.	10	10
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Both the technical and cost proposal shall be submitted together at the location and time specified in Section 1.2.	10	10
Total	90	90

Evaluator

Print Name: Jim Lorenzen

Signature: [Signature]

Date: 1/20/23

Contract Office

Initials: _____

Date: _____

RFP Consultant Evaluation Sheet – Pennington Road – Construction Management

Consultant/Firm Name: <u>Unico Engineering</u>		
Criteria	Max Points	Rating
The Firm's demonstrated experience and knowledge of successfully completing projects of a similar nature, and complexity, including associated references.	20	15
The proposed team's recent demonstrated experience and knowledge of successfully completing projects of a similar nature, complexity, and size. Relevant experience of the proposed project manager and other key personnel are of high importance.	20	10
Understanding of the project's objectives and issues.	15	15
A thoughtful, realistic, and clearly articulated project approach.	15	15
Ability of the team to complete the work in a timely and cost-effective fashion.	10	10
Ability to work collaboratively and communicate effectively with City representatives.	10	10
Compliance with proposal requirements.	5	5
Level of effort of RFP proposal.	5	5
Total	100	93

Evaluator

Print Name: Jim Lorenzan

Signature: [Signature]

Date: 1/20/23

Contract Office

Initials: _____

Date: _____

Request for Proposal Grading Sheet – Pennington Road – Construction Management

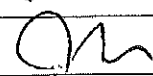
Consultant/Firm Name: <u>Rolls Anderson Rolls Civil Engineering</u>		
Criteria	Max Points	Rating
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Proposal shall not exceed a total of 25 pages, (double sided printed pages count as two. Pages) including a transmittal/cover letter and table of contents.	10	10
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Total	90	90

Evaluator

Print Name:

Jim Lorenzen

Signature:



Date:

1/20/23

Contract Office

Initials:

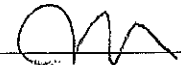
Date:

RFP Consultant Evaluation Sheet – Pennington Road – Construction Management

Consultant/Firm Name: <u>Rolls Anderson Rolls Civil Engineers</u>		
Criteria	Max Points	Rating
The Firm's demonstrated experience and knowledge of successfully completing projects of a similar nature, and complexity, including associated references.	20	14
The proposed team's recent demonstrated experience and knowledge of successfully completing projects of a similar nature, complexity, and size. Relevant experience of the proposed project manager and other key personnel are of high importance.	20	9
Understanding of the project's objectives and issues.	15	8
A thoughtful, realistic, and clearly articulated project approach.	15	11
Ability of the team to complete the work in a timely and cost-effective fashion.	10	7
Ability to work collaboratively and communicate effectively with City representatives.	10	6
Compliance with proposal requirements.	5	5
Level of effort of RFP proposal.	5	4
Total	100	64

Evaluator

Print Name: Jim Lorenz

Signature: 

Date: 1/20/23

Contract Office

Initials: _____

Date: _____

Request for Proposal Grading Sheet – Pennington Road – Construction Management

Consultant/Firm Name: <u>Unico Engineering</u>		
Criteria	Max Points	Rating
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Font shall be no smaller than 10 point.	10	10
Company brochures shall not be included.	10	10
Consultant's proposed team resumes, and DBE participation statements are excluded from the proposal page count.	10	10
Consultant shall submit a second separate sealed envelope with a Cost Proposal, including a detailed breakdown of engineering services provided by tasks identified in the Scope of Services summary included as Attachment C. Both a hard (paper) copy and a flash drive containing a copy of the Cost Proposal shall be provided.	10	10
Both the technical proposal and cost proposal shall be submitted in separate sealed envelopes clearly marked with the name and address of the business in the upper left-hand corner. "City of Live Oak Construction Management Pennington Road West" shall be clearly marked in the lower right-hand corner of the envelope.	10	10
Both the technical and cost proposal shall be submitted together at the location and time specified in Section 1.2.	10	10
<u>Total</u>	90	90

Evaluator

Print Name: Ryan Walker

Signature: [Signature]

Date: 1/19/23

Contract Office

Initials: _____

Date: _____

RFP Consultant Evaluation Sheet – Pennington Road – Construction Management

Consultant/Firm Name: Unico Engineering		
Criteria	Max Points	Rating
The Firm's demonstrated experience and knowledge of successfully completing projects of a similar nature, and complexity, including associated references.	20	15
The proposed team's recent demonstrated experience and knowledge of successfully completing projects of a similar nature, complexity, and size. Relevant experience of the proposed project manager and other key personnel are of high importance.	20	18
Understanding of the project's objectives and issues.	15	15
A thoughtful, realistic, and clearly articulated project approach.	15	15
Ability of the team to complete the work in a timely and cost-effective fashion.	10	10
Ability to work collaboratively and communicate effectively with City representatives.	10	10
Compliance with proposal requirements.	5	5
Level of effort of RFP proposal.	5	5
Total	100	93

Evaluator

Print Name: Ronald K. Ker

Signature: [Signature]

Date: 1/22/23

Contract Office

Initials: _____

Date: _____

Request for Proposal Grading Sheet – Pennington Road – Construction Management

Consultant/Firm Name: <u>Rolls Anderson Rolls</u>		
Criteria	Max Points	Rating
5 paper copies and one electronic copy (flash Drive) of the technical proposal.	10	10
Proposal shall not exceed a total of 25 pages, (double sided printed pages count as two. Pages) Including a transmittal/cover letter and table of contents.	10	10
11 x 17-inch pages count as one page; no more than 3 11 x 17 inch pages will be allowed.	10	10
Font shall be no smaller than 10 point.	10	10
Company brochures shall not be included.	10	10
Consultant's proposed team resumes, and DBE participation statements are excluded from the proposal page count.	10	10
Consultant shall submit a second separate sealed envelope with a Cost Proposal, including a detailed breakdown of engineering services provided by tasks identified in the Scope of Services summary included as Attachment C. Both a hard (paper) copy and a flash drive containing a copy of the Cost Proposal shall be provided.	10	10
Both the technical proposal and cost proposal shall be submitted in separate sealed envelopes clearly marked with the name and address of the business in the upper left-hand corner. "City of Live Oak Construction Management Pennington Road West" shall be clearly marked in the lower right-hand corner of the envelope.	10	10
Both the technical and cost proposal shall be submitted together at the location and time specified in Section 1.2.	10	10
<u>Score</u>	<u>90</u>	<u>90</u>

Evaluator

Print Name: Ron Carls

Signature: [Signature]

Date: 1/10/23

Contract Office

Initials: _____

Date: _____

RFP Consultant Evaluation Sheet – Pennington Road – Construction Management

Consultant/Firm Name: <u>Rolls Anderson Rolls Civil Engineers</u>		
Criteria	Max Points	Rating
The Firm's demonstrated experience and knowledge of successfully completing projects of a similar nature, and complexity, including associated references.	20	14
The proposed team's recent demonstrated experience and knowledge of successfully completing projects of a similar nature, complexity, and size. Relevant experience of the proposed project manager and other key personnel are of high importance.	20	9
Understanding of the project's objectives and issues.	15	8
A thoughtful, realistic, and clearly articulated project approach.	15	11
Ability of the team to complete the work in a timely and cost-effective fashion.	10	7
Ability to work collaboratively and communicate effectively with City representatives.	10	6
Compliance with proposal requirements.	5	5
Level of effort of RFP proposal.	5	4
Total	100	64

Evaluator

Print Name: Rolls Anderson

Signature: [Signature]

Date: 11/20/23

Contract Office

Initials: _____

Date: _____



City of Live Oak Report to City Council

Meeting Date:	February 15, 2023
Title:	Draft Ordinance Amending Chapter 2.04 "Rules and Regulations Governing the Conduct of Council Meetings, Proceedings and Business"
Contact Information:	Nicole Rosser, City Attorney
Background:	This agenda item previously came before Council on whether or not the Council would like a more formal Council Member Code of Conduct. At said meeting, the Councilmembers were in agreement that they would like a more formal Code of Conduct for Councilmembers and provided direction to the City Attorney. As a result, the Municipal Code was reviewed and Chapter 2.04 "Rules and Regulations Governing the Conduct of Council Meetings, Proceedings and Business" was identified as the portion of the Municipal Code wherein provisions related to Council Decorum and a Code of Conduct should be included. City Attorney has amended said Chapter and would like feedback from the Councilmembers. If the proposed Ordinance is suitable as written, then it can be brought back at the next meeting for First Reading and Introduction. If there are changes that are required, then the Ordinance can be updated accordingly and be brought back for First Reading and Introduction.
Fiscal Impacts:	None.
Recommendation:	Review the proposed Draft Ordinance Amending Chapter 2.04 "Rules and Regulations Governing the Conduct of Council Meetings, Proceedings and Business" and provide feedback to the City Attorney to bring back for First Reading and Introduction of Ordinance.
Attachments:	

[Chapter 2.04 Municipal Code Red Line](#)
[Chapter 2.04 Municipal Code Proposed Final](#)

Chapter 2.04 RULES AND REGULATIONS GOVERNING THE CONDUCT OF COUNCIL MEETINGS, PROCEEDINGS AND BUSINESS

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2.04.010 Meetings.

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A. Regular Meetings. Regular meetings of the Council shall be held without notice on the first and third Wednesday of each month. Meetings shall commence at 6:00 p.m. in the Live Oak City Council Chambers in the City Hall of the City of Live Oak located at 9955 Live Oak Blvd., Live Oak, California, or at such other place as the Council may, from time to time, prescribe. In the event a Wednesday falls upon a legal holiday, the regular meeting which otherwise would have occurred on that date shall be held on the first business day thereafter at 6:00 p.m. In the event that Christmas Eve and/or New Year's Eve falls on a Wednesday, the regular meeting which otherwise would have occurred on that day shall be held on the first business day which is not a holiday thereafter at 6:00 p.m.

B. Special Meetings. Special meetings of the Council may be called at any time by the Mayor or by a majority of the members of the Council by delivering personally or by mail written notice to each member of the Council and to each local newspaper of general circulation and to any radio or television station that has submitted a written request of the City Clerk for such notification. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at the meeting. Written notice may be dispensed with for any member who at or prior to the time the meeting convenes files with the City Clerk a written waiver of notice. The waiver may be given by telegram or fax. Written notice shall be dispensed with for any member who is actually present at the meeting at the time it convenes.

C. Adjournment/Adjourned Meetings. The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are absent from any regular or adjourned regular meeting the City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each Council member at least three hours before the adjourned meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

D. Emergency Meetings. The notice requirement for a special meeting may be dispensed with under the following emergency conditions:

1. Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the Council;

2. A crippling disaster which impairs public health, safety, or both, as determined by a majority of the Council.

E. Closed Sessions. The Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session, and may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions. Any such closed session shall be appropriately agendized.

F. Cancellation. Any meeting of the Council may be canceled in advance of a majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed in writing their unavailability to attend a meeting.

G. Chair. The Mayor shall preside over all Council meetings. In his or her absence, the ~~Mayor pro tempore~~Vice Mayor shall serve as presiding officer. The Council shall choose one of its members to serve as Mayor and one of its members to serve as Vice-Mayor. The Mayor and Vice-Mayor shall be selected and seated in the manner following:

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In an election year in which Council members are elected, the Mayor and Vice-Mayor shall be selected and seated at such time as the election results for Council members so elected have been canvassed and certified to the Council and those results so declared by the Council. The Mayor and ~~Vice Mayor pro tempore~~so selected and seated at that time shall hold their respective offices until the first regular City Council meeting following the first Wednesday of the month in the year following the year in which they were selected and seated. The Mayor shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order subject, however, to an appeal to the Council in which event a majority vote of the Council shall govern and conclusively determine such question of order. The Mayor shall vote on all questions, his or her name being called last.

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H. Attendance by the Public. Except as specifically provided by law for closed sessions, all meetings of the Council shall be open and public. All persons desiring to attend shall be permitted to attend any meeting. In the event any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible ~~and order cannot be restored by removal of the offending individual or individuals~~, the Council may ~~proceed as set forth in Municipal Code Section 2.04.050 et seq related to Rules of Decorum. order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered during each session. Representatives of the press, unless participants in the disturbance, shall be allowed to attend such session, and nothing shall prohibit the Council from readmitting individuals not responsible for the disturbance.~~ (Ord. 550 § 1, 2014; Ord. 430 § 1, 1996; Ord. 414 § 2, 1995)

2.04.020 Order of business.

The business of the Council, at its meetings, shall be conducted in accordance with the following order of business:

A. Call to order; ~~and~~

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B. ~~roll~~ Roll Call;

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~~C~~B. Pledge of allegiance ~~and~~ /Invocation;

D. ~~Corrections and/or changes to the Agenda by City Manager Only;~~

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~~E~~C. Presentations ~~and Recognitions;~~ /proclamations;

D. ~~Written communications;~~

F. ~~H. Appearance of interested citizens and/or requests by the public~~Public Comment;

~~G. I. Consent Calendar. The consent calendar groups together those matters which are considered to be noncontroversial and which require only routine action by the Council. Adoption of the consent calendar may be made by one motion only and by the roll call vote of the Council; provided, however, the chair shall first advise the persons in attendance that the consent calendar matters will be adopted in toto by one action of the Council unless any Council member, any member, any individual or organization interested in one or more consent calendar matters has any question or wishes to make a statement. In that event, the chair may defer action on the particular matter or matters, and the Council shall consider those matters separately;~~

~~H~~E. Public hearings;

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F. ~~Bid opening;~~

~~I~~G. ~~Ordinance introduction and adoption~~Business Items;

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H. ~~Appearance of interested citizens and/or requests by the public;~~

~~I. Consent Calendar. The consent calendar groups together those matters which are considered to be noncontroversial and which require only routine action by the Council. Adoption of the consent calendar may be made by one motion only and by the roll call vote of the Council; provided, however, the chair shall first advise the persons in attendance that the consent calendar matters will be adopted in toto by one action of the Council unless any Council member, any member, any individual or organization interested in one or more consent calendar matters has any question or wishes to make a statement. In that event, the chair may defer action on the particular matter or matters, and the Council shall consider those matters separately;~~

~~J~~I. ~~Reports and miscellaneous~~Items Removed From Consent Agenda for Council Consideration and Action;

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~~K~~K. ~~Business from the Council~~Updates and Announcements From the City Attorney and City Manager; ~~and~~

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L. Councilmember Comments; and

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M. Adjournment. (Ord. 414 § 2, 1995)

2.04.030 Agenda—Posting action on other matters.

A. Preparation of Agenda. The City Clerk shall cause to be prepared an agenda of the Council meeting which agenda shall be prepared in accordance with the order of business as provided for in Section 2.04.020 above. A copy of said agenda shall be furnished to each member of the Council, the City Finance Director and the City Attorney at least 24 hours prior to the Council meeting.

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B. Posting of Agenda. At least 72 hours before a regular meeting the City Clerk or designee shall post the agenda which shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. No action shall be taken on any item not appearing on the posted agenda.

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C. Items Not Appearing on Agenda. Notwithstanding the above, the Council may take action on items of business not appearing on the posted agenda under any of the following conditions:

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1A. Upon a determination by a majority vote of the Council that an emergency situation exists as defined in the public meeting law (Section 54956.2(b)(1) of the Government Code);

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B2. Upon a determination by a two-thirds vote of the Council or if less than two-thirds of the Council members are present, a unanimous vote of those members present that the need to take action arose subsequent to the agenda being posted; and

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C3. The item was posted as hereinbefore required for a prior meeting of the Council occurring not more than five calendar days prior to the date action is taken on the item and at the prior meeting the time was continued to the meeting at which action is being taken. (Ord. 414 § 2, 1995)

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D. Items to be Placed on Agenda. During the "Councilmember Comments" portion of the City Council meeting, any member of the City Council may request that an item be placed on a future City Council agenda for initial consideration by the City Council. Initial consideration will allow Council to discuss the item during an open and public meeting and determine by a simple majority vote whether to direct the City Manager to add the item to a future agenda and provide specific direction. No motion, second, or vote or other action shall be required of the City Council to have the item placed on a future City Council agenda for initial consideration so long as the item is to be on an agenda thirty or more days later.

E. Agenda Items Added by City Council. Other than simple administrative report describing the nature of the request, no work on an item added by a member of the City Council shall be undertaken by City staff, including but not limited to, fiscal review, legal review, and policy review for consistency with existing City policies, until the City Council has had the opportunity to have a discussion and provide direction as provided herein. For the purposes of this section, work will be defined as generating, compiling, analyzing, researching, or writing new information, new policies, laws or plans and specifically excludes meetings or discussions with the City Manager and department heads jointly to obtain their comments on a Councilmember requested item. However, the City Councilmember requesting that the item be added for

initial consideration shall have the right and privilege of submitting a letter or memorandum (and any other related materials) describing their item and the reasons therefore which shall be included in the City Council agenda packet so long as the letter or memorandum (and any other related materials) is submitted to the City Clerk at least one week prior to the City Council meeting.

At the meeting where the item is initially considered, if a majority of the City Council supports further study of the item by way of motion, second, and simple majority vote, then a full staff analysis shall be prepared thereafter for consideration by the City Council. The date set for further consideration shall be set in light of legal notice requirements, existing City Council priorities, the urgency of the item, and the advice of the City Manager and staff as to its impact on the timing of existing work and/or projects of the City.

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2.04.040 Rules of conduct.

Business shall be brought before the Council by motion in accordance with the following standards of conduct:

A. Obtaining the Floor. Any member of the Council wishing to speak must first obtain the floor by being recognized by the chair. The chair must recognize any Council member who seeks the floor when appropriately entitled to do so.

B. Motions. The Mayor or any member of the Council may bring a matter of business before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the motion has been properly made and seconded, the chair shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Council member properly recognized by the chair. Once the matter has been fully debated and the chair calls for a vote, no further debate will be allowed; provided, however, Council members may be allowed to explain their vote.

C. Voting. All Council members present at a meeting when a question comes up for a vote, shall vote for or against the measure. If the vote is a voice vote, the chair shall declare the result and note for the record all "aye" votes and all "no" votes. The Council may also vote by roll call vote, ballot or voting machine. Regardless of the manner of voting, the results reflecting all "ayes" and "noes" must be clearly set forth for the record.

D. Procedural Rules of Order. Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Mayor or any Council member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are nondebatable; the last four are debatable. All subsidiary motions require a simple majority vote for passage.

1. Subsidiary Motions.

a. Lay on the Table. Any Council members including the Mayor, may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. It must be moved, seconded

and passed by a majority vote. In order to bring the matter back before the Council, a member must move that the matter be taken from the table, seconded and passed. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the Council. Otherwise, the motion that was tabled dies, although it can be raised later as a new motion.

b. Move the Previous Question. Any Council member may move to immediately bring the question being debated by the Council to a vote, suspending any further debate.

c. Limit or Extend Limits of Debate. Any Council member may move to put limits on the length of debate.

d. Postpone to a Time Certain. Any Council member may move to postpone the pending question to a time certain. This motion continues the pending main motion to a future date as determined by the Council at the time the motion is passed.

e. Commit or Refer. Any Council member may move that the matter being discussed should be referred to a committee or commission for further study. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council's agenda. If no date is set for returning the item to the Council agenda, any Council member may move, at any time, to require the time be returned to the agenda.

f. Amend. Any Council member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. Any amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the chair.

g. Postpone Indefinitely. Any Council member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter.

2. Motion of Privilege, Order and Convenience. The following actions by the Council are to insure orderly conduct of meetings and for the convenience of the Mayor and Council members. Those motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted:

a. Call for Orders of the Day. Any Council member may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the Council, by vote, sets aside the orders of the day.

b. Questions of Privilege. Any Council member, at any time during the meeting, may make a request of the chair to accommodate the needs of the Council or his or her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.

c. Recess. Any Council member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

d. Adjourn. Any Council member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

e. Point of Order. Any Council member may require the chair to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the chair.

f. Appeal. Should any Council member be dissatisfied with a ruling from the chair, he or she may move to appeal the ruling to the full Council. The motion must be seconded to put it before the Council. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.

g. Suspend the Rules. Any Council member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a majority vote for passage.

h. Division of Question. Any Council member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

i. Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council may reconsider any vote taken at the same session, but no later than the same or next calendar day, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

j. Rescind, Repeal or Annul. The Council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

E. Authority of the Chair. Subject to appeal, the chair shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

F. Public Hearings. Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner:

1. Time for Consideration. Matters noticed to be heard by the Council shall be heard at the meeting specified and shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

2. Continuance of Hearings. Any hearing being held, noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice of continuance, be continued or reconvened to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.

3. Public Discussion at Hearings. When a matter for the public hearing comes before the Council, the Mayor shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his or her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. Members of the Council who wish to ask questions of the speakers or each other, during the public hearing portion, may do so but only after first being recognized by the Mayor. The Mayor shall conduct the meeting in such a manner as to afford due process.

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All persons interested in the matter being heard by Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk and made a part of the Clerk's record. Time limits may be established by the Council, limiting the duration of presentations as set forth herein. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance of such matters shall be made by the Mayor but may be appealed as set forth here and before.

4. Consideration of Question by Council. After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the Mayor and the Council may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the Mayor, to speak further on the question during this period of deliberation, although the Council members may ask questions of the speakers if so desired. At the conclusion of the Council discussion, an appropriate motion having been made and seconded, the Council shall vote on the matter.

5. Reports and Resolutions. All committee reports together with all resolutions shall be filed with the City Clerk and shall be entered in the minutes. Minutes of prior Council meetings nor a synopsis of said minutes, need not be read provided the City Clerk has previously furnished to each Council member a complete copy of said minutes.

6. Dissemination of Materials to Council. As required by law ([Government Code](#) Section 54957.5), agendas of the City Council and any other writings, when distributed to all or a majority of all members of the Council by any person in connection with a matter, the subject of discussion or consideration at a meeting of the Council, are public records under the Public Records Act and shall

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be made available as required by the Public Records Act, unless the writing is otherwise exempt from public disclosure under the Public Records Act. Writings which are public records and which are distributed during a public meeting of the Council shall be made available for public inspection at the meeting if prepared by the Council or a member thereof or after the meeting if prepared by some other person. (Ord. 414 § 2, 1995)

2.04.050 Rules of decorum.

A. Decorum. Consistent with Senate Bill 1100 passed by the State Legislature in 2022, starting on January 1, 2023, the Brown Act is amended to address disruptions at public local government meetings. Moving forward, consistent with SB 1100, the City of Live Oak adopts the following policy:

The Mayor and/or any Councilmember shall:

(1) Warn the individual that their behavior is disrupting the meeting and their failure to cease their behavior may result in removal.

(2) Order the removal of the individual if they do not “promptly” cease their disruptive behavior.

Consistent with SB 1100, the remainder of policies related to decorum at Council meetings shall also be in effect.

B. Preservation of Order. While the Council is in session, the chair shall preserve order and decorum. No person in attendance shall either by conversation or otherwise delay or interrupt the proceedings or the peace of the Council or disturb either any Council member or any member of the public while speaking nor refuse to obey the orders of the Council or the presiding officer except as otherwise provided. Any persons making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith by the presiding officer barred from further audience before the Council unless permission to continue shall be granted by a majority vote of the Council. All persons addressing the Council shall step to the designated podium and shall give his or her name and address in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person other than the Council and the person having the floor shall be permitted to enter into any discussion either directly or through a member of the Council without the permission of the chair. No question shall be asked a Council member except through the chair. Every person in attendance desiring to speak shall address the chair and, upon recognition by the chair, shall confine him or herself to the question under debate avoiding all personalities and indecorous language. Any person in attendance, once recognized by the chair, shall not be interrupted when speaking unless it shall be to call him or her to order or as otherwise here and before provided. If a person, while speaking, shall be called to order he or she shall cease speaking until the question of order shall be determined and if in order he or she shall be permitted to proceed. A Council member may request, through the chair, the privilege of having a written abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes. (Ord. 414 § 2, 1995)

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C. Civility: City of Live Oak elected officials and staff, will treat members of the public with respect and expect the same in return. The City is committed to maintaining orderly administrative processes in keeping City Council meetings and City operations in general free from disruptions. This section of the policy is intended to promote mutual respect, civility, and orderly conduct among City staff, elected officials, and the public.

D. Interactions: All interactions between City staff, elected officials, and members of the public shall be conducted in a respectful manner. With that in mind, the following rules shall govern interaction between the groups noted above while at City Council meetings:

1. Threats, including threats of violence, shall not be tolerated;

2. All City Council meeting attendees shall refrain from behavior that disrupts or threatens to disrupt City government operations. This includes, but is not limited to harassment and/or intimidation of City staff, elected officials, or members of the public; the willful destruction of public property; and conduct that threatens to provoke a violent reaction or disrupts the Council meeting;

3. If a sign, placard, banner, and/or other similar item disturbs, disrupts, or otherwise impedes the orderly conduct of a City Council meeting, it shall not be permitted; and

4. No person attending the meeting shall engage in disorderly or boisterous conduct, including, but not limited to applause, whistling, stamping of feet, booing, or other loud noises.

~~While the Council is in session, the chair shall preserve order and decorum. No person in attendance shall either by conversation or otherwise delay or interrupt the proceedings or the peace of the Council or disturb either any Council member or any member of the public while speaking nor refuse to obey the orders of the Council or the presiding officer except as otherwise provided. Any persons making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith by the presiding officer barred from further audience before the Council unless permission to continue shall be granted by a majority vote of the Council. All persons addressing the Council shall step to the designated podium and shall give his or her name and address in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person other than the Council and the person having the floor shall be permitted to enter into any discussion either directly or through a member of the Council without the permission of the chair. No question shall be asked a Council member except through the chair. Every person in attendance desiring to speak shall address the chair and, upon recognition by the chair, shall confine him or herself to the question under debate avoiding all personalities and indecorous language. Any person in attendance, once recognized by the chair, shall not be interrupted when speaking unless it shall be to call him or her to order or as otherwise here and before provided. If a person, while speaking, shall be called to order he or she shall cease speaking until the question of order shall be determined and if in order he or she shall be permitted to proceed. A Council member may request, through the chair, the privilege of having a written abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes. (Ord. 414 5-2, 1995)~~

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2.04.060 Approval of legislation and contract.

A. Preparation of Ordinances. All ordinances shall be prepared or approved as to form by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council or requested in writing by the City Clerk/City Finance Director or designee.

B. Prior Approval. All ordinances and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or authorized representative and shall have been examined and approved for the administration by the City Clerk/City Finance Director or authorized representative when there are substantive matters of administration involved.

C. Introducing for Passage or Approval. Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council; provided, however, the Mayor, City Administrator or designee, or City Attorney may present ordinances, resolutions, and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects be adopted; otherwise, they shall not be considered. (Ord. 414 § 2, 1995)

2.04.070 Ethics.

A. Purpose. The citizens and businesses of Live Oak are entitled to fair, ethical and accountable local government, which will instill public confidence in the fair operation and integrity of Live Oak's City government. To this end, the Live Oak City Council has adopted a Code of Ethics and Conduct for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

B. Conduct. Members of the City Council shall conduct themselves in accordance with the following ethical standards:

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, City Officials will work for the common good of the people of Live Oak and not for any private or personal interest, promoting the interests of the public and putting service to the public above service to oneself.

2. Comply with the Law. City Officials shall comply with the Constitution, Laws and Ordinances of the United States, the State of California and the City of Live Oak in the performance of their public duties.

3. Conduct of City Officials. The Professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. City Officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards and Commissions, staff, or the public.

4. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, City Officials shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

5. Gifts and Favors. City Officials shall not take any special advantages of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors, or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

6. Proper Efficient Use of Public Resources. City Officials shall not use public resources which are not available to the public in general for private gain or for personal purposes not otherwise authorized by law.

7. Promote Democratic Participation. Inform the public and encourage active engagement in governance. Be open, transparent and responsive, and respect and assist all persons in their dealings with public organizations.

8. Conduct of Public Meetings. City Officials shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

9. Advocacy. City Officials shall represent the official policies or positions of the City Council, Board, or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, City Officials shall explicitly state they do not represent their body or the City of Live Oak, nor will they allow the inference that they do. Council, Board, and Commission decisions shall receive the support of all City Officials.

10. Decisions. City Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

11. Confidential Information. City Officials shall respect the confidentiality of information concerning the property, personnel, or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

12. Strengthen Social Equality. Treat all persons with fairness, justice, equality, and respect individual differences, rights, and freedoms.

13. Demonstrate Personal Integrity. Adhere to the highest standards of conduct to inspire public confidence and trust in public service.

14. Policy Role of City Officials. City Officials shall respect and adhere to the council-manager structure of Live Oak City government as outlined by the Live Oak Municipal Code. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, boards and commissions, and City staff resulting in the City Manager implementing those policies. Except as provided by the City of Live Oak Municipal Code, City Officials shall not interfere with the administrative functions of the City or the professional duties of City staff nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, City Officials shall refrain from using their position to unduly influence the deliberations or outcomes of boards and commission proceedings.

16. Positive Work Place Environment. City Officials shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. City Officials shall recognize their special role in dealing with City employees to in no way create the perception of inappropriate direction to staff.

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Chapter 2.04 RULES AND REGULATIONS GOVERNING THE CONDUCT OF COUNCIL MEETINGS, PROCEEDINGS AND BUSINESS

2.04.010 Meetings.

A. Regular Meetings. Regular meetings of the Council shall be held without notice on the first and third Wednesday of each month. Meetings shall commence at 6:00 p.m. in the Live Oak City Council Chambers in the City Hall of the City of Live Oak located at 9955 Live Oak Blvd., Live Oak, California, or at such other place as the Council may, from time to time, prescribe. In the event a Wednesday falls upon a legal holiday, the regular meeting which otherwise would have occurred on that date shall be held on the first business day thereafter at 6:00 p.m. In the event that Christmas Eve and/or New Year's Eve falls on a Wednesday, the regular meeting which otherwise would have occurred on that day shall be held on the first business day which is not a holiday thereafter at 6:00 p.m.

B. Special Meetings. Special meetings of the Council may be called at any time by the Mayor or by a majority of the members of the Council by delivering personally or by mail written notice to each member of the Council and to each local newspaper of general circulation and to any radio or television station that has submitted a written request of the City Clerk for such notification. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at the meeting. Written notice may be dispensed with for any member who at or prior to the time the meeting convenes files with the City Clerk a written waiver of notice. The waiver may be given by telegram or fax. Written notice shall be dispensed with for any member who is actually present at the meeting at the time it convenes.

C. Adjournment/Adjourned Meetings. The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If a quorum is not present, less than a quorum may so adjourn. If all members are absent from any regular or adjourned regular meeting the City Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally to each Council member at least three hours before the adjourned meeting. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings.

D. Emergency Meetings. The notice requirement for a special meeting may be dispensed with under the following emergency conditions:

1. Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the Council;

2. A crippling disaster which impairs public health, safety, or both, as determined by a majority of the Council.

E. Closed Sessions. The Council may hold closed sessions during a regular or special meeting, or at any time otherwise authorized by law, to consider or hear any matter which it is authorized by State law to hear or consider in closed session, and may exclude from any such closed session any person or persons which it is authorized by State law to exclude from such closed sessions. Any such closed session shall be appropriately agendized.

F. Cancellation. Any meeting of the Council may be canceled in advance of a majority vote of the Council. The Mayor may cancel a meeting in the case of an emergency or when a majority of members have confirmed in writing their unavailability to attend a meeting.

G. Chair. The Mayor shall preside over all Council meetings. In his or her absence, the Vice Mayor shall serve as presiding officer. The Council shall choose one of its members to serve as Mayor and one of its members to serve as Vice-Mayor. The Mayor and Vice-Mayor shall be selected and seated in the manner following:

In an election year in which Council members are elected, the Mayor and Vice-Mayor shall be selected and seated at such time as the election results for Council members so elected have been canvassed and certified to the Council and those results so declared by the Council. The Mayor and Vice Mayor so selected and seated at that time shall hold their respective offices until the first regular City Council meeting following the first Wednesday of the month in the year following the year in which they were selected and seated. The Mayor shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order subject, however, to an appeal to the Council in which event a majority vote of the Council shall govern and conclusively determine such question of order. The Mayor shall vote on all questions, his or her name being called last.

H. Attendance by the Public. Except as specifically provided by law for closed sessions, all meetings of the Council shall be open and public. All persons desiring to attend shall be permitted to attend any meeting. In the event any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting unfeasible, the Council may proceed as set forth in Municipal Code Section 2.04.050 et seq related to Rules of Decorum. (Ord. 550 § 1, 2014; Ord. 430 § 1, 1996; Ord. 414 § 2, 1995)

2.04.020 Order of business.

The business of the Council, at its meetings, shall be conducted in accordance with the following order of business:

- A. Call to order;
- B. Roll Call;
- C. Pledge of allegiance and Invocation;

- D. Corrections and/or changes to the Agenda by City Manager Only;
- E. Presentations and Recognitions;;
- F. Public Comment;
- G. Consent Calendar. The consent calendar groups together those matters which are considered to be noncontroversial and which require only routine action by the Council. Adoption of the consent calendar may be made by one motion only and by the roll call vote of the Council; provided, however, the chair shall first advise the persons in attendance that the consent calendar matters will be adopted in toto by one action of the Council unless any Council member, any member, any individual or organization interested in one or more consent calendar matters has any question or wishes to make a statement. In that event, the chair may defer action on the particular matter or matters, and the Council shall consider those matters separately;
- H. Public hearings;
- I. Business Items;
- J. Items Removed From Consent Agenda for Council Consideration and Action;
- K. Updates and Announcements From the City Attorney and City Manager;
- L. Councilmember Comments; and
- M. Adjournment. (Ord. 414 § 2, 1995)

2.04.030 Agenda—Posting action on other matters.

- A. Preparation of Agenda. The City Clerk shall cause to be prepared an agenda of the Council meeting which agenda shall be prepared in accordance with the order of business as provided for in Section [2.04.020](#) above. A copy of said agenda shall be furnished to each member of the Council, the City Finance Director and the City Attorney at least 24 hours prior to the Council meeting.
- B. Posting of Agenda. At least 72 hours before a regular meeting the City Clerk or designee shall post the agenda which shall contain a brief general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public. No action shall be taken on any item not appearing on the posted agenda.
- C. Items Not Appearing on Agenda. Notwithstanding the above, the Council may take action on items of business not appearing on the posted agenda under any of the following conditions:
 - 1. Upon a determination by a majority vote of the Council that an emergency situation exists as defined in the public meeting law (Section 54956.2(b)(1) of the [Government Code](#));

2. Upon a determination by a two-thirds vote of the Council or if less than two-thirds of the Council members are present, a unanimous vote of those members present that the need to take action arose subsequent to the agenda being posted; and

3. The item was posted as hereinbefore required for a prior meeting of the Council occurring not more than five calendar days prior to the date action is taken on the item and at the prior meeting the time was continued to the meeting at which action is being taken. (Ord. 414 § 2, 1995)

D. Items to be Placed on Agenda. During the "Councilmember Comments" portion of the City Council meeting, any member of the City Council may request that an item be placed on a future City Council agenda for initial consideration by the City Council. Initial consideration will allow Council to discuss the item during an open and public meeting and determine by a simple majority vote whether to direct the City Manager to add the item to a future agenda and provide specific direction. No motion, second, or vote or other action shall be required of the City Council to have the item placed on a future City Council agenda for initial consideration so long as the item is to be on an agenda thirty or more days later.

E. Agenda Items Added by City Council. Other than simple administrative report describing the nature of the request, no work on an item added by a member of the City Council shall be undertaken by City staff, including but not limited to, fiscal review, legal review, and policy review for consistency with existing City policies, until the City Council has had the opportunity to have a discussion and provide direction as provided herein. For the purposes of this section, work will be defined as generating, compiling, analyzing, researching, or writing new information, new policies, laws or plans and specifically excludes meetings or discussions with the City Manager and department heads jointly to obtain their comments on a Councilmember requested item. However, the City Councilmember requesting that the item be added for initial consideration shall have the right and privilege of submitting a letter or memorandum (and any other related materials) describing their item and the reasons therefore which shall be included in the City Council agenda packet so long as the letter or memorandum (and any other related materials) is submitted to the City Clerk at least one week prior to the City Council meeting.

At the meeting where the item is initially considered, if a majority of the City Council supports further study of the item by way of motion, second, and simple majority vote, then a full staff analysis shall be prepared thereafter for consideration by the City Council. The date set for further consideration shall be set in light of legal notice requirements, existing City Council priorities, the urgency of the item, and the advice of the City Manager and staff as to its impact on the timing of existing work and/or projects of the City

2.04.040 Rules of conduct.

Business shall be brought before the Council by motion in accordance with the following standards of conduct:

A. Obtaining the Floor. Any member of the Council wishing to speak must first obtain the floor by being recognized by the chair. The chair must recognize any Council member who seeks the floor when appropriately entitled to do so.

B. Motions. The Mayor or any member of the Council may bring a matter of business before the Council by making a motion. Before the matter can be considered or debated it must be seconded. Once the

motion has been properly made and seconded, the chair shall open the matter for debate offering the first opportunity to debate to the moving party and, thereafter, to any Council member properly recognized by the chair. Once the matter has been fully debated and the chair calls for a vote, no further debate will be allowed; provided, however, Council members may be allowed to explain their vote.

C. Voting. All Council members present at a meeting when a question comes up for a vote, shall vote for or against the measure. If the vote is a voice vote, the chair shall declare the result and note for the record all “aye” votes and all “no” votes. The Council may also vote by roll call vote, ballot or voting machine. Regardless of the manner of voting, the results reflecting all “ayes” and “noes” must be clearly set forth for the record.

D. Procedural Rules of Order. Once the main motion is properly placed on the floor, several related motions may be employed in addressing the main motion. These motions take precedence over the main motion, and if properly made and seconded, must be disposed of before the main motion can be acted upon. The following motions are appropriate and may be made by the Mayor or any Council member at any appropriate time during the discussion of the main motion. They are listed in order of precedence. The first three subsidiary motions are nondebatable; the last four are debatable. All subsidiary motions require a simple majority vote for passage.

1. Subsidiary Motions.

- a. Lay on the Table. Any Council members including the Mayor, may move to lay the matter under discussion on the table. This motion temporarily suspends any further discussion of the pending motion without setting a time certain to resume debate. It must be moved, seconded and passed by a majority vote. In order to bring the matter back before the Council, a member must move that the matter be taken from the table, seconded and passed. A motion to take from the table must be made at the same meeting at which it was placed on the table or at the next regular meeting of the Council. Otherwise, the motion that was tabled dies, although it can be raised later as a new motion.

- b. Move the Previous Question. Any Council member may move to immediately bring the question being debated by the Council to a vote, suspending any further debate.

- c. Limit or Extend Limits of Debate. Any Council member may move to put limits on the length of debate.

- d. Postpone to a Time Certain. Any Council member may move to postpone the pending question to a time certain. This motion continues the pending main motion to a future date as determined by the Council at the time the motion is passed.

- e. Commit or Refer. Any Council member may move that the matter being discussed should be referred to a committee or commission for further study. The motion may contain directions for the committee or commission, as well as a date upon which the matter will be returned to the Council's agenda. If no date is set for returning the item to the Council agenda, any Council member may move, at any time, to require the time be returned to the agenda.

f. Amend. Any Council member may amend the main motion or any amendment made to the main motion. Before the main motion may be acted upon, all amendments and amendments to amendments must first be acted upon. Any amendment must be related to the main motion or amendment to which it is directed. Any amendment which substitutes a new motion rather than amending the existing motion is out of order and may be so declared by the chair.

g. Postpone Indefinitely. Any Council member may move to postpone indefinitely the motion on the floor, thus avoiding a direct vote on the pending motion and suspending any further action on the matter.

2. Motion of Privilege, Order and Convenience. The following actions by the Council are to insure orderly conduct of meetings and for the convenience of the Mayor and Council members. Those motions take precedence over any pending main or subsidiary motion and may or may not be debated as noted:

a. Call for Orders of the Day. Any Council member may demand that the agenda be followed in the order stated therein. No second is required and the chair must comply unless the Council, by vote, sets aside the orders of the day.

b. Questions of Privilege. Any Council member, at any time during the meeting, may make a request of the chair to accommodate the needs of the Council or his or her personal needs for such things as reducing noise, adjusting air conditioning, ventilation, lighting, etc. Admissibility of question is ruled on by the chair.

c. Recess. Any Council member may move for a recess. The motion must be seconded and a majority vote is required for passage. The motion is debatable.

d. Adjourn. Any Council member may move to adjourn at any time, even if there is business pending. The motion must be seconded and a majority vote is required for passage. The motion is not debatable.

e. Point of Order. Any Council member may require the chair to enforce the rules of the Council by raising a point of order. The point of order shall be ruled upon by the chair.

f. Appeal. Should any Council member be dissatisfied with a ruling from the chair, he or she may move to appeal the ruling to the full Council. The motion must be seconded to put it before the Council. A majority vote in the negative or a tie vote sustains the ruling of the chair. The motion is debatable and the chair may participate in the debate.

g. Suspend the Rules. Any Council member may move to suspend the rules if necessary to accomplish a matter that would otherwise violate the rules. The motion requires a second and a majority vote for passage.

h. Division of Question. Any Council member may move to divide the subject matter of a motion which is made up of several parts in order to vote separately on each part. The motion

requires a second and a majority vote for passage. This motion may also be applied to complex ordinances or resolutions.

i. Reconsider. Except for votes regarding matters which are quasi-judicial in nature or matters which require a noticed public hearing, the Council may reconsider any vote taken at the same session, but no later than the same or next calendar day, to correct inadvertent or precipitant errors, or consider new information not available at the time of the vote. The motion to reconsider must be seconded and requires a majority vote for passage, regardless of the vote required to adopt the motion being reconsidered. If the motion to reconsider is successful, the matter to be reconsidered takes no special precedence over other pending matters and any special voting requirements related thereto still apply. Except pursuant to a motion to reconsider, once a matter has been determined and voted upon, the same matter cannot be brought up again at the same meeting.

j. Rescind, Repeal or Annul. The Council may rescind, repeal or annul any prior action taken with reference to any legislative matter so long as the action to rescind, repeal or annul complies with all the rules applicable to the initial adoption, including any special voting or notice requirements or unless otherwise specified by law.

E. Authority of the Chair. Subject to appeal, the chair shall have the authority to prevent the misuse of the legitimate form of motions, or the abuse of privilege of renewing certain motions, to obstruct the business of the Council by ruling such motions out of order. In so ruling, the chair shall be courteous and fair and should presume that the moving party is making the motion in good faith.

F. Public Hearings. Matters which are required to be heard at a noticed public hearing shall be conducted in the following manner:

1. Time for Consideration. Matters noticed to be heard by the Council shall be heard at the meeting specified and shall commence at the time specified in the notice of hearing, or as soon thereafter as is reasonably possible, and shall continue until the same has been completed or until other disposition of the matter has been made.

2. Continuance of Hearings. Any hearing being held, noticed or ordered to be held by the Council at any meeting of the Council may, by order or notice of continuance, be continued or recontinued to any subsequent meeting in the manner provided herein for adjourned meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or notice of continuance was adopted or made.

3. Public Discussion at Hearings. When a matter for the public hearing comes before the Council, the Mayor shall open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter. Any person desiring to speak or present evidence shall make his or her presence known to the Mayor and upon being recognized by the Mayor, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Mayor. Members of the Council who wish to ask questions of the speakers or each

other, during the public hearing portion, may do so but only after first being recognized by the Mayor. The Mayor shall conduct the meeting in such a manner as to afford due process.

All persons interested in the matter being heard by Council shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented shall be retained by the City Clerk and made a part of the Clerk's record. Time limits may be established by the Council, limiting the duration of presentations as set forth herein. No person shall be permitted during the hearing to speak about matters or present evidence which are not germane to the matter being considered. A determination of relevance of such matters shall be made by the Mayor but may be appealed as set forth here and before.

4. Consideration of Question by Council. After all members of the public desiring to speak upon the subject of the hearing have been given an opportunity to do so, the public hearing shall be closed by the Mayor and the Council may consider what disposition they wish to make of the question or questions presented at the hearing. No member of the public shall be allowed, without consent of the Mayor, to speak further on the question during this period of deliberation, although the Council members may ask questions of the speakers if so desired. At the conclusion of the Council discussion, an appropriate motion having been made and seconded, the Council shall vote on the matter.

5. Reports and Resolutions. All committee reports together with all resolutions shall be filed with the City Clerk and shall be entered in the minutes. Minutes of prior Council meetings nor a synopsis of said minutes, need not be read provided the City Clerk has previously furnished to each Council member a complete copy of said minutes.

6. Dissemination of Materials to Council. As required by law ([Government Code](#) Section 54957.5), agendas of the City Council and any other writings, when distributed to all or a majority of all members of the Council by any person in connection with a matter, the subject of discussion or consideration at a meeting of the Council, are public records under the Public Records Act and shall be made available as required by the Public Records Act, unless the writing is otherwise exempt from public disclosure under the Public Records Act. Writings which are public records and which are distributed during a public meeting of the Council shall be made available for public inspection at the meeting if prepared by the Council or a member thereof or after the meeting if prepared by some other person. (Ord. 414 § 2, 1995)

2.04.050 Rules of decorum.

A. Decorum. Consistent with Senate Bill 1100 passed by the State Legislature in 2022, starting on January 1, 2023, the Brown Act is amended to address disruptions at public local government meetings. Moving forward, consistent with SB 1100, the City of Live Oak adopts the following policy:

The Mayor and/or any Councilmember shall:

(1) Warn the individual that their behavior is disrupting the meeting and their failure to cease their behavior may result in removal.

(2) Order the removal of the individual if they do not “promptly” cease their disruptive behavior.

Consistent with SB 1100, the remainder of policies related to decorum at Council meetings shall also be in effect.

B. Preservation of Order. While the Council is in session, the chair shall preserve order and decorum. No person in attendance shall either by conversation or otherwise delay or interrupt the proceedings or the peace of the Council or disturb either any Council member or any member of the public while speaking nor refuse to obey the orders of the Council or the presiding officer except as otherwise provided. All persons addressing the Council shall step to the designated podium and shall give his or her name and address in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No person other than the Council and the person having the floor shall be permitted to enter into any discussion either directly or through a member of the Council without the permission of the chair. No question shall be asked a Council member except through the chair. Every person in attendance desiring to speak shall address the chair and, upon recognition by the chair, shall confine him or herself to the question under debate avoiding all personalities and indecorous language. Any person in attendance, once recognized by the chair, shall not be interrupted when speaking unless it shall be to call him or her to order or as otherwise here and before provided. If a person, while speaking, shall be called to order he or she shall cease speaking until the question of order shall be determined and if in order he or she shall be permitted to proceed. A Council member may request, through the chair, the privilege of having a written abstract of his or her statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes. (Ord. 414 § 2, 1995)

C. Civility: City of Live Oak elected officials and staff, will treat members of the public with respect and expect the same in return. The City is committed to maintaining orderly administrative processes in keeping City Council meetings and City operations in general free from disruptions. This section of the policy is intended to promote mutual respect, civility, and orderly conduct among City staff, elected officials, and the public.

D. Interactions: All interactions between City staff, elected officials, and members of the public shall be conducted in a respectful manner. With that in mind, the following rules shall govern interaction between the groups noted above while at City Council meetings:

1. Threats, including threats of violence, shall not be tolerated;
2. All City Council meeting attendees shall refrain from behavior that disrupts or threatens to disrupt City government operations. This includes, but is not limited to harassment and/or intimidation of City staff, elected officials, or members of the public; the willful destruction of public property; and conduct that threatens to provoke a violent reaction or disrupts the Council meeting;
3. If a sign, placard, banner, and/or other similar item disturbs, disrupts, or otherwise impedes the orderly conduct of a City Council meeting, it shall not be permitted; and
4. No person attending the meeting shall engage in disorderly or boisterous conduct, including, but not limited to applause, whistling, stamping of feet, booing, or other loud noises.

2.04.060 Approval of legislation and contract.

- A. Preparation of Ordinances. All ordinances shall be prepared or approved as to form by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council or requested in writing by the City Clerk/City Finance Director or designee.
- B. Prior Approval. All ordinances and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney or authorized representative and shall have been examined and approved for the administration by the City Clerk/City Finance Director or authorized representative when there are substantive matters of administration involved.
- C. Introducing for Passage or Approval. Ordinances, resolutions, and other matters or subjects requiring action by the Council shall be introduced and sponsored by a member of the Council; provided, however, the Mayor, City Administrator or designee, or City Attorney may present ordinances, resolutions, and other matters or subjects to the Council, and any Council member may assume sponsorship thereof by moving that such ordinances, resolutions, matters, or subjects be adopted; otherwise, they shall not be considered. (Ord. 414 § 2, 1995)

2.04.070 Ethics.

A. Purpose. The citizens and businesses of Live Oak are entitled to fair, ethical and accountable local government, which will instill public confidence in the fair operation and integrity of Live Oak's City government. To this end, the Live Oak City Council has adopted a Code of Ethics and Conduct for members of the City Council and of the City's boards and commissions to assure public confidence in the integrity of local government and its effective and fair operation.

B. Conduct. Members of the City Council shall conduct themselves in accordance with the following ethical standards:

1. Act in the Public Interest. Recognizing that stewardship of the public interest must be their primary concern, City Officials will work for the common good of the people of Live Oak and not for any private or personal interest, promoting the interests of the public and putting service to the public above service to oneself.

2. Comply with the Law. City Officials shall comply with the Constitution, Laws and Ordinances of the United States, the State of California and the City of Live Oak in the performance of their public duties.

3. Conduct of City Officials. The Professional and personal conduct of members must be above reproach and avoid even the appearance of impropriety. City Officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards and Commissions, staff, or the public.

4. Conflict of Interest. In order to assure their independence and impartiality on behalf of the common good, City Officials shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship which may give the appearance of a conflict of interest. In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

5. Gifts and Favors. City Officials shall not take any special advantages of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors, or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

6. Proper Efficient Use of Public Resources. City Officials shall not use public resources which are not available to the public in general for private gain or for personal purposes not otherwise authorized by law.

7. Promote Democratic Participation. Inform the public and encourage active engagement in governance. Be open, transparent and responsive, and respect and assist all persons in their dealings with public organizations.

8. Conduct of Public Meetings. City Officials shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

9. Advocacy. City Officials shall represent the official policies or positions of the City Council, Board, or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, City Officials shall explicitly state they do not represent their body or the City of Live Oak, nor will they allow the inference that they do. Council, Board, and Commission decisions shall receive the support of all City Officials.

10. Decisions. City Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

11. Confidential Information. City Officials shall respect the confidentiality of information concerning the property, personnel, or affairs of the City. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

12. Strengthen Social Equality. Treat all persons with fairness, justice, equality, and respect individual differences, rights, and freedoms.

13. Demonstrate Personal Integrity. Adhere to the highest standards of conduct to inspire public confidence and trust in public service.

14. Policy Role of City Officials. City Officials shall respect and adhere to the council-manager structure of Live Oak City government as outlined by the Live Oak Municipal Code. In this structure, the City Council determines the policies of the City with the advice, information, and analysis provided by the public, boards and commissions, and City staff resulting in the City Manager implementing those policies. Except as provided by the City of Live Oak Municipal Code, City Officials shall not interfere with the administrative functions of the City or the professional duties of City staff nor shall they impair the ability of staff to implement Council policy decisions.

15. Independence of Boards and Commissions. Because of the value of the independent advice of boards and commissions to the public decision-making process, City Officials shall refrain from using their position to unduly influence the deliberations or outcomes of boards and commission proceedings.

16. Positive Work Place Environment. City Officials shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. City Officials shall recognize their special role in dealing with City employees to in no way create the perception of inappropriate direction to staff.



**City of Live Oak
Report to City Council**

Meeting Date: February 15, 2023

Title: Conference with Labor Negotiators Pursuant to California Government Code
Section 54957.6:
Agency Designated Representatives: Aaron Palmer, City Manager
Employee Organization: Confidential and Unrepresented Employees