



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA MARCH 2, 2022 6:00 PM

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

MEMBERS OF THE COUNCIL

NANCY SANTANA, MAYOR
BOB WOTEN, VICE MAYOR
JERAMY CHAPDELAINE, COUNCILMEMBER
LAKHVIR GHAG, COUNCILMEMBER
J.R. THIARA, 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.

Pursuant to Governor Newsom's Executive Orders N-25-20 and N-29-20, members of the Live Oak City Council or staff may participate in this meeting via a teleconference. In the interest of the maintaining appropriate social distancing, members of the public are encouraged to participate in the meeting in the following ways:

- **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/81055984624>
 - **Join by Phone:**
1-669-900-6833 or 1-833-548-0282 (Toll Free)
Webinar ID: 810 5598 4624

- **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/81055984624>
 - 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: 810 5598 4624
 - **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, and read into the record during public comment.
 - **eComment Feature:** Public Comment will be accepted online between Friday, February 25th through Wednesday, March 2nd at 1:00 pm through the eComment feature at: https://liveoakca.granicus.com/ViewPublisher.php?view_id=1.
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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**

- A. Women in Construction Week Proclamation
- B. Sutter County Fire Chief John Shalowitz Diamond Walnut Plant Fire Update

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 2, 2022 City Council Regular Meeting minutes.
(Clarissa Menchaca, City Clerk)
2. City Council Meeting Minutes
Recommendation: Approve the February 16, 2022 City Council Regular Meeting minutes.
(Clarissa Menchaca, City Clerk)
3. Findings to Hold Virtual City Council, Commission, Committee, Board, and Other City Bodies Meetings Under AB 361
Recommendation: Adopt resolution making findings and determinations under AB 361 for the continuation of virtual meetings and authorizing virtual City Council, Commission, Committee, Board, and other City meetings pursuant to AB 361.
(Nicole Rosser, City Attorney)

BUSINESS ITEMS

4. American Rescue Plan Act
Recommendation: Utilize a portion of the funding utilizing the revenue recovery bucket as follows: Upgrade accounting software to the newer version and move to cloud-based: \$50,000; Upgrade building department permitting software: \$90,000; Pennington East Street Paving: \$189,000; Budget shortfall - FY 2022: \$611,000; Total: \$940,000.
(James Ramsey, Finance Director)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION**UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER**

COUNCILMEMBER COMMENTS (WRITTEN ONLY)

CLOSED SESSION

5. Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8:
Property Description: 3450 Pennington Road, Live Oak, California 95953
APN: 06-640-015
City Negotiator: Aaron Palmer
Negotiating Parties: Aarondeep Pamma
Negotiations: Price and Terms

ADJOURNMENT



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

Meeting Date: March 2, 2022
Title: Women in Construction Week Proclamation
Attachments:

[Letter of Request
Proclamation](#)

Mayor Nancy Santana,

The National Association of Women in Construction (NAWIC) will celebrate Women in Construction (WIC) Week March 6-12, 2022. NAWIC's mission is to enhance the success of women in the construction industry. Locally, our NAWIC Sacramento Chapter #63 members have been involved in construction and construction-related fields throughout the entire region and here in Northern California for 60 years now. As the City of Live Oak is home to 538 female-headed households, representing 22 to 24 percent approximately of the total households in Live Oak, I come to you and ask, will you help in raising awareness for women in the construction industry? Several construction contractors and building trades company's call Live Oak home and are providing a foothold to help many women consider the construction trades and finding work incomes that can be essential, sustain them, and provide economic stability but more needs to be done.

WIC Week provides an occasion for NAWIC's members (such as me) and across the country to raise awareness of the opportunities available for, and the growing role of, women in the construction industry. The focus of WIC Week is to highlight women as a visible component of the construction industry and give back to our communities. Our Chapter #63 will have several activities during WIC Week, including virtual Careers in Construction panel presentations. Each day of WIC Week we will have women sharing their role in the construction process. Those roles range from pre-construction services through project completion. These video presentations will be made available for distribution throughout the Region and beyond. Other WIC Week activities include

- Women in Construction Lobby Day at the State Capitol
- Proclamations from Cities and Counties
- Habitat for Humanity Women Build (30 women team)
- WEAVE Clothing Drive and Opportunities in Construction
- Job Site Tour of the new Rancho Cordova Fire Station
- Virtual Happy Hour Member Mixer
- Build California – Virtual Lunch and learn
- Social Media Posts and Members Highlights
- ...and more

Our Chapter, the National Association of Women in Construction Sacramento Chapter #63, kindly requests a proclamation for our Chapter and the declaration of March 6-12, 2022, as Women in Construction Week within Sutter County, and specifically Live Oak California. For your convenience I have attached a sample proclamation form. The last section begins, "Now therefore, be it proclaimed that I, <insert signer's name>, do hereby recognize " with the signer's name inserted for ease.

Thank you for your consideration. If you should have any questions about this request, please contact me at either (925)752-2747 or maria.patchin@rsconst.com

Respectfully submitted,

Maria Patchin,
Pacific Northwest Regional DE & I Co/Chair, Philanthropy Committee Chairwomen/Emerging Professionals Chairwomen
NAWIC Chapter 63,



Proclamation

Women in Construction Week National Association of Women in Construction (NAWIC)

WHEREAS, the National Association of Women in Construction (NAWIC) Sacramento Chapter #63 has distinguished itself for 60 years as the voice of women in construction in the Sacramento region as well as Northern California; and

WHEREAS, the work done by the Sacramento Chapter of NAWIC has benefited the Sacramento region through community development and educational programs; and

WHEREAS, the Sacramento Chapter of NAWIC has unceasingly promoted the employment and advance of women in the construction industry; and

WHEREAS, the construction community, represented by Sacramento Chapter of NAWIC has been a driving force in fostering community development through renovation and beautification projects; promotion of skilled trades careers; and a positive vision of the future; and

WHEREAS, the Sacramento Chapter of NAWIC has sought to achieve successful results for the Sacramento region and surrounding areas in a cooperative spirit with other organizations.

NOW, THEREFORE, BE IT PROCLAIMED that the City Council of the City of Live Oak, California do hereby recognize the National Association of Women in Construction Sacramento Chapter #63 and its many dedicated volunteers for its steadfast work on behalf and support of women in construction, and do proudly proclaim the week of March 6-12, 2022 as “Women in Construction Week,” and encourage our citizens to congratulate the organization on its many accomplishments.

Dated this 2nd day of March, 2022.

Nancy Santana, Mayor

Bob Woten, Vice Mayor

Lakhvir Ghag, Council Member

Jeramy Chapdelaine, Council Member

J.R. Thiara, Council Member



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

Meeting Date: March 2, 2022

Title: Sutter County Fire Chief John Shalowitz Diamond Walnut Plant Fire Update



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

Meeting Date: March 2, 2022

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the February 2, 2022 City Council Regular Meeting minutes.

Attachments:

[Minutes](#)



LIVE OAK CITY COUNCIL

MINUTES
FEBRUARY 2, 2022
6:00 PM

The Live Oak City Council conducted this meeting in accordance with Governor Newsom's Executive Orders N-25-20 and N-29-20.

CALL TO ORDER

Meeting called to order by Mayor Santana at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:01 pm.

ROLL CALL

Present: Councilmembers Thiara, Ghag, Chapdelaine, and Vice Mayor Woten

Appeared via teleconference: Mayor Santana

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilmember Ghag led the Pledge of Allegiance. Councilmember 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

A. Teen Dating Violence Awareness and Prevention Month

PUBLIC COMMENT

The following members of the public submitted a public comment: Dale Carlson and Cruz Mora.

CONSENT ITEMS

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

MOTION: APPROVE THE CONSENT AGENDA.
(MOTION: THIARA; SECOND: WOTEN)

1. City Council Meeting Minutes

Clarissa Menchaca, City Clerk

Council action: January 19, 2022 City Council Regular Meeting minutes approved.

VOTE: MOTION PASSED 4-1

AYES: COUNCILMEMBERS THIARA, CHAPDELAINE, VICE MAYOR WOTEN, AND MAYOR SANTANA

ABSTAIN: COUNCILMEMBER GHAG

2. Appointment to the Feather River Air Quality Management District

Aaron Palmer, City Manager

Council action: Appointment of City of Yuba City Councilman Shon Harris as the Alternate Member to the Feather River Air Quality Management District as required by Health and Safety Code Section 40152(b) approved.

VOTE: MOTION PASSED UNANIMOUSLY

BUSINESS ITEMS

3. Annual Audited Financial Statements – Year Ended June 30, 2021

James Ramsey, Finance Director

James Ramsey, Finance Director, provided a report for the Council.

Brandon Young, LSL, provided a report for the Council.

The following member of the public submitted a public comment: Cruz Mora.

MOTION: ACCEPT AND FILE ANNUAL FINANCIAL STATEMENTS.
(MOTION: WOTEN; SECOND: GHAG)

VOTE: MOTION PASSED UNANIMOUSLY

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

Nicole Rosser, City Attorney

Nicole Rosser, City Attorney, provided a report for the Council.

The following member of the public addressed the Council: Cruz Mora.

MOTION: ADOPT RESOLUTION MAKING FINDINGS AND DETERMINATIONS UNDER AB 361 FOR THE CONTINUATION OF VIRTUAL MEETINGS AND AUTHORIZING VIRTUAL CITY COUNCIL, COMMISSION, COMMITTEE, BOARD, AND OTHER CITY MEETINGS PURSUANT TO AB 361.
(MOTION: CHAPDELAINE; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

Reference Resolution No. 06-2022.

5. Ordinance Increasing City Council Compensation

Nicole Rosser, City Attorney

Nicole Rosser, City Attorney, provided a report for the Council.

The following member of the public addressed the Council: Cruz Mora.

Council action: Staff will look internally starting from the year 2000 going forward, find out what the monthly salary was for the council members, and look at what medical benefits were offered.

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 and announcements from the City Attorney and City Manager.

COUNCILMEMBER COMMENTS (WRITTEN ONLY)

A. Councilmember Chapdelaine's Comments

CLOSED SESSION

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

(If action is taken in closed session, it will be announced after the closed session).

7. Adoption of Possible Changes in Salary and Benefits for the Confidential and Unrepresented Employees

ADJOURNMENT

Adjourned to closed session at 8:43 pm.

*Clerk's Note: Vice Mayor Woten readjoined the meeting from closed session at 9:07 pm in Mayor Santana's absence.

CLOSED SESSION REPORT

The City Council approved unanimously 5-0 what was proposed.

ADJOURNMENT

Adjourned the meeting at 9:08 pm.

Nancy Santana, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



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

Meeting Date: March 2, 2022

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the February 16, 2022 City Council Regular Meeting minutes.

Attachments:

[Minutes](#)



LIVE OAK CITY COUNCIL

MINUTES
FEBRUARY 16, 2022
6:00 PM

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

MEMBERS OF THE COUNCIL

NANCY SANTANA, MAYOR
BOB WOTEN, VICE MAYOR
JERAMY CHAPDELAINE, COUNCILMEMBER
LAKHVIR GHAG, COUNCILMEMBER
J.R. THIARA, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

The Live Oak City Council conducted this meeting in accordance with Governor Newsom's Executive Orders N-25-20 and N-29-20.

CALL TO ORDER

Meeting called to order by Mayor Santana at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:07 pm.

ROLL CALL

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

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilmember Thiara led the Pledge of Allegiance. Councilmember Ghag delivered the invocation.

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

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

PUBLIC COMMENT

The following member of the public submitted a public comment: Dale Carlson

CONSENT ITEMS

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

MOTION: APPROVE THE CONSENT AGENDA, WITH THE EXCEPTION OF ITEM 2 WHICH WAS PULLED FOR FURTHER DISCUSSION.
(MOTION: GHAG; SECOND: WOTEN)

VOTE: MOTION PASSED UNANIMOUSLY

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

Nicole Rosser, City Attorney

Council action: Resolution making findings and determinations under AB 361 for the continuation of virtual meetings and authorizing virtual City Council, Commission, Committee, Board, and other City meetings pursuant to AB 361 adopted.

Reference Resolution No. 07-2022

2. Budget Calendar for Fiscal Year 2022-23 Budget

James Ramsey, Finance Director

This item was removed from the Consent Agenda for further discussion at the request of Councilmember Thiara.

BUSINESS ITEMS

3. Approve Agreement with E-Center in Regards to Lease of City Property at 2569 Apricot Street, Live Oak, California

Aaron Palmer, City Manager

Aaron Palmer, City Manager, provided a report for the Council.

The following members of the public addressed the Council: Jodie Keller, Raj Samra, and Cruz Mora.

MOTION: APPROVE AGREEMENT WITH E-CENTER IN REGARD TO LEASE OF CITY PROPERTY AT 2569 APRICOT STREET, LIVE OAK, CALIFORNIA.
(MOTION: WOTEN; SECOND: SANTANA)

VOTE: MOTION PASSED UNANIMOUSLY

4. Discussion and Direction Regarding Increasing the Monthly Stipend for City Council Members

Nicole Rosser, City Attorney

Nicole Rosser, City Attorney, provided a report for the Council

The following member of the public addressed the Council: Cruz Mora.

Council action: Provided direction to staff.

5. Discussion and Possible Direction Regarding Reconstruction of Pennington Road from Orchard Way to Eastern City Limits

Aaron Palmer, City Manager

Aaron Palmer, City Manager, provided a report for the Council

The following member of the public addressed the Council: Cruz Mora.

Council action: Provided direction to staff regarding the possible reconstruction of Pennington Road from Orchard Way to Eastern City Limits.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

2. Budget Calendar for Fiscal Year 2022-23 Budget

James Ramsey, Finance Director

Aaron Palmer, City Manager, addressed questions from the Council.

MOTION: RECEIVE AND FILE BUDGET CALENDAR FOR FISCAL YEAR 2022-23 BUDGET.
(MOTION: GHAG; SECOND: CHAPDELAINE)

VOTE: MOTION PASSED UNANIMOUSLY

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

Aaron Palmer, City Manager, reported on the Diamond Walnut Growers fire that occurred on Friday, February 4, 2022.

COUNCILMEMBER COMMENTS (WRITTEN ONLY)

A. Councilmember Chapdelaine's Comments

ADJOURNMENT

Councilmember Ghag asked that the meeting be adjourned in memory of Anna Peeler, Aaron Palmer's, City Manager, mother-in-law. Per Council request flowers will be sent to the family. Meeting adjourned at 7:55 pm.



City of Live Oak Report to City Council

Meeting Date: March 2, 2022

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 making findings and determinations under AB 361 for the continuation of virtual meetings and authorizing virtual City Council, Commission, Committee, Board, and other City meetings pursuant to AB 361.

Attachments:

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 2nd day of March, 2022, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED:

Nancy Santana, Mayor

ATTEST:

Luis Cibrian, Deputy City Clerk



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

Meeting Date: March 2, 2022
Title: American Rescue Plan Act
Contact Information: James Ramsey, Finance Director

Background:

On March 11, 2021 the American Rescue Plan Act of 2021 (ARPA) was signed into law. The ARPA provides additional relief to address the continued impacts of COVID-19. ARPA provides funding for a wide range of programs such as nutrition, schools and higher education institutions, COVID-19 testing and treatment, mental health, housing assistance, health care, and transportation.

One of the new programs created under ARPA is related to the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF). Over \$350 billion was provided directly to states, tribal entities, U.S. territories, and local governments. There were a lot of very small communities that received over \$750,000 in funding from this program. The City of Live Oak was allocated \$2,131,940. The amount was determined by the State of California Department of Finance. The City has first received our first distribution of \$1,065,970 in June 2021.

The CSLFRF has four general categories for spending: 1) revenue recovery, 2) public health and economic response, 3) premium pay for essential workers, and 4) Water, Sewer, and Broadband Infrastructure. In April 2021, the U.S. Department of Treasury (Treasury) issued an "interim" rule related to these funds. The rule specified only very specific circumstances in which the funding could be utilized. In January 2022, the Treasury came out with a "Final Rule" that broadened the allowable activities the final use of funds and broadened the overall allowable uses of the funds.

Category: Revenue Recovery

Eligible Uses: Providing government services up to the amount of revenue loss due to the pandemic. There is an up to \$10 million safe harbor, where you do not have to justify the loss of revenues through a calculation.

Category: Public Health and Economic Response

Eligible Uses: Responding to COVID-19's public health impact, along with its economic harm.

Category: Premium pay for essential workers

Eligible Uses: Offers additional support to workers who bear the greatest health risks because of their service in critical sectors.

Category: Water, Sewer, and Broadband Infrastructure

Eligible Uses: Provides funding to critical water and sewer projects, along with high-speed broadband infrastructure.

Fiscal Impacts:

Budget adjustments for the above expenditure categories with an offset of \$940,000 in grant revenue.

Recommendation: Utilize a portion of the funding utilizing the revenue recovery bucket as follows:
Upgrade accounting software to the newer version and move to cloud-based: \$50,000;
Upgrade building department permitting software: \$90,000;
Pennington East Street Paving: \$189,000;
Budget shortfall - FY 2022: \$611,000
Total: \$940,000

Attachments:

[Staff Report](#)



March 2, 2022

TO: Members of the City Council

FROM: James W Ramsey, CPA, CFE, Finance Director

SUBJECT: American Rescue Plan Act

BACKGROUND:

On March 11, 2021 the American Rescue Plan Act of 2021 (ARPA) was signed into law. The ARPA provides additional relief to address the continued impacts of COVID-19. ARPA provides funding for a wide range of programs such as nutrition, schools and higher education institutions, COVID-19 testing and treatment, mental health, housing assistance, health care, and transportation.

One of the new programs created under ARPA is related to the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF). Over \$350 billion was provided directly to states, tribal entities, U.S. territories, and local governments. There were a lot of very small communities that received over \$750,000 in funding from this program. The City of Live Oak was allocated \$2,131,940. The amount was determined by the State of California Department of Finance. The City has first received our first distribution of \$1,065,970 in June 2021.

The CSLFRF has four general categories for spending: 1) revenue recovery, 2) public health and economic response, 3) premium pay for essential workers, and 4) Water, Sewer, and Broadband Infrastructure. In April 2021, the U.S. Department of Treasury (Treasury) issued an “interim” rule related to these funds. The rule specified only very specific circumstances in which the funding could be utilized. In January 2022, the Treasury came out with a “Final Rule” that broadened the allowable activities the final use of funds and broadened the overall allowable uses of the funds.

Category	Eligible Uses
Revenue Recovery	Providing government services up to the amount of revenue loss due to the pandemic. There is an up to \$10 million safe harbor, where you do not have to justify the loss of revenues through a calculation.
Public Health and Economic Response	Responding to COVID-19’s public health impact, along with its economic harm.

Category	Eligible Uses
Premium pay for essential workers	Offers additional support to workers who bear the greatest health risks because of their service in critical sectors.
Water, Sewer, and Broadband Infrastructure	Provides funding to critical water and sewer projects, along with high-speed broadband infrastructure.

RECOMMENDATION:

Management is proposing utilizing a portion of the funding utilizing the revenue recovery bucket as follows:

Category	Estimated Costs
Upgrade accounting software to the newer version and move to cloud-based	\$50,000
Upgrade building department permitting software	90,000
Pennington East Street Paving	189,000
Budget shortfall – FY 2022	611,000
Total	\$940,000

These funds will be subject to the Single Audit in accordance with Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).

FISCAL IMPACT: Budget adjustments for the above expenditure categories with an offset of \$940,000 in grant revenue.



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

Meeting Date: March 2, 2022

Title: Conference with Real Property Negotiators Pursuant to Government Code
Section 54956.8:
Property Description: 3450 Pennington Road, Live Oak, California 95953
APN: 06-640-015
City Negotiator: Aaron Palmer
Negotiating Parties: Aarondeep Pamma
Negotiations: Price and Terms