



Town of Paradise Town Council Meeting Agenda 6:00 PM – September 08, 2020

Town of Paradise Council Chamber – 5555 Skyway, Paradise, CA

Mayor, Greg Bolin
Vice Mayor, Steve Crowder
Council Member, Jody Jones
Council Member, Melissa Schuster
Council Member, Mike Zuccolillo

Town Manager, Lauren Gill
Town Attorney, Dwight L. Moore
Town Clerk, Dina Volenski
Community Development Director, Susan Hartman
Administrative Services Director/Town Treasurer, Brooke Kerrigan
Public Works Director/Town Engineer, Marc Mattox
Division Chief, CAL FIRE/Paradise Fire, Garrett Sjolund
Chief of Police, Eric Reinbold
Disaster Recovery Director, Katie Simmons

- I. The Mayor is the Presiding Chair and is responsible for maintaining an orderly meeting. The Mayor calls the meeting to order and introduces each item on the agenda.
- II. The Town staff then provides a report to Council and answers questions from the Council.
- III. Citizens are encouraged to participate in the meeting process and are provided several opportunities to address Council. Any speaker addressing the Council is limited to three minutes per speaker - fifteen minutes per agenda item

PUBLIC COMMENT

In accordance with Governor Newsom's Executive Order N-29-20, remote public participation is allowed in the following ways:

Town Council meetings are available to be viewed on live-stream at <https://livestream.com/townofparadise>

Public comment will be accepted by email with the subject line PUBLIC COMMENT ITEM ___ to dvolenski@townofparadise.com prior to 5:30 p.m. on the day of the meeting. If you are unable to provide your comments in writing, please contact the Town Clerk's office for assistance at (530) 872-6291.

Public comment may be submitted by telephone during the meeting, prior to the close of public comment on an item by calling (530) 872-5951 at the time indicated by the Mayor.

Alternately you may send an email with the subject line:

TELEPHONE PUBLIC COMMENT ITEM ___ to the Town Clerk dvolenski@townofparadise.com prior to 5:30 p.m. on the day of the meeting, include your telephone number and you will be called during public comment.

Disabled persons may request reasonable modifications or accommodations relating to the use of telephonic or electronic observation and participation prior to the Council meeting by contacting the Town Clerk at (530) 872-6291 ext. 102.

In compliance with the Americans with Disabilities Act (ADA) Compliance, persons who need special accommodations to participate in the Town Council meeting may contact the Town Clerk at least three business days prior to the date of the meeting to provide time for any such accommodation.

1. OPENING

- 1a. Call to Order
- 1b. Pledge of Allegiance to the Flag of the United States of America
- 1c. Invocation
- 1d. Roll Call

- 1e. Update on the Town's Recovery Platform and Legislative Ask - Kristi Moore from the Ferguson Group

- 1f. Camp Fire Recovery Updates:
 - Disaster Recovery Director, Katie Simmons
 - Tree Removal, Emergency Alert/Siren, Urgency Ordinance and Broadband
 - Town Engineer/Public Works Director Marc Mattox
 - Wastewater Disposal System, Road Projects
 - Community Development Director, Susan Hartman
 - Code Enforcement Update
 - Assistant to the Town Manager, Colette Curtis
 - Business Update

2. CONSENT CALENDAR

One roll call vote is taken for all items. Consent items are considered to be routine business that does not call for discussion.

- [2a.](#) p5 Approve minutes from the August 11, 2020 Regular Town Council meeting.
- [2b.](#) p11 Approve August 2020 Cash Disbursements in the amount of \$2,026,696.86
- [2c.](#) p21 Acceptance of the 2019 Annual Report of the Paradise Planning Commission to the Town Council Regarding the Implementation Status of the 1994 Paradise General Plan
- [2d.](#) p42 Acceptance of the 2019 Annual Report of the Paradise Planning Commission Regarding Progress Towards Implementation of the 1994 Paradise General Plan Housing Element

3. ITEMS REMOVED FROM CONSENT CALENDAR

4. PUBLIC COMMUNICATION

For matters that are not on the Council business agenda, speakers are allowed three (3) minutes to address the Council. The Town Council is prohibited from taking action on matters that are not listed on the public agenda. The Council may briefly respond for clarification and may refer the matter to the Town staff.

5. PUBLIC HEARINGS - None.

6. COUNCIL CONSIDERATION

Action items are presented by staff and the vote of each Council Member must be announced. A roll call vote is taken for each item on the action calendar. Citizens are allowed three (3) minutes to comment on agenda items.

- 6a. p46 1. Consider authorizing the Town Manager to execute an agreement with HdL Companies for services of sales, use, and transactions tax auditing, monitoring, and reporting; and, 2. Consider authorizing the examination of sales, use, and transactions tax records on file with the California Department of Tax and Fee Administration (CDTFA) by designated Town officials and HdL Companies. (ROLL CALL VOTE)
- 6b. p56 Consider waiving second reading of entire Town Ordinance No. 597 and approve reading by title only; and, 2. Adopt Town Ordinance No. 597, an Ordinance Amending Chapter 8.58 of the Paradise Municipal Code Relating to Defensible Space and Hazardous Fuel Management. (ROLL CALL VOTE)
- 6c. p65 Review bid results and award Contract No. 9395.CON, Interim Safety Striping and Marking Improvements Project. The agreement will be executed in a form approved by the Town Attorney. (The bids will be opened on Tuesday, September 8, 2020 at 11:00 a.m. and the results announced at the September 8, 2020 Town Council meeting) (ROLL CALL VOTE)
- 6d. p67 Consider adopting Resolution No. 20-___, a Resolution of the Town Council of the Town of Paradise approving application(s) for Per Capita grand funds to the State Department of Parks and Recreation. (ROLL CALL VOTE)
- 6e. P78 Consider adopting Resolution No. 20-___, A Resolution of the Town Council of the Town of Paradise approving the plans and specifications for the Almond St. Multi-Modal Improvements and the Paradise Gap Closure Complex and authorizing advertisement for bids on the projects. (ROLL CALL VOTE)

7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items

- 7a1. P83 Consider providing direction to the Town's voting delegate regarding the League of California Cities proposed Resolution(s) for the 2020 League General Assembly to be held October 9, 2020 (virtually).
- 7a2. Consider discussion regarding Code Enforcement, how cases are prioritized, contact, and length of time for gross offenders before action is taken. (CROWDER)
- 7a3. Consider discussion about establishing a citizens oversight committee for the PG&E settlement funds. (ZUCCOLILLO)
- 7b. Council reports on committee representation
- 7c. Future Agenda Items

8. STAFF COMMUNICATION

8a. Town Manager Report

9. CLOSED SESSION

9a. Pursuant to Government Code Section 54956.9(d)(1), the Town Council will hold a closed session with the Town Manager and Town Attorney regarding the following existing litigation:

Town of Paradise Police Department v Carla Mack, et al. United States District Court, Eastern District of California Court Case No. 2:16-CV-02504-TLN-CMK

9b. Pursuant to Government Code Section 54956.9(a), the Town Council will hold a closed session with the Town Attorney and Town Manager concerning the following pending court case:

Blue Oaks Terrace Neighborhood Advisory Committee v. Town of Paradise, Town of Paradise Town Council and Anderson Brothers Corporation, County of Butte Superior Court Case No. 20CV01082.

9c. Pursuant to Government Code section 54957(b)(1), the Town Council will hold a closed session to consider an agreement relating to Town Attorney services.

The Town Council will reconvene to consider the following:

Consider adopting Resolution No. 20-___, A Resolution of the Town Council of the Town of Paradise approving an agreement relating to Town Attorney legal services pertaining to compensation. (ROLL CALL VOTE)

10. ADJOURNMENT

STATE OF CALIFORNIA)	SS.
COUNTY OF BUTTE)	
I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date:	

TOWN/ASSISTANT TOWN CLERK SIGNATURE	

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – August 11, 2020

1. OPENING

At the beginning of the meeting, Mayor Bolin read the following statement:

Welcome to the August 11, 2020 Town of Paradise Council Meeting. There are no members of the public in the audience, but the Council welcomes public comment and participation. In accordance with Governor Newsom’s Executive Order N-29-20, remote public participation is available through livestreaming at <https://livestream.com/townofparadise>

Public participation is also allowed in the following ways.

-Written public comment were accepted by email until 5:30 p.m. today. Comments are subject to the regular time limitations of three minutes per speaker.

- To comment during the meeting please call (530) 872-5951. Comments will not be accepted after the public comment section of the item has closed.

If you are watching on Livestream or any other video, comments or chats are not monitored or responded to, the only way to participate is to call (530) 872-5951.

Again please call (530) 872-5951 for public comments. We appreciate your patience as we go through this process.

The Regular meeting of the Paradise Town Council was called to order by Mayor Bolin at 6:00 p.m. in the Town Council Chamber located at 5555 Skyway, Paradise, California who led the Pledge of Allegiance to the Flag of the United States of America. An invocation was offered by Council Member Jody Jones.

COUNCIL MEMBERS PRESENT: Steve Crowder, Jody Jones, Melissa Schuster, Mike Zuccolillo and Greg Bolin, Mayor.

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Town Manager Lauren Gill, Town Attorney Dwight Moore, Town Clerk Dina Volenski, Assistant to the Town Manager Colette Curtis, Administrative Services Director/Town Treasurer Brooke Kerrigan, Police Chief Eric Reinbold, Town Engineer/Public Works Director Marc Mattox, Disaster Recovery Director Katie Simmons and CAL FIRE Division Chief Garrett Sjolund.

- 1a. A Vegetative Waste Options/Forest Management Presentation was given by Calli-Jane DeAnda from the Butte County Fire Safe Council.
- 1b. An update on the Paradise Sewer Project was given by Marc Mattox, Town Engineer/Public Works Director.

- 1c. An update on Public Safety Power Shutoff (PSPS) Grant regarding Traffic Signal Equipment was given by Marc Mattox, Town Engineer/Public Works Director.
- 1d. An update on Urgency Ordinance No. 598 relating to Interim Housing in the Town of Paradise was given by Katie Simmons, Disaster Recovery Director.

2. CONSENT CALENDAR

Council Member Jones asked that agenda item 2a be removed from the consent calendar so that the item could be amended prior to approval.

Town Clerk Volenski read an email comment received prior to 5:30 p.m. on the day of the meeting.

- 1. Jon Remalia requested information regarding vendors on the Cash Disbursement register.

Administrative Services/Finance Director Brooke Kerrigan provided the information.

MOTION by Schuster, seconded by Zuccolillo, approved consent calendar items 2b through 2e. Roll call vote was unanimous.

- 2a. This item was removed from the consent calendar.
- 2b. Approved July 2020 Cash Disbursements in the amount of \$2,560,767.85
- 2c. Adopted Resolution No. 20-25, A Resolution of the Town Council of the Town of Paradise Acknowledging receipt of a report made by the Fire Chief of the Paradise Fire Department regarding the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code.
- 2d. Adopted Resolution No. 20-26, A Resolution of the Town Council of the Town of Paradise certifying to the County of Butte the validity of the legal process used to place direct charges (special assessments) on the secured tax roll.
- 2e. Adopted Resolution No. 20-27, A Resolution of the Town Council of the Town of Paradise appointing a Director and Alternate to Northern California Cities Self Insurance Fund (NCCSIF).

3. ITEMS REMOVED FROM CONSENT CALENDAR

Council Member Jones asked that on page 9 of the agenda packet, item 7c, the phrase "State Tree Removal" be added to the minutes to reflect why the letter was being sent.

- 2a. **MOTION by Jones, seconded by Schuster**, approved minutes, with corrections, from the July 14, 2020 Regular Town Council meeting. Roll call vote was unanimous.

4. PUBLIC COMMUNICATION

Town Clerk Volenski read email comments received prior to 5:30 p.m. on the day of the meeting:

1. John Gillander regarding sheds on properties

Community Development Director Susan Hartman announced that sheds under 120 square feet do not require a building permit.

2. Linda McCann asking when an early alert system would be installed.

Disaster Recovery Director Katie Simmons announced that a grant had been awarded for a feasibility study regarding an Advanced Warning System.

5. PUBLIC HEARINGS - None

6. COUNCIL CONSIDERATION

1. Fire Chief Garrett Sjolund provided an update on Ordinance No. 597 and presented two options for Council to consider:
 1. Consider waiving second reading of entire Town Ordinance 597 and approve reading by title only; and, 2 Adopt Town Ordinance No. 597, an Ordinance Amending Chapter 8.58 of the Paradise Municipal Code Relating to Defensible Space and Hazardous Fuel Management to include a requirement for property clearance at point of transfer; **OR**
 2. Consider waiving the first reading of Town of Paradise Ordinance No. 597 and read by title only; and 2. Re-introduce Town Ordinance No. 597 "An Ordinance Amending Paradise Municipal Code Section 8.58.060 Relating to Defensible Space and Hazardous Fuel Management to include an Advisory for property buyers at time of transfer"

Town Clerk Volenski read emailed comments received prior to 5:30 p.m. on the day of the meeting.

1. Jon Remalia does not support option 2, recommends Council approve option 1.
2. Warren Bullock supports option 2.

MOTION by Jones, seconded by Zuccolillo to approve option 2 and added that staff receive the monthly list of properties sold so the property can be inspected 30 days after escrow has closed to make sure that is in compliance and asked that the ordinance be brought back to the Town

Council in six (6) months to review and confirm that the ordinance is effective and buyers are being compliant.

1. Waived the reading of Town of Paradise Ordinance No. 597 and read by title only; and 2. Re-introduce Town Ordinance No. 597 “An Ordinance Amending Paradise Municipal Code Section 8.58.060 Relating to Defensible Space and Hazardous Fuel Management to include a 30-day timeframe for individuals purchasing property to have it cleaned” Roll call vote was unanimous.

- 6b. Town Clerk Volenski presented options to the Town Council regarding the process and timing for establishing the new Measure V Citizen’s Oversight Committee. After discussion, the entire Town Council concurred to put the Measure V Discussion on the December 2020 Town Council agenda for consideration.
- 6c. **MOTION by Jones, seconded by Schuster**, authorized the Town Manager to send a letter to the Butte County Grand Jury, a letter from the Mayor responding to the findings in the 2019-20 Grand Jury Report. Roll call vote was unanimous.
- 6d. **MOTION by Jones, seconded by Schuster**, approved an amendment increasing Mark Thomas’ Professional Services Agreement Contract 19-00 to the amount of \$435,000 for services through January 13, 2021. Roll call vote was unanimous.
- 6e. **MOTION by Crowder, seconded by Zuccolillo**, adopted Resolution No. 20-28, A Resolution of the Town Council of the Town of Paradise approving the plans and specifications for the Interim Safety Striping and Marking Improvement Project and authorizing advertisement for bids on the project. Roll call vote was unanimous.

7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items

- 7a1. Town Council unanimously agreed to designate Council Member Schuster as the voting delegate for the League of California Cities 2020 Annual Conference. This item will be on the September agenda for the Town Council to provide direction to the Town's voting delegate regarding the League of California Cities proposed Resolution(s) for the 2020 League General Assembly to be held virtually on October 9, 2020.
- 7a2. Council Member Schuster requested that the Council discuss the previously adopted Urgency Ordinance No. 598 relating to Interim housing, accessory buildings and unoccupied recreational vehicle inside the Campfire area.

Town Manager Gill informed the Town Council that this item would be updated monthly at the Council meetings to provide Council information for future decisions

Council Members discussed establishing criteria for people who are making progress towards re-establishing a home and making an investment in the community and addressing people who are not complying with the law/rules. Council asked that someone from Code Enforcement be present at the next Council meeting to assist with brainstorming for solutions.

Town Clerk Volenski read two email comments received prior to 5:30 p.m. on the day of the meeting.

1. Terri and Gary Ewing recommended waiving the ordinance for a couple of years.
2. Jon Remalia provided suggestions to the Town Council regarding the ordinance.

The following individuals requested return phone calls to address Council.

1. Lorraine Dechter informed the Council about roadblocks they are facing to move back to their property and asked Council to help individuals, not hinder and requested the ordinance be extended.
2. Alan Creighton asked Council to extend the Ordinance due to funding and the Covid-19 crisis and read a section of state law regarding accessory dwellings
3. Steve "Woody" Culleton is in favor of extending the ordinance and stated that there is a public nuisance ordinance to deal with non-compliance violators.

7b. Council reports on committee representation

Council Member Schuster shared information about the League of California Cities, Explore Butte County, Butte County Mosquito and Vector Control District, Paradise Arts Alliance and received an iris donation to the Hope Plaza Project from someone in El Dorado County

Council Member Jones stated there was no BCAG or BCAQMD meetings, but that Council Member Schuster would be attending on her behalf next month.

7c. Future Agenda Items

Council Member Jones asked to be informed if the tree removal program is moving forward and if not, asked that the letter she requested be sent to the State asking about progress.

Council Member Zuccolillo asked for a report from Public Works if additional equipment is needed to maintain public right of ways.

8. STAFF COMMUNICATION

8a. Town Manager Report

Disaster Recovery Director Katie Simmons provided a tree removal update.

Assistant to the Town Manager Colette Curtis provided an update on economic development and an update on USDA Grants that have been applied for.

Community Development Director Susan Hartman provided an update on the Planning Commission reviewing the needle and exchange program requested by Council, building projects and informed Council that 1,000 building permit have been issued.

9. CLOSED SESSION - None

10. ADJOURNMENT

Mayor Bolin adjourned the Town Council meeting at 8:44 p.m.

Date Approved:

Greg Bolin, Mayor

Attest:

Dina Volenski, CMC, Town Clerk

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

FOR THE PERIOD OF
AUGUST 1, 2020 - AUGUST 31, 2020



**CASH DISBURSEMENTS REPORT
AUGUST 1, 2020 - AUGUST 31, 2020**

Check Date	Pay Period End	Description	Amount	Total
8/7/2020	8/2/2020	Net Payroll - Direct Deposits and Checks	130,140.71	
8/21/2020	8/16/2020	Net Payroll - Direct Deposits and Checks	<u>132,883.11</u>	263,023.82
 Accounts Payable				
		Payroll Vendors: Taxes, PERS, Dues, Insurance, Etc.	276,765.83	
		Operations Vendors: Supplies, Contracts, Utilities, Etc.	<u>1,749,481.03</u>	
		TOTAL CASH DISBURSEMENTS ACCOUNTS PAYABLE		<u>2,026,246.86</u>
		GRAND TOTAL CASH DISBURSEMENTS		<u><u>2,289,270.68</u></u>

APPROVED BY: _____
Lauren Gill, Town Manager

APPROVED BY: _____
Brooke Kerrigan, Admin Svc Director / Town Treasurer

TOWN OF PARADISE
Payment Register

From Payment Date: 8/1/2020 - To Payment Date: 8/31/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount
AP - US Bank TOP AP Checking							
<u>Check</u>							
76536	08/03/2020	Open			Accounts Payable	Aflac	\$146.92
76537	08/03/2020	Open			Accounts Payable	Met Life	\$7,431.43
76538	08/03/2020	Open			Accounts Payable	OPERATING ENGINEERS	\$901.00
76539	08/03/2020	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$1,674.86
76540	08/03/2020	Open			Accounts Payable	SUN LIFE INSURANCE	\$4,416.79
76541	08/03/2020	Open			Accounts Payable	SUPERIOR VISION SVC NGLIC	\$609.69
76542	08/03/2020	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$70.00
76543	08/03/2020	Open			Accounts Payable	ENTERPRISE FM TRUST	\$1,073.32
76544	08/03/2020	Open			Accounts Payable	MOORE, DWIGHT, L.	\$18,579.00
76545	08/03/2020	Open			Accounts Payable	SBA Monarch Towers III LLC	\$148.01
76546	08/03/2020	Open			Accounts Payable	TIAA COMMERCIAL FINANCE, INC	\$906.47
76547	08/03/2020	Open			Accounts Payable	U.S. Bankcorp Government Leasing and Finance	\$10,992.77
76548	08/07/2020	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$750.00
76549	08/07/2020	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$194.76
76550	08/13/2020	Open			Accounts Payable	ACCESS INFORMATION PROTECTED	\$73.88
76551	08/13/2020	Open			Accounts Payable	ADVANCED DOCUMENT CONCEPTS	\$16.00
76552	08/13/2020	Open			Accounts Payable	ALLIANT INSURANCE	\$16,395.00
76553	08/13/2020	Open			Accounts Payable	Big O Tires	\$239.95
76554	08/13/2020	Open			Accounts Payable	Blue Flamingo Marketing Advocates	\$7,300.00
76555	08/13/2020	Voided	Vendor lost/did not receive check	08/24/2020	Accounts Payable	Brillenz, David, Baker	\$450.00
76556	08/13/2020	Open			Accounts Payable	BUTTE CO AIR QUALITY MANAGEMENT DISTF	\$522.60
76557	08/13/2020	Open			Accounts Payable	Butte Co Public Health	\$874.00
76558	08/13/2020	Open			Accounts Payable	BUTTE CO RECORDER	\$82.00
76559	08/13/2020	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$145.00
76560	08/13/2020	Open			Accounts Payable	CLEANING CONNECTION, THE	\$496.00

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount
AP - US Bank TOP AP Checking							
76561	08/13/2020	Open			Accounts Payable	COMCAST CABLE	\$139.78
76562	08/13/2020	Open			Accounts Payable	COMCAST CABLE	\$244.78
76563	08/13/2020	Open			Accounts Payable	CRAIG DREBERTS AUTOMOTIVE	\$1,171.28
76564	08/13/2020	Open			Accounts Payable	Creative Composition Inc	\$392.44
76565	08/13/2020	Open			Accounts Payable	Culligan of Chico	\$111.50
76566	08/13/2020	Open			Accounts Payable	Eagle Security Systems	\$343.35
76567	08/13/2020	Open			Accounts Payable	Entersect	\$659.70
76568	08/13/2020	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$108.90
76569	08/13/2020	Open			Accounts Payable	Free Style Embroidery	\$100.82
76570	08/13/2020	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$145.47
76571	08/13/2020	Open			Accounts Payable	GREEN RIDGE LANDSCAPING	\$6,028.78
76572	08/13/2020	Open			Accounts Payable	Herc Rentals Inc.	\$5,197.19
76573	08/13/2020	Open			Accounts Payable	HUDSON'S APPLIANCE CENTER	\$43.10
76574	08/13/2020	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US B	\$11,556.14
76575	08/13/2020	Open			Accounts Payable	INDUSTRIAL POWER PRODUCTS	\$323.11
76576	08/13/2020	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$298.95
76577	08/13/2020	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$600.00
76578	08/13/2020	Open			Accounts Payable	Jennifer Arbuckle	\$6,655.00
76579	08/13/2020	Open			Accounts Payable	JOHNNY ON THE SPOT PORTABLES	\$1,025.15
76580	08/13/2020	Open			Accounts Payable	Jones, Lairde and Ellice	\$3,163.36
76581	08/13/2020	Open			Accounts Payable	KOEFRAN INDUSTRIES	\$1,200.00
76582	08/13/2020	Open			Accounts Payable	Koff & Associates	\$4,000.00
76583	08/13/2020	Open			Accounts Payable	LOCATE PLUS CORPORATION	\$100.66
76584	08/13/2020	Open			Accounts Payable	MOBILE MINI INC	\$633.28
76585	08/13/2020	Open			Accounts Payable	Monteverde, Kimberly	\$29,295.00
76586	08/13/2020	Open			Accounts Payable	MORGAN TREE SERVICE	\$3,900.00
76587	08/13/2020	Open			Accounts Payable	Mt Shasta Spring Water Co., Inc	\$108.31
76588	08/13/2020	Open			Accounts Payable	MUNIMETRIX SYSTEMS CORP	\$119.97
76589	08/13/2020	Open			Accounts Payable	Nesci Appraisal Service	\$450.00
76590	08/13/2020	Open			Accounts Payable	NORTHERN RECYCLING & WASTE SERVICES	\$1,258.32
76591	08/13/2020	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$18,734.32
76592	08/13/2020	Open			Accounts Payable	Nutrien	\$9,093.00

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount
AP - US Bank TOP AP Checking							
76593	08/13/2020	Open			Accounts Payable	O'REILLY AUTO PARTS	\$92.78
76594	08/13/2020	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$75.88
76595	08/13/2020	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$518.85
76596	08/13/2020	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$1,190.86
76597	08/13/2020	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MI	\$859.37
76598	08/13/2020	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$2,655.00
76599	08/13/2020	Open			Accounts Payable	RENTAL GUYS - CHICO	\$95.45
76600	08/13/2020	Open			Accounts Payable	Riebes Auto Parts-Motorpool	\$267.35
76601	08/13/2020	Open			Accounts Payable	RU2 Systems, Inc	\$8,623.65
76602	08/13/2020	Open			Accounts Payable	Spherion Staffing	\$13,242.91
76603	08/13/2020	Open			Accounts Payable	Stratti	\$16,312.53
76604	08/13/2020	Open			Accounts Payable	Tahoe Pure Water Co.	\$30.00
76605	08/13/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$1,446.37
76606	08/13/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$240.78
76607	08/13/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$2.30
76608	08/13/2020	Open			Accounts Payable	THRIFTY ROOTER	\$179.00
76609	08/13/2020	Open			Accounts Payable	UNITED RENTALS, INC.	\$2,049.73
76610	08/13/2020	Open			Accounts Payable	VERIZON WIRELESS	\$950.22
76611	08/13/2020	Open			Accounts Payable	Barker, Michael	\$961.59
76612	08/13/2020	Open			Accounts Payable	Cann, Richard	\$856.15
76613	08/13/2020	Open			Accounts Payable	Cooper, Robert & Nina	\$886.16
76614	08/13/2020	Open			Accounts Payable	Davidson, Daisy & William	\$1,057.08
76615	08/13/2020	Open			Accounts Payable	Gippert, William	\$871.61
76616	08/13/2020	Open			Accounts Payable	Gould, William	\$699.47
76617	08/13/2020	Open			Accounts Payable	Hinde, Donald & Candace	\$984.34
76618	08/13/2020	Open			Accounts Payable	Johnson, Thomas & Wanda	\$951.61
76619	08/13/2020	Open			Accounts Payable	Labonte, John	\$856.14
76620	08/13/2020	Open			Accounts Payable	Marler, David & Pamela	\$673.80
76621	08/13/2020	Open			Accounts Payable	McMahan, Christine	\$694.61
76622	08/13/2020	Open			Accounts Payable	Mullin, Diane	\$1,020.71
76623	08/13/2020	Open			Accounts Payable	Murdock, Troy	\$694.61
76624	08/13/2020	Open			Accounts Payable	Perry, Kenneth & Vonda	\$987.98

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount
AP - US Bank TOP AP Checking							
76625	08/13/2020	Open			Accounts Payable	Plowman, Allen	\$709.76
76626	08/13/2020	Open			Accounts Payable	Reinbold, Eric & Logan	\$1,126.17
76627	08/13/2020	Open			Accounts Payable	Smith, Karen	\$809.78
76628	08/13/2020	Open			Accounts Payable	Southworth, Vicky	\$587.88
76629	08/13/2020	Open			Accounts Payable	Vanhove, Edmund & Margaret	\$835.24
76630	08/13/2020	Open			Accounts Payable	Bidwell Truck Accessories	\$5,983.95
76631	08/17/2020	Open			Accounts Payable	JOURNYX, INC.	\$5,002.50
76632	08/21/2020	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$750.00
76633	08/21/2020	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$194.76
76634	08/24/2020	Open			Accounts Payable	Brillenz, David, Baker	\$450.00
76635	08/27/2020	Open			Accounts Payable	ACCELA, INC.	\$3,150.00
76636	08/27/2020	Open			Accounts Payable	Asbury Environmental Services	\$134.69
76637	08/27/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$1,787.34
76638	08/27/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$108.96
76639	08/27/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$1,041.78
76640	08/27/2020	Open			Accounts Payable	AT&T MOBILITY	\$219.60
76641	08/27/2020	Open			Accounts Payable	AT&T/CALNET3 - REPEATER LINES	\$208.61
76642	08/27/2020	Open			Accounts Payable	AT&T/CALNET3 - COMMUNITY PARK	\$22.06
76643	08/27/2020	Open			Accounts Payable	AT&T/CALNET3 - Summary	\$3,889.76
76644	08/27/2020	Open			Accounts Payable	AT&T/CALNET3 - TH/FDPD FIBER LINES	\$1,429.58
76645	08/27/2020	Open			Accounts Payable	Azco Supply Inc	\$167.01
76646	08/27/2020	Open			Accounts Payable	Bear Electric Solutions	\$1,425.00
76647	08/27/2020	Open			Accounts Payable	Biometrics4ALL, Inc	\$19.50
76648	08/27/2020	Open			Accounts Payable	Bug Smart	\$83.00
76649	08/27/2020	Open			Accounts Payable	BUTTE CO AUDITOR-CONTROLLER	\$40,090.18
76650	08/27/2020	Open			Accounts Payable	BUTTE CO SHERIFF'S OFFICE	\$4,760.00
76651	08/27/2020	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTIC	\$889.00
76652	08/27/2020	Open			Accounts Payable	CHICO POWER EQUIPMENT	\$15.44
76653	08/27/2020	Open			Accounts Payable	COMCAST CABLE	\$399.90
76654	08/27/2020	Open			Accounts Payable	COMCAST CABLE	\$389.78
76655	08/27/2020	Open			Accounts Payable	CRAIG DREBERTS AUTOMOTIVE	\$1,270.74
76656	08/27/2020	Open			Accounts Payable	Creative Composition Inc	\$3,706.67

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount
AP - US Bank TOP AP Checking							
76657	08/27/2020	Open			Accounts Payable	CSFEWBC-VFLSA	\$350.00
76658	08/27/2020	Open			Accounts Payable	DATCO SERVICES CORPORATION	\$189.00
76659	08/27/2020	Open			Accounts Payable	DOGGIE WALK BAGS, INC.	\$257.23
76660	08/27/2020	Open			Accounts Payable	Down Range Indoor Training Center	\$1,136.83
76661	08/27/2020	Open			Accounts Payable	Dulbecco, Llyod	\$1,017.44
76662	08/27/2020	Open			Accounts Payable	DURHAM PENTZ TRUCK CENTER	\$2,511.67
76663	08/27/2020	Open			Accounts Payable	Edgmon, Michael	\$96.27
76664	08/27/2020	Open			Accounts Payable	Ernst & Young US LLP	\$17,494.00
76665	08/27/2020	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$52.60
76666	08/27/2020	Open			Accounts Payable	FOOTHILL MILL & LUMBER	\$270.11
76667	08/27/2020	Open			Accounts Payable	FP/FRANCOTYP-POSTALIA MAILING SOLUTIO	\$258.36
76668	08/27/2020	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$129.31
76669	08/27/2020	Open			Accounts Payable	Herc Rentals Inc.	\$6,655.93
76670	08/27/2020	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US B	\$140.06
76671	08/27/2020	Open			Accounts Payable	INDUSTRIAL POWER PRODUCTS	\$879.38
76672	08/27/2020	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$43.40
76673	08/27/2020	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$306.76
76674	08/27/2020	Open			Accounts Payable	INTERSTATE SALES	\$579.07
76675	08/27/2020	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$375.00
76676	08/27/2020	Open			Accounts Payable	Koff & Associates	\$17,700.00
76677	08/27/2020	Open			Accounts Payable	LES SCHWAB TIRE CENTER - MOTORPOOL	\$109.99
76678	08/27/2020	Open			Accounts Payable	Mark Thomas & Company Inc	\$6,190.37
76679	08/27/2020	Open			Accounts Payable	Meyers Police K-9 Training, LLC	\$770.00
76680	08/27/2020	Open			Accounts Payable	Midwest Veterinary Supply, Inc	\$324.91
76681	08/27/2020	Open			Accounts Payable	MORGAN TREE SERVICE	\$2,950.00
76682	08/27/2020	Open			Accounts Payable	Mt Shasta Spring Water Co., Inc	\$94.76
76683	08/27/2020	Open			Accounts Payable	MUNICIPAL CODE CORP	\$500.00
76684	08/27/2020	Open			Accounts Payable	O'REILLY AUTO PARTS	\$42.18
76685	08/27/2020	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$847.17
76686	08/27/2020	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$13,955.37
76687	08/27/2020	Open			Accounts Payable	PARADISE ALLIANCE CHURCH	\$95.00
76688	08/27/2020	Open			Accounts Payable	PARADISE POST	\$91.89

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount
AP - US Bank TOP AP Checking							
76689	08/27/2020	Open			Accounts Payable	PBM SUPPLY & MFG INC	\$83.11
76690	08/27/2020	Open			Accounts Payable	PETERS RUSH HABIB & MCKENNA	\$10,260.00
76691	08/27/2020	Open			Accounts Payable	R B SPENCER INC	\$623.25
76692	08/27/2020	Open			Accounts Payable	RAY MORGAN COMPANY INC	\$52.28
76693	08/27/2020	Open			Accounts Payable	Riebes Auto Parts-Motorpool	\$374.64
76694	08/27/2020	Open			Accounts Payable	SINCLAIR'S AUTOMOTIVE & TOWING	\$640.00
76695	08/27/2020	Open			Accounts Payable	Spherion Staffing	\$11,720.04
76696	08/27/2020	Open			Accounts Payable	Stratti	\$1,150.00
76697	08/27/2020	Open			Accounts Payable	Tetra Tech - EMI	\$118,400.39
76698	08/27/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$1,133.06
76699	08/27/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$91.86
76700	08/27/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$1.28
76701	08/27/2020	Open			Accounts Payable	THRIFTY ROOTER	\$159.00
76702	08/27/2020	Open			Accounts Payable	Trademark Visual, Inc.	\$446.84
76703	08/27/2020	Open			Accounts Payable	TUCKER PEST CONTROL INC	\$86.00
76704	08/27/2020	Open			Accounts Payable	VALLEY OAK VETERINARY CENTER	\$20.36
76705	08/27/2020	Open			Accounts Payable	VALLEY TOXICOLOGY SERVICE	\$194.00
76706	08/27/2020	Open			Accounts Payable	VERIZON WIRELESS	\$269.84
76707	08/27/2020	Open			Accounts Payable	Will, Gina	\$7.72
76708	08/27/2020	Open			Accounts Payable	VERIZON WIRELESS	\$1,836.24
Type Check Totals:							\$548,342.61
<u>EFT</u>							
1033	08/03/2020	Open			Accounts Payable	CALPERS	\$106,677.62
1034	08/07/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$35,570.60
1035	08/07/2020	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$6,247.62
1036	08/07/2020	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$7,278.62
1037	08/07/2020	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$22,967.71
1039	08/04/2020	Open			Accounts Payable	WELLS FARGO BANK NA	\$1,086,331.63
1040	08/21/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$36,228.49
1041	08/21/2020	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$6,515.94
1042	08/21/2020	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$7,378.62
1043	08/21/2020	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$23,986.74

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount
AP - US Bank TOP AP Checking							
1044	08/27/2020	Open			Accounts Payable	DELUXE BUSINESS CHECKS AND SOLUTIONS	\$257.72
1045	8/31/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$138,912.94
Type EFT Totals:						11 Transactions	<u>\$1,478,354.25</u>
AP - US Bank TOP AP Checking Totals							

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	172	\$547,892.61	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$450.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	173	\$548,342.61	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	11	\$1,478,354.25	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	11	\$1,478,354.25	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	183	\$2,026,246.86	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$450.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	184	\$2,026,696.86	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	172	\$547,892.61	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$450.00	\$0.00
	Stopped	0	\$0.00	\$0.00

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount
AP - US Bank TOP AP Checking							

Total	173	\$548,342.61	\$0.00
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EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	11	\$1,478,354.25	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
Total		11	\$2,026,696.86	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	183	\$2,026,246.86	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$450.00	\$0.00
	Stopped	0	\$0.00	\$0.00
Total		184	\$2,026,696.86	\$0.00



Town of Paradise
Council Agenda Summary
Date: September 8, 2020

Agenda Item: 2(c)

ORIGINATED BY: Susan Hartman, Community Development Director
REVIEWED BY: Lauren Gill, Town Manager
SUBJECT: Acceptance of the 2019 Annual Report of the Paradise Planning Commission to the Town Council Regarding the Implementation Status of the 1994 Paradise General Plan

COUNCIL ACTION REQUESTED:

1. Acknowledge receipt of and file the Planning Commission's annual report concerning implementation status of the 1994 Paradise General Plan for the 2019 calendar year.

Background:

California Government Code Section 65400 requires a local planning agency (Paradise Planning Commission and staff) to annually review and provide a report to the local legislative body (i.e. the Town Council) concerning progress achieved toward the implementation of its General Plan. The wording of the Government Code Section is as follows:

Provide an annual report to the Town Council on the status of the "General Plan" and progress in its implementation, including the progress in meeting its share of regional housing needs determined pursuant to section 65584 and local efforts to remove governmental constraints to the maintenance, improvement and development of housing...

On behalf of the Paradise Planning Commission, town staff is pleased to officially submit to the Town Council its annual "Calendar Year 2019 1994 Paradise General Plan Implementation Status Report" dated March 2018 (NOTE: Refer to attached copy of the report). The content of this report reflects General Plan implementation progress made during the 2019 calendar year. The report is a culmination of a work effort of the staff and Planning Commissioners.

Similar to the contents of prior annual reports, the attached annual report is submitted in a format that is directly linked with the 1994 Paradise General Plan Volume I - Policy Document. The report specifically lists individual General Plan policies and implementation measures, their respective text page number where located within the General Plan Volume I - Policy Document, and their respective implementation status.

In order for the attached report to be meaningful, each Town Council member may wish to refer to their individual copy of the 1994 Paradise General Plan Volume I - Policy Document to read the actual text of each General Plan policy or implementation measure corresponding to the comments within the report. Alternatively, you may access the policy document via the Town's website (townofparadise.com).

During the 2019 calendar year and over the last several years, the Town of Paradise achieved additional progress toward implementation of the 1994 Paradise General Plan. As you read the attached annual report in regards to the implementation status of our Paradise General Plan you should note that updated comments regarding the past year's progress toward implementation of individual policy statements and implementation measures are shaded and bolded **thus**.

It should be noted that, due to specific Housing Element implementation reporting requirements adopted by the State of California that are not applicable to other General Plan elements, a separate report exclusively detailing implementation of the Paradise General Plan Housing Element was prepared by staff separately.

Financial Impact:

Acceptance of this 2019 annual report concerning the implementation status of the 1994 Paradise General Plan shall have no financial impact upon the Town of Paradise.



CALENDAR YEAR 2019*

1994 PARADISE GENERAL PLAN

IMPLEMENTATION STATUS REPORT

**Presented to the
Paradise Planning Commission**

August 2020

REPORT OF THE PLANNING COMMISSION

**1994 PARADISE GENERAL PLAN
IMPLEMENTATION STATUS REPORT
FOR CALENDAR YEAR 2019***

LAND USE ELEMENT:

GROWTH AND LAND USE DEVELOPMENT:

<u>Policy/ Implem. Measure</u>	<u>Text Page</u>	<u>Policy Brief</u>	<u>Implementation Status</u>
LUP-1	(6-3)	Recognize site limitations	Implemented and ongoing.
LUP-2	(6-3)	Factor in constraints analysis	Implemented and ongoing.
LUP-3	(6-3)	Minimize grading	Implementation ongoing as opportunity so afforded.
LUP-4	(6-3)	Specific Plan for south of town	Not yet implemented. Private work effort was initiated in 2006 for a portion of the secondary planning area south of town limits; and has been idle due to funding and staffing shortages. Butte County General Plan 2030 was adopted October 2010 and includes directive to develop a specific plan for a portion of this area, for which the Town will provide input.
LUP-5	(6-3)	Open Space/Ag designation	Implemented.
LUP-6	(6-3)	Annexations south of town	Not implemented due to lack of necessity.
LUP-7	(6-3)	35' maximum building height	Implemented and ongoing.
LUP-8	(6-3)	Evaluate cumulative impacts	Required by law; implemented and ongoing.
LUP-9	(6-3)	Public notice requirements	Implemented and ongoing.
LUP-10	(6-3)	Encourage planned developments	Ongoing directive; implemented as opportunities arise.
LUP-11	(6-3)	Design projects to avoid constraints	Implemented and ongoing.

LUI-1	(6-4)	Track residential growth rate	Implemented and ongoing.
LUI-2	(6-4)	Prepare Specific Plan	Not implemented. See LUP-4.
LUI-3	(6-4)	Amend PMC for grading	Implemented via Town adoption of the 2010 and 2016 California Green Building Standards Code.
LUI-4	(6-4)	Amend zoning for GP consistency	Fully implemented (1997).

PUBLIC SERVICES AND INFRASTRUCTURE:

LUP-12; 13; 14	(6-4)	Growth not to exceed availability of public services	Implemented via planning process reforms; an ongoing directive.
LUP-15	(6-5)	Improve public service capacity	Implemented and an ongoing directive.
LUP-16	(6-5)	No discretionary residential permit unless adequate public services	Implemented and ongoing.
LUP-17	(6-5)	Encourage service districts to expand or enhance capacity	Partially implemented and ongoing as opportunities arise.
LUP-18	(6-5)	TOP and PID meet bi-annually	A Town Council/P.I.D. meeting was held on May 30, 2006. The Town/PID Liaison Committee met on May 29 and December 11, 2019 to publicly discuss several issues of import to the Town and PID. This policy merits continued implementation, particularly during the post Camp Fire recovery.
LUP-19	(6-5)	Densities based on constraints	Implemented and ongoing.
LUP-20	(6-5)	Police and Fire service levels	Implemented and ongoing.
LUP-21	(6-5)	Assessment districts	Partially implemented and ongoing as needed.
LUP-22	(6-5)	Fees for service delivery costs	Partially implemented via the Town’s development impact fee program.
LUP-23	(6-5)	Feasibility of annexation	Implemented and an ongoing directive.
LUP-24	(6-5)	Feasibility of merging with PID	Feasibility studies are tabled by the Town pending adequate funding and other post Camp Fire factors.
LUP-25	(6-5)	Designate general locations for public and open space uses	Fully implemented.

LUP-26	(6-6)	Findings for public service and infrastructure capacity	Implemented and ongoing.
LUI-5	(6-6)	Capital improvements program	The Town developed & adopted a 3-year capital improvements program in 2015. It merits a time extension (2-3 years) pending an updated and revised Paradise General Plan adoption.
LUI-6	(6-6)	Assure adequate water delivery	Partially implemented and ongoing.
LUI-7	(6-6)	Implement <i>Master Storm Drain Study & Facilities Plan</i>	Partially implemented and ongoing.
LUI-8	(6-6)	Public safety impact fees	Implemented and ongoing.
LUI-9	(6-6)	Service fees for existing uses	Partially implemented and ongoing directive.
LUI-10	(6-6)	Development impact fees	Partially fund implemented and ongoing.
LUI-11	(6-6)	Investigate forms of assessment districts	Partially implemented and ongoing. In 2019, and relative to the Paradise Sewer Project, the Town: a) approved the localized treatment option in lieu of a regional option; b) authorized an RFP release for project preliminary engineering and environmental services; and c) was awarded partial grant funding for the sewer project.
LUI-12	(6-6)	LAFCO to study any potential merging with special districts	Not implemented; lack of necessity prior to 2018 Camp Fire.
LUI-13	(6-6)	Monitor population trends for effects on public services	Implemented and ongoing.

LAND USE DISTRIBUTION AND LOCATION

LUP-27; LUP-28	(6-7)	Create Central Commercial Area	Implemented via Town Council adoption of Town Resolution No. 01-37 in November, of 2001.
LUP-29	(6-7)	Central Commercial area to focus on visitors	Implemented and ongoing.
LUP-30	(6-7)	CIP for revitalization areas	Ongoing Directive. Frontage improvements to sidewalks and bicycle lanes

			on the north and south sides of Pearson Road between Academy Drive and Skyway were completed in 2017. The Downtown Skyway Sidewalks Improvement Project (Pearson to Elliott Roads) was constructed in 2018.
LUP-31	(6-7)	Retail sales and infill on Skyway	Implemented and ongoing as opportunities arise.
LUP-32	(6-7)	Discourage strip development on Clark Rd	Ongoing directive.
LUP-33	(6-8)	Encourage existing strip fill in	Ongoing directive.
LUP-34	(6-8)	Larger retail to locate in centers with adequate facilities	Ongoing directive.
LUP-35	(6-8)	Professional office development	Ongoing directive.
LUP-36	(6-8)	Expand industrial park	Town efforts to acquire/develop additional business or industrial park property continue as opportunities arise.
LUP-37; 38	(6-8)	Lt Industrial/Business Park areas	Implemented.
LUP-39	(6-8)	Preserve residential neighborhoods	Ongoing directive and implemented.
LUP-40	(6-8)	Community facilities compatibility	Ongoing directive.
LUP-41	(6-8)	Airport compatibility uses	Ongoing directive.
LUP-42	(6-8)	Locations for cemeteries	Implemented.
LUP-43	(6-8)	Timber production areas	Implemented.
LUP-44	(6-8)	Locations for gateway areas	Implemented.
LUI-14	(6-8)	Provisions for mixed land uses	Implemented.
LUI-15	(6-8)	Zoning consistent with GP	Implemented.
LUI-16	(6-8)	Provide for visitor services	Implemented.
LUI-17	(6-8)	Adopt Capital Improvements Plan	Implemented. See comment for LUI-5.
LUI-18	(6-8)	Develop. guidelines for large retail	Largely implemented via adoption of town-wide design standards in March, of 2010.

LAND USE DENSITIES

LUP-45	(6-9)	Higher density compatibility	Ongoing directive.
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LUP-46	(6-9)	Higher density locations	Partially implemented and ongoing.
LUP-47	(6-9)	½ acre minimum residential lot size	Ongoing implementation.
LUP-48	(6-9)	High density residential locations	Partially implemented and ongoing.
LUP-49	(6-9)	Higher density requirements	Ongoing directive, implemented as opportunities are afforded.
LUP-50	(6-9)	Low density Multi-Family locations	Ongoing directive and partially implemented.
LUI-19	(6-9)	Zoning consistent with GP	Implemented and ongoing directive.
LUI-20	(6-9)	Make findings consistent with GP	Implemented and ongoing.
LUI-21	(6-9)	Safety standards for high density	Implemented.
LUI-22	(6-9)	Identify difficult to develop areas	Implemented and ongoing.

ECONOMIC DEVELOPMENT/REDEVELOPMENT

LUP-51	(6-10)	Attract needed industries	Partially implemented; target industry study completed. Additional implementation as new opportunities arise.
LUP-52	(6-10)	Promote reuse of empty buildings	Ongoing directive. Dissolution of RDA eliminated a primary funding source for the façade renovation program, which targeted reuse of existing buildings.
LUP-53, 54	(6-11)	Town theme for Central Comm.	Implemented. Town-wide Design Standards are adopted. Various PMC sign regulation changes adopted in 2010 have assisted as well.
LUP-55	(6-11)	35' max commercial height	Implemented and ongoing.
LUP-56	(6-11)	Screen commercial parking areas	Ongoing directive; implemented.
LUP-57	(6-11)	Artisan and tourist center	Chamber of Commerce and the Paradise Art Association continue to sponsor cultural events. The Town has formed a committee that includes local business owners as part of an effort to promote Downtown beautification and commerce.
LUP-58	(6-11)	Create scenic gateway areas	Ongoing directive; partially implemented.
LUP-59	(6-11)	Support retention of open space	Ongoing directive.
LUP-60	(6-11)	Common theme for gateway areas	Implemented via PMC zoning code text amendments and adoption of design standards in 2010.

LUP-61	(6-11)	Eliminate unsightly materials near entrances to town	Ongoing directive.
LUP-62; 63	(6-11)	Promote town as tourist destination	Ongoing and partially implemented.
LUP-64	(6-11)	Bed and breakfast locations	This directive is implemented via Town’s zoning regulations.
LUP-65	(6-11)	Develop destination resort	Ongoing directive, but not implemented.
LUP-66	(6-11)	Update <i>Downtown Revitalization Plan</i> as needed	Adopted plan implementation is promoted via 2010 adoption of Design Standards.
LUP-67	(6-12)	Sites for business park	Partially implemented. See LUP-51.
LUI-23	(6-12)	Calif. “Main Street” program	Functionally Implemented. “Main Street” concepts/components were incorporated within the adopted Downtown Revitalization Plan and the 2010 Design Standards.
LUI-24	(6-12)	Promote farmers market	Ongoing implementation. A farmers’ market was included in the Chamber of Commerce-Party in the Park events at Paradise Community Park from June 12 through July 31, 2019.
LUI-25	(6-12)	Staffing business development Programs and activities	Ongoing implementation.
LUI-26	(6-12)	Design guidelines for commercial	Implemented.
LUI-27	(6-12)	Enforce comm. zoning ordinance	Implemented.
LUI-28	(6-12)	Design review committee	Not ongoing or needed since 2010 due to adoption of Town’s Design Standards.
LUI-29	(6-12)	Apply design guidelines to existing businesses	Implemented.
LUI-30	(6-12)	Land use controls in gateways	Implemented via adoption of scenic highway corridor zoning regulations and 2010 adoption of Design Standards specific to gateway areas.
LUI-31	(6-12)	Funding for gateway areas	Partially implemented as opportunities arise.
LUI-32	(6-12)	Upgrade entrance signs	A volunteer group, “The Sign Committee”, conducted an online vote for new entrance signs to Town and is working on funding to replace them.
LUI-33	(6-12)	Review sign regulations	Ongoing directive and implemented.

LUI-34	(6-12)	Promote completion of auditorium	Implemented.
LUI-35	(6-12)	Facilitate weekend tourist events	Implementation ongoing.
LUI-36	(6-12)	Parking facilities study	Ongoing directive as part of the Downtown Revitalization Master Plan.
LUI-37	(6-12)	Improve code enforcement program	Implemented and ongoing as funds permit.
LUI-38	(6-12)	Outdoor display ordinance	Implemented via adoption of ord. No. 550 in 2014 (see LUI-37 also).
LUI-39	(6-13)	Relocate nonconforming uses	Ongoing directive.

INTERGOVERNMENTAL COORDINATION

LUP-68	(6-13)	Use BCAG for land use decisions	Ongoing and partially implemented as opportunities are afforded.
LUP-69	(6-13)	Regional decision making	Ongoing and partially implemented as opportunities are afforded.
LUP-70	(6-13)	Butte County urban reserve policy	Ongoing and partially implemented as opportunities are afforded.
LUP-71	(6-13)	Protection of Paradise watershed	Ongoing and partially implemented as opportunities are afforded.
LUI-40; 41; 42	(6-13)	Coordination with Butte County	Ongoing and partially implemented as opportunities are afforded.

LAND USE CONTROLS

LUP-72	(6-14)	Relocation of nonconforming uses	Ongoing directive.
LUP-73	(6-14)	Discourage expansion of legal nonconforming uses	During post Camp Fire in 2019 the Town adopted specific and short-term natural disaster regulations within Section 17.39.300 [Restoration of damaged nonconforming use] of the Paradise Municipal Code.
LUP-74	(6-14)	Improve code enforce program	Implemented and ongoing.
LUP-75	(6-14)	Comm. handicap accessibility	Ongoing and implemented.
LUP-76	(6-14)	Revise local CEQA guidelines	Implemented.
LUI-43; 44	(6-14)	Zone parcels consistent with GP	Implemented.
LUI-45	(6-14)	Consistently enforce regulations	Implemented and ongoing.

TERTIARY PLANNING AREA

LUP-77; 78; 79	(6-15)	Projects in tertiary area should not be approved if adverse impacts on Town of Paradise	Partially implemented and ongoing directive.
LUP-80; 81	(6-15)	Projects in tertiary area should have open space	Partially implemented and ongoing as opportunities are afforded.
LUP-82	(6-15)	Projects in tertiary area should Acknowledge high fire hazards	Partially implemented and ongoing as opportunities are afforded.
LUI-46; 47	(6-15)	Coordinate with county agencies/districts	Implemented and ongoing. Town staff provided input for the Butte County General Plan 2030 adopted in October of 2010.
LUI-48	(6-15)	Joint powers agreements	Partially implemented.
LUI-49	(6-15)	Expand Sphere of Influence	Partially implemented.

CIRCULATION ELEMENT:

CP-1	(6-18)	LOS “D” or better for roadways	Partially implemented and ongoing.
CP-2	(6-18)	Circulation problems eliminated	Circulation problems have been formally prioritized for elimination as funding permits via BCAG adoption of Regional Transportation Plan. Grant funding was secured in 2017 for 5 separate street, sidewalk, trailway and bicycle lane improvement projects characterized by significant safety enhancements.
CP-3	(6-18)	Impacts of street extensions	Ongoing directive and implemented.
CP-4	(6-19)	Mitigate circulation impacts	Ongoing and implemented on case by case basis.
CP-5	(6-19)	Upper Ridge roadway impact fees	Partially implemented and ongoing. Butte County collects development impact fees for upper ridge development, a portion of which is earmarked for Skyway and Clark Roads in Paradise.
CP-6	(6-19)	Additional street connections	Ongoing directive. Little progress due to a history of limited opportunities and constraints predating the 2018 Camp Fire.

CP-7	(6-19)	New traffic signal synchronization	Partially implemented. Synchronized traffic signals from Elliott Road to Neal Road along Skyway were completed in 2014. Grant secured in 2015 will fund signalization of the Black Olive Drive/Skyway intersection, further improving signal synchronization along Skyway.
CP-8	(6-19)	Regulate truck routes	Implemented and ongoing.
CP-9	(6-19)	Establish park-and-ride facilities	Ongoing, partially implemented as opportunities afforded.
CP-10	(6-19)	Sidewalk and pathway program	Ongoing directive. Pearson Road improvements/signalization at Recreation Drive were completed in 2013. Infill sidewalks, curbs and gutters along Pearson Road between Academy Dr. and Skyway was constructed in 2017. Grant funding has been secured for environmental review and design for new sidewalks along Birch, Elliott, Foster and Black Olive Drive. Grant funding was secured for construction of new sidewalks along Pearson Road between Academy and Black Olive Drives. Approximately 5 pedestrian improvement projects are planned during 2018 through 2020.
CP-11	(6-19)	Bicycle and hiking trails	Ongoing directive; partially implemented. The Downtown Paradise Safety Project installed bicycle lanes along Skyway between Elliot and Pearson Roads in 2014. Bicycle lanes along Pearson Rd. between Pentz and Clark Roads and along Maxwell Dr. were largely completed in 2015. Shoulder widening and the addition of bicycle lanes on Pearson Road from Clark Road to Pentz Road was completed in 2016. Construction/installation of flashing beacons at trailway crossing of major streets completed in 2018.
CP-12	(6-19)	Butte County road standards	Implemented. Butte County and the Town have adopted compatible road standards for the Town's Sphere of Influence.
CP-13	(6-19)	Trip reduction plan programs	Partially implemented and ongoing.
CP-14	(6-19)	Senior and handicapped transit	Ongoing directive; partially implemented via Paradise Express service.
CP-15	(6-19)	Expand public transit services	Consolidation of County-wide transit services has helped promote implementation.
CP-16	(6-19)	Improve commercial parking	Ongoing directive implemented as opportunities arise. Construction of an additional public parking facility in the Central Commercial area was

			completed in 2011.
CP-17	(6-19)	Improving traffic flows	Ongoing and partially implemented.
CP-18	(6-20)	Roadway extension workshops	Ongoing and partially implemented.
CP-19	(6-20)	Increase transit opportunities	Partially implemented. The component regarding children has not been implemented due to lack of available funding.
CP-20	(6-20)	Town Engineer to review circulation studies	Not being implemented due to lack of resources and staff. BCAG development of a Regional Transportation Plan initiated in 2014/2015 has assisted.
CI-1	(6-20)	Access standards along arterials.	Ongoing directive.
CI-2	(6-20)	Road connection feasibility study	Merits promoted implementation due to post Camp Fire consequences.
CI-3	(6-20)	Establish development impact fees	Partially implemented and ongoing, but not annually.
CI-4; 5	(6-20)	Road maint. agreement w/ B.C.	Ongoing and partially implemented.
CI-6	(6-20)	Locations for sidewalks	Ongoing and partially implemented.
CI-7	(6-20)	Providing pedestrian pathways	Partially/potentially implemented by covenant agreements.
CI-8	(6-20)	Improve road shoulders	Ongoing implementation via various small-scale public infrastructure projects.
CI-9	(6-20)	Transportation facilities	Ongoing directive.
CI-10	(6-21)	Utilizing transportation funds	Ongoing implementation as funds permit.
CI-11	(6-21)	Butte County Circulation Element	Refer to comment for CP-5.

HOUSING ELEMENT:

NOTE: A separate report detailing implementation of the Town of Paradise Housing Element is prepared for Planning Commission review and recommended referral to the Town Council at their regularly scheduled March 17th, 2020 meeting. The format and contents of the Housing Element report is dictated by the California Department of Housing and Urban Development and is therefore generated as a stand-alone, but related document.

NOISE ELEMENT:

NP-1	(6-33)	Noise level acoustical analysis	Ongoing implementation as needed.
NP-2	(6-33)	Transportation noise levels	Ongoing implementation as needed.
N-3	(6-33)	Exterior noise levels	Ongoing implementation as needed.
N-4	(6-33)	Noise mitigation measures	Ongoing implementation as needed.
N-5	(6-33)	Acoustical analysis standards	Ongoing implementation as needed.
N-6; 7	(6-33)	Paradise Skypark Airport levels	Ongoing implementation as needed.
NP-8	(6-33)	Preserve quiet residential areas	Ongoing directive.
NP-9	(6-33)	Control obtrusive noise	Ongoing implementation via noise regulations of the Paradise Municipal Code.
NP-10	(6-34)	Development near care facilities	Ongoing implementation as needed.
NI-1; 2	(6-34)	Monitor mitigation compliance	Ongoing implementation as needed.
NI-3	(6-34)	Noise insulation standards	Implemented and ongoing.
NI-4; 5	(6-34)	Review and update noise element	Partial ongoing implementation as required.
NI-6	(6-34)	Improve noise ordinance	Implemented and ongoing (currently merits an update in response to the intensity/magnitude of the post Camp Fire cleanup and rebuild efforts).
NI-7	(6-34)	Adopt Airport Land Use Plan	Implemented.

SAFETY ELEMENT:

NOTE: During 2019, as time permitted staff commenced initiating a detailed text revision and updates for the Safety Element that hopefully will be presented during late 2020/early 2021 to the Planning Commission and the Town Council.

SP-1	(6-41)	Public service response times	Ongoing implementation as needed.
SP-2	(6-42)	Adequate road improvements	Ongoing implementation as needed.

SP-3	(6-42)	Fire and crime prevention design	Implemented and ongoing.
SP-4	(6-42)	Adequate fire flow	Ongoing implementation at staff level. See LUP-6 and LUP-18.
SP-5	(6-42)	Require brush removal	Implemented and ongoing.
SP-6	(6-42)	Adoption of Uniform Fire Code	Implemented and ongoing.
SP-7	(6-42)	New fire station locations	Implemented and ongoing.
SP-8	(6-42)	SRA fire safety standards	Ongoing directive.
SP-9	(6-42)	Adverse effects of increased runoff	Implemented and ongoing.
SP-10; 11	(6-42)	Development in floodways	Implemented and ongoing.
SP-12	(6-42)	Master Storm Drain Study Plan	Implemented and ongoing.
SP-13	(6-42)	Airport height restriction policy	Ongoing implementation as needed.
SP-14	(6-42)	Detrimental and toxic discharge	Ongoing implementation via regulatory efforts of the Town's Onsite Sanitation Division, the County Dept. of Public Health Services and RWQCB.
SP-15	(6-43)	Projects to minimize soil erosion	Implemented an Erosion and Sediment Control Plan for all development projects complying with the Town's Phase II MS4 NPDES General Permit issued by the State Water Board.
SP-16	(6-43)	Erosion control on sloped lots	Ongoing implementation as needed.
SP-17	(6-43)	No development on slopes $\geq 30\%$	Ongoing implementation as needed.
SI-1	(6-43)	Standards for adequate fire flow	Implemented and ongoing.
SI-2	(6-43)	Review and amend existing roadway standards	Ongoing directive. Not implemented, lack of resources, staff, etc.
SI-3	(6-43)	Public safety impact fees	Partial funding implemented and ongoing.
SI-4	(6-43)	Public safety service fees	Not implemented at this time due to legal (Prop.218) constraints.
SI-5	(6-43)	Earthquake and fire danger Education for residents	Implemented and ongoing.
SI-6	(6-43)	Enforce UBC (bldg) and UFC (fire)	Implemented and ongoing.
SI-7	(6-43)	Adequate dry brush clearance	Implemented and ongoing.
SI-8	(6-43)	Amend ordinances as necessary to require erosion control	Ongoing and partially implemented.
SI-9	(6-43)	Evaluate and implement the	

SI-10	(6-43)	Master Storm Drain Study	Ongoing as opportunities arise and funding sources become available.
SI-11	(6-43)	Adopt Airport Land Use Plan	Implemented.
		Airport Commission review	Ongoing implementation as needed.
SP-18; 19	(6-45)	Siting of HHW facilities	Functionally implemented and ongoing as a result of establishment and successful operation of the Town's HHW facility.
SP-20; 21	(6-45)	Countywide HHW agreements	Ongoing. See County Hazardous Waste Management Plan.
SP-22	(6-45)	HHW transportation routes	Ongoing. See County Hazardous Waste Management Plan.
SP-23; 24	(6-45)	Siting of collection facilities in the industrial area	Implemented.
SI-12	(6-46)	Develop. to consider HHW Element	Ongoing implementation as needed.
SI-13	(6-46)	Regional facility siting	Ongoing implementation as needed.
SI-14	(6-46)	Hazardous waste data collection	Ongoing implementation as needed.
SI-15	(6-46)	Ordinances compliant with AB 2948	Ongoing implementation as needed.
SI-16	(6-46)	Develop HHW reduction program	Ongoing implementation as needed.
SI-17	(6-46)	Program to manage waste oil	Implemented.
SI-18;19	(6-46)	Develop HHW educational programs	Ongoing implementation as needed.
SI-20	(6-46)	HHW air quality standards	Ongoing and implemented.
SI-21;22	(6-46)	Collection and education programs	Ongoing and implemented.

OPEN SPACE/CONSERVATION ELEMENT:

OCEP-1; 2; 3	(6-49)	Scenic highway corridors	Implemented.
OCEP-4	(6-49)	New billboard size and location restrictions	Implemented and ongoing.
OCEP-5; 6	(6-49)	Protecting scenic view corridors	Ongoing implementation as needed.
OCEI-1	(6-50)	Development standards to maintain Integrity of scenic highway	Implemented via Town adoption of scenic highway zoning regulations.

OCEI-2	(6-50)	Utility locations in gateways	Implemented as needed.
OCEI-3	(6-50)	New billboard regulations	Implemented and ongoing.
OCEP-7	(6-51)	Open space as infill tool	Implemented, ongoing directive.
OCEP-8	(6-51)	Trailways with new development	Ongoing and partially implemented as needed; Yellowstone Kelly Heritage Trailway (formerly Paradise Memorial Trailway) extension completed in 2010 indicates progress.
OCEP-9	(6-51)	Public access to Lookout Point	Implemented and ongoing via Butte County.
OCEP-10	(6-51)	Linear park around trailway	Partially implemented/ongoing via Trailway Plan & recent improvements.
OCEP-11	(6-51)	Work with PRPD for park locations	Implemented and ongoing.
OCEP-12	(6-51)	Work to acquire open space	Ongoing directive and merits implementation due to 2018 Camp Fire Circumstances.
OCEI-4;	(6-51)	Work with PRPD to develop open space specific plan	The PRPD adopted a revised and updated 15-year District Master Plan during 2010 that will assist in implementation of this directive.
OCEI-5	(6-51)	Park facilities consistent with GP	Implemented and ongoing.
OCEI-6	(6-51)	Expansion of Sphere of Influence	Not implemented due to lack of necessity.
OCEI-7	(6-51)	Open space east of Neal Rd	Partially implemented as an ongoing directive.
OCEP-13	(6-52)	Protect large trees	Ongoing directive and implemented as opportunities afforded.
OCEP-14; 15	(6-52)	Maintenance of natural habitat	Partially implemented and ongoing.
OCEP-16	(6-52)	Protect area fisheries	Partially implemented and ongoing.
OCEP-17	(6-52)	Protect deer herd migration routes	Ongoing directive.
OCEP-18; 19	(6-53)	Protect view sheds	Ongoing and partially implemented.
OCEP-20; 21	(6-53)	Protect neighboring views	Ongoing and partially implemented.
OCEP-22	(6-53)	Underground utilities encouraged	Partially implemented and ongoing. The Town established two new underground utility districts in 2016. During 2019 PG&E agreed to and commenced undergrounding some of its electrical transmission lines along the Skyway and within the Town.
OCEP-23	(6-53)	Preserve groundwater quality	Implemented and ongoing.

OCEP-24; 25(6-53)	Protect town's water resources	Implemented and ongoing.
OCEP-26 (6-53)	Keep natural riparian vegetation	Partially implemented and ongoing via case by case analysis.
OCEP-27 (6-53)	Land uses near sensitive lands	Implemented and ongoing.
OCEP-28 (6-53)	Control grading in subdivisions	Implemented and ongoing. Adoption of 2016 California Green Building Standards Code has assisted.
OCEP-29 (6-53)	Golf course operation encouraged	Ongoing directive.
OCEP-30 (6-53)	Grey water usage ordinance	Implemented and ongoing. The Town adopted grey water use regulations in 2014.
OCEP-31 (6-53)	Retention of agricultural lands	Ongoing partial implementation.
OCEP-32;33(6-53, 54)	Identify ag and timber lands	Implemented.
OCEP-34; 35(6-54)	Support programs to recycle	Implemented/ongoing via execution of a solid waste franchise agreement with NRWS.
OCEP-36 (6-54)	Archaeologically sensitive lands	Implemented and ongoing.
OCEI-8 (6-54)	Develop standards for stream and drainage way protection	Implemented and ongoing.
OCEI-9 (6-54)	Low density on sensitive land	Implemented and ongoing.
OCEI-10 (6-54)	Regulations for creek discharges	Implemented and ongoing via RWQCB and the Town's Wastewater Management District.
OCEI-11 (6-54)	Seek grants for reforestation	Partially implemented and ongoing as opportunity affords itself.
OCEI-12 (6-54)	Mitigation for tree removal	Largely implemented via tree ordinance regulations.
OCEI-13 (6-54)	Encourage Arbor Day	Ongoing directive.
OCEI-14 (6-54)	Preserve natural wildlife areas	Implemented and ongoing.
OCEI-15 (6-54)	Undergrounding utilities	Partially implemented and ongoing. See OCEP 22.
OCEI-16 (6-54)	Acquire conservation easements	Not implemented; lack of funding.
OCEI-17 (6-54)	Establish Williamson Act program	Not implemented; lack of local opportunities.
OCEI-18 (6-55)	Compliance with CEQA archaeological impacts	Implemented and ongoing directive.
OCEI-19; 20(6-55)	Use of qualified archaeologists	Implemented and ongoing.
OCEI-21; 22; 23; 24(6-55)	Implement recycling programs	Implemented and ongoing. See OCEP-34; 35 and SP-18; 19 comments
OCEI-25 (6-55)	Eliminate leaf burning	Progress toward implementation has been achieved; Town Council has

OCEI-26	(6-55)	Support water conservation	adopted regulations resulting in a reduction in leaf burning.
OCEI-27	(6-55)	PRPD impact mitigation program	Partial implementation and ongoing. See note for LUP-6 and LUP-18.
OCEP-37	(6-56)	Cogeneration possibilities	Implemented and ongoing.
OCEP-38	(6-56)	Support recycling	Not implemented due to a history of limited opportunities and Constraints predating the 2018 Camp Fire.
OCEP-39	(6-56)	Siting of multi-family housing	Implemented.
OCEP-40	(6-56)	Commercial sign design	Ongoing directive.
OCEP-41	(6-57)	Landscape plan standards	Implemented by Town-wide Design Standards adopted in 2010.
OCEP-42	(6-57)	Pedestrian and bicycle consideration in new subdivisions	Implemented and ongoing.
OCEP-43	(6-57)	Bike lanes on collector streets	Ongoing and partially implemented on a case by case basis.
OCEI-28	(6-57)	Energy conservation partnership	Implemented as opportunities arise.
OCEI-29	(6-57)	Energy conservation ordinance	Partially implemented and ongoing.
OCEI-30	(6-57)	Energy conservation in zoning	Functionally implemented through adoption of 2016 Green Building Standards.
			Ongoing directive.

EDUCATION AND SOCIAL SERVICES ELEMENT:

SOCIAL SERVICES ELEMENT - (Education and Schools)

ESP-1-7	(6-59)	School siting requirements	Ongoing directives; implemented as opportunities arise.
ESP-8	(6-60)	PUSD review of GP amendments	Ongoing directive.
ESP-9; 10	(6-60)	PUSD considerations for density	Implemented and ongoing.
ESI-1	(6-60)	PUSD to review GP amendments	Implemented and ongoing.

ESI-2	(6-60)	Notify PUSD of Fed or State develop.	Ongoing directives implemented as opportunities arise.
ESI-3; 4	(6-61)	Ongoing review of school sites	Ongoing directives implemented as opportunities arise.
ESI-5	(6-61)	Findings for school capacities	Not implemented. Local school enrollment levels do not appear to warrant current implementation.
ESI-6	(6-61)	PUSD impact mitigation program	Not implemented; prohibited by California State law.

SOCIAL SERVICES ELEMENT - (Senior Services):

ESP-11-13	(6-62)	Needs of the aging and elderly	Partially implemented and ongoing.
ESP-14-16	(6-62)	Help improve senior facilities/svcs	Partially implemented and ongoing.
ESI-7	(6-62)	Work with senior groups	Partially implemented and ongoing but no formally established liaison.
ESI-8; 9	(6-62)	Add Community Services land uses	Implemented.
ESI-10	(6-62)	Alternative means to improve svcs	Partially implemented via federally funded Town housing programs.

SOCIAL SERVICES ELEMENT - (Child Day Care):

ESP-17-19	(6-63)	Large family daycare requirements	Implemented.
ESI-11	(6-63)	Streamline large family daycares	Implemented.

SOCIAL SERVICES ELEMENT - (The Arts)

ESP-20	(6-64)	Encourage art and retail crafts	Partially implemented and ongoing as opportunities are afforded.
ESP-21	(6-64)	Dramatic theater facility siting	Implemented and ongoing.
ESP-22	(6-64)	Add arts program opportunities	Implementation ongoing.
ESP-23	(6-64)	Local arts education program	Partially implemented and ongoing.
ESI-12	(6-64)	Ongoing support of the arts	Partially implemented.
ESI-13	(6-64)	Feasibility of art related incentives	Not being implemented by local government efforts but via private sector (Paradise Ridge Chamber, etc.).
ESI-14	(6-64)	Display local art within Town Hall	Partially implemented and ongoing.

ESP-24	(6-65)	Education on value of library	Limited implementation effort.
ESP-25	(6-65)	Assist in funding library programs	Not implemented. Such opportunities have yet to materialize.
ESP-26	(6-65)	Support offerings of local library	Limited implementation effort.

SOCIAL SERVICES ELEMENT - (Library Services)

ESI-15	(6-65)	TOP and library liaison	Limited implementation effort.
ESI-16	(6-65)	Consolidate library with TOP	Not implemented. No advocacy nor demand for implementation currently exists.

SOCIAL SERVICES ELEMENT - (Activities for Teenagers):

ESP-27; 28	(6-66)	Facilities available for teens	Implemented and ongoing. Boys and Girls Club, PRPD programs/activities contribute greatly.
ESP-29	(6-66)	Solicit teen input	Limited implementation as opportunities are afforded.
ESI-17; 18	(6-66)	Develop avenues for teen input	Implemented as the opportunity arises.
ESI-19	(6-66)	Teens on citizen committees	Limited implementation.

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Town of Paradise
Council Agenda Summary
Date: September 8, 2020

Agenda Item: 2(d)

ORIGINATED BY: Susan Hartman, CDD Manager/Assistant Planner
REVIEWED BY: Lauren M. Gill, Town Manager
SUBJECT: Acceptance of the 2019 Annual Report of the Paradise Planning Commission Regarding Progress Towards Implementation of the 1994 Paradise General Plan Housing Element

COUNCIL ACTION REQUESTED:

RECOMMENDATION: Adopt a **MOTION TO:**

1. Acknowledge receipt of the Planning Commission's Annual 1994 Paradise General Plan Housing Element Progress Report for the 2019 calendar year.

Background:

Government Code Section 65400 requires each local jurisdiction to prepare an annual report on the status and progress in implementing its General Plan Housing Element using forms and definitions adopted by the California State Department of Housing and Community Development (HCD). The annual progress report should to be submitted to HCD and the Governor's Office of Planning and Research (OPR) each year for the prior calendar year.

Section 65400 further states that the annual Housing Element progress report "shall be at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments." In order to provide an opportunity for members of the public to provide this input, the Planning Commission reviewed and forwarded the report to the Town Council during their regularly scheduled meeting on August 18, 2020. Town Council acceptance of the report will facilitate its submittal to HCD and OPR as required.

The attached annual Housing Element progress report reveals that, of a total of five hundred seven (507) new dwelling units, the majority of permits issued were for above-moderate income dwelling units. The remaining units needed for the 2014-2022 planning period are only for very-low income levels at 121 units.

Since the adoption of the Housing Element on June 10, 2014 (Resolution 14-22), staff continues to pursue opportunities to further the implementation of housing program objectives in addition to those programs where implementation involves ongoing directives to promote affordable housing through various means. The report contains a

detailed enumeration of each program and its implementation status as of December 31, 2019.

Financial Impact:

Acceptance of this annual Housing Element Progress report and its submittal to OPR and HCD shall have no financial impact upon the Town of Paradise.

Attachment

Table B
Regional Housing Needs Allocation Progress
Permitted Units Issued by Affordability

Income Level	RHNA Allocation by Income Level	2014	2015	2016	2017	2018	2019	2020	2021	2022	Total Units to Date (all years)	Total Remaining RHNA by Income Level
		2										
Very Low	Deed Restricted	141									20	121
	Non-Deed Restricted											
Low	Deed Restricted	1		7	2						160	
	Non-Deed Restricted					62					88	
Moderate	Deed Restricted	93	4		1						95	
	Non-Deed Restricted											
Above Moderate		303	9	17	16						354	
Total RHNA		637	14	27	19	62	507				629	121

Note: units serving extremely low-income households are included in the very low-income permitted units totals
 Cells in grey contain auto-calculation formulas



**Town of Paradise
Council Agenda Summary
Date: September 8, 2020**

Agenda Item 6(a)

Originated by: Brooke Kerrigan, Administrative Services Director / Treasurer

Reviewed by: Lauren Gill, Town Manager

Subject: Contract with Hinderliter, deLlamas & Associates (HdL) Companies to Provide Sales and Use Tax Auditing, Monitoring, and Reporting Services

COUNCIL ACTION REQUESTED

1. Consider authorizing the Town Manager to execute an agreement with HdL Companies for services of sales, use, and transactions tax auditing, monitoring, and reporting; and,
2. Consider authorizing the examination of sales, use, and transactions tax records on file with the California Department of Tax and Fee Administration (CDTFA) by designated Town officials and HdL Companies. (Roll Call Vote)

Background

Sales, use, and transactions tax make up 10% of the General Fund's budgeted revenues for fiscal year 2020/21. Ballot sales tax Measure C and Measure V alone account for 5%. At a regular Measure C Advisory Committee meeting on July 28, 2020 HdL and committee members discussed the various factors effecting sales tax revenues within the Town of Paradise. Factors include the statewide decline seen in sales tax revenues in the second quarter of 2020 due to the pandemic, and the rebuild efforts in Paradise that appear to be offsetting revenue losses. Staff was given direction by committee members to bring a proposal for Town Council's consideration authorizing HdL Companies to audit and analyze the Town's sales tax collections.

Analysis

Rebuilding and recovery efforts in the Town of Paradise appear to be offsetting sales tax revenue declines seen in other parts of California. Materials and supplies brought in and used in Paradise are subject to the Town's Measure C (0.5%) district tax regardless of where the goods were purchased. This includes lumber, appliances, and other consumable goods. The California Department of Tax and Fee Administration (CDTFA) administers both the district tax and Bradley Burns sales and use tax (7.25%). The Bradley Burns tax in general is based on point of sale, whereas Measure C is based on point of delivery, or use.

Sales and use transactions tax became more complex by South Dakota vs. Wayfair in 2018. Through the Wayfair decision sales and use tax is now collected by larger online companies and remitted back to the states where the purchases are consumed. It's estimated the Wayfair case increased the Bradley Burns tax in California by \$125 to \$250 million and district tax increased by an estimated 1.8 to 3.5 %. While the Wayfair decision has added much more complexity to California's tax provisions, tax collections are now more fairly distributed. This is especially important since online sales have skyrocketed in last few years.

Summary

Sales and use transactions tax have grown more complex. Without the necessary tools to identify trends, correct errors, and continually monitor sales tax, this revenue stream goes unrecognized as an economic tool to better understand Paradise's unique state of activities. Sales tax revenue, as an economic indicator, can link information of rebuilding efforts through movement of goods brought directly within Paradise' boundaries, and indirectly, consumerism trends can be traced to identify population increases and decreases. Expertise is needed to gather a better understanding of Paradise's own complexities, the likes of which have never been undertaken.

Proposed Agreement

The services proposed in the agreement with HdL are analysis, reporting, and auditing and recovery services.

1. Analysis – Data base management and identifying changes in sales by individual business, business groups and categories; trend analysis by major groups and geographic areas; per capita outlet comparisons with regional and statewide sales
2. Reporting – Access for Town staff to HdL's web-based sales tax computer software which includes a variety of reports; quarterly reports to share with Council Members and the public without disclosing confidential information
3. Auditing and Recovery – tax audits to identify and correct any distribution and allocation errors; identification and follow-up with any potentially large purchases of supplies and equipment (e.g. hospitals and manufacturing plants); initiate contact with various agencies and companies that have businesses where a probability of error exists to verify whether current tax receipts accurately reflect local sales activity; correct errors at the state level for revenue return

Additional services include meeting quarterly with the Town, assisting staff with questions related to maximizing revenues, preparation of revenue projections and general information on sales, transactions and use tax questions. Also included is continual monitoring of both Bradley Burns sales and use tax transactions and Measure C district tax transactions.

Financial Impact

HdL Companies services is \$7,200 per year for two years (8 quarters) for sales tax and economic analysis and transaction district tax reports that are included in the quarterly sales tax analysis. HdL Companies proposes auditing fees of an initial twenty five percent for identification of any *new and recovered* sales tax revenues. This is reduced to 15% for the on-going new, and any recovered sales tax revenues for the duration of the contract.

**TOWN OF PARADISE
HDL Companies - SCOPE OF WORK / PRICING
As of August 2020**

1. Sales, use and transactions tax revenues can be increased through a system of continuous monitoring, identification and correction of allocation errors.
 2. An effective program of sales and use tax management will improve identification of economic opportunities; provide for more accurate sales and use tax forecasting; and assist in related revenue collections.
 3. Desires the combination of data entry, report preparation and analysis necessary to effectively manage its sales and use tax base; the recovery of revenues erroneously allocated to other jurisdictions and allocation pools; and to maximize its financial and economic planning.
-

SCOPE OF WORK-FULL SERVICE

A. SALES TAX AND ECONOMIC ANALYSIS SERVICES

1. HDL shall establish a special database that identifies the name, address and quarterly allocations of all sales tax producers within the TOWN for the most current and all quarters back to fiscal year 1989-1990 or earlier, if the TOWN has prior historical sales tax data available on computer readable magnetic media. This database will be utilized to generate special reports to the TOWN on: major sales tax producers by rank and category, sales tax activity by categories, or business districts, identification of reporting aberrations, and per capita and outlet comparisons with regional and statewide sales.
2. HDL shall provide updated reports following each calendar quarter identifying changes in sales by individual businesses, business groups and categories and by geographic area. These reports may include, without limitation, quarterly aberrations due to State audits, fund transfers, and receivables along with late or double payments, and quarterly reconciliation worksheets to assist with budget forecasting. HDL shall meet quarterly with TOWN.
3. HDL shall additionally provide following each calendar quarter a summary analysis for the TOWN to share with Council Members Chambers of Commerce, other economic development interest groups and the public that analyze TOWN'S sales tax trends by major groups, and geographic areas without disclosing confidential information.
4. HDL shall make available to TOWN staff HDL's web-based sales tax computer software program containing sellers permit and quarterly allocation information for all in-town business outlets registered with the Department of Tax and Fee Administration and updated quarterly. This software shall allow TOWN staff to search businesses by street address, account number, business name, business type and keyword, arrange data by geographic area, and print out a variety of reports.

B. ALLOCATION AUDIT AND RECOVERY SERVICES

1. HDL shall conduct initial and on-going sales, use and transactions tax audits to identify and correct distribution and allocation errors, and to proactively affect favorable registration, reporting or formula changes thereby generating previously unrealized sales,

use and transactions tax income for the TOWN and/or recovering misallocated tax from previously properly registered taxpayers. Common errors that will be monitored and corrected include, but are not limited to: transposition errors resulting in misallocations; erroneous consolidation of multiple outlets; formula errors, misreporting of "point of sale" to the wrong location; delays in reporting new outlets; misallocating use tax payments to the allocation pools or wrong jurisdiction; and erroneous fund transfers and adjustments.

2. HDL shall initiate contacts with state agencies, and sales management and accounting officials in companies that have businesses where a probability of error exists to verify whether current tax receipts accurately reflect the local sales activity. Such contacts will be conducted in a professional and courteous manner.
3. HDL shall (i) prepare and submit to the Department of Tax and Fee Administration information for the purpose of correcting allocation errors that are identified and (ii) follow-up with individual businesses and the California Department of Tax and Fee Administration to promote recovery by the TOWN of back or prospective quarterly payments that may be owing.
4. If during the course of its audit, HDL finds businesses located in the TOWN that are properly reporting sales and use tax but have the potential for modifying their operation to provide an even greater share to the TOWN, HDL may so advise TOWN and work with those businesses and the TOWN to encourage such changes.

C. DEFICIENCY/ALLOCATION REVIEWS AND RECOVERY

1. HDL shall conduct on-going reviews to identify and correct unreported transactions and tax payments and distribution errors thereby generating previously unrealized revenue for the TOWN. Said reviews shall include:
 - (i) Comparison of county-wide local tax allocations to transactions tax for brick and mortar stores and other cash register-based businesses, where clearly all transactions are conducted on-site within the TOWN boundaries, and therefore subject to transactions tax.
 - (ii) Review of any significant one-time use tax allocations to ensure that there is corresponding transaction tax payments for taxpayers with nexus within the TOWN boundaries.
 - (iii) Review of state-wide transactions tax allocations and patterns to identify any obvious errors and omissions.
 - (iv) Identification and follow-up with any potentially large purchasers of supplies and equipment (e.g. hospitals, universities, manufacturing plants, agricultural operations, refineries) to ensure that their major vendors are properly reporting corresponding transactions tax payments to the Transactions Tax District.
2. HDL will initiate, where the probability of an error exists, contacts with the appropriate taxpayer management and accounting officials to verify whether current tax receipts accurately reflect the local sales activity. Such contacts will be conducted in a professional and courteous manner so as to enhance TOWN's relations with the business community.
3. HDL shall prepare and submit to the Department of Tax and Fee Administration all information necessary to correct any allocation errors and deficiencies that are identified, and shall follow-up with the individual businesses and the California Department of Tax and Fee Administration to ensure that all back quarter payments due the TOWN are recovered.

D. DATA BASE MANAGEMENT, REPORTS AND STAFF SUPPORT

1. HDL shall establish a database containing all applicable Department of Tax and Fee Administration (CDTFA) registration data for each business within the District boundaries holding a seller's permit account. Said database shall also identify the quarterly transactions and use tax allocations under each account for the most current and previous quarters where available.
2. HDL shall provide updated reports each quarter identifying changes in allocation totals by individual businesses, business groups and by categories. Quarterly aberrations due to State audits, fund transfers, and receivables, along with late or double payments, will also be identified. Quarterly reconciliation worksheets to assist finance officer with budget forecasting will be included.
3. HDL shall advise and work with TOWN Staff on planning and economic questions related to maximizing revenues, preparation of revenue projections and general information on sales, transactions and use tax questions.
4. HDL shall make available to TOWN the HdL proprietary software program and database containing all applicable registration and quarterly allocation information for TOWN business outlets registered with the Department of Tax and Fee Administration. The database will be updated quarterly.

COMPENSATION

SALES AND USE TAX

- A. HDL shall provide the sales tax and economic analysis Services described above for a fee of **\$400** per month, commencing with the month of the Effective Date (hereafter referred to as "monthly fee"). The monthly fee shall be invoiced quarterly in arrears, and shall be paid by TOWN no later than 30 days after the invoice date. The monthly fee shall increase annually following the month of the Effective Date by the percentage increase in the "CPI" for the preceding twelve-month period. In no event shall the monthly fee be reduced by this calculation. For purposes of this Agreement, the "CPI" shall mean the Consumer Price Index - All Urban Consumers for the surrounding statistical metropolitan area nearest TOWN, All Items (1982-84 = 100), as published by the U.S. Department of Labor, Bureau of Labor Statistics, or, if such index should cease to be published, any reasonably comparable index selected by HDL.
- B. HDL shall be further paid **15%** of all new and recovered sales, use and transactions tax revenue received by the TOWN as a result, in whole or in part, of the allocation audit and recovery services described above (hereafter referred to as "audit fee"), including without limitation, any reimbursement or other payment from any state fund and any point of sale misallocations.
 1. The audit fee shall be paid even if TOWN assists, works in parallel with, and/or incurs attorneys' fees or other costs or expenses in connection with any of the relevant Services. Among other things, the audit fee applies to state fund transfers received for back quarter reallocations and monies received in the first eight consecutive reporting quarters following completion of the allocation audit by HDL and confirmation of corrections by the California Department of Tax and Fee Administration. TOWN shall pay audit fees upon HDL'S submittal of evidence of HDL'S work in support of recovery of subject revenue, including, without limitation, copies of CDTFA 549-S petition forms of any other correspondence between HDL and the Department of Tax and Fee Administration or the taxpayer.

2. For any increase in the tax reported by businesses already properly making tax payments to TOWN, it shall be HDL's responsibility to support in its invoices the audit fee attributable, in whole or in part, to HDL's Services.

TRANSACTIONS TAX

- A. HDL shall be paid **\$200** monthly billed quarterly for the transaction district tax reports that we include with the quarterly sales tax analyses. HDL shall be paid **25%** of the initial amount of new transactions or use tax revenue received by the TOWN as a result of audit and recovery work performed by HDL (hereafter referred to as "audit fees"). New revenue shall not include any amounts determined and verified by TOWN or HDL to be increment attributable to causes other than HDL'S work pursuant to this agreement. In the event that HDL is responsible for an increase in the tax reported by businesses already properly making tax payments to the TOWN, it shall be HDL'S responsibility to separate and support the incremental amount attributable to its efforts prior to the application of the audit fee. Said audit fees will apply to state fund transfers received for those specific quarters identified as being missing and/or deficient following completion of the audit by HDL and confirmation of corrections by the California Department of Tax and Fee Administration but shall not apply prospectively to any future quarter. HDL shall provide TOWN with an itemized quarterly invoice showing all formula calculations and amounts due for audit fees.

**TOWN OF PARADISE
RESOLUTION NO. 20-__**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PARADISE AUTHORIZING EXAMINATION OF SALES, USE
AND TRANSACTIONS TAX RECORDS**

WHEREAS, pursuant to Paradise Municipal Code section 3.20.040, the Town of Paradise entered into a contract with the Department of Tax and Fee Administration to perform all functions incident to the administration and collection of local sales, use and transactions taxes; and

WHEREAS, the Town Council of the Town of Paradise deems it desirable and necessary for authorized representatives of the Town to examine confidential sales, use and transactions tax records of the Department of Tax and Fee Administration pertaining to sales, use and transactions taxes collected by the Department for the Town pursuant to that contract; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Department of Tax and Fee Administration records, and establishes criminal penalties for the unlawful disclosure of information contained in, or derived from, the sales, use and transactions tax records of the Department.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF PARADISE RESOLVES AS FOLLOWS:

Section 1. That the Town Manager, Administrative Services Director, or other officer or employee of the Town designated in writing by the Town Manager to the Department of Tax and Fee Administration (hereafter referred to as Department), is hereby appointed to represent the Town of Paradise with authority to examine sales, use and transactions tax records of the Department pertaining to sales, use and transactions taxes collected for the Town by the Department pursuant to the contract between the Town and the Department. The information obtained by examination of Department records shall be used only for purposes related to the collection of Town sales, use and transactions taxes by the Department pursuant to that contract.

Section 2. That the Town Manager, Administrative Services Director, or other officer or employee of the Town designated in writing by the Town Manager to the Department, is

hereby appointed to represent the Town with authority to examine those sales, use and transactions tax records of the Department, for purposes related to the following governmental functions of the Town:

- (a) Town administration
- (b) Revenue management and budgeting
- (c) Community and economic development

The information obtained by examination of Department records shall be used only for those governmental functions of the Town of Paradise.

Section 3. The Town Manager is authorized to execute an agreement with Hinderliter, de Llamas & Associates (HdL), which is hereby designated to examine the sales, use and transactions tax records of the Department pertaining to sales, use and transactions taxes collected for the Town by the Department. The person or entity designated by this section meets all of the following conditions:

- (a) has an existing contract with the Town to examine those sales, use and transactions tax records;
- (b) is required by that contract to disclose information contained in, or derived from, those sales, use and transactions tax records only to the officer or employee authorized under Sections 1 or 2 of this resolution to examine the information.
- (c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract; and
- (d) is prohibited by that contract from retaining the information contained in, or derived from those sales, use and transactions tax records, after that contract has expired.

The information obtained by examination of Department records shall be used only for purposes related to the collection of Town sales, use and transactions taxes by the Department pursuant to the contract between the Town and the Department and for purposes relating to the governmental functions of the Town listed in section 2 of this resolution.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 8th day of September 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
Greg Bolin, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: September 8, 2020**

Agenda Item: 6(b)

ORIGINATED BY: Colette Curtis, Assistant to the Town Manager
REVIEWED BY: Lauren M. Gill, Town Manager
SUBJECT: Second Reading of Ordinance 597 an Ordinance Amending Chapter 8.58 of the Paradise Municipal Code Relating to Defensible Space and Hazardous Fuel Management

COUNCIL ACTION REQUESTED:

1. Second Reading of Town Ordinance No. 597. "An Ordinance Amending Paradise Municipal Code Section 8.58.060 Relating to Defensible Space and Hazardous Fuel Management to include an Advisory for property buyers at time of transfer."

BACKGROUND:

Weed abatement has long been an important issue in Paradise. Our wildland-urban interface environment lends itself to the growth of weeds and brush that pose a fire danger to our community. After the Camp Fire, the Town has experienced a confluence of events that has made abating weeds and brush an urgent issue. The Camp Fire precipitated the removal of many fire-damaged trees, removing the shade canopy that had existed and allowing more sunlight to reach the soil which allows more weeds to grow and thrive. In addition, seeds that have been dormant for decades were activated by the Camp Fire, resulting in new and an increase of weeds our community has not seen before. We estimate 80% of property owners to be out of Town due to the fire, making it more difficult for property owners to address the weeds as they become a hazard.

With these factors in mind, Town Council heard a presentation from Paradise Fire Chief Sjolund at their August 11, 2020 Council meeting regarding a proposed change to our existing weed abatement ordinance under Section 8.58.060 of the Paradise Municipal Code (PMC). In preparation for this meeting, staff spoke with the President of the Paradise Association of Realtors and received preliminary support. At the August 11th meeting, Council voted to approve Ordinance No. 597 to modify the Municipal Code to strengthen our weed enforcement ordinance and require an advisory for property buyers at the time of transfer. The next steps in the process would be a second reading to adopt the Ordinance at the September Council meeting, and if approved, the ordinance would go into effect 30 days later, on October 8, 2020.

On August 3, 2020 Town staff met with members of the Paradise, Chico and Oroville Associations of Realtors (over zoom to maintain social distancing) to discuss the proposed changes and get feedback on the process. About 30 Real Estate Professionals attended the meeting and participated in a robust discussion regarding this important issue. Their recommendation was to provide an advisory in the buyer's packet regarding their responsibility to clear their newly acquired property, rather than making property clearance a condition at the point of sale.

According to the real estate professionals who met with staff, buyers will be in a better position to comply with this ordinance since they are assuming responsibility for the property, rather than the seller who is leaving that responsibility behind. It was their feeling that buyers would comply at a higher rate, even without a mandate at the point of sale.

Paradise Fire Chief Sjolund shared that through their current efforts, the Fire Department has achieved a high rate of compliance with property owners, and he feels that an advisory to buyers would achieve a similarly high level of compliance.

A local title company confirmed that escrows for vacant properties tend to be short – usually between 8 and 12 days which does not afford very much time for property clearance prior to closing escrow. In addition, staff reached out to local weed abatement contractors and found that most of them had a waiting list several weeks long due to the large number of properties needing their services.

At the August Council Meeting, Town Council approved new ordinance language, which would require property buyers to acknowledge their responsibility to comply with the weed abatement measures spelled out in the Ordinance, and would require the property to be inspected within 30 days of property transfer to confirm compliance, but would not require property clearance prior to the transfer of property.

ANALYSIS:

Proposed Ordinance Section E:

- C. An unimproved parcel of one and one-half (1.5) acres or less in size shall be required to provide fuel modification to the entire parcel. Fuel modification requirements shall consist of the following:
 - 1. Weeds, dry grass and brush are required to be mowed to a height of four (4) inches.
 - 2. Ladder fuels (vegetation, brush and small trees under mature trees) shall be removed.
 - 3. Trees shall be pruned up to six (6) feet from the ground. For shorter height trees, pruning shall not exceed 1/3 of the overall tree height. Tree placement shall be planned to ensure the mature canopy is no closer than ten (10) feet to the edge of any structure.

Unimproved parcels greater than one and one-half (1.5) acres in size shall be required to maintain a fuel break a minimum (30) feet from the property line. The fuel break requirements shall consist of the same requirements as unimproved parcel of one and one-half (1.5) acres or less.

E. At the time of transfer of ownership of a parcel from the owner to another, the buyer shall sign and agree to the terms of this section 8.58.060. Based on a monthly list of parcels sold within the Town of Paradise, within 30 days after the transfer of each parcel the Town shall determine whether the parcel complies with this section.

If adopted, this ordinance would go into effect 30 days from the September meeting – October 8, 2020.

Administrative Procedure

The buyer of the property would receive an advisory and copy of the PMC Section 8.58.060 in their information from the Title Company that requires them to acknowledge the responsibility to maintain their property to the standards stated in the Section. Property owners would then be subject to the same inspection and citation process if the property is not cleared to the appropriate standard. Town Staff will present progress updates on this program to Council each month at their regular Council meetings.

The process for the advisory would be as follows:

1. Staff in the Town Manager's Office will reach out to Title Companies, Lenders and Real Estate Professionals to inform them of this program and answer questions.
2. Staff in the Town Manager's Office will submit the adopted ordinance and an acknowledgement form to Title Companies and Real Estate professionals.
3. The Title Company and/or Real Estate Professional will present the information to buyers at the time of property transfer for their signature acknowledging their responsibilities for weed abatement according to the ordinance.
4. The Title Company or Real Estate Professional will provide a copy of the signed acknowledgement to the Town Manager's Administrative Assistant Melanie Norris, to be included in the property file.

The process for the inspection would be as follows:

1. Administrative Assistant Melanie Norris will receive a list of properties transferred each week from the Butte County Assessor's Office.
2. This list will be given to the Code Enforcement Admin to schedule inspections for those properties within 30 days of the property transfer.
3. Once the inspection is performed, the property would either pass inspection or enter the Code Enforcement process to gain compliance with the ordinance.

FINANCIAL IMPACT:

There is no financial impact to the Town for this item.

Attachment

LIST OF ATTACHMENTS

1. Ordinance No. 597 "An Ordinance Amending Paradise Municipal Code Section 8.58.060 Relating to Defensible Space and Hazardous Fuel Management". (Advisory to property buyers)
2. Defensible Space Acknowledgment Form

**TOWN OF PARADISE
ORDINANCE NO. 597**

**AN ORDINANCE AMENDING PARADISE MUNICIPAL CODE SECTION 8.58.060 RELATING TO
DEFENSIBLE SPACE AND HAZARDOUS FUEL MANAGEMENT**

The Town council of the Town of Paradise does Ordain as follows:

SECTION 1. Section 8.58.060 of the Paradise Municipal Code is amended to read as follows:

8.58.060 Defensible Space/Hazardous Fuel Management Requirements

A. Any person that owns, leases, controls, operates, or maintains any real property in the Town of Paradise shall continuously do the following:

1. Maintain immediately around and adjacent to any building or structure free of combustible materials. Combustible materials shall not be stored under decks and the area under decks shall be maintained free of vegetative material. Fencing material constructed of combustible material shall not be within five (5) feet from any structure. Only low-growing vegetation with high-moisture content, such as flowers and ground covers and green lawns, free of dead vegetative debris, shall be allowed within five (5) feet of any structure.
2. Remove or prune flammable plants and shrubs near windows and under eave vents (a recommended no-planting zone).
3. Clean roofs and gutters of dead leaves, debris and pine needles. In addition to the management of combustible material around a structure, the following shall be required: 1) Replace or repair any loose or missing shingles or roof tiles to prevent ember penetration. 2) Provide and maintain a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings that are not more than 1/2 inch.
4. Maintain an area adjacent to any structure with a one-hundred (100)-foot fire break made by removing and clearing away all flammable vegetation or other combustible growth from the structure on each side thereof or to the property line, whichever is closer. Within the one hundred (100)-foot fire break: 1) weeds and dry grass shall be required to be mowed to a height of four (4) inches; 2) ladder fuels (vegetation, brush and small trees under mature trees) shall be removed; 3) trees shall be pruned up to six (6) feet from the ground. For shorter height trees, pruning shall not exceed 1/3 of the overall tree height. Tree placement shall be planned to ensure the mature canopy is no closer than ten (10)

feet to the edge of the structure. Trees and shrubs shall be limited to small clusters of a few each to break up the continuity of the vegetation across the landscape. This subsection does not apply to single tree specimens, ornamental shrubbery, or similar plants which are used as ground cover and provided they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

5. Remove the portion of any tree which extends within ten (10) feet of the outlet of any chimney or stovepipe. Maintain any tree adjacent to or overhanging any structure free of dead and dying wood.
 6. Clear flammable vegetation on each side of a street or driveway for a horizontal distance of ten (10) feet and a vertical height of fourteen (14) feet. Cut vegetation within ten (10) feet of a street or driveway on the property to four (4) inches above ground. The Fire Chief, or his or her designee, may require a distance greater than ten (10) feet. This applies to public and private driveway(s) and any public or private streets that border or bisect property.
- B. No property owner shall permit on improved or unimproved parcel any accumulation of combustible materials, dead, dying or diseased trees, or green waste within thirty (30) feet of the property line when such accumulation endangers or encroaches on the required Defensible Space for structures or buildings on an adjacent property. The Fire Chief, or his or her designee, may require a distance greater than thirty (30) feet but not to exceed one hundred (100) feet, when it is determined that the greater distance is necessary to provide Defensible Space for structures or building on an adjacent property.
- C. An unimproved parcel of one and one-half (1.5) acres or less in size shall be required to provide fuel modification to the entire parcel. Fuel modification requirements shall consist of the following:
1. Weeds, dry grass and brush are required to be mowed to a height of four (4) inches.
 2. Ladder fuels (vegetation, brush and small trees under mature trees) shall be removed.
 3. Trees shall be pruned up to six (6) feet from the ground. For shorter height trees, pruning shall not exceed 1/3 of the overall tree height. Tree placement shall be planned to ensure the mature canopy is no closer than ten (10) feet to the edge of any structure.

Unimproved parcels greater than one and one-half (1.5) acres in size shall be required to maintain a fuel break a minimum (30) feet from the property line. The fuel break requirements shall consist of the same requirements as unimproved parcel of one and one-half (1.5) acres or less.

- D. In the event the Fire Chief, or his or her designee, finds that additional fuel management is necessary to significantly reduce the risk of transmission of flame or heat to adjacent properties and means of egress and ingress, the Fire Chief, or his or her designee, may mandate fuel modification of an area more or less than the preceding widths or heights of this section.
- E. At the time of transfer of ownership of a parcel from the owner to another, the buyer shall sign and agree to the terms of this section 8.58.060. Based on a monthly list of parcels sold within the Town of Paradise, thirty (30) days after the transfer of each parcel the Town shall determine whether the parcel complies with this section.

SECTION 2. Pursuant to California Environmental Quality Act (CEQA) Guidelines section 15308 this ordinance is exempt from CEQA in that it is a Class 8 categorical exemption for actions taken by a regulatory agency to establish procedures for the protection of the environment.

SECTION 3. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED BY THE Town Council of the Town of Paradise, County of Butte, State of California, on this 8th day of September 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Greg Bolin, Mayor

ATTEST:

DINA VOLENSKI, CMC, Town Clerk

APPROVED AS TO FORM:

DWIGHT L. MOORE, Town Attorney



Defensible Space Acknowledgement Form

In order to mitigate fire danger, the Town of Paradise requires ALL property owners to keep their properties clear of weeds and brush per Paradise Municipal Code section 8.58.060. You will find a copy of this section on the following page of this packet. The requirements include:

- Unimproved parcels that are 1.5 acres or less in size are required to:
 - Keep weeds, dry grass and brush mowed to a height of four inches.
 - Remove ladder fuels (vegetation, brush and small trees under mature trees).
 - Prune trees up to six feet from the ground.
- Unimproved parcels that are larger than 1.5 acres are required to
 - Maintain a fuel break a minimum of 30 feet from the property line.
 - The fuel break requirements are the same as the requirements for parcels less than 1.5 acres listed above.

At the time of transfer of ownership of a parcel from the owner to another, the buyer shall sign and agree to the terms of this section 8.58.060. Based on a monthly list of parcels sold within the Town of Paradise, within 30 days after the transfer of each parcel the Town shall determine whether the parcel complies with this section.

I hereby agree to the requirements of Paradise Municipal Code section 8.58.060.

Property Owner(s) Signature

Date

Garrett Sjolund, Fire Chief

Date



TOWN OF PARADISE
Council Agenda Summary
Date: September 8, 2020

Agenda No. 6(c)

ORIGINATED BY: Marc Mattox, Public Works Director / Town Engineer
REVIEWED BY: Lauren Gill, Town Manager
SUBJECT: Interim Safety Striping and Marking Improvements Project

COUNCIL ACTION REQUESTED:

1. Review bid results and award Contract No. 9395.CON, Interim Safety Striping and Marking Improvements Project. The agreement will be executed in a form approved by the Town Attorney.

Background:

On August 11, 2020, during a Paradise Town Council Meeting, Council adopted a resolution approving the plans and specifications for the Interim Safety Striping and Marking Improvement Project and authorizing advertisement for bids on the project. This interim safety project will address the highest priority areas, arterials and collectors, in order to ensure safety for drivers and pedestrians. A map of project locations is attached to this staff report.

Analysis:

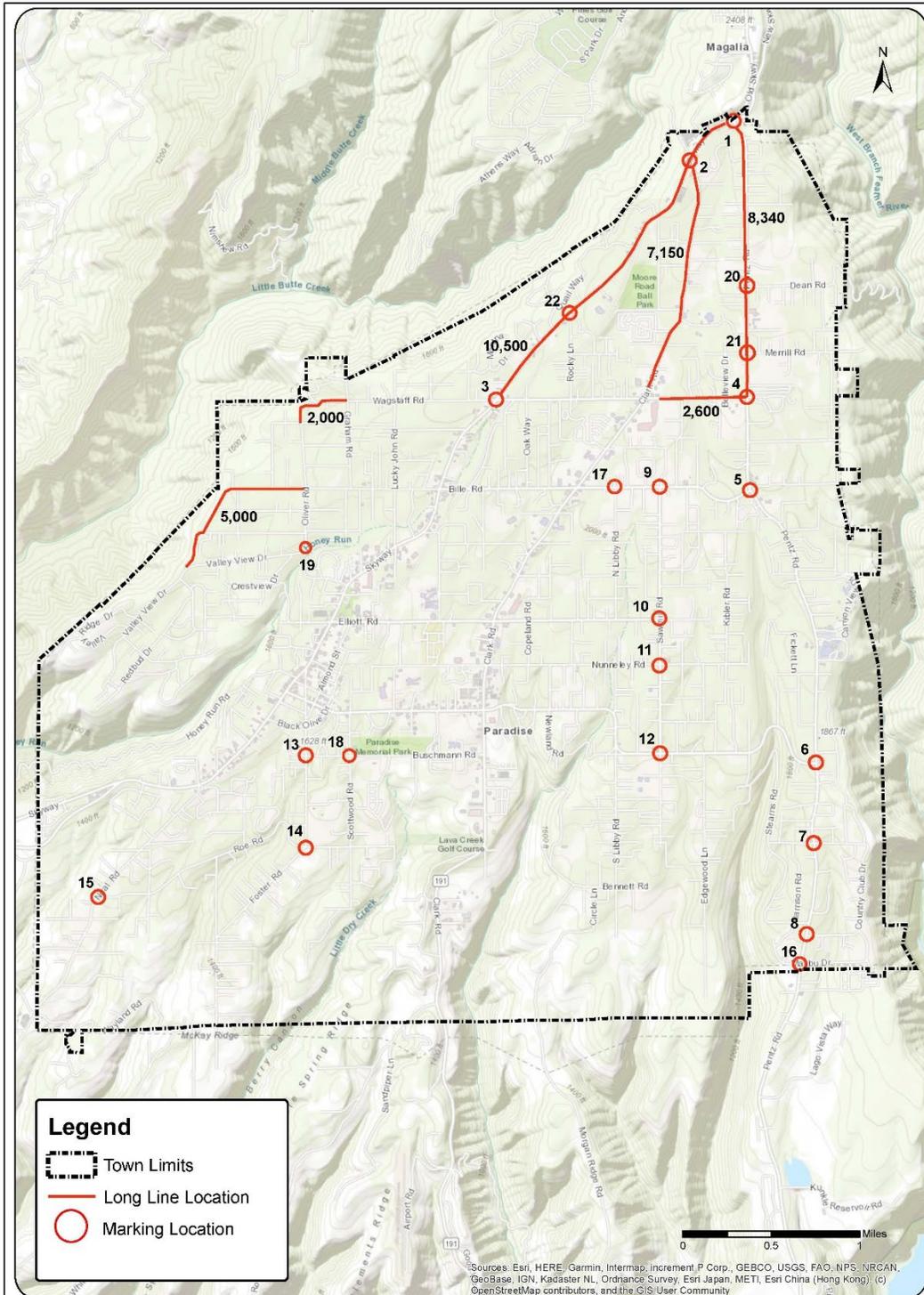
On September 8, 2020, bids will be received by the Town Clerk and publicly opened. A list of bids will be presented at the Council meeting.

Per the contract specifications, the award of the contract, if it be awarded, will be to the lowest responsible, responsive bidder based upon the base bid and any additive bid items chosen by the Town, whose bid complies with all the requirements prescribed. The agreement will be executed in a form approved by the Town Attorney.

Financial Impact:

Funding for the Interim Safety Striping and Marking Improvement Project is proposed to come from local transportation funds (Transit). A detailed project accounting description will be made available at the Council meeting.

Vicinity Map



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



TOWN OF PARADISE
PUBLIC WORKS DEPARTMENT
5555 Skyway Road
Paradise, California 95969

**INTERIM SAFETY STRIPING & MARKING
IMPROVEMENT PROJECT - 2020
VICINITY MAP**

**PROJECT LOCATION
MAP**

J ERDAHL
JULY 2020



TOWN OF PARADISE
Council Agenda Summary
Date: September 8, 2020

Agenda No. 6(d)

ORIGINATED BY: Marc Mattox, Public Works Director / Town Engineer

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: California Department of Parks and Recreation Per Capita Grant Program

COUNCIL ACTION REQUESTED:

1. Adopt Resolution No. 20-___, A Resolution of the Town Council of the Town of Paradise approving application(s) for Per Capita grant funds to the State Department of Parks and Recreation.

Background:

Proposition 68, approved by voters on June 5, 2018 appropriates funds via the State Budget for local park rehabilitation, creation, and improvement projects on a per capita basis. The program funds are available between July 1, 2018 and June 30, 2024. Sixty percent of the General Per Capita funds are allocated to Cities and Eligible Districts based on population. The Per Capita Grant Program allocation for the Town of Paradise is \$177,952.

Discussion:

Although the Town has not identified eligible projects to date, the grant funds available are being considered as leveraging funds on upcoming Active Transportation Network project applications. The deadline to submit project applications is December 31, 2021. The grant program requires that the Town attend one mandatory grant administration workshop, which was attended on August 12, 2020, and also submit an approved resolution approving the filing of all applications to become eligible for funds. Once these requirements are met, the Town can submit project application packets for eligible park related capital improvement projects and execute the required contract. Projects must be consistent with the park and recreation element of the Town's general or recreation plan.

Entities that receive an allocation under the Per Capita program may transfer all or part of that allocation to another eligible entity, provided that the following requirements are met:

1. All required documentation must be submitted no later than six months from the end of the encumbrance period.
2. The transferring agency must submit a resolution authorizing the transfer of the allocation. The resolution must name the recipient entity and the transferred amount.
3. The recipient must be eligible to receive Per Capita funds.
4. The recipient must have submitted the authorizing resolution.
5. The recipient must submit a resolution authorizing the receipt of funds; the resolution must state the donor and the transferred amount.

Recommendation:

Adopt resolution approving the project application(s) for Per Capita grant funds to the State Department or Parks and Recreation.

Financial Impact:

There are no direct costs to the Town of Paradise as matching funds as long as the identified projects serve a “severely disadvantaged community” (median household income less than 60% of the statewide average). Otherwise, the program requires a 20% match.

Attachments:

Sample Grant Contract Per Capita Grant Program

Per Capita Contract



State of California – The Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Sample Grant Contract Per Capita Grant Program

GRANTEE: Grantee Name

GRANT PERFORMANCE PERIOD is from July 1, 2018 through June 30, 2024

CONTRACT PERFORMANCE PERIOD is from July 1, 2018 through June 30, 2048

The GRANTEE agrees to the terms and conditions of this contract (CONTRACT), and the State of California, acting through its Director of the Department of Parks and Recreation, pursuant to the State of California, agrees to fund the total State grant amount indicated below.

The GRANTEE agrees to complete the PROJECT SCOPE(s) as defined in the Development PROJECT SCOPE/Cost Estimate Form or acquisition documentation for the application(s) filed with the State of California.

The General and Special Provisions attached are made a part of and incorporated into the Contract.

Total State grant amount not to exceed \$ [GRANT amount]

GRANTEE

AUTHORIZED REPRESENTATIVE Signature Date

Print Name and Title

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

AUTHORIZED REPRESENTATIVE Signature Date

Print Name and Title

CERTIFICATION OF FUNDING (FOR STATE USE ONLY)					
AMOUNT OF ESTIMATE \$		CONTRACT NUMBER		FUND	
ADJ. INCREASING ENCUMBRANCE \$		APPROPRIATION			
ADJ. DECREASING ENCUMBRANCE \$		ITEM VENDOR NUMBER			
UNENCUMBERED BALANCE \$		LINE ITEM ALLOTMENT		CHAPTER	STATUTE
T.B.A. NO.	B.R. NO.	INDEX		Funding Source	OBJ. EXPEND
I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.					
SIGNATURE OF ACCOUNTING OFFICER				DATE	

I. RECITALS

This CONTRACT is entered into between the California Department of Parks and Recreation (hereinafter referred to as “GRANTOR,” “DEPARTMENT” or “STATE”) and [grantee name] (hereinafter referred to as “GRANTEE”).

The DEPARTMENT hereby grants to GRANTEE a sum (also referred to as “GRANT MONIES”) not to exceed \$grant amount, subject to the terms and conditions of this CONTRACT and the 20xx/xx California State Budget, Chapter xx, statutes of 20xx, Item number – 3790-xxx-xxxx (appropriation chapter and budget item number hereinafter referred to as “PER CAPITA GRANT”). These funds shall be used for completion of the GRANT SCOPE(S).

The Grant Performance Period is from July 1, 20xx to June 30, 20xx.

II. GENERAL PROVISIONS

A. Definitions

As used in this CONTRACT, the following words shall have the following meanings:

1. The term “ACT” means the California Drought, Water, Parks Climate, Coastal Protection, and Outdoor Access for All Act of 2018, as referred to in section I of this CONTRACT.
2. The term “APPLICATION” means the individual project APPLICATION packet for a project pursuant to the enabling legislation and/or grant program process guide requirements.
3. The term “DEPARTMENT” or “STATE” means the California Department of Parks and Recreation.
4. The term “DEVELOPMENT” means capital improvements to real property by means of, but not limited to, construction, expansion, and/or renovation, of permanent or fixed features of the property.
5. The term “GRANTEE” means the party described as the GRANTEE in Section I of this CONTRACT.
6. The term “GRANT SCOPE” means the items listed in the GRANT SCOPE/Cost Estimate Form or acquisition documentation found in each of the APPLICATIONS submitted pursuant to this grant.
7. The term “PROCEDURAL GUIDE” means the document identified as the “Procedural Guide for California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 Per Capita Program.” The PROCEDURAL GUIDE provides the procedures and policies controlling the administration of the grant.

B. Project Execution

1. Subject to the availability of GRANT MONIES in the act, the STATE hereby grants to the GRANTEE a sum of money not to exceed the amount stated in Section I of this CONTRACT, in consideration of, and on condition that, the sum be expended in carrying out the purposes as set forth in the enabling legislation and referenced in the APPLICATION, Section I of this CONTRACT, and under the terms and conditions set forth in this CONTRACT.

The GRANTEE shall assume any obligation to furnish any additional funds that may be necessary to complete the GRANT SCOPE(S).

The GRANTEE agrees to submit any change or alteration from the original GRANT SCOPE(S) in writing to the STATE for prior approval. This applies to any and all changes that occur after

STATE has approved the APPLICATION. Changes in the GRANT SCOPE(S) must be approved in writing by the STATE.

2. The GRANTEE shall complete the GRANT SCOPE(S) in accordance with the time of the Grant Performance Period set forth in Section I of this CONTRACT, and under the terms and conditions of this CONTRACT.
3. The GRANTEE shall comply with the California Environmental Quality Act (Public Resources Code, §21000, et seq., Title 14, California Code of Regulations, §15000 et seq.).
4. The GRANTEE shall comply with all applicable current laws and regulations affecting DEVELOPMENT projects, including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities, including but not limited to the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) and the California Unruh Act (California Civil Code §51 et seq.).

C. Procedural Guide

1. GRANTEE agrees to abide by the PROCEDURAL GUIDE.
2. GRANTEE acknowledges that STATE may make reasonable changes to its procedures as set forth in the PROCEDURAL GUIDE. If STATE makes any changes to its procedures and guidelines, STATE agrees to notify GRANTEE within a reasonable time.

D. Project Administration

1. If GRANT MONIES are advanced for DEVELOPMENT projects, the advanced funds shall be placed in an interest bearing account until expended. Interest earned on the advanced funds shall be used on the project as approved by the STATE. If grant monies are advanced and not expended, the unused portion of the grant and any interest earned shall be returned to the STATE within 60 days after project completion or end of the Grant Performance Period, whichever is earlier.
2. The GRANTEE shall submit written project status reports within 30 calendar days after the STATE has made such a request. In any event, the GRANTEE shall provide the STATE a report showing total final project expenditures within 60 days of project completion or the end of the grant performance period, whichever is earlier. The Grant Performance Period is identified in Section I of this CONTRACT.
3. The GRANTEE shall make property or facilities acquired and/or developed pursuant to this contract available for inspection upon request by the STATE.

E. Project Termination

1. Project Termination refers to the non-completion of a GRANT SCOPE. Any grant funds that have not been expended by the GRANTEE shall revert to the STATE.
2. The GRANTEE may unilaterally rescind this CONTRACT at any time prior to the commencement of the project. The commencement of the project means the date of the letter notifying GRANTEE of the award or when the funds are appropriated, whichever is later. After project commencement, this CONTRACT may be rescinded, modified or amended only by mutual agreement in writing between the GRANTEE and the STATE, unless the provisions of this CONTRACT provide that mutual agreement is not required.
3. Failure by the GRANTEE to comply with the terms of the (a) PROCEDURAL GUIDE, (b) any legislation applicable to the ACT, (c) this CONTRACT as well as any other grant contracts, specified or general, that GRANTEE has entered into with STATE, may be cause for suspension of all obligations of the STATE unless the STATE determines that such failure was due to no fault of the GRANTEE. In such case, STATE may reimburse GRANTEE for eligible costs properly incurred in performance of this CONTRACT despite non-performance of the GRANTEE. To qualify for such reimbursement, GRANTEE agrees to mitigate its losses to the best of its ability.
4. Any breach of any term, provision, obligation or requirement of this CONTRACT by the GRANTEE shall be a default of this CONTRACT. In the case of any default by GRANTEE, STATE shall be entitled to all remedies available under law and equity, including but not limited to: a) Specific Performance; b) Return of all GRANT MONIES; c) Payment to the STATE of the fair market value of the project property or the actual sales price, whichever is higher; and d) Payment to the STATE of the costs of enforcement of this CONTRACT, including but not limited to court and arbitration costs, fees, expenses of litigation, and reasonable attorney fees.
5. The GRANTEE and the STATE agree that if the GRANT SCOPE includes DEVELOPMENT, final payment may not be made until the work described in the GRANT SCOPE is complete and the GRANT PROJECT is open to the public.

F. Budget Contingency Clause

If funding for any fiscal year is reduced or deleted by the budget act for purposes of this program, the STATE shall have the option to either cancel this contract with no liability occurring to the STATE, or offer a CONTRACT amendment to GRANTEE to reflect the reduced grant amount. This Paragraph shall not require the mutual agreement as addressed in Paragraph E, provision 2, of this CONTRACT.

G. Hold Harmless

1. The GRANTEE shall waive all claims and recourse against the STATE including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this CONTRACT except claims arising from the concurrent or sole negligence of the STATE, its officers, agents, and employees.
2. The GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the ACQUISITION, DEVELOPMENT, construction, operation or maintenance of the property described as the project which claims, demands or causes of action arise under California Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of the STATE, its officers, agents, or employees.

3. The GRANTEE agrees that in the event the STATE is named as codefendant under the provisions of California Government Code Section 895 et seq., the GRANTEE shall notify the STATE of such fact and shall represent the STATE in the legal action unless the STATE undertakes to represent itself as codefendant in such legal action in which event the GRANTEE agrees to pay the STATE's litigation costs, expenses, and reasonable attorney fees.
4. The GRANTEE and the STATE agree that in the event of judgment entered against the STATE and the GRANTEE because of the concurrent negligence of the STATE and the GRANTEE, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither party shall request a jury apportionment.
5. The GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the GRANTEE has certified. The GRANTEE acknowledges that it is solely responsible for compliance with items to which it has certified.

H. Financial Records

1. The GRANTEE shall maintain satisfactory financial accounts, documents, including loan documents, and all other records for the project and to make them available to the STATE for auditing at reasonable times. The GRANTEE also agrees to retain such financial accounts, documents and records for five years following project termination or issuance of final payment, whichever is later.
The GRANTEE shall keep such records as the STATE shall prescribe, including records which fully disclose (a) the disposition of the proceeds of STATE funding assistance, (b) the total cost of the project in connection with such assistance that is given or used, (c) the amount and nature of that portion of the project cost supplied by other sources, and (d) any other such records that will facilitate an effective audit.
3. The GRANTEE agrees that the STATE shall have the right to inspect and make copies of any books, records or reports pertaining to this contract or matters related thereto during regular office hours. The GRANTEE shall maintain and make available for inspection by the STATE accurate records of all of its costs, disbursements and receipts with respect to its activities under this contract. Such accounts, documents, and records shall be retained by the GRANTEE for at least five years following project termination or issuance of final payment, whichever is later.
4. The GRANTEE shall use a generally accepted accounting system.

I. Use of Facilities

1. The GRANTEE agrees that the GRANTEE shall operate and maintain the property acquired or developed with the GRANT MONIES, for the duration of the Contract Performance Period.
2. The GRANTEE agrees that, during the Contract Performance Period, the GRANTEE shall use the property acquired or developed with GRANT MONIES under this contract only for the purposes of this grant and no other use, sale, or other disposition or change of the use of the property to one not consistent with its purpose shall be permitted except as authorized by the STATE and the property shall be replaced with property of equivalent value and usefulness as determined by the STATE.
3. The property acquired or developed may be transferred to another entity if the successor entity assumes the obligations imposed under this CONTRACT and with the approval of STATE.

4. Any real Property (including any portion of it or any interest in it) may not be used as security for any debt or mitigation, without the written approval of the STATE provided that such approval shall not be unreasonably withheld as long as the purposes for which the Grant was awarded are maintained. Any such permission that is granted does not make the STATE a guarantor or a surety for any debt or mitigation, nor does it waive the STATE'S rights to enforce performance under the Grant CONTRACT.
5. All real property, or rights thereto, acquired with GRANT MONIES shall be subject to an appropriate form of restrictive title, rights, or covenants approved by the STATE. If the project property is taken by use of eminent domain, GRANTEE shall reimburse STATE an amount at least equal to the amount of GRANT MONIES received from STATE or the pro-rated full market value of the real property, including improvements, at the time of sale, whichever is higher.
6. If eminent domain proceedings are initiated against GRANTEE, GRANTEE shall notify STATE within 10 days of receiving the complaint.

J. Nondiscrimination

1. The GRANTEE shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, sexual orientation, or disability in the use of any property or facility developed pursuant to this contract.
2. The GRANTEE shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.
3. All facilities shall be open to members of the public generally, except as noted under the special provisions of this project contract or under provisions of the enabling legislation and/or grant program.

K. Severability

If any provision of this CONTRACT or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the CONTRACT which can be given effect without the invalid provision or application, and to this end the provisions of this CONTRACT are severable.

L. Liability

1. STATE assumes no responsibility for assuring the safety or standards of construction, site improvements or programs related to the GRANT SCOPE. The STATE'S rights under this CONTRACT to review, inspect and approve the GRANT SCOPE and any final plans of implementation shall not give rise to any warranty or representation that the GRANT SCOPE and any plans or improvements are free from hazards or defects.
2. GRANTEE will secure adequate liability insurance, performance bond, and/or other security necessary to protect the GRANTEE'S and STATE'S interest against poor workmanship, fraud, or other potential loss associated with completion of the grant project.

M. Assignability

Without the written consent of the STATE, the GRANTEE'S interest in and responsibilities under this CONTRACT shall not be assignable by the GRANTEE either in whole or in part.

N. Use of Grant Monies

GRANTEE shall not use any grant funds (including any portion thereof) for the purpose of making any leverage loan, pledge, promissory note or similar financial device or transaction, without: 1) the prior written approval of the STATE; and 2) any financial or legal interests created by any such leverage loan, pledge, promissory note or similar financial device or transaction in the project property shall be completely subordinated to this CONTRACT through a Subordination Agreement provided and approved by the STATE, signed by all parties involved in the transaction, and recorded in the County Records against the fee title of the project property.

N. Section Headings

The headings and captions of the various sections of this CONTRACT have been inserted only for the purpose of convenience and are not a part of this CONTRACT and shall not be deemed in any manner to modify, explain, or restrict any of the provisions of this CONTRACT.

O. Waiver

Any failure by a party to enforce its rights under this CONTRACT, in the event of a breach, shall *not* be construed as a waiver of said rights; and the waiver of any breach under this CONTRACT shall *not* be construed as a waiver of any subsequent breach.

GRANTEE

AUTHORIZED REPRESENTATIVE Signature Date

Print Name and Title

STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

AUTHORIZED REPRESENTATIVE Signature Date

Print Name and Title

**TOWN OF PARADISE
RESOLUTION NO. 20-_____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PARADISE APPROVING APPLICATION(S) FOR
PER CAPITA GRANT FUNDS.**

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Per Capita Grant Program, setting up necessary procedures governing application(s); and

WHEREAS, the procedures established by the State Department of Parks and Recreation require the grantee's Town Council to certify by resolution the approval of project application(s) before submission of the applications to the State; and

WHEREAS, the grantee will enter into a contract(s) with the State of California to complete project(s);

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE AS FOLLOWS:

Section 1. The Town Council approves the filing of project application(s) for Per Capita program grant project(s); and

Section 2. The Town Council certifies that grantee has or will have available, prior to commencement of project work utilizing Per Capita funding, sufficient funds to complete the project(s); and

Section 3. The Town Council certifies that grantee has or will have sufficient funds to operate and maintain the project(s), and

Section 4. The Town Council certifies that all projects proposed will be consistent with the park and recreation element of the Town of Paradise's general or recreation plan (PRC §80063(a)), and

Section 5. The Town Council certifies that these funds will be used to supplement, not supplant, local revenues in existence as of June 5, 2018 (PRC §80062(d)), and

Section 6. The Town Council certifies that it will comply with the provisions of §1771.5 of the State Labor Code, and

Section 7. (PRC §80001(b)(8)(A-G)) To the extent practicable, as identified in the "Presidential Memorandum--Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters," dated January 12, 2017, the Town of Paradise will consider a range of actions that include, but are not limited to, the following:

(A) Conducting active outreach to diverse populations, particularly minority, low-income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific programs and opportunities.

(B) Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation across these areas.

(C) Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations.

(D) Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities.

(E) Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations.

(F) Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs.

(G) Identifying possible staff liaisons to diverse populations.

Section 8. The Town Council agrees that to the extent practicable, the project(s) will provide workforce education and training, contractor and job opportunities for disadvantaged communities (PRC §80001(b)(5)).

Section 9. The Town Council certifies that the grantee shall not reduce the amount of funding otherwise available to be spent on parks or other projects eligible for funds under this division in its jurisdiction. A one-time allocation of other funding that has been expended for parks or other projects, but which is not available on an ongoing basis, shall not be considered when calculating a recipient's annual expenditures. (PRC §80062(d)).

Section 10. The Town Council certifies that the grantee has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Procedural Guide; and

Section 11. The Town Council delegates the authority to the Town Manager, or designee to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments, and payment requests, which may be necessary for the completion of the grant scope(s); and

Section 12. The Town Council agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 8th day of September, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
Greg Bolin, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney



**TOWN OF PARADISE
Council Agenda Summary
Date: September 8, 2020**

Agenda No. 6(e)

ORIGINATED BY: Marc Mattox, Public Works Director / Town Engineer

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Almond Street & Gap Closure ATP Projects Approval & Advertisement

COUNCIL ACTION REQUESTED:

1. Adopt Resolution No. 20-___, A Resolution approving the plans and specifications for the Almond St. Multi-Modal Improvements and the Paradise Gap Closure Complex and authorizing advertisement for bids on the projects.

Background:

In 2010, the Town of Paradise approved the Downtown Master Plan which identifies key capital improvement projects and an overall vision for Paradise's commercial core, encompassed by Skyway, Pearson, Elliott Road and Almond Street.

In late 2015, the Town of Paradise received an Active Transportation Program grant for the Almond Street Multi-Modal Improvements to formally begin the implementation process for the Downtown Master Plan. This grant includes the design and construction of new sidewalks, bike lanes, drainage improvements along Almond Street between Pearson Road and Elliott.

In 2016, the Town of Paradise formally established an Underground Utility District with the same boundary as the Downtown Master Plan. This effort will require all overhead utilities to be converted to underground installations by July 2020.

In April 2017, the Town of Paradise received authorization to proceed on a new Congestion Mitigation Air Quality (CMAQ) grant in the amount of \$306,000. This grant will provide for the environmental review and design phase of the Paradise Gap Closure Complex. The project will close all sidewalk/infrastructure gaps between what has been completed to date, planned for Almond Street, and ultimately identified in the Downtown Master Plan.

In March 2018, the Town of Paradise learned the Paradise Gap Closure Complex was awarded construction funding through the Active Transportation Program Cycle 3A solicitation. The 3A Cycle includes projects made possible by the passage of Senate Bill 1, Road Repair and Accountability Act of 2017.

The overall scope of work for the combined Almond Street and Gap Closure projects can be summarized as follows:

- Installation of new Class II Bicycle Lanes along Birch, Fir, Black Olive and portions of Almond
- Installation of new Class I Bicycle/Pedestrian Pathway along portions of Almond
- Installation of new pedestrian-lighting throughout the project area
- Installation of new sidewalks throughout the project area
- Installation of culvert pipes and drainage infrastructure

- Reconstruction of the roadway using full-depth reclamation process (Measure C)
- Undergrounding of all overhead utilities (separate, concurrent effort through PG&E)
- Construction of new Paradise Transit Center (funding TBD by BCAG)

A vicinity map of the project limits is provided in this Agenda Summary.

Analysis:

In absence of the Camp Fire, these projects would have already been constructed. As a result of the fire, staff and consultants have been coordinating on a path forward to complete this work. During the preparation of the Town’s Long-Term Recovery Plan in 2019, connected pathways, walkable streets and a vibrant downtown were all cited as top priorities. Fortunately, these grants were all secured prior to the fire and our funding partners through the California Transportation Commission, Caltrans and Butte County Association of Governments have stood by the Town and provided key support and maintained funding commitments to move forward. These projects will provide the model infrastructure needed to support our community in coming home.

Staff has contracted with Mark Thomas, a full-service Civil Engineering firm, for the preparation of required design, environmental and right of way services – all of which have been completed. The projects have been revised in the post-Camp Fire context and are prepared for advertisement.

With Council approval of the plans and specifications and authorization to advertise for bids, staff proposes the following schedule:

Advertise for bid: September – October 2020
 Award Contract: November 2020
 Construction: 2021

The plans and specifications for the project are on file in the Public Works office for review.

Financial Impact:

As previously discussed, the Town of Paradise has received multiple grant awards to support this project’s delivery. A cost summary of both the Almond Street and Gap Closure Projects are provided below:

Almond Street Multi-Modal Improvements

Project Phase	Total Cost	Grant Funding	Local Funding
Preliminary Engineering	\$280,000	\$229,000	\$51,000
Right of Way	\$200,000	\$195,000	\$5,000
Construction	\$3,290,000	\$2,825,000	\$465,000
Construction Engineering	\$180,000	\$180,000	\$0
TOTAL	\$3,950,000	\$3,429,000	\$521,000

Gap Closure Complex

Project Phase	Total Cost	Grant Funding	Local Funding
Preliminary Engineering	\$350,000	\$306,000	\$44,000
Right of Way	\$0	\$0	\$0
Construction	\$4,805,000	\$4,216,000	\$589,000
Construction Engineering	\$290,000	\$290,000	\$0
TOTAL	\$5,445,000	\$4,812,000	\$633,000

Prior the Camp Fire, Measure C funds for both projects were committed to account for local funding. These funds have since been reallocated and/or placed on 'hold'. The local funds required for the project are designated to address minor matching requirements and significant road rehabilitation costs for non-ATP participating costs. Staff remains committed to seeking solutions to address the road rehabilitation need, including working with the Town's insurance provider relating to these downtown streets which have been damaged by the Fire.

Staff recommends advertising the project while local funding sources are further discussed and investigated to ensure these projects are delivered, as promised. At the time of recommended contract award, staff will provide additional information on local funding options.

**TOWN OF PARADISE
RESOLUTION NO. _____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PARADISE APPROVING THE PLANS, SPECIFICATIONS AND
ESTIMATES FOR THE ALMOND STREET MULTI-MODAL
IMPROVEMENTS AND PARADISE GAP CLOSURE COMPLEX AND
AUTHORIZING ADVERTISEMENT FOR BIDS ON THE PROJECTS.**

WHEREAS, the Town of Paradise has received a \$8.2M allocation of combined Active Transportation Program and Congestion Mitigation Air Quality funds at; and,

WHEREAS, the purpose of the Active Transportation Program is to:

- Increase the proportion of biking and walking trips,
- Increase safety for non-motorized users,
- Increase mobility for non-motorized users,
- Advance the efforts of regional agencies to achieve greenhouse gas reduction goals,
- Enhance public health, including the reduction of childhood obesity through the use of projects eligible for Safe Routes to Schools Program funding,
- Ensure disadvantaged communities fully share in program benefits,
- Provide a broad spectrum of projects to benefit many types of active transportation users.

WHEREAS, the Almond Street Multi-Modal Improvements and Paradise Gap Closure Complex Projects are consistent in scope with the approved grant awards by including the following items of work:

- Installation of new Class II Bicycle Lanes along Birch, Fir, Black Olive and portions of Almond
- Installation of new Class I Bicycle/Pedestrian Pathway along portions of Almond
- Installation of new pedestrian-lighting throughout the project area
- Installation of new sidewalks throughout the project area
- Installation of culvert pipes and drainage infrastructure
- Reconstruction of the roadway using full-depth reclamation process
- Undergrounding of all overhead utilities (separate, concurrent effort through PG&E)

WHEREAS, the Almond Street Multi-Modal Improvements and Paradise Gap Closure Complex Projects are consistent with priorities identified in the Paradise Long-Term Recovery Plan prepared in response to the 2018 Camp Fire.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE AS FOLLOWS:

Section 1. The design, plans, specifications and estimates for Almond Street Multi-Modal Improvements and Paradise Gap Closure Complex described in the Town Council Agenda Summary for this Resolution are hereby approved.

Section 2. The Public Works Department is authorized to advertise for bids relating to the Almond Street Multi-Modal Improvements and Paradise Gap Closure Complex projects.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 8th day of September, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
Greg Bolin, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney



*Annual Conference
Resolutions Packet*

2020 Annual Conference Resolutions



October 7 – 9, 2020

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet virtually at the Annual Conference to consider and take action on the resolution referred to them. The committees are: Governance, Transparency & Labor Relations and Public Safety. These committees will meet virtually on Tuesday, September 29, with the Governance, Transparency and Labor Relations Policy Committee meeting from 9:30 – 11:30 a.m. and the Public Safety Policy Committee meeting from 1:00 – 3:00 p.m. The sponsor of the resolution has been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet virtually at 1:00 p.m. on Thursday, October 8, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

GENERAL ASSEMBLY: This meeting will be held virtually at 11:00 a.m. on Friday, October 9.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 8.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
 2 - General Resolutions Committee
 3 - General Assembly

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

KEY TO ACTIONS TAKEN ON RESOLUTIONS (Continued)

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

- 1. Policy Committee
- 2. General Resolutions Committee
- 3. General Assembly

KEY TO ACTIONS TAKEN

- A Approve
- D Disapprove
- N No Action
- R Refer to appropriate policy committee for study
- a Amend+
- Aa Approve as amended+
- Aaa Approve with additional amendment(s)+
- Ra Refer as amended to appropriate policy committee for study+
- Raa Additional amendments and refer+
- Da Amend (for clarity or brevity) and Disapprove+
- Na Amend (for clarity or brevity) and take No Action+
- W Withdrawn by Sponsor

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League’s website by clicking on this link: [Resolution Process](#).

1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

Source: City of Cerritos

Concurrence of five or more cities/city officials

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

WHEREAS, local law enforcement agencies seek to protect their communities' residents, businesses, and property owners from crime; and

WHEREAS, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

WHEREAS, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

WHEREAS, in the 25 years since Section 230's enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

WHEREAS, the United States Department of Justice, in its June 2020 report, "Section 230 — Nurturing Innovation or Fostering Unaccountability?," concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it "makes little sense" to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

WHEREAS, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

WHEREAS, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

Background Information to Resolution

Source: City of Cerritos

Background:

Social media platforms are now used as a primary means of communication, including by criminals who use them to advertise locations, dates, and times where the criminal acts will take place. Such communications, because they occur online, render the online platform immune from any civil liability for the costs incurred by law enforcement agencies that respond under Section 230 of the Communications Decency Act of 1996. Immunity from civil liability extends even to injunctive relief, thus preventing local governments from merely seeking an injunction against the online platform to have such a post removed.

The City of Cerritos supports the rights of free speech and assembly guaranteed under the First Amendment, but believes cities should have the ability to hold social media companies liable for their role in promoting criminal acts. Recently, the City suffered thousands of dollars in damages to respond to online threats that the Cerritos Mall would be looted. Anonymous posts on Instagram.com invited followers to “work together to loot Cerritos [M]all” only several days after the Lakewood Mall had been looted, causing thousands of dollars in damages. The posts were made under the names “cerritosmalllooting” and “cantstopusall,” among others. The City of Cerritos had no choice but to initiate response to protect the Mall and the public from this credible threat.

At the same time local governments face historic shortfalls owing to the economic effects of COVID-19, the nation’s social media platforms are seeing a record rise in profits. The broad immunity provided by Section 230 is completely untenable. Online platforms should be held responsible—and liable—for the direct harm they facilitate. Local governments are in no position to bear the costs of the crimes facilitated by these companies alone.

Congress is currently reviewing antitrust legislation and by extension, Section 230’s immunity provisions. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Charles Harvey, Legislative Representative
Bijan Mehryar, Legislative Representative
Caroline Cirrincione, Policy Analyst
Johnnie Piña, Policy Analyst

Committees: Governance, Transparency and Labor Relations
Public Safety

Summary:

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

Background:

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

Staff Comments:

Overview:

While there is certainly an argument to substantiate concerns around censorship, the use of social media as a tool for organizing violence is equally disturbing.

Throughout much of the 2020 Summer, there have been many reports of looting happening across the country during what were otherwise mostly peaceful demonstrations. Combined with the speculation of who is really behind the looting and why, the mayhem has usurped the message of peaceful protestors, causing a great deal of property damage in the process. Likewise, these criminal actions have upended the livelihood of some small business owners, many of whom were already reeling in the wake of the COVID-19 pandemic.

While social media allows people to connect in real time with others all over the world, organized illegal activity using social media is made easier by the anonymous nature of virtual interactions.

Nation’s Reaction to the Murder of George Floyd:

Shortly after the senseless killing of George Floyd by law enforcement on May 26, 2020, civil unrest began as local protests in the Minneapolis–Saint Paul metropolitan area of Minnesota before quickly spreading nationwide to more than 2,000 cities and towns across the United States, and in approximately 60 countries in support of the Black Lives Matter movement. Protests unfolded across the country throughout the entire month of June and into July, and persisted in a handful of cities such as Portland and Seattle into the month of August.

Although the majority of protests were peaceful, some demonstrations in cities escalated into riots, looting, and street skirmishes with police. While much of the nation’s focus has been on addressing police misconduct, police brutality, and systemic racism, some have used demonstrators’ peaceful protests on these topics as opportunities to loot and/or vandalize businesses, almost exclusively under the guise of the “Black Lives Matter” movement. It has been uncovered that these “flash robs”¹ were coordinated through the use of social media. The spontaneity and speed of the attacks enabled by social media make it challenging for the police to stop these criminal events as they are occurring, let alone prevent them from commencing altogether.

As these events started occurring across the country, investigators quickly began combing through Facebook, Twitter, and Instagram seeking to identify potentially violent extremists, looters, and vandals and finding ways to charge them after — and in some cases before — they sow chaos. While this technique has alarmed civil liberties advocates, who argue the strategy could negatively impact online speech, law enforcement officials claim it aligns with investigation strategies employed in the past.

Section 230 and other Constitutional Concerns

At its core, Section 230(c)(1) of the CDA provides immunity from liability for providers and users of an “interactive computer service” who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

Setting aside Section 230, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute.

¹ The “flash robs” phenomenon—where social media is used to organize groups of teens and young adults to quickly ransack and loot various retail stores—began to occur sporadically throughout the United States over the past ten years.

In the United States, the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While “illegal” types of speech enjoy limited or no First Amendment protection, the line for delineating between “legal” and “illegal” speech is very difficult to determine. Consequently, one would expect online platforms to push back on whether there is a constitutionally feasible way for them to “identify” protected speech versus unprotected speech, or whether there is a feasible way to define “content which solicits criminal activity.” A law requiring companies to moderate content based on the political viewpoint it expresses, for example, would likely be struck down as unconstitutional.

Nonetheless, private companies can create rules to restrict speech if they so choose. Online platforms sometimes argue they have constitutionally-protected First Amendment rights in their “editorial activity,” and therefore, it violates their constitutional rights to require them to monitor (i.e., “identify and take down”) content that may be protected under the First Amendment. They may also argue, along the same lines, that the government may not condition the granting of a privilege (i.e., immunity) on doing things that amount to a violation of their first amendment rights. This is why Facebook and Twitter ban hate speech and other verifiably false information, for example, even though such speech is permitted under the First Amendment.

With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them to “provide to law enforcement information that will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity,” turns them into government actors that search users’ accounts without a warrant based on probable cause, in violation of the Fourth Amendment.

Industry Perspective

Unsurprisingly, industry stakeholders have strong opinions for what such changes could mean for their respective business models.

For instance, a Facebook spokesperson recently noted in a Fortune article that, “By exposing companies to potential liability for everything that billions of people around the world say, this would penalize companies that choose to allow controversial speech and encourage platforms to censor anything that might offend anyone.”

The article acknowledges that in recent years, both political parties have put social media companies under increased scrutiny, but they are not unified in their stated concerns. While Republicans accuse the companies of unfairly censoring their post, Democrats complain that these companies fail to do enough to block misinformation, violent content, and hate speech.

The article concludes that there is no way companies like Facebook and Twitter could operate without Section 230, and that the removal of this section would thereby “eliminate social media as we know it.”

Recent Federal Action on Social Media

The President recently issued an *Executive Order on Preventing Online Censorship*. In it, he notes the following:

“The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.

Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see.”

Ultimately the President implores the U.S. Attorney General to develop a proposal for federal legislation that “would be useful to promote the policy objectives of this order.” The President is not subtle in communicating his desire to ultimately see legislation heavily slanted toward the preservation of free speech on social media, which some interpret as a maneuver to preempt Twitter and Facebook from regulating speech they otherwise deem as hateful or demonstrably false.

Considerations for Congress

Courts have generally construed Section 230 to grant internet service providers broad immunity for hosting others’ content. Many have claimed that Section 230’s immunity provisions were critical to the development of the modern internet, and some continue to defend Section 230’s broad scope. But simultaneously, a variety of commentators and legislators have questioned whether those immunity provisions should now be narrowed, given that the internet looks much different today than it did in 1996 when Section 230 was first enacted.

One way for Congress to narrow Section 230’s liability shield would be to create additional exceptions, as it did with FOSTA and SESTA². If a lawsuit does not fall into one of the express exceptions contained in Section 230(e)³, courts may have to engage in a highly fact-specific inquiry to determine whether Section 230 immunity applies: Section 230(c)(1) immunity will be inapplicable if the provider itself has developed or helped to develop the disputed content, while Section 230(c)(2) immunity may not apply if a service provider’s decision to restrict access to content was not made in good faith.

Date Storage and Usage Considerations for Cities

Section 2 of the conditions the resolution applies to civil immunity requires that online platforms provide relevant information to law enforcement to assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity. This section would most likely require the development of new procedures and protocols that govern law enforcements usage and retention of such information. Those new policies and procedures would undoubtedly raise privacy concerns depending on how wide the latitude is for law

² The Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) create an exception to Section 230 that means website publishers *would* be responsible if third parties are found to be posting ads for prostitution — including consensual sex work — on their platforms.

³ Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is “consistent with” Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) civil actions or state prosecutions where the underlying conduct violates federal law prohibiting sex trafficking.

enforcement to request such information. In those circumstances cities could end up themselves incurring new liability for the governance of data that could either violate certain privacy rules or increase their data governance costs.

Fiscal Impact:

Unlike the costly resources needed to support or oppose a ballot measure, a federal resolution from the League of California Cities that simply urges Congress to undertake certain action should have a negligible fiscal impact, if any monetary impact at all.

Regarding cities, if social media had no immunity for its failure to police content that solicits criminal activity, then an individual city could theoretically save thousands if not millions of dollars, depending on its size and other subjective circumstances. Collectively, cities across the country could potentially save at least hundreds of millions between redress for actual economic harm suffered and/or the cost of preventative measures taken to stop criminal activity from occurring in the first place.

Conversely, if social media platforms were to shut down, due to an inability to comply with a policy requirement to regulate speech on the internet, it is unclear on how cities might be impacted from a fiscal standpoint.

Existing League Policy:

Public Safety:

Law Enforcement

The League supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

Violence

The League supports the reduction of violence through strategies that address gang violence, domestic violence, and youth access to tools of violence, including but not limited to firearms, knives, etc.

The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

Governance, Transparency & Labor Relations:

Private Sector Liability

The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League police process.

Questions to Consider:

Many cities obviously believe that creating civil liability for social media platforms—due to their role in providing the communication mediums for those who organize looting attacks— is key to deterring this organized criminal activity.

If such a change was actually passed by Congress, it would force social media to essentially police every conversation on stakeholders’ respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

- 1) *What would this resolution’s impact be on free speech and government censorship?*
- 2) *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
- 3) *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
- 4) *What is the role of the League in engaging in issues relating to someone’s privacy?*

Support:

The following letters of concurrence were received:

- City of Hawaiian Gardens
- City of Lakewood
- City of Ontario
- City of Rancho Cucamonga
- City of Roseville

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Section 230 of the Communications
Decency Act of 1996



CITY OF HAWAIIAN GARDENS

"Our Youth - Our Future"

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Ernie Hernandez
City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Jeff Wood
Vice Mayor

Ariel Pe
Council Member

Steve Craft
Council Member

Diane DuBois
Council Member



Todd Rogers
Mayor

August 5, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Todd Rogers
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Lakewood



PAUL S. LEON
MAYOR

SCOTT OCHOA
CITY MANAGER

DEBRA DORST-PORADA
MAYOR PRO TEM

August 6, 2020

SHEILA MAUTZ
CITY CLERK

ALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERS

JAMES R. MILHISER
TREASURER

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

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This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner
Council Member
League of California Cities Board Member

- c: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
- Meg Desmond, League of California Cities - mdesmond@cacities.org
- Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
- Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us



CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | www.CityofRC.us

August 6, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us



City Council
311 Vernon Street
Roseville, California 95678

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

John B. Allard II,
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us
Jason Gonsalves, Joe A. Gonsalves and Son