



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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www.townofparadise.com

Management Staff:

Lauren Gill, Town Manager

Dwight L. Moore, Town Attorney

Joanna Gutierrez, Town Clerk

Craig Baker, Community Development Director

Gabriela Tazzari-Dineen, Police Chief

George Morris, Jr., Unit Chief

CAL FIRE/Butte County Fire

Paradise

Gina Will, Finance Director/Town Treasurer

Town Council:

Tim Titus, Mayor

Scott Lotter, Vice Mayor

Greg Bolin, Council Member

Steve "Woody" Culleton, Council Member

John J. Rawlings, Council Member

TOWN COUNCIL AGENDA

REGULAR MEETING – 6:00 PM – July 09, 2013

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Town Clerk's Department, at 872-6291 x101 or x102 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Town Clerk.

Town Council Meetings are held at the Paradise Town Hall located at 5555 Skyway, Paradise, California. Members of the public may address the Town Council on any agenda item, including closed session. If you wish to address the Town Council on any matter on the Agenda, it is requested that you complete a "Request to Address Council" card and give it to the Town Clerk prior to the beginning of the Council Meeting. The Mayor or Presiding Chair will introduce each agenda item, and following a report from staff, ask the Clerk to announce each speaker. Agendas and request cards are located outside the entrance door to the Council Chamber.

All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Town Council within 72 hours of a Regular Meeting will be available for public inspection at the Town Hall in the Town Clerk Department located at 5555 Skyway, Room 3, at the time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m. Agendas and supporting information is posted on the Town's website at www.townofparadise.com in compliance with California's open meeting laws. Click on the Agenda and Minutes button.

1. OPENING

- a. Call to Order
- b. Pledge of Allegiance to the Flag of the United States of America

- c. Invocation
- d. Roll Call

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS

3. CONSENT CALENDAR

One roll call vote will be taken for all items placed on the consent calendar.

- 3a. Approve the Minutes of the June 25, 2013 Regular Council Meeting.
- 3b. Approve the cash disbursements in the amount of \$747,201.54.
- 3c. Authorize the Mayor to sign and submit the Town's response to the 2012-2013 Final Report of the Butte County Grand Jury to the Presiding Judge of the Butte County Superior Court.
- 3d. Approve the 2013/2014 Annual Maintenance Contract with Chico State University (CSU) Research Foundation on behalf of the Geographical Information Center (GIC) for Geographic Information Services in the amount of \$10,000.00. The GIC provides both basic and specialized data maintenance, such as spatially referenced road, parcel, land use, zoning, aerial images, drainage, and topography data. Additionally, the GIC provides the Paradise Fire Department with updated Map Books and Dispatch with the most current parcel and road data to aid with dispatch.
- 3e. (1) Accept monetary donation from the estate of Donna Marie Tibbitts in the amount of \$4,799.81 for the Paradise Animal Shelter; (2) Authorize the Mayor to execute a Declaration Regarding Beneficiary Agreement; and, (3) Direct that the monies be deposited into the Animal Control Misc Donation Fund 7811 for animal control operations.

4. PUBLIC HEARING PROCEDURE

The Town Council has adopted the following procedure for public hearings:

- a. Staff report to Council (15 minutes total maximum)
- b. Mayor or Presiding Chair opens the hearing for public comment in the following order:
 - 1. Project proponents or in favor of (15-minute time limit)
 - 2. Project opponents or against (15-minute time limit)
 - 3. Rebuttals - when requested
(15-minute time limit or 3 minutes per speaker)
- c. Close hearing to the public
- d. Council discussion
- e. Motion
- f. Vote

5. PUBLIC HEARINGS

- 5a.** Conduct the scheduled public hearing and solicit public comment on the proposed correction to the Town's Master Schedule of Fees; and, consider adopting Resolution No. 13-37, A Resolution of the Town Council of the Town of Paradise amending the Master Schedule of Fees for Town Services. **(ROLL CALL VOTE)** The correction relates to implementation incompatibilities and includes an inadvertently omitted note relating to planning services.

6. PUBLIC COMMUNICATION

This is the time for members of the audience who have completed a "Request to Address Council" card and given it to the Clerk to present items not on the Agenda. Comments should be limited to a maximum of three minutes duration. The Town Council is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda.

7. COUNCIL CONSIDERATION

- 7a.** Review and consider the staff recommendation that the Town Council adopt the following resolutions to approve participation in the county-wide FIGTREE PACE program to include properties within the incorporated Paradise Town limits. Through a contractual assessment district process, PACE programs allow interested property owners to fund the installation of energy and water efficient improvements through a market rate loan that is repaid on their property tax bill. Participation in the program is completely voluntary.

(1) Adopt Resolution No. 13-38, A Resolution by the Town Council of the Town of Paradise approving the Town of Paradise's Associate Membership in the California Enterprise Development Authority (CEDA) and authorizing the Town Manager to execute an associate membership agreement with CEDA. **(ROLL CALL VOTE)**

(2) Adopt Resolution No. 13-39, A Resolution of the Town Council of the Town of Paradise, Consenting to Inclusion of Properties Within the Incorporated Area of the Town in the Butte County Property Assessed Clean Energy Program to Finance Distributed Generation and Renewable Energy Sources and Energy and Water Efficiency Improvements, Approving the Report Setting forth the Parameters of the Referenced Program and Certain Matters in Connection Therewith." **(ROLL CALL VOTE)**

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. Council oral reports of their representation on Committees/Commissions.
- 8b. Discussion of future agenda items

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. Town Manager oral reports

10. CLOSED SESSION

- 10a. Pursuant to Government Code section 54956.9(d)(1), the Town Council will hold a closed session to meet with the Town Attorney relating to following pending litigation: Town of Paradise vs. Arthur J. Silverstein, Butte County Superior Court Case No. 159786.
- 10b. Pursuant to Government Code 54956.9(d)(4), the Town Council will consider initiating litigation. One potential case.

11. ADJOURNMENT

STATE OF CALIFORNIA) COUNTY OF BUTTE)	SS.
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:	
<hr/>	
TOWN/ASSISTANT TOWN CLERK SIGNATURE	

**MINUTES
PARADISE TOWN COUNCIL
ADJOURNED REGULAR MEETING – 6:00 PM – June 25, 2013**

1. OPENING

The adjourned Regular Meeting of the Paradise Town Council was called to order by Mayor Timothy Titus at 6:00 p.m. in the Town of Paradise Council Chamber located at 5555 Skyway, Paradise, California. Following the pledge of allegiance, Council Member John J. Rawlings offered the invocation.

COUNCIL MEMBERS PRESENT: Greg Bolin, Steve “Woody” Culleton, Scott Lotter, John J. Rawlings and Timothy Titus, Mayor.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Joanna Gutierrez, Interim Town Manager Lauren Gill, Town Attorney Dwight L. Moore, Finance Director Will, Community Development Director Craig Baker, Fire Marshal/Building Official Tony Lindsey, Onsite Sanitary Official Doug Danz, Police Chief Gabriela Tazzari-Dineen, Battalion Chief Curtis Lawrie, CAL FIRE/Paradise Fire, Assistant Town Clerk Dina Volenski, Associate Civil Engineer Marc Mattox, HR/Risk Management Analyst Crystal Peters and Public Works Manager Paul Derr.

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS - None.

3. CONSENT CALENDAR

Mayor Titus announced that two ordinances were on the consent calendar for adoption. Council concurred to waive reading the ordinances in entirety and approved reading by title only. Town Clerk Gutierrez read the ordinance titles for items 3b and 3c into the record

MOTION by Lotter, seconded by Rawlings, adopted the following consent calendar items 3a through 3e by unanimous roll call vote:

- 3a. Approved the Minutes of the June 11, 2013 Regular Council Meeting.
- 3b. (1) Waived the second reading of entire Ordinance No. 530 and approved reading by title only; and, (2) Adopted Ordinance No. 530, “An Ordinance Amending Sections 5.12.020 and 5.12.110 of the Paradise Municipal Code relating to Bingo Games”. Approval will provide minor revision to language in the "Eligible Organizations" section and align bingo prize value to the \$500 limit as allowed by California Penal Code.

- 3c. (1) Waived the second reading of entire Ordinance No. 531 and approve reading by title only; and, (2) Adopted Town Ordinance No. 531, "An Ordinance Amending Paradise Municipal Code Chapter Sections 17.33.200, 17.33.300, and 17.33.500 Relating to Home Occupations and Cottage Food Operations."
- 3d. Adopted Resolution No. 13-30, A Resolution of the Town Council of the Town of Paradise Ratifying Action Taken on May 21, 2013 Approving the Professional Services Agreements for the Town Attorney, Town Clerk and Town Manager. The effective date of the agreements is July 1, 2013.
- 3e. Adopted Resolution No. 13-31, A Resolution of the Town Council of the Town of Paradise, California, Rescinding Resolution No. 12-38 and Approving an amended Post-Retirement Health Care Vesting Promissory Note Between the Town and the California Department of Forestry and Fire Protection (CAL FIRE). The note finances the cost of retiree health benefits vested through Town employment that cannot be earned through Cal FIRE employment. This note is for an amount of \$583,113.60 for a ten year period at 0.382% with annual payments beginning July 1, 2013.

4. PUBLIC HEARING PROCEDURE

The Town Council has adopted the following procedure for public hearings:

- a. Staff report to Council (15 minutes total maximum)
- b. Mayor or Presiding Chair opens the hearing for public comment in the following order:
 - 1. Project proponents or in favor of (15-minute time limit)
 - 2. Project opponents or against (15-minute time limit)
 - 3. Rebuttals - when requested (15-minute time limit or 3 minutes per speaker)
- c. Close hearing to the public
- d. Council discussion
- e. Motion
- f. Vote

5. PUBLIC HEARINGS - None.

6. PUBLIC COMMUNICATION – None.

7. COUNCIL CONSIDERATION

- 7a. Town Manager Lauren Gill and Finance Director Gina Will presented for Town Council consider the Town of Paradise and Successor Agency to the Paradise Redevelopment Agency proposed annual budgets for Fiscal Year 2013/2014. Manager Gill stated that, pursuant to Council direction, the budget presented for Council consideration is a balanced budget and discussed the operational cuts and employee concessions that were necessary to accomplish the balance. Finance Director Gina Will presented a power point presentation that summarized the budgeting process, including a five-year comparison of past revenues and expenditures and a five-year projection for the future, and

explained elements of past processes that will not sustainable in the future: employee concession, training budget reductions, deferral of facility maintenance and exclusion of public works/engineering costs from the general fund.

Manager Gill informed the Council that the power point presentation will be posted on the Town's internet website after tonight's meeting.

Mayor Titus opened the matter for public comment and questions.

1. Joe Hanner stated that he is a retired Town of Paradise firefighter, thanked the Town Council for the improvements made to the Town over the years, and asked how many citizens actually ride the B-Line buses and how much Paradise contributes to the B-Line.
2. Staff informed that B-Line expenses are paid from money that comes to the Town for transportation.
3. Richard Spivey asked if the Town has a plan for licensing the 4,000 dogs that the Town believes to be unlicensed.
4. Staff informed that the Town plans to work in partnership with local veterinarians to educate citizens as to the purpose and benefits of licensing and to accomplish the licensing of dog in the town.
5. Loren Harvey asked the Council to consider contracting with the county for animal control services.

Staff informed that this option has been investigated and there are no other entities found that were interested in providing animal control services for the Town of Paradise due the expense such an operation.

6. Betty Hanner stated that she her question relating to sales tax as she sees a decline of businesses in the Town and asked if the Town has a plan to be more business friendly and that she thinks the business registration proposal was unfriendly and that there are too many regulations.

Council stated that they would appreciate citizens contacting them to let them know specifically what current practices are thought to be unfriendly.

Manager Gill stated that the Town does not rely on sales tax but on property taxes for revenue, that the Town is very interested in increasing sales to local businesses and is continually working with businesses and encouraging people to 'buy local' at specialty shops in the downtown, to shop in local grocery stores and use local gas stations, as Paradise loses many sales tax dollars to the City of Chico.

7. Robin Huffman stated that she is here to thank the Town's employees for taking another 5% hit in the form of a salary reduction and thanked the Mayor for his efforts.
8. Tom Kelly thanked the Council for achieving a balanced budget for the Town.
9. Richard Spivey stated that it occurred to him that the Fire Department should be inspecting the businesses.

Mayor Titus closed the matter to public comment at 7:20 pm.

Following a MOTION by Lotter, seconded by Culleton, the Town Council adopted five resolutions relating to adoption and implementation of a budget for the operation of the Town of Paradise for FY 2013/2014 as follows by unanimous roll call vote:

- (1) Resolution No. 13-32, A Resolution of the Town Council Adopting the Final Budget for the Town of Paradise Including all Attachments, Appendices and Other Related Documents for the 2013-2014 Fiscal Year Ending June 30, 2014. Total budget amount is \$18,251,048.00.
- (2) Resolution No. 13-33, A Resolution of the Town Council of the Town of Paradise Approving and Adopting the Annual Appropriation Limit (Exhibit A) For Fiscal Year 2013-2014. Total appropriations limit is \$16,220,679.00.
- (3) Resolution No. 13-34, A Resolution of the Town Council of the Town of Paradise, California, Amending General Fund Reserves for Fiscal Year 2013-2014. Reserve amount: \$1,037,948.
- (4) Resolution No. 13-35, A Resolution of the Town Council of the Town of Paradise, California, Adopting the Amended Salary Pay Plan for Town of Paradise Employees for the Fiscal Year 2013-2014.
- (5) Resolution No. 13-36, A Resolution of the Town Council of the Town of Paradise Approving and Adopting the Town of Paradise Capital Improvement Plan for the 2013-2014 Fiscal Year.

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. Council oral reports of their representation on Committees/Commissions – None.
- 8b. Discussion of future agenda items – None.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

Town Manager Gill informed Council that the master fee schedule would be coming back to Council on the July 9, 2013 agenda for correction. As currently adopted, the building fees will have to be calculated by hand; the correction will allow for total automation for fee calculations. There will not be any new or changed fees.

10. CLOSED SESSION - None.

11. ADJOURNMENT

Mayor Titus adjourned the Council Meeting at 7:30 p.m.

DATE APPROVED:

By: _____
Timothy Titus, Mayor

Joanna Gutierrez, CMC, Town Clerk

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

FOR THE PERIOD OF
JUNE 1, 2013 - JUNE 30, 2013

June 1, 2013 - June 30, 2013

Check Date	Pay Period End	DESCRIPTION	AMOUNT
06/07/13	06/02/13	Net Payroll - Direct Deposits & Checks	\$151,213.46
06/21/13	06/16/13	Net Payroll - Direct Deposits & Checks	\$108,487.23
TOTAL NET WAGES PAYROLL			\$259,700.69

Accounts Payable

PAYROLL VENDORS: TAXES, PERS, DUES, INSURANCE, ETC.	\$270,507.89
OPERATIONS VENDORS: SUPPLIES, CONTRACTS, UTILITIES, ETC.	\$216,992.96
TOTAL CASH DISBURSEMENTS - ACCOUNTS PAYABLE (Detail attached)	<u>\$487,500.85</u>
GRAND TOTAL CASH DISBURSEMENTS	<u><u>\$747,201.54</u></u>

APPROVED BY: _____
LAUREN GILL, INTERIM TOWN MANAGER

APPROVED BY: _____
GINA S. WILL, FINANCE DIRECTOR/TOWN TREASURER

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 6/1/2013 - To Payment Date: 6/30/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - US Bank TOP AP Checking									
Check									
58527	06/01/2013	Open			Accounts Payable	BUZZARD , CHRIS	\$687.61		
58528	06/01/2013	Open			Accounts Payable	HAUNSCHILD, MARK	\$220.55		
58529	06/01/2013	Open			Accounts Payable	HOUSEWORTH, JERILYN	\$76.85		
58530	06/01/2013	Open			Accounts Payable	MOBILITE INVESTMENTS II, LLC	\$112.49		
58531	06/01/2013	Open			Accounts Payable	MOORE, DWIGHT, L.	\$12,650.00		
58532	06/01/2013	Open			Accounts Payable	ROUGH JR., CHARLES L.	\$81.77		
58533	06/01/2013	Open			Accounts Payable	US BANCORP OFFICE EQUIP FINANCE SERVICES	\$547.84		
58534	06/01/2013	Open			Accounts Payable	WESTAMERICA BANK	\$770.70		
58535	06/01/2013	Open			Accounts Payable	WHALEN, SUZANNE	\$40.88		
58536	06/07/2013	Open			Accounts Payable	FMS DMS CBE GROUP INC.	\$37.64		
58537	06/07/2013	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$475.00		
58538	06/07/2013	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$1,081.37		
58539	06/07/2013	Open			Accounts Payable	STATE OF CALIFORNIA FRANCHISE TAX BOARD	\$278.67		
58541	06/11/2013	Open			Accounts Payable	ACCELA, INC.	\$34,902.55		
58542	06/13/2013	Open			Accounts Payable	ACI ENTERPRISES, INC.	\$484.38		
58543	06/13/2013	Open			Accounts Payable	AIRGAS SAFETY, INC.	\$81.25		
58544	06/13/2013	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$91.14		
58545	06/13/2013	Open			Accounts Payable	AT&T	\$104.70		
58546	06/13/2013	Open			Accounts Payable	AT&T CALNET 2-REPEATER LINES	\$200.43		
58547	06/13/2013	Open			Accounts Payable	AT&T MOBILITY	\$212.00		
58548	06/13/2013	Open			Accounts Payable	AT&T-COMMUNITY PARK	\$15.62		
58549	06/13/2013	Open			Accounts Payable	AT&T/CAL NET 2	\$4,022.42		
58550	06/13/2013	Open			Accounts Payable	BATTERIES PLUS	\$107.48		
58551	06/13/2013	Open			Accounts Payable	Big O Tires	\$71.00		
58552	06/13/2013	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$2,027.20		
58553	06/13/2013	Open			Accounts Payable	CALIFORNIA DEPARTMENT OF PARKS AND RECREATION	\$1,178.79		
58554	06/13/2013	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$499.00		
58555	06/13/2013	Open			Accounts Payable	CERTIFION CORPORATION D.B.A. ENTERSECT	\$84.95		
58556	06/13/2013	Open			Accounts Payable	CHOICE PROPERTY SERVICES	\$150.00		
58557	06/13/2013	Open			Accounts Payable	COMCAST CABLE	\$85.60		
58558	06/13/2013	Open			Accounts Payable	COMCAST CABLE	\$85.60		
58559	06/13/2013	Open			Accounts Payable	DEPARTMENT OF FORESTRY & FIRE PROTECTION	\$75,380.74		
58560	06/13/2013	Open			Accounts Payable	DOUG DANZ	\$104.97		
58561	06/13/2013	Open			Accounts Payable	DURHAM PENTZ TRUCK CENTER	\$340.78		
58562	06/13/2013	Open			Accounts Payable	FAILSAFE TESTING	\$550.00		
58563	06/13/2013	Open			Accounts Payable	FEATHER RIVER HOSPITAL	\$968.00		
58564	06/13/2013	Open			Accounts Payable	FLEET TRUCK SUPPLY INC	\$655.12		
58565	06/13/2013	Open			Accounts Payable	GENERAL SERVICES ADMIN KANSAS CITY	\$176.48		
58566	06/13/2013	Open			Accounts Payable	GRAFIX SHOPPE	\$592.00		
58567	06/13/2013	Open			Accounts Payable	HOLDREGE & KULL, CONSULTING ENGINEERS	\$947.55		

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 6/1/2013 - To Payment Date: 6/30/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
58568	06/13/2013	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$4,555.77		
58569	06/13/2013	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$599.68		
58570	06/13/2013	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$179.42		
58571	06/13/2013	Open			Accounts Payable	KOEFRAN INDUSTRIES	\$250.00		
58572	06/13/2013	Open			Accounts Payable	LIFE ASSIST INC	\$1,731.67		
58573	06/13/2013	Open			Accounts Payable	LOCATE PLUS CORPORATION	\$25.00		
58574	06/13/2013	Open			Accounts Payable	MATTOX, MARK	\$228.57		
58575	06/13/2013	Open			Accounts Payable	MID VALLEY TERMITE	\$135.00		
58576	06/13/2013	Open			Accounts Payable	MYERS STEVENS TOOHEY & COMPANY	\$50.40		
58577	06/13/2013	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$12,317.09		
58578	06/13/2013	Open			Accounts Payable	O'REILLY AUTO PARTS	\$362.44		
58579	06/13/2013	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$339.35		
58580	06/13/2013	Open			Accounts Payable	OROVILLE, CITY OF	\$1,239.71		
58581	06/13/2013	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$67.26		
58582	06/13/2013	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$13,950.00		
58583	06/13/2013	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MEDIA	\$323.65		
58584	06/13/2013	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$1,450.55		
58585	06/13/2013	Open			Accounts Payable	PETERS RUSH HABIB & MCKENNA	\$1,350.00		
58586	06/13/2013	Open			Accounts Payable	PETTY CASH CUSTODIAN, WENDY BROWN	\$68.81		
58587	06/13/2013	Open			Accounts Payable	RIEBES AUTO PARTS	\$334.72		
58588	06/13/2013	Open			Accounts Payable	SAFEGUARD FIRE PROTECTION	\$348.30		
58589	06/13/2013	Open			Accounts Payable	SKYWAY AUTO TUNE	\$124.38		
58590	06/13/2013	Open			Accounts Payable	STANLEY CONVERGENT SECURITY SOLUTIONS	\$52.20		
58591	06/13/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$11.43		
58592	06/13/2013	Open			Accounts Payable	THRIFTY ROOTER	\$89.00		
58593	06/13/2013	Open			Accounts Payable	UNIFORMS TUXEDOS & MORE	\$1,974.13		
58594	06/13/2013	Open			Accounts Payable	VALLEY TOXICOLOGY SERVICE	\$1,760.00		
58595	06/13/2013	Open			Accounts Payable	VERIZON WIRELESS	\$570.15		
58596	06/13/2013	Open			Accounts Payable	Vigilant Canine Services	\$175.00		
58597	06/13/2013	Open			Accounts Payable	VILLAGE PRINTER, INC.	\$50.31		
58598	06/13/2013	Open			Accounts Payable	VistaNet Inc.	\$75.00		
58599	06/13/2013	Open			Accounts Payable	WITTMEIER AUTO CENTER	\$168.68		
58600	06/18/2013	Voided		06/18/2013	Accounts Payable	DEPARTMENT OF MOTOR VEHICLES	\$190.00		
58601	06/21/2013	Open			Accounts Payable	FMS DMS CBE GROUP INC.	\$2.71		
58602	06/21/2013	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$475.00		
58603	06/21/2013	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$1,081.37		
58604	06/21/2013	Open			Accounts Payable	STATE OF CALIFORNIA FRANCHISE TAX BOARD	\$405.92		
58605	06/26/2013	Open			Accounts Payable	BLOOD SOURCE	\$44.00		
58606	06/26/2013	Open			Accounts Payable	Met Life	\$6,624.51		
58607	06/26/2013	Open			Accounts Payable	MYERS STEVENS TOOHEY & COMPANY	\$20.00		
58608	06/26/2013	Open			Accounts Payable	OPERATING ENGINEERS	\$616.00		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 6/1/2013 - To Payment Date: 6/30/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
58609	06/26/2013	Open			Accounts Payable	PARADISE FIREFIGHTERS ASSOCIATION	\$62.50		
58610	06/26/2013	Open			Accounts Payable	PARADISE FIREFIGHTERS ASSOCIATION - PAC DUES	\$26.00		
58611	06/26/2013	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$2,137.54		
58612	06/26/2013	Open			Accounts Payable	SUN LIFE INSURANCE	\$3,572.34		
58613	06/26/2013	Open			Accounts Payable	SUPERIOR VISION SVC NGLIC	\$643.42		
58614	06/26/2013	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$130.00		
58615	06/27/2013	Open			Accounts Payable	ACCESS INFORMATION MANAGEMENT	\$87.60		
58616	06/27/2013	Open			Accounts Payable	ADVANCED DOCUMENT CONCEPTS	\$7.72		
58617	06/27/2013	Open			Accounts Payable	AgendaPal Corporation	\$399.00		
58618	06/27/2013	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$91.14		
58619	06/27/2013	Open			Accounts Payable	AT&T	\$1,000.11		
58620	06/27/2013	Open			Accounts Payable	Big O Tires	\$20.00		
58621	06/27/2013	Open			Accounts Payable	BUTTE CO SHERIFF'S OFFICE	\$686.45		
58622	06/27/2013	Open			Accounts Payable	BUTTE CO TREASURER	\$517.58		
58623	06/27/2013	Open			Accounts Payable	BUTTE COUNTY CREDIT BUREAU	\$14.00		
58624	06/27/2013	Open			Accounts Payable	CALIFORNIA DEPARTMENT OF PARKS AND RECREATION	\$490.95		
58625	06/27/2013	Open			Accounts Payable	CERTIFIED SECURITY SYSTEM INCORPORATED	\$240.00		
58626	06/27/2013	Open			Accounts Payable	CITY OF CHICO	\$2,202.69		
58627	06/27/2013	Open			Accounts Payable	COMCAST CABLE	\$90.60		
58628	06/27/2013	Open			Accounts Payable	COMCAST CABLE	\$120.60		
58629	06/27/2013	Open			Accounts Payable	COMP	\$326.50		
58630	06/27/2013	Open			Accounts Payable	DIGITAL PERSONA INC	\$1,260.00		
58631	06/27/2013	Open			Accounts Payable	DON'S SAW & MOWER	\$59.03		
58632	06/27/2013	Open			Accounts Payable	FEATHER RIVER HOSPITAL	\$1,936.00		
58633	06/27/2013	Open			Accounts Payable	FEDERAL EXPRESS	\$23.54		
58634	06/27/2013	Open			Accounts Payable	GRIDLEY, CITY OF	\$440.88		
58635	06/27/2013	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$213.18		
58636	06/27/2013	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$868.74		
58637	06/27/2013	Open			Accounts Payable	JOHN REGH INLAND LEASING	\$427.85		
58638	06/27/2013	Open			Accounts Payable	KEN'S HITCH & WELDING	\$10.00		
58639	06/27/2013	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$621.52		
58640	06/27/2013	Open			Accounts Payable	LEHR AUTO ELECTRIC STOMMEL, INC.	\$4,947.10		
58641	06/27/2013	Open			Accounts Payable	LES SCHWAB TIRE CENTER - MOTORPOOL	\$50.97		
58642	06/27/2013	Open			Accounts Payable	LIFE ASSIST INC	\$113.72		
58643	06/27/2013	Open			Accounts Payable	MARQUIS, JOSH	\$139.54		
58644	06/27/2013	Open			Accounts Payable	MENDON'S NURSERY	\$60.16		
58645	06/27/2013	Open			Accounts Payable	MUNICIPAL CODE CORP	\$240.80		
58646	06/27/2013	Open			Accounts Payable	NFPA INTERNATIONAL	\$165.00		
58647	06/27/2013	Open			Accounts Payable	NORMAC INC	\$83.31		
58648	06/27/2013	Open			Accounts Payable	O'REILLY AUTO PARTS	\$359.99		

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 6/1/2013 - To Payment Date: 6/30/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
58649	06/27/2013	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$8,226.60		
58650	06/27/2013	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$1,291.23		
58651	06/27/2013	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MEDIA	\$223.05		
58652	06/27/2013	Open			Accounts Payable	PETERS RUSH HABIB & MCKENNA	\$280.00		
58653	06/27/2013	Open			Accounts Payable	PMAM CORPORATION	\$358.00		
58654	06/27/2013	Open			Accounts Payable	SINCLAIR'S AUTOMOTIVE & TOWING	\$45.00		
58655	06/27/2013	Open			Accounts Payable	SKYWAY AUTO TUNE	\$127.59		
58656	06/27/2013	Open			Accounts Payable	SKYWAY TOOL CENTER	\$12.87		
58657	06/27/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$156.48		
58658	06/27/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$316.37		
58659	06/27/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$0.86		
58660	06/27/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$396.50		
58661	06/27/2013	Open			Accounts Payable	THOMAS HYDRAULIC & HARDWARE SUPPLY, INC.	\$107.02		
58662	06/27/2013	Open			Accounts Payable	THRIFTY ROOTER	\$110.50		
58663	06/27/2013	Open			Accounts Payable	VERIZON WIRELESS	\$532.12		
58664	06/27/2013	Open			Accounts Payable	VERIZON WIRELESS	\$238.42		
58665	06/27/2013	Open			Accounts Payable	VERIZON WIRELESS	\$63.41		
58666	06/27/2013	Open			Accounts Payable	Vigilant Canine Services	\$175.00		
58667	06/27/2013	Open			Accounts Payable	WELLS FARGO BANK NA	\$167.51		
58668	06/27/2013	Open			Accounts Payable	WILKEY, PO, JOHN	\$35.46		
58669	06/27/2013	Open			Accounts Payable	WILSON PRINTING CO.	\$31.93		
58670	06/27/2013	Open			Accounts Payable	YOWZERS.COM	\$32.25		
58671	06/27/2013	Open			Accounts Payable	ZOLL MEDICAL CORP.	\$1,482.41		
Type Check Totals:									
EFT									
52	06/07/2013	Open			Accounts Payable	CALPERS - RETIREMENT	\$32,911.17		
53	06/07/2013	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$10,583.94		
54	06/07/2013	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$2,265.17		
55	06/07/2013	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$37,484.95		
56	06/21/2013	Open			Accounts Payable	CALPERS - RETIREMENT	\$32,452.16		
57	06/21/2013	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$4,260.32		
58	06/21/2013	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$2,433.74		
59	06/21/2013	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$19,212.55		
60	06/26/2013	Open			Accounts Payable	CALPERS	\$111,189.90		
Type EFT Totals:									
AP - US Bank TOP AP Checking Totals									
144 Transactions							\$234,896.95		
9 Transactions							\$252,793.90		

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	143	\$234,706.95	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$190.00	\$0.00
	Stopped	0	\$0.00	\$0.00

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 6/1/2013 - To Payment Date: 6/30/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					Total	144	\$234,896.95	\$0.00	
					EFTs	Count	Transaction Amount	Reconciled Amount	
					Open	9	\$252,793.90	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Total	9	\$252,793.90	\$0.00	
					All	Count	Transaction Amount	Reconciled Amount	
					Open	152	\$487,500.85	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	1	\$190.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	153	\$487,690.85	\$0.00	
					Checks	Count	Transaction Amount	Reconciled Amount	
					Open	143	\$234,706.95	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	1	\$190.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	144	\$234,896.95	\$0.00	
					EFTs	Count	Transaction Amount	Reconciled Amount	
					Open	9	\$252,793.90	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	0	\$0.00	\$0.00	
					Total	9	\$252,793.90	\$0.00	
					All	Count	Transaction Amount	Reconciled Amount	
					Open	152	\$487,500.85	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	1	\$190.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	153	\$487,690.85	\$0.00	

Grand Totals:



**Town of Paradise
Council Agenda Summary
Date: July 9, 2013**

Agenda Item: 3c

**Originated &
Reviewed by:**

Lauren Gill, Town Manager

Subject:

Response to the 2012-2013 Final Report of the Butte County
Grand Jury

Council Action Requested:

The Town Manager recommends that the Town Council review and authorize the Mayor to sign and submit the Town's response to the 2012-2013 Final Report of the Butte County Grand Jury to the Presiding Judge of the Butte County Superior Court.

Background:

According to State law, a 19-member Grand Jury panel is convened each year to investigate general and specific county/city/special district activities—both criminal and civil in nature. The panel then prepares an annual report on its findings and recommendations.

On June 28th, the Final Report of the 2012-13 Butte County Grand Jury was released to the public in its entirety. According to the State's Penal Code, the Town Council is required to provide a written response to the final report within 90 days of its release. The Town's response is due by September 27, 2013.

The response to the findings in the report must state whether or not the Town agrees or disagrees wholly or partially with the finding(s).

The responses to the recommendation(s) must indicate one of the following:

1. It has been implemented, with a summary regarding the implemented action.
2. It has not yet been implemented, but will be, with a time frame for implementation
3. The recommendation requires further analysis with an explanation of the scope and parameters of the analysis and a time frame for the matter to be prepared for discussion. This time frame is not to exceed six months from the date of the publication of the Grand Jury report.
4. The recommendation will not be implemented because it is not warranted or is not reasonable – with an explanation.

If the Town partially disagrees with the findings, the Town's response must explain the reasons.

Discussion:

On February 27, 2013, Interim Town Manager, Lauren Gill, was summoned to appear before the 2013-13 Grand Jury panel to answer a list of questions prepared by the panel. The questions centered on the Town's budget, finances, and employee benefits/wages. The nature of the interview was to be kept confidential until released by the Grand Jury in its Final Report. The Finance Director accompanied the Interim Town Manager at her request. The previous Town Manager was also summoned by the panel due to the timing of his departure.

Now that the final report is released, the Town has 90 days to respond. Staff prepared a draft response to the Grand Jury Report in the form of a letter to be signed by the Mayor. The Council is being asked to review the document and approve its submittal to the Superior Court Judge.

Conclusion:

The draft letter to this report includes verbatim findings and recommendations of the Grand Jury and the responses recommended by Town staff. Copies of the complete 2012-13 Final Report of the Grand Jury are on file in the Office of the Town Clerk.



July 9, 2013

The Honorable Stephen E. Benson, Presiding Judge
c/o Court Administration
Superior Court of California, County of Butte
One Court Street
Oroville, CA 95965

RE: 2012-2013 Final Report of the Butte County Grand Jury

Dear Judge Benson:

Pursuant to California Penal Code §933, this letter constitutes the response of the Mayor and Town Council of Paradise to the 2012-2013 Final Report of the Butte County Grand Jury.

The Cities of Butte County – Paradise, California

Finding F15: “The Town of Paradise is primarily a residential community with minimal retail and commercial businesses. Therefore, Paradise residents often work and shop elsewhere, leaving their sales tax dollars in other jurisdictions.”

Response: Respondent agrees with this finding. Property tax revenues alone are generally not sufficient to cover the cost of police, fire, roads, and general government services within a community. Sales tax revenue is a source of income that many cities use to fund public safety services. In fact, most municipalities have much more diverse income streams which help balance projected revenues during economic downturns, while the Town of Paradise is heavily dependent on property taxes. Property tax revenue is 46% percent of the Town’s general fund revenues which is why the Town of Paradise was particularly adversely affected during the recent housing market crash. Specifically, the Town suffered a loss of almost \$3.4 Million Dollars in property tax revenues since 2008. A heightened commercial economy would afford residents more

opportunities to shop locally and work closer to home, which would improve local public safety services and infrastructure, as well as decrease greenhouse gas emissions.

Finding F16: “The Town of Paradise has experienced revenue challenges for many years, which impact town services.”

Response: Respondent agrees with this finding. The State of California’s property tax swaps and budget takeaways have increased State and County coffers. According to recent news articles, state and county workers are currently discussing pay increases, while most local governments are slashing critical services and programs, and some are being forced into bankruptcy. State decisions severely impact local economies, where expensive, but critical services like public safety and infrastructure are funded. This, along with the dissolution of Redevelopment Agency financing, has proven to be a crushing blow to local governments across the State. Voter antipathy toward government in general is a hurdle in raising local taxes to pay for critical services. In fact, many property owners believe that most of their property taxes remain local and are sufficient to cover the cost of public safety and road maintenance, but this is not the case. The revenue challenges faced by the Town are due largely to State decisions that have had a deleterious effect on the general fund, which is the only source of revenue available to provide critical public safety services to the residents of Paradise.

Finding F17: “The Town of Paradise carefully planned for the transition of the new town manager.”

Response: Respondent agrees with this finding. Probably more than most organizations, governmental agencies have to keep a keen eye towards the future in respects to budget planning, capital project improvements (infrastructure planning,) and long-range succession planning. There has been a recent influx in retirements of city managers—mainly due to the economic conditions and retirement age. The Town of Paradise has anticipated its susceptibility of the “graying” of its top managers for several years and has been planning for the eventual turnover in leadership.

The new Town Manager has been with the Town for over twenty five years and has served as the Assistant Town Manager as well as the head of Development Services. Then, following a six month term as Interim Town Manager, the Council signed a three year contract to extend the position on a permanent basis. The Town also has several solid employees in top manager positions who are gaining valuable experience in municipal leadership and decision-making skills.

Finding F18: “The Town of Paradise’s lack of a sewer system has been a barrier in attracting significant new retail and commercial business.”

Response: Respondent agrees with this finding. Wastewater infrastructure is critical to existing and new commercial establishments. In most cities, wastewater is handled via a city-wide sewer district set up and constructed to serve the entire community. In these instances, the economy of scale allows for an affordable solution to wastewater

management. However, the Town of Paradise, one of the largest unsewered cities in the country, still relies on individual septic tanks for both residential and commercial properties alike. Residential septic systems are installed at the time of construction and are, by-and-large, affordable in most cases. However, commercial septic systems can be expensive and require large leach field areas. Many of these commercial systems are engineered sand filtration systems that are costly to install and to maintain. Even with new technology in wastewater solutions, individual commercial enterprises struggle with the unknown aspects and expenses of individual septic treatment systems.

Finding F19: “A sewer system for the residential districts is impractical due to the Town of Paradise’s topography.”

Response: Respondent agrees with this finding. Topography is only one issue that would impact a community-wide sewer system in Paradise. The topography of the Town along with the way that it was developed presents many challenges and costly solutions that would include numerous pumps and lift stations. The Town’s soils, high ground water and intermittent streams also play a major role in the engineering and construction costs involved in a community-wide treatment option.

Recommendation R6: “The Town of Paradise should explore all options for a sewage system in its business districts and adopt a plan to resolve this problem.”

Response: Respondent agrees with the recommendation. Even before its incorporation, the septic system vs. formal wastewater treatment issue in Paradise has been studied and debated. Several early studies focused on possible groundwater contamination due to onsite septic systems. All of the studies reported findings that an onsite district should be formed to monitor individual septic systems to ensure compliance with water quality standards and to ensure that regular evaluations were conducted and proper repairs made to avoid groundwater contamination. The early studies also reported that a long-term solution to wastewater in Paradise would include some type of formal wastewater treatment for the commercial/downtown districts.

On April 9, 2012, a report was presented to the Paradise Town Council that included options for wastewater treatment. The report was a comprehensive comparative analysis made in cooperation with engineers, experts, stakeholders and other agencies. At the conclusion of the presentation, the Council moved to approach the City of Chico in an effort to explore a possible sewer pipe connection for wastewater treatment. The proposed project includes the formation of a commercial wastewater district in Paradise; the construction of a sewer pipeline in the Skyway right-of-way; a connection to the City of Chico’s wastewater collection system; and finally, sewage treatment at the City of Chico’s water pollution control plant. The Town and the city have had initial communications and the Town will continue to explore this and other options.

The main hurdle at this point is the lack of funding and personnel to fully engage a project of this magnitude. The Town will continue to formulate a plan that includes seeking grant funds to form a commercial wastewater district, and the eventual

construction of a sewer pipe and/or treatment facility. In the meantime, the Town of Paradise will continue to vigorously monitor and evaluate current septic systems throughout the Town to ensure groundwater safety and compliance.

If you have any questions regarding the Town's response, please contact me or call Town Manager Lauren Gill at 872-6291x104.

Sincerely,

Tim Titus
Mayor

Cc: Town Clerk
Town Manager
Town Attorney

TOWN OF PARADISE
WASTEWATER TREATMENT
HISTORICAL BACKGROUND AND COMPARATIVE ANALYSIS

INTRODUCTION:

The single greatest obstacle to business and economic growth, including more jobs, investment, and re-investment in Paradise, has been the lack of a sewer system serving the commercial areas of our Town.

This has been the Town's unfortunate legacy, as well as the primary obstacle that the Town has had to contend with as a result of a misguided City Council decision in 1993, that completely reversed and set-aside thousands of dollars over the years that were spent on studies, bonds sold, and even a district formed to sewer the commercial areas of our community.

It was an example of a tremendous lost opportunity that has profoundly set the Town back in being able to diversify and strengthen its business economy, to realize greater local consumer choices and job opportunities for our citizens, and to increase Town revenues that would have vastly improved essential services, such as police and fire services, and streets and roads maintenance and improvements.

This lack of a fundamental sewer infrastructure to serve our commercial areas makes business growth and expansion far more complicated, more costly, and less cost-effective for our existing business community, and in attracting outside business interest in our community.

In other words, while the Town does everything right in terms of a well-documented record of pro-business and business growth-oriented goals, policies, practices, and programs that include but are not limited to one of the more streamlined business development review and approval processes in the county, a pro-active business assistance team that works with and nurtures prospective business development projects, keeping development fees the lowest in the county, and providing such incentives as development fee payment deferral and mitigation programs; the lack of a basic commercial sewer system seriously undermines, as well as contradicts these well-intentioned efforts.

With the lack of a commercial sewer system, and with the complications surrounding the application of commercial septic systems, the Town is simultaneously sending out two conflicting messages – that we're pro-business in terms of goals, policies, practices, and programs, but anti-business in terms of the wastewater infrastructure serving our commercial areas.

This is not to say that the Town hasn't tried to make the best of a difficult situation with few options since sewers were rejected in 1993. Our onsite wastewater management program is a

highly regarded program by the state, and has done a tremendous job in preventing ground water and surface water contamination in our community.

The Town of Paradise currently relies upon over 11,000 individual septic systems to treat and disperse wastewater generated by residential and commercial land uses. The degree and intensity of use for each property in the community is limited to the capacity to safely dispose of wastewater on site.

As the Town has grown and evolved, the need for a better means of wastewater collection and treatment, especially in our commercial areas, has become more urgent. This is particularly true within the Town's more intensively developed Downtown and other commercial areas where septic system failures are increasing and available land for replacement leach fields is constrained, or non-existent.

Over the last three decades, even before the Town's incorporation, the effects of wastewater from the Town's onsite systems have been studied as to their impacts on local streams. These early reports indicated that although carefully monitored and repaired onsite systems represented a permanent solution for residential areas, the Town's commercial areas would be severely limited if a more permanent solution was not attained.

Early reports predicted serious economic impact on the Town's commercial sector. Even in a healthy economy, many of our commercial businesses cannot afford the high cost of septic system repairs or replacement; or the alternative, which is such limitations on their business operations as limiting the number of tables allowed in restaurants, the number of chairs in a salon, or the number employees that a business can hire. Septic systems even limit, or altogether prevent existing businesses or commercial property owners from expanding, or developing their property to its fullest potential.

Restrictions such as these, not only limit jobs and profits. They also have a deleterious effect on the overall local economy and its ability to grow, broaden, and diversify in the good times, as well as makes our narrow local economy that much more weak and vulnerable during the kind of long, sustained economic downturn that we're presently experiencing.

There has been an extended history of studying and planning for a sewer system to serve the commercial areas in Paradise. The following studies and reports support these claims and set the foundation for current and ongoing wastewater treatment solutions.

HISTORICAL BACKGROUND

Butte County General Plan Water & Sewer Element (1969)

This *preliminary* sewer system plan for Paradise and adjacent Upper Ridge communities was developed in 1969 by Butte County. This developed into a more comprehensive plan called the Eden Ridge and Basin Sewer Service Area Plan (Cook, 1972,) which proposed a gravity sewer

system connected to trunk sewers located on Clark and Pentz Roads treated by aerated lagoons and effluent disposal by land irrigation in the vicinity of Butte College.

A few years later as part of the general improvements to the Skyway, the beginning of a central wastewater collection system was started. Approximately 765 feet of 8 and 10 inch diameter trunk sewer pipe was installed under the Skyway, which may no longer be suitable for use in any newly proposed district.

Wastewater Management Study – Phase I Report (May, 1983) by James M. Montgomery, Consulting Engineers, Inc.

In a Water Quality Management Plan for Paradise and Magalia completed in 1979, it was concluded that much of Paradise was suitable for the continued use of on-site septic systems, and that centralized wastewater treatment should be constructed to serve the central Skyway area. It was also noted that additional water quality data should be collected to fully assess the operation of the onsite systems in Paradise.

To perform the recommended water quality monitoring and to evaluate the operation of the onsite systems more fully, the Town of Paradise initiated the process by receiving a Federal Clean Water Grant from the State Water Resources Control Board. The firm of James. M. Montgomery, Consulting Engineers, Inc. was selected to do the Step I Facilities Planning Study in 1980.

The objective of this original study was to evaluate the cumulative impacts of existing wastewater management practices in the entire Town of Paradise and to identify existing and potential water quality or public health problems associated with the continued use of onsite wastewater treatment systems. Based upon an evaluation of water quality data, soil characteristics, groundwater hydrology, topography, and septic system performance, it appeared that septic systems in major portions of Paradise are adequate. Through careful planning, proper maintenance and repair of failing systems, the need for centralized facilities in this area may be postponed or avoided. (Letter from Patrick L. Burke, Project Engineer dated May 3, 1983)

The project team found that the most severe water quality degradation occurred in the Upper and Middle Honey Run and Lower Skyway Basins, which encompass approximately 1,000 acres of dense commercial development. The report recommended that centralized wastewater management facilities be considered for these areas. (p.2-3)

The report further recommended that preventative planning and educational measures be adopted to ensure the continued effectiveness of onsite wastewater treatment for the remainder of the Town, which is largely residential. The report claimed that Paradise is the largest, incorporated unsewered community in California and called for further testing to determine the extent of water quality degradation in the central commercial area. (p.2-4)

Wastewater Management Study Supplementary Phase I Report (March, 1984) by George Tchobanoglous, Consultant – Davis, California

The Town of Paradise and the Regional Quality Control Board jointly agreed to conduct further tests during a wet period (May-July, 1983) and a dry period (September-October, 1983.) The results of the additional sampling and an ensuing analysis were presented in this report by George Tchobanoglous.

After collecting and analyzing water quality data, soil characteristics, groundwater hydrology, topography, onsite system performance, along with the data collected in the 1983 Montgomery Report, it was concluded that the level of wastewater treatment provided by well-managed and controlled onsite systems were adequate and that centralized wastewater management facilities were not warranted at the time. However, the report stated that as the Town continued to develop, centralized facilities would be needed along portions of the central Skyway area because of hydro-geological limitations. (p. 29)

The report called for short and long term needs to address the issue. Short term needs included regulations for new construction; regulations for commercial development along the central Skyway area; and adoption of a Sewage Disposal Ordinance. Long-term needs included an onsite wastewater management district; public education; possible sewerage treatment along the central Skyway area; and plans for the disposal of septage. (p.30)

The report states that it was prudent and mandatory for the Town to develop a long-range plan for providing centralized wastewater management in the central Skyway area, as future commercial development may not be possible without a wastewater treatment facility. The long-range planning effort called for an analysis of alternative collection systems; the identification of potential wastewater treatment sites; effluent and sludge treatment; and disposal options. (p.32-35)

In summary, this study reported high ground water, a shallow soil mantel and concentrated commercial development on small lots, as the reasons for needed wastewater treatment. In order to accommodate future development, plans should be made for centralized wastewater management for selected locations along the central Skyway area. (p.42)

Wastewater Management Plan Phase II Report (1985) by R.A. Ryder & Associates

This report studied the conditions posed in the Phase I Report, comprehensively studied and evaluated alternatives, and provided recommendations to manage wastewater disposal in order to protect public health, protect water quality, and retain and enhance social and economic vitality within the Town of Paradise. (Ryder, September 9, 1985)

While the first two reports focused primarily on Skyway, this report mentions that Clark Road commercial and industrial areas would also need treatment in the future due to shallow soils and the increased capacity for density in the future. (Ryder p. VI-10)

This report studied various methods and locations for both treatment and disposal and also studied the viability of an onsite wastewater district to ensure effective functioning of existing systems.

The recommendation was for the Town to adopt an onsite wastewater management zone; form a special assessment district to provide sewer treatment and disposal at a plant constructed on lower Neal Road; to provide for septage handling and disposal; provide hazardous waste receiving storage and transfer; and to hire an engineering and financial consultant to provide definite concepts for funding, land acquisition and implementation of both the onsite wastewater management zone and central area waster system.

Sewer Project Feasibility Study, (March 1989) by Kennedy/Jenks/Chilton

Continued study of the feasibility of different types of treatment and collection were the subject of this report. The recommendation was to proceed with the formation of a Special Assessment District to fund the design and construction of a conventional gravity sewer system for Skyway and Clark commercial corridors, with an aerated lagoon system and an advanced treatment system for further treatment prior to discharge onto property south of Neal Road near Elliot Spring (former McKnight Ranch property). (K/J/C March, 1989). An Environmental Impact Report was prepared by Quad Consultants in 1989.

On October 25, 1990, via Town of Paradise Resolution No. 90-47, the Town Council officially formed a Wastewater Design Assessment District for the purpose of developing a wastewater collection, treatment and disposal facility. The proposed sewer system was to serve only the core commercial area of the community.

Pursuant to the procedural requirements of California State Law, a protest hearing was convened on November 29, 1990 during which a number of citizens expressed concerns and voiced opposition to the formation of the district and the subsequent development of a sewer system for the Town. However, the volume of written and verbal protests received by the Town was insufficient to prevent progress toward formation of the district and development of the planned sewer system. At the conclusion of the hearing, the Town Council adopted Town Resolution No. 90-55, thereby overruling the protests.

Opposition to the project then manifested itself into an effort to recall seated members of the Town Council based upon their support for the project. The recall effort was successful in that four of the five seated Council members were recalled and four new members were sworn into office on July 21, 1992. Efforts to dismantle the Wastewater Design Assessment District proceeded rapidly and on January 5, 1993, unanimous direction was given by the new Town Council that all work regarding the development of a sewer system to serve the core commercial areas of the Town be stopped. Subsequent resolutions were adopted on March 30, 1993 to begin the retirement of bonds and to formally abandon the sewer project.

RECENT BACKGROUND

As stated above in the historical timeline, the Town has explored many options, alternatives and locations for implementing a comprehensive alternative to on-site wastewater treatment and disposal. Because of the unfortunate decision to stop the progress of sewerage the downtown and commercial corridors, business owners, property owners, developers and investors have all suffered the consequences. The consequences, which were predicted by all of the early studies and reports listed previously, are now being recorded in the maintenance and repair records for our commercial systems by our Onsite Wastewater Management District staff.

For instance, in reviewing Onsite records and discussing wastewater issues with Onsite staff, several businesses lack the physical area to repair their current wastewater system, which will require business closures unless alternate treatment is found off site. Several other businesses have completed expensive repairs to their engineered systems totaling as much as \$250,000. We have six businesses in Town that currently have a “holding tank” that requires pumping every three months. This is not only expensive, but limits their business capacity to small retail and limits their employees to a maximum of two. These are very real statistics that currently exist throughout our commercial business zones.

In recent discussions with Onsite staff, an informal survey was taken of the downtown and former RDA project area. The purpose was to determine the extent of failures over the next 5-10 years and also to determine if those failures would have constraints such as high water tables and small parcels. Nearly every parcel in the downtown will have issues and experience expensive repairs. This will further impact the businesses downtown that are already experiencing economic issues.

In 2000, the Town Council adopted the Downtown Master Plan, which identified a clustered septic wastewater treatment system as critically important to the physical and economic revitalization of the Downtown.

The adopted Redevelopment Plan, in 2003, further identified and listed as a priority redevelopment funded project, a wastewater collection and treatment system that would serve the Downtown and parts of the RDA Project Area.

Since that time, the Town and its redevelopment agency evaluated various possible sites for a clustered septic wastewater treatment plant, both inside and outside of Town.

Town staff, NorthStar Engineering, and PID, among others, met to review previous work and look into possible solutions. This leads us to a more recent report by North Star Engineering entitled “*Final Wastewater Treatment & Collection Feasibility Study for the Town of Paradise Downtown Community Cluster System.*” This report analyzed the feasibility and cost associated with the construction of a community wastewater collection system designed to serve a defined area that would transport the wastewater to an off-site location.

This current effort took all prior studies and information into account, plus had the added benefit of applying new and improved methods of testing and treatment. All new and prior analyses concur that eliminating reliance on individual septic systems would allow businesses to develop and expand based upon the needs of the business and customer demand instead of being subject to the strict limitations of on-site wastewater disposal. However, the Town has lost the ability to use Redevelopment funding for this important infrastructure and the Town has also lost a previous EDA grant that covered the cost of the 1990 collection system.

On August 2, 2011, the Town Council considered and discussed a Council Agenda Summary prepared by key members of Town staff providing an outline of three primary conceptual options for providing a community wastewater system for the Downtown area and other commercial corridors within the Town of Paradise. The main purpose of the agenda summary was to provide an opportunity for the Town Council to identify the most preferable wastewater system solution and provide direction to staff regarding the conduct of additional research and identification of steps toward the eventual establishment of a community wastewater system.

The potential area of benefit is at this time envisioned to include the Downtown, all of that area formerly known as the Redevelopment Project Area (RDA) and potentially other commercial areas of the Town that are not included within the RDA or the Downtown, e.g., the Clark Road commercial corridor from Pearson Road to Wagstaff Road. There are approximately 1,206 parcels in the conceptual area of benefit along Skyway, Pearson Road and Clark Road.

The three conceptual options considered are briefly described as follows:

Option 1: This option consists of a STEP (Septic Tank Effluent Pump) collection system with the construction of a secondary treatment plant located on lower Skyway west of the Town limits. A STEP system requires each property to have an appropriately sized septic tank to hold and separate the effluent, which is then transported through a pressurized network of pipes to a Membrane Bio Reactor (MBR) treatment system. The dispersal field area, although adequate for the initial phase of the collection system (Downtown and smaller adjacent commercial and residential areas), cannot accommodate future phases to include all RDA areas, most of the Pearson and Clark Road commercial corridors.

Option 2: This option would involve partnering with the owner of an 18-hole golf course located on lower Skyway and includes wastewater re-use for the golf course irrigation and a potential future housing development project. The system would be designed to transport effluent via a gravity pipe buried within the Skyway public right-of-way from the Town of Paradise to the golf course. Variations to the gravity system with pumping stations and storage tanks may be necessary depending on the ultimate design. The need for one or more large storage ponds to store approximately 90-days worth of treated sewage during the wet season is one drawback to this option. In addition, it is apparent from a recent Engineer's report that the golf course could accommodate the land application of treated effluent generated by all phases of this project.

Option 3: This concept was developed through preliminary discussions between staff and the City of Chico and provides the possibility of a mutually beneficial arrangement between the two jurisdictions. The Town of Paradise would tie into Chico's existing sewer collection system which conveys sewage to their state-of-the-art water pollution control plant, which has adequate capacity for all phases of the collection system. The system would be designed to transport effluent via a gravity pipe buried within the Skyway public right-of-way from the Town of Paradise to the City of Chico's collection system. Some pumping stations and storage tanks may be necessary, as in Option No. 2. Further discussions with the City of Chico and Butte County are needed to finalize the details of this system. This option eliminates the necessity for onsite septic tanks and minimizes ongoing maintenance and pumping costs. This option also eliminates the need for the Town to acquire a State Regional Water Quality Control Board's Waste Discharge Permit since the City of Chico already has a permit for the operation of their treatment plant. Obtaining such a permit would require extensive compliance monitoring and reporting and would be expensive to maintain.

At the conclusion of their discussion, the Town Council directed staff to further research the advantages and disadvantages for Option No. 2, the City of Chico option; and Option No. 3, the Tuscan Ridge Golf Course option. Staff's research in this regard focused on the following issues:

- The differences between the two alternatives in terms of regulations, permits, regulatory processes, expediency and complexity;
- The differences in cost and time to construct each alternative's collection system;
- The differences and opportunities for funding and financing for each alternative;
- An estimate regarding which alternative is the least expensive, including the life cycle costs for the end user customer;
- A determination of which alternative represents the least liability exposure for the Town and its customers;
- A determination of which alternative retains for the Town Council more local control; and
- A determination of what environmental benefits are provided by each alternative.

The following discussion is a compare/contrast analysis between the two options that the Council directed staff to further develop. The discussion also includes an Updated Conceptual Flow and Cost Estimate for Expanded Commercial Corridors Servicing Skyway, Pearson and Clark Roads, dated February 20, 2012, by NorthStar Engineering.

DISCUSSION

Regulatory Requirement Comparisons:

The California Regional Water Quality Control Board (RWQCB) permits the operations of wastewater treatment facilities. The regulatory process for issuing permits to new facilities is extensive and according to RWQCB staff, standards for operation are becoming more rigorous

as environmental concerns and liabilities increase in the State. The RWQCB staff has also expressed that substantial policy shifts are occurring that will allow fewer treatment plants and require a more regional approach to wastewater treatment.

Although both options require permitting through the State RWQCB, the City of Chico currently has both collection and discharge permits and the Town would only be required to obtain a collection permit for the installation and operation of its sewer trunk line. The entire environmental review and permitting process for this option could take up to 2 years.

The Tuscan Ridge option would require a Waste Discharge Permit for the treatment and dispersal of treated wastewater. Such permits establish stringent performance standards and set parameters for sampling and reporting frequencies. The permit is also fluid and may be altered by the State when more stringent environmental safeguards are created throughout the State. The entire environmental review and permitting process for this option could take up to 3 years and it is questionable as to whether the State RWQCB would permit a wastewater treatment plant facility that is large enough to accommodate the entire projected wastewater flows. The Tuscan Ridge area has very shallow soils without optimum conditions and there are no acceptable dispersal rates that would allow all of the wastewater from the Paradise service area to be dispensed at this site. For this and other reasons, the State RWQCB has expressed their strong preference for the Chico option.

Currently the existing septic system serving the golf course at Tuscan Ridge is only allowed to disperse the treated septage effluent 6 months out of the year. If this same condition were required by the State RWQCB for the Paradise community wastewater system, the storage pond sizing would be substantially larger than current estimates. A permit for the construction and operation of the storage ponds is required from the California Division of Safety of Dams. A permit may also be required under Butte County Resolution 87-108, which is purportedly being amended; and, therefore may not be an impediment to this option. It is estimated that the permitting process from the State RWQCB and the Division of Safety of Dams for the Tuscan Ridge option would take an additional 12 months longer than the Chico option.

The Butte County Local Area Formation Commission (LAFCO) exercises some control over regional facilities. However, if the Town's newly created wastewater district remains within the Town's established boundaries and if the pipe to Chico remains closed, LAFCO would not be involved in the regulatory process.

Both options will include a gravity pipe to be placed in the established Skyway right-of-way, which will require an encroachment permit that would be issued administratively by the Butte County Public Works Department. The encroachment permit would most likely be subject to conditions of approval addressing traffic control, construction safety, roadway repair, etc. In addition, the Tuscan Ridge project must also undergo permitting and environmental review processes through Butte County to establish a planned unit development on the site.

In comparing the regulatory requirements for both options, the Chico option would require less cost and time in the permitting processes.

Construction Cost Estimates

At the August 2, 2011, Town Council meeting NorthStar Engineering provided initial estimates for the three options. During the meeting, Mo West, owner of Tuscan Ridge, claimed that the estimates were not accurate. He provided a Preliminary Engineer's Report from a wastewater treatment company that suggested the cost for the complete build-out of the Tuscan Ridge Option at 534,000 gpd would be \$8,365,416. A subsequent review by staff, and NorthStar Engineering, determined that this report addressed only the cost of the treatment plant, which is a small portion of the total costs. Not included in the Tuscan Ridge owner's cost estimate were the costs associated with:

- The collection system throughout the Town of Paradise
- The conveyance system that carries the wastewater from the Town limits to Tuscan Ridge
- Engineering and Construction Administration for the collection and conveyance system
- Upgrades to the spray dispersal system at the golf course, including monitoring wells
- CEQA compliance and State permitting, including Antidegradation analysis
- Storage pond construction and permitting (45 million gallon capacity at that time)

Construction Costs of all Phases

A recent Engineer's report provided by NorthStar Engineering has provided updated construction cost estimates for the expanded project boundaries that are now comprised in four phases (see attached report.) The new project boundaries include the prior Skyway corridor areas that comprised the former Redevelopment areas (RDA) and are also includes those areas on Skyway that are between the former RDA areas and extending west of Neal Road. Also included in the new service area is the Clark Road commercial corridor between Buschmann and Wagstaff roads. The Pearson Road corridor between Skyway and Clark roads is still included. The total wastewater flow anticipated from this entire service area is estimated at 822,000 gpd when all hook-ups are made.

Given this adjusted design flow of 822,000, the total construction cost for the Tuscan Ridge option, comprising the three components of collection/conveyance, treatment and dispersal is \$41,130,000. The total construction cost for the Chico option which majority of the construction is comprised of just collection and conveyance systems is \$28,779,000. There are no additional up-front construction costs for treatment or dispersal associated with the Chico option, because the Chico WPCP is already in place and has the capacity to accommodate the entire wastewater flows from the Paradise project.

Operational and Maintenance Costs for the Treatment Plant

It is important to note that Operational Costs do not include the Total Fee for Service Cost that the end user customer pays. The Operational Cost is a part of the consumer fee but other costs such as Financing Cost, Collection System Maintenance Costs, Annual Permit Costs and Life Cycle Costs (replacement) are included when assessing the Total Fee for Service Cost. Financing Costs have variables such as; grants received, interest rate secured, duration of loans, etc. Collection System Maintenance Costs will be secured by a contract yet to be negotiated. Life Cycle Costs are dependent on which option is chosen, and for the Chico option could be considerably less because the components of the system to be replaced will not include a treatment plant as they would for the Tuscan Ridge option.

Chico Option:

In preliminary discussions, the City of Chico has indicated that the charge to the Town of Paradise for their wastewater flows would be negotiated in an agreement between the two cities, similar to what they have with Chico State University. The arrangement would be a fee based primarily on the volume flowing into the Chico system. Under this model, Paradise would be treated much like a large industry that had a straight pipe discharge into the Chico collection system and would be charged a consumption rate. Currently the rate that CSUC pays is an average \$2.05/ccf (748 gallons). It is impossible at this point to determine the rate that we would be charged, but for comparison purposes, staff assumed a rate increase of 10% for non-resident status. For Chico residents, a typical household with an average wastewater flow of 200 gpd would be apportioned an Operational Cost of approximately \$18.00/month. This is a flat cost to the end user and does not fluctuate with the amount of wastewater collected from the Paradise service area. As discussed above, other fees would be added to this Operational Cost including a volumetric cost associated with the maintenance of the trunkline and the treatment plant capacity.

The Chico WPCP operation costs, as well as sampling and State RWQCB permit reporting, will be maintained by the City of Chico. These maintenance costs are at a reduced rate compared to the Tuscan Ridge option because the City of Chico already has personnel, a maintenance program, a sampling and testing program, a facilities operations program, and a permit reporting program in place. Additionally, the workload created by inflow from Paradise, will be small proportionate to the existing flows already received from Chico; therefore, the cost per gallon to operate and maintain this treatment plant will be effectively less than if a new treatment plant were built.

Maintenance of the collection and conveyance system would be the same for either option except that the Chico option requires maintenance of an automated lift station at the Butte Creek Crossing and an additional 4.8 miles of gravity trunk line extending into the City of Chico's collection system.

Tuscan Ridge Option:

Operational Costs for the Tuscan Ridge option include at least three certified, full-time employees to run the treatment plant. Components of the Operational Costs would also include minimum weekly laboratory testing, septage solids removal, data collection and report writing. Maintenance of the storage ponds as well as a sludge handling component of the treatment plant is also necessary. Approximately 5 cubic yards of sludge will be generated at the plant on a daily basis and will require off-site disposal. Dam maintenance as per the permit issued by the Division of Safety of Dams will be required for the approximate 16 acres of storage ponds (20 feet deep). Dam data collection may be required on a weekly basis as well as reports submitted annually. Maintenance of the collection and conveyance system in the Tuscan option is the same as the Chico option except the Chico option has an additional 4.8 miles of trunk line.

It is estimated that the Operational Costs would be approximately \$350,000/yr. When the full build out of an 822,000 gallon per day system is achieved in the Paradise service area, this cost will result in approximately \$.87/ccf (748 gallons) end user fee. For an average household with a wastewater flow of 200 gpd this Operational Cost would be about \$7.00/month which is less than the similar Chico operational cost of \$18/month. This fee is tripled, though, when only a third of the total wastewater collection occurs and doubled when only half of the total collection occurs. In other words, the operational cost for the Tuscan Ridge option is only realized at full build-out of the system.

The other costs that make up the remaining components of the Total Fee for Service would apply more to the Tuscan Ridge option than to the Chico option. Finance Costs will be higher because the Tuscan option is shown to cost almost \$30 million more. Additional costs associated with the Tuscan option include a permit that the Town of Paradise would have with the State RWQCB. This permit has maintenance requirements including extensive quarterly and annual reporting and weekly and sometimes daily monitoring of wells, creeks, piezometers and run-off. Life Cycle Costs needed for the complete replacement of the treatment plant and dispersal system components must also be added into the Tuscan option. These “extra” costs not associated with the Chico option would be significant and cause the Total Fee for Service to the end use for the Tuscan Ridge option to be substantial.

Costs to increase the treatment component of the facility as the collection system is expanded through the town at full build-out:

The Chico WPCP has unused capacity of 5 million gallons per day in their plant and on their State waste discharge requirement permit. The Chico plant has no known immediate expansion costs associated with increased flows from Paradise.

The Tuscan Ridge option contains Membrane Batch Reactors or other treatment units that are modular in design. Increased capacity is engineered into the design; therefore, as flows increase and plant capacity is expanded, the costs increase for the additional plant modules.

Projected Construction Timelines

SEWER PROJECT CONSTRUCTION – TENTATIVE TIMELINE*		
Task	Chico Option	Tuscan Option
Environmental Review Process	15 mos.	20 mos.
Other Regulatory Permitting Processes	24 mos.	36 mos.
District Set-up	15 MOS.	15 MOS.
Actual Construction	15 MOS.	15 MOS.
TOTAL	3-4 YEARS	5-6 YEARS
* Not actual times. Many tasks can be done concurrently. Some tasks depend on weather. Outside agency permitting timelines are hard to guesstimate.		

Once the environmental review is completed and federal, state and local permits are secured; the construction times, including the bid process for both options, are estimated to be the same at approximately 1.25 years. Both options are identical in engineering and construction within the town limits and down to the Tuscan Ridge Golf Course entrance. From there, the Chico option differs in that the gravity main continues down Skyway to a lift station close to the Butte Creek crossing. After the lift station there is a connection station close to the Chico City limits. The Tuscan Ridge option turns south at the golf course entrance off of Skyway. Here the gravity main enters the golf course carrying the wastewater to the treatment plant located therein.

Environmental Review Process

Development of either system will be subject to environmental review pursuant to the California Environmental Quality Act (CEQA). It is likely that an Environmental Impact Report will be required to be drafted, circulated, finalized and certified for either option.

While both options share the same collection and conveyance corridors with similar potential environmental impacts, the Tuscan Ridge Golf Course option will likely require a more detailed analysis of potentially adverse effects as a result of its storage, land application and disposal components. These components do not exist with the Chico option as environmental impacts to be reviewed because the Chico wastewater treatment plant has already undergone CEQA review and approvals.

The Tuscan Ridge Golf Course option involves treating the wastewater effluent from the Town of Paradise and irrigating the golf course with the treated water, which requires the construction of a 20-acre wastewater storage pond. The pond must be able to store treated wastewater during the rainy season, as the soils are not adequate to handle the required amount of treated wastewater and rain water simultaneously. For this reason, wastewater

treatment, storage and dispersal at the golf course will raise environmental issues not shared with the Chico option.

It should also be noted that although the Tuscan Ridge Golf Course property is assigned a Butte County General Plan land use designation and zoning that can potentially accommodate a 175 dwelling planned unit development, no environmental document has been circulated or certified pursuant to CEQA requirements nor have any project applications (e.g. tentative subdivision map) been submitted to Butte County for such a project.

In consideration of the circumstances outlined above, it appears that the Chico option may present a more straightforward, perhaps more expedient and less costly path through the CEQA environmental review process for the Town of Paradise. Below is an example of the EIR review process stating minimum timelines.

SEWER PROJECT EIR/EIS – TENTATIVE TIMELINE		
Task	Chico Option	Tuscan Option
Prepare, distribute RFP and execute contract with EIR/EIS consultant	4 weeks	4 weeks
Signed contract & receipt of project information, including project description	2 weeks	2 weeks
Prepare draft Project Description and NOP/NOI	4 WEEKS	4 WEEKS
Town review of Project Description/NOP/NOI	1 WEEK	1 WEEK
Finalize NOP/NOI	1 week	2 weeks
Schedule/conduct public scoping session	2 weeks	2 weeks
NOP public circulation	30 days	30 days
Consultant prepares ARDEIR/DEIS	12 weeks	16 weeks
Town review ARDEIR/DEIS	4 weeks	4 weeks
Consultant prepares Screencheck DEIR/DEIS	4 weeks	4 weeks
Town review Screencheck	1 week	2 weeks
Consultant prepares public review DEIR/DEIS	3 weeks	4 weeks
DEIR/DEIS public review	45 days	45 days
Consultant prepares FEIR/FEIS	6 weeks	6 weeks
Town reviews FEIR/FEIS	3 weeks	4 weeks
Consultant prepares Screencheck FEIR/FEIS	2 weeks	3 weeks
Continued on next page		
Town review Screencheck FEIR/FEIS	1 week	2 weeks
Consultant finalizes FEIR/FEIS and MMP	1 week	2 weeks
Hearing(s)/action on project	Min. of 10 days ¹	Min. of 10 days ¹
Total minimum	+/-62 weeks	+/-73 weeks

Notes:

1. CEQA requires that public agencies be provided with responses to their comments at least 10 days before the final action on the project. Typically, the Final EIR is completed at least 10 days before the final decision. The Town may choose to hold/schedule/coordinate any hearing(s) for the project only after the Final EIR has been completed.

Environmental Benefits

Use of treated wastewater to irrigate the 120 acre golf course may eliminate the need to pump up to 885,000 gallons of Tuscan Aquifer groundwater per day during warm, dry periods, as is the current practice. Eliminating the use of groundwater for irrigating the golf course will reduce the potential for deep aquifer drawdown. Tertiary treatment of the wastewater would be required for surface irrigation use. (Note: 885,000 gallons is derived from the Paradise flows of 822,000, the additional flows from the Tuscan Ridge housing complex, and rainwater storage.)

City of Chico staff have indicated that the Chico Water Pollution Contract Plant (WPCP) contributes approximately two-tenths of a percent to the total volume of water in the Sacramento River measured upstream of the treatment plant outfall. In addition, the water flowing into the river from the treatment plant outfall is of equal or higher quality than river water upstream of the outfall.

The Paradise Irrigation District (PID) has water rights to and draws water from its impoundments on Little Butte Creek, a tributary of Butte Creek, which is in turn a tributary of the Sacramento River. Prior to the establishment of the PID, water in Little Butte Creek ultimately flowed to the Sacramento River. None of the water provided by the PID to the Town of Paradise now finds its way to the Sacramento River. If the Chico option is chosen and implemented, up to 822,000 gallons per day of Little Butte Creek water will be returned to the Sacramento River, adding to its volume and potentially benefitting fish, wildlife and downstream users. This would partially restore the natural water cycle that had been in place prior to the establishment of the PID and the Town of Paradise.

Agriculture is a large downstream user of Sacramento River water. Farmers and ranchers are allowed water uptake directly proportionate to the volumes passing through the river. This was the impetus behind Assembly Bill 134, which passed in 2011, allowing the Sacramento Sanitation District to apply for a water rights permit to sell the recycled water that it discharges into the Sacramento River to downstream users, such as farmers. Therefore, water from Paradise passing through the Chico WPCP will directly benefit downstream agriculture by allowing more water uptake to be available to farmers and ranchers. This activity will also reduce the use of deep wells and reduce the possibility of deep aquifer drawdown.

In conclusion, both the Chico and the Tuscan Ridge Golf Course options promote environmentally beneficial purposes through the use of treated wastewater. One option will provide green golf course fairways, and the other will provide food through agriculture.

Capacity to collect, treat and disperse 822,000 gallons of wastewater/day

Wastewater treatment has three major components: (1) collection and conveyance, which is the process of getting the wastewater to the plant; (2) treatment, which is the actual “cleansing” of the wastewater and which occurs at the plant site; and (3) discharge or dispersal, which is the elimination of the treated wastewater, either into a river, or into the ground via leaching fields or by some other means. Permitting is required at all levels by the State Regional Water Quality Control Board (RWQB) and is discussed at length in the next section of this report. The question of capacity must first be established.

Chico Option - The City of Chico is currently working with Carollo Engineering to update their Sanitary Sewer Master Plan Update (SSMPU). This report evaluates the City's sewer collection system with respect to growth projections and land-use designations identified in its 2030 General Plan, and provides a guideline for the development of the City's collection system for the next 20 years. Additional analysis is needed to determine the exact impacts associated with connection of the Town of Paradise to the City's sewer collection system; however, the most recent estimates indicate that the Town of Paradise may contribute up to one million gallons per day of wastewater flow to the City's collection system. This assumes connection would occur in the southeast portion of the city in the vicinity of the Skyway. It is important to note that this preliminary analysis assumes a "closed" system which prohibits sewage connections outside of the designated service area. Chico's Water Pollution Control Plant (WPCP) serves the residents of the Greater Chico Urban Area and also reserves the capacity to serve the County/City's Nitrate Action Project. Current estimates identify capacity at the plant sufficient to handle treatment of the proposed flows from the Town's commercial district as proposed in this report.

The City of Chico has a Wastewater Discharge Requirement permit from the RWQCB and a Federal National Pollutant Discharge Elimination System permit which allows them to discharge into the Sacramento River. As mentioned above, the permit requirements assures that the discharge meets or exceeds water quality standards thus providing a resource benefitting downstream agriculture, wildlife and communities.

Tuscan Option - At the Tuscan Ridge site, the County Assessor's records indicate that the parcels that make up the golf course cover a total land area of 150 acres. It has been estimated in a recent report by NorthStar Engineering that an area of 235 acres would be necessary to accommodate the wastewater flows from this project on a year-round basis. This estimation is derived from the parameters of the very shallow soils, the underlying “lava cap” of the Tuscan formation, the evaporation and evapotranspiration rates of the treated wastewater once it is sprayed onto the ground and the amount of annual rainfall in that area. This amount does not include the amount of pond area needed, which at a 20-foot depth requires at least 20 acres of

pond storage. Basically, because of the very shallow soils, the Tuscan Ridge site simply does not have the necessary land space to accommodate the size of the dispersal area needed for this project.

Associated Legal Issues and Local Control Concerns

California Constitution Article XI, section 7 authorizes cities to adopt sanitary ordinances. In addition, California cities are expressly authorized to construct, establish and maintain drains and sewers. See Government Code section 38900. To establish a specific area within the Town where wastewater services would be available to properties, the Town Council would need to adopt an ordinance setting forth, at a minimum, the following:

- A description of the wastewater collection system.
- The boundaries of the special wastewater service area.
- The scope of the wastewater services.
- The connection requirements.
- The connection fees and adoption procedure.
- The charges for the wastewater services and adoption procedure.

If a special benefit assessment is used to finance the design, construction, and other costs associated with a wastewater collection system, the assessment would need to comply with the procedural requirements of California Constitution Article XIID, section 4. LAFCo would have no involvement in the formation of the special benefit assessment. In addition, a special assessment would have to comply with the procedural requirements of Government Code section 53750 et seq.

To commence the above procedure, the Town would need to provide an engineer report to the property owners within the proposed assessment area. The engineer report would describe the proposed project, its estimated cost, and how the special benefit would be apportioned. Thereafter, the property owners would vote for or against the proposed assessment. If there are more ballots against the assessment than for it, the assessment cannot be imposed. In tabulating the ballots, they are weighted based on the financial impact on a parcel.

Legal Review – Easement

To transport the wastewater from Paradise to Tuscan Ridge, the Town would need to obtain easements from the County of Butte. Under the Chico option, the Town would need easements from the County and Chico.

Legal Review – Chico Wastewater Treatment Agreement

Under the Chico option, the Town and Chico would need to enter into a comprehensive agreement that sets forth the rights and obligations of each party concerning the wastewater collection and treatment system, including wastewater capacity, ownership and maintenance

of the wastewater collection system, fees and duration. Given the costs associated with the proposed wastewater collection system, the agreement should be for at least 50 years with renewal rights.

Legal Review – Tuscan Ridge Option

If the Tuscan Ridge option is selected, the Town should consider owning the location and wastewater treatment system so that the Town could directly provide quality control concerning the operation and maintenance of the system.

FUNDING FOR THE PROJECT:

The biggest hurdle for this project will be funding. As the report pointed out, the primary funding for the project, both in a direct sense, as well as in terms of leveraging other funding sources, was going to be redevelopment, as it applied to the Downtown and greater Redevelopment Project Area. However, the dissolution of redevelopment no longer makes that approach possible.

One of the Town's immediate tasks once the Town Council decides on which option they wish to pursue, comes down to developing a very comprehensive project description that becomes the basis for pursuing the various federal and state grants, as well as special interest funding assistance legislation. This will help reduce the project's overall pre-development and development costs, and minimize the cost to the customers.

While staff realizes that the availability of federal and state grant funding is limited, we also strongly believe that the Town of Paradise, as one of the largest non-sewered municipalities, has a compelling case for various types of funding or assistance that is available.

FINAL ANALYSIS AND RECOMMENDATION TO COUNCIL:

This report's comparison between the two options clearly indicates that the Chico option is superior to the Tuscan Ridge option in terms of the total cost of the project (which is directly related to the end cost to the customer), the overall timeline for completion of the project, less regulatory permitting complexities and requirements, the ability to handle the amount of gallons per day that the Town's commercial district would generate, and less liability exposure to the Town. Both options offer very positive but different environmental benefits.

While the City of Chico staff has been very helpful in providing our Town staff with information that we needed for the purpose of this comparative analysis, it needs to be stated unequivocally that neither the Chico City Council nor its management or staff have endorsed, or at this point, support accepting or treating the effluent from the Town of Paradise commercial areas.

If the Town Council decides to support pursuing the Chico option further, we would want to, in the very near future, arrange a presentation before the Chico City Council with the hope of obtaining their approval to further explore and evaluate the feasibility of this project with the Town of Paradise.

Clearly, this type of cooperative project between two local government jurisdictions, in which one jurisdiction, such as Paradise, utilizes the resources of Chico, would generate revenue that might help stabilize Chico's future rate payers. Additionally, this could financially sustain their wastewater treatment plant for future growth and development, which not only represents a potential win-win for both communities, but speaks to the very heart of regionalism. It is extremely important to be open to regional approaches by addressing issues and challenges that go well beyond jurisdictional boundaries, not only for economic reasons, but also as a way to share and preserve resources for the future.



**Town of Paradise
Council Agenda Summary
Date: July 09, 2013**

Agenda Item:3(d)

Originated by: Josh Marquis; IT Manager

Reviewed by: Lauren Gill, Town Manager

Subject: Geographic Information Center (GIC) 2013/2014 Maint. Contract

Council Action Requested:

- 1) Authorize the Mayor and Town Manager to execute the 2013/2014 FY GIS maintenance agreement with the CSU, Chico Research Foundation.
- 2) Provide Staff with alternative direction.

Background:

The Geographic Information Center (GIC) is a part or program of the California State University (CSU) Chico Research Foundation, and has been providing Geographic Information System (GIS) data to the Town for the past several years. An annual maintenance agreement is typically required for this service. The GIC provides both basic and specialized data maintenance, such as spatially referenced road, parcel, land use, zoning, aerial images, drainage, and topography data. Additionally, the GIC provides the Paradise Fire Department with updated Map Books and Dispatch with the most current parcel and road data to aid with dispatch.

At the June 11th Town Council meeting staff was directed to meet with GIC staff about any potential savings. After meeting with GIC staff, Town staff recommends executing the agreement as currently included as attachment #1.

Discussion:

As mentioned above, the GIC provides a variety of services under the agreement. In addition to technical support, the maintenance of data involves the GIC receiving data revisions from the Town, County and other agencies, compiles these changes and corrections, and is then available to the Town for its use. For example, when a parcel in the Town is subdivided, the new lot is sent to the GIC (in addition to other agencies) and they make this change in the data.

Additionally, the GIC creates specialized maps and data for various projects, such as soils map, snow load map, etc. Without this maintenance service, it would be extremely difficult for the Town to correct and maintain this data in a correct and efficient manner due to staffing limitations and specialization of work. The GIC has proved to be a valuable asset to the Town in times where mapping and other specialized information is required in a timely manner.

Fiscal Impact Analysis:

The cost for these maintenance and support services for the 2013/2014 fiscal year is a fixed fee of \$10,000.00. This maintenance agreement is in the 2013/2014 budget and is being paid for by Central Services, Professional/Contract Services.

ATTACHMENTS:

No.1: Agreement with the CSU, Chico Research Foundation.

ATTACHMENT 1

AGREEMENT WITH THE CSU, CHICO RESEARCH FOUNDATION (GIC Annual Maintenance/ Support Agreement)

AGREEMENT WITH THE CSU, CHICO RESEARCH FOUNDATION

Agreement is hereby made between The CSU, Chico Research Foundation (FOUNDATION), on behalf of the Geographical Information Center (GIC), and the Town of Paradise (CLIENT) according to the following terms, conditions, and provisions:

IDENTITY OF CLIENT

Name: Town of Paradise

Address: 5555 Skyway
Paradise, CA 95969

Contact person: Lauren Gill

Business Telephone Numbers:

Phone # 530.872.6291,,104

Fax # 530.877.5059

FOUNDATION

CSU, Chico Research Foundation
Building 25, Suite 103
California State University Chico
Chico, CA 95929-0870

Contact person for contractual matters:

John Miner, Contracts Officer

Office of Sponsored Programs

Phone: (530) 898-5700

Contact person for project matters:

Jason Schwenkler, Director

Geographical Information Center

Phone: (530) 898-4372

Fax: (530) 898-6317

WORKSCOPE

CLIENT desires that FOUNDATION perform, and FOUNDATION agrees to perform, the following work:

Client proposes to contract with the Research Foundation to have the Geographical Information Center, a program of the Research Foundation, provide GIS maintenance updates, which includes existing GIS data and Map Book updates, and GIS support services, for individual departments including dispatch, to the Town of Paradise

Geographical Information System for the period July 1, 2013 through June 30, 2014.

**SERVICE
SPECIFICATIONS**

FOUNDATION will furnish all equipment, tools, materials and supplies, except that CLIENT shall provide data and/or other assistance as follows:

none

Said data shall be provided to FOUNDATION on or before _____

Provided said data and/or review(s) of draft deliverable(s) is timely received, the work shall be completed on or before _____.

Other specifications: _____

**TERMS OF
PAYMENT**

As compensation for FOUNDATION's service, CLIENT shall pay FOUNDATION a fixed fee of \$10,000, due and payable upon completion of the work.

INDEPENDENCE

FOUNDATION understands FOUNDATION is not the CLIENT's employee and is not entitled to any benefits provided by CLIENT to its employees. FOUNDATION will perform all services in an independent capacity, subject to the CLIENT's direction and control only as to the result and not the manner or means of accomplishing that result. Except as specified above, FOUNDATION shall, at FOUNDATION's sole expense, provide all instrumentalities or supplies, any required licenses or permits, additional helpers or subcontractors, and any other expense incurred by FOUNDATION except as otherwise specified herein.

INSURANCE

FOUNDATION assumes all risks as an independent contractor, and agrees to obtain all insurance necessary for FOUNDATION's protection in connection with work under this agreement.

INDEMNITY

Each party agrees to indemnify, defend and hold harmless the other from any injuries, property damage, or other claims and losses resulting from the activities of each party or the party's agents in performance of this agreement.

OWNERSHIP

CLIENT will assume ownership of deliverables upon delivery by Foundation. Foundation may use deliverables and any working papers for its own purposes.

**TERMINATION
WITHOUT
CAUSE**

Either party may terminate this agreement without cause after giving 10 days written notice to the other. The parties shall deal with each other in good faith during the 15-day period after notice is given. CLIENT agrees to pay Foundation for all expenses to date of termination and any uncancellable obligations.

**TERMINATION
WITH CAUSE**

With reasonable cause, either party may terminate this agreement effective immediately upon giving written notice of termination for cause. Reasonable cause shall include material violation of this agreement and any act exposing the other party to liability to others for personal injury or property damage. The failure of either party to exercise any of its rights under this agreement for a breach thereof shall not be deemed to be a waiver of such rights or a waiver of any subsequent breach.

CHOICE OF LAW

Any dispute related to this agreement shall be decided in accordance with the laws of the State of California.

**TERMS OF
AGREEMENT**

This is the entire agreement of the parties and cannot be modified orally. If any part of this agreement shall be held unenforceable, the rest of this agreement will nevertheless remain in force. This agreement may be supplemented or amended only in writing by agreement of authorized representatives of the parties.

This agreement becomes effective upon signature of both parties.

FOUNDATION:

Carol Sager, Director
Printed Name of Foundation's Signatory

BY: _____
Signature

Date: _____

CLIENT: Lauren Gill
Printed Name of Client's Signatory

BY: _____
Signature

Date: _____

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney



TOWN OF PARADISE
Council Agenda Summary
July 9, 2013

AGENDA NO. 3e

ORIGINATED BY: Joanna Gutierrez, Town Clerk

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Accept monetary donation for Paradise Animal Shelter Services

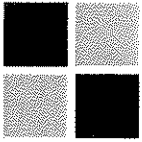
COUNCIL ACTION REQUESTED: Accept monetary donation from the estate of Donna Marie Tibbitts in the amount of \$4,799.81 for the Paradise Animal Shelter, authorize the Mayor to execute a Declaration Regarding Beneficiary Agreement and direct that the monies be deposited into Animal Control Misc Donation Fund (fund 7811) for Animal Shelter operations.

BACKGROUND: On June 28, 2013, correspondence from Daniel H. Alexander, Attorney at Law, was received by animal control staff at the Paradise Animal Shelter located at 925 American Way. Attorney Alexander informed the Paradise Animal Shelter that the animal shelter is named as a beneficiary under the will of Donna Marie Tibbitts in the amount of \$4,799.81, and requests that a Declaration Regarding Beneficiary Agreement be executed to confirm the amount is a full and final distribution.

DISCUSSION: Town of Paradise Resolution No. 96-17 requires that monetary donations made for specific purposes be accepted by the Town Council.

RECOMMENDATION: Accept the donation in the amount of \$4,799.81 for Paradise Animal Shelter services, authorize the Mayor to execute the declaration and direct the Finance Director to deposit the donation into the appropriate Animal Control fund.

FISCAL IMPACT: A \$4,799.81 increase to the Animal Control Misc. Donation Fund.



LAW OFFICES OF

Daniel H. Alexander

A PROFESSIONAL LAW CORPORATION

901 Bruce Rd., Ste. 230 • Chico, CA 95928
951 Reserve Dr., Ste. 100 • Roseville, CA 95678
(800) 530-4529 • (530) 891-8000 • Fax (530) 891-8040
www.dalexander.com • dan@dalexander.com

June 27, 2013

Paradise Animal Shelter
925 American Way
Paradise, CA 95969

TOWN OF PARADISE
Animal Control
925 American Way
Paradise, CA 95969

RECEIVED JUN 28 REC'D 2013

Re: Estate of Donna Marie Tibbitts, Butte Co. Superior Court Case # PR40402

Dear Paradise Animal Shelter:

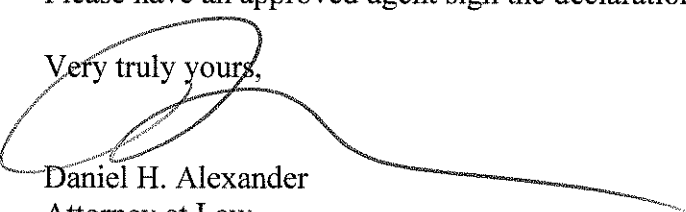
As you know your organization is named as a beneficiary under Donna Marie Tibbitts will. Enclosed please find the FIRST AND FINAL ACCOUNT AND REPORT OF EXECUTOR AND PETITION FOR FINAL DISTRIBUTION and other documents. Donna's will left you a specific gift of \$5,000. Another specific gift of \$10,000 was left to Shauana Robbins.

As indicated in the enclosed account, after payment of debts, fees and costs, there is approximately \$14,399.45 in cash in the estate for distribution. Therefore I am asking the court to allow the specific cash gifts to be pro-rate as follows: **1/3rd of the cash of the estate (which is approximately \$4,799.81) shall be distributed to the PARADISE ANIMAL SHELTER and 2/3rds of the cash of the estate (which is approximately \$9,599.62) shall be distributed to SHAUNA ROBBINS.**

I would ask that you sign the enclosed DECLARATION REGARDING BENEFICIARY AGREEMENT confirming your agreement with receiving 1/3rd of the cash in the estate as your full and final distribution. If you have any questions please let me know.

Please have an approved agent sign the declaration and return to me in the enclose envelope.

Very truly yours,


Daniel H. Alexander
Attorney at Law

1
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3
4
5 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
6 IN AND FOR THE COUNTY OF BUTTE
7

8 In re the Estate of
9 DONNA MARIE TIBBITTS

CASE NO. PR40402

10 DECLARATION REGARDING
11 BENEFICIARY AGREEMENT
12
13

14 I am an authorized agent of the Paradise Animal Shelter and I make this declaration on behalf of
15 said organization. Our organization is a named beneficiary of the will of decedent Donna Marie Tibbitts.

16 We understand that there is not enough cash in the estate to distribute the full amount to us as
17 stated in the will and as beneficiary of the will of decedent Donna Marie Tibbitts, agree that the cash of
18 the estate shall be pro-rated and after final fees and costs are paid, shall be distributed as follows:

19 **1/3rd of the cash of the estate (which is approximately \$4,799.81) shall be distributed to the**
20 **PARADISE ANIMAL SHELTER and 2/3rds of the cash of the estate (which is approximately**
21 **\$9,599.62) shall be distributed to SHAUNA ROBBINS.**

22 Such distribution to us shall be our full and final distribution. Further I have reviewed the
23 account and report of executor and agree that the estate is ready to close.

24 I affirm and declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.
26

27 DATED:

28  _____
Print Name:



**Town of Paradise
Council Agenda Summary
Date: July 9, 2013**

Agenda Item: 5(a)

Originated by: Gina Will, Finance Director
Josh Marquis, IT Manager

Reviewed By: Lauren Gill, Interim Town Manager

Subject: Master Fee Schedule Corrections

Council Action Requested:

Conduct a required scheduled public hearing and consider approving a Resolution of the Town Council of the Town of Paradise, California, correcting implementation incompatibilities and an omitted note in the Master Schedule of Fees for Town Services; or,

Alternatives:

Refer the matter back to staff for further development and consideration.

Background/Discussion:

Staff has found two issues with the fee schedule that was adopted on May 14th that need correcting. The first change involves a problem with the building/inspection fee that was detected by the IT Manager while implementing the newly adopted fees in the Accela Software program. The building fee calculation is very complex and contains many steps and variables, which is why it was not initially recognized by staff during the preparation of the Master Fee Schedule document.

If the recommended change is not approved by Council, then the building permit and inspection fee will have to be hand-calculated, which would result in approximately 200 hand-calculations per month. Conversely, if the Town Council approves the requested modification, the Accela Software program can automatically calculate the building fees as appropriate.

The second change involves an omission that was detected in the newly adopted Master Fee Schedule. A note in Section 5 regarding planning re-submittals should have been included but was inadvertently omitted during preparation of the document. Specifically, the note reads, "Submittals/items which require a third review will be billed at the defined hourly rate." The note is intended to accommodate cost recovery for multiple reviews of the same project plans when a developer resubmits plans without corrections that staff has required as a result of previous reviews, or when a project design changes after initial reviews such that additional staff review is required. The calculated hourly rate would be applied to a third and any subsequent review only and

would not apply to subsequent processing activities such as environmental review or public hearings. This same note appears in the engineering section of the adopted fee schedule for the same reason.

Fiscal Impact Analysis:

Approval of the fee schedule corrections as proposed will result in a slight decrease in the fees and revenues for the 2013/14 fiscal year.

**TOWN OF PARADISE
RESOLUTION NO. 13-37**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE,
CALIFORNIA, AMENDING THE MASTER SCHEDULE OF FEES FOR TOWN
SERVICES**

WHEREAS, on May 14, 2013 the Town Council adopted Resolution No. 13-27 relating to the recovery of costs reasonably borne to be recovered from users of Town services; and

WHEREAS, Resolution No. 13-27 contained errors as to how to calculate building permit and inspection fees; and

WHEREAS, the proposed corrections to the Master Schedule of Fees will reduce the fees for building permits and inspections; and,

WHEREAS, notice of public hearing has been provided per Government Code Section 6062 a, oral and written presentations made and received, and the required public hearing held; and

WHEREAS, an updated and revised schedule of fees and charges to be paid by those requesting such special services needs to be adopted so that the Town might effectuate its policies; and

WHEREAS, pursuant to California Government Code Sections 66016 and 6062 a, the data and a general explanation relating to schedule of fees and charges have been provided; and

WHEREAS, all requirements of California Government Code Section 66016, et. seq., are hereby found to have been fulfilled.

NOW, THEREFORE BE IT RESOLVED BY the Town Council of the Town of Paradise, as follows:

SECTION 1. FEE SCHEDULE ADOPTION. The corrections to the master schedule of fees, service charges, and estimate of unit costs as set forth in Exhibit "A" attached hereto and made a part hereof by reference, are hereby adopted and shall be used in computing Town fees for its services, and to be collected by the Finance Department for the herein listed special services when provided by the Town or its designated contractors.

SECTION 2. SEPARATE FEE FOR EACH PROCESS. All fees, charges, etc. set by this resolution are for each identified process; additional fees shall be required for each additional process or service that is requested or required. Where fees are indicated on a per unit measurement basis, the fee is for each identified unit or portion thereof within the indicated ranges of such units.

**TOWN OF PARADISE
RESOLUTION NO. 13-_____**

A. Added fees and refunds. Where additional fees need to be charged and collected for completed staff work, or where a refund of excess deposited monies is due, and where such charge or refund is ten dollars (\$10.00) or less, a charge or refund need not be made pursuant to California Government Code Sections 29373.1 and 29375.1 and amendments thereto.

SECTION 3. CONSTITUTIONALITY. If any portion of this resolution is declared invalid or unconstitutional, then it is the intention of the Town Council that all other sections of this resolution shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. This resolution shall go into full force and effect July 13, 2013, in that it does not increase building permit and inspection fees.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 9th day of July, 2013 by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Timothy Titus, Mayor

ATTEST:

BY: _____
Joanna Gutierrez, CMC, Town Clerk

APPROVED AS TO LEGAL FORM:

BY: _____
Dwight L. Moore, Town Attorney

**TOWN OF PARADISE
EXHIBIT "A" - 2013-14 FISCAL YEAR
MASTER FEE SCHEDULE**

Description of Services Provided	Hourly Rate Type	Current Adopted Fee With Applicable Surcharge	Proposed Fee with Applicable Surcharge	Percent Change
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**SECTION 4.
COMMUNITY DEVELOPMENT - BUILDING SERVICES
EFFECTIVE JULY 13, 2013**

Rate Type

A. 70% Building Official/Fire Marshal, 25% Community Development Director, 5% Assistant Planner

B. 45% Building Official/Fire Marshal, 5% Building/Onsite Permit Technician, 45% Community Development Director, 5% Assistant Planner

Building Permit & Inspection (\$1 < Exhibit B Valuation < \$500)	A	\$ 47.12	\$ 52.57	12%
Building Permit & Inspection (\$501 < Exhibit B Valuation < \$2,000)	A	\$ 47.12	\$52.57 for the first \$500 plus \$4.238 for each additional \$100 or fraction thereof, to and including \$2,000	18%

**TOWN OF PARADISE
EXHIBIT "A" - 2013-14 FISCAL YEAR
MASTER FEE SCHEDULE**

Description of Services Provided	Hourly Rate Type	Current Adopted Fee With Applicable Surcharge	Proposed Fee with Applicable Surcharge	Percent Change
Building Permit & Inspection (\$2,001 < Exhibit B Valuation < \$25,000)	A	\$ 96.72	\$131.40 for the first \$2,000 plus \$15.6643 for each additional \$1,000 or fraction thereof, to and including \$25,000	9%
Building Permit & Inspection (\$25,001 < Exhibit B Valuation < \$50,000)	A	\$ 486.08	\$578.14 for the first \$25,000 plus \$11.8676 for each additional \$1,000 or fraction thereof, to and including \$50,000	9%

**TOWN OF PARADISE
EXHIBIT "A" - 2013-14 FISCAL YEAR
MASTER FEE SCHEDULE**

Description of Services Provided	Hourly Rate Type	Current Adopted Fee With Applicable Surcharge	Proposed Fee with Applicable Surcharge	Percent Change
Building Permit & Inspection (\$50,001 < Exhibit B Valuation < \$100,000)	A	\$ 771.28	\$946.03 for the first \$50,000 plus \$8.477 for each additional \$1,000 or fraction thereof, to and including \$100,000	9%
Building Permit & Inspection (\$100,001 < Exhibit B Valuation < \$500,000)	A	\$ 1,240.00	\$1,471.61 for the first \$100,000 plus \$6.35775 for each additional \$1,000 or fraction thereof, to and including \$500,000	9%

**TOWN OF PARADISE
EXHIBIT "A" - 2013-14 FISCAL YEAR
MASTER FEE SCHEDULE**

Description of Services Provided	Hourly Rate Type	Current Adopted Fee With Applicable Surcharge	Proposed Fee with Applicable Surcharge	Percent Change
Building Permit & Inspection (\$500,001 < Exhibit B Valuation < \$1,000,000)	A	\$ 4,030.00	\$4,625.06 for the first \$500,000 plus \$6.10344 for each additional \$1,000 or fraction thereof, to and including \$1,000,000	9%
Building Permit & Inspection (\$1,000,001 < Exhibit B Valuation)	A	\$ 6,993.60	\$8,409.18 for the first \$1,000,000 plus \$7.23 for each additional \$1,000	9%

**SECTION 5.
COMMUNITY DEVELOPMENT - PLANNING SERVICES
EFFECTIVE JULY 13, 2013**

Note 1: Submittals/Items which require a third review will be billed at the defined hourly rate



**Town of Paradise
Council Agenda Summary
Date: July 9, 2013**

Agenda Item: 7(a)

Originated by: Craig Baker, Community Development/Planning Director

Reviewed by: Lauren Gill, Town Manager

Subject: Consideration of a Property Assessed Clean Energy (PACE) Program for Non-Residential Properties within Paradise

Council Action Requested:

Staff recommends that the Council adopt the following resolutions to approve participating in the countywide FIGTREE PACE program to include properties within the incorporated Paradise Town limits:

1. Adopt Resolution No. 13-____, a "Resolution by the Town Council of the Town of Paradise approving the Town of Paradise's associate membership in the California Enterprise Development Authority (CEDA) and authorizing the Town Manager to execute an associate membership agreement with CEDA."
2. Adopt Resolution No. 13-____, a "Resolution of the Town Council of the Town of Paradise, consenting to inclusion of properties within the incorporated area of the Town in the Butte County property assessed clean energy program to finance distributed generation and renewable energy sources and energy and water efficiency improvements, approving the report setting for the parameters of the referenced program and certain matters in connection therewith."

Background:

The County brought information forward to the Town regarding the Property Assessed Clean Energy (PACE) programs, and in particular a program that was created by the Public Housing & Finance Agency (PHFA), which is a joint powers authority consisting of more than 60 public agency members throughout California. Through a contractual assessment district process, PACE programs allow interested property owners to fund the installation of energy and water efficient improvements through a market rate loan that is repaid over time by annual property tax payments. Participation in the program is completely voluntary and property taxes remain unchanged for properties within a PACE assessment district that do not participate in the program.

Qualification for financing through PACE is based on the property value of non-residential properties. Therefore, there is no requirement for credit checks, personal guarantee or money down. The maximum financeable requirement is typically

calculated at 10% of the total property value, as recorded by the County Assessor. If the property is sold prior to the balance being paid off, the balance is transferable to the new owner. In order to qualify, the property owner must be current on property tax and mortgage(s), be the current owner of the property, have positive equity, and not be involved in bankruptcy proceedings.

Typically, PACE programs are funded through bonds, warehouse funds, or private financing institutions and are administered by a third-party administrator. Some of the property improvements eligible for funding under the program include:

- Air sealing and ventilation.
- High-efficiency heating and air systems.
- Dual pane windows.
- Insulation.
- Solar systems.
- Water efficient fixtures and irrigation.

The PACE program provides many benefits to non-residential private property owners and the Town.

Examples of these benefits include:

Property Owner Incentives:

- Lower energy costs.
- Ability to replace outdated equipment.
- Accessible financing based on property values and the market interest rates.
- No money down or up-front costs needed.
- No credit checks since it is secured against the property.
- A low, fixed interest rate for long term financing (up to 20 years) that stays with the property if it is sold.
- Increased building valuation.

Benefits to the Town of Paradise and Community:

- Stimulates the economy through job growth.
- Local job creation as contractor and "green retailers" are put to work.
- Sales tax generated from equipment and supplies purchased.
- Reduction in energy and water use and the greening of our community.
- Ability to leveraging outside capital for this incentive financing.
- Reduction in greenhouse gas emissions.
- No costs to implement and administer the program.

Discussion:

In its effort to establish a countywide PACE program, Butte County staff developed a 30-question survey that was sent to four PACE third party administrators currently

operating in California: FIGTREE, Renewable Funding, Ygrene, and Renovate America. Responses were received from all except Renovate America. The County, with input from jurisdictions within the County, sent out a follow-up questionnaire and conducted client/reference review of the remaining three companies. Based on the survey responses, the client review, and desired PACE program goals, it was determined that FIGTREE was the preferred program administrator at this time. The County may also pursue a Mello-Roos type program that was presented by Ygrene as another financing option for Butte County property owners in the future

The PACE program provided by FIGTREE is available through the California Enterprise Development Authority (CEDA), which is a statewide joint powers authority formed to address gaps in economic development financing with over 50 member cities and counties. CEDA will be the entity responsible for securing the financing for the program, levying the assessments, and for any remedial action in case of delinquencies. In order to offer the FIGTREE PACE program to property owners, the County needed to:

1. Become a member of CEDA by adopting a resolution and executing a Membership Agreement
2. Adopt a resolution authorizing CEDA to initiate the proceedings to form a PACE assessment district that includes the entire geographical area of the county, and
3. Enter into a Participation Agreement with CEDA to allow FIGTREE to administer the program and levy assessments on participating properties.

On March 26, 2013, the Board of Supervisors approved the necessary resolutions and agreements to move forward with the FIGTREE PACE program. CEDA approved the resolutions to establish a Butte County PACE program at its Board meeting on April 25, 2013, and set the final public hearing for an opportunity for anyone to contest the district formation on May 23, 2013.

By forming a countywide PACE assessment district, the program is also available to incorporated cities and towns within the district provided that they take the same steps indicated above that were required by the County. Therefore, Staff is recommending that the Council adopt the resolutions authorizing the execution of the agreements to join the County FIGTREE PACE. The Town's participation in the County FIGTREE PACE program would not prohibit the Town from participating in other PACE programs, such as the Ygrene model, if they become available in the future.

The Town is required to adopt a resolution joining the CEDA and adopt a resolution opting into the County's PACE program.

Conclusion:

California law (AB 811) allows cities and counties to offer programs to property owners who are interested in entering into a contractual agreement to finance the installation of renewable energy sources or the installation of permanent energy/water efficient improvements, and pay back the loans as an assessment on their property taxes. These programs are referred to as PACE programs, which require an assessment

district be formed to facilitate the program. Participation in the program is completely voluntary and property taxes remain unchanged for properties within the district that do not participate in the program.

Fiscal Impact Analysis:

The costs to the Town to join this program will be insignificant. There is no cost to join CEDA and the program will be administered by FIGTREE, and the County assessor's office to assess the properties. FIGTREE will be compensated for their services through administrative fees and a portion of an annual cost recovery fee that will be paid by the participating property owners. The amount of the recovery fee is 3% of the annual loan payment, of which the County will receive 2% of this fee to cover its costs. There may be some minimal Town staff time involved to promote the PACE program on the Town's website and to refer potential property owners and contractors to FIGTREE or Butte County staff.

ATTACHMENTS:

Resolutions to join the County PACE Program

**TOWN OF PARADISE
RESOLUTION NO. 13-_____**

**A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF PARADISE
APPROVING THE TOWN OF PARADISE'S ASSOCIATE MEMBERSHIP IN THE
CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY (CEDA) AND
AUTHORIZING THE TOWN MANAGER TO EXECUTE AN ASSOCIATE
MEMBERSHIP AGREEMENT WITH CEDA**

WHEREAS, the Town of Paradise, California ("Town"), is a municipal corporation, duly organized and existing under the Constitution and the laws of the State of California; and

WHEREAS, the Town, upon authorization of the Town Council, may, pursuant to Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California, commencing with Section 6500 ("JPA Law"), enter into a joint exercise of powers agreement with one or more other public agencies pursuant to which such contracting parties may jointly exercise any power common to them; and

WHEREAS, the Town and other public agencies wish to jointly participate in economic development financing programs for the benefit of businesses and nonprofit entities within their jurisdictions offered by membership in the California Enterprise Development Authority ("Authority") pursuant to an associate membership agreement and Joint Exercise of Powers Agreement Relating to the California Enterprise Development Authority ("Agreement"); and

WHEREAS, under the JPA Law and the Agreement, the Authority is a public entity separate and apart from the parties to the Agreement and the debts, liabilities and obligations of the Authority will not be the debts, liabilities or obligations of the Town or the other members of the Authority; and

WHEREAS, the form of Associate Membership Agreement ("Associate Membership Agreement") between the Town and the Authority is attached as Exhibit "A"; and

WHEREAS, the Town is willing to become an Associate Member of the Authority subject to the provisions of the Associate Membership Agreement.

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

Section 1. Finds and declares that the actions authorized herein constitute public affairs of the Town. The Council further finds that the statements, findings and determinations of the Town set forth in the preambles above are true and correct.

Section 2. Authorizes the Town Manager to execute and deliver in substantially said form, the Associate Membership Agreement attached hereto as Exhibit "A."

Section 3. Authorizes the Town Manager to do any and all things to execute and deliver any and all documents deemed necessary or advisable in order to consummate, carry out, give effect to, and comply with the terms and intent of this resolution and the Associate Membership Agreement.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 9th day of July, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
Timothy Titus, Mayor

ATTEST:

APPROVED AS TO FORM:

Joanna Gutierrez, CMC, Town Clerk

Dwight L. Moore, Town Attorney

EXHIBIT "A"

ASSOCIATE MEMBERSHIP AGREEMENT

by and between the

CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY

and the

TOWN OF PARADISE, CALIFORNIA

THIS ASSOCIATE MEMBERSHIP AGREEMENT (this "Associate Membership Agreement"), dated as of _____ by and between CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY (the "Authority") and the TOWN OF PARADISE, CALIFORNIA, a municipal corporation, duly organized and existing under the laws of the State of California (the "Town");

WITNESSETH:

WHEREAS, the Cities of Selma, Lancaster and Eureka (individually, a "Member" and collectively, the "Members"), have entered into a Joint Powers Agreement, dated as of June 1, 2006 (the "Agreement"), establishing the Authority and prescribing its purposes and powers; and

WHEREAS, the Agreement designates the Executive Committee of the Board of Directors and the President of the California Association for Local Economic Development as the initial Board of Directors of the Authority; and

WHEREAS, the Authority has been formed for the purpose, among others, to assist for profit and nonprofit corporations and other entities to obtain financing for projects and purposes serving the public interest; and

WHEREAS, the Agreement permits any other local agency in the State of California to join the Authority as an associate member (an "Associate Member"); and

WHEREAS, the Town desires to become an Associate Member of the Authority;

WHEREAS, Town Council of the Town has adopted a resolution approving the Associate Membership Agreement and the execution and delivery thereof; and

WHEREAS, the Board of Directors of the Authority has determined that the Town should become an Associate Member of the Authority.

NOW, THEREFORE, in consideration of the above premises and of the mutual promises herein contained, the Authority and the Town do hereby agree as follows:

Section 1. Associate Member Status. The Town is hereby made an Associate Member of the Authority for all purposes of the Agreement and the Bylaws of the Authority, the provisions of which are hereby incorporated herein by reference. From and after the date of execution and delivery of this Associate Membership Agreement by the Town and the Authority, the Town shall be and remain an Associate Member of the Authority.

Section 2. Restrictions and Rights of Associate Members. The Town shall not have the right, as an Associate Member of the Authority, to vote on any action taken by the Board of Directors or by the Voting Members of the Authority. In addition, no officer, employee or representative of the Town shall have any right to become an officer or director of the Authority by virtue of the Town being an Associate Member of the Authority.

Section 3. Effect of Prior Authority Actions. The Town hereby agrees to be subject to and bound by all actions previously taken by the Members and the Board of Directors of the Authority to the same extent as the Members of the Authority are subject to and bound by such actions.

Section 4. No Obligations of Associate Members. The debts, liabilities and obligations of the Authority shall not be the debts, liabilities and obligations of the Town.

Section 5. Execution of the Agreement. Execution of this Associate Membership Agreement and the Agreement shall satisfy the requirements of the Agreement and Article XII of the Bylaws of the Authority for participation by the Town in all programs and other undertakings of the Authority.

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IN WITNESS WHEREOF, the parties hereto have caused this Associate Membership Agreement to be executed and attested by their proper officers thereunto duly authorized, on the day and year first set forth above.

**CALIFORNIA ENTERPRISE DEVELOPMENT
AUTHORITY**

By: _____
Gurbax Sahota, Chair
Board of Directors

Attest:

Michelle Stephens, Asst. Secretary

TOWN OF PARADISE CALIFORNIA

By: _____
Lauren Gill
Town Manager

Attest:

Approved As to Form

Joanna Gutierrez
Town Clerk

By: Dwight L. Moore
Town Attorney

**TOWN OF PARADISE
RESOLUTION NO. 13-____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PARADISE, CONSENTING TO INCLUSION OF PROPERTIES WITHIN
THE INCORPORATED AREA OF THE TOWN IN THE BUTTE COUNTY
PROPERTY ASSESSED CLEAN ENERGY PROGRAM TO FINANCE
DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND
ENERGY AND WATER EFFICIENCY IMPROVEMENTS, APPROVING
THE REPORT SETTING FORTH THE PARAMETERS OF THE
REFERENCED PROGRAM AND CERTAIN MATTERS IN CONNECTION
THEREWITH**

WHEREAS, Chapter 29 of Part 3 of Division 7 of the California Streets and Highways Code (the "Act") authorizes cities and counties to assist free and willing property owners in financing the installation of distributed generation renewable energy sources and energy and water efficiency measures (the "Improvements") that are permanently fixed to residential, commercial, industrial or other real property through a contractual assessment program; and

WHEREAS, the California Enterprise Development Authority ("CEDA") is a California joint powers financing authority and has The CEDA has adopted the FIGTREE Property Assessed Clean Energy (PACE) and Job Creation Program (the "Program" or "FIGTREE PACE") pursuant to the Act; and

WHEREAS, the Board of Supervisors (the "Board of Supervisors") of the County of Butte, a political subdivision of the State of California (the "County"), has adopted FIGTREE PACE pursuant to the Act; and

WHEREAS, the parameters of FIGTREE PACE are set forth in the Program Report and such Report has been prepared pursuant to Section 5898.22 of the Act and approved by the CEDA Board of Directors; and

WHEREAS, the Act authorizes CEDA to enter into contractual assessments with property owners located within incorporated cities in the County of Butte upon the approval of the legislative body of the related town to participate in FIGTREE PACE; and

WHEREAS, the Town of Paradise (the "Town") desires to participate with the County in FIGTREE PACE, and provide for participation in FIGTREE PACE by property owners located within Town limits; and

WHEREAS, to protect the Town in connection with operation of the FIGTREE PACE, FIGTREE Energy Financing, the program administrator, has agreed to defend and indemnify the Town; and

WHEREAS, the Town Council of the Town of Paradise (the “Town of Paradise”) has reviewed the Report;

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

Section 1. The recitals set forth hereinabove are true and correct in all respects.

Section 2. The Town Council finds and determines that properties in the Town’s incorporated area will be benefited by participation in FIGTREE PACE.

Section 3. The Town Council ratifies the resolution adopted by the CEDA Board of Directors on April 25th, 2013 declaring the Board’s intention to order the implementation of a contractual assessment program to finance Improvements pursuant to the Act.

Section 4. The Town Council hereby approves the inclusion in FIGTREE PACE all of the properties in the incorporated area within the Town, as same may be amended through annexation from time to time, the acquisition, construction and installation within Town limits of the energy and water efficiency measures set forth in the Report upon the request and agreement of the affected property owner, and the assumption of jurisdiction thereof by CEDA for the aforesaid purposes. The adoption of this Resolution by this Town Council constitutes the approval by the Town to participate in FIGTREE PACE. This Town Council further authorizes CEDA to set the terms of, and implement, FIGTREE PACE and take each and every action necessary or desirable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance of bonds, notes or other forms of indebtedness secured by such contractual assessments as authorized by Chapter 29 as further described in the participation agreement attached as Exhibit A.

Section 5. The Town Council hereby designates CEDA (or a designee of CEDA) as the Authorized Officer as required by Chapter 29 and the Town Council hereby approves the Participation Agreement between the Town and CEDA in the form attached hereto. The Town Council hereby authorizes the Town Manager to execute the Participation Agreement with such changes as the Town Manager deems appropriate in order to commence the FIGTREE PACE within the jurisdiction of the Town.

Section 6. The appropriate officials and staff of the Town are hereby authorized and directed to make applications for FIGTREE PACE available to all property owners who wish to finance improvements. The following staff persons, together with any other staff designated by the Town Manager from time to time, are hereby designated as the contact persons for CEDA in connection with FIGTREE PACE: [Lauren Gill, Town Manager, 530-872-6291, lgill@townofparadise.com].

Section 7. The Town Clerk is directed to provide a certified copy of this Resolution to FIGTREE Energy Resource Company.

Section 8. Town staff is authorized and directed to coordinate with CEDA (or designee of the CEDA), including FIGTREE Energy Financing and County staff, to facilitate operation of FIGTREE PACE. Town staff is also authorized and directed to do all acts and things which may be required by this Resolution, or which may be necessary or desirable in carrying out FIGTREE PACE as described in the Report, as may be amended from time to time, and approved by this Resolution, and all matters incidental thereto.

Section 9. Services related to the formation and administration of the assessment district will be provided by CEDA at no cost to the Town.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 9th day of July, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
Tim Titus, Mayor

ATTEST:

Joanna Gutierrez, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney

EXHIBIT A

Participation Agreement

PARTICIPATION AGREEMENT

by and among the

CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY

and

FIGTREE ENERGY FINANCING

and the

TOWN OF PARADISE

Dated as of _____, 2013

PARTICIPATION AGREEMENT

This PARTICIPATION AGREEMENT, made and entered into as of _____, 2013, by and among the CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY, a joint powers agency organized and existing under the laws of the State of California ("CEDA"), third party administrator FIGTREE Energy Financing ("FIGTREE"), and the Town of Paradise, a Town, organized and existing under the laws of the State of California (the "Participating Member");

WITNESSETH:

In consideration of the mutual covenants herein contained, and for other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree, as follows:

RECITALS

- (a) The CEDA is a joint powers agency organized and existing pursuant to the Joint Powers Act, comprising Articles 1, 2, 3 and 4 of Chapter 5 of Division 7 of Title 1 (commencing with Section 6500) of the Government Code of the State of California; and
- (b) The CEDA has adopted the FIGTREE Property Assessed Clean Energy (PACE) and Job Creation Program (the "Program" or "FIGTREE PACE"), for the financing of renewable generation and energy efficient and water savings equipment on improved commercial, industrial and residential property within the Participating Member's jurisdiction; and
- (c) The CEDA has retained third party administrator, FIGTREE, to carry out the implementation of the Program; and
- (d) The Participating Member is either a municipal corporation or other public body and a member of the CEDA in good standing; and
- (e) The Participating Member has authorized the CEDA to form an assessment district (the "District") for the PACE financing of renewable generation and energy efficient and water savings improvements on certain properties owned by property owners who voluntarily agree to participate in the Program ("Program Participant"); and
- (f) The CEDA intends to issue bonds, notes or other forms of indebtedness (the "Bonds") to finance improvements within the District and in consideration therefore, assessments shall be recorded against each parcel prior to the issuance of the Bonds. Installments of principal and interest sufficient to meet annual debt service on the Bonds, and related

administration costs and expenses, are to be included on the regular county tax bills sent to each Program Participant.

- (g) The Participating Member desires to authorize the CEDA to (i) record the assessment against the participating property owner's parcels, (ii) administer the District in accordance with the Improvement Act of 1915 (Chapter 29 Part 1 of Division 10 of the California Streets and Highways Code (commencing with Section 8500 et seq.) (the "Law") and (iii) prepare program guidelines for the operations of the Program; and
- (h) The Law permits foreclosure in the event that there is a default in the payment of assessments due on a property. Under the Law, the Participating Member must designate the parties who shall be responsible to proceed with collection and foreclosure of the liens on the properties within the District. The Program Report provides for accelerated foreclosure; and
- (i) The Participating Member desires to appoint the CEDA as its representative to proceed with any claims, proceedings or legal actions as shall be necessary to collect past due assessments on the properties within the District in accordance with the Law and Section 6509.6 of the Marks Roos Act.

NOW THEREFORE:

Section 1. Recitals. The Recitals contained herein are true and correct and are hereby incorporated herein by reference.

Section 2. Appointment of CEDA. The Twon is not and will not be deemed to be an agent of FIGTREE or CEDA as a result of this Agreement. The Participating Member hereby appoints the CEDA as its representative to record the assessment against each Program Participant's parcel and administer the District in accordance with the Law. The Participating Member hereby designates the CEDA as the entity which shall proceed with any claims, proceedings or legal actions as shall be necessary to collect past due assessments on the properties within the District in accordance with the Law and Section 6509.6 of the Marks Roos Act.

Section 3. Indemnification. FIGTREE has provided the CEDA with an indemnification for negligence or malfeasance of any type as a result of the acts or omissions of FIGTREE, its officers, employees, subcontractors and agents, arising from or related to negligent performance by FIGTREE of the work required under the agreement between FIGTREE and CEDA. FIGTREE, on behalf of itself and the CEDA, agrees to defend, indemnify, and hold harmless the Participating Member, its officers, agents, employees and attorneys from and against any and all liabilities, claims, or demands arising or alleged to arise as a result of the CEDA or FIGTREE'S performance

or failure to perform under this Agreement or the Program, except that arising from the sole negligence or willful misconduct of Participating Member.

IN WITNESS WHEREOF, the parties hereto have executed this Participation Agreement by their officers duly authorized as of the day and year first written above.

CALIFORNIA ENTERPRISE DEVELOPMENT
AUTHORITY

By: _____
Gurbax Sahota, Chair

FIGTREE ENERGY FINANCING

By: _____
Mahesh Shah, CEO

TOWN OF PARADISE

By: _____
Lauren Gill, Interim Town Manager