

Gridley City Council – Regular Meeting Agenda

Monday, March 18, 2024; 6:00 pm

Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

“Our purpose is to continuously enhance our community’s vitality and overall quality of life. We are committed to providing high quality, cost-effective municipal services and forming productive partnerships with our residents and regional organizations. We collectively develop, share, and are guided by a clear vision, values, and meaningful objectives.”

The Public is encouraged to attend and participate in person. Comments from the public on agenda items will be accepted until 4 pm on March 18, 2024, via email to csantana@gridley.ca.us or via the payment/document drop box at Gridley City Hall and will be conveyed to the Council for consideration.

You may view using the following link, ID, and passcode:

https://us06web.zoom.us/j/82076962283?pwd=q66Gg30SYdk0LPzw68YZljsQ_sCow.C5MBbQo1MFkdXYm8

Webinar ID: 820 7696 2283

Passcode: 752018

CALL TO ORDER - Mayor Farr

ROLL CALL

PLEDGE OF ALLEGIANCE – Councilmember Calderon

PROCLAMATION – None

INTRODUCTION OF NEW OR PROMOTED EMPLOYEES

- Police Officer Natalie Barrera

COMMUNITY PARTICIPATION FORUM - *Members of the public may address the City Council on matters not listed on the agenda. The City Council may not discuss nor take action on any community participation item brought forward by a member of the community. Comments are requested to be limited to three (3) minutes.*

CONSENT AGENDA

1. City Council Minutes Dated March 4, 2024

ITEMS FOR CONSIDERATION

2. Resolution No. 2024-R-008; A Resolution of the City Council of the City of Gridley Authorizing the Submission of the 2022/2023 Home Investment Partnerships Program Application to the California State Department of Housing and Community Development for Funding in the Amount Not to Exceed \$12,150,000; and if Awarded, the Execution of a

Standard Agreement, any Amendments Thereto, and Other Related Documents Necessary to Participate and Comply with in the HOME Investment Partnerships Program

3. Ordinance No. 849-2024: Introduction and First Reading by Title Only of Ordinance 849-2024 to add the Agricultural Overlay District Zoning Designation Allowing Commercial Agricultural Production Until the Residentially Zoned Property is Developed. The Site Has a General Plan Land Use Designation of Residential and an Underlying Zoning Designation of Single-Family Residential District (R-1). The Property Is Located on the East Side of West Biggs Gridley Road, North and Contiguous to the Heron Landing Subdivision (APN 022-210-092)
4. Sewer/Storm Drain Closed Circuit TV System Upgrade
5. 3-Phase Transformers
6. GASB 75 Actuarial Valuation Services
7. Authorization to Enter into a MOU Agreement with the Butte County District Attorney's Office for Digital Forensic Services
8. Authorization To Enter into a Three (3) Year MOU Agreement with the Butte County District Attorney's Office for Subpoena Services

CITY STAFF AND COUNCIL COMMITTEE REPORTS - *Brief updates from City staff and brief reports on conferences, seminars, and meetings attended by the Mayor and City Council members, if any.*

CITY ADMINISTRATOR REPORTS - *Brief updates and reports on conferences, seminars, and meetings attended by the City Administrator, if any.*

POTENTIAL FUTURE CITY COUNCIL ITEMS - *(Appearing on the Agenda within 30 days):*

Gridley Unified School District Land Dedication (Laurel Street)	4/1/2024
Utility Write Offs	4/1/2024
Fire - Calendar Year End	4/1/2024
Second Amendment to Cooperation Agreement - Groundwater Sustainability Agencies in the Butte Subbasin	4/1/2024
Enterprise Reserve Fund Policy	4/1/2024
TDA Audits	4/1/2024
Inventory Policy	4/1/2024
Cash Investment Policy	4/1/2024
Banking RFP	4/1/2024

CLOSED SESSION

9. Closed Session Conference with Labor Negotiators Pursuant to Government Code 54957.6 to Meet and Confer with IBEW1245

10. Closed Session Conference with Labor Negotiators Pursuant to Government Code 54957.6 Concerning Management MOU Contract and Benefits

ADJOURNMENT – adjourning to a Regular meeting on April 1st, 2024.

NOTE 1: POSTING OF AGENDA- This agenda was posted on the public bulletin board at City Hall at or before 6:00 p.m., March 15th, 2024. This agenda along with all attachments is available for public viewing online at www.gridley.ca.us and at the Administration Counter in City Hall, 685 Kentucky Street, Gridley, CA.

NOTE 2: REGARDING UNSCHEDULED MATTERS – In accordance with state law, it shall be the policy of this Council that no action shall be taken on any item presented during the public forum or on unscheduled matters unless the Council, by majority vote, determines that an emergency situation exists, or, unless the Council by a two-thirds vote finds that the need to take action arose subsequent to the posting of this agenda.

Gridley City Council – Regular Meeting Minutes

Monday, March 4, 2024; 6:00 pm

Gridley City Hall, 685 Kentucky Street, Gridley, CA 95948

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CALL TO ORDER

Mayor Farr called the meeting to order at 6:00 pm.

ROLL CALL

Councilmembers

Present: Farr, Roberts, Sanchez, Calderon, Johnson
Absent: None
Arriving after roll call: None

Staff Present: Elisa Arteaga, City Administrator
Rodney Harr, Police Chief
Tony Galyean, City Attorney
Ross Pippitt, Utility Director
Martin Pineda, Finance Director

PLEDGE OF ALLEGIANCE

Councilmember Sanchez led the Pledge of Allegiance.

PROCLAMATION – None

INTRODUCTION OF NEW OR PROMOTED EMPLOYEES

Chief of Police Rodney Harr recognized Code Enforcement Officer Katie Hill for completing the necessary training and becoming a certified Code Enforcement Officer.

COMMUNITY PARTICIPATION FORUM

The forum was opened, and seeing no one was present to speak, was closed.

CONSENT AGENDA

1. City Council Minutes Dated February 20, 2024
2. Updated Cal-Card Policy

3. Escheatment Policy

Motion: to approve consent agenda as presented.

MOTION: Calderon

SECOND: Roberts

ROLL CALL VOTE: 5-0

Ayes: Calderon, Johnson, Roberts, Sanchez, Farr

ITEMS FOR CONSIDERATION

4. Conduct a Public Hearing Regarding Solid Waste Rate Adjustments

City Administrator Arteaga addressed Council regarding the proposed increase that was tentatively approved at the December 18th regular meeting pending that all Prop 218 noticing requirements be met without a majority vote against the rate adjustments. The City received zero written protests against the rate adjustments. City Administrator Arteaga respectfully requested that Resolution 2024-R-007 be adopted, approving the proposed rate change.

Vice Mayor Johnson had concerns about who will be responsible for the regular billing and collection of funds. City Administrator Arteaga confirmed that Waste Management will continue to do their own billing and collection of fees.

Motion: to approve resolution 2024-R-007, approving the solid waste rate adjustments with Waste Management.

MOTION: Calderon

SECOND: Sanchez

ROLL CALL VOTE: 5-0

Ayes: Calderon, Johnson, Roberts, Sanchez, Farr

5. Award of Contract to Commercial Pump and Mechanical (CPM) for Liberty Well Repairs

Utility Director Ross Pippitt presented the staff report explaining the breakdown that occurred in January at the Liberty Well. Pippitt explained that this well has historically been one of the more reliable wells and deemed it an emergency once it was compromised. Pippitt respectfully requested the proposal from CPM to complete the repair.

Mayor Farr shared his concerns about how young the well is.

Motion: to approve the CPM contract.

MOTION: Johnson

SECOND: Roberts

ROLL CALL VOTE: 5-0

Ayes: Calderon, Johnson, Roberts, Sanchez, Farr

6. Concrete Removal on Electric Department Property at 57 E Gridley Rd.

Utility Director Ross Pippitt presented the three proposals to Council and recommended the award of contract be rewarded to the lowest bidder, Kegan Waite.

Motion: approve the award of contract to Kegan Waite.

MOTION: Roberts

SECOND: Calderon

ROLL CALL VOTE: 5-0

Ayes: Calderon, Johnson, Roberts, Sanchez, Farr

CITY STAFF AND COUNCIL COMMITTEE REPORTS

Councilmember Calderon reported on his attendance at the Behavioral Health Advisory Board meeting and Butte County Air Quality Management meeting.

CITY ADMINISTRATOR REPORTS

City Administrator Arteaga informed Council of her recent meetings with multiple local agencies.

POTENTIAL FUTURE CITY COUNCIL ITEMS - (*Appearing on the Agenda within 30 days*):

Gridley Unified School District Land Dedication (Laurel Street)	3/18/2024
Utility Write Offs	3/18/2024
Fire - Calendar Year End	3/18/2024
Second Amendment to Cooperation Agreement - Groundwater Sustainability Agencies in the Butte Subbasin	3/18/2024
Chandler Subdivision	3/18/2024
CalTrans Presentation of Highway 99 Project	3/18/2024

CLOSED SESSION

7. Closed session discussion with legal counsel pursuant to Government Code 54957.8: Case Review/Planning, 1 matter
8. Closed Session discussion with City Administrator Elisa Arteaga pursuant to Government Code 54957 – PUBLIC EMPLOYEE APPOINTMENT – Gridley Police Department, Sworn Peace Officer Position

Council went into closed session at 7:00 pm and came out with no reportable action.

ADJOURNMENT

With no other items left to discuss, Mayor Farr adjourned to the next regular meeting on March 18th, 2023.

DRAFT

City Council Agenda Item #2
Staff Report

Date: March 18, 2024

To: Mayor and City Council

From: Donna Decker, Planning Department

Subject: Resolution No. 2024-R-008; A resolution of the City Council of the City of Gridley authorizing the submission of the 2022/2023 home investment partnerships program application to the California State Department of Housing and Community Development for funding in the amount not to exceed \$12,200,000; and if awarded, the execution of a standard agreement, any amendments thereto, and other related documents necessary to participate and comply with in the HOME Investment Partnerships Program.

X	Regular
	Special
	Closed
	Emergency

Recommendation

City staff respectfully recommends the City Council:

1. Determine the project is Categorically Exempt per the California Environmental Quality Act, Section 15061(b)(3), Review for Exemption, General Rule; and,
2. Adopt Resolution No. 2024-R-008.

Summary

The HOME Investment Partnership Program has supported the city of Gridley with previous applications that the city has used to partner with affordable housing developers. Examples of the use of this funding are Washington Court Apartments, Gridley Springs I and Ford Oaks Apartments. Having the City Council support the submission of this application will further the partnership with affordable housing developers in the city providing much needed housing.

Discussion

The California Department of Housing and Community Development is authorized to allocate HOME Investment Partnerships Program funds made available from the U.S. Department of Housing and Urban Development. HOME funds are to be used for the purposes set forth in Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, in federal implementing regulations set forth in Title 24 of the Code of Federal Regulations, Part 92, and in Title 25 of the California Code of Regulations commencing with section 8200.

The city has an opportunity to apply for these funds to then allocate to an affordable housing development. The HOME program has been very successful in supporting affordable housing projects in Gridley and the opportunity to continue to apply for HOME funding will further advance more affordable housing units.

Conclusion

The resolution will authorize city staff to submit an application to the California Department of Housing and Community Development and authorize the City Administrator, Elisa Arteaga, to execute all required documents.

Public Notice

A notice was posted in the Gridley Herald 72 hours in advance of the City Council meeting, posted at City Hall, made available at the Administration public counter, and placed on the City website for review. At the time this report was prepared no comments had been received.

Environmental Review

The proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061(b) (3), and Review for Exemption, General Rule.

Financial Impact

There are no direct or indirect costs to the City other than the cost to submit an application for this grant.

Compliance with City Council Strategic Plan or Budget Goals

This recommendation is consistent with the ongoing effort to be responsive and transparent regarding all land use and administrative matters.

Attachments

Resolution No. 2024-R-008

THE CITY COUNCIL OF THE CITY OF GRIDLEY AUTHORIZES THE SUBMISSION OF THE 2022/2023 HOME INVESTMENT PARTNERSHIPS PROGRAM APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING IN THE AMOUNT NOT TO EXCEED \$12,200,000; AND IF AWARDED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS THERETO, AND OTHER RELATED DOCUMENTS NECESSARY TO PARTICIPATE AND COMPLY WITH THE HOME INVESTMENT PARTNERSHIPS PROGRAM.

WHEREAS, the California Department of Housing and Community Development (the “Department”) is authorized to allocate HOME Investment Partnerships Program (“HOME”) funds made available from the U.S. Department of Housing and Urban Development (“HUD”). HOME funds are to be used for the purposes set forth in Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, in federal implementing regulations set forth in Title 24 of the Code of Federal Regulations, Part 92, and in Title 25 of the California Code of Regulations commencing with Section 8200; and,

WHEREAS, on January 19, 2024, the Department issued a Notice of Funding Availability announcing the availability of funds under the HOME program (the “NOFA”); and,

WHEREAS, in response to the 2022/2023 HOME NOFA, the City of Gridley, a Municipal Corporation (the “Applicant”), wishes to apply to the Department for, and receive an allocation of, HOME funds.

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

1. In response to the 2022/2023 HOME NOFA, the Applicant shall submit an application to the Department to participate in the HOME program and for an allocation of funds not to exceed twelve million two hundred thousand dollars (\$12,200,000.00) for the following activities and/or programs:

A 36-unit affordable multifamily housing project

to be located in Gridley, Butte County, California.

2. If the application for funding is approved, then the Applicant hereby agrees to use the HOME funds for eligible activities in the manner presented in its application as approved by the Department in accordance with the statutes and regulations cited above. The Applicant may also execute a Standard Agreement, any amendments thereto, and any and all other documents or instruments necessary or required by the Department or HUD for participation in the HOME program (collectively, the required documents).
3. The Applicant authorizes Elisa Arteaga, City Administrator, to execute in the name of the Applicant, the required documents.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at the regular City Council meeting of the City of Gridley held on the 18th day of March, 2024, by the following vote:

AYES: COUNCIL MEMBERS _____

NOES: COUNCIL MEMBERS _____

ABSTAIN: COUNCIL MEMBERS _____

ABSENT: COUNCIL MEMBERS _____

APPROVE:

Michael Farr, Mayor

The undersigned, Carmen Santana, Administrative Assistant for the City of Gridley, does hereby attest and certify that the foregoing is a true and full copy of a resolution of the City Council of the City of Gridley, passed and adopted, at a duly convened meeting on the date set forth above, and said resolution has not been altered, amended, or repealed.

ATTEST:

Carmen Santana
Deputy City Clerk
City of Gridley

City Council Item #3
Staff Report

Date: March 18, 2024

To: Chair and Planning Commissioners

From: Donna Decker, Planning Department

X	Regular
	Special
	Closed
	Emergency

Subject: **Ordinance No. 849-2024;** Introduction and First Reading of Ordinance 849-2024 to add the Agricultural Overlay District zoning designation allowing commercial agricultural production until the residentially zoned property is developed. The site has a General Plan land use designation of Residential and an underlying zoning designation of Single-Family Residential District (R-1). The property is located on the east side of West Biggs Gridley Road, north and contiguous to the Heron Landing Subdivision. (APN 022-210-092)

Recommendation

City staff respectfully recommends the City Council:

1. Determine the project is Categorically Exempt per the California Environmental Quality Act, Section 15061(b)(3), Review for Exemption, General Rule; and,
2. Recommend the City Council adopt Ordinance No. 849-2024 by reading of title only.

Summary

The applicant proposes to add the Agricultural Overlay (AO) zoning designation as a secondary zoning to allow commercial agricultural uses until the property is developed. The property has an approved tentative subdivision map, TSM 2-20, Chandler Park Subdivision, to allow the development of the 40-acre parcel with 203 single family residential parcels; one of the parcels is retained for a lift station.

Discussion

The subject site is an approximately 40-acre parcel located on the east side of W. Biggs Gridley Road and north of the Heron Landing subdivision.

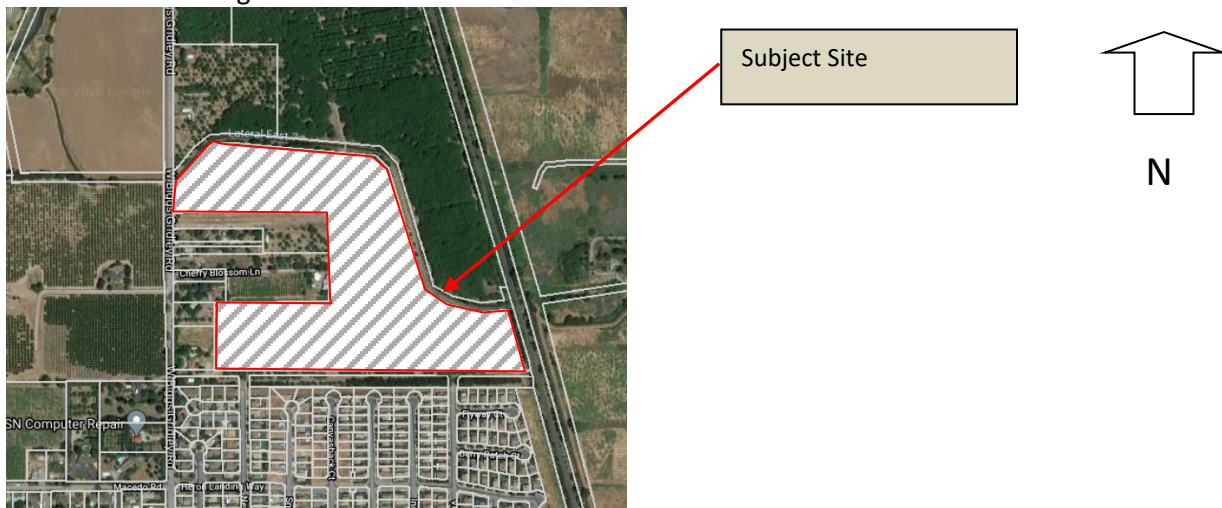


Figure 1: Location Map

Discussion

The applicant is proposing to continue to utilize the property for commercial agricultural uses. The Bernards propose to remove the remaining orchard, clear the land of debris, and prepare for the planting of a seed crop until the property will sell/develop the subdivision. The secondary zoning district of Agricultural Overlay was designed to allow land that has been approved for a residential or other use, to be farmed commercially until the land is developed. The intent of the code states:

The AO district is intended to be applied as a secondary zoning designation, for purposes of allowing commercial agricultural uses to be conducted on properties that are designated on the general plan and zoning diagrams for eventual residential and/or non-residential urban uses, until those urban uses are actually developed.

(Ord. 698 § II (part), 2000).

Entitlements

The property applied for and gained approval and annexation through the LAFCo process. The application provided a Tentative Subdivision Map for a 203-unit single family subdivision with a park and detention basin. The project was approved:

LAFCo Annexation	Annexation 22-10	Resolution No. 4 2022-23, 11/3/22
		Certificate of Completion, 2023-0013026, 5/18/23
City Council		Accepted LAFCo Amendments
		Resolution No. 2023-R-016 6/19/23

Planning Commission

The proposal to add the AO District overlay was considered by the Planning Commission on January 17, 2024. The Planning Commission supported the request and voted unanimously to forward to the City Council for action.

Conclusion:

Provision to add the secondary zoning of Agricultural Overlay on this property utilizes a planning tool specifically designed to allow a commercial agricultural land use while waiting for the development to occur.

Public Notice

A notice was advertised 10 days prior to the regularly scheduled City Council meeting in the Gridley Herald, posted at City Hall, made available at the Administration public counter, and placed on the City website for review. Additionally, notices were mailed to property owners 300 feet from the subject site boundary. At the time this report was prepared no comments had been received.

Environmental Review

The proposed project is exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061(b) (3), and Review for Exemption, General Rule. The subject site was used as agricultural prior to the adoption of a tentative subdivision map. Temporarily reverting to the existing use does not create unforeseen impacts.

Fiscal Impact

No additional fiscal impact is anticipated in the review of projects to comply with the ordinance.

Attachments

Draft Ordinance No. 849-2024

Title 17-Ch 17.56 Agriculture Overlay District

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRIDLEY TO REZONE AN APPROXIMATELY 40 ACRES FROM SINGLE FAMILY RESIDENTIAL (R-1) TO SINGLE FAMILY RESIDENTIAL/AGRICULTURE OVERLAY (R-1/AO) ADDING THE AGRICULTURAL OVERLAY DISTRICT ZONING DESIGNATION TO ALLOW COMMERCIAL AGRICULTURAL PRODUCTION UNTIL THE RESIDENTIALLY ZONED PROPERTY IS DEVELOPED.
(TSM 2-20, APN 022-210-092)**

WHEREAS, the applicant requests the City of Gridley approve the addition of the Agricultural Overlay District zoning designation of approximately 40 acres; and,

WHEREAS, the proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061(b) (3), and Review for Exemption, General Rule. The proposed overlay zoning does not create a project or create impacts in that agricultural uses were established on the property prior to the application to develop and no new circumstances exist that would impact the site or the surrounding area for the continued use of the property prior to the approval of TSM 2-20; and,

WHEREAS, a duly noticed public hearing was held on January 17, 2024 by the Planning Commission recommending the proposed rezone be forwarded to the City Council for action; and,

WHEREAS, after considering the staff report, public testimony, and the recommendation from the Planning Commission, the City Council determined the proposed rezone was appropriate.

WHEREAS, the City Council reviewed and introduced the proposed amendment by reading of title only on March 18, 2024.

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

SECTION 1: The City Council finds the rezone is consistent with the 2030 General Plan and CEQA.

SECTION 2: Approves the rezone adding the Agriculture Overlay District on approximately 40 acres from Single-Family Residential to Single-Family Residential/Agricultural Overlay District.

SECTION 3: Except as modified above, all present conditions of the approved TSM 2-20 development plans and designs remain in full force and effect.

SECTION 4: The Zoning Map of the City of Gridley on file with the City Clerk, designating and dividing the City into zoning districts, is hereby amended, in accordance with the herein description and Exhibit A.

SECTION 5: This ordinance shall be effective thirty (30) days after its passage and adoption.

**

I HEREBY CERTIFY that the ordinance was duly introduced at a regular meeting of the City Council of the City of Gridley, California, held on the 18th day of March, 2024, by the following vote:

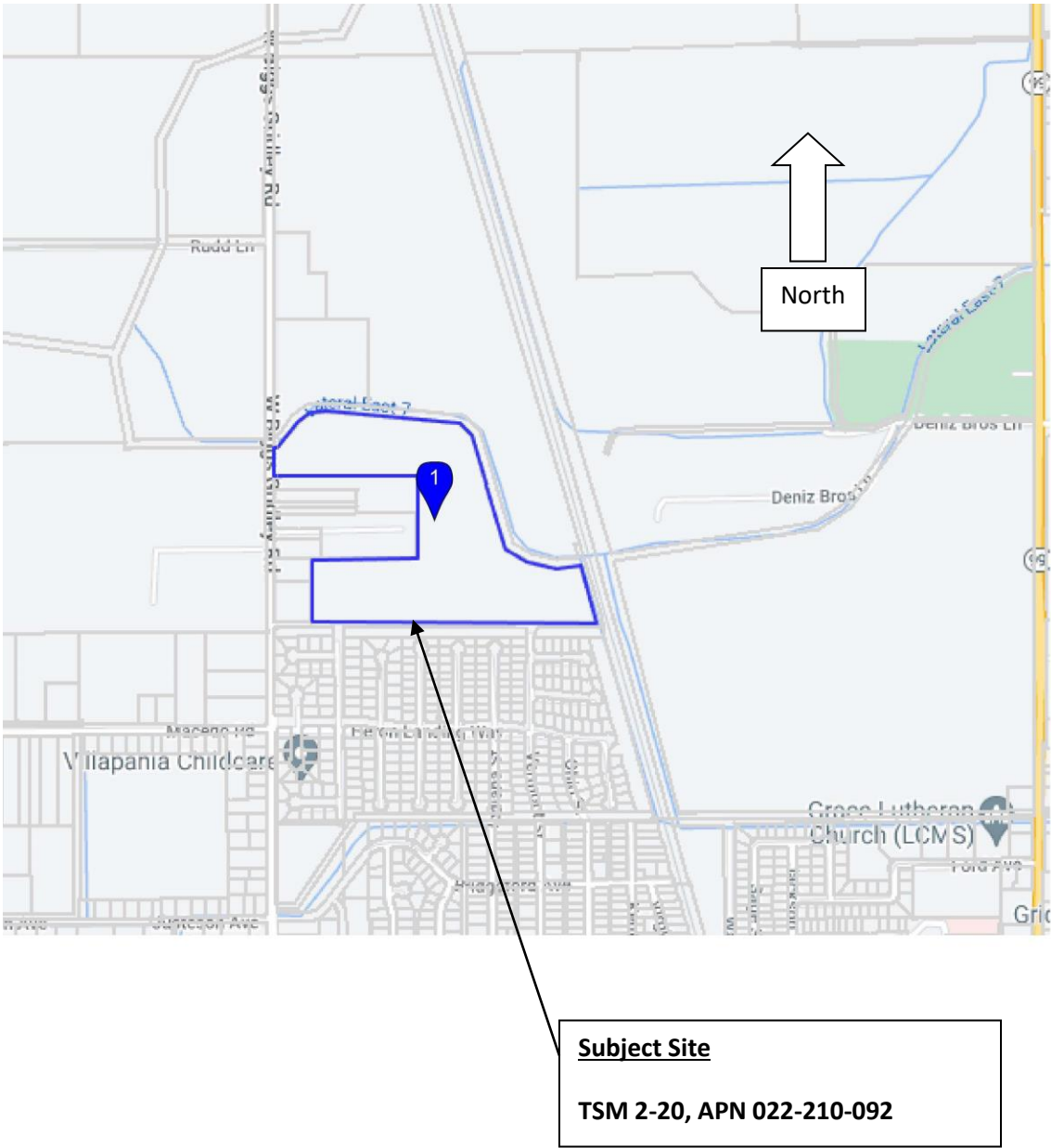
AYES:	COUNCIL MEMBERS	_____
NOES:	COUNCIL MEMBERS	_____
ABSENT:	COUNCIL MEMBERS	_____
ABSTAIN:	COUNCIL MEMBERS	_____

ATTEST:	APPROVE:
_____	_____
Elisa Arteaga, City Clerk	Mike Farr, Mayor

APPROVED AS TO FORM:

Anthony Galyean, City Attorney

EXHIBIT A



Chapter 17.31 AO AGRICULTURAL OVERLAY DISTRICT

17.31.010 Intent.

17.31.020 Application of the AO district.

17.31.030 AO district regulations modify or supersede primary zoning district regulations.

17.31.040 Permitted principal uses.

17.31.050 Accessory uses.

17.31.060 Conditional uses.

17.31.070 Fence requirements.

17.31.080 Sign requirements.

17.31.090 Fee waiver.

17.31.010 Intent.

In a rural area characterized by intensive commercial agricultural production, some commercial agricultural uses can be conducted within an urbanizing farm community with minimal adverse impact on adjacent non-agricultural uses. The AO district is intended to be applied as a secondary zoning designation, for purposes of allowing commercial agricultural uses to be conducted on properties that are designated on the general plan and zoning diagrams for eventual residential and/or non-residential urban uses, until those urban uses are actually developed.

(Ord. 698 § II (part), 2000).

17.31.020 Application of the AO district.

A. The AO district may be applied as a secondary zoning designation to properties on which no habitable structures have been constructed, or to those portions of a partially developed property that do not exceed an average density of two (2) residences (or the habitable, non-agricultural equivalent thereof) per five (5) gross acres.

B. The minimum gross area in an AO district shall be five (5) acres.

(Ord. 698 § II (part), 2000).

17.31.030 AO district regulations modify or supersede primary zoning district regulations.

For properties having the secondary AO zoning designation, permitted uses include only those allowed in the AO district. Uses allowed in the primary district may be established upon removal of the AO district pursuant to the zoning amendment procedure described in Chapter 17.58 of this title.

(Ord. 698 § II (part), 2000).

17.31.040 Permitted principal uses.

Permitted principal uses in the agricultural overlay district shall be as follows:

A. Commercial production agriculture, including growing of field crops, orchards, seed crops, and orchard stock.

B. One single-family dwelling per lot. A mobile or other manufactured structure may be installed in lieu of a conventional single-family home, provided it meets all of the following:

1. The structure is a mobile or other manufactured home as defined in this title; and
2. It is placed on a foundation system pursuant to Section 18551 of the Health and Safety Code; and
3. It was not manufactured more than ten (10) years prior to the date of application for a permit to install it on the property.

(Ord. 698 § II (part), 2000).

17.31.050 Accessory uses.

Accessory uses may include any non-residential use that complies with the following criteria:

A. It is customarily appurtenant to permitted uses but is not one of the uses that requires approval of a use permit pursuant to section 17.31.060 of this chapter; and

B. It does not occupy more than five percent (5%) of the gross area of the AO district.

(Ord. 698 § II (part), 2000).

17.31.060 Conditional uses.

The following uses may be permitted in an agricultural overlay zone upon approval of a use permit:

- A. Second dwelling units, pursuant to Chapter 17.42 of this title.
- B. Construction of permanent habitable structures for non-residential uses.
- C. Construction of permanent non-habitable structures greater than 1,000 square feet.
- D. Greenhouses.
- E. Use of structures or equipment for hulling, drying, or otherwise processing the commodities produced on the site.
- F. Keeping of livestock for personal recreational or educational purposes, excluding commercial raising of livestock.
- G. Wholesale and/or retail sales of commodities produced on the site, provided the use is operated as an integral part of the principal use and does not comprise a separate business or activity.

(Ord. 698 § II (part), 2000).

17.31.070 Fence requirements.

The general provisions of Chapter 17.36 shall apply. For purposes of fence regulations, the AO district is a non-residential district.

(Ord. 698 § II (part), 2000).

17.31.080 Sign requirements.

The general provisions of Chapter 17.36 shall apply.

(Ord. 698 § II (part), 2000).

17.31.090 Fee waiver.

There shall be no fee applied to an application for this Agricultural Overlay Zone.

(Ord. 698 § II (part), 2000)

City Council Agenda Item #4
Staff Report

Date: March 18, 2024

To: Mayor and Council

From: Utility Director Ross Pippitt

Subject: Closed Circuit TV System for Sewer/ Storm drain upgrade

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully recommends that the City Council consider the approval of upgrading our CCTV camera system for Sewer/Storm drain inspection.

Background

Our CCTV system now in use is outdated and the camera that we have is not working properly, some of the functions no longer work altogether. Parts for this model are no longer available. The truck this system is used in is still in great shape. We will remove the old camera system and have the new system installed. PW's received one estimate from U-Rock Utility Equipment because they are a Sourcewell vendor.

Cost for the system and to have it installed is \$149,133.98

Financial Impact

PW's has funds in the 23 -24 budget CIP under Sewer Town for \$150,000.

Compliance with City Council Strategic Plan or Budget Goals

The City Council and City Staff are committed to providing effective leadership while providing quality cost-effective local government services.

Attachments

U-Rock Utility Equipment Estimate.

U-Rock Utility Equipment
 3734 Bradview Dr # A
 Sacramento, CA 95827
 +1 9162947693
 mpaduveris@urockutility.com
 www.urockutility.com

Estimate



City of Gridley 685 Kentucky Street Gridley, CA 95948

City of Gridley 853 Laurel Street Gridley, CA 95948

ESTIMATE #	DATE	VALID THRU DATE
1971	03/06/2024	06/23/2024

SHIP VIA
 Delivered

ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
E-RX-SYS-Truck-Basic-21-HD	Rovver X Basic Mainline Inspection HD System includes VC500 Controller with Vision Report Software installed, RAX300 Automatic Cable Reel with 300M (1000ft) cable, wireless remote controller, reel mounting frame, emergency stop cable, RX130 Quick Change version crawler with 3 sets of rubber wheels for 6" to 12" pipe diameter. RCX90 pan, tilt, zoom camera, Pressurization Kit, and Wincan VX entry license.	1	93,111.40	93,111.40T
E-559-3900-00	HD RAL200 LED Auxiliary Light with Backeye Camera for RVX	1	5,184.15	5,184.15T
E-564-0900-04	RX Camera Elevator Kit, QCD	1	17,483.80	17,483.80T
E-080-0709-00	Quick Change Wheel HMS (Small Aggressive) Wheel D85x18 / d12 QCD	4	508.25	2,033.00T
E-080-0711-00	HMS Wheel D120x31 / d12 QCD (Md Aggressive)	4	660.73	2,642.92T
E-080-0710-00	HMS Wheel D145x52 / d12 QCD (Lg Aggressive)	4	681.06	2,724.24T
E-080-0704-02	Wheel D175x88 / d12 QCD (XXL Rubber)	4	620.07	2,480.28T
E-036-0921-00	Base extension RAX300 with Meter Counter	1	6,500.00	6,500.00T
E-Crawler Drawer Vertical	Crawler Drawer	1	2,100.00	2,100.00T
Stackable SAT Reel Support Frame	SAT Reel Support Frame	1	792.87	792.87T
LF-2200-KIT	LineFinder 2200 Kit Multi Frequency	1	2,500.00	2,500.00T
Inbound	Freight	1	1,500.00	1,500.00T

Pricing based on Sourcewell RFP#120721	SUBTOTAL	139,052.66
List Price Total before freight and tax = \$144,762.40	TAX	10,081.32
Total w/ 5% Sourcewell discount (before tax and freight)= 137,552.66	TOTAL	\$149,133.98

Accepted By

Accepted Date

City Council Agenda Item #5
Staff Report

Date: March 18, 2024
To: Mayor and Council
From: Utility Director Ross Pippitt
Subject: 3-Phase Transformers Purchase

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully recommends that the City Council consider approval for the purchase of five 3-Phase transformers for upcoming projects and spares for deployed transformers that we don't currently have spares for. Sports complex's grant will pay for one transformer. The cost for the Sports Complex transformer is \$29,541.25. The City will be purchasing four transformers for backups and inventory.

Background

Gridley has some commercial projects under construction and in the queue that will require 3-phase transformers for their power supply. Currently transformers, especially 3-phase transformers, are very hard to source or are not even available in 2024 from some manufacturers. We currently keep an inventory of transformers that cover most of our needs for backup, but don't have additional transformers in stock for new construction. We reached out to our suppliers for bids and received three responses. General Pacific, who is our main source who supplies new ERMCO brand transformers; OneSource Supply Solutions has SETI brand transformers. Maddox, who supplies new, unused, and reconditioned brand transformers.

General Pacific /ERMCO-No bid, no 3-phase transformers available in 2024

OneSource Supply Solutions-\$236,167.00 + Tax, 34-38 week delivery, 24 month warranty

Maddox/Maddox - \$252,427.38 + tax, 6-8 week delivery, 36 month warranty

Staff recommends going with OneSource Supply Solutions.

Financial Impact

This was not a budgeted item and it will increase the budget by \$236,167.00. The expense to the City after reimbursement from the grant will be \$206,625.75. Electric has funds in reserve to cover the expense of the 3-phase transformer order. If approved, a supplemental appropriation resolution will follow.

Compliance with City Council Strategic Plan or Budget Goals

This recommendation is consistent with our ongoing effort to be responsive and transparent regarding all business transactions and financial matters.

Attachments

Transformer Quotes



2190 WILBUR LANE
ANTIOCH, CA 94509
510-441-2411 Fax



Quotation

QUOTE DATE	QUOTE NUMBER
02/19/2024	S7409023
ORDER TO: BR50SS ONESOURCE SUPPLY SOLUTIONS L 2190 WILBUR LANE ANTIOCH, CA 94509 510-441-2411 Fax	PAGE NO. 1 of 1

QUOTE TO:

CITY OF GRIDLEY
685 KENTUCKY STREET
GRIDLEY, CA 95948

SHIP TO:

CITY OF GRIDLEY
444 FAIRVIEW DRIVE
GRIDLEY, CA 95948

CUSTOMER NUMBER		CUSTOMER ORDER NUMBER		RELEASE NUMBER		SALESPERSON	
69035						Eric Rose 9254365101	
WRITER		SHIP VIA		TERMS		SHIP DATE	FREIGHT EXEMPT
DMORLOCK		BW - BEST WAY		NET 30 DAYS		02/19/2024	No
NUM	ORDER QTY	DESCRIPTION				UNIT PRICE	EXT PRICE
		<div>SHIPPING INSTRUCTIONS</div>					
1	1ea	^SETI 500KVA 3PH PAD MT TXFR 12000 X 120/208 DF FEED THRU Nonstock item may not be returnable				39787.500/ea	39787.50
2	1ea	^SETI 150KVA 3PH PAD MT TXFR 12000 X 277/480 DF FEED THRU Nonstock item may not be returnable				25975.000/ea	25975.00
3	1ea	^SETI 300KVA 3PH PAD MT TXFR 12000 X 277/480 DF FEED THRU Nonstock item may not be returnable				29541.250/ea	29541.25
4	1ea	^SETI 1000KVA 3PH PAD MT TXFR 12000 X 277/480 DF FEED THRU Nonstock item may not be returnable				58325.750/ea	58325.75
5	1ea	^SETI 1500KVA 3PH PAD MT TXFR 12000 X 277/480 DF FEED THRU Nonstock item may not be returnable ***** LEAD TIME FOR ABOVE 30 WEEKS ***** TAXES NOT INCLUDED				82537.500/ea	82537.50
THIS IS A QUOTATION Prices are subject to change without notice. APPLICABLE TAXES EXTRA! 20						Subtotal	236167.00
						S&H Charges	0.00
						Amount Due	236167.00

**Contact Your Sales Rep**

Chris Grewell
Phone: (360) 215-8798
chris.grewell@maddoxtransformer.com

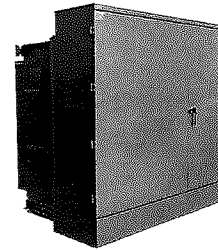
Quote To:

City of Gridley
685 Kentucky St, Gridley, CA 95948, USA

Pay Terms: Net 30**Ship To:**

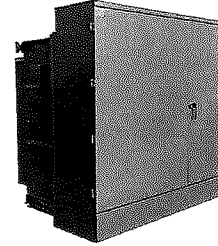
685 Kentucky St, Gridley, CA 95948, USA

#	Description	Count	Price	Amount
1	3-Phase Padmount Transformer New 150/168 kVA 3-Ph Padmount Transformer High Voltage: 12000 D, 95 kV BIL Low Voltage: 480 Y 277, 30 kV BIL Taps: 12600, 12300, 12000, 11700, 11400 HV Bushings: (3) 2-Hole Spades (dead front, radial feed)* (3) feed-through inserts provided LV Bushings: (4) 4-Hole Spades Fluid: FR3 High-Firepoint Fluid Frequency: 60 Hz Temperature Rise: 55/65°C Cooling Class: KNAN Conductor: Al / Al Fusing: Bayonet w/ ISO Links Switch: 1-2 pos. LBOR Features & Accessories: -Drain and sample valve -Dial-Type Thermometer with Contacts -Liquid Level Gauge with Contacts -Pressure Vacuum Gauge -Pressure Relief Valve -Gas Sampler -UL Listed Shipping: Free within contiguous US, CPT plant (5-7 day service) Warranty: 3 Years Lead Time: Apr '24* MT32466	1	\$21,848.10	\$21,848.10

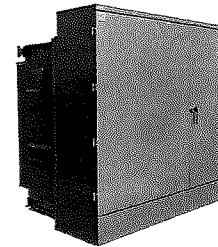


Price valid until March 16, 2024. Stock is subject to prior sale. Pay terms on this quote are contingent on an established account in good standing. It is Buyer's responsibility to verify conformity to any and all specifications. Exceptions and clarifications provided by MIT are not confirmations of conformity to any written, or verbally communicated specifications. Sales taxes may apply unless exemption certificate is provided. MIT's Standard Terms & Conditions apply: www.maddoxtransformer.com/documents

#	Description	Count	Price	Amount
4	3-Phase Padmount Transformer New 300 kVA 3-Ph Padmount Transformer High Voltage: 12000 D, 95 kV BIL Low Voltage: 480 Y 277, 30 kV BIL Taps: 14400, 13800, 13200, 12470, 12000 HV Bushings: (6) 200A Wells & Inserts (dead front, loop feed) LV Bushings: (4) 4-Hole Spades Fluid: Mineral Oil Frequency: 60 Hz Temperature Rise: 65 Conductor: Al / Al Fusing: Bayonet w/ ISO Links Switch: 3-2 pos. LBOR Features & Accessories: -Drain and sample valve -Dial-Type Thermometer -Liquid Level Gauge -Pressure Vacuum Gauge -Pressure Relief Valve -UL Listed Shipping: Free within contiguous US, CPT plant (5-7 day service) Warranty: 3 Years Lead Time: In stock, ready to ship MT27257	1	\$25,344.00	\$25,344.00



5	3-Phase Padmount Transformer New 500 kVA 3-Ph Padmount Transformer High Voltage: 12000 D, 95 kV BIL Low Voltage: 208 Y 120, 30 kV BIL Taps: 14400, 13800, 13200, 12470, 12000 HV Bushings: (6) 200A Wells & Inserts (dead front, loop feed) LV Bushings: (4) 4-Hole Spades Fluid: Mineral Oil Frequency: 60 Hz Temperature Rise: 65 Conductor: Al / Al Fusing: Bayonet w/ ISO Links Switch: 3-2 pos. LBOR Features & Accessories: -Drain and sample valve -Dial-Type Thermometer -Liquid Level Gauge -Pressure Vacuum Gauge -Pressure Relief Valve -UL Listed Shipping: Free within contiguous US, CPT plant (5-7 day service) Warranty: 3 Years Lead Time: TBD; consult factory	1	\$46,748.70	\$46,748.70
---	---	---	-------------	-------------



Quote Lines		Additional Cost		Total Quote	
Before Tax	\$252,427.38	Before Tax	\$0.00	Before Tax	\$252,427.38
Tax	\$0.00	Tax	\$0.00	Tax	\$0.00

Price valid until March 16, 2024. Stock is subject to prior sale. Pay terms on this quote are contingent on an established account in good standing. It is Buyer's responsibility to verify conformity to any and all specifications. Exceptions and clarifications provided by MIT are not confirmations of conformity to any written, or verbally communicated specifications. Sales taxes may apply unless exemption certificate is provided. MIT's Standard Terms & Conditions apply: www.maddoxtransformer.com/documents

City Council Agenda Item #6

Staff Report

Date: March 18, 2024

To: Mayor and City Council

From: Finance Director, Martin Pineda

Subject: GASB 75 Actuarial Valuation Services

<input checked="" type="checkbox"/>	Regular
<input type="checkbox"/>	Special
<input type="checkbox"/>	Closed
<input type="checkbox"/>	Emergency

Recommendation

Staff respectfully requests that the Mayor and City Council consider and approve the proposal for Actuarial Services for Government Accounting Standards Board Statements No. 75 Other Post-Employment Benefits (OPEB) for the amount not to exceed \$4,950.

Background

Historically, the City secured services of a qualified firm to provide Actuarial Services for Other Post-Employment Benefits (OPEB) in order to comply with the Governmental Accounting Standards Board (GASB) Statements No. 75 which establish standards for the measurement, display and recognition of OPEB expenses and liabilities. In 2013, the City awarded the engagement to Jefferson Solutions, a firm which demonstrated experience in preparing GASB statements for other public entities. Since that approval, the City has renewed the proposal every two-years. The report is utilized for two fiscal year periods. It provides the City's full OPEB liability and determines the annual required contributions and annual accrued liability. The proposal is attached outlining the scope of services.

Staff is recommending acceptance of renewal for actuarial services that will be utilized for fiscal year 23-24 and 24-25 financial statements, and direct staff to move forward with updating the Request for Proposal (RFP) for future actuarial services.

Fiscal Impact

The costs associated with the preparation of the actuarial report were not included in the 23-24 operating budget. The budget will need to be increased in an amount not to exceed \$5,000.00

Compliance with City Council Strategic Plan or Budget Goals

The City Council and City staff are committed to provide the best possible financial practices and the highest possible transparency regarding all financial transactions.

Attachments

Proposal for Actuarial Valuation GASB 75 from Jefferson Solutions, Inc.

JEFFERSON SOLUTIONS, INC.
14 Brittany Oaks, Clifton Park New York 12065
518-461-7805
Ray.Cerrone@JEFSI.Com
www.JEFSI.Com

March 12, 2024

Ms. Elisa Arteaga, Finance Director
City of Gridley

Re: GASB 75 Report - Actuarial Valuation - June 30, 2024

Dear Elisa:

Thank you for contacting Jefferson Solutions. As we discussed, I am providing you with a quote for a GASB 75 actuarial valuation.

We look forward to the opportunity to assisting you in developing a valuation under GASB 75. This letter outlines our understanding of the terms and objectives of our engagement.

We plan to start the engagements on or about July 12, 2024 and (unless unforeseeable problems are encountered) complete the engagement by October 4, 2024. We will analyze the underlying demographic data along with summary plan descriptions to determine your organization's liability under GASB 75. The purpose of our engagement is to calculate your City's full OPEB liability and determine the annual required contributions and annual accrued liability. Our combined report will include all information required for disclosure in the City's financial statements for the two years ending June 30, 2024 and June 30, 2025. Results for June 30, 2025 will be estimated based on the June 30, 2024 discount rate and may require a roll-forward if there is a material change.

The following reflects the scope of services to be provided to the City. Jefferson Solutions will:

1. Conduct a telephone conference as necessary to plan the project and make necessary decisions and report progress with regard to conduct of the analysis as well as educate City staff on the GASB 75 requirements.
2. Analyze the data to assess any inconsistencies and make recommendations for enhancing data quality.
3. Planning with City – Review plan provisions, discuss and select actuarial assumptions and agree on a project plan.
4. Prepare an actuarial valuation following GASB 75 standards.
5. The GASB 75 analysis will include all applicable City employees and retirees. Our report will include:
 - a. An Actuarial Valuation Opinion.
 - b. An Executive Summary presenting key results and figures.
 - c. Summary of Actuarial Valuation Results. This section will provide a summary of the actuarial valuation results.

- d. Summary of Assets (if applicable).
- e. Development of Total OPEB Liability. This section will show the development of the Total OPEB Liability which is to be accrued to date.
- f. Actuarial Experience. This section will illustrate the actuarial gains and losses that arise from experience different from that previously assumed, changes in actuarial assumptions and methods, and changes in program provisions.
- g. Development of Fiscal Year Expense. This section will illustrate the development of the expected OPEB expense under GASB No. 75 for fiscal year ending June 30, 2025 and actual OPEB expense for fiscal year ended June 30, 2024.
- h. Schedule of Deferred Outflows and Deferred Inflows of Resource as required for disclosure in the organization's footnotes.
- i. 10-Year Projection of Employer Benefit Payments (as applicable).
- j. Assumption Sensitivity. This section will provide information about the sensitivity of the Total OPEB Liability to certain assumptions made in this actuarial valuation; primarily healthcare inflation trends and discount rate.
- k. Summary of Demographic Information showing relevant information about the population included in the valuation.
- l. A summary of Program Provisions illustrating the overall eligibility provisions for retiree health coverage, graduated eligibility provisions, the various plans offered by the organization, and Medicare integration methods by plan.
- m. Summary of actuarial methods and actuarial assumptions detailing the assumptions used to determine the organizations OPEB cost and obligation.
- n. Glossary of key terms used in the report.

In performing our engagement, we will be relying on the accuracy and reliability of information provided by the City. We will not audit the information. Please also note that our engagement cannot be relied on to disclose errors, fraud, or other illegal acts that may exist. The procedures we perform in our engagement will be heavily influenced by the representations that we receive from City personnel.

You agree to assume all management responsibilities for the actuarial services we provide; you will oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; you will evaluate the adequacy and results of the services; and you will accept responsibility for them.

Jefferson Solutions shall retain all rights, title, and interest (including, without limitation, all copyrights, patents, service marks, trademarks, trade secret, and other intellectual property rights) in and to all technical or internal designs, methods, ideas, concepts, know-how, techniques, generic documents, and templates that have been previously developed by Jefferson Solutions or developed during the course of the provision of the Services, provided such generic documents or templates do not contain any Plan Sponsor Confidential Information or proprietary data. Rights and ownership by Jefferson Solutions of original technical designs, methods, ideas, concepts, know-how, and techniques shall not extend to or include all or any part of the Plan Sponsor's proprietary data or Plan Sponsor Confidential Information.

To the extent that Jefferson Solutions may include in the materials any pre-existing Jefferson Solutions proprietary information or other protected Jefferson Solutions materials, Jefferson

Solutions agrees that Plan Sponsor shall be deemed to have a fully paid up license to make copies of the Jefferson Solutions-owned materials as part of this engagement for its internal business purposes and provided such materials cannot be modified or distributed outside the Plan Sponsor without the written permission of Jefferson Solutions. Notwithstanding anything herein to the contrary, the parties acknowledge that the City of Gridley is a municipality in the State of California and will comply with all Freedom of Information Laws and other laws requiring disclosure of public documents. Nothing in this contract shall be read to restrict the City's obligations concerning disclosure of public documents.

In the event of any dispute arising out of or relating to the engagement of Jefferson Solutions by Plan Sponsor, the parties agree first to try in good faith to settle the dispute voluntarily with the aid of an impartial mediator who will attempt to facilitate negotiations. A dispute will be submitted to mediation by written notice to the other party or parties. The mediator will be selected by agreement by the parties. If the parties cannot agree on a mediator, a mediator will be designated by the American Arbitration Association at the request of a party.

The mediation will be treated as a settlement discussion and therefore will be confidential. Any applicable statute of limitations will be tolled during the pendency of the mediation. Each party will bear its own costs in the mediation. The fees and expenses of the mediator will be shared equally by the parties.

If the dispute has not been resolved within 60 days after the written notice beginning the mediation process (or a longer period, if the parties agree to extend the mediation), the mediation will terminate, and the dispute will be resolved by final and binding arbitration under the Commercial Arbitration Rules of the American Arbitration Association. The arbitration will take place before a panel of three arbitrators. Within 30 days of the commencement of the arbitration, each party will designate in writing a single neutral and independent arbitrator. The two arbitrators designated by the parties will then select a third arbitrator. The arbitrators will have a sufficient background in employee benefits, actuarial science, or law. The arbitrators will have the authority to permit limited discovery, including depositions, prior to the arbitration hearing, and such discovery will be conducted consistent with the Federal Rules of Civil Procedure. The arbitrators will have no power or authority to award punitive or exemplary damages. The arbitrators may, in their discretion, award the cost of the arbitration, including reasonable attorney fees, to the prevailing party. Any award made may be confirmed in any court having jurisdiction. Any arbitration shall be confidential, and except as required by law, neither party may disclose the content or results of any arbitration hereunder without the consent of the other party.

Our fees for these services will not exceed \$4,950¹ for the June 30, 2024 report. Results for June 30, 2025 will be estimated based on the June 30, 2024 discount rate and may require a roll-forward if there is a material change; please consult with your auditors to make this determination.

Our fee is inclusive of all travel and other out-of-pocket costs such as report production, word processing, postage, etc. The fee estimate is based on anticipated cooperation from your personnel and the assumption that the City will be able to provide us with all required data in an electronic format. Our invoices will be presented electronically at the conclusion of the engagement. We reserve the right to bill 50% of the fee upon delivery of the draft report and the balance when the final report is delivered. Payment is due within 30 days of the invoice submission. Should the fee remain unpaid past the 30-day due date, we will issue invoices each 30 days with a \$100 additional invoicing fee.

¹ Please advise us if benefits have changed from the Prior Year, this will result in a revised fee arrangement.

We appreciate the opportunity to be of service to you and believe that this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy to confirm your understanding, and return it to us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Raymond R. Cerrone".

Raymond R. Cerrone CPA²

RESPONSE:

This letter correctly sets forth the understanding of City of Gridley.

Signature

Title

² Please advise us if benefits have changed from the Prior Year, this could result in a revised fee arrangement.

City Council Agenda Item #7
Staff Report

Date: March 18, 2024

To: Mayor and City Council

From: Rodney Harr, Chief of Police

Subject: Authorization to Enter into a Mou Agreement with the Butte County District Attorney's Office for Digital Forensic Services

<input checked="" type="checkbox"/>	Regular
<input type="checkbox"/>	Special
<input type="checkbox"/>	Closed
<input type="checkbox"/>	Emergency

Recommendation

Staff respectfully requests the City Council to authorize the Chief of Police to enter into a MOU agreement beginning upon signature and approval of council, valid through June 30, 2025. The purpose of this agreement is for BCDA to provide digital forensic services to the Gridley Police Department (GPD) in exchange for monetary assistance to the BCDA digital forensic unit. By entering into this agreement, GPD will have access to capabilities they would normally not have and the BCDA will have greater financial resources to maintain current digital forensic capabilities. The focus of this agreement will be forensic searching tools designed for digital media; including that media contained within automobiles, cellular phones, tablets, cameras, and other mobile digital storage devices., as well as any analytic programs designed to enhance digital forensic investigations.

Fiscal Impact:

Funding for this project would be provided through the Police Department's annual budget. The Police Department coordinates with the BCDA on several levels, including other services contracts that have saved the Police Department extra ordinary monies and services that would have otherwise not been attainable. This proposed MOU agreement would bring otherwise unattainable services due to the extra ordinary expense to the annual budget. The contracted expenditure of \$4,000.00 would remain the same with no rise in the cost for the Police Department for the duration of the contract. This expenditure for the Police Department would be far more if the Police Department had to bear the burden of the services that will be provided for under this MOU agreement (which would include the need for additional technology and staffing).

Compliance with City Council Strategic Plan or Budget Goals

This recommendation is consistent with our ongoing effort to be responsive and transparent regarding all business transactions and financial matters.

Attachments

Proposed MOU Agreement with Butte County District Attorney's office for Digital Forensic Services.

Digital Forensics Agreement
Butte County District Attorney /
Gridley Police Department
2024/2025

I. PURPOSE

The Butte County District Attorney's Office Investigative Unit (BCDA) is dedicated to providing digital forensic examination and support services to surrounding law enforcement agencies and District Attorney's Offices. BCDA has been able to obtain significant digital forensic hardware and software, along with the investigative training needed to properly utilize these resources. The cost to maintain licenses, software and associated training can be prohibiting, however, the capabilities are greatly needed in the search for justice. The current cost to operate exceeds \$40,000.

The purpose of this agreement is for BCDA to provide digital forensic services to the Gridley Police Department (PPD) in exchange for monetary assistance to the BCDA digital forensic unit. By entering into this agreement, GPD will have access to capabilities they would normally not have and the BCDA will have greater financial resources to maintain current digital forensic capabilities. The focus of this agreement will be forensic searching tools designed for digital media; including that media contained within automobiles, cellular phones, tablets, cameras and other mobile digital storage devices., as well as any analytic programs designed to enhance digital forensic investigations.

II. DEFENITIONS

Specific forensic terms listed in this agreement are described as follows:

Berla-

An "infotainment system" extraction device used to download data from the infotainment center of vehicles. Data can include calls, speeds, and locations, as well as other data.

Cellebrite-

Cellular extraction tool designed to make a copy of cellular data that can be analyzed

Cell Hawk-

Forensic Analytic tool capable of providing rapid analysis based upon the needs of the investigation. Includes mapping, cell number analysis, as well as many other features

GreyKey-

Software designed to break into locked phones and is also equipped with cellular extraction capabilities. When used in conjunction with Cellebrite, a greater amount of data can be recovered

III. ROLES AND RESPONSIBILITIES

Gridley Police Department is a law enforcement agency that will utilize the investigative resources of the BCDA and whose department head has made a cost share commitment in support of these resources, as outlined in this agreement. GPD personnel submitting evidence to the Butte County District Attorney Investigator examiner will first complete a Forensic Examination Request Form and schedule a time with the investigator to deliver the evidence so it may be forensically examined. (Refer to Attachment A).

GPD will provide a point of contact for forensic investigative requests to ensure the integrity of evidence and efficiency in handling investigative requests.

Butte County District Attorney- Cases accepted into the Butte County District Attorney Investigative Unit are prioritized based on their investigative impact and the evidentiary value to prosecution outcomes. Emphasis is placed on crimes against people, with child exploitation/victimization and homicide as the top priorities.

The Butte County District Attorney Investigative Unit examiner can respond in the field to assist with the analysis of digital evidence and the collection of digital evidence at crime scenes when appropriate as requested by the participating agency. This assistance provides the highest level of digital evidence integrity and can augment agency personnel in complex cases/scenes.

IV. FORENSIC SOFTWARE TO BE UTILIZED BY THE BUTTE COUNTY DISTRICT ATTORNEY'S OFFICE

- 1.) Cellebrite UFED 4 P.C./Cellebrite Physical Analyzer.
- 2.) GreyKey Advanced License.
 - a. This license allows for Unlimited Consent and BFU Extractions. 125 AFU, Instant Unlock or Brute Force Advanced Action Credits Included: 125
- 3.) CellHawk subscription
 - a. Investigator CellHawk Subscription, Subscription Term: 12 months, Number of Users: Up to 3, Number of Records: 250,000 Support Team Access: Unlimited New User Training Included.
- 4.) Berla Vehicle Forensic
- 5.) Axiom Forensic software

Other software or device may be obtained or used during the scope of this agreement; however, the addition of any equipment or software will not affect the terms of this agreement.

The Butte County District Attorney forensics team will assist participating agencies with obtaining the data, however the use of data for court will remain the responsibility of the participating agency, with the exception of the extraction process.

The Gridley Police Department will receive an agency specific login for CellHawk that can be utilized independent from the Butte County District Attorney. This will enable the Gridley Police Department to supply their own in-house expert, (upon proper training), to provide court expert testimony for any CellHawk analysis.

V. COST SHARING AGREEMENT

The Gridley Police Department (PPD) agrees to pay the Butte County District Attorney's Office (BCDA) an amount of \$4,000 for the use of the above noted forensic software for the duration of time stated within this MOU.

VI. TERM OF AGREEMENT

The terms of this agreement shall be effective upon the signature of the Agency/Department Head/or Department Head's designee through June 30, 2025. Butte County District Attorney Investigative examiner(s) will re-evaluate costs of the above noted software/forensic equipment by March of 2025 for price adjustments.

VII. AUTHORIZATION

By signing this agreement, both parties agree to the terms listed within this document.

Rodney Harr, Chief of Police, Gridley Police Department

Date

Michael L. Ramsey, District Attorney, Butte County

Date

City Council Agenda Item #8
Staff Report

Date: March 18, 2024

To: Mayor and City Council

From: Rodney Harr, Chief of Police

Subject: Authorization To Enter into A Three (3) Year Mou Agreement with The Butte County District Attorney's Office for Subpoena Services

X	Regular
	Special
	Closed
	Emergency

Recommendation

Staff respectfully requests the City Council to consider authorizing The Chief of Police to enter into a three (3) year term MOU agreement for the production, servicing and record keeping service of subpoenas for the Gridley Police Department.

Fiscal Impact

Funding for this project would be provided through the Police Department's annual budget. The Police Department has been in an annual contract with the District Attorney's Office for this service since 2019, with an annual budget expenditure of \$5,000.00. This proposed MOU agreement would extend the existing contract out to a three (3) year agreement versus a yearly agreement. The yearly expenditure would remain the same at \$5,000.00 annually, with no rise in the cost for the Police Department for the duration of the contract. This expenditure for the Police Department would be far more if the Police Department had to bear the burden of this service (which would include the need for additional staffing).

Compliance with City Council Strategic Plan or Budget Goals

This recommendation is consistent with our ongoing effort to be responsive and transparent regarding all business transactions and financial matters.

Attachments

Proposed MOU Agreement with Butte County District Attorney's office for Subpoena services.

**Butte County
District Attorney/
City of Gridley**

In Process

**Subpoena Project
Memorandum of Understanding**

July 1, 2024 through June 30, 2027

1. PURPOSE

To establish a streamlined, efficient and cost-effective method for personal service of criminal subpoenas and other related orders by Gridley Police Department (GPD). This MOU will reduce the need for Gridley Police Department to personally serve subpoenas and other related orders, by contributing to a funded investigative subpoena and related order service process within the Butte County District Attorney's Office (BCDA).

2. BACKGROUND

The personal service of subpoenas on victims and witnesses in criminal proceedings is a critical component of the criminal justice system. It is a Butte County Superior Court requirement that BCDA have all potential witnesses properly served prior to announcing to the Court the case is ready to proceed with trial or hearing. This is normally required ten (10) days before trial or hearing.

Local agencies have the responsibility to serve criminal subpoenas for those cases they submit to BCDA. These services often require investigative resources and several attempts before proper personal service can be accomplished. This creates an additional burden on local agencies' limited resources.

Prompt service of subpoenas greatly increases the likelihood of cases resolving prior to trial, thus reducing the need for officers to testify.

The current status of the Criminal Justice System continues to cause significant numbers of criminal cases being continued, creating a greater strain on the ability to serve witnesses or victims as cooperation often tends to decrease with each continuance. This causes an even greater burden on officers needing to serve subpoenas multiple times for the same case, for each new court date.

Furthermore, related orders, including material witness body attachment orders often require extensive investigative resources and close coordination with Deputy District Attorneys (DDA) and the court. BCDA's Bureau of Investigations is situated in such a position to most effectively carry out such orders in an efficient and effective manner.

3. ADOPTION

Upon adoption, this MOU will provide funding for staff within BCDA to effect the service of criminal subpoenas and other orders as specified. The funded staff will provide BCDA with investigative resources and subpoena services, alleviating the strain on local agency resources. BCDA will assume these responsibilities and coordinate the issuance and service of criminal subpoenas and specified orders as outlined in this MOU.

Additionally, BCDA will assume the primary responsibility for the service and execution of material witness body attachment orders and criminal subpoenas to be served in Butte County originating from governmental agencies outside of Butte

County.

4. INVESTIGATION – District Attorney:

In coordinating the service of criminal subpoenas, BCDA will provide investigative services including, but not limited to:

- A. Social media.
- B. DMV searches.
- C. Data-mining software (TLO, People Search, etc.).
- D. Generation of subpoena service by mail or electronic mail.
- E. Phone calls and follow-up communication.
- F. Subpoena personal service requests management.
- G. Case monitoring.
- H. Repeated service attempts as needed and determined by the DDA.
- I. Reporting of all subpoenas attempts and services for potential use in court.

5. Whereas the BCDA Bureau of Investigation will be responsible for personal service requests requiring investigative resources, there are occasions where a DDA is aware the officer who submitted the case has special knowledge of the location of a witness or victim. The DDA may request the officer to personally serve subpoenas under these circumstances as long as the request can be conducted during the officer's regular course of duty, with little to no impact to their normal assignment. There will be no investigative requirement placed upon officers under this agreement.

If the officer attempts personal service but is unsuccessful, and further attempts become an undue burden, the officer should notify the DDA and have the responsibility returned to the Bureau of Investigations.

In the event BCDA investigators require additional assistance with the service of a subpoena or order, and the generating agency is unable to assist, or assistance would constitute an undue burden on the generating agency, BCDA investigators should then request assistance from the agency which possesses jurisdiction over the location where the subpoena or order is to be served.

6. PROCEDURE

This Memorandum will become effective beginning July 1, 2024 through June 30, 2027.

Costs are based upon the number of cases submitted by your agency for criminal prosecution and the time needed for the service of subpoenas relating to those cases.

For fiscal years **2024/2025**, **2025/2026** and **2026/2027**, service cost per year will be \$5,000.00, for a total of \$15,000.00 for the term of this agreement.

7. The MOU herein is officially adopted by:

Michael L. Ramsey, Butte County District Attorney

Date

Rodney Harr, Gridley Chief of Police

Date