



# TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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[www.townofparadise.com](http://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  
Greg McFadden, Interim Chief, CAL FIRE/Butte  
County Fire/Paradise Fire  
Gina Will, Finance Director/Town Treasurer

## **Town Council:**

Scott Lotter, Mayor  
Greg Bolin, Vice Mayor  
Steve "Woody" Culleton, Council Member  
Jody Jones, Council Member  
John J. Rawlings, Council Member

# TOWN COUNCIL AGENDA

## REGULAR MEETING – 6:00 PM – July 08, 2014

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](http://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** – None.

## **3. CONSENT CALENDAR**

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

- 3a. Approve the June 10, 2014 Regular Meeting Minutes.
- 3b. Approve June 2014 cash disbursements in the amount of \$687,886.46.
- 3c. (1) Waive second reading of the entire Town Ordinance No. 543 and approve reading by title only; and, (2) Adopt Town Ordinance No. 543, "An Ordinance Amending Text Regulations within Paradise Municipal Code Chapters 17.04 and 17.06 Related to: Definitions; General Site Development Regulations." The intent of the proposed amendment is to establish a new definition of the term "fence" and prohibit the installation of fences, as defined, within a private roadway easement without the written consent of all persons with a legal right to use such an easement.
- 3d. (1) Waive second reading of the entire Town Ordinance No.544 and approve reading by title only; and, (2) Adopt Town Ordinance No. 544, an Ordinance Amending Regulations in Paradise Municipal Code Section 6.08.020 Relating to Dog License Fees. Approval will result in eliminating the late fee applied to first-time applications for dog licenses and reduce the license fee for dogs between 4 months and 1 year.
- 3e. Waive reading entire Ordinance No 545 and approve reading by title only; and, (2) Adopt Ordinance No. 545, An Ordinance Amending and Adding Chapter 3.22 to the Paradise Municipal Code Regarding a Transactions and Use Tax to be Administered by the State Board of Equalization. Ordinance No. 545 amends Chapter 3.22 to the Paradise Municipal Code, previously adopted to establish a sales tax measure for voter approval by adding section 3.22.075 that establishes a Citizen Oversight Committee
- 3f. Ratify the acceptance of \$3,400.00 worth of labor and equipment from Rivera Concrete Inc. to place donated concrete at the Town of Paradise Animal Control Facility for the walking path at the front gate entry.
- 3g. Ratify the acceptance of \$572.00 worth of ready-mixed concrete from McGregor Rock Yard to the Town of Paradise Animal Control Facility to install a walking path at the front gate entry.
- 3h. Ratify acceptance of two potted pine trees and flowers valued at \$282 donated by Arlan Hudson.

- 3i. Adopt Resolution No. 14-\_\_\_\_, a Resolution of the Town Council of the Town of Paradise, California, Declaring Certain Software and Information Technology Equipment Surplus and Authorizing the Destruction or Disposal of Said Surplus.

#### **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 duly noticed and scheduled public hearing concerning display of outdoor merchandise in commercial zones and consider: (1) Concurring with the project "CEQA determination" finding adopted by the Planning Commission on June 17, 2014, and embodied within Planning Commission Resolution No. 14-4; (2) Waiving the first reading of Town Ordinance No. \_\_\_\_ and read by title only; and, (3) Introduce Town Ordinance No. \_\_\_\_, "An Ordinance Adding Section 17.06.940 and Amending Section 17.32.100 Within the Paradise Municipal Code Regarding Exterior Displays of Merchandise In Commercial Zones." **(ROLL CALL VOTE)** OR; (4) Adopt an alternative directive to town staff.

#### **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. Consider options relating to the pending vacancy on the Paradise Planning Commission and: (1) Appoint from two candidates recently interviewed; or (2) Direct staff to continue to recruit for applicants in order to establish a five-member commission, schedule the pre-appointment interviews and schedule appointment at a regular Council meeting; or (3) Direct staff to start the process of suspending or disbanding the Planning Commission, or, (4) Consider alternative direction to staff.

7b. Consider adopting Resolution No. 14-\_\_\_, A Resolution Adopting the Butte County Local Hazard Mitigation Plan. The plan is eligible for final approval by FEMA pending its adoption by Butte County and all participating jurisdictions.

7c. Adopt Resolution No. 14-\_\_\_, A Resolution Updating the Council Member Handbook previously approved by Resolution No. 06-04.

## **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

9b. Community Development Director Project Update

## **10. CLOSED SESSION**

10a. Pursuant to Government Code Section 54956.9(d) (1), the Town Council will hold a closed session with the Town Attorney relating to the following pending litigation: Town of Paradise, a Municipal Corporation, vs. Rose E. Kallunki; Pacific Gas and Electric Company; Doe 1 through Doe 50, inclusive, Butte County Superior Court Case No. 161781.

## **11. ADJOURNMENT**

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



**MINUTES  
PARADISE TOWN COUNCIL  
REGULAR MEETING – 6:00 PM – June 10, 2014**

**1. OPENING**

The June 10, 2014 Regular Council Meeting was called to order by Mayor Scott Lotter at 6:05 p.m. in the Paradise Town Council Chamber located at 5555 Skyway, Paradise, California. Following the Pledge of Allegiance to the Flag of the United States of America, an invocation was offered by Council Member John J. Rawlings.

**COUNCIL MEMBERS PRESENT:** Greg Bolin, Steve Woody Culleton, Jody Jones, John J. Rawlings and Scott Lotter, Mayor.

**COUNCIL MEMBERS ABSENT:** None.

Mayor Scott Lotter announced that Certificates of Appreciation will be sent to the following businesses for their contributions to the Town's Animal Shelter: Ken's Paradise Hitch & Welding, Mendon's Nursery and the Paradise Garden Center.

**2. ITEMS DEFERRED FROM PREVIOUS MEETINGS**

- 2a. Town Engineer Mattox updated Council on the Downtown Paradise Safety Project, informing that three bids were received and opened, that the contractors are completing their DBE requirements by Thursday and the staff recommendation for award of contract will be brought to Council for formal approval.

**3. CONSENT CALENDAR**

**MOTION by Rawlings, seconded by Culleton, approved all consent calendar as presented, items 3a through 3k by unanimous roll call vote.**

- 3a. Approved Minutes of the May 13, 2014 Regular Council Meeting.
- 3b. Approved May 2014 cash disbursements in the amount of \$4,431,439.64. (310-10-30)
- 3c. (1) Waived second reading of entire Ordinance No. 542 and approve reading by title only; and (2) Adopted Ordinance No. 542, an Ordinance amending Sections 5.19.030 and 5.19.031 regarding taxicab business licenses. Approval will result in removal of a provision that allows 30-day temporary licenses. (540-16-111)
- 3d. Adopt Resolution No. 14-19, "A Resolution of the Town Council of the Town of Paradise authorizing the submittal of an application to the California State Department of Housing and Community Development for the funding under the HOME Investment Partnerships Program; and, if

selected, the execution of a standard agreement, any amendments thereto, and any related documents necessary to participate in the HOME Investment Partnerships Program.” Through this grant, the housing department will continue to provide Owner-Occupied Housing Rehabilitation Loans to lower-income homeowners and, in addition, assist in the development of a new program that provides temporary rental assistance to Paradise households, helping people get back on their feet after a job loss or other economic hardship. (710-10-082)

- 3e. Acknowledged receipt of the Planning Commission’s 2013 annual progress report concerning implementation status of the 1994 Paradise General Plan. (760-40-55)
- 3f. Authorized acceptance of the bid from Burtons Fire Inc. in the amount of \$8,623.34 for repairs for the T-81 Spartan 75’ Fire Truck and authorized the Town Manager to execute an agreement for services as approved by the Town Attorney. (440-30-04 & 510-20-79)
- 3g. Acknowledged receipt of the 3rd quarter investment report for the fiscal year ending June 30, 2014. (360-30-06)
- 3h. Authorized the Mayor and the Town Manager to execute the Seventh Amendment to Dismissal and Tolling Agreement between Town of Paradise and Oak Creek Estates. No fiscal impact. The amendment extends the agreement for one additional year. (C07-24)
- 3i. Approved agreement between Town of Paradise and Peerless Building Maintenance Company for Town Hall and Police Department janitorial services and authorized the Town Manager to execute the Agreement to cover a four (4) year period from July 1, 2014 to June 30, 2018. Fiscal impact: \$1,440 per month for a four-year period. (C04-11)
- 3j. Ratified the acceptance of \$500.00 worth of equipment and roofing material from Matt Palade to the Town of Paradise for the repair of the Town’s building located on the corner of Pentz Road and Pearson Road. (395-50-13)
- 3k. Authorized the Town Manager to enter into a three year agreement for financial audit services with Mann, Urrutia, and Nelson CPA’s and Associates, LLP as approved by the Town Attorney. (510-20-80)

#### **4. PUBLIC HEARING PROCEDURE**

Mayor Lotter informed the public of the Council adopted procedure for public hearings.

#### **5. PUBLIC HEARINGS**

Council concurred to hear item 5c as the first public hearing.

Community Development Director Craig Baker and Consultant Mike Martin, from Pacific Municipal Consultants, reported to the Council regarding the process of updating the Housing Element of the 1994 Paradise General Plan to be consistent with the Butte County Association of Governments adopted Butte County Regional Housing Needs Plan (RHNP) and with existing State housing element law adopted since the Town adopted the current housing element during 2009. Mr. Martin presented a power point that detailed the necessary updates and explained that upon approval by the State Housing and Community Development staff, the Housing Element will not require another update for a period of eight years, in 2022.

Mayor Lotter opened the public hearing at 6:20 pm. There were no speakers on the matter and Mayor Lotter closed the public hearing.

- 5c. MOTION by Bolin, seconded by Jones,** (1) Certified and adopted the proposed Initial Study and Negative Declaration document as it relates to the proposed Town of Paradise Housing Element 2014 Update; and, (2) Adopted the Amendment to the Housing Element (2014-2022 Housing Element) of the 1994 Paradise General Plan known as the Town of Paradise Housing Element 2014 Update in order to make the Paradise Housing Element consistent with the Regional Housing Needs Allocation (RHNA) and current State housing element Law. Roll call vote was unanimous. (760-40-57 & 760-40-38)

Onsite Sanitary Official Doug Danz reported to Council regarding proposed amendments to the Town of Paradise manual for onsite treatment of waste water relating to gray water dispersal system and adopting an amendment to the Town's Master Schedule of Fees to add a fee category for review and construction of gray water systems.

Mayor Lotter opened the public hearing at 6:47 p.m.

1. Ward Habriel spoke in favor of gray water systems and stated that he thinks this is an opportunity for saving water during a drought, that systems are very simple and effective and is against the proposed fee.
2. Tom Kelley stated that he is not concerned with plumbing, and if this does not jeopardize the Town's onsite zone, then he is in favor of the idea.
3. Stan McEtchin spoke in favor of gray water systems and informed the Council that he has a lot of literature on this idea, is available to talk on the subject, has a design of his own, and that he thinks it is best to keep gray water out of septic systems.
4. Jon Remalia stated that he is in favor of gray water systems and that he thinks the fee is too high.
5. Loren Harvey stated he is against gray water systems, that he doesn't remember any health issues during the 1970 drought, and that he doesn't think the Town needs to deal with the issue as the drought will most likely be over by the time anything is done.

Mayor Lotter closed the public hearing at 7:00 pm.

- 5a. MOTION by Bolin, seconded by Rawlings,** (1) Adopted Resolution No. 14-21 Amending Chapter 4, Section 4.16 of the Town of Paradise Manual for the Onsite Treatment of Wastewater, Relating to Gray water Dispersal Systems; and, (2) Adopted Resolution No. 14-22, Amending the 2013/2014 Town of Paradise Master Fee Schedule By Adding a Fee Category for the Review and Construction of Gray Water Systems. Roll call vote was unanimous. (960-30-18 & 395-20-18)

Community Development Director Baker reported to Council regarding the proposed text amendments to the Paradise Municipal Code relating to regulating the establishment of fences, gates and other barriers within public rights-of-way and private access easements. Mr. Baker stated that the action proposed is a result of Council's direction to clarify the code, that the Planning Commission reviewed the option directed by Council at its last meeting and took no action on the matter. The proposed amendments include defining both a fence and a gate as a barrier and provide that consent from all easements users shall be obtained prior to construction of any barrier in a private easement.

Mayor Lotter opened the public hearing at 7:10 p.m.

1. Ward Habriel spoke against the proposed amendments, that it is disappointing to him that there is not a clear definition of fence and that he thinks the issue is very clear.
2. Jon Remalia stated that he disagrees with the proposed merging of the definitions; that there is current civil litigation relating to this matter, and he thinks the Town Council is taking sides; that he thinks the other party involved in the litigation is relying on the urgency ordinance adopted by Council; that the State Fire Code is very specific on access for emergency personnel' that he sees no difference between a gate in a gated subdivision and the gate he is proposing; that if the proposed gate is a public safety issue, then all gates in town are an issue; that a constitutional issue is involved; and, he believes the ordinance is targeted at him.
3. LeaRoy Johnson stated that Jon's easement runs through his property, that he thinks Jon should put the gate on his own property, and that he does not want a gate on the easement and does not want a gate with a lock on it.

Mayor Lotter closed the public hearings at 7:20 p.m.

- 5b. MOTION by Culleton, seconded by Jones,** (1) Determined that Town Ordinance No. 543 is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) (general rule exemption) in that there is no possibility that adoption of the ordinance will have a significant effect on the environment. **Roll call vote was unanimous.**

**MOTION by Culleton, seconded by Jones,** (1) Waived the first reading of Town Ordinance No. 543 and approved reading by title only; and, (2) Introduced

Town Ordinance No. 543, "An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapters 17.04 and 17.06 Related to: Definitions; General Site Development Regulations". Roll call vote was unanimous. (540-16-112)

## **6. PUBLIC COMMUNICATION**

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1. Ward Habriel stated that he is on a Paradise Irrigation District water conservation committee, that PID has scheduled a follow up to the commercial users water conservation workshop for residential water users and that he would like a Town Council member to attend, and handed out a flyer about the workshop.
2. Ward Habriel stated that blight in Paradise is his pet peeve, that the Egg Roll Express building continues to deteriorate and now has graffiti. Mr. Habriel asked the Council to make a decision regarding blight elimination that would improve property values and the tax base for the Town.
3. Tom Kelly, member of the Paradise Fire Safe Council, stated that the annual Fire on the Ridge event is scheduled for June 24, 2014 at the Paradise Alliance Church and that this is a good educational event relating to fire safe practices for residents of the community. Mr. Kelly commended the fire department for an excellent job in putting out the Calernbar fire.
4. Jon Remalia, stated that he is here to discuss due process, that there was a gate when he bought his property, it was reasonable for Bettis to have a gate, and when asking about an existing non-conforming use he was told by Town staff that he could not appeal a determination of a pre-existing, non-conforming use. Mr. Remalia stated that there was a gate on the property, that the urgency ordinance does not include pre-existing gates and now he is being told that he cannot present his evidence as to whether there was a pre-existing gate and asked Council what he can do.
5. Jim Clarkson stated that he would like the Town Council to know that Arlan Hudson has offered to donate \$2,000 toward the cost of restoring the parking lot at Town Hall.

## **7. COUNCIL CONSIDERATION**

7a. Finance Director Gina Will reported to the Town Council regarding the Town's 2014/2015 Operating and Capital Preliminary budget. Director Will thanked Mayor Lotter, Vice Mayor Bolin and all of the department directors for their efforts in reviewing their budgets line item by line item. During the past year Council has received monthly budget status updates, and a comprehensive mid-year budget report, wherein it has been consistently reported that there is

insufficient revenue to appropriately fund and maintain services currently provided by the Town. Actions taken to reduce costs in the last five years include workforce reduction, tiered and reduced employee benefits and over \$907,000 in savings through employee concessions. The Town has also deferred critically needed replacement of equipment and vehicles, reduced employee training, deferred maintenance and capital projects on facilities and provided no contribution to the GASB 45 unfunded liability. There remains a structural deficit of about \$450,000 that is not sustainable. (340-40-13)

Director Will stated that she is pleased that the Town Council has voted to approve the placing of a sales tax measure on the November 4, 2014 ballot to address the Town's decreasing revenues.

Town Manager Gill informed Council that the Animal Control Sustainability Team was created in 2013 with the goal of achieving long term sustainability of the Animal Shelter and Animal Control. The multi-departmental team includes Council Member Rawlings who reported to Council of the goals and progress made toward achieving the goals in the areas of vaccination and licensing, staffing, internet connectivity for the facility, donations that have decreased the budget shortfall and physical improvements that have been made to the shelter facility. The committee recommends that the Council consider adopting the proposed ordinance that will allow for a waiver of the late fee currently associated with first-time applications for dog licenses and authorizing a reduced fee that would apply to dogs aged 4 months to 1 one year that would equal the fee for an altered dog.

Mayor Lotter opened the matter to public input.

1. Debbie Kennedy stated that she is on the PASH Board of Director and works as a veterinary assistant, that she likes the improvements at the shelter, and is in favor of the proposed ordinance if the veterinarians that are being asked to provide licenses would not be obligated to inform the Town of any persons who had pets vaccinated but did not obtain a license.

Town Manager Gill informed that licensing a pet at a veterinarian's office practice would be an option for the citizens as a convenience, as the law requires both the rabies vaccination and the license.

**7b. MOTION by Culleton, seconded by Rawlings,** (1) Waived the reading of the entire proposed Ordinance No. 544, and approved reading by title only; and (2) Introduced Ordinance No. 544, An Ordinance Amending Regulations Within Paradise Municipal Code section 6.08.020 Relating to Dog Licensing Fees. Roll call vote was unanimous. (Adoption will eliminate the late fee applied to first-time applications for dog licenses and reduce the license fee for dogs between 4 months and 1 year.) (540-16-113)

7c. Town Clerk Gutierrez reported that it is necessary for the Council to adopt a resolution calling and giving notice of a general municipal election on November 4, 2014, for the election of two Council Members and to place a



measure on the ballot; and, to direct the Town Clerk to forward the resolutions to the Butte County elections department for placement on the Butte County Board of Board of Supervisors agenda for approval.

Mayor Lotter opened the matter for public input.

1. Jon Remalia questioned the Town Attorney writing the impartial analysis for the ballot measure.

Town Attorney Moore stated that the California State law sets forth the provision that a city attorney shall write the impartial analysis.

Council Member Jones stated that she would have liked a reference to the citizen oversight committee within the ballot measure text. Town Attorney Moore stated that in order reference to an oversight committee, there would have to have been a reference to the committee in Ordinance No. 540. Town Manager Gill stated that inclusion of a citizen oversight committee has always been part of and is pertinent to the plan.

Council concurred to direct staff to formulate a non-binding resolution that would establish a citizen advisory and oversight committee to oversee funds that would result from approval of the proposed sales tax measure, and designated Council Member Jones and Council Member Culleton to work with staff on the resolution.

Council concurred to authorize Mayor Lotter and Council Member Rawlings to file a single written ballot argument in favor of the Town measure relating to Council's approval of Ordinance No. 540 that upon voter approval establishes a one-half percent transactions and use tax to be administered by the State Board of Equalization.

**MOTION by Rawlings, seconded by Lotter**, adopted the following four resolutions relating to the November 4, 2014, general municipal election:

(1) Resolution No. 14-23, A Resolution Calling and Giving Notice for the Holding of a General Municipal Election for the Election of Two Council Members and For Submission to the Voters a Question Relating to Approval of Ordinance No. 540, An Ordinance of the Town Council of the Town of Paradise Adding Chapter 3.22 to the Paradise Municipal Code Regarding a Transactions and Use Tax to be Administered by the State Board of Equalization. Roll call vote was unanimous.

(2) Resolution No. 14-24, A Resolution Requesting the Butte County Board of Supervisors to Consolidate a General Municipal Election to be Held on November 4, 2014, With the Statewide General Election to be Held on That Date for the Election of Two (2) Town Council Members and For Submission to the Voters a Questions Relating to Approval of Ordinance No. 540, An Ordinance Adding Chapter 3.22 to the Paradise Municipal Code Regarding a Transactions and Use Tax to be Administered by the State Board of Equalization. Roll call vote was unanimous. (530-10-45)

(3) Resolution No. 14-25, A Resolution Amending & Replacing Resolution No. 12-19 and Adopting Regulations for Candidates for Elective Office Pertaining to

Candidate Statements Submitted to the Voters at a General or Special municipal Election. Roll call vote was unanimous. (530-10-45)

(4) Resolution No. 14-26, A Resolution of the Town Council of the Town of Paradise Setting Priorities for Filing Written Arguments and Rebuttals and Directing the Town Attorney to Prepare an Impartial Analysis. Roll call vote was unanimous. (530-10-45)

## **8. COUNCIL COMMUNICATION (Council Initiatives)**

**8a.** Mayor Lotter stated that at his request the Town staff put together an easy reference pamphlet for Council members relative to conduct expected from a Council member. The pamphlet broadly addresses conduct governed by State law as well as conduct within a Council/Manager form of government with regard to work product and relationships with staff.

Council Member Jones stated that she would like the code of conduct to also apply to Council's appointed committee and commission members, and discussed an allegation made by a citizen at a Planning Commission meeting that the chairman had a conflict of interest regarding a particular issue before the commission that was also the subject of civil litigation. Council Member Jones stated that she would like subject of ethics to be expanded upon, as the Town Council and its appointed committees must be very aware of the ethical duty to avoid any appearance of impropriety.

Mayor Lotter explained that the Town Council members and the Planning Commissioners are required to obtain an Ethics Certification every two years, and discussed information from the Institute of Local Government relative to what is the meaning of an appearance of impropriety. Town Attorney Moore stated that determinations relating to what is or is not ethical conduct can be subjective, and that a code of ethics can go beyond the state law, but it would be difficult to anticipate everything that might cause a problem.

Town Manager Gill stated that the Town Clerk will be bringing an updated Council Member Handbook forward for Council review at the next Council meeting.

**8b.** Vice Mayor Bolin reported on the recent Planning Commission interviews conducted by himself and Council Member Jones and that they were disappointed that the applicants had never attended a Planning Commission meeting and were unable to answer questions relating to things happening with the Town.

Council concurred to direct staff to bring back an agenda item that would provide the cost of having a Planning Commission along with options regarding filling the pending vacancy or suspending or disbanding the commission.

**8c.** Council concurred to appoint Council Member John Rawlings as the Town's voting delegate, Council Member Jones as first alternate and Mayor

Lotter as second alternate, to take action on proposed resolutions that establish League policy that will be presented at the Annual Business meeting at the League of Cities Annual Conference in Los Angeles, California, September 3-5, 2014. (150-50-65)

**8d.** Council oral reports of their representation on Committees/Commissions.

Vice Mayor Bolin attended the Paradise Irrigation District open house.

Council Member Rawlings attended the LCC Sacramento Valley Division quarterly meeting in Davis, presented a wreath from the Town at the Memorial Day ceremony in Paradise, attended a PASH meeting, the PID grand opening and will be attending the June 20<sup>th</sup> LCC meeting.

Council Member Culleton attended the Butte County Association of Governments and the Butte County Air Quality Management District board meetings; presented a wreath from the Town with Council Member Rawlings at the Memorial Day ceremony in Paradise; and attended the PID open house.

Council Member Jones participated with Vice Mayor Bolin in the Planning Commission interview process and attended the PID open house.

Mayor Lotter attended the Memorial Day ceremony in Paradise, the VFW luncheon, the PID open house, the LAFCo board meeting and the LCC Public Safety Policy Committee meeting in Sacramento.

## **9. STAFF/COMMISSION/COMMITTEE COMMUNICATION**

9a. Town Manager oral reports – None.

9a. Community Development Services project update by Director Craig Baker. A second Dollar General store development is in progress.

## **10. CLOSED SESSION**

10a. Pursuant to Government Code Section 54956.9(d)(1), the Town Council will hold a closed session with the Town Attorney and the Town Manager relating to the following pending litigation: Town of Paradise, a Municipal Corporation, vs. Rose E. Kallunki; Pacific Gas and Electric Company; Doe 1 through Doe 50, inclusive, Butte County Superior Court Case No. 161781.

10b. Pursuant to Government Code section 54957, the Town Council will hold a closed session to meet relating to the provisions, excluding compensation, an employment agreement for professional Town Attorney services with Dwight L. Moore.

- 10c. Pursuant to Government Code section 54957(b)(1), the Town Council will meet in closed session to consider evaluating the performance of the Town Manager.

## **11. ADJOURNMENT**

- 11a. Adjourn to June 25, 2014 at 6:00 pm. The Town Council intends to hold an adjourned regular meeting that will include a budget session to consider approving a 2014/2015 final budget for the Town and consider bids and award of contract for the Downtown Paradise Safety Project.

Date approved:

By: \_\_\_\_\_  
Scott Lotter, Mayor

\_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk

# **TOWN OF PARADISE**

## **CASH DISBURSEMENTS REPORT**

FOR THE PERIOD OF  
JUNE 1, 2014 - JUNE 30, 2014

June 1, 2014 - June 30, 2014

Check Date	Pay Period End	DESCRIPTION	AMOUNT
06/06/14	06/01/14	Net Payroll - Direct Deposits & Checks	\$147,426.44
06/20/14	06/15/14	Net Payroll - Direct Deposits & Checks	\$106,232.84
TOTAL NET WAGES PAYROLL			\$253,659.28

**Accounts Payable**

PAYROLL VENDORS: TAXES, PERS, DUES, INSURANCE, ETC.	\$256,416.98
OPERATIONS VENDORS: SUPPLIES, CONTRACTS, UTILITIES, ETC.	\$177,810.20
TOTAL CASH DISBURSEMENTS - ACCOUNTS PAYABLE (Detail attached)	<u>\$434,227.18</u>
GRAND TOTAL CASH DISBURSEMENTS	<u><u>\$687,886.46</u></u>

APPROVED BY: \_\_\_\_\_  
LAUREN GILL, TOWN MANAGER

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



# TOWN OF PARADISE

## CASH DISBURSEMENTS REPORT

From Payment Date: 6/1/2014 - To Payment Date: 6/30/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - US Bank TOP AP Checking									
<u>Check</u>									
60500	06/02/2014	Open			Accounts Payable	BRUNO, SHERRY	\$53.77		
60501	06/02/2014	Open			Accounts Payable	BUZZARD , CHRIS	\$592.07		
60502	06/02/2014	Open			Accounts Payable	HAUNSCHILD, MARK	\$318.55		
60503	06/02/2014	Open			Accounts Payable	HOUSEWORTH, JERILYN	\$129.85		
60504	06/02/2014	Open			Accounts Payable	MARABLE, VIRGINIA	\$180.26		
60505	06/02/2014	Open			Accounts Payable	MOORE, DWIGHT, L.	\$13,110.00		
60506	06/02/2014	Open			Accounts Payable	SBA Monarch Towers III LLC	\$116.99		
60507	06/02/2014	Open			Accounts Payable	US BANCORP OFFICE EQUIP FINANCE SERVICES	\$572.03		
60508	06/02/2014	Open			Accounts Payable	WESTAMERICA BANK	\$3,597.50		
60509	06/02/2014	Voided	Incorrect Amount	06/02/2014	Accounts Payable	WHALEN, SUZANNE	\$366.33		
60510	06/05/2014	Open			Accounts Payable	SWRCB	\$15,989.00		
60511	06/06/2014	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$550.00		
60512	06/06/2014	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$449.76		
60513	06/06/2014	Open			Accounts Payable	STATE OF CALIFORNIA FRANCHISE TAX BOARD	\$150.00		
60514	06/05/2014	Open			Accounts Payable	BLOOD SOURCE	\$42.00		
60515	06/05/2014	Open			Accounts Payable	Met Life	\$7,249.21		
60516	06/05/2014	Open			Accounts Payable	OPERATING ENGINEERS	\$588.00		
60517	06/05/2014	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$1,906.19		
60518	06/05/2014	Open			Accounts Payable	SUN LIFE INSURANCE	\$3,905.60		
60519	06/05/2014	Open			Accounts Payable	SUPERIOR VISION SVC NGLIC	\$659.86		
60520	06/05/2014	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$140.00		
60521	06/12/2014	Open			Accounts Payable	ACE RENTALS	\$33.77		
60522	06/12/2014	Open			Accounts Payable	AIRGAS SAFETY, INC.	\$103.97		
60523	06/12/2014	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$53.48		
60524	06/12/2014	Open			Accounts Payable	AT&T	\$104.49		
60525	06/12/2014	Open			Accounts Payable	AT&T CALNET 2-REPEATER LINES	\$195.75		
60526	06/12/2014	Open			Accounts Payable	AT&T-COMMUNITY PARK	\$16.35		
60527	06/12/2014	Open			Accounts Payable	AT&T/CAL NET 2	\$3,216.29		
60528	06/12/2014	Open			Accounts Payable	BATTERIES PLUS	\$48.36		
60529	06/12/2014	Open			Accounts Payable	BIDWELL TITLE & ESCROW	\$40,000.00		
60530	06/12/2014	Open			Accounts Payable	Big O Tires	\$34.00		
60531	06/12/2014	Open			Accounts Payable	BUTTE CO RECORDER	\$56.00		
60532	06/12/2014	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$3,408.80		
60533	06/12/2014	Open			Accounts Payable	DON'S SAW & MOWER	\$82.01		
60534	06/12/2014	Open			Accounts Payable	DOUG DANZ	\$69.98		
60535	06/12/2014	Open			Accounts Payable	DURHAM PENTZ TRUCK CENTER	\$668.51		
60536	06/12/2014	Open			Accounts Payable	ENLOE MEDICAL CENTER, INC.	\$977.00		
60537	06/12/2014	Open			Accounts Payable	ENTENMANN-ROVIN COMPANY	\$197.99		
60538	06/12/2014	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$118.45		
60539	06/12/2014	Open			Accounts Payable	GRIDLEY, CITY OF	\$627.59		
60540	06/12/2014	Open			Accounts Payable	GUTIERREZ, JOANNA	\$53.75		
60541	06/12/2014	Open			Accounts Payable	HI-TECH EMERGENCY VEHICLE SERV. INC.	\$39.93		

TOWN OF PARADISE  
**CASH DISBURSEMENTS REPORT**

From Payment Date: 6/1/2014 - To Payment Date: 6/30/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
60542	06/12/2014	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$4,824.14		
60543	06/12/2014	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$672.43		
60544	06/12/2014	Open			Accounts Payable	INTERSTATE SALES	\$669.32		
60545	06/12/2014	Open			Accounts Payable	J.E.I.	\$580.75		
60546	06/12/2014	Open			Accounts Payable	JC NELSON SUPPLY COMPANY	\$499.24		
60547	06/12/2014	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$440.60		
60548	06/12/2014	Open			Accounts Payable	LOCATE PLUS CORPORATION	\$25.00		
60549	06/12/2014	Open			Accounts Payable	MCDONALD CONSTRUCTION	\$13,702.50		
60550	06/12/2014	Open			Accounts Payable	MID VALLEY TITLE & ESCROW	\$185.00		
60551	06/12/2014	Open			Accounts Payable	NORMAC INC	\$49.99		
60552	06/12/2014	Open			Accounts Payable	NORTHERN RECYCLING & WASTE SERVICES, INC.	\$7,119.00		
60553	06/12/2014	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$9,280.75		
60554	06/12/2014	Open			Accounts Payable	O'REILLY AUTO PARTS	\$442.18		
60555	06/12/2014	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$481.51		
60556	06/12/2014	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$163.90		
60557	06/12/2014	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$72.68		
60558	06/12/2014	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$887.65		
60559	06/12/2014	Open			Accounts Payable	PRECISION CONCRETE CUTTING	\$1,646.00		
60560	06/12/2014	Open			Accounts Payable	RADAR SHOP	\$396.00		
60561	06/12/2014	Open			Accounts Payable	Riebes Auto Parts	\$26.29		
60562	06/12/2014	Open			Accounts Payable	SIERRA SAFETY ASSOCIATES	\$439.63		
60563	06/12/2014	Open			Accounts Payable	STERICYCLE, INC.	\$33.86		
60564	06/12/2014	Open			Accounts Payable	The Door Company	\$456.00		
60565	06/12/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$155.55		
60566	06/12/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$24.63		
60567	06/12/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$30.06		
60568	06/12/2014	Open			Accounts Payable	Tri Flame Propane	\$555.01		
60569	06/12/2014	Open			Accounts Payable	VALLEY CLINICAL & CONSULTING SERVICES	\$450.00		
60570	06/12/2014	Open			Accounts Payable	VERIZON WIRELESS	\$209.68		
60571	06/12/2014	Open			Accounts Payable	Vigilant Canine Services	\$175.00		
60572	06/12/2014	Open			Accounts Payable	WILSON PRINTING CO.	\$931.81		
60573	06/12/2014	Open			Accounts Payable	WITTMEIER AUTO CENTER	\$142.50		
60574	06/20/2014	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$550.00		
60575	06/20/2014	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$449.76		
60576	06/20/2014	Open			Accounts Payable	STATE OF CALIFORNIA FRANCHISE TAX BOARD	\$150.00		
60577	06/26/2014	Open			Accounts Payable	ACCESS INFORMATION MANAGEMENT	\$81.34		
60578	06/26/2014	Open			Accounts Payable	ACE RENTALS	\$33.19		
60579	06/26/2014	Open			Accounts Payable	ACI ENTERPRISES, INC.	\$463.32		
60580	06/26/2014	Open			Accounts Payable	AgendaPal Corporation	\$399.00		
60581	06/26/2014	Open			Accounts Payable	AIRGAS SAFETY, INC.	\$103.97		
60582	06/26/2014	Open			Accounts Payable	ALLSTAR FIRE EQUIPMENT	\$402.17		
60583	06/26/2014	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$53.48		

TOWN OF PARADISE  
**CASH DISBURSEMENTS REPORT**

From Payment Date: 6/1/2014 - To Payment Date: 6/30/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
60584	06/26/2014	Open			Accounts Payable	AT&T	\$997.97		
60585	06/26/2014	Open			Accounts Payable	BASIC LABORATORY	\$753.40		
60586	06/26/2014	Open			Accounts Payable	BIDWELL TITLE & ESCROW	\$45.00		
60587	06/26/2014	Open			Accounts Payable	BUTTE CO SHERIFF'S OFFICE	\$333.02		
60588	06/26/2014	Open			Accounts Payable	BUTTE CO TREASURER	\$219.83		
60589	06/26/2014	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$807.00		
60590	06/26/2014	Open			Accounts Payable	CDW-GOVT	\$40.85		
60591	06/26/2014	Open			Accounts Payable	CERTIFIED SECURITY SYSTEM INCORPORATED	\$240.00		
60592	06/26/2014	Open			Accounts Payable	CERTIFION CORPORATION D.B.A. ENTERSECT	\$84.95		
60593	06/26/2014	Open			Accounts Payable	CITY OF CHICO	\$851.04		
60594	06/26/2014	Open			Accounts Payable	COMCAST CABLE	\$245.60		
60595	06/26/2014	Open			Accounts Payable	CREATIONS ENGRAVING	\$10.75		
60596	06/26/2014	Open			Accounts Payable	DURHAM PENTZ TRUCK CENTER	\$56.47		
60597	06/26/2014	Open			Accounts Payable	FASTENAL	\$127.73		
60598	06/26/2014	Open			Accounts Payable	Ferguson, Erin	\$92.00		
60599	06/26/2014	Open			Accounts Payable	Garden of Eden Landscaping	\$2,061.90		
60600	06/26/2014	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$87.71		
60601	06/26/2014	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$797.33		
60602	06/26/2014	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$250.00		
60603	06/26/2014	Open			Accounts Payable	JC NELSON SUPPLY COMPANY	\$167.70		
60604	06/26/2014	Open			Accounts Payable	JOHN REGH INLAND LEASING	\$427.85		
60605	06/26/2014	Open			Accounts Payable	L & L SURVEYING	\$450.00		
60606	06/26/2014	Open			Accounts Payable	Law Office of Gregory P. Einhorn	\$735.00		
60607	06/26/2014	Open			Accounts Payable	MARQUIS, JOSH	\$148.00		
60608	06/26/2014	Open			Accounts Payable	MCDONALD CONSTRUCTION	\$2,372.50		
60609	06/26/2014	Open			Accounts Payable	MID VALLEY TITLE & ESCROW	\$185.00		
60610	06/26/2014	Open			Accounts Payable	MYERS STEVENS TOOHEY & COMPANY	\$50.40		
60611	06/26/2014	Open			Accounts Payable	Nelson, Robert	\$94.63		
60612	06/26/2014	Open			Accounts Payable	NORTH STATE RENDERING INC	\$50.00		
60613	06/26/2014	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$8,559.81		
60614	06/26/2014	Open			Accounts Payable	O'REILLY AUTO PARTS	\$691.53		
60615	06/26/2014	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$57.96		
60616	06/26/2014	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$9,693.09		
60617	06/26/2014	Open			Accounts Payable	PARADISE AUTO BODY	\$659.87		
60618	06/26/2014	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$529.28		
60619	06/26/2014	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MEDIA	\$2,123.00		
60620	06/26/2014	Open			Accounts Payable	PERKINS MOBILE AUTO GLASS	\$116.00		
60621	06/26/2014	Open			Accounts Payable	PMC	\$2,171.03		
60622	06/26/2014	Open			Accounts Payable	Richard Van Stavern Mobile Home Service	\$172.50		
60623	06/26/2014	Open			Accounts Payable	Serafine, Gerald & Edith	\$99.87		
60624	06/26/2014	Open			Accounts Payable	SIERRA HEATING & AIR CONDITIONING	\$119.00		
60625	06/26/2014	Open			Accounts Payable	Solarcity Corporation	\$295.50		

TOWN OF PARADISE  
**CASH DISBURSEMENTS REPORT**

From Payment Date: 6/1/2014 - To Payment Date: 6/30/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
60626	06/26/2014	Open			Accounts Payable	SUNN APPRAISAL	\$200.00		
60627	06/26/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$174.59		
60628	06/26/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$125.28		
60629	06/26/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$12.11		
60630	06/26/2014	Open			Accounts Payable	THOMAS HYDRAULIC & HARDWARE SUPPLY, INC.	\$24.45		
60631	06/26/2014	Open			Accounts Payable	VALLEY TOXICOLOGY SERVICE	\$1,800.00		
60632	06/26/2014	Open			Accounts Payable	VERIZON WIRELESS	\$523.77		
60633	06/26/2014	Open			Accounts Payable	VERIZON WIRELESS	\$570.15		
60634	06/26/2014	Open			Accounts Payable	VistaNet Inc.	\$3,636.16		
Type Check Totals:					135 Transactions		\$194,366.91		
<u>EFT</u>									
180	06/06/2014	Open			Accounts Payable	CALPERS - RETIREMENT	\$31,450.47		
181	06/06/2014	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$10,105.63		
182	06/06/2014	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$1,911.94		
183	06/06/2014	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$35,510.47		
184	06/05/2014	Open			Accounts Payable	CALPERS	\$105,433.01		
186	06/20/2014	Open			Accounts Payable	CALPERS - RETIREMENT	\$30,864.50		
187	06/20/2014	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$4,114.36		
188	06/20/2014	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$1,911.94		
189	06/20/2014	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$18,324.28		
190	06/05/2014	Open			Accounts Payable	FP/FRANCOTYP-POSTALIA MAILING SOLUTIONS	\$600.00		
Type EFT Totals:					10 Transactions		\$240,226.60		

Type EFT Totals:  
AP - US Bank TOP AP Checking Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	134	\$194,000.58	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$366.33	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	135	\$194,366.91	\$0.00
EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	10	\$240,226.60	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	10	\$240,226.60	\$0.00
All	Status	Count	Transaction Amount	Reconciled Amount
	Open	144	\$434,227.18	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$366.33	\$0.00
	Stopped	0	\$0.00	\$0.00

**CASH DISBURSEMENTS REPORT**

From Payment Date: 6/1/2014 - To Payment Date: 6/30/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Grand Totals:					Total	145	\$434,593.51	\$0.00	
					<b>Checks</b>	<b>Status</b>	<b>Count</b>	<b>Transaction Amount</b>	<b>Reconciled Amount</b>
						Open	134	\$194,000.58	\$0.00
						Reconciled	0	\$0.00	\$0.00
						Voided	1	\$366.33	\$0.00
						Stopped	0	\$0.00	\$0.00
						Total	135	\$194,366.91	\$0.00
					<b>EFTs</b>	<b>Status</b>	<b>Count</b>	<b>Transaction Amount</b>	<b>Reconciled Amount</b>
						Open	10	\$240,226.60	\$0.00
						Reconciled	0	\$0.00	\$0.00
						Voided	0	\$0.00	\$0.00
						Total	10	\$240,226.60	\$0.00
					<b>All</b>	<b>Status</b>	<b>Count</b>	<b>Transaction Amount</b>	<b>Reconciled Amount</b>
						Open	144	\$434,227.18	\$0.00
						Reconciled	0	\$0.00	\$0.00
						Voided	1	\$366.33	\$0.00
						Stopped	0	\$0.00	\$0.00
						Total	145	\$434,593.51	\$0.00



**TOWN OF PARADISE**  
**Council Agenda Summary**  
**Date: July 8, 2014**

**Agenda Item: 3(c)**

**ORIGINATED BY:** Craig Baker, Community Development Director

**REVIEWED BY:** Lauren Gill, Town Manager

**SUBJECT:** Adoption of Town Ordinance No. 543

**COUNCIL ACTION REQUESTED:** Adopt a **MOTION TO:**

1. Waive second reading of the entire Town Ordinance No. 543 and approve reading by title only [roll call vote]; **AND**
2. Adopt Town Ordinance No. 543, "An Ordinance Amending Text Regulations within Paradise Municipal Code Chapters 17.04 and 17.06 Related to: Definitions; General Site Development Regulations"

**BACKGROUND:** On June 10, 2014, the Town Council introduced the above-noted Town ordinance for purposes of eventual adoption. The intent of the proposed amendment is to establish a new definition of the term "fence" and prohibit the installation of fences, as defined, within a private roadway easement without the written consent of all persons with a legal right to use such an easement.

**DISCUSSION:** Town staff recommends that the Town Council waive the second reading of this entire ordinance; read it by title only; and formally adopt Town Ordinance No. 543 (copy attached). Once adopted, the provisions of this ordinance will be effective thirty days thereafter, on August 7, 2014. Upon the effective date of Ordinance No. 543, interim urgency Ordinance No. 541, adopted to impose a temporary moratorium upon the establishment of gates and fences within private road easements, will no longer be necessary. Therefore, it is tentatively scheduled to be repealed by the Town Council during their regular meeting of August 12, 2014.

**FINANCIAL IMPACT:** A nominal cost for publication of the ordinance within the local newspaper and for codification will be borne by the Town of Paradise.

Attachment



**TOWN OF PARADISE  
ORDINANCE NO. 543**

**AN ORDINANCE AMENDING TEXT REGULATIONS WITHIN  
PARADISE MUNICIPAL CODE CHAPTERS 17.04 AND 17.06 RELATED TO:  
DEFINITIONS; GENERAL SITE DEVELOPMENT REGULATIONS**

The Town Council of the Town of Paradise, State of California does hereby **ORDAIN AS FOLLOWS:**

**SECTION 1.** The definition of the term “Fence” shall be added to Section 17.04.500 [General Definitions] of the Paradise Municipal Code to read as follows:

Fence. “Fence” means any barrier or structure consisting of any material, including a gate.

**SECTION 2.** Subsection No. 4 of Section 17.06.600 [Yard and Building/Structure Setback Regulations] of the Paradise Municipal Code shall be amended to read as follows:

4. A non-open or solid fence up to six feet in height above grade may be installed along property lines which do not abut a road or street, or beyond setback lines as required by the zone when the property line abuts a road or street. A non-open or solid fence not exceeding four feet in height above grade may extend into the front yard setback area; and wrought iron and/or chain link fences up to six feet in height above grade may extend into the front yard setback area. No fence shall be installed within public rights-of-way. Exclusive of the front yard setback area, fences to a maximum height of eight feet above grade subject to procurement of town building permit issuance may be installed around recycling processing facilities, a wastewater treatment/disposal utility facility, and/or legally established facilities that provide either scrap and salvage services or general vehicle/equipment storage or vehicle impoundment service.

**SECTION 3.** A new subsection 6 shall be added to Section 17.06.600 (Yard and Building/Structure Setback Regulations) of the Paradise Municipal Code to read as follows:

6. No fence shall be installed within a private roadway easement unless all persons who have a legal right to use such private roadway easement have, in writing, consented to its installation.

**ORDINANCE NO. 543**

**SECTION 4.** This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte, State of California, on this 8th day of July, 2014 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Scott Lotter, Mayor

**ATTEST:**

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JOANNA GUTIERREZ, CMC, Town Clerk

**APPROVED AS TO FORM:**

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DWIGHT L. MOORE, Town Attorney



**Town of Paradise  
Council Agenda Summary  
Date: July 8, 2014**

**Agenda Item: 3(d)**

**Originated by:** Gabriela Tazzari-Dineen, Chief of Police

**Reviewed by:** Lauren Gill, Town Manager

**Subject:** Adoption of Town Ordinance No. 544

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**COUNCIL ACTION REQUESTED: Adopt a MOTION TO:**

- (1) Waive second reading of the entire Town Ordinance No.544 and approve reading by title only; AND
- (2) Adopt Town Ordinance No. 544, an Ordinance Amending Regulations in Paradise Municipal Code Section 6.08.020 Relating to Dog Licensing Fees. Approval will eliminate the late fee applied to first-time applications for dog licenses and reduce the license fee for dogs between 4 months and 1 year.

**BACKGROUND:** On June 10, 2014, the Town Council approved the first reading of the proposed amended ordinance that eliminates the late fee for first-time dog license applications and reduces the license fee for dogs between 4 months and 1 year.

**DISCUSSION:** According to Paradise Municipal Code 6.08.010, residents are required to license their dogs with the Town of Paradise. In an effort to simplify the process of licensing, increase the license rate, and help residents comply with the law, staff asks Council to authorize two changes to the current dog licensing procedure.

First, staff proposes Council authorize the elimination of the late fee associated with first-time applications for dog licenses. Currently, if a dog owner applies for a dog license after the dog is 5 months old, or has been in Paradise for more than 30 days, they are assessed a late fee in addition to the license fee. In some cases, the late fee acts as a deterrent and results in less licenses being issued. By waiving the late fee for first time applicants, dog owners trying to be in compliance with the law will be able to do so without being penalized. The late fee will still apply to licenses being renewed.

Second, staff proposes Council authorize a reduced-fee "Puppy License" that would apply to dogs aged 4 months to 1 year and would carry the same fee as an altered dog license (\$17.41). Puppies under 6 months are unable to be spayed or neutered due to their young age, however they are still required by law to be vaccinated and licensed. The fee for an unaltered dog is higher, which acts as a deterrent for puppy owners to license their dogs before they are spayed or neutered. Once a dog reaches 1 year of

age, they would be required to obtain a regular dog license, with separate fees for altered/unaltered status.

**FINANCIAL IMPACT:** The amended ordinance could result in more dogs being licensed. As all licensing fees go directly to Animal Control/Animal Shelter operations, any increased revenues could result in a small step towards animal shelter sustainability.

Administrative costs include an approximate charge of \$95 to publish the adopted ordinance within the local newspaper. In addition, an approximate cost of \$17 per page will be borne by the Town for codification of the ordinance.

**TOWN OF PARADISE  
ORDINANCE NO. 544**

**AN ORDINANCE AMENDING REGULATIONS WITHIN PARADISE MUNICIPAL  
CODE SECTION 6.08.020 RELATING TO DOG LICENSING FEES**

The Town Council of the Town of Paradise, State of California does hereby **ORDAIN AS FOLLOWS:**

**SECTION 1.** Section 6.08.020 of the Paradise Municipal Code shall be amended to read:  
**6.08.020 Dog Licenses - Fees.**

Pursuant to the provisions of Government Code Section 38792, the following license period and fee requirement shall apply:

- A. The license period shall be year around based on the rabies vaccination expiration date.
- B. A dog may be licensed for a period not to exceed three years.
- C. Fees for licenses required by this chapter shall be fixed and determined by council resolution. Any owner failing to renew a dog license shall be subject to an additional late fee as prescribed by council resolution. The license fee for a dog certified to be spayed or neutered shall be fifty percent of the fee for an unaltered dog.
- D. A puppy license shall be available for all dogs aged 4 months to 1 year. The license period for the puppy license shall be one year. The fee for a puppy license shall be the same as for an altered dog.

**SECTION 2.** This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte, State of California, on this \_\_\_\_ day of \_\_\_\_, 2014 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Scott Lotter, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
JOANNA GUTIERREZ, CMC, Town Clerk

\_\_\_\_\_  
DWIGHT L. MOORE, Town Attorney



**Town of Paradise  
Council Agenda Summary  
Date: July 8, 2014**

**Agenda Item: 3(e)**

**Originated by:** Lauren Gill, Town Manager

**Reviewed by:** Dwight L. Moore, Town Attorney

**Subject:** Amendment to the sales tax ordinance

Town Council adoption of Ordinance 545 amending and adding Chapter 3.22 of the Paradise Municipal Code and establishing a Citizens Oversight and Advisory Committee relating to the ballot measure proposed to implement a ½ cent local sales tax for general municipal services

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**Council Action Requested:** (1) Waive reading of entire Ordinance No. 545 and approve reading by title only; and, (2) Adopt Ordinance No. 545, An Ordinance Amending and Adding Chapter 3.22 to the Paradise Municipal Code Regarding a Transactions and Use Tax to be Administered by the State Board of Equalization.

Ordinance No. 545 amends Chapter 3.22 of the Paradise Municipal Code previously adopted to establish a sales tax measure for voter approval, by adding a section that establishes a Citizen Oversight Committee.

**Background:** At the June 25, 2014 meeting, the Town Council took action to amend the ordinance relating to a sales tax measure that will go to the voters on the November 4, 2014 election ballot. The purpose of the amendment was to add a section to the ordinance establishing a Citizen Oversight and Advisory Committee *in order that* the ballot measure text could include reference to the Citizen Oversight Committee.

The approved measure text will read as follows:

MEASURE C	<input type="checkbox"/> YES
Shall Ordinance No. 545, a temporary sales tax increase of one-half percent (0.50%) that automatically expires in six years, and that establishes a citizen oversight committee to ensure that the funds are used to preserve public services such as police protection, fire suppression, street maintenance, animal control and other services for the Town of Paradise, be adopted?	<input type="checkbox"/> NO

The purpose of the Citizen oversight Committee is to ensure revenues generated by a



general municipal sales tax are used to preserve public services such as police protection, fire suppression, street maintenance, animal control and other services for the Town of Paradise.

**Discussion:** At the June 25, 2014 adjourned meeting, staff presented an ordinance that includes section 3.22.075 that established the purpose and the makeup of the committee. The Town Council approved the proposed Ordinance No. 545 for introduction. The ordinance requires a second reading for adoption.

**Staff Recommendation:** Waive the second reading of entire Ordinance No. 545 and approve reading by title only; and, Adopt Ordinance No. 545 as presented.

Two resolutions were adopted on June 25, 2014 that called for the election for two Council members and the placing of sales tax measure on the November 4, 2014 ballot. Upon adoption, the ordinance will be attached to the resolutions and transmitted to the Butte County Elections Department for presentation to the Board of Supervisors at their July 29, 2014 meeting, approving the consolidation and placing the measure on the ballot.

**TOWN OF PARADISE  
ORDINANCE NO. 545**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARADISE  
AMENDING AND ADDING CHAPTER 3.22 TO THE PARADISE  
MUNICIPAL CODE REGARDING A TRANSACTIONS AND USE TAX TO BE  
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

The People of the Town of Paradise, State of California do **ordain as follows**:

SECTION 1: Chapter 3.22 is hereby amended and added to the Paradise Municipal Code to read as follows:

**CHAPTER 3.22  
Temporary Transactions and Use Tax**

Sections:

3.22.010	Title
3.22.020	Operative Date
3.22.030	Purpose
3.22.040	Contract with State
3.22.050	Transaction Tax Rate
3.22.060	Place of Sale
3.22.070	Use Tax Rate
3.22.075	Citizens Oversight Committee
3.22.080	Adoption of Provisions of State Law
3.22.090	Limitations on Adoption of State Law and Collection of Use Taxes
3.22.100	Permit Not Required
3.22.110	Exemptions and Exclusions
3.22.120	Amendments
3.22.130	Enjoining Collection Prohibited

**3.22.010 Title**

This ordinance shall be known as the Temporary Transactions and Use Tax Ordinance. The Town of Paradise hereinafter shall be called "Town." This ordinance shall be applicable in the incorporated territory of the Town.

**3.22.020 Operative Date**

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below .

**3.22.030 Purpose**

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To maintain and preserve Town of Paradise public services, including police protection, fire suppression, street maintenance, animal control and other services within the Town.

B. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the Town to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

C. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

D. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

E. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

### **3.22.040 Contract with State**

Prior to the operative date, the Town shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the Town shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such case the operative date shall be the first day of the first calendar quarter following the execution of such contract.

### **3.22.050 Transactions Rate Tax**

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the Town at the rate of one-half of one percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory for six (6) years from the operative date of this ordinance.

### **3.22.060 Place of Sale**

For the purposes of this ordinance, all retail sales are consumed at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his, her or its agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State of California or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of

Equalization.

### **3.22.070 Use Tax Rate**

An excise tax is hereby imposed on the storage, use or other consumption in the Town of tangible personal property purchased from any retailer for six (6) years after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one-half of one percent (0.50%) of the sales price of the property.

### **3.22.075 Citizens Oversight Committee**

1. The Town Council shall establish and appoint a Citizens Oversight Committee.
2. The Citizens Oversight Committee shall consist of a nine-member board of residents of the Town of Paradise to represent a cross-section of the community.
3. The purpose of the Citizens Oversight Committee shall be to meet with the Town Manager and the Town Finance Director during the preparation of each fiscal year budget until the ordinance sunsets, to make recommendations to the Town Council regarding how the proceeds from the implementation of the ordinance will be allocated for the ensuing budget year. The committee shall make recommendations to the Council to provide for local public services, including police protection, fire suppression, emergency medical services, road repair, street maintenance, animal control and other services that will improve the quality of life for residents and businesses within the Town of Paradise. The committee shall meet at least quarterly during the fiscal year to ensure that the revenue generated by the ordinance is allocated and disbursed in accordance with the Town budget. All quarterly and annual budget reports from the committee shall be published on the Town of Paradise website prior to Council adoption of the budget and will be available for public review.

### **3.22.080 Adoption of Provisions of State Law**

Except as otherwise provided in this ordinance and except insofar as they are consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

### **3.22.090 Limitations on Adoption of State Law and Collection of Use Taxes**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this Town shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
2. The result of that substitution would require action to be taken by or against this Town or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "Town" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

### **3.22.100 Permit not Required**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

### **3.22.110 Exemptions and Exclusions**

A. There shall be excluded from the measure of the transactions tax and the use tax in the amount of any sales tax or use tax imposed by the State of California or by any Town, Town and county, or county pursuant to the Bradley-Bums Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the Town which is shipped to a point outside the Town, pursuant to the contract of sale, by delivery to such point by the retailer or his, her or its agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purpose of this paragraph, delivery to a point outside the Town shall be satisfied.

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) if the Vehicle Code by registration to an out-of-Town address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-Town and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of the ordinance.

5. For the purposes of subsections (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract of lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this Town of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state- administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provide d in Sections 6366 and 6366.1 of the Revenue and taxation Code of the State of California.

3. If the purchase is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subsections (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the Town shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the Town or participates within the Town in making the sale of the property , including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the Town or through any

representative, agent, canvasser, solicitor, subsidiary, or person in the Town under the authority of the retailer.

7. "A retailer engaged in business in the Town" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Chapter 2 of Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the Town.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

### **3.22.120 Amendments**

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not consistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

### **3.22.130 Enjoining Collection Forbidden**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the Town, or against any officer of the State or the Town, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected."

**SECTION 2. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, portion of the application thereof to any person or circumstance of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such ordinance and shall not affect the validity of the remaining portions thereof.

**SECTION 3. CEQA COMPLIANCE.** The Town Council finds and determines that the enactment of this Ordinance is not a "project" as that term is used in the California Environmental Quality Act ("CEQA;" Cal. Pub. Resources Code Section 21000 et seq.) or the State CEQA Guidelines (Cal.Code of Regs., Title 14, Section 15000 et seq.). Therefore, no environmental assessment is required or necessary.

**SECTION 4. EFFECTIVE DATE.** This ordinance relates to the levying and collecting of the Town transactions and use taxes and shall take effect immediately upon its approval by the voters of the Town.

**SECTION 5. TERMINATION DATE.** The tax levied by this ordinance shall continue at the rate of 0.50% from April 1, 2015 until March 31, 2021. The authority to levy the tax imposed by this ordinance shall expire six (6) years from the operative date of this ordinance.

**SECTION 6. DECLARATION.** The proceeds of the taxes imposed by this ordinance may be used for any lawful purpose of the Town, as authorized by ordinance, resolution or action of the Town Council. These taxes are not special taxes within the meaning of Section 1(d) of Article XIII C of the California Constitution, but are general taxes imposed for general government purposes.

**SECTION 7. EXECUTION.** The Mayor and Town Clerk are authorized to subscribe this ordinance where indicated below to evidence its approval by the voters of the Town.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte, State of California, on this \_\_\_th day of July, 2014 by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

\_\_\_\_\_  
Scott Lotter, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Joanna Gutierrez, Town Clerk

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Dwight L. Moore, Town Attorney

I hereby certify that this ordinance was APPROVED by the voters of the Town of Paradise, State of California, at a regular election on November \_\_, 2014 and by the Town Council of the Town of Paradise at a regular meeting of the Council held on \_\_\_\_\_, 2014.

\_\_\_\_\_  
Scott Lotter, Mayor

Attest: \_\_\_\_\_  
Joanna Gutierrez, Town Clerk





**TOWN OF PARADISE  
COUNCIL AGENDA SUMMARY  
DATE: July 8, 2014**

**ORIGINATED BY:** Paul T. Derr, Public Works Manager      **AGENDA ITEM:** 3(f)

**REVIEWED BY:** Lauren Gill, Town Manager

**SUBJECT:** Donation of \$3,400.00 worth of labor and equipment to install walking path at entry to Animal Control Facility.

**COUNCIL ACTION REQUESTED:** Ratify the acceptance of \$3,400.00 worth of labor and equipment from Rivera Concrete Inc. to place donated concrete at the Town of Paradise Animal Control Facility for the walking path at the front gate entry.

**BACKGROUND:** The entry at the Town Animal Control Facility front gate had become eroded and a low spot, often accumulating water, caused entry issues for both visitors and staff. After several options were discussed, Public Works Manager was able to contact a local contractor to perform the necessary excavation, layout, forming, placement and finishing of three plus cubic yards of concrete. The concrete was acquired from McGregor Rock Yard at no cost to the Town and the placement and finish work was done by Rivera Concrete Inc.

According to Town Resolution #96-17, donations of money shall be offered directly to the Town Council for acceptance, whenever the donor proposes to restrict the use of the money to specific Town services.

**FINANCIAL IMPACT:** The donation of \$3,400.00 worth of labor and equipment will help provide a safer entry to the Animal Control Facility without the need of Town funds.



**TOWN OF PARADISE  
COUNCIL AGENDA SUMMARY  
DATE: July 8, 2014**

**ORIGINATED BY:** Paul T. Derr, Public Works Manager      **AGENDA ITEM:** 3(g)

**REVIEWED BY:** Lauren Gill, Town Manager

**SUBJECT:** Donation of \$572.00 worth of ready-mixed concrete to install walking path at entry to Animal Control Facility.

**COUNCIL ACTION REQUESTED:** Ratify the acceptance of \$572.00 worth of ready-mixed concrete from McGregor Rock Yard to the Town of Paradise Animal Control Facility to install a walking path at the front gate entry.

**BACKGROUND:** The entry at the Town Animal Control Facility front gate had become eroded and a low spot, often accumulating water, caused entry issues for both visitors and staff. After several options were discussed, Public Works Manager was able to contact a local contractor to perform the necessary excavation, layout, forming, placement and finishing of three plus cubic yards of concrete. The concrete was acquired from McGregor Rock Yard at no cost to the Town and the placement and finish work was done by Rivera Concrete Inc.

According to Town Resolution #96-17, donations of money shall be offered directly to the Town Council for acceptance, whenever the donor proposes to restrict the use of the money to specific Town services.

**FINANCIAL IMPACT:** The donation of \$572.00 worth of concrete will help provide a safer entry to the Animal Control Facility without the need of Town funds.



**TOWN OF PARADISE  
COUNCIL AGENDA SUMMARY  
DATE: July 8, 2014**

**ORIGINATED BY:** Paul T. Derr, Public Works Manager      **AGENDA ITEM:** 3(h)

**REVIEWED BY:** Lauren Gill, Town Manager

**SUBJECT:** Donation of two potted pine trees and flowers for the entrance of the Town Hall building.

**COUNCIL ACTION REQUESTED:** Ratify the acceptance of two potted pine trees and flowers valued at \$282 donated by Arlan Hudson. The trees have been placed at the entrance of Town Hall.

**BACKGROUND:** Arlan Hudson has been a long time Paradise resident and has volunteered for the Town of Paradise for several years. Arlan has kept the Town Hall grounds swept and clean, maintained the plants at the Paradise Community Park and provided numerous services that have been extremely beneficial to the Town of Paradise. Arlan wanted to improve the entrance to Town Hall to make it look inviting and welcoming and has donated two potted pines trees that sit at the Town Hall entrance.

According to Town Resolution #96-17, donations of money shall be offered directly to the Town Council for acceptance, whenever the donor proposes to restrict the use of the money to specific Town services.

**FINANCIAL IMPACT:** The donation provides an aesthetic improvement to the entrance of the Town of Paradise facility.



**Town of Paradise  
Council Agenda Summary  
Date: July 8, 2014**

**Agenda Item: 3(i)**

**Originated by:** Gina S. Will, Finance Director/Town Treasurer

**Reviewed by:** Lauren Gill, Town Manager

**Subject:** Declaration of Surplus Software and Information Technology Equipment

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**Council Action Requested:**

Adopt Resolution No. 14-\_\_\_, a Resolution of the Town Council of the Town of Paradise, California, Declaring Certain Software and Information Technology Equipment Surplus and Authorizing the Destruction or Disposal of Said Surplus; or,

**Alternatives:**

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

**Background:**

An annual review of the fixed asset schedule for the Town of Paradise revealed that there are some outdated and obsolete software programs and IT equipment on the fixed asset schedule that have not been utilized by the Town in some time. The Information Technology Manager concurs that they are programs or equipment that are no longer working and no longer used, so they should be removed from inventory and destroyed.

The programs and equipment are as follows:

Asset #	Description
Software – 1	Advantage Software – Onsite Modules
Software – 2	Advantage Software – Building Permit Module
Software – 3	MOM Finance Software
EOC – 1	EOC Software Package & Online Guide
255	Voice Print Logger Server
250	Netcad Server
EDP – 10	City Watch Process PC Server

**Fiscal Impact Analysis:**

These assets have already been fully depreciated so there is no negative financial impact to removing them.

**TOWN OF PARADISE  
RESOLUTION NO. 14-\_\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE,  
CALIFORNIA, DECLARING CERTAIN SOFTWARE AND INFORMATION  
TECHNOLOGY EQUIPMENT SURPLUS AND AUTHORIZING THE  
DESTRUCTION OR DISPOSAL THERE OF.**

**WHEREAS**, the Town of Paradise wishes to dispose of and/or destroy certain software and information technology equipment that is obsolete and no longer functional, and;

**NOW, THEREFORE**, be it resolved by the Town Council of the Town of Paradise as follows:

Section 1. The Town hereby declares Town of Paradise software and information technology equipment surplus, as itemized and set forth in Exhibit "A" attached hereto and made a part hereof by reference to be disposed of and/or destroyed in accordance with Paradise Municipal Code Section 2.45.130.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise this 8<sup>th</sup> day of July, 2014, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**NOT VOTING:**

\_\_\_\_\_  
Scott Lotter, Mayor

**ATTEST:**

By: \_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Dwight L. Moore, Town Attorney

## EXHIBIT “A”

### Town of Paradise Surplus Software and Information Technology Equipment

The following software and equipment has been deemed obsolete, useless, and/or non-functioning:

Asset #	Description
Software – 1	Advantage Software – Onsite Modules
Software – 2	Advantage Software – Building Permit Module
Software – 3	MOM Finance Software
EOC – 1	EOC Software Package & Online Guide
255	Voice Print Logger Server
250	Netcad Server
EDP – 10	City Watch Process PC Server



**TOWN OF PARADISE**  
**Council Agenda Summary**  
**Date: July 8, 2014**

**Agenda Item: 5(a)**

**ORIGINATED BY:** Craig Baker, Community Development Director

**REVIEWED BY:** Lauren Gill, Town Manager

**SUBJECT:** Public Hearing: Consideration of a Planning Commission Resolution Recommending Town Council Amendment of the Text Regulations of the Paradise Municipal Code Related to the Outdoor Display of Merchandise

**COUNCIL ACTION REQUESTED:** Conduct the duly noticed and scheduled public hearing concerning this agenda item. Upon conclusion of the public hearing adopt either the recommended action or an alternative action.

**RECOMMENDATION:** Adopt a **MOTION TO:**

1. Concur with the project "CEQA determination" finding adopted by the Planning Commission on June 17, 2014, and embodied within Planning Commission Resolution No. 14-4; **AND**
2. Waive the first reading of Town Ordinance No. \_\_\_\_ and read by title only (roll call vote); **AND**
3. Introduce Town Ordinance No. \_\_\_\_, "An Ordinance Adding Section 17.06.940 and Amending Section 17.32.100 Within the Paradise Municipal Code Regarding Exterior Displays of Merchandise In Commercial Zones"; **OR**
4. Adopt an alternative directive to town staff.

**BACKGROUND:**

Over the course of the past year or more, Town staff has observed an increase in the number of retail businesses displaying considerable accumulations of merchandise, often used, along their commercial storefronts, parking areas and areas intended for pedestrian use. During this period, Town staff, Planning Commissioners and Town Council members have experienced a corresponding significant increase in the number of written and verbal complaints from Paradise citizens and business owners alike regarding exterior displays of merchandise. It is largely in response to the growing number of complaints that Town staff initiated an effort to draft zoning ordinance text amendments for eventual Town Council consideration.

Beginning in December, 2013, an ad-hoc committee comprised of Town staff, along with representatives of the Planning Commission and Town Council, developed a set of proposed Paradise Municipal Code (PMC) Zoning Ordinance text amendments designed to regulate the outdoor display of merchandise on commercially-zoned properties in Town. If adopted, the proposed text amendments would result in changes to the Town's Zoning Ordinance relating to General Site Development Regulations (PMC Chapter 17.06) and Temporary Use Regulations (PMC Chapter 17.32). The intent of the proposed amendments is to limit the amount of exterior space that can be devoted to the outdoor display of merchandise and to provide for a reduced number of days during which larger parking lot sales and similar sales activities may be conducted.

On February 18, 2014, the Planning Commission conducted a public hearing to consider a resolution recommending Town Council adoption of the ad-hoc committee's proposed text amendments. The public hearing was well attended by members of the local business community, who provided ample testimony to the Planning Commission, generally expressing concerns regarding how the proposed regulations would affect their business activities.

At the conclusion of the hearing, the Planning Commission concurred to continue the matter and encouraged the local business owners in attendance to meet with the Town's ad-hoc committee to discuss the proposed text amendments and offer suggestions for any changes that might improve the Town's efforts to address the issue of outdoor merchandise displays.

Subsequent to the March, 2014 Planning Commission meeting, the Town's ad-hoc committee conducted several meetings to discuss the proposed text amendments with owners and representatives of approximately four to six local retail businesses that often display merchandise outdoors. While the list of exempted merchandise and activities did not seem to be a primary issue of concern for local business owners and representatives in attendance, the proposed standards for limiting the area of displays was discussed extensively. At the conclusion of the last meeting, there was general consensus that the text amendments included with the attached resolution document were acceptable, both from the prospective of preserving the aesthetics of the Town's commercial areas and from the prospective of the business community. It was agreed at the conclusion of this last meeting to bring the changes to the proposed text amendments to the Planning Commission at the regularly scheduled June, 2014 Planning Commission meeting for possible adoption of a revised resolution document.

During its meeting on June 17, 2014, the Planning Commission conducted a public hearing regarding these proposed text amendments and adopted Planning Commission Resolution No. 14-4 and its exhibit A. The resolution document identifies and recommends Town Council adoption of several amendments to the text contained within PMC Chapters 17.06 and 17.32,



as described within this agenda summary. A copy of the resolution document is attached for your review.

**DISCUSSION:**

There is currently no general limit to the size of the area that can be occupied by outdoor displays of merchandise on commercial property in Paradise. Further, the Town's Temporary Use Regulations allow outdoor parking lot sales, flea markets and similar exterior sales activities for a period not exceeding four consecutive days or more than eight days in the same month. These sales activities may occupy up to fifty percent of the off-street parking spaces required for the business. Therefore, these large-scale outdoor sales activities may currently take place for up to 96 days in a calendar year. As a result of these current regulations, the Town does not have the ability to reduce the visual impact or frequency of large outdoor merchandise displays. The displays are commonly comprised of various used items and can appear haphazard in their arrangement, may obstruct access, and often adversely affect the appearance of businesses and other land uses in the vicinity. The proposed PMC text amendments contained within the attached ordinance document are intended to address the size and duration of outdoor merchandise displays, without unnecessarily eliminating the ability for each business to display merchandise outdoors or to unreasonably restrict larger, occasional outdoor special sales activities.

If adopted by the Town Council as recommended by the Planning Commission, the proposed PMC text amendments would accomplish the following objectives:

- Seventeen categories of activities and types of merchandise displays would be exempt from the new requirements (firewood sales, landscape materials, statuary, vehicles, Christmas tree sales, fruit and vegetable stands, street vendors, areas not visible from a public street, etc.).
- Every business in the Central Business (CB) zone and designated commercial "gateway" areas along Skyway and Clark Road could display merchandise outdoors in an area located five feet from a single building wall along up to 50% of the length of the wall.
- Businesses in all other commercial areas could display merchandise outdoors in an area located ten feet from a single building wall along its entire length.
- Businesses not displaying merchandise along its storefront facing a street could display merchandise in enclosed exterior areas located beyond setback areas.

- Parking lot sales, flea markets and other similar sales activities could be conducted for up to three consecutive days and up to 21 days in the same year-long period.
- Merchandise displays would not be permitted within public right-of-ways, vehicle access ways, doorways for required pedestrian access or parking areas unless expressly permitted by PMC Chapter 17.32 (outdoor special sales, flea markets, etc.).

Town staff has determined and the Planning Commission has concurred that the proposed text amendments are minor in nature and that there is no possibility that adoption of the amendments would result in a significantly adverse effect upon the environment. Therefore, the proposed amendments can be found to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061 (General rule exemption).

Attached with this council agenda summary for your consideration and recommended introduction in an ordinance document prepared by town staff that reflects the contents of the recommended PMC text amendments contained within Planning Commission Resolution No. 14-4. Recommended text amendments in the ordinance are shown in “shaded” and “strike-out” print.

Lastly, for your convenience and use, town staff has copied and attached other documents related to this agenda item.

**FINANCIAL IMPACT:** There is no financial impact associated with the first reading and introduction of the ordinance.

Attachments

### **LIST OF ATTACHMENTS**

1. Notice of Public Hearing to be held on July 8, 2014 before the Paradise Town Council, published in the Paradise Post
2. Notice of Exemption adopted by the Planning Commission and signed by the Town Planning Director
3. Excerpt of draft minutes from the June 17, 2014 Planning Commission meeting
4. Planning Commission Resolution No. 14-4, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapters 17.06 and 17.32 of the Paradise Municipal Code Relative to the Outdoor Display of Merchandise and Outdoor Special Sales"
5. Ordinance No. \_\_\_\_, "An Ordinance Adding Section 17.06.940 and Amending Section 17.32.100 Within the Paradise Municipal Code Regarding Exterior Displays of Merchandise In Commercial Zones"
6. Outdoor display of merchandise regulations map (11" x 17")

**TOWN OF PARADISE  
NOTICE OF PUBLIC HEARING -  
PARADISE TOWN COUNCIL**

NOTICE IS HEREBY GIVEN by the Town Council that a public hearing will be held on Tuesday, July 8, 2014 at 6:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers, 5555 Skyway, Paradise, California, regarding the following matter:

**a. Item determined to be exempt from environmental review**

**PARADISE MUNICIPAL CODE:** Town Council consideration to introduce an ordinance that, if subsequently adopted, would result in text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance), adding a new section to PMC Chapter 17.06 to regulate the outdoor display of merchandise in commercial zoning districts and amending PMC section 17.32.100(G) related to outdoor special sales, parking lot sales, swap meets and other similar sales activities.

The project file is available for public inspection at the Development Services Department, Town Hall. If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Town Clerk at, or prior to, the public hearing. For further information, please contact the Development Services Department (planning division), 5555 Skyway, Paradise, CA (530) 872-6291, extension 111.

Joanna Gutierrez, Town Clerk

Publish: 6/28/14

## NOTICE OF EXEMPTION

**To:** File

**From:** Town of Paradise, Community Development Department,  
Planning Division, 5555 Skyway, Paradise, CA 95969

**Project Title:** Paradise Municipal Code Amendments-General Site  
Development and Temporary Use Regulations

**Project Applicant:** Town of Paradise

**Project Location:** N/A

**Project Description:** Proposed text amendments to current zoning regulations  
affecting the outdoor display of merchandise.

**Approving Public Agency:** Town of Paradise

**Person or Agency  
Carrying Out Project:** Town of Paradise Development Services Department

**Exempt Status:** \_\_\_\_\_ Ministerial (Section 15268)  
\_\_\_\_\_ Emergency Project (Section 15269)  
\_\_\_\_\_ Categorical Exemption  
  X   General Rule Exemption - 15061

**Reason for Exemption:** There is no possibility of a significantly adverse  
environmental effect as a result of the proposed text  
amendments.

**Contact Person:** Craig Baker, Planning Director  
(530) 872-6291 x111

**Signature:**

  
\_\_\_\_\_  
Planning Director

**Date:** June 18, 2014

## EXCERPT OF DRAFT PLANNING COMMISSION MINUTES

June 17, 2014

### 4. CONTINUED PUBLIC HEARING

- 4a. Item determined to be exempt from environmental review under CEQA Guidelines section 15601 (General rule exemption) PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would add a new PMC section to regulate the outdoor display of merchandise in commercial zoning districts and amend PMC section 17.32.100(G) related to outdoor special sales, parking lot sales, swap meets and other similar sales activities.

Community Development Director Baker reported that this public hearing had been continued from March 18<sup>th</sup>, that the initial hearing was well attended, that the Planning Commission encouraged business owners to meet among themselves and with Town staff, and that staff has met at least three times with the business owners. Mr. Baker stated that the attached resolution represents a general consensus agreed upon by all parties, that there is no intent to curtail business activities, and is also aimed at preserving aesthetics of the Town.

Chair Zuccolillo opened the public hearing at 6:15 pm.

1. Carol Stark asked about non-business yard sale regulations and stated that she thinks the proposed ordinance looks good and thanked the Planning Commission for allowing business input in the process.

Mr. Baker stated that garage and yard sales are addressed in a different section of the Paradise Municipal Code.

2. Sally, from Second Hand Sally's, stated that she agrees that the proposed ordinance is suitable to her.

Commissioner Clarkson thanked the business owners for the efforts to work with the Town and for participating in the process.

The Planning Commissioners and Community Development Director Baker discussed language that would clarify the term "pedestrian walkway", which includes eliminating the term pedestrian walkway and inserting language that would preclude merchandise being placed within four feet of a doorway. Other regulations exist that preclude merchandise from being displayed in public rights of way.

Commissioner Neumann stated that the language must be clear and concise, such that it can be applied equally.

Commissioner Wentland stated that the goal is to have free and available access, and that the pawn shop on Skyway displays merchandise on the sidewalk that does not impede access to the doorway.

Director Baker informed the Planning Commission that the goal is for them to provide the Town Council with a recommendation, and if the ordinance language becomes an issue it may be addressed at the Council level.

Commissioner Clarkson stated that he does not think the proposed ordinance articulates its purpose to address aesthetics. Director Baker stated that the overarching idea is to improve aesthetics by limiting the area in which merchandise can be displayed. Commissioner Clarkson stated that he disagrees, that much of the types of merchandise displayed is ugly and he thinks it is getting more ugly, that the ordinance is about making the business area more attractive and would like to make that clear, even if it is not enforceable. Commissioner Clarkson stated that he would like the ordinance to address the “why,” and he believes there is a reason to create an awareness that the Town is trying to make the business area more attractive and suggested the following language be included:

Regulations affecting the outdoor display of merchandise are established so that outdoor merchandise displays have an appearance designed to attract and promote business and to avoid the random placement of merchandise that lacks thematic continuity.

Commissioner Wentland stated that he likes Commissioner Clarkson’s idea and that the language could be included as a statement of intention or purpose. Mr. Wentland also proposed an amendment to PMC section 17.32.100G regarding outdoor special sales, etc., that would allow no more than three (3) consecutive days or more than a total of twenty-one (21) days in the same year. This would permit the outdoor activities to occur over a three-day weekend.

Commission Neumann stated that she thinks this the ordinance is a good start in controlling the creep of merchandise yet still allows business owners to do what they think is helpful to their business.

1. Carol Stark stated that she agrees with the three days for outdoor sales activities, informed the Planning Commission that there is a new business in Town that has had merchandise outside for several weeks and that numerous members of the public have complained to her about this business.
2. Marilyn Conner informed the Planning Commission that she and her husband are the owners of the business referred to by Ms. Stark. Ms. Conner stated that they are in the process of completing the inside improvements that must be done prior to moving in, and that they have been working very hard to get the outside cleaned up.

Chair Zuccolillo closed the public hearing at 6:50 p.m.

Community Development Director stated that the proposed amendments to the resolution are as follows:

**SECTION 1**

**Add Subsection A:**

- A. Purpose. Regulations affecting the outdoor display of merchandise are established so that outdoor merchandise displays have an appearance designed to attract and promote business and to avoid the random placement of merchandise that lacks thematic continuity.
- B. Leave as is.
- C. In no event shall merchandise be displayed within public right-of-ways, vehicle access ways, doorways for required pedestrian access, or parking areas, unless expressly authorized pursuant to Chapter 17.32 of this Title.

SECTION 2

- G. Outdoor specials (etc.) ... for not more than three (3) consecutive days or more than a total of twenty-one (21) days in the same year.

**MOTION by Wentland, seconded by Zuccolillo**, approved the proposed amendments and adopted Planning Commission Resolution No. 14-4, A Resolution of the Paradise Planning Commission Recommending town Council Adoption of Text Amendments to Chapters 17.06 and 17.32 of the Paradise Municipal Code Relative to the Outdoor Display of merchandise and Outdoor Special Sales. Roll call vote was unanimous.



**TOWN OF PARADISE PLANNING COMMISSION  
RESOLUTION 14-4**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING  
TOWN COUNCIL ADOPTION OF TEXT AMENDMENTS TO CHAPTERS 17.06 AND 17.32 OF THE  
PARADISE MUNICIPAL CODE RELATIVE TO THE OUTDOOR DISPLAY OF MERCHANDISE AND  
OUTDOOR SPECIAL SALES**

**WHEREAS**, the Town of Paradise is legally required to direct and regulate land development and land uses via zoning regulations and other means that are consistent with its current Paradise General Plan as well as current state planning and zoning law; and

**WHEREAS**, the Paradise Planning Commission finds that there is a compelling need for the Town Council of the Town of Paradise to adopt the foregoing Paradise Municipal Code (PMC) amendments to regulate the outdoor display of merchandise in commercial zoning districts, and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on February 18, 2014 to study and consider recommending Town Council adoption of text amendments to PMC Chapters 17.06 and 17.32 as proposed by Town staff; and

**WHEREAS**, the public review also included review and determination of whether or not the proposed PMC text amendments is an activity that is subject to the provisions of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Planning Commission has considered the recommendation of the Town staff, etc., as well as input received during the public hearing; and on the basis of the foregoing, has determined that the text amendments to PMC Chapters 17.06 and 17.32 are warranted at this time in order to regulate the outdoor display of merchandise in commercial zoning districts.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARADISE** as follows:

The Planning Commission hereby recommends to the Town Council of the Town of Paradise, adoption of the proposed text amendments to PMC Chapters 17.06 and 17.32 as set forth in **“Exhibit A”** attached hereto and made a part of by reference; and recommends to the Town Council that the proposed Paradise Municipal Code text amendments are not subject to the requirements of the California Environmental Quality Act (CEQA) in accordance with the general rule categorical exemption provisions of CEQA Guidelines section 15061.

**TOWN OF PARADISE PLANNING COMMISSION  
RESOLUTION NO. 14-04**

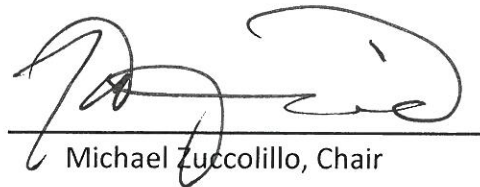
**PASSED AND ADOPTED** by the Planning Commission of the Town of Paradise this 17th day of June, 2014 by the Following Vote:

**AYES:** James Clarkson, Stephanie Neumann, Daniel Wentland and  
Michael Zuccolillo, Chair

**NOES:** None

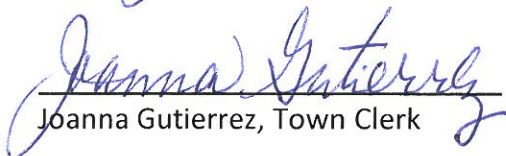
**ABSENT:** None

**ABSTAIN:** None

  
Michael Zuccolillo, Chair

**ATTEST:**

*June 17, 2014*

  
Joanna Gutierrez, Town Clerk

## EXHIBIT "A"

SECTION 1: Section 17.06.940 is hereby added to the Paradise Municipal Code to read as follows:

- A. Purpose. Regulations affecting the outdoor display of merchandise are established so that outdoor merchandise displays have an appearance designed to attract and promote business and to avoid the random placement of merchandise that lacks thematic continuity.
- B. Except as provided in this Section 17.06.940, it shall be unlawful to sell or display merchandise in the exterior area of a building in a commercial zone. Merchandise may be displayed in the exterior area of a building in a commercial zone only in conjunction with the following businesses, areas or activities:
1. Automobile, boat, trailer, camper, motorcycle and construction equipment sales, rentals and outdoor furniture;
  2. Retail lumber yards and building materials;
  3. Fruit and vegetable stands possessing a valid Town permit;
  4. Landscaping, statuary and horticultural plants, materials and supplies;
  5. Vending and ice machines when located as an accessory to a permitted use;
  6. Gasoline pumps and accessory items when located on pump islands;
  7. Christmas tree sales;
  8. Special events permitted by Town;
  9. Sale of newspapers and other printed material;
  10. Vendors permitted under Paradise Municipal Code chapter 5.11;
  11. Propane tanks;
  12. Firewood sales;
  13. Areas not visible from a public street;
  14. Outdoor special sales pursuant to Paradise Municipal Code section 17.32.100 G;
  15. In the Central Business (CB) zone and Community Commercial (CC) zoned properties along Skyway between Pearson Road and the Town limit and along State Route 191 (Clark Road) within the Town, merchandise may be displayed only within five feet of a single exterior building wall along no more than fifty percent of the length of the wall.
  16. Businesses not displaying merchandise along building walls facing streets may display merchandise in enclosed exterior spaces located beyond building setbacks.
  17. Merchandise may otherwise be displayed upon other commercial properties only within ten feet of a single building wall.
- C. In no event shall merchandise be displayed within public right-of-ways, vehicle access ways, doorways for required pedestrian access or parking areas, unless expressly authorized pursuant to Chapter 17.32 of this Title.

SECTION 2: Section 17.32.100 G of the Paradise Municipal Code is hereby amended to read as follows:

G. Outdoor special sales, outdoor art and craft shows or exhibits, swap meets, farmers market, flea markets, parking lot sales, or similar sales activities, limited to sites in C-C, C-F and C-S zoning districts and to operation for not more than three (3) consecutive days or more than a total of twenty-one (21) days in the same year: permitted and subject to the business licenses regulations of Chapter 5.11 of this Code.

**TOWN OF PARADISE  
ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE ADDING SECTION 17.06.940 AND AMENDING SECTION 17.32.100 WITHIN THE  
PARADISE MUNICIPAL CODE REGARDING EXTERIOR DISPLAYS OF MERCHANDISE IN  
COMMERCIAL ZONES**

The Town Council of the Town of Paradise, State of California hereby **ordains as follows**:

**SECTION 1:** Section 17.06.940 is hereby added to the Paradise Municipal Code to read as follows:

A. **Purpose.** Regulations affecting the outdoor display of merchandise are established so that outdoor merchandise displays have an appearance designed to attract and promote business and to avoid random placement of merchandise that lacks thematic continuity.

B. Except as provided in this Section 17.06.940, it shall be unlawful to sell or display merchandise in the exterior area of a building in a commercial zone. Merchandise may be displayed in the exterior area of a building in a commercial zone only in conjunction with the following businesses, areas or activities:

1. Automobile, boat, trailer, camper, motorcycle and construction equipment sales, rentals and outdoor furniture;
2. Retail lumber yards and building materials;
3. Fruit and vegetable stands possessing a valid Town permit;
4. Landscaping, statuary and horticultural plants, materials and supplies;
5. Vending and ice machines when located as an accessory to a permitted use;
6. Gasoline pumps and accessory items when located on pump islands;
7. Christmas tree sales;
8. Special events permitted by Town;
9. Sale of newspapers and other printed material;
10. Vendors permitted under Paradise Municipal Code chapter 5.11;
11. Propane tanks;
12. Firewood sales;
13. Areas not visible from a public street;
14. Outdoor special sales pursuant to Paradise Municipal Code section 17.32.100 G;
15. In the Central Business (CB) zone and Community Commercial (CC) zoned properties along Skyway between Pearson Road and the Town limit and along State Route 191 (Clark Road) within the Town, merchandise may be displayed only within five feet of a single exterior building wall along no more than fifty percent of the length of the wall.

16. Businesses not displaying merchandise along building walls facing streets may display merchandise in enclosed exterior spaces located beyond building setbacks.
17. Merchandise may otherwise be displayed upon other commercial properties only within ten feet of a single building wall.

C. In no event shall merchandise be displayed within public right-of-ways, vehicle access ways, doorways for required pedestrian access or parking areas, unless expressly authorized pursuant to Chapter 17.32 of this Title.

**SECTION 2:** Section 17.32.100 G of the Paradise Municipal Code is hereby amended to read as follows:

G. Outdoor special sales, outdoor art and craft shows or exhibits, swap meets, farmers markets, flea markets, parking lot sales, or similar sales activities, limited to sites in C-C, C-F and C-S zoning districts and to operation for not more than (43) consecutive days or more than a total of eight-twenty-one days in the same month-year: permitted and subject to the business licenses regulations of Chapter 5.11 of this Code.

**SECTION 3:** The Town Council finds and determines that adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061 (General Rule Exemption) because there is no possibility that such adoption and subsequent enactment will have a significant effect on the environment.

**SECTION 4:** This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance shall be published with the names of the members of the Town Council voting for and against it in a newspaper of general circulation published in the Town of Paradise, California.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte, State of California, on this \_\_\_\_ day of \_\_\_\_\_ 2014, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

\_\_\_\_\_  
Scott Lotter, Mayor

**ATTEST:**

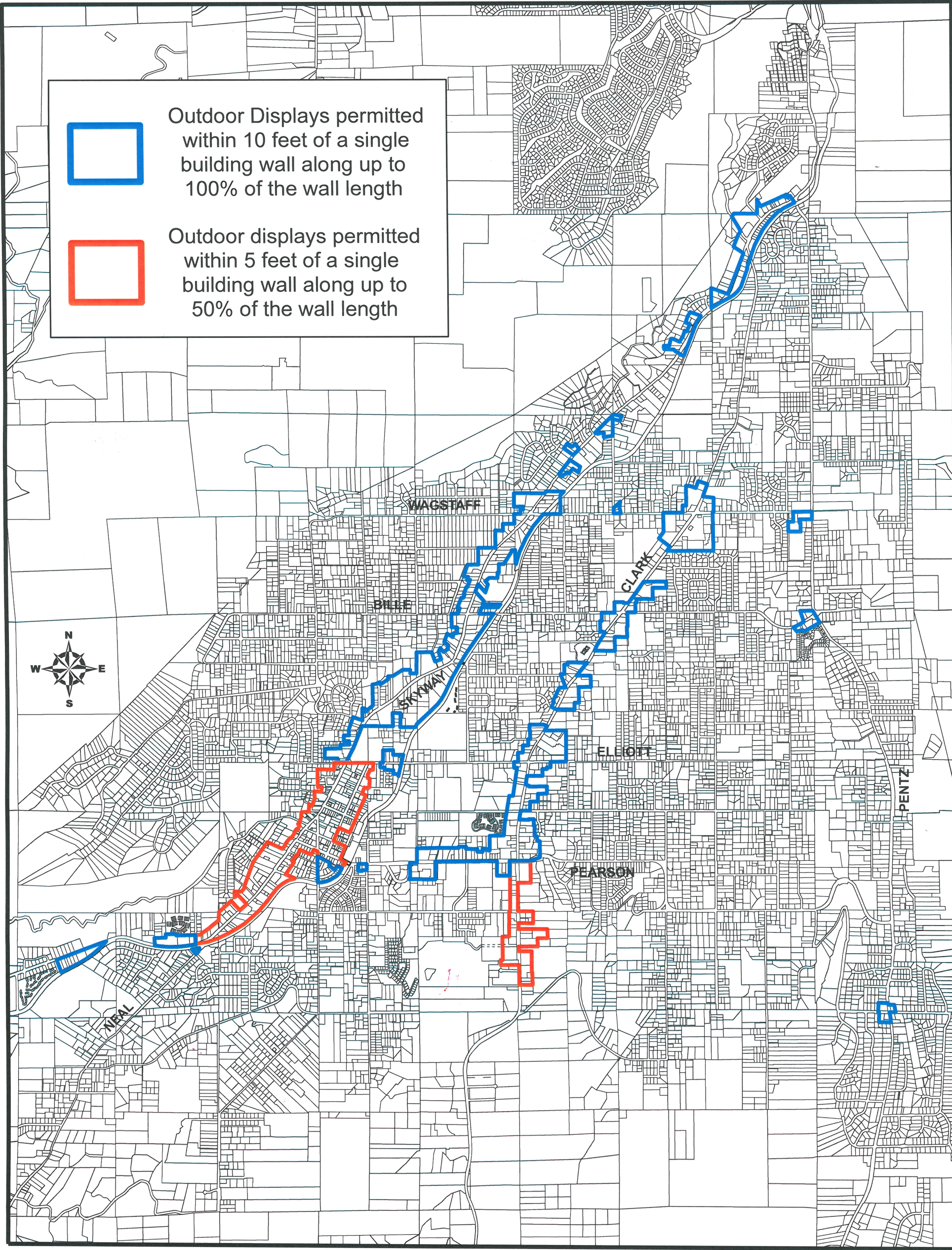
**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
Joanna Gutierrez, Town Clerk

By: \_\_\_\_\_  
Dwight L. Moore, Town Attorney



# OUTDOOR DISPLAY OF MERCHANDISE REGULATIONS MAP



REVISED 5/19/14





**Town of Paradise  
Council Agenda Summary  
Date: July 8, 2014**

**Agenda Item: 7a**

**Originated by:** Lauren Gill, Town Manager

**Subject:** Pending Planning Commission Vacancy

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**Council Action Requested:**

Consider options relating to the pending vacancy on the Paradise Planning Commission and: (1) Appoint from two candidates recently interviewed; or (2) Direct staff to continue to recruit for applicants in order to establish a five-member commission, schedule the pre-appointment interviews and schedule appointment at a regular Council meeting; or (3) Direct staff to start the process of suspending or disbanding the Planning Commission, or, (4) Consider alternative direction to staff.

**Background:**

Efforts to fill the vacancy began on February 11, 2014. The Town Council approved an application and interview process to fill a vacancy on the Planning Commission, term to expire June 30, 2017. The Town Council appointed Vice Mayor Greg Bolin and Council Member Jody Jones to serve as a pre-appointment committee to meet with applicants and to bring a recommendation to the Council. At the March 11, 2014 meeting the Town Council extended the application deadline to April 21, 2014 to provide a longer recruitment period.

As of April 21, 2014, two applications were received for the Planning Commission vacancy. However, the pre-appointment meeting could not take place prior to the Council meeting due to an urgent family matter of one of the applicants. It was the desire of Vice Mayor Bolin and Council Member Jones to meet with both of the applicants and to make a recommendation to the Council and the appointments were rescheduled from the May 13, 2014 meeting to the June 10, 2014. At the June 10, 2014 meeting, Vice Mayor Bolin reported on the recent Planning Commission interviews conducted by himself and Council Member Jones.

**Recommendation:**

At this point, it is the recommendation of staff to keep the Planning Commission intact and select from the two applicants recently interviewed.

**FISCAL IMPACT:** Although it is difficult to determine actual hard and soft costs associated with the Planning Commission, we have estimated costs to be approximately \$20,000 per year. This may be an item that we need to reconsider at mid-year if next year's revenues have not improved sufficiently to justify the costs





**Town of Paradise  
Council Agenda Summary  
Date: July 8, 2014**

**Agenda Item: 7b**

**Originated by:** Lauren Gill, Town Manager

**Subject:** Butte County Local Hazard Mitigation Plan

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**COUNCIL ACTION REQUESTED:** Adopt Resolution No. 14-\_\_, A Resolution of the Town Council of the Town of Paradise adopting the Butte County Local Hazard Mitigation Plan.

**BACKGROUND:** Butte County and seven other jurisdictions prepared the Local Hazard Mitigation Plan (LHMP) update to the 2007 Federal Emergency Management Agency (FEMA) approved Butte County Multi-Jurisdictional All Hazard Pre-Disaster Mitigation Plan. The LHMP is a multi-jurisdictional plan that geographically covers the entire area within Butte County's jurisdiction boundaries. Annex E to the LHMP details the hazard mitigation planning elements specific to the Town of Paradise and is included with this agenda summary.

The following jurisdictions participated in the planning process: Butte County, City of Biggs, City of Chico, City of Gridley, City of Oroville, Town of Paradise, Paradise Irrigation District and Thermalito Water and Sewer District.

The purpose of the update is to provide hazard mitigation planning to better protect the people and property of Butte County. The plan demonstrates the community's commitment to reducing risks from hazards, serves as a tool to help decision-makers in directing mitigation activities, and ensures continued eligibility for certain federal disaster assistance.

The County followed a planning process prescribed by FEMA, which began with formation of a hazard mitigation planning committee (HMPC.) A risk assessment was conducted which identified and profiled hazards posing a risk to the County and then determined the County's vulnerability to those hazards. Finally, the group examined the capabilities in place to mitigate the associated risks. The County is vulnerable to several hazards that are identified, profiled and analyzed in the plan. Floods, levee failures, wildfires and severe weather are among the hazards that can have a significant impact on the County.

The HMPC developed goals and objectives for reducing the County's vulnerability to hazards as follows:

Goal 1: Minimize risk and vulnerability of the community to hazards and reduce damages and protect lives, properties, and public health in Butte County.

Goal 2: Provide protection for critical facilities, infrastructure, and services from hazard impacts.

Goal 3: Increase public awareness of the risk and vulnerability of the community to hazards.

Goal 4: Increase communities' ability to be prepared for a disaster event.

Goal 5: Increase interagency coordination and develop interagency mitigation and disaster response capabilities for all priority hazards.

Goal 6: Maintain FEMA Eligibility/Position the communities for funding.

**DISCUSSION:** On July 1, 2014, the Butte County Office of Emergency Services informed the Town that FEMA has approved the Butte County Local Hazard Mitigation Plan pending approval by participating jurisdictions. OES has requested the Town of Paradise adopt a resolution approving the plan. OES will then forward resolutions from all the participating jurisdictions to FEMA.

**FINANCIAL IMPACT:** Jurisdictions that have an approved plan are eligible for grant funding from the U.S. Department of Homeland Security for the County and its participating jurisdictions.

**RESOLUTION NO. 14-\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE  
ADOPTING THE BUTTE COUNTY LOCAL HAZARD MITIGATION PLAN**

**WHEREAS**, the Town of Paradise recognizes the threat that natural hazards pose to people and property within our community; and,

**WHEREAS**, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and,

**WHEREAS**, the U.S. Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") emphasizing the need for pre-disaster mitigation of potential hazards; and,

**WHEREAS**, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and,

**WHEREAS**, an adopted Local Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and,

**WHEREAS**, the Town of Paradise has participated in the FEMA prescribed mitigation planning process to prepare this local hazard mitigation plan; and,

**WHEREAS**, the California Office of Emergency Services and Federal Emergency Management Agency, Region IX officials have reviewed the Butte County Local Hazard Mitigation Plan and approved it contingent upon this official adoption by the participating governing body; and,

**WHEREAS**, the Town of Paradise desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Butte County Local Hazard Mitigation Plan; and,

**WHEREAS**, adoption by the governing body for the Town of Paradise demonstrates the jurisdiction's commitment to fulfilling the mitigation goals and objectives outlined in this Local Hazard Mitigation Plan; and,

**WHEREAS**, adoption by the governing body of the Town of Paradise legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

**NOW THEREFORE BE IT RESOLVED** that the Town of Paradise adopts the Butte County Local Hazard Mitigation Plan as an official plan; and,

**BE IT RESOLVED** that the Town of Paradise adopts the Butte County Local Hazard Mitigation Plan by reference into the safety element of their general plan in accordance with the requirements of AB 2140; and,

**BE IT FURTHER RESOLVED** that the Town of Paradise will submit this adoption resolution to the California Office of Emergency Services and FEMA Region IX officials to enable the plan's final approval in accordance with the requirements of the Disaster Mitigation Act of 2000 and to establish conformance with the requirements of AB 2140.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this \_\_\_\_th day of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: \_\_\_\_\_  
Scott Lotter, Mayor

ATTEST:

\_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Dwight L. Moore, Town Attorney



FEMA

June 30, 2014

John Gulserian  
Emergency Services Officer  
Butte County Office of Emergency Management  
25 County Center Drive, Suite 200  
Oroville, California 95965

Dear Mr. Gulserian:

We have completed our review of the *Butte County Local Hazard Mitigation Plan*, and have determined that this plan is eligible for final approval pending its adoption by Butte County and all participating jurisdictions.

Formal adoption documentation must be submitted to the Regional office by the lead Jurisdiction within one calendar year of the date of this letter, or the entire plan must be updated and resubmitted for review. We will approve the plan upon receipt of the documentation of formal adoption.

If you have any questions regarding the planning or review processes, please contact Phillip Wang, Hazard Mitigation Planner at (510) 627-7753, or by email at [phillip.wang@fema.dhs.gov](mailto:phillip.wang@fema.dhs.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey D. Lusk".

Jeffrey D. Lusk  
Acting Director  
Mitigation Division  
FEMA Region IX

cc: Kirby Everhart, California State Hazard Mitigation Officer  
Jose Lara, California Office of Emergency Services, Mitigation Planning

**Status of Participating Jurisdictions as of June 30, 2014**

**Jurisdictions – Adopted and Approved**

#	Jurisdiction	Date of Adoption
1		
2		
3		
4		
5		
6		
7		
8		

**Jurisdictions - Approvable Pending Adoption**

#	Jurisdiction	Date of Adoption
1	Butte County	
2	Biggs, City of	
3	Chico, City of	
4	Gridley, City of	
5	Oroville, City of	
6	Paradise, Town of	
7	Paradise Irrigation District	
8	Thermalito Water and Sewer District	



# Annex E TOWN OF PARADISE

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## E.1 Introduction

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This Annex details the hazard mitigation planning elements specific to the Town of Paradise, a participating jurisdiction to the Butte County LHMP Update. This annex is not intended to be a standalone document, but appends to and supplements the information contained in the base plan document. As such, all sections of the base plan, including the planning process and other procedural requirements apply to and were met by the Town. This annex provides additional information specific to the Town of Paradise, with a focus on providing additional details on the risk assessment and mitigation strategy for this community.

## E.2 Planning Process

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As described above, the Town of Paradise followed the planning process detailed in Section 3.0 of the base plan. In addition to providing representation on the Butte County Hazard Mitigation Planning Committee (HMPC), the Town formulated their own internal planning team to support the broader planning process requirements. Internal planning participants included staff from the following Town departments:

- Paradise Parks and Recreation

Additional details on plan participation and Town representatives are included in Appendix A.

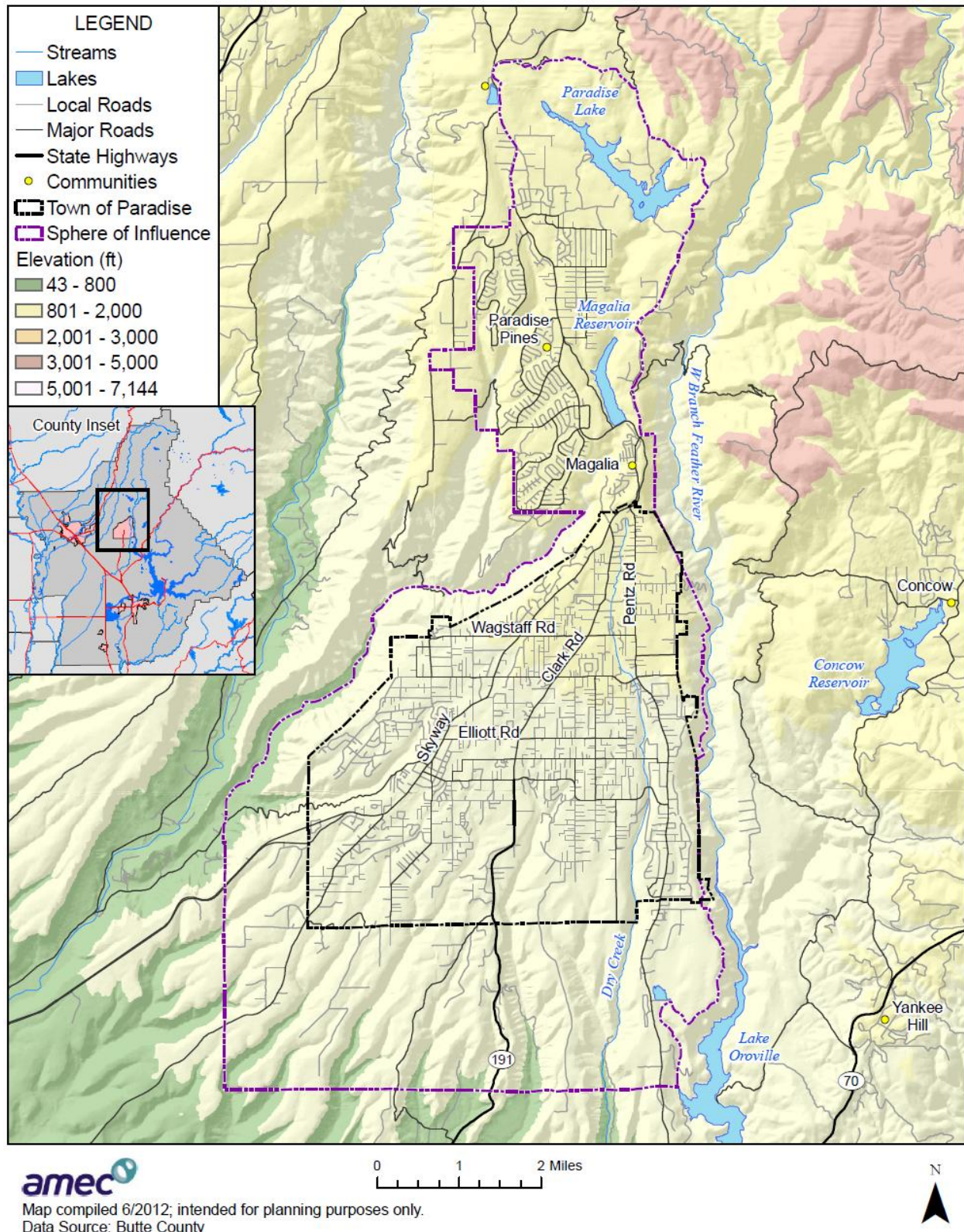
## E.3 Community Profile

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The community profile for the Town of Paradise is detailed in the following sections. Figure E.1 displays a map and the location of the Town of Paradise within Butte County.



**Figure E.1. Town of Paradise Base Map**





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### **E.3.1 Geography and Location**

The Town of Paradise is located at the juncture of the western slopes of the Cascade and Sierra Nevada systems in north central Butte County. Topography and drainage patterns have had a major influence on development patterns in the area. This area is defined by steep canyons - to the east by the West Branch of the Feather River drainage, and to the northwest by the Butte Creek-Little Butte Creek drainage. The Town of Paradise occupies an area identified as the Lower Ridge, which ranges from 2,200 feet in the north to 1,500 feet at the town's southern boundary.

### **E.3.2 History**

Incorporated in 1979, the Town of Paradise is nestled in the foothills of Northern California's Sierra Nevada Mountains and sits astride a ridge top with elevations ranging from 1,200 to 2,400 feet above sea level.

Originally settled during the Gold Rush era, the Town of Paradise and surrounding area grew very slowly during the first half of this century. The Town of Paradise is predominately residential in character, and most of its dwelling units are single-family units. Multi-family units, at densities ranging from 8 to 12 units per acre, are found primarily in central Paradise, near commercial uses and along major arterial streets.

The Town's central business district consists of a narrow band of commercial uses along both sides of the Skyway generally between Black Olive Drive and Maxwell Drive. The town contains relatively little industrial development. Agricultural uses, including vineyards, orchards, and grazing land, are located primarily in the southern third of the town.

### **E.3.3 Population**

The US Census Bureau 2010 estimated the population of the Town of Paradise to be 26,218.

## **E.4 Hazard Identification and Summary**

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This section details how the risk varies across the Butte County planning area. The Town's planning team identified the hazards that affect the Town and summarized their frequency of occurrence, spatial extent, potential magnitude, and significance specific to Paradise (see Table E.1). In the context of the plan's planning area, there are no hazards that are unique to Paradise.

Information on past occurrences and the likelihood of future occurrences is detailed in Section 4, Risk Assessment, of the base plan. Additional information for high and medium significant hazards for the Town is included in the Vulnerability Assessment section of this Annex.

**Table E.1. Town of Paradise Hazard Identification Table**

Hazard	Geographic Extent	Probability of Future Occurrences	Magnitude/Severity	Significance
Dam Failure	Significant	Unlikely	Critical	Medium
Drought & Water shortage	Extensive	Likely	Limited	High
Earthquakes	Extensive	Likely	Critical	Medium
Earth Movements: Landslide	Limited	Unlikely	Negligible	Low
Earth Movements: Erosion	Limited	Likely	Significant	Medium
Floods: 100/500 year	Limited	Occasional/Unlikely	Negligible	Low
Floods: Localized Stormwater	Extensive	Likely	Limited	Medium
Hazardous Materials Incidents: Railroads				
Invasive Species: Pests/Plants	Significant	Likely	Critical	High
Levee Failure				
Marine Invasive Species				
Severe Weather: Extreme Heat	Significant	Likely	Critical	Low
Severe Weather: Freeze and Winter Storm	Significant	Likely	Critical	Medium
Severe Weather: Heavy rain, hailstorm, lightning	Significant	Likely	Critical	Medium
Severe Weather: Tornado				
Severe Weather: Windstorms	Extensive	Likely	Critical	Medium
Volcanoes	Significant	Unlikely	Critical	Low
Wildfires	Significant	Highly Likely	Critical	High
<b>Geographic Extent</b> Limited: Less than 10% of planning area Significant: 10-50% of planning area Extensive: 50-100% of planning area  <b>Probability of Future Occurrences</b> Highly Likely: Near 100% chance of occurrence in next year, or happens every year. Likely: Between 10 and 100% chance of occurrence in next year, or has a recurrence interval of 10 years or less. Occasional: Between 1 and 10% chance of occurrence in the next year, or has a recurrence interval of 11 to 100 years. Unlikely: Less than 1% chance of occurrence in next 100 years, or has a recurrence interval of greater than every 100 years.		<b>Magnitude/Severity</b> Catastrophic—More than 50 percent of property severely damaged; shutdown of facilities for more than 30 days; and/or multiple deaths Critical—25-50 percent of property severely damaged; shutdown of facilities for at least two weeks; and/or injuries and/or illnesses result in permanent disability Limited—10-25 percent of property severely damaged; shutdown of facilities for more than a week; and/or injuries/illnesses treatable do not result in permanent disability Negligible—Less than 10 percent of property severely damaged, shutdown of facilities and services for less than 24 hours; and/or injuries/illnesses treatable with first aid  <b>Significance</b> Low: minimal potential impact Medium: moderate potential impact High: widespread potential impact		

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## E.5 Vulnerability Assessment

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The intent of this section is to assess Paradise's vulnerability separate from that of the planning area as a whole, which has already been assessed in Section 4.3 Vulnerability Assessment of the base plan. This vulnerability assessment provides an inventory of the population, property, and other assets located within the Town and further analyzes those assets at risk to identified hazards ranked of medium or high significance (as listed in Table E.1) to the community. For more information about how hazards affect the County as a whole, see Chapter 4 Risk Assessment in the main plan.

### E.5.1 Total Assets at Risk

This section identifies Paradise's total assets at risk, including values at risk, critical facilities and infrastructure, natural resources, and historic and cultural resources. Growth and development trends are also presented for the community. This data is not hazard specific, but is representative of total assets at risk within a community.

#### Values at Risk

The following data from the Butte County Assessor's Office is based on the 2012 Assessor's data. This data should only be used as a guideline to overall values in the County, as the information has some limitations. The most significant limitation is created by Proposition 13. Instead of adjusting property values annually, the values are not adjusted or assessed at fair market value until a property transfer occurs. As a result, overall value information is most likely low and does not reflect current market value of properties within the County. It is also important to note, in the event of a disaster, it is generally the value of the infrastructure or improvements to the land that is of concern or at risk. Generally, the land itself is not a loss. Table E.2 shows the 2012 Assessor's values (e.g., the values at risk) broken down by property type for the Town of Paradise.

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**Table E.2. Town of Paradise Total Exposure**

Property Type	Parcel Count	Improved Parcel Count	Improved Value	Other Value	Land Value	Total Value
Agriculture	5	1	\$42,088	\$19,527	\$143,756	\$205,371
Commercial	725	605	\$250,814,474	\$10,783,393	\$88,649,431	\$350,247,298
Industrial	18	16	\$5,775,789	\$2,133,450	\$2,911,322	\$10,820,561
Residential	10,632	9,884	\$995,231,369	\$354,444	\$552,298,153	\$1,547,883,966
Unclassified	113	0	\$0	\$0	\$2,364	\$2,364
Total	11,493	10,506	\$1,251,863,720	\$13,290,814	\$644,005,026	\$1,909,159,560

Source: Butte County 2012 Assessor's Data

## Critical Facilities and Infrastructure

For purposes of this plan, a critical facility is defined as:

Any facility, including without limitation, a structure, infrastructure, property, equipment or service, that if adversely affected during a hazard event may result in severe consequences to public health and safety or interrupt essential services and operations for the community at any time before, during and after the hazard event.

This definition was refined by separating out three categories of critical facilities as further described in Section 4.3.1 of the base plan. These categories include At-Risk Populations, Essential Services, and Hazardous Materials Facilities.

An inventory of critical facilities in the Town of Paradise from Butte County GIS is provided in Table E.3.

**Table E.3. Town of Paradise Critical Facilities: Summary Table**

Category	Type	Facility Count
At Risk Population Facilities	Adult Day Care	2
	Adult Residential	16
	Day Care Center	7
	Family Day Care Home	26
	Foster Family Agency	1
	Foster Family Agency Sub	1
	Group Home	4
	Infant Center	1
	Residential Care / Elder	9
	School	8
	School-Age Day Care	3
	Transitional Housing	1
Essential Services Facilities	Bridge	26
	Fire Station	4*
	Hospital	1
	Law Enforcement	1
Hazardous Materials Facilities	CUPA	98
<b>Total</b>		<b>209</b>

Source: Butte County GIS

\*There are 4 fire stations in the Town, but one is currently closed due to budget limitations. This facility is still considered a critical facility for the analysis.

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## Natural Resources

Several natural vegetation communities occur within the Paradise study area, including chaparral, nonnative grassland, riparian woodland, Great Valley cottonwood riparian forest, foothill woodland, digger pine - oak woodland, Ponderosa pine forest, and northern hardpan vernal pool. Several sensitive plant species occur in association with the northern hardpan vernal pool community: Hoover's spurge (*Chamaesyce hooverii*, federal-Category 1; state-none), Green's tuctoria (*Tuctoria greenei*, federal-candidate Category 1; state-rare), and Shippee meadowfoam (*Limnanthes floccosa ssp. californica*, federal-Category 1; state-endangered).

Other sensitive species with reported occurrences within or near the study area include California hibiscus (*Hibiscus californicus*, federal-Category 2; state-none), which occurs in moist, freshwater-soaked river banks and low peat islands in sloughs, marshes and swamps; Butte County checkerbloom (*Sidalcea robusta*, federal-Category 2; state-none), which occurs in small draws and rocky crevices in chaparral and cismontane woodland communities; California besked-rush (*Khynchospora californica*, federal-Category 2; state-none), occurring in freshwater seeps.

Sensitive plant species with the potential to occur within or near the study area include Ahart's paronychia (*Paronychia ahartii*, federal-Category 2; state-none), which occurs in stony, nearly barren clay of swales and higher ground around vernal pools in valley and foothill grassland communities; and veiny monardella (*Monardella douglasiivar. venosa*, federal-Category 2; state-none), which also occurs in valley and foothill grasslands; adobe lily ifritillaria pluriflora); Butte County fritillary (*Fritillaria eastwoodias*); Red Bluff dwarf rush (*Juncus leioipermus var. leiospermus*); Bidwell's knotweed (*Polygonum bidwelliae*); Butte morning glory (*Cailystegia atriplicifolius*); clustered lady slipper orchid (*Cypripediumfasciculatum*); Butte County (*Shippee*) meadowfoam (*Limnanthes floccosa sp. Californica*, State-Endangered); and Greene's Orcutt Grass (*Tuctoria greenei*, State-Rare).

## Historic and Cultural Resources

The Town of Paradise has a stock of historically significant homes, public buildings, and landmarks. To inventory these resources, the HMPC collected information from a number of sources. The California Department of Parks and Recreation Office of Historic Preservation (OHP) was the primary source of information. The OHP is responsible for the administration of federally and state mandated historic preservation programs to further the identification, evaluation, registration, and protection of California's irreplaceable archaeological and historical resources. OHP administers the National Register of Historic Places, the California Register of Historical Resources, California Historical Landmarks, and the California Points of Historical Interest programs. Each program has different eligibility criteria and procedural requirements. These requirements are detailed in Section 4.3.1 of the base plan and are shown in Table E.4.

**Table E.4. Historical Properties in the Town of Paradise**

Name (Landmark Plaque Number)	National Register	State Landmark	California Register	Point of Interest	Date Listed
Br #12C-8/Honey Run Covered Bridge (P3)				X	8/5/1966
Butte County Railroad Depot (P575)				X	12/21/1981
Centerville Schoolhouse (P185)	X				1/19/1971
Forks Of Butte (N2220)	X				1/2/2004

Source: California Office of Historic Preservation

The National Park Service administers two programs that recognize the importance of historic resources, specifically those pertaining to architecture and engineering. While inclusion in these programs does not give these structures any sort of protection, they are valuable historic assets.

The Historic American Buildings Survey (HABS) and Historic American Engineering Record (HAER) document America's architectural and engineering heritage. There is one HABS and HAER structures in the Town of Paradise:

- Honey Run Bridge (also known as the Carr Hill Bridge), Spanning Butte Creek, bypassed section of Honey Run Road (originally Carr Hill Road), Paradise vicinity, Butte, CA

## Growth and Development Trends

Approximately every four years, the Butte County Association of Governments (BCAG) prepares long-term regional growth forecasts of housing, population, and employment for the Butte County area. The forecasts have been developed by BCAG in consultation with its Planning Directors Group which consists of representatives from each of BCAG's local jurisdiction members and the Butte Local Agency Formation Commission. A low, medium, and high scenario has been developed for each forecast of housing, population, and employment. The medium scenario for the City is shown in Table E.5.

**Table E.5. Population Growth Projection**

Jurisdiction	2010	2015	2020	2025	2030	2035	Percentage Change 2010-2030
Town of Paradise	26,130	27,325	28,367	29,652	30,990	32,430	23%

Source: Butte County Association of Governments, Regional Growth Projections 2006–2030

## Development since 2007 Plan

A discussion of development since the previous 2007 plan can be found in Section 4.3.1 of the base plan.

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## Special Populations and Buildings

Paradise and Magalia (Upper Ridge) have large retirement/elderly populations. Evacuations can be challenging due to limited egress availability of roads. Mass evacuations during a fire event clog roads and add to the frustration of evacuees.

In addition, there is one hospital (Feather River Hospital) built before 1973. The hospital was built in phases. The hospital was built in 1950, added onto in 1959, and the ICU was added in 1972. These sections were built before the State of California put into force seismic regulations.

### E.5.2 Priority Hazards: Vulnerability Assessment

This section provides the vulnerability assessment, including any quantifiable loss estimates, for those hazards identified above in Table E.1 as high or medium significance hazards. Impacts of past events and vulnerability of the Town to specific hazards are further discussed below (see Section 4.1 Hazard Identification for more detailed information about these hazards and their impacts on the Butte County planning area). Methodologies for calculating loss estimates are the same as those described in Section 4.3 of the base plan. In general, the most vulnerable structures are those located within the floodplain or within levee and dam inundation areas, unreinforced masonry buildings, and buildings built prior to the introduction of modern building codes.

An estimate of the vulnerability of the Town to each identified hazard, in addition to the estimate of risk of future occurrence, is provided in each of the hazard-specific sections that follow. Vulnerability is measured in general, qualitative terms and is a summary of the potential impact based on past occurrences, spatial extent, and damage and casualty potential. It is categorized into the following classifications:

- **Extremely Low**—The occurrence and potential cost of damage to life and property is very minimal to nonexistent.
- **Low**—Minimal potential impact. The occurrence and potential cost of damage to life and property is minimal.
- **Medium**—Moderate potential impact. This ranking carries a moderate threat level to the general population and/or built environment. Here the potential damage is more isolated and less costly than a more widespread disaster.
- **High**—Widespread potential impact. This ranking carries a high threat to the general population and/or built environment. The potential for damage is widespread. Hazards in this category may have occurred in the past.
- **Extremely High**—Very widespread with catastrophic impact.



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## **Dam Failure**

### ***Vulnerability to Dam Failure***

**Likelihood of Future Occurrence—Likely**

**Vulnerability—Medium**

A dam failure can occur as the result of an earthquake, as an isolated incident because of structural instability, or during flooding that exceeds spillway design capacity. For this plan, the Oroville dam inundation was mapped and analysis performed on that inundation layer. However, Oroville Dam is located at a lower elevation than the Town of Paradise, and in the unlikely event that a dam failure occurred at this location, the Town of Paradise would not be inundated.

The greater threat to the Town is from the Paradise Dam and Magalia Dam located on Little Butte Creek, both of which are owned by the Paradise Irrigation District. Due to their location and proximity to the Town of Paradise, both of these dams are high hazard dams (meaning they have the potential to impact property and possibly injure or kill people should the dam break). There has been no history of failure of either of these two dams. Dam failure would affect mainly those living in the canyon, and would likely have a limited affect on the Town of Paradise.

Magalia Dam has been identified by the DSD as at risk to failure in the event of significant seismic activity. In the event of such failure floodwater would cause significant damages in the Little Butte Creek and Butte Creek Canyons and the town of Durham, and exceed the capacity of the downstream Butte Creek levees. The Town of Paradise would be affected since the water treatment plant and the 42-inch supply line that provides drinking water for the residents in the community could be severely damaged since it is located at the downstream toe of the dam. The primary access road to the Pines Community would be eliminated and impact 10,000 residents. Reconstruction of the damaged facilities would be difficult, cause a significant water outage, take many months to restore, and the repair costs would be very high.

In a 1992 study of Magalia Dam it was concluded that the upstream slope of the dam was found to have inadequate stability under seismic loading conditions. In 1997 in response to this concern, the DSD required the water storage in the reservoir to be decreased to 800 acre-feet. If stabilized, the capacity of Magalia Reservoir could be restored to 2,570 acre-feet. The change in water level elevation from 2,225 feet when full, was lowered to the current restricted operating level of 2,199 feet, or a reduction of 26 change feet. Each year the DSD conducts a dam inspection and the District prepares a “Surveillance Report”, with assistance from the URS Corporation.

In 2004, the Paradise Irrigation District constructed a diversion structure above Magalia Reservoir and a pipeline to the water treatment plant. This improvement will supply water to the treatment plant during any reconstruction of Magalia Dam, or the widening of Skyway across



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Magalia Dam. The Paradise Irrigation District is working on extending its water rights permits, which must be secured before further work is contemplated on Magalia Dam.

The applications for extending the District's Water Rights were filed on time. The District hired a consultant to complete the CEQA process for the water rights renewal and Sphere of Influence expansion. The District is in the process of completing an EIR for the water rights extension and sphere of influence expansion. The field work is completed and the document is being developed.

The County did preliminary engineering on a project to widen the Skyway's two lanes to four lanes across Magalia Dam. The Paradise Irrigation District's preferred alternative for the widening project involves stabilizing the dam and would permit the restoration of the design water level behind Magalia Dam.

### ***Future Development***

No areas of Paradise would be affected, but the main access to Paradise Pines would be eliminated.

## **Drought & Water Shortage**

### ***Vulnerability to Drought & Water Storage***

**Likelihood of Future Occurrence—Likely**  
**Vulnerability—High**

Drought is different than many of the other natural hazards in that it is not a distinct event and usually has a slow onset. Drought can severely impact a region both physically and economically. Drought affects different sectors in different ways and with varying intensities. Adequate water is the most critical issue and is critical for manufacturing, tourism, recreation, and commercial and domestic use. As the population in the area continues to grow, so will the demand for water.

Based on historical information, the occurrence of drought in California, including the Town of Paradise, is cyclical, driven by weather patterns. Drought has occurred in the past and will occur in the future. Periods of actual drought with adverse impacts can vary in duration, and the period between droughts is often extended. Although an area may be under an extended dry period, determining when it becomes a drought is based on impacts to individual water users. The vulnerability of the Town of Paradise to drought is Town-wide, but impacts may vary and include reduction in water supply, increased cost for water, and an increase in dry fuels.

The most significant qualitative impacts associated with drought in the planning area are those related to water intensive activities such as wildfire protection, municipal usage, commerce, tourism, and recreation. Mandatory conservation measures are typically implemented during extended droughts. Water quality deterioration is also a potential problem. Drought conditions

can also cause soil to compact and not absorb water well, potentially making an area more susceptible to flooding and land subsidence. The drought and water shortage impacts are thoroughly evaluated in the Paradise Irrigation District's 2010 Urban Water Management Plan, including a Water Shortage Contingency Plan and a Catastrophic Supply Interruption Plan. The District's 2012 updated Water System Emergency Response plan includes an Emergency Action Plan (EAP) for dam failure as well as EAPs for other natural disaster and man-made malevolent events.

### ***Future Development***

As the population in the area continues to grow, so will the demand for water. Water shortages in the future may be worsened by drought, as the Town depends on groundwater as its primary water source. Increased long-range planning will be needed to account for population growth, increased water demands, and infrastructure replacement and improvements.

## **Earthquakes**

### ***Vulnerability to Earthquake***

**Likelihood of Future Occurrence**—Likely

**Vulnerability**—Medium

Paradise and the surrounding area are relatively free from significant seismic and geologic hazards. There are no known or inferred active faults within the Town. The only known active fault in Butte County is the Cleveland Hills fault, the site of the August 1975 Oroville earthquake. This earthquake had a Richter magnitude of 5.7. The 2007 plan contained a Hazus (FEMA's loss estimation software) earthquake scenario. For that Hazus Analysis scenario, a magnitude 5.7 earthquake on the Cleveland Fault (Foothills Fault System) with an epicenter at 39.43 Latitude, -121.55 Longitudes and 8.42 miles below the surface was simulated replicating the historical 8:20 p.m. 1975 earthquake. Results from the 2007 Hazus run are shown in Table E.6.

**Table E.6. Town of Paradise Summarized Hazus Results: 2007 Hazus Analysis**

<b>Scenario: Cleveland Fault (Foothills Fault System) Earthquake 5.7</b>	
<b>Direct Economic Loss Estimates (thousands of \$)</b>	
Structural Damage	\$48.22
Non-Structural Damage	\$125.75
Total Loss	\$173.97
<b>Bridge Functionality</b>	
Day 1	99.9
Day 3	99.9
Day 7	99.9

Scenario: Cleveland Fault (Foothills Fault System) Earthquake 5.7	
Day 14	99.9
Bridge Damage	
None	1.000
Slight	0.000
Moderate	0.000
Extensive	0.000
Completely Destroyed	0.000
Fire Station Functionality	
Day 1	99.8
Day 3	99.8
Day 7	99.9
Day 14	99.9
Fire Station Structural Damage	
None	0.998
Slight	0.002
Moderate	0.000
Extensive	0.000
Completely Destroyed	0.000
Police Station Functionality	
Day 1	99.8
Day 3	99.8
Day 7	99.9
Day 14	99.9
Police Station Structural Damage	
None	0.998
Slight	0.002
Moderate	0.000
Extensive	0.000
Completely Destroyed	0.000
Commercial Casualties for Evening Event	
Medical Aid	0.042
Hospital Treatment	0.005
Life-Threatening Severity	0.000
Death	0.000
Commuting Casualties for Evening Event	
Medical Aid	0.000
Hospital Treatment	0.000
Life-Threatening Severity	0.000

Scenario: Cleveland Fault (Foothills Fault System) Earthquake 5.7	
Death	0.000
<b>Educational Casualties for Evening Event</b>	
Medical Aid	0.000
Hospital Treatment	0.000
Life-Threatening Severity	0.000
Death	0.000
<b>Hotels Casualties for Evening Event</b>	
Medical Aid	0.000
Hospital Treatment	0.000
Life-Threatening Severity	0.000
Death	0.000
<b>Industrial Casualties for Evening Event</b>	
Medical Aid	0.003
Hospital Treatment	0.000
Life-Threatening Severity	0.000
Death	0.000
<b>Other Residential Casualties for Evening Event</b>	
Medical Aid	0.036
Hospital Treatment	0.002
Life-Threatening Severity	0.000
Death	0.000
<b>Single Family Casualties for Evening Event</b>	
Medical Aid	0.006
Hospital Treatment	0.000
Life-Threatening Severity	0.000
Death	0.000
<b>Total Casualties for Evening Event</b>	
Medical Aid	0.087
Hospital Treatment	0.007
Life-Threatening Severity	0.000
Death	0.000

Source: Hazus, 2007 Butte County Multi-Hazard Mitigation Plan

The HMPC noted that an aging water distribution systems comprised of steel pipe requires ongoing replacement that is vulnerable to earthquake damage due to corrosion issues. District personnel installed 29,821 feet of mainline in the last five years. In addition to that, grant funding helped with the installation of 8,774 feet of mainline installed by a contractor. While the total fell short of the goal to complete the replacement of 75,000 feet, a deferral of mainline installation was realized with the freezing of three full-time positions and a dispute with the

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union over temporary worker status. Avoidance of unnecessary water losses that deplete water storage supply and increase operations costs. The high cost for unplanned pipeline repairs that damage public and private property can be avoided by replacing the steel pipes before they become problematic.

The DSD is concerned that if the epicenter of an earthquake of significant magnitude were to occur nearby a dam, the likelihood of a structural failure is high. Local dams vulnerable to earthquake damage are hydraulic-filled embankment dams built with sluicing materials from an adjacent area and depositing the slurry into the embankment, such as the Magalia and De Salba Dams.

There are a number of faults within Butte County and a large number of relatively nearby faults that could be considered potentially active, based either on the fairly restrictive criteria developed by the California Mining and Geology Board. Following is a description of the active faults in or near the Magalia Dam. These faults are detailed below and shown in Figure 4.24 of the base plan and include the following:

**Magalia Fault.** The Magalia Fault is located near the northern end of the Foothill Fault System, a system of northwest trending east dipping normal fault formed along the margin of the Great Valley and the Sierra Nevada provinces. The DSD, based on Fault Activity Guidelines in 2001 recalssified the Magalia Fault as conditionally active. The Paradise Irrigation District commissioned a study by Holdrege & Kull, dated January 2007 to evaluate the Magalia Fault.

**Foothills Shear Zone.** The Foothills shear zone extends into southern Butte County. A possible magnitude 7.0 earthquake in this zone would result in intensities as high as IX in Butte County

### ***Future Development***

The Town enforces the state building code, which mandates construction techniques that minimize seismic hazards. Future development in the Town is subject to these building codes.

## **Earth Movements: Erosion**

### ***Vulnerability to Erosion***

**Likelihood of Future Occurrence—Likely**

**Vulnerability—Medium**

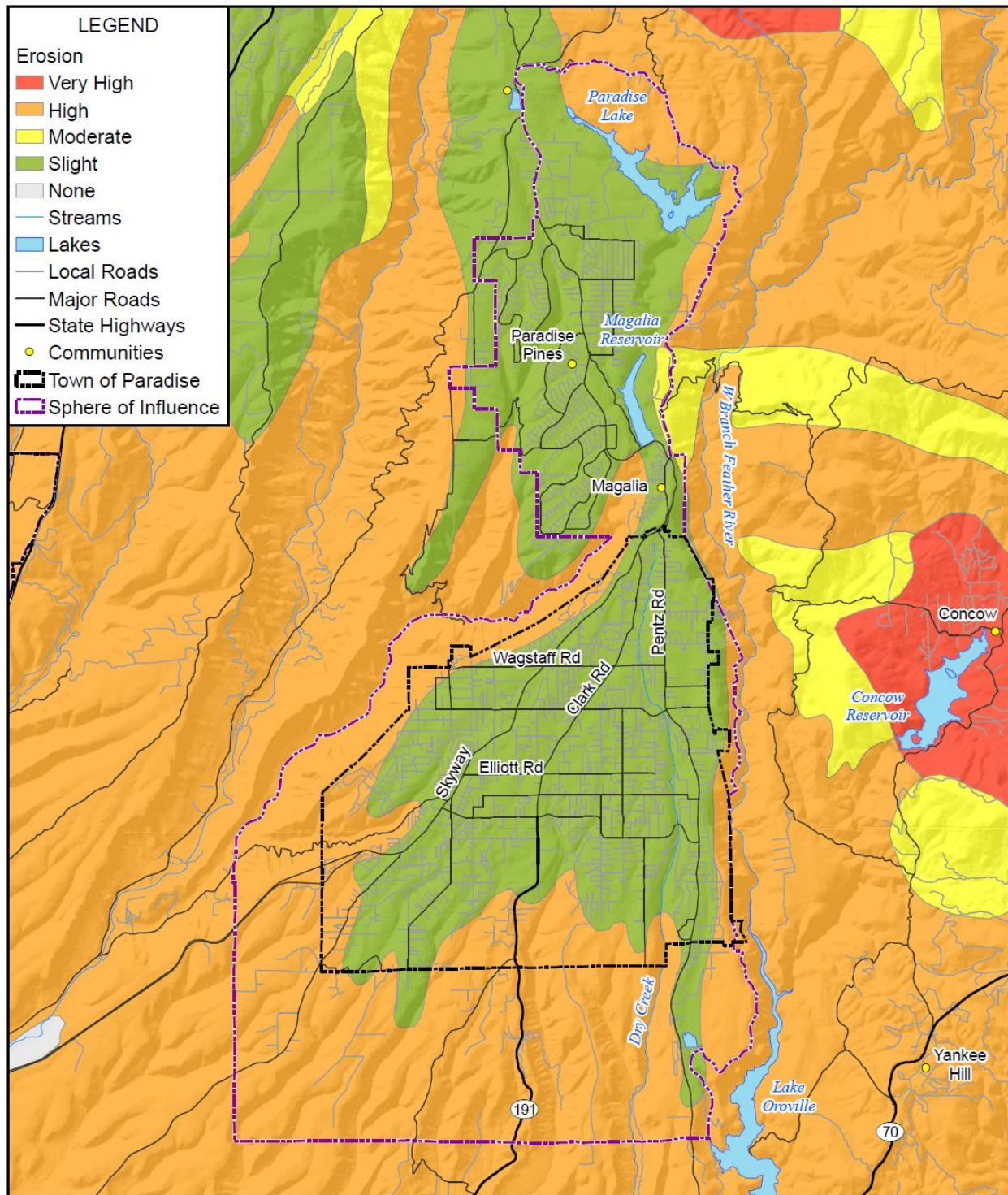
Erosion is the general process whereby rocks and soils are broken down, removed by weathering, or fragmented and then deposited in other places by water or air. The rate of erosion depends on many variables, including the soil or rock texture and composition, soil permeability, slope, extent of vegetative cover, and precipitation amounts and patterns. Erosion increases with increasing slope and precipitation and with decreasing vegetative cover, which includes areas where protective vegetation has been removed by fire, construction, or cultivation. Due to the relatively steep slopes found throughout the Paradise area, and the recent wildfires that have

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impacted the region, there is the potential for mudflows to occur in the area. As Figure E.2 illustrates, there is a higher risk to erosion in the southern portions of the Town of Paradise.



**Figure E.2. Town of Paradise – Erosion Potential**



Map compiled 9/2012; intended for planning purposes only.  
Data Source: Butte County, CAL-ATLAS,  
Butte Co Development Services

0 1 2 Miles



### Values at Risk

The erosion layer was overlaid with the county parcel layer and assessor data in GIS to obtain results; it is evident that Butte County has significant assets at risk to erosion. Table E.7 illustrates the estimated damages jurisdictions and unincorporated Butte County would sustain from conditions that can lead to erosion.

**Table E.7. Town of Paradise – Assets At Risk To Erosion**

Erosion Risk	Total Parcel Count	Improved Parcel Count	Improved Value	Improved Other Value	Improved Land Value	Total Value
Very High	0	0	\$0	\$0	\$0	\$0
High	1,071	881	\$162,020,436	\$6,758,334	\$57,514,152	\$226,292,922
Moderate	0	0	\$0	\$0	\$0	\$0
Slight	10,422	9,625	\$1,089,843,284	\$6,522,146	\$548,771,710	\$1,645,137,140
None	0	0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>11,493</b>	<b>10,506</b>	<b>\$1,251,863,720</b>	<b>\$13,280,480</b>	<b>\$606,285,862</b>	<b>\$1,871,430,062</b>

Source: Butte County Development Services, Butte County

### Populations at Risk

Erosion risk is greatest to those individuals residing in identified erosion hazard areas. GIS analysis was performed to determine population in the erosion zones. Using GIS, the Butte County Erosion layer was overlaid on the improved residential parcel data. Those parcel centroids that intersect the erosion zones were counted and multiplied by the 2010 Census Bureau average household factors for each jurisdiction and unincorporated area (see Table E.8).

**Table E.8. Town of Paradise – Population at Risk to Erosion**

Jurisdiction	Erosion Risk	Improved Residential Parcels	Population
Paradise	High	9,884	21,448

Source: Butte County Development Services, US Census Bureau

### Critical Facilities at Risk

Erosion analysis was performed on the critical facility inventory in Butte County and all jurisdictions. GIS was used to determine whether the facility locations intersect an erosion hazard areas provided by Butte County Development Services, and if so, which zone it intersects. There are 11 facilities in the Town at risk to moderate, high, or very high erosion zones, as shown in Table E.9.



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**Table E.9. Town of Paradise – Critical Facilities at Risk to Erosion**

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Erosion	Category	Type	Facility Count
High	At Risk Population Facilities	Adult Day Care	1
High	At Risk Population Facilities	Adult Residential	1
High	At Risk Population Facilities	Family Day Care Home	3
High	Essential Services Facilities	Bridge	1
High	Hazardous Materials Facilities	CUPA	5
Total			11

Source: Butte County GIS, Butte County Assessor's 2012 Data

### ***Future Development***

As shown in Figure E.2, the growth in the Town will occur in some level of erosion risk zone. Proper grading and siting of development will help the Town reduce its risk to erosion in future developments.

### **Floods: 100/500 year**

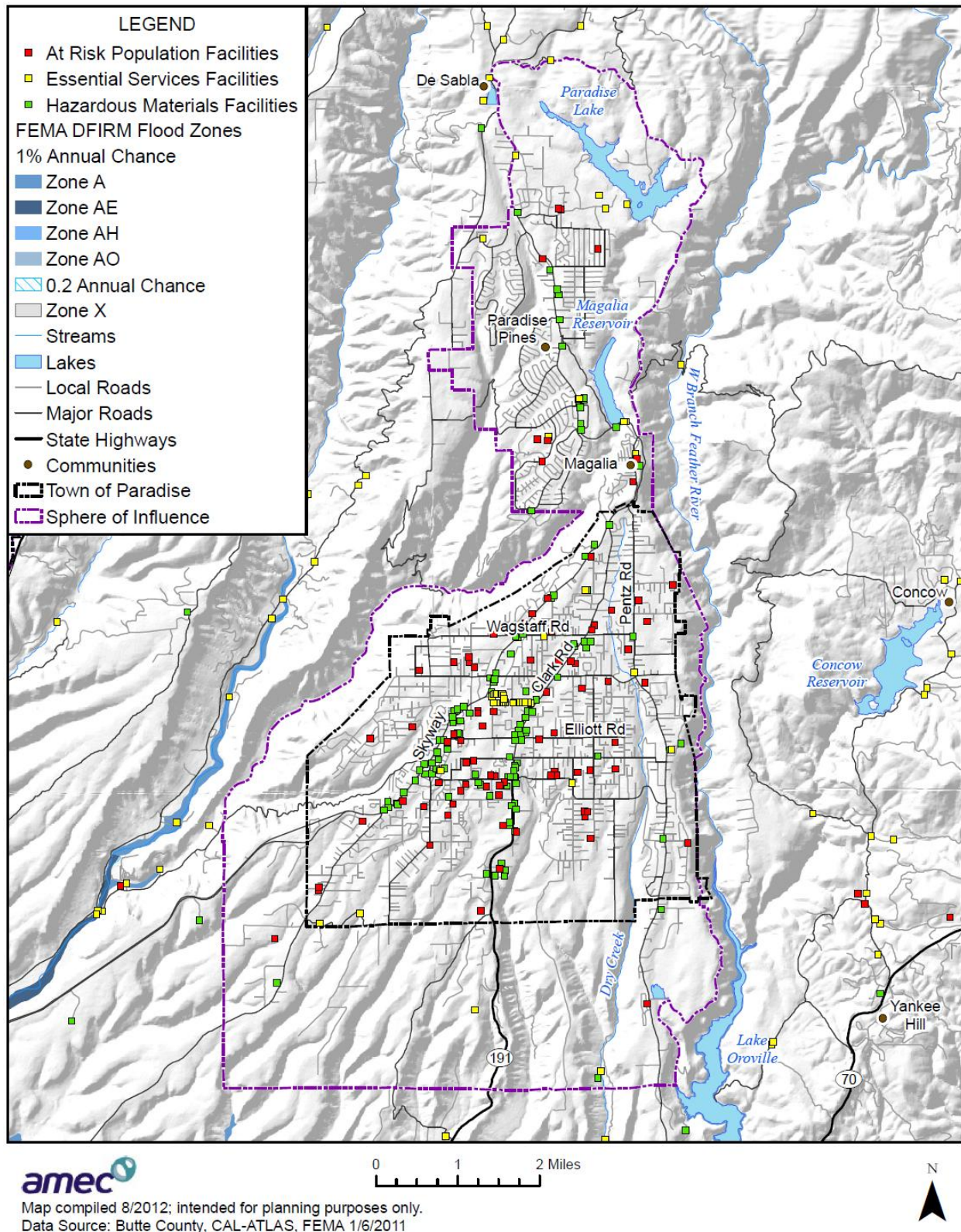
#### ***Vulnerability to Floods: 100/500 year***

**Likelihood of Future Occurrence**—Unlikely/Occasional

**Vulnerability**—Low

Although the HMPC feels the risk to the Town of Paradise from flooding is low, due to the significance of flooding in California, a detailed risk assessment of flood for the Town of Paradise is included here. The entire Town of Paradise is located outside of the 100 (1%) and 500 (0.2%) year flood zone as defined by the Federal Emergency Management Agency (FEMA). This is seen in Figure E.3.

**Figure E.3. Town of Paradise DFIRM**



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### ***Values at Risk***

As stated previously, there are no 1% or 0.2% chance flood zones in the Town of Paradise. There are no values at risk.

### ***Population at Risk***

As stated previously, there are no 1% or 0.2% chance flood zones in the Town of Paradise. There is no population at risk.

### ***Critical Facilities at Risk***

As stated previously, there are no 1% or 0.2% chance flood zones in the Town of Paradise. There is no population at risk.

### ***Future Development***

Since the Town has no 1% annual chance floodplain, all future development will happen outside of the 1% and 0.2% chance flood zones.

### ***Insurance Coverage, Claims Paid, and Repetitive Losses***

The Town of Paradise joined the National Flood Insurance Program (NFIP) on June 8, 1998. The City does not participate in the CRS program. NFIP data indicates that as of March 31, 2012, there were 3 flood insurance policies in force in the City with \$735,000 of coverage. There has been 1 historical claim for flood losses totaling \$14,957. NFIP data further indicates that there are no repetitive loss (RL) buildings in the City.

### **California Department of Water Resources Best Available Maps (BAM)**

The FEMA regulatory maps provide just one perspective on flood risks in Sutter County. Senate Bill 5 (SB 5), enacted in 2007, authorized the California DWR to develop the Best Available Maps (BAM) displaying 100- and 200-year floodplains for areas located within the Sacramento-San Joaquin (SAC-SJ) Valley watershed. SB 5 requires that these maps contain the best available information on flood hazards and be provided to cities and counties in the SAC-SJ Valley watershed. This effort was completed by DWR in 2008. DWR has expanded the BAM to cover all counties in the State and to include 500-year floodplains.

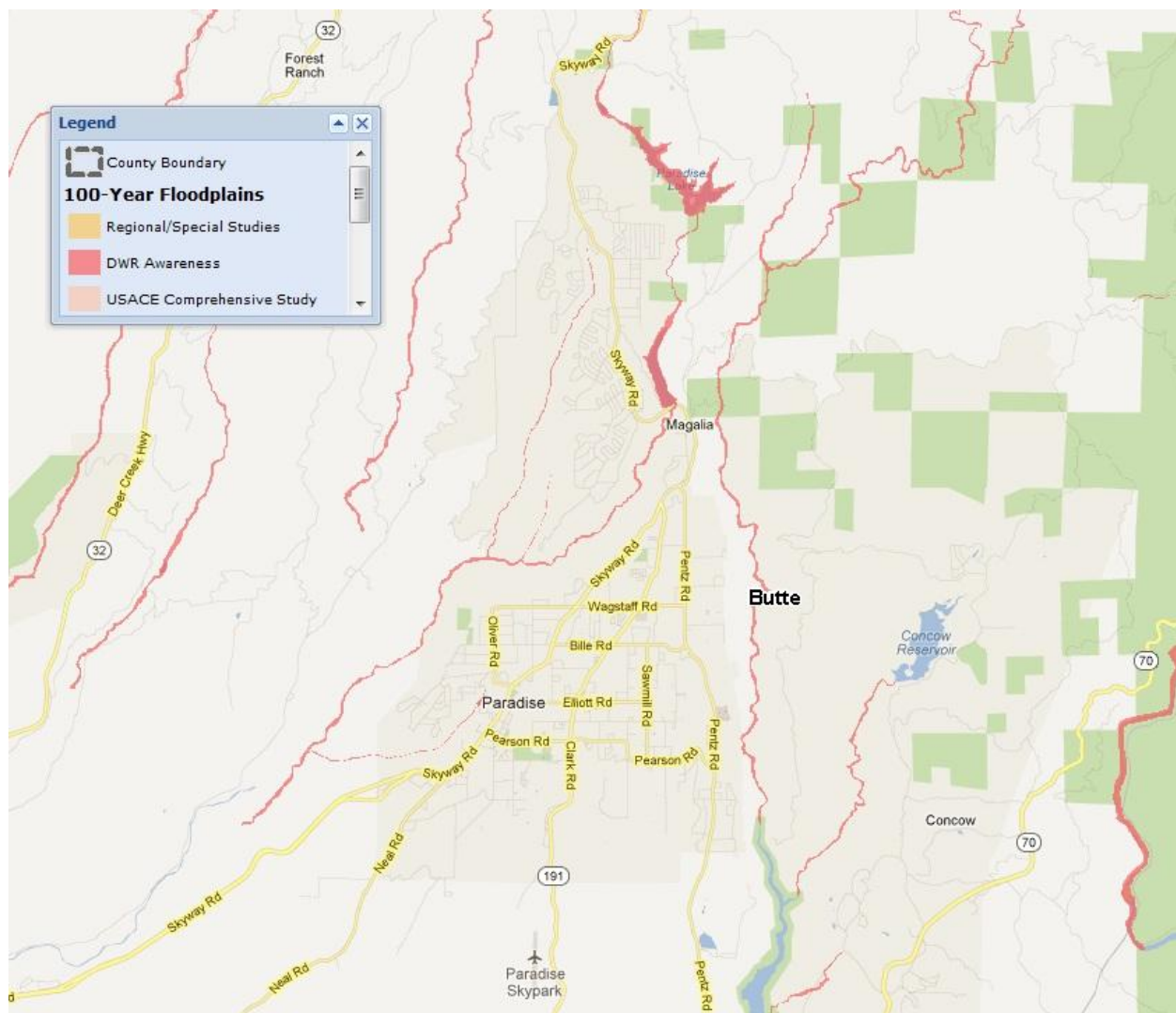
Different than the FEMA DFIRMs which have been prepared to support the NFIP and reflect only the 100-year event risk, the BAMs are provided for informational purposes and are intended to reflect current 100-, 200-, and 500-year event risks using the best available data. The 100-year floodplain limits on the BAM are a composite of multiple 100-year floodplain mapping sources. It is intended to show all currently identified areas at risk for a 100-year flood event, including FEMA's 100-year floodplains. The BAM are comprised of different engineering studies performed by FEMA, Corps, and DWR for assessment of potential 100-, 200-, and 500-



year floodplain areas. These studies are used for different planning and/or regulatory applications. They are for the same flood frequency, however, they may use varied analytical and quality control criteria depending on the study type requirements.

The value in the BAMs is that they provide a bigger picture view of potential flood risk to the City than that provided in the FEMA DFIRMS. This provides the community and residents with an additional tool for understanding potential flood hazards not currently mapped as a regulated floodplain. Improved awareness of flood risk can reduce exposure to flooding for new structures and promote increased protection for existing development. Informed land use planning will also assist in identifying levee maintenance needs and levels of protection. By including the FEMA 100-year floodplain, it also supports identification of the need and requirement for flood insurance. Figure E.4 shows the BAM for the Town of Paradise

**Figure E.4. Town of Paradise Best Available Map**



Source: California DWR

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## **Floods: Localized Stormwater**

### ***Vulnerability to Floods: Localized Stormwater***

**Likelihood of Future Occurrence—Likely**

**Vulnerability—Medium**

The drainage patterns of the Paradise area reflect the uniqueness of its location on a gently sloping ridge surface. The Paradise area is dominated by a somewhat continuous overland runoff flow which is organized into local rills or depressions as the runoff is collected. The Paradise area is divided into fairly distinct drainage basins.

The drainage systems often coincide with groundwater seeps and springs which serve to increase the moisture availability beyond the intermittent flows directly related to storm runoff. Consequently, the drainage depressions and their downslope channels are often thickly vegetated.

As these areas are developed, the undergrowth and grass cover is often removed and channels are randomly excavated to suit the individual owner's or developer's interest. Often when this takes place, either through lack of knowledge, lack of funds or indifference, the resulting channel is inadequate in capacity and poses a real possibility of promoting damage. While the soils and subsoils of the Paradise area do not markedly aggravate the runoff situation, they also do not prove to be highly permeable. This often results in localized flooding which can be exacerbated by such land use activities as grading operations, vegetation clearance, inattention to storm runoff from construction sites during the peak winter rainfall period, largescale paving and the lack of a collection system for storm waters. Storm runoff arrives at the principal drainage channels through overland flow for most of the Paradise area. Very few collector systems have been constructed and the primary form of collection has been through roadside ditches. Little Butte Creek conveys surface water and storm runoff into the Paradise Reservoir and Magalia Reservoir.

Although there are not any FEMA SFHAs in the Town of Paradise, inadequacies in the storm drainage facilities have resulted in areas of recurrent flooding. To solve this issue, the Town of Paradise has developed an “Interim Policy” to comply with FEMA policies and objectives. The areas that have repeatedly inundated during storm events are delineated as “Special Permit Zones.” Any development in these Special Permit Zones requires a certified elevation certificate based on the determination of the 100-year base flood elevation per FEMA guidelines. This policy has proven effective for the residents in the Town of Paradise; however, it has not changed the repeated flooding during storm events.

The County tracks localized flooding areas. Affected localized flood areas identified by the County in the Town of Paradise are summarized in Table E.10.

**Table E.10. Town of Paradise - Road List of Problem Area Reoccurrences**

Road No.	Road Name	Flooding	Washouts	High Water / Creek Crossing	Landslides / Mudslides	Debris	Downed Trees	Other
<b>Paradise Road District</b>								
54545-A	Bardees Bar Rd.		X		X		X	
76555-F	Camp Creek Rd.		X		X		X	
54345-A1&2	Centerville Rd.	X			X		X	
45435-A	Clear cr. Cem.			X				
52515-A1&2	Concow Rd.				X		X	
52513	Concow Rd.		X		X		X	
50545-A	Dark Canyon				X		X	
66553	Dixie Rd.				X		X	
52283-1&2	Honey Run Rd.				X		X	
91513	Humbug Summit		X		X		X	
55515-A	Jordan Hill							Washboard
62451	New Skyway					x		
92523	Philbrook				X		X	
76555-G	Pulga Rd.				X		X	
51261-3	Skyway						X	
51262-1	Skyway						X	

Source: Butte County Office of Emergency Management

***Future Development***

Future development in the Town will add more impervious surfaces and need to drain those waters. The Town will need to be proactive to ensure that increased development has proper siting and drainage for stormwaters.

**Invasive Species: Pests/Plants*****Vulnerability to Invasive Species: Pests/Plants*****Likelihood of Future Occurrence—Likely****Vulnerability—Medium**

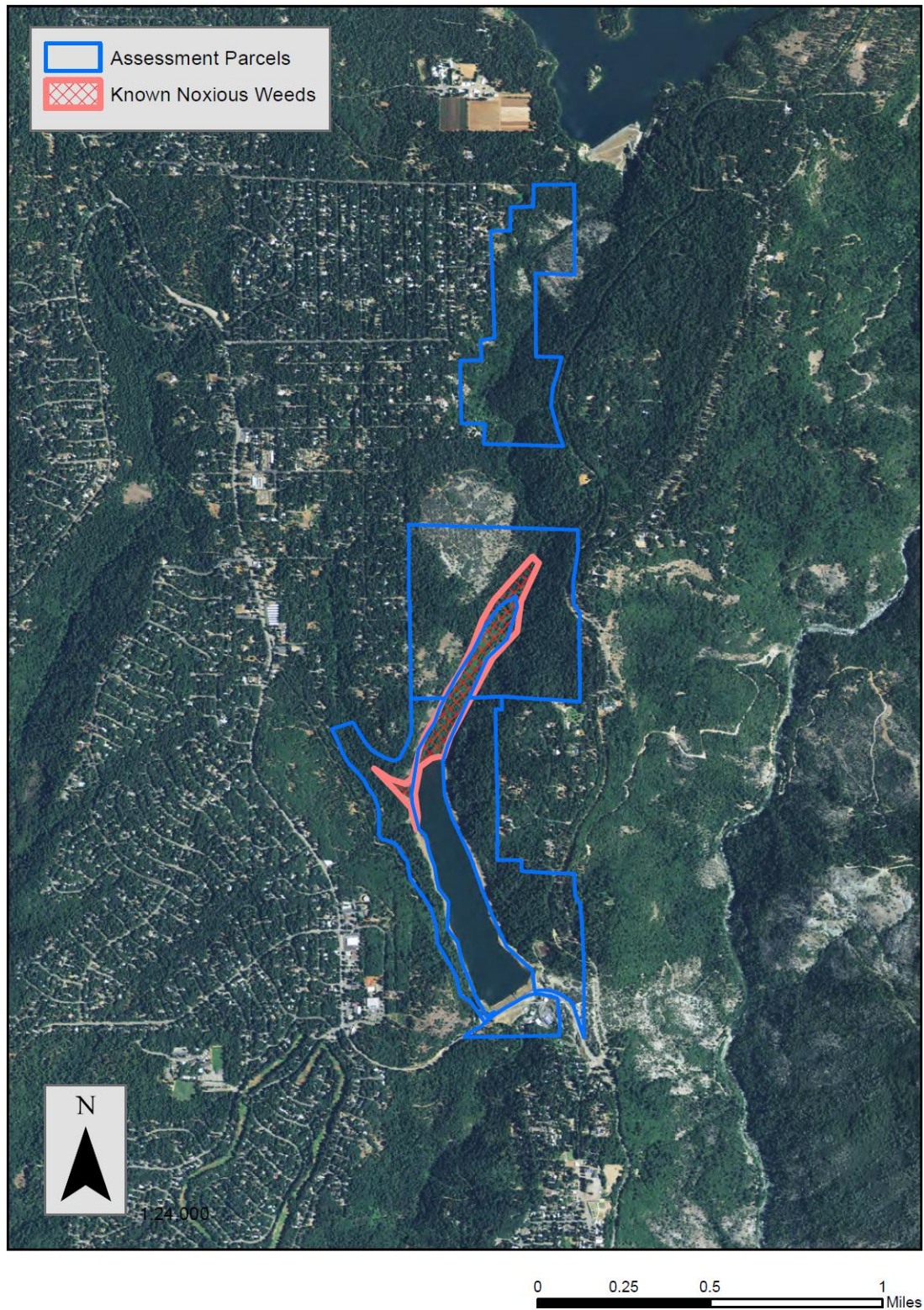
Noxious weeds are present in the assessment area. Most notably, there is a large area of Himalaya blackberry located directly in Little Butte Creek, above Magalia Reservoir (See Map 5

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for approximate size and location). Scotch Broom and French Broom occur in the assessment area.



**Figure E.5. Noxious Weeds in the Assessment Area**



Source: Paradise Irrigation District Forest Assessment 2012



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Noxious weed spread can occur more rapidly as a result of forest thinning and associated fuels treatment. Removal of conifers and associated fuels opens up new growing space and expose bare mineral soil. These conditions make large scale weed establishment possible. Noxious weeds are adept competitors, and often displace native plant communities.

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**Figure E.6. Blackberry Plants in the Town of Paradise**



Source: Paradise Irrigation District Forest Assessment 2012

The overall Himalaya blackberry population likely continues to increase during each growing season. There have been attempts to hand treat this area previously but the plant is a vigilant survivor. Due to the watershed use as a drinking water supply, application of herbicide directly adjacent to waterways would most likely not be utilized. To keep this particular noxious weed species and others that might become problematic, such as Scotch broom, fuels reduction strategies ultimately pursued should seek to inhibit further population spread. Such fuels reduction activities would retain enough canopy cover so that sunlight and growing space remains somewhat limited.

### ***Future Development***

Future development in the Town of Paradise will not be affected by invasive species.

## Severe Weather: Freeze and Winter Storm

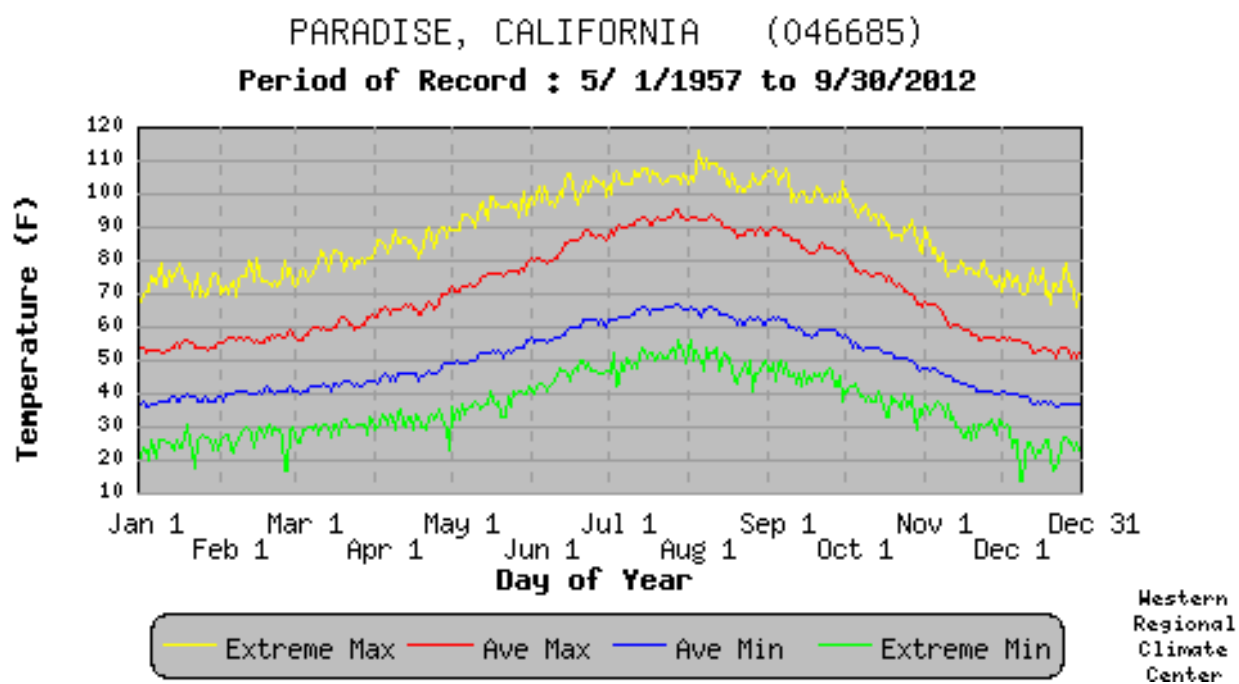
### *Vulnerability to Freeze and Winter Storm*

**Likelihood of Future Occurrence**—Likely

**Vulnerability**—Medium

The Town experiences temperatures below 32 degrees during the winter months. The temperature moves to the teens in rather extreme situations (see Figure E.7 for the Paradise station). Many months see a high number of days where daily low temperatures fall below 32°F (see Table E.11). Generally, people who live and work in this weather are prepared to cope with the extremes in that they dress appropriately.

**Figure E.7. Daily Temperature Averages and Extremes in the Town of Paradise**



Source: Western Regional Climate Center

**Table E.11. Extreme Low Temperatures in the Town of Paradise**

Month	Temperature	Date	Month	Temperature	Date
January	18°	1/22/1962	July	42°	7/4/1964
February	19°	2/26/1962	August	41°	8/26/1977
March	25°	3/2/1966	September	38°	9/30/1971
April	23°	4/30/1967	October	29°	10/29/2071
May	32°	5/2/1959	November	26°	11/19/1977
June	40°	6/2/1967	December	14°	12/8/1972

Source: Western Regional Climate Center, Marysville Station

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Limited data on freeze impacts in the Town was available during the development of this hazard's vulnerability. Freeze normally does not impact structures, but is a life safety issue. Areas prone to freezing temperatures are identified normally on a nation-wide assessment scale, which doesn't allow detailed results on specific structures. Secondary impacts of extreme cold can affect the supporting mechanisms or systems of a community's infrastructure. For example, when extreme cold is coupled with high winds or ice storms, power lines may be downed, resulting in an interruption in the transmission of that power shutting down electric furnaces, which may lead to frozen pipes in homes and businesses.

The elderly population in the planning area is most vulnerable to temperature extremes. The residents of nursing homes and elder care facilities are especially vulnerable to extreme temperature events. It is encouraged that such facilities have emergency plans or backup power to address power failure during times of extreme cold.

Winter storms can also bring snow to the Town. Winter storms typically involve snow and ice, occasionally accompanied by high winds, which can cause downed trees and power lines, power outages, accidents, and road closures. Transportation networks, communications, and utilities infrastructure are the most vulnerable physical assets in the Town. The HMPC reported that potential snowfall from a 10-year event snowstorm can bring 6" to 12" of snow. A 100-year event could result in 12"-24" of snow. The ability for the Town to continue to operate during periods of winter storm and freeze is paramount.

### ***Future Development***

Future development built to code should be able to withstand snow loads from severe winter storms. Pipes at risk of freezing should be mitigated by either burying or insulating them from freeze as new facilities are improved or added. Vulnerability to freeze will increase as the average age of the population in the Town shifts. Greater numbers of future senior citizens will result from the large number of baby boomers in the Town. The elderly are more at risk to the affects of freeze. However, many of the residents of the Town are accustomed to living with freeze and take precautions to guard against the threat of freeze.

## **Severe Weather: Heavy rain, hailstorm, lightning**

### ***Vulnerability to Severe Weather & Storms: Heavy rain, hailstorm, lightning***

**Likelihood of Future Occurrence—Likely**

**Vulnerability—High**

According to historical hazard data, severe weather is an annual occurrence in the Town of Paradise. Damage and disaster declarations related to severe weather have occurred and will continue to occur in the future. Heavy rain and thunderstorms are the most frequent type of severe weather occurrence in the area. Wind and lightning often accompany these storms and have caused damage in the past. Problems associated with the primary effects of severe weather

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include flooding, pavement deterioration, washouts, high water crossings, landslide/mudslides, debris flows, and downed trees.

### ***Future Development***

The Town enforces the state building code and other ordinances, which regulate construction techniques that minimize damage from heavy storms and rain. Future development in the Town is subject to these building codes. New critical facilities such as communications towers should be built to withstand hail damage, lightning, and heavy rains.

## **Wildfires**

### ***Vulnerability to Wildfires***

**Likelihood of Future Occurrence**—Highly Likely

**Vulnerability**—Extremely High

Major fires are generally categorized as either a conflagration or wildland/forestland. A conflagration may involve residential or commercial areas and spreads across both natural and constructed barriers. Wildland is associated with open range grasslands and into the foothills of a particular area. Because of development in rural areas adjacent to and within the Paradise community, a third classification has emerged, the Urban Interface wildfire. The urban interface wildfire is one that burns along the urban/rural interface and can result in major losses of property and structures.

A number of factors affect the behavior of wildland and interface fires, including terrain, weather, wind, fuels and seasons. It is well known that fire travels faster uphill than down and is more difficult to fight on steep slopes than on level ground. When weather is hot and the humidity is low, wildland fires can explode with intensity of rapid combustion. Even in the absence of strong winds, a fast-moving fire can generate its own updrafts, particularly in canyons, causing burning brands to be carried high in the air and drop a long distance ahead. This results in spot fires over a wide radius as the wind changes its direction.

Paradise is not immune to numerous types of grass and brush fires and any one of them may accelerate into a large urban interface wildfire. Such a situation could lead to evacuation of large portions of the population and the potential for significant loss of personal property, structures and rangeland. The natural fuels available in or near the Town vary greatly in the rate and intensity of burning. Fires in heavy brush and stands of trees burn with great intensity but more slowly than in dry grass and leaves. Dense fuels will propagate fire better than sparse fuels. The local fire season generally extends from June through early October.

Compounding the problem is the lack of ingress and egress roads in Paradise. Due to the sheer volume of people that can be affected at one time by a wildland fire, a number of potential traffic flow problems exist. These are complicated by the existence of only one north route out of town;

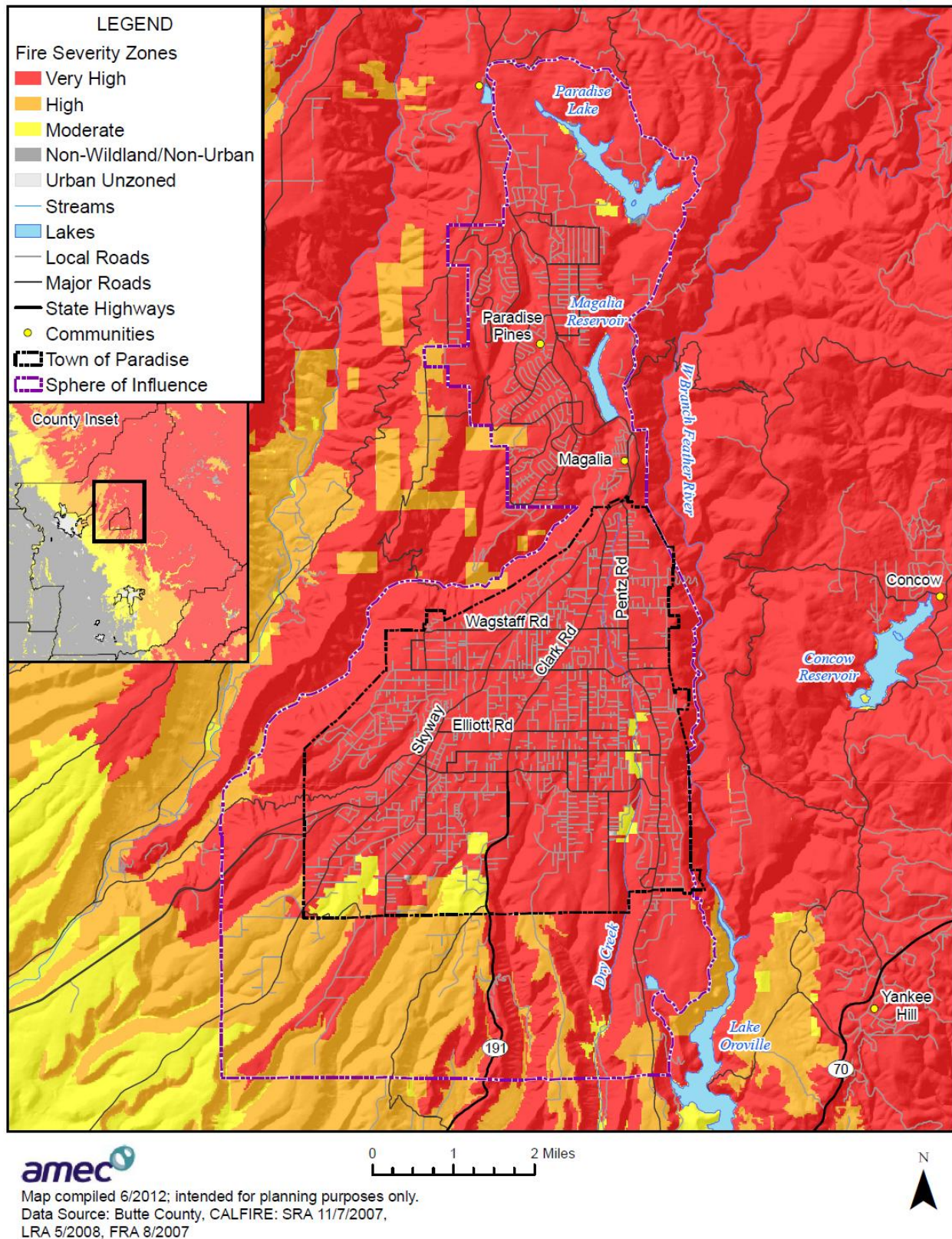
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only four south routes out of town, two of which could easily be affected by a single fire; and only three through east-west streets. The plan concludes that any fire in the Magalia area would have a major impact on the roads in Paradise because access is via a two-lane road.

Figure E.8 shows wildfire risk in the Town of Paradise. Wildfire threat within the Town ranges from moderate to very high, with most of Paradise located in the very high zone.



**Figure E.8. Town of Paradise Fire Severity Zones**



## Assets at Risk

Analysis results for the Town of Paradise are summarized in Table E.12, which summarizes total parcel counts, improved parcel counts and their structure values by occupancy type as well as the percents of parcels affected by fire.

**Table E.12. Town of Paradise - Count and Structure Value of Improved Parcels by Fire Severity Class**

Fire Threat Class	Land Use	Total Parcel Count	Improved Parcel Count	Improved Building Value	Total Other Value	Total Land Value	Total Value	% of Affected Parcels to Total
Very High	Agriculture	4	0	\$0	\$10,334	\$115,686	\$126,020	0.03%
	Commercial	723	604	\$250,539,474	\$10,783,393	\$88,257,188	\$349,580,055	6%
	Industrial	18	16	\$5,775,789	\$2,133,450	\$2,911,322	\$10,820,561	0.2%
	Residential	10,519	9,806	\$979,068,112	\$354,444	\$544,045,165	\$1,523,467,721	92%
	Unclassified	111	0	\$0	\$0	\$2,364	\$2,364	0.97%
<b>Total</b>		<b>11,375</b>	<b>10,426</b>	<b>\$1,235,383,375</b>	<b>\$13,281,621</b>	<b>\$635,331,725</b>	<b>\$1,883,996,721</b>	<b>99%</b>
High	Residential	14	7	\$1,349,393	\$0	\$1,011,967	\$2,361,360	0.12%
<b>Total</b>		<b>14</b>	<b>7</b>	<b>\$1,349,393</b>	<b>\$0</b>	<b>\$1,011,967</b>	<b>\$2,361,360</b>	<b>0.12%</b>
Moderate	Agriculture	1	1	\$42,088	\$9,193	\$28,070	\$79,351	0.01%
	Commercial	2	1	\$275,000	\$0	\$392,243	\$667,243	0.02%
	Residential	99	71	\$14,813,864	\$0	\$7,241,021	\$22,054,885	0.9%
	Unclassified	2	0	\$0	\$0	\$0	\$0	0.02%
<b>Total</b>		<b>104</b>	<b>73</b>	<b>\$15,130,952</b>	<b>\$9,193</b>	<b>\$7,661,334</b>	<b>\$22,801,479</b>	<b>0.9%</b>
<b>Grand Total</b>		<b>11,493</b>	<b>10,506</b>	<b>\$1,251,863,720</b>	<b>\$13,290,814</b>	<b>\$644,005,026</b>	<b>\$1,909,159,560</b>	<b>100%</b>

Source: Butte County Assessor's 2012 Data; CAL FIRE

## Population at Risk

The Fire Severity dataset was overlaid on the residential population data. Those parcel centroids that intersect the severity zones were counted and multiplied by the 2012 Census Bureau average household factors for each jurisdiction and unincorporated area. Results were tabulated by jurisdiction. According to this analysis, there is a total population of 21,448 residents of Paradise at risk to wildfire. This is shown in Table E.13.

**Table E.13. Town of Paradise - Count of Improved Residential Parcels and Population in Fire Severity Zone**

Fire Threat Class	Improved Residential Parcels	Population
Very High	9,806	21,279
High	7	15
Moderate	71	154
Non-Wildland/Urban	-	-
Urban Unzoned	-	-
<b>Total</b>	<b>9,884</b>	<b>21,448</b>

Source: Butte County 2012 Assessor's Data; CAL FIRE

### ***Critical Facilities at Risk***

Wildfire analysis was performed on the critical facility inventory in Butte County and all jurisdictions. GIS was used to determine whether the facility locations intersect a wildfire hazard areas provided by CAL FIRE, and if so, which zone it intersects. There are 207 facilities in the very high fire severity zone, one in the high fire severity zone, and 1 facility in the moderate fire severity zone, as shown in Table E.14. Details of critical facility definition, type, name and address and jurisdiction by fire zone are listed in Appendix E.

**Table E.14. Town of Paradise Critical Facilities at Risk to Wildfire**

Fire	Category	Type	Facility Count
Very High	At Risk Population Facilities	Adult Day Care	2
	At Risk Population Facilities	Adult Residential	15
	At Risk Population Facilities	Day Care Center	7
	At Risk Population Facilities	Family Day Care Home	26
	At Risk Population Facilities	Foster Family Agency	1
	At Risk Population Facilities	Foster Family Agency Sub	1
	At Risk Population Facilities	Group Home	4
	At Risk Population Facilities	Infant Center	1
	At Risk Population Facilities	Residential Care / Elder	9
	At Risk Population Facilities	School	8
	At Risk Population Facilities	School-Age Day Care	3
	At Risk Population Facilities	Transitional Housing	1
	Essential Services Facilities	Bridge	25
	Essential Services Facilities	Fire Station	4*
	Essential Services Facilities	Hospital	1
	Essential Services Facilities	Law Enforcement	1
	Hazardous Materials Facilities	CUPA	98
	<b>Total</b>		<b>207</b>



Fire	Category	Type	Facility Count
High	Essential Services Facilities	Bridge	1
Moderate	At Risk Population Facilities	Adult Residential	1
Grand Total			209

Source: Butte County GIS, CAL FIRE

\*There are 4 fire stations in the Town, but one is currently closed due to budget limitations. This facility is still considered a critical facility for the analysis.

### ***Future Development***

The pattern of increased damages is directly related to increased urban growth spread into historical forested areas that have wildfire as part of the natural ecosystem. Many WUI fire areas have long histories of wildland fires that burned only vegetation in the past. However, with new development, a wildland fire following a historical pattern now burns developed areas. Growth in the Town, especially growth in the wildland urban interface, will increase the risk to wildfire. Future development should consider adequate evacuation routes for citizens of the Town.

## **Severe Weather: Windstorms**

### ***Vulnerability to Windstorms***

**Likelihood of Future Occurrence**—Likely  
**Vulnerability**—Medium

High winds are common occurrences in the Town of Paradise throughout the entire year. Straight line winds are primarily a public safety and economic concern. Windstorm can cause damage to structures and power lines which in turn can create hazardous conditions for people. Debris flying from high wind events can shatter windows in structures and vehicles and can harm people that are not adequately sheltered.

Future losses from straight line winds include:

- Erosion (soil loss)
- Power line impacts and economic losses from power outages
- Occasional building damage, primarily to roofs

Campers, mobile homes, barns, and sheds and their occupants are particularly vulnerable as windstorm events in the region can be sufficient in magnitude to overturn these lighter structures. Livestock that may be contained in these structures may be injured or killed, causing economic harm to the rancher who owns both the structure and the livestock. Overhead power lines are vulnerable and account for the majority of historical damages. State highways can be vulnerable

to high winds and dust storms, where high profile vehicles may be overturned by winds and lowered visibility can lead to multi-car accidents.

### ***Future Development***

Future development projects should consider windstorm hazards at the planning, engineering and architectural design stage with the goal of reducing vulnerability. The Town enforces the state building code and other ordinances, which regulate construction techniques that minimize damage from windstorms. Future development in the Town is subject to these building codes.

## **E.6 Capability Assessment**

Capabilities are the programs and policies currently in use to reduce hazard impacts or that could be used to implement hazard mitigation activities. This capability assessment is divided into five sections: regulatory mitigation capabilities, administrative and technical mitigation capabilities, fiscal mitigation capabilities, mitigation outreach and partnerships, and other mitigation efforts.

### **E.6.1 Regulatory Mitigation Capabilities**

Table E.15 lists regulatory mitigation capabilities, including planning and land management tools, typically used by local jurisdictions to implement hazard mitigation activities and indicates those that are in place in the Town of Paradise.

**Table E.15. Town of Paradise Regulatory Mitigation Capabilities**

<b>Regulatory Tool (ordinances, codes, plans)</b>	<b>Y/N</b>	<b>Date</b>	<b>Comments</b>
General plan	Yes		
Zoning ordinance	Yes	DRAFT	
Subdivision ordinance	Yes		
Growth management ordinance	No		
Floodplain ordinance	No		
Other special purpose ordinance (stormwater, steep slope, wildfire)	Yes	Stormwater, per State/Federal requirements	
Building code	Yes	Version:	
BCEGS Rating			
Fire department ISO rating	Yes	Rating: 3	
Erosion or sediment control program	No		
Stormwater management program	Yes	Public Works	
Site plan review requirements	Yes	Certain building permits	
Capital improvements plan	Yes	Capital Improvements Program	
Economic development plan			
Local emergency operations plan	Yes	2/2012	

Regulatory Tool (ordinances, codes, plans)	Y/N	Date	Comments
Community Wildfire Protection Plans	Yes	2008	
Flood insurance study or other engineering study for streams	Yes		FIRM and FIS incorporated, by Ordinance, into Butte County Code.
Elevation certificates	No		Required for building permits within FEMA identified flood plain/floodway.
Other			

## General Plan

California Law requires that every City and County in the State have a General Plan. The Town of Paradise General Plan was adopted in 1994. The Housing Element was updated in 2009. The General Plan is the most important policy and planning document in the Town, and is used by virtually every department. The General Plan is the Town's statement of its vision for the future. The General Plan contains policies covering every aspect of the Town: land use (how land can be developed), circulation, noise, air quality, housing, open space and conservation, and health and safety.

## Ordinances

The Town of Paradise has many ordinances related to mitigation.

### ***Zoning (Title 17)***

The zoning ordinance is enacted for the following purposes:

- To promote and ensure the public health, safety and general welfare of the town and its residents;
- To attain and implement the goals, objectives and policies of the general plan by providing a precise delineation of permitted land uses, precluding land-use conflicts, and by establishing general site development standards.

The intent of the Town is that this ordinance be consistent with the general plan, and with any supplemental land use and community development policies which may be adopted by the Town Council.

### ***Slope Limitations (Title 17, Chapter 6.8)***

Site development regulations modifying the basic provisions applicable to a steeply sloping site are intended to alleviate or mitigate potentially harmful effects of soil erosion, increased stormwater runoff, and excessive grading, and to ensure development that is consistent with acceptable environmental standards.

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### ***Subdivision (Title 16)***

The purpose and intent of these regulations are to provide for regulation and control of design and improvement of subdivisions with proper consideration of its relation to surrounding areas, to permit orderly, reasonable, and beneficial growth, to discourage overdevelopment, to protect and enhance in every way possible the public health, safety and general welfare of the citizens, to conserve the outstanding resources of land, water, air, forest, scenic beauty, and to require the subdivider to do original work placing streets in proper condition before maintenance thereof is taken over by the town, and to relieve the public to this extent of burden that would otherwise exist.

The provisions of this title are adopted to regulate the subdivision of land and real property within the town for the purposes of sale, lease or financing in all instances except those which are exempt under the provisions of the Subdivision Map Act of the state of California as set forth in Title 7 of the California Government Code.

### ***Building Code (Title 15)***

The 2010 California Building Standards Code, Part 2, Volumes 1 and 2, including Appendix "B", "F", "G", "H", "I", "J", known as the California Building Code, as published and adopted by the California Building Standards Commission, including the town's amendments set forth in this chapter, is hereby adopted by this section of the Town of Paradise Municipal Code.

### ***Fire Code (Title 17, Chapter 9)***

The 2010 California Building Standards Code, Title 24, Part 9, including Appendix "B", "C", "D", "I", known as the California Fire Code, as published and adopted by the California Building Standards Commission, including the town's amendments, is hereby adopted by reference and incorporated herein as if fully set forth.

### ***Floodplain (Title 8, Chapter 55)***

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- Protect human life and health;
- Minimize expenditure of public money for costly flood control projects;
- Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- Minimize prolonged business interruptions;
- Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

- Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions

## E.6.2 Administrative/Technical Mitigation Capabilities

Table E.16 identifies the Town department(s) responsible for activities related to mitigation and loss prevention in Paradise.

**Table E.16. Town of Paradise Administrative and Technical Mitigation Capabilities**

Personnel Resources	Yes/No	Department/Position	Comments
Planner/Engineer with knowledge of land development/land management practices		Public Works/ Land Development	
Engineer/Professional trained in construction practices related to buildings and/or infrastructure	No	Development Services/ Building Division	Currently hiring
Planner/Engineer/Scientist with an understanding of natural hazards			
Personnel skilled in GIS	No		
Full time building official	Yes	Development Services	
Floodplain Manager	No		
Emergency Manager	Yes	Town Manager, EOC Coordinator	
Grant writer	No		
Other personnel			
GIS Data – Hazard areas	Yes		
GIS Data - Critical facilities	Yes		
GIS Data – Building footprints	No		
GIS Data – Land use	Yes	Development Services/ General Plan and Zoning	
GIS Data – Links to Assessor's data	Yes	Certain ownership data not all property value information.	
Warning Systems/Services (Reverse 9-11, cable override, outdoor warning signals)	Yes	Town PD Citywatch Program	
Other			

Source: AMEC Data Collection Guide

## E.6.3 Fiscal Mitigation Capabilities

Table E.17 identifies financial tools or resources that the Town could potentially use to help fund mitigation activities.

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**Table E.17. Town of Paradise Fiscal Mitigation Capabilities**

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Financial Resources	Accessible/Eligible to Use (Y/N)	Comments
Community Development Block Grants	Yes	Very limited CDBG funds available, competitive
Capital improvements project funding	Yes	No specific revenue source known at this time.
Authority to levy taxes for specific purposes	Yes	Requires public vote, unlikely to be approved
Fees for water, sewer, gas, or electric services	No	
Impact fees for new development	Yes	Very small revenue stream, and very little development is occurring
Incur debt through general obligation bonds	Yes	Requires public vote, unlikely to be approved
Incur debt through special tax bonds	Yes	Requires public vote, unlikely to be approved
Incur debt through private activities	Yes	Debt can occur, but there is no private revenue source known at this time to make debt service payments
Withhold spending in hazard prone areas		
Other		

## **E.6.4 Mitigation Outreach and Partnerships**

The Town partners with both the Paradise Irrigation District and the Butte Fire Safe Council on hazard reduction activities.

## **E.7 Mitigation Strategy**

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This section describes the mitigation strategy process and mitigation action plan for the Town of Paradise's inclusion with the Butte County Local Hazard Mitigation Plan update.

### **E.7.1 Mitigation Goals and Objectives**

The Town of Paradise adopts the hazard mitigation goals and objectives developed by the HMPC and described in Chapter 5 Mitigation Strategy of the base plan.

### **E.7.2 NFIP Mitigation Strategy**

As a participant of the National Flood Insurance Program (NFIP), the Town of Paradise has administered floodplain management regulations that meet the minimum requirements of the NFIP. The management program objective is to protect people and property within the Town. The Town of Paradise will continue to comply with the requirements of the NFIP in the future.

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With no mapped floodplains, most flood concerns are related to stormwater flooding issues. The Town will continue to monitor compliance with the NFIP and will evaluate the expansion of their floodplain management program as changing conditions may warrant. With no 1% or .2% annual chance floodplains,

### **E.7.3 Mitigation Actions**

The planning team for the Town of Paradise identified and prioritized the following mitigation actions based on the risk assessment and in accordance with the process outline in Section 5, Mitigation Strategy, of the base plan. Background information and information on how each action will be implemented and administered, such as ideas for implementation, responsible office, potential funding, estimated cost, and timeline are also included. General processes and information on plan implementation and maintenance of this LHMP by all participating jurisdictions is included in Section 7, Plan Implementation and Maintenance, of the base plan.

#### ***1. Clear Creek Shaded Fuel Break (was Wildfire – Fire reduction)***

---

**Hazards Addressed:** Wildland Fire

**Issue/Background:** The Town of Paradise and surrounding areas of Butte County have an extensive history of wildland fires. In 2008 two wildland fires threatened the Town of Paradise. On June 11, 2008, the Humboldt Fire burned 23,344 acres and destroyed 87 homes, 5 of those homes were in the Town and the remaining 82 in Butte County just outside the Town. Approximately 9,000 people were evacuated from areas threatened by the fire. Just nine days later, a lightning storm started 36 fires threatening multiple Butte County communities. These fires ultimately burned 48,800 acres, destroyed over 200 dwellings, and resulted in one civilian fatality. The Town of Paradise due an imminent threat again evacuated over 9,000 people and Feather River Hospital. Wildland fire continues to be a significant threat to the community.

**Other Alternatives:** No Action

**Existing Planning Mechanism(s) through which Action Will Be Implemented:** Butte County Community Wildfire Protection Plan, Paradise Fire Safe Council Goals and Objectives

**Priority (H, M, L):** High

**Responsible Office:** Cal Fire/Paradise Fire Department & Paradise Fire Safe Council.

**Cost Estimate:** \$150,000

**Benefits (Losses Avoided):** Life Safety, Reduction in Property Loss

**Potential Funding:** Fire Safe California Grants Clearinghouse

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**Schedule:** Within 5 years

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**2. *Hamlin Canyon Shaded Fuel Break (was Wildfire – Fire reduction)***

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**Hazards Addressed:** Wildland Fire

**Issue/Background:** The Town of Paradise and surrounding areas of Butte County have an extensive history of wildland fires. In 2008 two wildland fires threatened the Town of Paradise. On June 11, 2008, the Humboldt Fire burned 23,344 acres and destroyed 87 homes, 5 of those homes were in the Town and the remaining 82 in Butte County just outside the Town. Approximately 9,000 people were evacuated from areas threatened by the fire. Just nine days later, a lightning storm started 36 fires threatening multiple Butte County communities. These fires ultimately burned 48,800 acres, destroyed over 200 dwellings, and resulted in one civilian fatality. The Town of Paradise due an imminent threat again evacuated over 9,000 people and Feather River Hospital. Wildland fire continues to be a significant threat to the community.

**Other Alternatives:** No Action

**Existing Planning Mechanism(s) through which Action Will Be Implemented:** Butte County Community Wildfire Protection Plan, Paradise Fire Safe Council Goals and Objectives

**Priority (H, M, L):** High

**Responsible Office:** Cal Fire/Paradise Fire Department & Paradise Fire Safe Council.

**Cost Estimate:** \$130,000

**Benefits (Losses Avoided):** Life Safety, Reduction in Property Loss

**Potential Funding:** Fire Safe California Grants Clearinghouse

**Schedule:** Within 5 years

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**3. *Shaded Fuel Break Management and Maintenance Project (was Wildfire – Fire reduction)***

---

**Hazards Addressed:** Wildland Fire

**Issue/Background:** The Town of Paradise and surrounding areas of Butte County have an extensive history of wildland fires. In 2008 two wildland fires threatened the Town of Paradise. On June 11, 2008, the Humboldt Fire burned 23,344 acres and destroyed 87 homes, 5 of those homes were in the Town and the remaining 82 in Butte County just outside the Town. Approximately 9,000 people were evacuated from areas threatened by the fire. Just nine days later, a lightning storm started 36 fires threatening multiple Butte County communities. These



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fires ultimately burned 48,800 acres, destroyed over 200 dwellings, and resulted in one civilian fatality. The Town of Paradise due an imminent threat again evacuated over 9,000 people and Feather River Hospital. Wildland fire continues to be a significant threat to the community.

**Other Alternatives:** No Action

**Existing Planning Mechanism(s) through which Action Will Be Implemented:** Butte County Community Wildfire Protection Plan, Paradise Fire Safe Council Goals and Objectives

**Priority (H, M, L):** Medium

**Responsible Office:** Cal Fire/Paradise Fire Department & Paradise Fire Safe Council.

**Cost Estimate:** \$180,000

**Benefits (Losses Avoided):** Life Safety, Reduction in Property Loss

**Potential Funding:** Fire Safe California Grants Clearinghouse

**Schedule:** Within 5 years



**Town of Paradise  
Council Agenda Summary  
Date: July 8, 2014**

**Agenda Item: 7(c)**

Originated by: Joanna Gutierrez, Town Clerk

Reviewed by: Lauren Gill, Town Manager

Subject: Update to the Council Member Handbook

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**Council Action Requested:** Review and consider adopting Resolution No. 14-\_\_\_, Updating the Town Council Members Handbook.

**Alternatives:** Provide direction to staff to include/exclude information and bring back to a future meeting for consideration.

**Background:** The Town Council first adopted a Council Member Handbook on October 7, 1981. The Town Council has amended the handbook from time to time over the years. The most recent handbook was adopted by Resolution No. 06-04.

**Discussion:** The purpose of the Council Member Handbook is to provide a basic overview of the challenges and unique factors affecting the Town Council and at the same time offer information of both the technical and general natures regarding management, policies and organization of the Council and Town government. This is a working document and an easy reference source which can be amended and easily adapted to new information.

This handbook is a compilation of information from various sources, including, but not limited to, the League of California Cities guide for new Council Members, the City Clerks Association of California, and local and state laws and policies, such as the Council's adopted policies and certain sections of the Paradise Municipal Code, the Fair Political Practices Conflict of Interest Guidelines, the Ralph M. Brown Act (Open Meeting Law), and the structure of General Law Council/Manager government, etc.

**Analysis:** This version of the handbook updates the positions within the Town Manager Department, eliminates inactive committees, removes information relating to the Paradise Redevelopment Agency, and provides current Paradise Municipal Code references and an updated resolution relating to Town Council meeting procedures.

**Conclusion:** The last review and update was accomplished by the Town Council in 2006. It is timely that the handbook be reviewed and the proposed updates and possible additions be considered.

**Fiscal Impact Analysis:** Internal costs related to printing copies of the handbook.

**TOWN OF PARADISE**

**RESOLUTION 14-\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE  
ADOPTING REVISED COUNCIL MEMBERS HANDBOOK**

**WHEREAS**, the Town Council of the Town of Paradise wishes to revise its Council Members Handbook, first adopted by Resolution #81-41 and revised by Resolution #88-50, 96-09, 00-36 and 06-04;

**NOW, THEREFORE, BE IT RESOLVED** that the Council Members Handbook in the revised form attached to this Resolution as Exhibit "A" and incorporated herein by this reference is hereby adopted and approved, including all statements of policy contained therein.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise this \_\_th day of \_\_\_\_\_, 2014, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**NOT VOTING:**

\_\_\_\_\_  
Scott Lotter, Mayor

**ATTEST:**

\_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
DWIGHT L. MOORE, Town Attorney

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# TOWN OF PARADISE

## COUNCIL MEMBERS

## HANDBOOK



**July 8, 2014**

PREPARED BY:

Joanna Gutierrez  
Certified Municipal Clerk  
Paradise Town Clerk

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## **LIST OF ATTACHMENTS**

### **1. ORGANIZATIONAL CHART**

- |                                    |   |
|------------------------------------|---|
| <b>2. Conduct of Meetings.....</b> | RESOLUTION 11-48, Amending and Restating Procedure Relating to Conduct of Town Council Meetings   |
| <b>3. Mayor's Role .....</b>       | RESOLUTION 12-48, Approving the Role of the Mayor Relating to the Paradise Town Council/Manager Form of Government<br><br>RESOLUTION 88-55, Amending Resolution #83-40 and #85-41, Adopting Policies Concerning the Town of Paradise (Related to Selection of Mayor and Vice Mayor) |
| <b>4. Town Manager .....</b>       | CHAPTER 2.04, PARADISE MUNICIPAL CODE, Establishing and Setting Forth the Office of the Town Manager  |
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| <b>7. Town Clerk .....</b>         | CHAPTER 2.10, PARADISE MUNICIPAL CODE, Establishing and Setting Forth the Office of the Town Clerk  |
| <b>8. Community Development...</b> | CHAPTER 2.12, PARADISE MUNICIPAL CODE, Establishing and Setting Forth the Community Development Department  |
| <b>9. Financial Services.....</b>  | CHAPTER 2.16, PARADISE MUNICIPAL CODE, Establishing and Setting Forth the Financial Services Division<br><br>CHAPTER 2.18, PARADISE MUNICIPAL CODE, Establishing and Setting Forth the Town Treasurer & Investment Committee  |
| <b>10. CAL FIRE .....</b>          | RESOLUTION No. 12-35, Approving the California Department of Forestry and Fire For Services from November 1, 2012 to June 30, 2017, Contract 2CA01941   |
| <b>11. Police Department .....</b> | CHAPTER 2.24, PARADISE MUNICIPAL CODE, Establishing and Setting Forth the Police Department   |
| <b>12. Human Resources.....</b>    | RESOLUTION 83-19, Personnel System Rules, Town of Paradise (and resolutions amending the Personnel  |



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<b>13. Personnel System.....</b>	CHAPTER 2.32, PARADISE MUNICIPAL CODE, Establishing a Personnel System
<b>14. PERS.....</b>	CHAPTER 2.34, PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)
<b>15. Planning Commission...</b>	ARTICLE III - PARADISE PLANNING COMMISSION and RESOLUTION #96-01, Establishing Procedural Rules for the Conduct of Planning Commission Meetings
<b>16. Purchasing.....</b>	CHAPTER 2.45, PARADISE MUNICIPAL CODE, Establishing Purchasing System for Town of Paradise
<b>17. Successor Agency .....</b>	RESOLUTION 12-08, Establishing the Successor Agency of the Paradise Redevelopment Agency Pursuant to Assembly Bill 1X26
	All California Redevelopment Agencies were dissolved by AB 1X 26 on February 1, 2012 which necessitated naming a Successor Agency of the Paradise Redevelopment Agency.
<b>18. Conflict of Interest.....</b>	A PUBLIC OFFICIAL'S CONFLICT OF INTEREST CHECKLIST
<b>19. Local Conflict Code.....</b>	RESOLUTION 13-14 Adopting Conflict of Interest Code for the Agencies and Departments of the Town of Paradise Which Incorporate by Reference the Fair Political Practices Commission's Standard Model Conflict of Interest
<b>20. Emergency Management...</b>	ELECTED OFFICIALS GUIDE TO EMERGENCY MGT

## **I. INTRODUCTION**

This Council Member Handbook is designed as guide for Paradise Town Council Members. Paradise is a General Law city as opposed to a Charter city. A General Law city is primarily governed by the California State Government Code and other State codes rather than a city Charter.

The actions of a Town Council Member are everyone's business and for good reason. The Town Council is an elected board of directors for a municipal corporation. Every citizen in Town is a stockholder entitled to be heard and to scrutinize the public and possibly the private conduct of their elected officials.

This handbook is intended to provide a basic overview of the challenges and unique factors affecting the Town Council and at the same time offer information of both the technical and general natures regarding management, policies and organization of the Council and Town government. It is envisioned as a working document which can be amended and easily adapted to new information and the unique challenges of Paradise.

## **II. GENERAL INFORMATION REGARDING THE TOWN DEMOGRAPHICS**

Paradise, first settled in the early 1800's, was incorporated November 27, 1979, with a population of just under 23,000. Paradise has a current population just OVER 26,000, is located in Butte County and is approximately 18 square miles with over 100 miles of public roads and streets.

Paradise is located 175 miles northeast of San Francisco, 92 miles north of Sacramento, 22 miles north of Oroville, 14 miles northeast of Chico and 150 miles northwest of Reno, Nevada.

Paradise is predominantly a bedroom community with something for everyone. We have a large senior citizen community, approximately 45 churches, and 275 clubs and organizations on the ridge, including, but not limited to, agricultural groups, business and professional associations, cultural arts, fraternal organizations, political and labor groups, recreation and sports, senior citizen organizations, service organizations and social services.

Paradise boasts two elementary schools, one intermediate school, one high school, charter schools and private schools. Butte Community College is located nine miles south and California State University Chico is 14 miles southwest of Paradise.

The Paradise Recreation and Park District (PRPD), Paradise Irrigation District (PID), Paradise Unified School District and the Paradise Cemetery District are separate entities and have their own elected Board of Directors and employees. Paradise is proud of its museum of local history located on Pearson Road. The community festivals include **Gold Nugget Days**, celebrating the discovery of a 50+ pound gold nugget on

the upper ridge once known as Dogtown, which is sponsored by the Gold Nugget Museum; ***Johnny Appleseed Days***, celebrating the apple industry once a major industry in Paradise, sponsored by the Paradise Chamber of Commerce and local merchants, and the *Chocolate Festival*, celebrating all things chocolate, a fund raiser for youth programs in the community.

### **III. TOWN GOVERNMENT STRUCTURE**

#### **FORM OF GOVERNMENT**

The Town of Paradise has a Council/Manager form of municipal government that was approved by the voters when the Town was incorporated in November, 1979.

#### **TOWN COUNCIL**

The Town Council consists of five members elected at large. In 1985, the Town of Paradise consolidated its General Municipal Election with the General State Election held on the second Tuesday in November of even numbered years. Any registered voter residing within the Town limits may be eligible for election regardless of age, sex or national origin. The Town Council shall remain non-partisan and non-sectarian.

##### **1. Mayor**

The Mayor shall be selected each year by the members of the Council at the first regular meeting in December for a term of one year. The Mayor may serve successive terms if selected to do so by the majority of the Council. The Mayor is titular only and shall have no veto power. The Mayor is responsible for presiding at the Council meetings, for ceremonial duties and signing certain documents and shall have no regular administrative duties.

##### **2. Mayor Pro Tem (Vice Mayor)**

The Mayor Pro Tem (Vice Mayor) shall be selected each year by the Council at the first regular meeting in December. Said term shall be for one year. The Vice Mayor may serve successive terms if selected to do so by the majority of the Council. The Vice Mayor shall act for the Mayor in the Mayor's absence.

#### **B. COUNCIL APPOINTED POSITIONS**

##### **1. Town Manager**

The Town Manager is the Chief Administrative Officer of the Town, advises the Council on the affairs of the Town and is responsible for directing and coordinating all municipal activities and administering the

policies set by Council. The Town Manager appoints all department directors upon the approval of the Council, with the exception of the Town Attorney and the Town Clerk, which are also Council appointed positions. Risk Management/Personnel and Housing and Business Services are divisions of the Town Manager Dept. The Town Manager also serves as the Town's Emergency Services Director.

## **2. Town Attorney**

The Town Attorney is a contract employee rather than an in-house employee and is appointed by the Town Council. The Town Attorney is the legal advisor for the Council, the Manager and department directors. The Town Attorney represents the Town in legal actions, acts as prosecuting attorney, handles the acquisition or condemnation of real property, supervises assessment district proceedings, and prepares or reviews all ordinances, resolutions and contracts. The Town Attorney acts as counsel or co-counsel on all civil litigation brought against the Town.

## **3. Town Clerk**

The Town Clerk is the executive officer for the Town Council, is appointed by the Town Council and is responsible for maintaining the records of Council actions and permanent records of all Town Council transactions. The Clerk takes official minutes of all Council meetings, including minutes of Closed Sessions, which are kept in a confidential file. (Provisions for Closed Sessions are set forth in the Ralph M. Brown Act.) The Town Clerk coordinates and distributes all Council correspondence, is the elections official for the Town, the filing officer for the requirements of the Fair Political Action Commission, coordinates all Claims against the Town and is the agent for service of process. No original records shall be removed from the Town Clerk's Dept.

# **C. TOWN DEPARTMENTS SUPERVISED BY THE TOWN MANAGER**

## **1. Assistant Town Manager**

The Assistant Town Manager answers directly to the Town Manager and oversees all of the Town's development services operations, which includes oversight of the Community Development and Public Works Departments, the Business & Housing Services Division, and the IT Department. The assistant Town Manager also serves as the Assistant Emergency Services Director. In the absence of the Town Manager, the Assistant Town Manager acts in the capacity of the Town Manager.

## **2. Police Department**

The Police Chief answers directly to the Town Manager. The Police Department is responsible for Operations (patrol officers), Investigations (detectives), Communications (Dispatch/911), Animal Control and the Motor Pool (maintenance of Police, Fire, Public Works and all Town vehicles and equipment).

## **3. Fire Department**

The Town of Paradise contracts with the California Department of Forestry and Fire Protection (CAL FIRE) for services pursuant to an agreement approved by Resolution No. 12-35 on October 9, 2012. The term of the agreement is from November 1, 2012 to June 30, 2017. The Fire Department is responsible for Fire Suppression, Fire Prevention, Medical Emergency response and the Volunteers.

## **4. Financial Services Department**

The Finance Services Director answers directly to the Town Manager. This department is responsible for the finances of the Town (accounts receivable, accounts payable, annual budget, payroll, required state and federal reports financial analysis and internal auditing). The Finance Director also serves as the Town Treasurer

## **5. Community Development Department**

The Community Development Director answers directly to the Town Manager. This department is responsible for Planning (staff support to Planning Commission and all land use issues), Building (issuing building permits and inspection services), Transit, Solid Waste and Code Enforcement.

## **6. Engineering and Public Works Department**

The Public Works Director/Town Engineer answers directly to the Town Manager. This department is responsible for Engineering (drainage projects, capital improvement projects, street and road improvements), Onsite District (septic inspections for current and new installation of septic systems), and Public Works (streets, drainage, site improvements, brush removal).

## **7. Human Resources Manager/Risk Management**

The Human Resources Manager/Risk Management answers directly to the Town Manager, and under the general direction of the Town manager,

plans, directs, supervises and coordinates activities related to human resources and risk management for the Town; organizes and administers various human resources functions and activities such as recruitment, testing, training, classification, wage/salary administration, benefits administration, workers compensation, safety and training programs; assures compliance with applicable ordinances and codes.

## **8. Information Technology (IT) Manager**

The IT Manager answers directly to the Town Manager. The position is responsible for the technical design, planning, implementation, maintenance, management and administration of the Town's information technology systems and telephone communications systems. Provides highly technical and responsible staff assistance to the entire Town organization and the Emergency Operations Center when activated.

## **9. Vehicle Fleet Services Manager**

The Fleet Manager answers directly to the Town Manager. As both the Town's Fleet Manager and single mechanic, has responsibility for the maintenance and repair of the Town's vehicle fleet and heavy duty equipment; and for the management of the Town's fuel supply and usage. In addition, the Fleet Manager reviews and approves all specifications for the bidding of new or replacement vehicles or equipment; and oversees the Town's overall vehicle replacement program.

# **D. COUNCIL APPOINTED COMMISSIONS AND COMMITTEES**

The Town Council has the authority to form citizen committees to assist them in their decision making process. In order to encourage a broad based consideration of appointees to boards or commissions, all persons desiring to be considered for appointment shall complete at least one application for each board or commission on which the person desires to serve and shall be a full-time resident and registered voter of the Town of Paradise, or, in some cases, have their principal place of business within the Town limits. All efforts will be made to provide necessary public information relative to vacancies prior to any such appointment.

Applications shall be considered current for one year from the date received. The Council may, however, in making appointments to temporary advisory boards and committees, depart from these guidelines.

## **1. Planning Commission**

The Planning Commission consists of five Commissioners who must reside within the Town limits, each appointed by the Town Council to four

year terms of office. This Commission makes final decisions as well as recommendations to the Town Council on most development and land use applications. They also advise the Council on long-range planning and General Plan matters. Meetings are held on the first Monday of each month in the Town Hall Council Chambers at 6:00 p.m.

## **2. Fire Safe Council**

The Fire Safe Council was initially appointed by the Town Council. The membership and activities are overseen by the Fire Chief and the Town Manager. The mission of the Fire Safe Council is to educate the community, to increase the awareness of fire risks, to reduce wildland fire fuel, and to prepare for other disasters. .

# **IV. COUNCIL LEGISLATIVE ACTS:**

## **A. ORDINANCES**

An Ordinance is a law enacted by the Town Council under powers delegated to it by the California State Government Code and the State Constitution. Ordinances are the laws of a municipality. An Ordinance is introduced at one meeting, considered for adoption at a second meeting and then published in the local newspaper after adoption. It becomes effective 30 days after adoption unless the Town Council declares it an urgency due to public health, welfare or safety, which then becomes effective immediately upon adoption. An Ordinance can be repealed or amended by a subsequent ordinance and is subject to referendum by the electorate. It is the most binding form of action taken by the Town Council.

## **B. RESOLUTIONS**

A Resolution may be passed expressing the policy of the Town Council or directing certain types of procedural or administrative actions. They are generally used for approving agreements, procedures or fund appropriations. It requires only one reading and may be changed by a subsequent Resolution. Most are not subject to referendum by the electorate and become effective immediately upon adoption.

## **C. MOTIONS (MINUTE ORDERS)**

A motion requires majority Council approval for a procedural or administrative action. Motions are usually used for disposition of business items on the Agenda. When the Town Council is not prepared to take a definite action or when further study or information is needed, the Town Council may refer the matter to staff, an advisory body or a citizens' group for study or report.

## **V. PUBLIC PARTICIPATION IN COUNCIL MEETINGS**

The Ralph M. Brown Act commonly referred to as the Open Meeting Law (Government Code Sections 54950 thru 54962) sets forth the requirements for public participation at meetings of legislative bodies. Under the Brown Act, the public can attend all meetings of the Town Council, with exception of the Closed Session, without having to register or give other information as a condition of attendance. The Brown Act also sets forth the permissible Closed Session subjects. The Town Council may not prohibit any person attending an open meeting from video recording, audio recording or broadcasting the proceedings so long as it does not interrupt the proceedings of the meeting. The public is guaranteed the right to provide testimony at any regular or special meeting on any subject which will be considered by the legislative body before or during its consideration of the item. However, the Town Council may enact regulations to ensure reasonable access for members of the public, including limiting the total amount of time of testimony on particular issues and for each individual speaker. In addition, the public has the right at every regular meeting to provide testimony on any matter under the legislative body's jurisdiction. Every Agenda for a regular Town Council Meeting has a **Public Communication** section during which members of the public may address Council regarding items not on the Agenda. The Council is prohibited by the Brown Act from taking action on any item that is not listed on the Agenda.

## **VI. COUNCIL/MAYOR RELATIONS**

The Mayor is the Presiding Officer at Council meetings and is responsible for maintaining order at the meetings. The Mayor also serves as the ceremonial head of the Town in the community. It is the Mayor's duty to exert every effort to unite the Council into a working, cohesive group. Much of the success of Council-Manager government will depend on how well the Council functions as a team.

The Council operates as a unit, and all members must be tolerant of each other's views. There are many opportunities for real differences of opinion in municipal affairs; such is the democratic process in action. It is unwise, however, either in or out of Council Chambers, to impugn the motives of a colleague with a different point of view.

Council Members have to develop a spirit of compromise. To be most effective, the Council Member must learn to round off the sharp corners, cool tempers, and be tolerant and understanding of colleagues. This does not mean following colleagues blindly for the sake of unanimity. A member in a minority on a particular issue has the responsibility to vote his or her beliefs. To do less is to shirk an important duty.

## **VII. MANAGER/MAYOR/COUNCIL RELATIONS**

Maintaining a positive and constructive relationship between the Council and the Manager is essential to the success and continued progress of the Town, and depends



largely on all parties maintaining open lines of communication between each other, as well as maintaining a mutually respectful working relationship.

The Council/Manager form of government is structured with a duly elected legislative branch i.e., the Council who serves as the policy making body for the Town; and a Manager who is both responsible for the implementation of the decisions determined in open session by the majority of the Council, and for the day-to-day management and administration of Town government policies, programs and projects. The Manager also serves as the chief policy advisor to the Council.

Council Members and Managers generally have found that their contacts should be confined to group meetings as much as possible. However, individual Council Members are encouraged to contact the Town Manager to express specific concerns or questions. Of necessity, the Manager will have a close working relationship with the Mayor, particularly in providing support in the fulfillment of special leadership responsibilities, including those of an intergovernmental nature. The Manager generally cannot encourage the **frequent** recurrence of meetings with an individual member of the Council as he/she cannot be placed in the position of having favorites.

The Council can, however, expect the Manager to provide a means for individual members to report complaints and/or questions they receive. Any action taken by the Manager in response to such referred complaints or questions should be consistent with existing Town policy or be approved by the Council as a whole. Where an individual member requests a specific and appropriate action or a report on a problem, the Manager will be zealous in meeting the demands of the situation and will inform the whole Council on any such matters that are of general interest.

The Town Manager is directly responsible for obtaining action and reporting on a schedule that is satisfactory to the Council - providing information, acting in accord with the Council policy and developing recommendations when needed. When the Town Manager is doing the job there is little incentive for the Council to bypass the office. When the Council begins to bypass the Manager it is a sure sign that relations are strained.

## **VIII. TOWN'S PERSONNEL SYSTEM**

The Human Resources Division within the Town Manager's Office is responsible for the administration of the Town's personnel system. The Town has a legally prescribed personnel system that adheres to both existing federal and state laws, its own adopted personnel policies and procedures, and approved memorandums of understanding with each of its employee groups or units. The personnel system clearly recognizes and identifies management and employee rights, as well as established procedures associated with recruitment and hiring, annual personnel evaluations, the merit system, matters of compensation, disciplinary and grievance procedures, etc. The only at-will employees in the Town are the Manager and Town Clerk who report directly to the Council.

## **IX. COUNCIL RELATIONS WITH ADMINISTRATIVE PERSONNEL**

The quality and completeness of **communication** between members of the management team (Department Directors under the Town Manager), members of the Town Council, and between the Town Council and its appointed staff (Town Manager, Town Clerk and Town Attorney) is the foundation for human relations in the organization. Each participant in the Town organization, elected or appointed, must work at appreciating the **many sets of relationships** which exist and which must be accommodated in the process of setting and affecting Town policy.

Perhaps one key to successful relationships is for each participant to consistently try to put himself or herself in the other person's shoes. A Council Member should naturally consider how a colleague on the Council would react to the situation, or the factors that the Mayor or Town Manager must consider in relation to the same situation. All must be especially conscious of the fact that our relationships exist both at the individual and group level, and these levels are different. The human dynamics involved in working through group decisions are much more complex than is true when just two people face the same task.

A good working relationship at the top of the Town organization is clearly important. To realize this, the participants must have a good understanding of the roles and responsibilities of each other for starters, and then must work at the job of communication to keep it.

The Paradise Municipal Code establishes the office and duties of the Town Manager and states that the Town Council Members, **except for purposes of inquiry and obtaining minor information**, shall deal with the administrative officers under the Town Manager's jurisdiction solely through the Town Manager. The intent is to have the Town Council Members limit its contact with the Town Department Directors and employees to requests for minor information, and to issue directives only as a body to the Town Manager. This in no way limits any Council Member from contacting any Department Director to obtain information regarding an agenda item or a contact he or she may have had with a citizen.

Since administrative personnel (excluding the Town Attorney and the Town Clerk) are responsible to the Town Manager and to perform work at the direction of the Manager, any attempt by individual Council Members to short circuit the Manager's authority by issuing direct orders to officers or employees, or by requesting detailed reports that are very time consuming, will cause friction in the administrative mechanism. Where information needed by an individual involves more than a simple answer which can be immediately supplied by an employee, the request should be made to the Town Manager with copies distributed to all Council Members for their information.

Another phase of the same problem occurs when departmental officers seek to bypass channels and develop a “friend” on the Council. The Council Member can do much to make the Manager’s job impossible by fostering such relationships.

## **X. PERFORMANCE EVALUATIONS**

Performance evaluations are a communication device. Without performance appraisals something is lost in the communication process and loss in this area can ill be afforded by any of the participants in local government.

On the anniversary date each year on the date of the contract Council entered into with the Town Manager and the Town Clerk, Council shall conduct regular evaluations of performance. Performance evaluation forms are provided and Council may complete them in writing and then conduct the evaluation of the employee during a closed session scheduled for personnel matters.

The Town Manager is responsible for performance evaluations of Department Directors and Department Directors are responsible for performance evaluations of employees in their respective departments.

## **XI. GETTING THE JOB DONE**

Council Members must be able to determine three things to carry out properly the duties of office: (1) What needs to be done? (2) What do the people want done? (3) What in broad policy is the best way to do it. The answers to these three questions are not necessarily always in harmony. Some things may need doing and technically can be accomplished easily, but the people may not want them. An example might be more traffic officers and radar equipment to catch speeders.

***One of the greatest problems is “getting over” to the public that the true function of a Council Member is to be a generalist in policy making, with actual administration carried forward by the Town Manager and principal subordinates and employees.***

Where can the answers be found? Where can information be obtained? Actually, the problem is not so much one of obtaining information as it is of sorting out the correct answers from the mass of material with which the policy maker is deluged. To determine the needs of the Town, Council Members have recourse, first, to their own observations. More than anything, it is essential to know the community.

Even before election, members will have ideas about Town needs. Once in office, talking with groups and individuals, and keeping in touch in general with what is going on will provide more ideas. As citizens and individuals, members should express ideas and opinions and not simply react when a voter presses a button.

A second source of information comes unsolicited in the form of complaints, suggestions and ideas submitted by interest groups and individual citizens. These deserve courteous and careful attention, as they are a valuable source for determining the needs of the Town. These people are citizens and taxpayers, a fact that Council Members frequently have called to their attention.

The third source of ideas is the Town Administrative staff. They look at the Town through the eyes of professional administrators, and the problems they see and the suggestions they offer for solution may be far different from those presented by the layman.

Once the Council Member has assimilated the information garnered from all sources and determined the necessary action, there is a second decision to make. What do the majority of the people want done? The primary duty of the Council is to put into effect the will of the majority of citizens as far as practicable. Members have the right to convince citizens of the worth of a proposal they deem important, but the wishes of constituents should always be taken into consideration. At the same time pressure groups, often representing only a small but very vocal special interest segment of the community, must be handled. As far as possible, the Council should consider issues on a Town-wide basis rather than by sections or districts.

The Council will have plenty of volunteer help. Various interest groups purporting to represent the will of a majority of citizens will be there whenever any important issue is involved. These groups often represent a minority of the citizenry, but they should be given consideration so far as they provide valuable clues to the state of public opinion. Personal investigation, such as talking to individuals and with small groups, club members, and church and civic organizations, is very important.

The Council as a whole occasionally may make effective use of citizen advisory committees and/or commissions, which generally serve two basic purposes: (1) fact finding and advice, to aid the Town Council and Town Manager in arriving at a solution to specific problems; and (2) public relations, to gain community-wide support for a specific program or activity. When such a committee or commission is used, the Council should appoint the members and municipal officials should not generally be voting members.

## **XI. OTHER DUTIES AND RESPONSIBILITIES**

### **A. COUNCIL MEETINGS**

Regular Council Meetings are held on the 2nd Tuesday of each month at 6:00 p.m. in the Council Chambers at Town Hall. Notice of intention to be absent from or late in arriving at Council Meetings should be given to the Town Clerk by the close of the business day the day before the meeting when possible to assure the attendance of a quorum at any given meeting.

## **B. COMMITTEE/COMMISSION REPRESENTATION**

Council Members may be appointed to serve on Ad Hoc committees of the Town and to participate as representatives on County boards and commissions and other government entities such as: Butte County Association of Governments (BCAG), Local Area Formation Committee (LAFCO), Paradise Irrigation District/Town Council Liaison Committee, etc.

## **C. CONTACT WITH CITIZENS/COMPLAINT PROCEDURE**

Town Council Members will experience a wide variety of necessary contacts with citizens. Most of these are worthwhile and assist in policy making. Any contact with a citizen which requires urgent attention should be reported to the Town Manager between Council Meetings. Complaints by citizens should be directed to the Town Manager who will then direct it to the appropriate Department Director or the citizen should be referred to the appropriate Department Director. If the Department Director is unable to satisfactorily resolve the complaint of the citizen, then the complaint of the citizen will be referred to the Town Manager. If the Town Manager is unable to or does not satisfactorily resolve the complaint of a citizen then the citizen is referred to the Council outlining the nature of the complaint and the steps already taken to resolve the complaint.

## **D. PLACING ITEMS ON THE AGENDA**

Any Council Member may place an item on the agenda for Council consideration under the ***Council Initiatives*** section of the Agenda by contacting the Town Clerk or Deputy Town Clerk before the scheduled deadline for submitting Agenda items and it will be placed on the Agenda under that Council Member's name. If the item requires additional information or substantial work on the part of Town staff, the Council as a body must make the determination to refer the matter to staff to bring back at a future Council Meeting.

## **E. PRESS, RADIO AND TELEVISION**

Handling the press is a major factor when issues are "warm" at Town Hall. It is not the responsibility of press, radio or television to keep a Council Member from making premature or erroneous statements. Usually, as decisions shape up, the Council Member can pretty well determine in advance what the news angle will be and prepare accordingly for the inevitable telephone call.

## **F. COUNCIL COMPENSATION**

Pursuant to Section 2.08.041 of the Paradise Municipal Code, Council Members receive compensation as follows:

#### **2.08.041 Salaries.**

- A. The salary established by this section is enacted under Section 36516 Government Code, which authorizes the town council to provide by ordinance that each member of the council may receive salary based upon the population of the town as determined by estimates made by the state Department of Finance.
- B. The latest estimate of population of the town of Paradise made by the state Department of Finance is twenty-six thousand, three hundred fifty.
- C. Each member of the town council may receive the sum of three hundred dollars as provided in Section 36516 of the Government Code. The salary is payable at the same time and in the same manner as the salary is paid to the officers and employees of the town.
- D. The salary prescribed by this section is exclusive of any other amount payable to a member of the town council as reimbursement for actual and necessary expenses incurred in the performance of official duties.
- E. The town council finds and determines that the members of the council are the equivalent of thirty-two hour per week, part-time employees.
- F. Town council members shall be eligible for enrollment in the town's health benefits package based upon the same terms as provided to town management employees.
- G. Subsections C and F shall become operative upon the date when a member of the town council becomes eligible for the salary and benefits prescribed by virtue of beginning a new term of office. Until such operative date, the town council and the mayor shall continue to receive the salary and compensation in accordance with Ordinance No. 183.
- H. The three hundred dollar salary as set forth in subsection C for council members electing to enroll in the town's health benefits package as set forth in subsection G shall be applied toward the town's contribution cap portion of the health benefits premium for thirty-two hour per week, part-time employees. In addition, council members shall be required to pay any amount exceeding the maximum amount paid by the town for its thirty-two hour per week, part-time employees.
- I. Town Council members shall each receive a monthly travel allowance of ninety dollars to reimburse them for routine town related travel costs within Butte County.
- J. The salary set forth in subsection C. shall be implemented as of July 1, 2006 and shall be payable thereafter each month to town council members.  
(Ord. 157(part), 1986: Ord. 183, §1, 1988: Ord. 366, §1, 2001: Ord. No. 454, § 1, 9-26-06)

Council Members are entitled to reimbursement for reasonable and necessary expenses incurred for out-of-town meetings beyond the thirty (30) mile radius. For reimbursement Council Members should complete an expense report, attach all pertinent receipts and submit them to the Town Clerk.

### **XIII. DISSOLUTION OF THE PARADISE REDEVELOPMENT AGENCY REQUIRED FORMATION OF THE SUCCESSOR AGENCY**

The Paradise Redevelopment Agency, along with all redevelopment agencies in the State of California, were dissolved by act of the legislature of the State of California. The Paradise Town Council acts as the Successor Agency to the Town of Paradise Redevelopment Agency and is overseen by an Oversight Board.

### **XIV. BALANCING TEAM WORK AND CONFLICT**

As community leaders, what can Council Members do to maximize their performance as decision makers; to use conflict to build creatively rather than destroy; to personally survive the anxieties, hassles, and suspicions which often are part of the process; to combine personal goals which are so diligently campaigned for with the Council's goals? The following are suggestions from numerous sources for a composite list of do's and don'ts:

1. Be open and honest. You don't have to be liked by all of your peers and constituents, but a respect for your judgment and honesty are crucial. **Homework is often the ultimate key.**
2. Don't be surprised to find that you don't have as much power as you thought you had. Remember: ***this is a team process and you are only one of five.***
3. Depersonalize the process as much as possible. This is not a battleground for hatred, greed and egos.
4. Try not to lose your cool. Once you have, you will likely be on the defensive.
5. Keep a sense of humor -- don't act as though you are sitting in judgment.
6. Think before you speak. A hasty comment or rebuttal will reach more ears than those in the room. Once spoken it cannot be taken back.
7. Focus on facts. Unsupported opinions and personal theories are unbecoming to the representative role and out of place in the public realm.
8. An attitude of one side winning and the other losing only "pours gas on the fire."
9. Be human. Look at issues coldly, at people warmly. Make sure that the greatest number is served without unfair infringement on a few.

10. Don't over stress originality. Fact-finding is not the time for self-aggrandizement.
11. Listen and consider all points of view. Neutrality produces negligible results while empathy recognizes the situation and ideas of all sides without necessarily agreeing with any.
12. Be fair and equal. Neither side has to feel inferior. Stronger jealousies and heightened competition only make an objective process more distorted.
13. Give aesthetic and spiritual values their proper consideration.
14. Once a consensus is reached, it is not negotiable.
15. Don't be so wrapped up in your duties and responsibilities you don't have time for your family and to refresh your mind and body to be able to see things in their proper perspective. Above all, enjoy membership on the Town Council.

#### **XV. CHECK LIST FOR COUNCIL MEMBERS**

What has been said in this handbook is, in effect, a general guide. As such, it must be tested against experience. The success or failure of democracy in the Town depends on its Council. Council Members also bear much of the responsibility for the success or failure of Council/Manager government. A Manager can manage, but only a Council can govern. A Council should not be afraid of politics in the best sense of that word - the art of governing. Someone has to make political decisions; that is the Council Member's business.

The Council Member may find help in going over this check list. The more questions that can be answered "yes", the more effective the Member.

1. Do I understand the basic principles of Council/Manager government?
2. Am I prepared to exert leadership in policy making and leave **the execution and implementation** of policy to the Manager?
3. Do I use the Town Manager's office and the Town Clerk's Office in getting facts and figures which lead to sound policy?
4. Am I working as a team with my colleagues on the Council and with the Town Manager and staff?
5. Have I familiarized myself with the California State Code and Council rules?



6. Do I make an effort to understand reports and recommendations prepared for Council's information and action?
7. Am I fair in presenting complaints directly to the Manager rather than going to subordinates?
8. Do I give the Manager reasonable time to explain a problem or to bring a recommendation?
9. Do I make an effort to understand the objectives of a proposed ordinance or ordinance amendment?
10. Do I allow the Manager to explain the probable effect of a proposed ordinance or administrative organization and operations before voting for or against it?
11. Do I find out if similar ordinances have been used successfully in other cities?
12. Do I wait to get public reactions to a proposed ordinance before making a decision?
13. Am I open-minded about proposed amendments designed to make an ordinance more acceptable to the citizens?
14. Am I familiar enough with the budget to know how well it fits the needs of the Town for services and capital improvements?
15. Does the budget, in my opinion, meet the basic needs of the Town for new equipment in the next fiscal year?
16. Do I give time to selling needed policies, services and projects to the voters?
17. Do I carry my share of public relations in dealing with voters and media?
18. Do I judge the work of the Town Manager and staff by reasonable standards?
19. Do I deal with the Town Manager and staff through Council group action?
20. Am I tolerant and fair-minded toward my colleagues on the Council?



# CITIZENS OF PARADISE

## TOWN COUNCIL

### PLANNING COMMISSION

SUCCESSOR AGENCY TO  
THE PARADISE RDA

### TOWN ATTORNEY

Dwight Moore

### TOWN CLERK

Joanna Gutierrez

## TOWN MANAGER

Lauren Gill

### IT MANAGER

Josh Marquis

### HUMAN RESOURCES/RISK MGR

Crystal Peters

### FLEET MANAGER

Wes Dinsmore

### ADMIN. ANALYST

Colette Curtis

### BUSINESS & HOUSING SUPRVSR

Kate Anderson

### POLICE DEPT.

Gabriela Tazarri-  
Dineen, Police Chief

### FIRE DEPT.

Cal-Fire Contract  
Chief David Hawks

### DEVELOPMENT SERVICES DEPT.

Craig Baker, CDD  
Director

### PUBLIC WORKS & ENGINEERING

Paul Derr, P. W. Manager  
Marc Mattox, Town  
Engineer

### FINANCE DEPT.

Gina Will, Finance  
Director/Treasurer

OPERATIONS  
INVESTIGATIONS  
COMMUNICATIONS  
ANIMAL CONTROL

SUPPRESSION  
PREVENTION  
FIRE VOLUNTEERS

PLANNING  
BUILDING & WASTEWATER  
TRANSIT  
SOLID WASTE

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ENGINEERING  
STREET MAINTENANCE

BUDGET  
ACCOUNTS RECEIVABLES  
ACCOUNTS PAYABLE  
PAYROLL  
INVESTMENT MGNT.

**TOWN OF PARADISE  
RESOLUTION NO. 11-48**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE  
AMENDING AND RESTATING PROCEDURE RELATING TO CONDUCT OF  
TOWN COUNCIL MEETINGS**

**WHEREAS**, it is necessary to update certain sections of the resolution to comply with current procedures and/or law relating to the Conduct of Council meetings, more specifically, Section 1 relating to agenda preparation, Section 2 relating to agenda posting and Section XV relating to resolutions and ordinances listed on the consent calendar; and

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

**1. AGENDA PREPARATION**

A. Agenda Deadline. All reports, ordinances, resolutions, contract documents or other matters to be submitted to the Council at the scheduled regular meeting on the first Tuesday of the month shall be delivered to the Town Clerk no later than 5:00 p.m. on the preceding Tuesday. The Council directs that the Town Clerk shall not accept any Agenda material for the Agenda packets after the 5:00 p.m. deadline on the Tuesday preceding the scheduled Regular Meeting. The Town Manager may, at his discretion and with concurrence of the Mayor or Vice Mayor, determine that it is imperative that an item not meeting the Agenda deadline be heard by the Council. In such case, an Addendum to the Agenda may be prepared, distributed and posted by his department, or by the Town Clerk Department, so long as it meets the requirements of the applicable sections of the open meetings laws contained in Chapter 9 of the California Government Code known as the Brown Act.

B. Agenda Synopsis. The Town Clerk shall prepare the Agenda of all such matters according to the order of business and collate and distribute an Agenda Packet consisting of supporting written public information that pertains to matters on the agenda. The Agenda shall include a brief description of each item of business to be transacted or discussed at the Council meeting together with the time and location of said meeting. Agenda reports and supporting information shall be reviewed and approved as necessary by the Town Attorney, the Finance Director and the Town Manager, or their respective designees, prior to submittal to the Town Clerk.

C. Agenda Availability. Printed copies of the Agenda and Agenda Packet shall be available to be picked up or delivered to each Council Member and each department director not later than 5:30 p.m. on the Wednesday preceding the scheduled meeting and shall be available to the public at 8:00 a.m. on the Thursday preceding the scheduled Regular Meeting.

Pursuant to Government Code Section 54957.5, agendas and other writings distributed for discussion or consideration at public meetings are to be made available for public inspection in the Town Clerk Department at the time the writing is distributed to all, or a majority of all, of the members of the legislative body.

The Town Clerk utilizes electronic means to make the Agenda and supporting written information relating to Agenda items for an open session available on the Town's Internet Website in accordance with Brown Act.

D. Additional Agenda Material. Staff will make every attempt to include all backup Agenda material in the packets for distribution. However, on the rare occasion when unusual circumstances are unavoidable, staff will provide additional Agenda material no later than 12:00 noon on the Monday preceding the Tuesday Regular Meeting.

The Mayor, or Presiding Officer, shall note for the record the submission of additional agenda material, the corresponding agenda item number and subject matter, and request the concurrence of the Council to accept the additional agenda material.

## **11 AGENDA POSTING**

A. Posting of Agenda. The Agenda shall be posted in a location that is freely accessible to members of the public and on the Town's Internet Website 72 hours before the regular meeting.

B. Affidavit of Posting. The Town Clerk or designee shall use a stamped affidavit of posting on the Agenda and said Agenda and affidavit of posting shall be retained pursuant to the Town's adopted records retention resolution.

### **III. NO ACTION UNLESS POSTED**

A. No Action Unless Posted. No deliberation or action shall be taken on any item not appearing on the posted Agenda unless qualified within one of the three exceptions listed within Item IV below.

B. Automatic Referral to Staff. All matters on which action is requested, but which does not qualify within one of the three exceptions listed below, shall be directed to the Town Manager for analysis. The Town Manager shall place the matter on a subsequent Council Agenda if deemed appropriate, or when requested by any Council Member.

### **IV. NO ACTION UNLESS POSTED – EXCEPTIONS**

A. Previously Posted. The Council first determines by a majority vote that the item was properly posted for a prior meeting occurring not more than five days prior to the date action is proposed to be taken on the item, and at the prior meeting the item was continued to the meeting at which the action is proposed to be taken.

B. Emergency The Council determines than an emergency situation exists. This determination must be made by separate motion and vote. The motion shall specify the specific facts on which the Council relies in making the determination.

C. Definition of "Emergency Situation". An "emergency situation: as defined by Government Code Section 54956.5, means any of the following:

1. Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.
2. Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.

D. Need Arose After Posting The Council determines by a two-thirds vote, or by a unanimous vote if less than two-thirds of the Council Members are present, that the "need to take action" on the item arose subsequent to the posting of the Agenda;

E. Written Justification. Except for Council and staff members, the party proposing immediate action shall present written justification to the Council prior to the Council's determination, addressing the following criteria:

1. The likelihood of public input on the item;
2. Knowledge of the Council's rules;
3. The date and time the applicant first learned of the facts and circumstances creating the need for Council action; and
4. An analysis of harm that may accrue to the Town, the public, and to the applicant if the matter is not addressed at the current meeting, but is continued to the next regular meeting.

## **V. PUBLIC PARTICIPATION**

A. Agenda Item Required. Every Agenda for regular meetings shall provide an opportunity for members of the public to directly address the Council on items of interest to the public that are within the subject matter jurisdiction of the Council.

B. Item Already Considered. The Agenda need not provide an opportunity for members of the public to address the Council on any item that has already been considered by a committee composed exclusively of members of the Council at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, unless the item has been substantially changed since the committee heard the item, as determined by the Council.

C. Written Communications. Interested parties or their authorized representatives may address the Council by written communication in regard to the subject matter under discussion.

D. Oral Presentations. The purpose of oral and written presentations at Council meetings is to hear the public expression thereon and to solicit information on facts and circumstances not otherwise known. The Council considers that such presentations are helpful in arriving at its' decisions.

E. Previous Presentations. Presentations that are repetitive of previous presentations and irrelevant to the issue in question are not helpful and are thus out of order.

F. Criticism. Under Government Code Section 54954.3 the public has the right during presentations to criticize the Town's policies, procedures, programs or services, including acts or omissions of the Council. However, a Council meeting is not a public forum for personal attacks or disruptive presentations or demonstrations.

G. Bar Further Audience The Presiding Officer or Council may bar from further audience before the Council at a meeting any person who during the meeting:

1. Engages in the use of profanity or antagonistic behavior;
2. Becomes boisterous or disruptive while addressing the Council;
3. Speaks without being recognized by the Presiding Officer; or
4. Violates any rules of order established by this resolution or the Council

H. Removal - Disorderly Conduct. Any person or persons who engages in indecorous or disorderly conduct, such as hand clapping, stamping of feet,, whistling, using profane language, yelling or similar demonstration which conduct disturbs the peace and good order of the meeting, shall, at the request of the Presiding Officer or the Council, be removed from the Council chambers.

I. Removal - Disobey Orders. Any person who refuses to comply with the lawful orders of the Presiding Officer shall, at the request of the Presiding Officer or the Council, be removed from the Council chambers by the Sergeant-at-Arms.

J. Ruling of Chair - Appeal The ruling of the Presiding Officer to bar from further audience at that meeting shall be final and conclusive, subject only to the right of appeal by any Council Member to the entire Council.

K. Oral Presentation - Matters on the Agenda.

1. Order. The public shall have the opportunity to address each item placed on the Agenda after each agenda item has been called, introduced for



discussion with staff members, consultants, or applicants, and any presentations made with reference to the agenda item.

2. Written Request Encouraged Each person wishing to be recognized and to speak on any listed agenda item should complete a written request and submit it to the Town Clerk prior to the beginning of the scheduled Council meeting. The Town of Paradise shall provide the request form. Each person shall state his/her name and it is requested that they provide their address and specify which agenda item he/she wishes to discuss and give an estimate of how long the presentation will last. Persons who have not submitted written requests may be allowed to speak as time permits, at the discretion of the Council.

3. Time Each agenda item shall be allotted a total of 15 minutes during which public discussion may take place, unless additional time is allowed by a majority of the Council. If there are numerous speakers, they will have to divide the 15 minutes among the speakers, with a maximum of 3 minutes per speaker. Speakers on a given item may yield their time to another speaker on the same item with the approval of the Council; but total time shall not exceed 15 minutes or such additional time as a majority of the Council may allow.

**L. Oral Presentation - Matters Not on Agenda**

1. Public Communications Each Council Agenda shall contain a public communication section where the public shall be given an opportunity to speak to the Council on items of interest to the public which are not listed on the Agenda for discussion or action.

2. Time A person speaking shall be required to limit his/her total time as to all subjects in an aggregate of three (3) minutes unless additional time is granted by a majority of the Town Council. If more time is necessary the item should be requested to be placed on a future Agenda for Council consideration.

**VI. ADDRESSING THE COUNCIL – PROCEDURE**

A. Recognition No person shall address the Council unless he/she has been first recognized by the Presiding Officer.

B. Podium All speakers shall make their remarks from the podium.

C. Speaker Identification The speakers shall first identify themselves by name and it is requested that they state their address and any parties they represent before making their comments.

D. Subject Matter The speaker's comments shall be limited to the matter which is pending before the Council.

E. Public Communication to the Council. The purpose of public communication is to inform the Council. Therefore, all remarks shall be made to the Council as a whole and not to individual members. Questions to individual Council Members and individual staff members should be addressed to those persons during time when Council is not in session.

## **VII. PUBLIC HEARINGS PROCEDURE**

A. Time. Public Hearings shall be divided into four major sections: (1) Staff reports for a total of 15 minutes maximum; (2) Proponents presentation for a total of 15 minutes maximum; (3) Opponents presentations for a total of 15 minutes maximum; and (4) Rebuttals (if requested) for a total of 15 minutes maximum or 3 minutes maximum per speaker. If there are numerous speakers for any of the four sections, they will have to divide the 15 minutes total maximum among the speakers. Additional time may be granted by a majority of the Council.

B. Spokesperson for a Group/Committee. In order to expedite matters and avoid repetitious presentations, whenever a group of persons wish to address the Council on the same subject matter the Presiding Officer shall inquire whether or not the group has a spokesperson and, if so, that he/she be heard. Speakers from the group, following such spokesperson, shall be limited to facts not presented by the group spokesperson.

C. Evidence -Received. After the agenda item has been called and introduced, the Council shall receive all oral and written staff reports, reports of consultants to the staff presentations by applicants and their consultants relative to the matter being considered. The rules of evidence shall be substantially relaxed in order to afford full presentation of facts essential for judicious consideration on the matter which is the subject of the public hearing.

D. Written Material. Written material for Public Hearings to be submitted by either proponents or opponents shall be delivered to the Town Clerk by noon on the business day preceding the hearing with copies provided for the Town Manager, Town Attorney, Town Council and one copy for Public Viewing

E. Unreviewed Written Materials. Written materials presented to the Council for the first time at or immediately prior to the public hearing, which have not been previously reviewed by staff or Council, may be accepted into evidence at the discretion of the Council. Sufficient copies should be made for each Council Member, the Town Manager, Town Attorney, Town Clerk and at least one extra copy for public viewing/the press.

F. Closing. When the presentation of evidence has been completed, or when in the opinion of the Presiding Officer or the majority of the Council, sufficient evidence has been presented, the Presiding Officer shall order the public hearing closed and no further evidence shall be accepted or heard.



G. Reopening. A public hearing on any matter, once closed, cannot be reopened on the date set for hearing unless by a 4/5 vote of the Council. Nothing herein, however, is intended to prevent or prohibit the reopening of public hearing at any subsequent, regular or special meeting of the Council. No public hearing may be reopened without the same notice as required for the original public hearing.

H. Continuance. If at any time it appears to the Presiding Officer or the majority of the Council, that inadequate evidence has been presented to afford judicious consideration of any matter before the Council, continuation of such hearing may be ordered to afford the applicant, his/her opponents, or the Town staff, adequate time to assemble additional evidence for the Council's consideration. A continuance may also be granted for matters covered by, and in conformance with, Section XVII(I) of this resolution.

I. Date of Continuance. Any continuation shall be to a date certain, which date shall be publicly announced and shall constitute notice to all parties and to the public that such further evidence will be taken at the time and place specified.

## **IX. QUORUM**

A. Quorum. Three (3) members of the Council shall constitute a quorum for the transaction of business.

B. Deferral/Conflict of Interest. Where there is no quorum, the Mayor, Vice-Mayor or any member of the Council may adjourn or if no member of the Council is present, the Town Clerk shall adjourn such meeting. For the purpose of considering any item which is subject to the vote of the Council, when a member disqualifies himself/herself due to conflict of interest, his/her presence shall not be considered in determining the presence of a quorum. If by such disqualification a quorum of voting Council Members does not remain, consideration of such items shall be deferred until a quorum of Council Members who have no conflict are present to discuss and vote on the matter.

## **X MEETINGS TO BE PUBLIC**

A. Open to the Public. All regular and special meetings and study session of the Council shall be open to the public. The Council may hold closed sessions in the manner and form provided by law for such closed sessions.

## **XI. CLOSED SESSIONS**

A. Non-Disclosure. No member of the Council, employee of the Town or persons present during a closed session of the Council shall disclose to any person the content or substance of any confidential discussion which took place during said closed session, unless the Council votes to authorize disclosure of such information by a majority vote.

## **XII. PRESIDING OFFICER**

A. Chairing Meeting. The Mayor, or in his/her absence, the Vice-Mayor shall take the chair at the hour appointed for the meeting and shall call the meeting to order. In the absence of the Mayor and the Vice-Mayor, the Town Clerk or his/her assistant shall call the Council to order, whereupon a Temporary Chairman shall be selected by the Council Members present. Upon the arrival of the Mayor or the Vice-Mayor, as the case may be, the person who is then presiding shall relinquish the chair at the conclusion of the business then before the Council.

B. Presiding Officers Duties. The Presiding Officer shall preserve strict order and decorum at all Council meetings, state questions coming before the Council, announce its decision on all subjects and decide all questions of order; subject, however, to appeal by any Council Member as provided herein.

The Presiding Officer may make motions, debate and vote on all questions and on Roll Call his/her name should be called last.

C. Public Debate. The Presiding Officer controls public debate so that repetitive or irrelevant statements are not made, so that where public participation is in order, everyone will have a chance to speak before other persons have a second chance to speak, to expedite business at hand and to prevent Council meetings from being used as a forum for libel, slander or otherwise defamation of persons under the cloak of the "public privilege."

D. Signing Documents. The Mayor shall sign all ordinances and resolutions adopted and contracts approved by the Council at meetings at which he/she is in attendance. In the event of his/her absence, the Vice-Mayor shall sign such documents. In the absence of the Mayor and the Vice-Mayor, the Temporary Chairman shall sign such documents.

## **XIII. ORDER OF BUSINESS**

A. Order of Business. All regular meetings of the Council shall take up for consideration and disposition matters in substantially the following order, except as may otherwise be agreed by a majority of the Council:

### 1 – Opening

- a. Call to Order
- b. Flag Salute
- c. Invocation
- d. Roll Call
- e. Introductions, Proclamations
- f. Presentations

### 2. Items Continued from Previous Meeting

3. Consent Calendar

4. Public Hearing Procedure

- a. Staff report (15 minutes total maximum)
- b. Open hearing to the public
  1. Project proponents or in favor of (15 minutes total maximum)
  2. Project opponents or against (15 minutes total maximum)
  3. Rebuttals -when requested (15 minutes total maximum or 3 minutes maximum per speaker)
- c. Close hearing to the public
- d. Council discussion
- e. Motion
- f. Vote

5. Public Hearings

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 (3) 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.

**(A total of 30 minutes maximum will be allotted for this Agenda Item. Each speaker will be allowed a maximum of 3 minutes each, with the total time of 30 minutes divided between all speakers if there are more than ten.)**

7. Council Consideration

8. Council Communication/Initiatives

9. Staff/Commission/Committee Communication

10. Closed Session

11. Adjournment

B. Directory. The provisions of this section shall be directory and not mandatory.

#### **XIV. ROLL CALL**

A. Roll Call. Before proceeding with the business of the Council, the Town Clerk shall call the roll of the members and the name of those present shall be entered in the minutes.

#### **XV. CONSENT CALENDAR**

A. Consent Calendar. Actions recommended by the staff or the Mayor to be listed in a Consent Calendar shall be listed in a summary form.

B. Reading of Resolutions/Ordinances. The Presiding Officer, prior to the vote on the Consent Calendar shall read by title each and every resolution and ordinance on the Consent Calendar which has not been requested to be read in full, or which has not been dropped from the agenda; or, prior to the vote on the Consent Calendar, request that Council concur to waive the entire reading of each resolution and ordinance listed on the consent calendar and approve reading by title only; and, that by reference on the written agenda, each is deemed to have been read by title only.

C. Adoption of Consent Calendar. The adoption of the Consent Calendar may be made in one motion by the Council; provided, however, that any Council Member may request that the Council defer action on any matters on the Consent Calendar and place it/them on the regular agenda. In such event, the Presiding Officer shall order that such matter (except for reading by title only as set forth in this section, unless a full reading is specifically requested) be removed from the said Consent Calendar and be placed for Council consideration.

D. All Items Adopted. Adoption of the Consent Calendar and approval of the same shall constitute an affirmative vote for each and every item contained thereon.

E. Adopted by Roll Call. Whenever the Consent Calendar contains any item authorizing the payment of money, entry into a franchise or the adoption or first reading of any ordinance then, in such event, the Consent Calendar shall be adopted only by roll call.

#### **XVI. RULES OF DEBATE**

A. Rules of Debate. The Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Council Members, and shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as the Presiding Officer.

B. Robert's Rules of Order. Except as otherwise provided in this resolution or provided by law, Robert's Rules of Order, Revised shall govern the conduct of regular meetings of the Council.

C. Objections to Informal Procedures. Objections to the use of informal procedures by the Council or the failure of the Council to act strictly in accordance with Robert's Rules of Order shall be deemed waived by all Council Members, unless a Council Member express his/her objections at the time when such procedure is used.

D. Taking Matters Out of Order. The Presiding Officer may at any time, by consent of a majority of the Council, permit a member to introduce an ordinance, matter, resolution or motion out of the regular Agenda order.

E. Dividing Issues. If a matter contains two or more divisible propositions, the Presiding Officer may, and upon the request of a Council Member shall, unless appealed, divide the same.

F. Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Council Member to appeal and request full Council ruling on the question. In the event of an appeal, the questions shall be: "Shall the decision of the Presiding Officer be sustained?" The majority vote shall conclusively determine such question of order.

G. Point of Personal Privilege. The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questions, or where the welfare of the Council is concerned.

H. Gaining the Floor. Every Council Member desiring to speak shall first address the chair and gain recognition by the Presiding Officer. Such member shall confine himself/herself to the question under debate, avoiding reference to character and indecorous language.

I. Interruptions of a Council Member. A Council Member, once recognized, shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined and, if determined to be in order, he/she may proceed. A Council Member, when speaking, shall speak to the subject matter of the item on the floor, and shall keep his/her remarks to a reasonable length. If a Council Member fails to do so, he/she may be called to order by a point of order.

Members of the Town staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

J. Propriety of Conduct - Council. Members of the Council must observe order and decorum and shall not by conversation otherwise, delay or interrupt the proceedings of the Council or in any way make or disturb any other member of the Council while speaking, or refuse to obey the orders of the Council or the Presiding Officer, except as in this resolution otherwise provided.



## **XVII. VOTING**

A. Passage of Motion. The passage of every motion shall be by voice vote or roll call and entered in full upon the record.

B. Roll Call Vote Required. All ordinances, resolutions granting a franchise, and resolutions and orders for the payment of money shall be by roll call vote. Any member of the Council may demand a roll call vote on any matter before the Council.

C. Explanation of Vote. It shall not be in order for any Council Member to explain their vote during the roll call, except in conformance with Section XVIII below.

D. Disqualification. Every member should vote unless disqualified for cause, but no Council Member shall be forced to vote.

E. Tie Votes. Tie votes shall be lost motions and result in a rejection of the matter voted upon.

F. Change of Vote. After the roll call has been completed but before the result of the vote is announced, a member may change his/her vote. A member may not change his/her vote after the vote has been announced unless a majority consent is obtained.

G. Failure to Vote. A Council Member who is silent or inattentive or fails to vote without stating his/her abstention, or without being disqualified, shall be deemed to have cast a "yes" vote.

H. Conflict of Interest. A Council Member who is disqualified by reason of conflict of interest shall be recorded as "absent" and a Council Member who states he/she is abstaining shall be recorded as "not voting."

1. Appeals from Planning Commission Actions. With regard to any matter that comes before the Town Council on appeal from determinations or actions taken by the Planning Commission, at least three (3) affirmative votes shall be required to uphold any appeal from said determinations or actions. Failure to obtain three (3) affirmative votes shall constitute rejections of any such appeal.

In the event that there is less than a full Council present and qualified to vote on any appeal from Planning Commission determinations or actions, the appellant may continue the public hearing and the Town Council's determination on the appeal until a date certain when a full Council is expected to be available to hear and vote on said appeal. The appellant is required to exercise his/her said option to continue prior to the opening of the public hearing on the appeal and prior to any vote or action being taken by the Town Council on the appeal. In the event the appellant chooses to have the matter heard and decided by less than a full Council, the action taken by the Town Council on the appeal at the meeting at which the appeal is heard shall be considered final. Any continuances

granted pursuant to this section shall conform to the provisions of Section VIII of this resolution.

#### **XVIII. RIGHT TO RECORD REASONS FOR VOTE**

A. Reasons Entered into the Minutes. Any Council member shall have the right to have the reasons for his/her vote on any action before the Council entered in the minutes. Such statement shall be made in substantially the following manner: "I would like the minutes to show that I favor/oppose this action for the following reasons..."

#### **XIX. RECONSIDERATION**

A. Motion to Reconsider. A motion to reconsider any action taken by the Council may be made only at the meeting when such action was taken. It may be made either immediately during the same session, or a recessed or adjourned session thereof. Such a motion to reconsider shall be made only by one of the Council Members who voted with the prevailing side. Nothing herein shall be construed to prevent any Council member from making or remaking the same or another motion at a subsequent meeting of the Council.

#### **XX. ENFORCEMENT OF ORDER**

A. Sergeant-At-Arms. The Chief of Police is designated as Sergeant-at-Arms of the Council and shall carry out all orders by the Presiding Officer for the purpose of maintaining order at the Council meeting. In the absence of the Chief of Police or any member of the Police Department, the Presiding Officer may designate any person to act as Sergeant-at-Arms.

B. Enforcement of Rules. Any Council Member may move to require the Presiding Officer to enforce these rules. An affirmative vote of the majority of the Council shall require the Presiding Officer to enforce said rules.

#### **XXI. PROCEDURAL RULES - VIOLATION SHALL NOT INVALIDATE**

A. Substantial Compliance. Insofar as practicable, the business of the Council shall be conducted substantially in the order and the manner provided in this resolution. However, the failure to observe or enforce such procedural rules shall in no manner effect the regularity, validity or legality of any action or proceeding taken by the Council. The Council, in its discretion, reserves the right to govern its own proceedings.

#### **XXII. TESTIMONY UNDER OATH**

A. Testimony Under Oath. The Presiding Officer may require any person addressing the Council to be sworn as a witness and testify under oath. The Presiding Officer shall require a witness to be sworn if directed to do so by a majority of the Council.

### **XXIII. MINUTES OF COUNCIL**

A. Minutes. The official minutes of the Town Council will be kept by the Town Clerk in the Minute Book, with the record of each particular type of business transacted set off in the paragraph with the proper subheads.

B. Record Business Passed by Council. The Clerk shall be required to make a record only of such business actually passed upon by the Council, and shall not be required to record the remarks of any member of the Council or any other person, except as specifically provided by this resolution.

C. Persons Addressing Council. The names and addresses (if volunteered) of persons addressing the Council and the subject matter of their remarks shall be entered in the minutes.

D. Directory. The provisions of this section shall be directory and not mandatory.

### **XIV. INVESTIGATIONS AND HEARINGS**

A. Investigations and Hearings. The Council shall have the discretionary right to make investigations and hold hearings with respect to all matters within its legislative power and all matters pertaining to the administration of the business of the Town.

B. Power of Subpoena. The Council shall have the power of subpoena as provided in Sections 37104 and 37109 of the Government Code. The Council may order the Clerk and the Chief of Police or his/her representative to issue subpoenas for any witnesses or records necessary for the production of evidence at any duly scheduled meeting of the council.

### **XV. SMOKING AT MEETINGS**

A. Smoking. No person shall smoke any cigarette, cigar or pipe during any meeting of the Town Council.

### **XVI. ADJOURNMENT**

A. Time of Adjournment. It shall be the policy of the Town Council to adjourn its meetings at or before 11:00 p.m. If the Council has not completed all items of the Agenda by 11:00 p.m., the Council, shall, at that time, either (1) waive the adjournment hour by formal motion; or (2) determine a future date(s) and time(s) at which the remaining Agenda items will be heard. Violation of this section shall not invalidate the action taken.



**PASSED AND ADOPTED** by the Town Council of the Town of Paradise on this 6th day of December, 2011, by the following vote:

**AYES:** Joe DiDuca, Scott Lotter, Tim Titus, Alan White and  
Steve "Woody" Culleton, Mayor

**NOES:** None

**ABSENT:** None

**NOT VOTING:** None

Attest:

12/13/2011

  
Joanna Gutierrez, CMC, Town Clerk

  
Steve "Woody" Culleton, Mayor

Approved as to Form:

  
Dwight L. Moore, Town Attorney

**TOWN OF PARADISE  
RESOLUTION NO. 12-48**

**A RESOLUTION APPROVING THE ROLE OF THE MAYOR  
RELATING TO THE PARADISE TOWN COUNCIL/MANAGER FORM  
OF GOVERNMENT**

**WHEREAS**, it is deemed in the best interests of the Town of Paradise to formalize the role and responsibilities of the Mayor.

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

**SECTION 1.**

- a. The Mayor shall officially preside over all regular and special Town Council meetings, and special community meetings, or town hall forums sponsored by the Town.
- b. The Mayor shall officially represent the town at community events.
- c. The Mayor shall make presentations, on behalf of the Town, to regional and community-based organizations.
- d. The Mayor shall be the primary Town spokesperson to the media.
- e. The Mayor shall represent the Town to various intergovernmental entities and committees.
- f. The Mayor shall lead the Town's advocacy efforts with the state and federal governments concerning issues, programs, and projects of importance to the Town.
- g. The Mayor shall sign all Council approved agreements and contracts that the Council has authorized the Mayor to sign.
- h. The Mayor shall sign all warrant checks over \$10,000.
- i. The Mayor shall meet with community groups and individual citizens on various issues facing the community.
- j. The Mayor shall confer on a regular basis with the Town Manager on pending Town issues, including providing the Town Manager with input on upcoming Council agendas.

**Town of Paradise  
Resolution No. 12-48**

- k. The Vice-Mayor shall perform the role and responsibilities of the Mayor, in the absence of the Mayor.

**SECTION 2.**

That adoption of this resolution provides a more complete definition of the role of Mayor than has existed heretofore; recognizes the importance that the position of Mayor has in our community; respects the equal policy-making authority that the Mayor shares with the other elected Town Council Members; and supports Paradise's Council/Manager form of municipal government and the Town Manager's ability to effectively perform their executive management duties and responsibilities.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, this 11<sup>th</sup> day of December, 2012, by the following vote:

**AYES:** Greg Bolin, Steve "Woody" Culleton, Scott Lotter, John J. Rawlings and Tim Titus, Mayor

**NOES:** None

**ABSENT:** None

**NOT VOTING:** None

  
Tim Titus, Mayor

**ATTEST:** 12-14-2012

  
Joanna Gutierrez, Town Clerk

**APPROVED AS TO FORM:**

  
Dwight L. Moore, Town Attorney

TOWN OF PARADISE

RESOLUTION NO. 88-55

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE  
AMENDING RESOLUTION #83-40 AND 85-41, ADOPTING  
POLICIES CONCERNING THE TOWN OF PARADISE

WHEREAS, Resolution No. 83-40 and 85-41 set forth certain policies concerning the procedures of operation of the Town Council and actions of its members; and

WHEREAS, the Town Council now wishes to amend and change some of those policies;

NOW, THEREFORE, BE IT RESOLVED that paragraph 1 and 2 of Resolution No. 83-40 and 85-41 are hereby amended to read as follows:

1. The Mayor shall be elected each year by the Council at the first regular meeting in December. Said term shall be for one year. Any Council Member may be nominated for election to the office of Mayor, including the Council Member who served as Mayor during the previous year. Election requires the affirmative votes of at least three (3) members of the Council.

2. The Vice Mayor's election and term of office shall be the same as described for the Mayor above.

PASSED AND ADOPTED by the Town Council, Town of Paradise, this 6th day December, 1988, by the following vote:

AYES: William L. Allen, Larry Duncan, Robert D. Jeffords, Jr.,  
Howard Johnson and Lise A. Young

NOES: None.

ABSENT: None.

NOT VOTING: None.

  
Mayor William L. Allen

ATTEST:

  
FRANKIE RUTLEDGE, CMC, Town Clerk

APPROVED AS TO FORM:

  
DONALD STANTON, Town Attorney

Chapter 2.04 TOWN MANAGER

**Chapter 2.04 TOWN MANAGER**

*Sections:*

[2.04.010 Established—Appointment.](#)

[2.04.020 Residency.](#)

[2.04.030 Councilmember eligibility.](#)

[2.04.040 Bond.](#)

[2.04.050 Assistant, acting town manager.](#)

[2.04.060 Compensation.](#)

[2.04.070 Powers and duties.](#)

[2.04.080 Law enforcement.](#)

[2.04.090 Direction of employees.](#)

[2.04.100 Power of appointment and removal.](#)

[2.04.110 Administrative reorganization.](#)

[2.04.120 Recommendation of ordinances.](#)

[2.04.130 Attendance of council meetings.](#)

[2.04.140 Financial reporting.](#)

[2.04.150 Budget preparation.](#)

[2.04.160 Procurement.](#)

[2.04.170 Investigations—Complaints.](#)

[2.04.180 Public property supervision.](#)

[2.04.190 Additional duties.](#)

[2.04.200 Emergency authority.](#)

[2.04.210 Political participation.](#)

[2.04.220 Council-manager relations.](#)

[2.04.230 Relations with commissions and boards.](#)

[2.04.240 Removal.](#)

[2.04.250 Employment agreements.](#)

**2.04.010 Established—Appointment.**

The office of the town manager is created and established. The town manager shall be appointed by the town council wholly on the basis of his administrative and executive ability and qualifications and shall hold office for and during the pleasure of the town council. (Ord. 58 §2, 1982)

Chapter 2.04 TOWN MANAGER

**2.04.020 Residency.**

Residence in the town at the time of appointment of a town manager is not required as a condition of the appointment, but within ninety days after reporting for work, the town manager must become a resident of the town. (Ord. 58 §3, 1982)

**2.04.030 Councilmember eligibility.**

No member of the town council is eligible for appointment as town manager until one year has elapsed after such councilmember has ceased to be a member of the town council. (Ord. 58 §4, 1982)

**2.04.040 Bond.**

The town manager and acting town manager shall furnish a corporate surety bond to be approved by the town council in such sum as may be determined by the town council, and shall be conditioned upon the faithful performance of the duties imposed upon the town manager and acting town manager as prescribed in this chapter. Any premium for such bond shall be a proper charge against the town. (Ord. 58 §5, 1982)

**2.04.050 Assistant, acting town manager.**

The appointment of an assistant town manager shall be only with the prior approval of the town council. Any such assistant town manager shall serve as manager pro tempore during any temporary absence or disability of the town manager. In the event there is no assistant town manager, the town manager, with the approval of the town council and by filing a written notice with the town clerk, shall designate a qualified town employee to exercise the powers and perform the duties of town manager during his temporary absence or disability. In the event the town manager's absence or disability extends beyond a one-month period, the town council may, after the one-month period, appoint an acting town manager. (Ord. 58 §6, 1982)

**2.04.060 Compensation.**

- A. The town manager shall receive such compensation as the town council shall from time to time determine. In addition, the town manager shall be reimbursed for all actual and reasonable expenses incurred by him in the performance of his required duties.
- B. On termination of employment of the town manager by reason of involuntary removal from service other than for wilful misconduct in office, the town manager shall receive cash severance pay in an amount equal to that as agreed to between the town and the manager per the manager's employment agreement. (Ord. 224 §1, 1993; Ord. 58 §7, 1982)

Chapter 2.04 TOWN MANAGER

**2.04.070 Powers and duties.**

The town manager shall be the administrative head of the government of the town under the direction and control of the town council, except as otherwise provided in this chapter. He shall be responsible for the efficient administration of all the affairs of the town which are under his control. In addition to his general powers as administrative head, and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in Sections 2.04.080 through 2.04.210. (Ord. 81 § 1 (part), 1983: Ord. 58 § 8 (part), 1982)

**2.04.080 Law enforcement.**

It shall be the duty of the town manager to enforce all laws and ordinances of the town and to see that all franchises, contracts, permits and privileges granted by the town council are faithfully observed. (Ord. 81 § 1 (A), 1983: Ord. 58 § 8 (A), 1982)

**2.04.090 Direction of employees.**

It shall be the duty of the town manager to control, order and give directions to all heads of departments in accordance with policies established by the town council. It shall also be the duty of the town manager to give orders and direction to subordinate officers and employees of the town only through their department heads. (Ord. 81 § 1 (B), 1983: Ord. 58 § 8 (B), 1982)

**2.04.100 Power of appointment and removal.**

It shall be the duty of the town manager to, and he shall, appoint and remove, with the approval of the town council, the department heads of the town except the town attorney and town clerk. The town manager shall remove, or cause to be removed, any department head as directed by the town council. The town manager shall either approve appointment and removal of all other employees by department heads or authorize department heads to appoint and remove in certain classes of positions, subject to all applicable personnel rules and regulations which may be adopted by the council. (Ord. 117 § 1, 1984: Ord. 102 § 1, 1983: Ord. 81 § 1 (C), 1983: Ord. 73 § 2, 1982; Ord. 58 § 8 (C), 1982)

**2.04.110 Administrative reorganization.**

It shall be the duty and responsibility of the town manager to conduct studies and effect such administrative reorganization of officers, positions or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the town's business. Any such reorganization resulting in changes in the function or basic structure of such offices, positions or units shall require the prior approval of the town council. (Ord. 81 § 1 (D), 1983: Ord. 58 § 8 (D), 1982)

Chapter 2.04 TOWN MANAGER

**2.04.120 Recommendation of ordinances.**

It shall be the duty of the town manager and he shall recommend to the town council for adoption such measures and ordinances as he deems necessary. (Ord. 81 §1 (E), 1983: Ord. 58 §8 (E), 1982)

**2.04.130 Attendance of council meetings.**

It shall be the duty of the town manager to attend all meetings of the town council unless he is excused therefrom by the mayor individually or the town council. The town council, in its discretion, may excuse the town manager from attendance at any council meeting or portion thereof. (Ord. 81 §1 (F), 1983: Ord. 58 §8 (F), 1982)

**2.04.140 Financial reporting.**

It shall be the duty of the town manager to keep the town council at all times fully advised as to the financial condition and needs of the town. (Ord. 81 §1 (G), 1983: Ord. 58 §8 (G), 1982)

**2.04.150 Budget preparation.**

It shall be the duty of the town manager to prepare and submit the proposed annual budget and the proposed annual salary plan to the town council for its approval. (Ord. 81 §1 (H), 1983: Ord. 58 §8 (H), 1982)

**2.04.160 Procurement.**

The town manager, or his authorized representative, shall be responsible for the purchase of all supplies, in compliance with a procurement policy approved by the town council, for all the departments or divisions of the town. (Ord. 81 §1 (I), 1983: Ord. 58 §8 (I), 1982)

**2.04.170 Investigations—Complaints.**

It shall be the duty of the town manager to make investigations into the affairs of the town and any department or division thereof, and any contract or the proper performance of any obligations of the town. Further, it shall be the duty of the town manager to investigate all complaints in relation to matters concerning the administration of the town government and in regard to the service maintained by public utilities in the town. A summary of all complaints and actions taken shall be furnished to the town council. (Ord. 81 §1 (J), 1983: Ord. 58 §8 (J), 1982)



Chapter 2.04 TOWN MANAGER

**2.04.180 Public property supervision.**

It shall be the duty of the town manager and he shall exercise general supervision over all public buildings, public parks and all other public property which is under the control and jurisdiction of the town council. (Ord. 81 §1 (K), 1983: Ord. 58 §8 (K), 1982)

**2.04.190 Additional duties.**

It shall be the duty of the town manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other official action of the town council. (Ord. 81 §1 (L), 1983: Ord. 58 §8 (L), 1982)

**2.04.200 Emergency authority.**

- A. Emergency Defined. For the purposes of this chapter, "emergency" means the existence of conditions of disaster or extreme peril to the safety of persons and/or property within the territorial limits of the town caused by conditions, including but not limited to, flood, fire, snow, storm, air pollution, epidemic, riot, drought, sudden and severe energy shortage or earthquake.
- B. Managing Authority in an Emergency. In the event of an emergency requiring the expenditure of town funds before a special town council meeting could be convened to authorize that expenditure, the town manager shall have the authority to authorize the expenditure of town funds and to otherwise obligate the town as he, in his sole discretion, determines to be necessary or appropriate to combat the effects of emergency, up to a maximum of five thousand dollars per emergency. (Ord. 81 §1 (M), 1983: Ord. 58 §8 (M), 1982)

**2.04.210 Political participation.**

The town manager shall not participate directly, indirectly or through an intermediary in any political activity that is related to the town unless in support of a political position taken by the town council. (Ord. 81 §1 (N), 1983: Ord. 58 §8 (N), 1982)

**2.04.220 Council-manager relations.**

The town council and its members shall deal with the administrative services of the town only through the town manager, except for the purpose of inquiry, and neither the town council nor any member thereof shall give orders or instructions to any subordinates of the town manager. The town manager shall take his orders and instructions from the town council only when sitting in a duly convened meeting of the town council or in writing when approved by a majority of the members of the town council during a duly convened meeting, and no individual councilman shall give any orders or instructions to the town manager. (Ord. 58 §9 (A), 1982)

Chapter 2.04 TOWN MANAGER

**2.04.230 Relations with commissions and boards.**

The town manager may attend any and all meetings of the planning commission and any other commissions, boards or committees created by the town council, upon his own volition or upon direction of the town council. At such meetings which the town manager attends, he shall be heard by such commissions, boards or committees as to all matters upon which he wishes to address the members thereof, and he shall inform the members as to the status of any matter being considered by the town council, and he shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the town council. The town manager shall not give orders or direction to any such commissions, boards or committees. (Ord. 58 §9 (B), 1982)

**2.04.240 Removal.**

- A. Required Vote—Notice. The removal of the town manager, with or without cause, shall be effected only by a majority vote of the whole town council as then constituted, convened in a regular council meeting, subject, however, to the provisions of subsections B, C and D of this section. In case of his intended removal by the town council, the town manager shall be furnished with a written notice stating the council's intention to remove him, at least thirty days before the effective date of his removal. In the event of removal of the town manager for misconduct he shall be terminated immediately without the right to compensation accruing after the date of termination.
- B. Hearing. Within seven days after the delivery to the town manager of a notice of intended removal, he may by written notification to the town clerk request a hearing before the town council. Thereafter the town council shall fix a time for a hearing, in closed session, prior to the effective date contained in the notice of intended removal, at which the town manager shall appear and be heard, with or without counsel.
- C. Suspension Pending Hearing. After furnishing the town manager with written notice of intended removal, or concurrent therewith, the town council may suspend him from duty, but his compensation shall continue until his removal by action of the council passed subsequent to any requested hearing provided pursuant to subsection B of this section.
- D. Discretion of Council. In removing the town manager, the town council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of such hearing being to allow the town manager to present to the town council his grounds of opposition to his removal prior to its action. (Ord. 58 §10, 1982)

**2.04.250 Employment agreements.**

Nothing in this chapter shall be construed as a limitation on the power or authority of the town council to enter into any supplemental agreement with the town manager delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter. (Ord. 58 §11, 1982)

Chapter 2.06 TOWN ATTORNEY

## Chapter 2.06 TOWN ATTORNEY

*Sections:*

[2.06.010 Establishment and appointment.](#)

[2.06.020 Qualifications.](#)

[2.06.030 Duties.](#)

[2.06.040 Reserved.](#)

[2.06.050 Removal.](#)

[2.06.060 Employment agreements.](#)

[2.06.070 Compensation.](#)

### **2.06.010 Establishment and appointment.**

The office of the town attorney is created and established. The town attorney shall be appointed by the town council wholly on the basis of ability and qualifications and shall hold office for and during the pleasure of the town council. (Ord. 118 (part), 1984)

### **2.06.020 Qualifications.**

The town attorney shall be an attorney-at-law, duly admitted to practice by the Supreme Court of the state, and licensed by the state to practice therein, and shall have been engaged in the practice of law in the state for a period of not less than five years immediately prior to appointment. (Ord. 118 (part), 1984)

### **2.06.030 Duties.**

The town attorney shall have those powers, duties and limitations granted by California Government Code Sections 41801 through 41803.7 and amendments, and specifically the following powers and duties:

- A. Represent and advise the town council, town officers, boards and commissions in all matters of law pertaining to their offices;
- B. Represent and appear for the town in any or all actions or proceedings in which the town is concerned or is a party, and represent and appear for any town officer, employee, board or commission, or former town officer, employee, board or commission, in any or all actions and proceedings in which any such officer, employee, board or commission is concerned or is a party arising out of any act or omission committed in the course and scope of the employment or performance of the official duties of such officer, employee, board or commission;
- C. Upon request of the town council attend any meetings of the town council, and give advice or render an opinion in writing whenever requested to do so by the town council, by any of the boards,

## Title 2 - ADMINISTRATION AND PERSONNEL

### Chapter 2.06 TOWN ATTORNEY

commissions or officers of the town; provided, that any such request for a written opinion shall first be submitted in writing to the town manager for his review and information;

- D. Approve the form of all contracts made by and all bonds given to the town, endorsing such contracts or bonds with such approval;
- E. Prepare or approve any and all proposed ordinances or resolutions for the town and amendments thereto;
- F. Prosecute all violations of this code; the town council may assign the duties of prosecution of state misdemeanors to either the district attorney or the town attorney, with the consent of the district attorney, by resolution. (Ord. 118 (part), 1984)

#### **2.06.040 Reserved.**

#### **Editor's note—**

Ord. No. 516, § 1, adopted June 7, 2011, repealed § 2.06.040, which pertained to town attorney full-time hours and derived from Ord. 118 (part), 1984.

#### **2.06.050 Removal.**

- A. **Required Vote—Notice.** The removal of the town attorney, with or without cause, shall be as then constituted, convened in a regular council meeting, subject, however, to the provisions of subsections B, C and D of this section. In case of his intended removal by the town council, the town attorney shall be furnished with a written notice stating the council's intention to remove him, at least thirty days before the effective date of his removal. In the event of removal of the town attorney for misconduct, he shall be terminated immediately without the right to compensation accruing after the date of termination.
- B. **Hearing.** Within seven days after the delivery to the town attorney of a notice of intended removal, he may, by written notification to the town clerk, request a hearing before the town council. Thereafter, the town council shall fix a time for a hearing, in either an open or a closed session, prior to the effective date contained in the notice of intended removal, at which the town attorney shall appear and be heard, with or without counsel.
- C. **Suspension Pending Hearing.** After furnishing the town attorney with written notice of intended removal, or concurrent therewith, the town council may suspend him from duty, but his compensation shall continue until his removal by action of the council passed subsequent to any requested hearing provided pursuant to subsection B of this section.
- D. **Discretion of the Council.** In removing the town attorney, the town council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing, the purpose of such hearing being to allow the town attorney to present to the town council his grounds of opposition to his removal prior to its action. (Ord. 118 (part), 1984)

#### **2.06.060 Employment agreements.**

Nothing in this chapter shall be construed as a limitation on the power or authority of the town council to enter into any supplemental agreement with the town attorney.

(Ord. No. 516, § 2, 6-7-2011; Ord. 118(part), 1984)

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 2.06 TOWN ATTORNEY

**2.06.070 Compensation.**

Town attorney compensation shall be determined by the town council.

(Ord. No. 516, § 3, 6-7-2011; Ord. 118(part), 1984)

Chapter 2.08 TOWN COUNCIL

## Chapter 2.08 TOWN COUNCIL

*Sections:*

[2.08.010 Regular meetings.](#)

[2.08.020 Special meetings.](#)

[2.08.030 Study meetings.](#)

[2.08.040 Purpose.](#)

[2.08.041 Salaries.](#)

### **2.08.010 Regular meetings.**

The town council shall hold one regular meeting at 5555 Skyway, Paradise, California, on the second Tuesday of every month beginning at 6:00 p.m. When the day for any regular meeting of the council falls on a legal holiday, the meeting shall not be held on such holiday, but shall be held at the same hour and place on the next succeeding day thereafter which is not a holiday. Regular meetings shall be held and notice given according with Government Code Section 54954.

(Ord. No. 525, § 1, 8-7-2012; Ord. No. 513, § 1, 2-8-2011; Ord. No. 494, § 1, 7-28-2009; Ord. 330, §1, 1999: Ord. 299, §1, 1998: Ord. 269m §1, 1996: Ord. 122m §1, 1984: Ord. 106m §5, 1983: Ord. 86m §1, 1983: Ord. 65m §1, 1982: Ord. 63m §1, 1982: Ord. 32m §1, 1980: Ord. 3m §1 (a), 1979)

### **2.08.020 Special meetings.**

Special meetings may be called by the mayor, or a majority of the councilmembers by personally delivering, or by mail, or by telephone if written notice is waived, notice to each councilmember and each person who is required to be given notice of the meeting. The call and notice shall specify the time and place of the special meeting and the business to be transacted, and be in accordance with Section 54956 of the Government Code. No other business shall be considered at such meeting.

(Ord. 269, §2, 1996: Ord. 3, §1 (b), 1979)

### **2.08.030 Study meetings.**

The town council may, from time to time, meet in study meetings or sessions, open to the public, at the time and place designated by the mayor or a majority of the councilmembers. Study meetings shall be held and notice given in accordance with Government Code Section 54956 in the same manner as the holding of a special meeting, including the public's right to participate in the subject matter of the meeting.

## Title 2 - ADMINISTRATION AND PERSONNEL

### Chapter 2.08 TOWN COUNCIL

(Ord. 269, §3, 1996: Ord. 3, §1 (c), 1979)

#### **2.08.040 Purpose.**

This chapter is enacted pursuant to Section 36516 of the Government Code authorizing the town council to provide by ordinance that each member of the town council may receive a prescribed salary, the amount of which is based upon the population of the city as determined by estimates made by the State Department of Finance.

(Ord. 157(part), 1986)

#### **2.08.041 Salaries.**

- A. The salary established by this section is enacted under Section 36516 Government Code, which authorizes the town council to provide by ordinance that each member of the council may receive salary based upon the population of the town as determined by estimates made by the state Department of Finance.
- B. The latest estimate of population of the town of Paradise made by the state Department of Finance is twenty-six thousand, three hundred fifty (26,300).
- C. Each member of the town council may receive the sum of three hundred dollars as provided in Section 36516 of the Government Code. The salary is payable at the same time and in the same manner as the salary is paid to the officers and employees of the town.
- D. The salary prescribed by this section is exclusive of any other amount payable to a member of the town council as reimbursement for actual and necessary expenses incurred in the performance of official duties.
- E. The town council finds and determines that the members of the council are the equivalent of thirty-two (32) hour per week, part-time employees.
- F. Town council members shall be eligible for enrollment in the town's health benefits package based upon the same terms as provided to town management employees.
- G. Subsections C and F shall become operative upon the date when a member of the town council becomes eligible for the salary and benefits prescribed by virtue of beginning a new term of office. Until such operative date, the town council and the mayor shall continue to receive the salary and compensation in accordance with Ordinance No. 183.
- H. The three hundred dollar (\$300.00) salary as set forth in subsection C for council members electing to enroll in the town's health benefits package as set forth in subsection G shall be applied toward the town's contribution cap portion of the health benefits premium for thirty-two (32) hour per week, part-time employees. In addition, council members shall be required to pay any amount exceeding the maximum amount paid by the town for its thirty-two (32) hour per week, part-time employees.
- I. Town Council members shall each receive a monthly travel allowance of ninety dollars (\$90.00) to reimburse them for routine town related travel costs within Butte County.
- J. The salary set forth in subsection C. shall be implemented as of July 1, 2006 and shall be payable thereafter each month to town council members.

(Ord. 157(part), 1986: Ord. 183, §1, 1988: Ord. 366, §1, 2001: Ord. No. 454, § 1, 9-26-06)

Chapter 2.10 TOWN CLERK

**Chapter 2.10 TOWN CLERK**

*Sections:*

[2.10.010 Establishment and appointment.](#)

[2.10.020 Definition.](#)

[2.10.030 Qualifications.](#)

[2.10.040 Duties.](#)

[2.10.050 Attendance at council meetings.](#)

[2.10.060 Full-time.](#)

[2.10.070 Removal.](#)

[2.10.080 Employment agreement.](#)

[2.10.090 Compensation.](#)

**2.10.010 Establishment and appointment.**

The office of the town clerk is created and established. The town clerk shall be appointed by the town council wholly on the basis of ability and qualifications and shall hold office for and during the pleasure of the town council.

(Ord. 243, §2(part), 1995)

**2.10.020 Definition.**

Town clerk shall serve as historian, records manager, legislative administrator and elections official.

(Ord. 243, §2(part), 1995)

**2.10.030 Qualifications.**

The town clerk shall have five years experience in executive clerical and office work, a minimum of two years of supervisory experience, with municipal government experience or legal experience preferable. The town clerk shall have knowledge of applicable federal, state and municipal laws and procedures.

(Ord. 243, §2(part), 1995)



Chapter 2.10 TOWN CLERK

**2.10.040 Duties.**

The town clerk shall have those powers, duties and limitations granted by California Government Code Sections 36501 and 40801, et seq., and amendments, and specifically the following powers and duties:

- A. Plan, direct, supervise and coordinate all activities of the town clerk's office;
- B. Facilitate the job of the town council including, but not limited to, processing and safekeeping of legislative actions and approved documents by the town council such as contracts, resolutions, ordinances, etc.;
- C. Plan, direct and conduct municipal elections; serve as filing officer for town council candidates and political action committees and for disclosure statements as required by the Fair Political Practices Commission; and receive petitions and administer recall, initiative or referendum proceedings;
- D. Prepare and maintain town clerk department and town council department budgets;
- F. Maintain and administer ordinance codification for the Paradise Municipal Code;
- G. Serve as agent for service of process for litigation matters and oversee statute requirements and notices regarding claims against the town;
- H. Oversee the preparation, distribution and legal requirements of the town council meeting agendas and official minutes of the proceedings and actions of the town council.

(Ord. 243, §2(part), 1995)

**2.10.050 Attendance at council meetings.**

It shall be the duty of the town clerk or his/her designee to attend all meetings of the town council and keep the official record of the proceedings and actions of the town council.

(Ord. 243, §2(part), 1995)

**2.10.060 Full-time.**

The town clerk shall be required to devote himself/herself to his duties with the town full-time and shall not be eligible for overtime compensation.

(Ord. 243, §2(part), 1995)

**2.10.070 Removal.**

Removal of the town clerk with or without cause shall be as set forth in a contract to be entered into between the town council as the appointing body and the town clerk.

(Ord. 243, §2(part), 1995)

## Title 2 - ADMINISTRATION AND PERSONNEL

### Chapter 2.10 TOWN CLERK

#### **2.10.080 Employment agreement.**

Nothing in this chapter shall be construed as a limitation on the town council to enter into any supplemental agreement with the town clerk delineating additional terms and conditions of employment not inconsistent with any provisions of this chapter.

(Ord. 243, §2(part), 1995)

#### **2.10.090 Compensation.**

Compensation shall be determined by employment agreement between the town council and the town clerk and by the resolution of the town council setting out the compensation and benefits for management employees of the town.

(Ord. 243, §2(part), 1995)

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 2.12 COMMUNITY DEVELOPMENT DEPARTMENT

**Chapter 2.12 COMMUNITY DEVELOPMENT DEPARTMENT**

*Sections:*

Article I - GENERALLY

Article II - PLANNING AGENCY

Article III - PLANNING COMMISSION

Article IV - PLANNING DIVISION

Article V - BUILDING DIVISION

Article VI - ENGINEERING DIVISION

Article VII - PUBLIC WORKS

Title 2 - ADMINISTRATION AND PERSONNEL  
Chapter 2.12 - COMMUNITY DEVELOPMENT DEPARTMENT

Article I GENERALLY

**Article I GENERALLY**

[2.12.010 Established.](#)

[2.12.012 Functions.](#)

[2.12.014 Community development director.](#)

**2.12.010 Established.**

There is established a community development department of the town. The community development department shall be organized into divisions as set forth in this chapter. Other divisions may be organized, maintained and operated by the community development director under the general administrative direction and subject to the approval of the town manager to carry out additional functions assigned the department. (Ord. 218 §3 (part), 1992)

**2.12.012 Functions.**

The functions of the community development department include:

- A. To provide for the orderly development of the town through the administration of portion of Title 8, Health and Safety, portion of Title 10, Vehicles and Traffic, Title 12, Streets and Public Places; Title 13, Public Services; Title 15, Buildings and Construction; Title 16, Subdivisions; and Title 17, Zoning, of the municipal code;
- B. To approve the design and administer public works projects;
- C. To meet program requirements of transportation funds and gas tax moneys;
- D. To provide leadership in environmental matters such as the California Environmental Quality Act, solid waste disposal reduction, hazardous waste disposal, water quality matters and energy conservation;
- E. To administer the strong motion instrumentation program;
- F. To review and approve encroachments on town streets. (Ord. 218 §3 (part), 1992)

**2.12.014 Community development director.**

- A. The community development department shall be managed by the director who shall be appointed by the town manager with the approval of the town council, and shall be subject to the town manager's general administrative direction. The director shall be responsible for the direction and control of all functions assigned to the department. In the absence or disability of the director, the town manager shall designate a person to perform the duties and exercise the powers of the director.
- B. The director is responsible:
  - 1. To plan, organize, direct and coordinate all activities of the community development department;

Title 2 - ADMINISTRATION AND PERSONNEL  
Chapter 2.12 - COMMUNITY DEVELOPMENT DEPARTMENT

Article I GENERALLY

2. To act as technical advisor to the town council, the planning commission and the town manager on community development matters;
3. To participate in the preparation of the capital improvement program and budget;
4. To perform such additional duties as may be required by state law or as assigned by the town manager and/or adopted by the town council. (Ord. 218 §3 (part), 1992)

Title 2 - ADMINISTRATION AND PERSONNEL  
Chapter 2.12 - COMMUNITY DEVELOPMENT DEPARTMENT

Article II PLANNING AGENCY

**Article II PLANNING AGENCY**

[2.12.020 Established—Planning agency.](#)

**2.12.020 Established—Planning agency.**

There is established a planning agency consisting of a planning commission and a planning division of the community development department. (Ord. 218 §3 (part), 1992)

Title 2 - ADMINISTRATION AND PERSONNEL  
Chapter 2.12 - COMMUNITY DEVELOPMENT DEPARTMENT

Article III PLANNING COMMISSION

**Article III PLANNING COMMISSION**

[2.12.030 Established—Composition—Terms.](#)

[2.12.031 Functions.](#)

[2.12.033 Officers—Meetings—Rules.](#)

[2.12.035 Removal.](#)

[2.12.037 Vacancies.](#)

[2.12.039 Expenses.](#)

**2.12.030 Established—Composition—Terms.**

A planning commission is created for the town. The planning commission shall consist of five members who reside within the boundaries of the town. They shall be appointed by the town council for a term of four years with staggered dates of expiration of terms. (Ord. 342 §1, 2000: Ord. 218 §3 (part), 1992)

**2.12.031 Functions.**

The functions of the planning commission include:

- A. To prepare and recommend for adoption by the town council a comprehensive long-term general plan for the physical development of the town and of any land outside its boundaries which in the planning commission's judgment bears relation to its planning;
- B. To prepare specific plans based on the general plan and drafts of such regulations, programs and legislation as may in its judgment be required for the systematic implementation of the general plan, and to recommend such plans and measures to the council for adoption;
- C. To act as the advisory agency for the town in connection with the administration of the State Subdivision Map Act and the town's Subdivision Ordinance regulations;
- D. To perform the duties of a planning commission as prescribed by law, including those duties prescribed by Articles 7, 8, 9 and 10 of Chapter 3, Title 7 and Article 3, Chapter 4, Title 7 of the California Government Code existing as of the adoption of the ordinance codified in this chapter or thereafter amended;
- E. To prepare and recommend for adoption by the town council a Zoning Ordinance and to perform such other duties in reference to planning and zoning and land use matters as may be required by the town council. (Ord. 218 §3 (part), 1992)

**2.12.033 Officers—Meetings—Rules.**

- A. The planning commission shall elect a chairman and vice-chairman from its membership annually. In the absence or disability of either the chairman or vice-chairman, the planning commission may designate a temporary chairman.

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Chapter 2.12 - COMMUNITY DEVELOPMENT DEPARTMENT

Article III PLANNING COMMISSION

- B. The planning commission shall hold at least one regular meeting each month and such other meetings as may be necessary. The planning commission shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations. (Ord. 218 §3 (part), 1992)

**2.12.035 Removal.**

A member of the planning commission may be removed by a majority vote of all the members of the town council. A member who fails, without permission, to attend three successive meetings of the planning commission is subject to removal. (Ord. 218 §3 (part), 1992)

**2.12.037 Vacancies.**

A vacancy on the planning commission occurring by death, resignation, removal or any other cause before the expiration of the term of the member shall be filled by appointment for the unexpired term by the town council. (Ord. 218 §3 (part), 1992)

**2.12.039 Expenses.**

Planning commission members shall be entitled to reimbursement for such expenses as the town council may approve. (Ord. 218 §3 (part), 1992)



Title 2 - ADMINISTRATION AND PERSONNEL  
Chapter 2.12 - COMMUNITY DEVELOPMENT DEPARTMENT

Article IV PLANNING DIVISION

**Article IV PLANNING DIVISION**

[2.12.040 Established.](#)

[2.12.042 Functions.](#)

[2.12.044 Planning director.](#)

**2.12.040 Established.**

The planning division of the community development department of the town of Paradise is created. (Ord. 218 §3 (part), 1992)

**2.12.042 Functions.**

The functions of the planning division shall include:

- A. To provide staff assistance to the planning commission and serve as its secretary or designate a staff member to serve as secretary to the planning commission;
- B. To act as technical advisor to the town council, the planning commission, the town manager and the director, community development, on land use and planning matters;
- C. To perform as the advisory agency for the town of Paradise in connection with the administration of the State Subdivision Map Act and the town's Subdivision Ordinance regulations;
- D. To manage environmental matters, including compliance with the requirements of the California Environmental Quality Act and the town's environmental review procedures and guidelines adopted by the town council;
- E. To perform and administer all decisionmaking and land use regulations authority functions as assigned per the provisions of Titles 8, 12, 16 and 17 of the municipal code;
- F. To perform such additional duties as may be required by state law or as assigned by the community development director, the town manager and/or adopted by the town council. (Ord. 218 §3 (part), 1992)

**2.12.044 Planning director.**

The planning division shall be managed by the planning director who shall be appointed by the community development director with the approval of the town manager, and shall be subject to both the town manager's and director, community development general administrative direction. In the absence or disability of the planning director, the community development director shall designate a person to perform the duties and exercise the functions of the planning director. (Ord. 218 §3 (part), 1992)

Title 2 - ADMINISTRATION AND PERSONNEL  
Chapter 2.12 - COMMUNITY DEVELOPMENT DEPARTMENT

Article V BUILDING DIVISION

**Article V BUILDING DIVISION**

[2.12.050 Established.](#)

[2.12.052 Functions.](#)

[2.12.054 Building official.](#)

**2.12.050 Established.**

The building division of the community development department of the town is created. (Ord. 218 §3 (part), 1992)

**2.12.052 Functions.**

The functions of the building division shall include:

- A. To administer Title 15, Buildings and Construction;
- B. To act as technical advisor to the town council, town manager and community development director on matters relating to building codes, and Title 24, California Administrative Code;
- C. To provide training on building codes and regulations to the construction community. (Ord. 218 §3 (part), 1992)

**2.12.054 Building official.**

The building division shall be managed by the building official, who shall be appointed by the community development director. The building official shall act as the building official as specified in adopted building codes of Title 15 of the municipal code and shall be subject to both the community development director and town manager's general administrative direction. In the absence or disability of the building official, the community development director shall designate a person to perform the duties and exercise the functions of the building official. (Ord. 218 §3 (part), 1992)

Title 2 - ADMINISTRATION AND PERSONNEL  
Chapter 2.12 - COMMUNITY DEVELOPMENT DEPARTMENT

Article VI ENGINEERING DIVISION

**Article VI ENGINEERING DIVISION**

[2.12.060 Established.](#)

[2.12.062 Functions.](#)

[2.12.064 Town engineer.](#)

**2.12.060 Established.**

The engineering division of the community development department of the town is created.  
(Ord. 218 §3 (part), 1992)

**2.12.062 Functions.**

The functions of the engineering division shall include:

- A. To administer those duties in Title 16, Subdivisions, of the municipal code requiring review by a qualified civil engineer or land surveyor;
- B. To accept, on behalf of the town, offers of dedication of street rights-of-way or drainage easements that are conditions of development projects;
- C. To prepare or approve construction plans for town projects;
- D. To review and approve development plans submitted as conditions of zoning requirements;
- E. To administer encroachments on the public right-of-way;
- F. To act and perform as traffic engineer for the town. (Ord. 218 §3 (part), 1992)

**2.12.064 Town engineer.**

The engineering division shall be managed by the town engineer who shall be appointed by the community development director. The town engineer shall be subject to both the community development director and town manager's general administrative direction. In the absence or disability of the town engineer the community development director shall designate a person to perform the duties and exercise the functions of the town engineer. (Ord. 218 §3 (part), 1992)

Title 2 - ADMINISTRATION AND PERSONNEL  
Chapter 2.12 - COMMUNITY DEVELOPMENT DEPARTMENT

Article VII PUBLIC WORKS

**Article VII PUBLIC WORKS**

(Reserved)

## **Chapter 2.16 FINANCE DEPARTMENT** [\[1\]](#)

### *Sections:*

[2.16.010 Established—Functions.](#)

[2.16.020 Finance director.](#)

[2.16.025 Finance director duties.](#)

[2.16.030 Finance and investment committee.](#)

[2.16.035 Finance and investment committee—Duties.](#)

### **2.16.010 Established—Functions.**

The finance department of the town is established. The functions of the finance department shall include:

- A. To prepare and submit to the town clerk, the town manager and the council a monthly written report and accounting of all receipts and disbursements; to prepare and submit at a regular council meeting a quarterly report of all revenues and expenditures; to coordinate the independent annual audit at the end of each fiscal year; and to assist the town manager in the preparation of the proposed budget before the beginning of each fiscal year;
- B. To receive or collect all moneys or revenues due the town; to maintain and safely keep all public funds and securities belonging to or under the control of the town, depositing funds in accordance with town investment policies and applicable law;
- C. To maintain a general accounting system for the town government, supervising and controlling disbursements and expenditures, including payroll, through a system of budget control to assure that moneys are available and appropriated;
- D. To procure materials, supplies and general services for the town and to prepare and maintain a current inventory of general assets belonging to the town;
- E. To provide general office services to other departments of the town as may be determined appropriate;
- F. To estimate, plan and program the town's financial activities and to advise the town manager, council and other officers;
- G. To perform such other duties as the town manager may direct.

(Ord. 358 § 2(part), 2001)

### **2.16.020 Finance director.**

The finance department shall be managed by the finance director who shall be appointed by the town manager with the approval of the town council and shall be subject to the town manager's general managerial and administrative direction. In addition, the finance director shall serve as the town treasurer.

## Title 2 - ADMINISTRATION AND PERSONNEL

### Chapter 2.16 FINANCE DEPARTMENT

(Ord No. 485 § 1, 2008: Ord. 358 § 2(part), 2001)

#### **2.16.025 Finance director duties.**

The finance director shall be responsible for the management and administration of the finance department and shall perform all duties as required by the town manager and Section 2.16.010. In addition, the finance director shall perform the duties of the town treasurer under chapter 2.18.

(Ord No. 485 § 2, 2008: Ord. 358 § 2(part), 2001)

#### **Editor's note—**

Ord. No. 485, § 2, adopted August 12, 2008, contained a scrivener's error amending § 2.26.025. At the editor's discretion, these provisions have been set out herein as amending § 2.16.025.

#### **2.16.030 Finance and investment committee.**

The finance and investment committee of the town is created and established. The committee shall consist of the mayor, vice-mayor, town manager, assistant town manager, finance director and town treasurer and meet on a regular quarterly basis.

(Ord. 358 § 2(part), 2001)

#### **2.16.035 Finance and investment committee—Duties.**

The finance and investment committee shall provide oversight of the town's financial, public financing and investment activities and ensure that all such activities are in accordance with all applicable state and local laws, regulations and policies.

(Ord. 358 § 2(part), 2001)

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#### **FOOTNOTE(S):**

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--- (1) ---

Prior ordinance history: Ord. 307. ([Back](#))

Chapter 2.18 TOWN TREASURER/INVESTMENT COMMITTEE

**Chapter 2.18 TOWN TREASURER/INVESTMENT COMMITTEE**

*Sections:*

[2.18.010 Town treasurer.](#)

[2.18.020 Town treasurer—Duties.](#)

**2.18.010 Town treasurer.**

The office of town treasurer is created and established. The office of town treasurer shall be combined with the finance director.

(Ord No. 485 § 3, 2008; Ord. 307 § 4(part), 1998)

**2.18.020 Town treasurer—Duties.**

The town treasurer shall perform those functions as required by Chapter 3.12 of the Paradise Municipal Code, any applicable state and local laws and regulations, and any other duties as required by the town council.

(Ord. 307 § 4(part), 1998)

**TOWN OF PARADISE  
RESOLUTION NO. 12-35**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE  
APPROVING THE CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE FOR  
SERVICES FROM NOVEMBER 1, 2012 TO JUNE 30, 2017, CONTRACT 2CA01941**

**WHEREAS**, in response to Town of Paradise request for proposal, the California Department of Forestry and Fire (CAL FIRE) has submitted a proposal to provide fire protection service to the Town of Paradise; and

**WHEREAS**, Town Council has reviewed the provisions of the proposal from CAL FIRE and determined that it is in the best interest of the Town to enter into an agreement based on the proposal.


**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE** as follows:

**Section 1.** Town Council does hereby approve the attached agreement with the California Department of Forestry and Fire Protection (CAL FIRE) dated November 1, 2012 through June 30, 2017. This agreement provides Fire Protection Services during the State fiscal year 2012/2013 through fiscal year 2016/17.

**Section 2.** The Town Mayor is authorized to execute agreement on behalf of the Town of Paradise.

**PASSED AND ADOPTED** by the Paradise Town Council of the Town of Paradise, County of Butte, State of California, on this 9th day of October, 2012, by the following vote:

AYES:	Joe DiDuca, Scott Lotter, Tim Titus, Alan White and Steve "Woody" Culleton, Mayor
NOES:	None.
ABSENT:	None.
NOT VOTING:	None.

  
Steve "Woody" Culleton, Mayor

ATTEST: 10.9.2012

APPROVED AS TO FORM:

  
JOANNA GUTIERREZ, Town Clerk

  
DWIGHT L. MOORE, Town Attorney



**--CERTIFICATION OF RESOLUTION--**

**ATTEST:**

I, Joanna Gutierrez, Town Clerk of the Town of Paradise, California do hereby certify that this is a true and correct copy of the original Resolution No. 12-35.

WITNESS MY HAND OR THE SEAL OF THE TOWN OF PARADISE, on this 9<sup>th</sup> day of October, 2012.



Joanna Gutierrez, Town Clerk  
Town of Paradise

**FIRE PROTECTION REIMBURSEMENT AGREEMENT**

LG-1 REV. 03/2012

AGREEMENT NUMBER

**2CA01941**

REGISTRATION NUMBER:

1. This Agreement is entered into between the State Agency and the Local Agency named below:

STATE AGENCY'S NAME

California Department of Forestry and Fire Protection – (CAL FIRE)

LOCAL AGENCY'S NAME

Town of Paradise

2. The term of this Agreement is: November 1, through June 30, 2017  
20123. The maximum amount of this Agreement is: \$ 1,756,845.00 for FY 12/13  
One Million, Seven Hundred Fifty-Six Thousand, Eight Hundred Fourty-Five  
and No Cents for FY 12/13

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work – Includes page 2 (contact page) in count for Exhibit A	4	pages
Exhibit B – Budget Detail and Payment Provisions	2	pages
Exhibit C – General Terms and Conditions	6	pages
Exhibit D – Additional Provisions	7	pages
Exhibit E – Description of Other Services	2	pages

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

**LOCAL AGENCY**

LOCAL AGENCY'S NAME

Town of Paradise

BY (Authorized Signature)

PRINTED NAME AND TITLE OF PERSON SIGNING  
Steve "Woody" Culleton, Mayor

ADDRESS

5555 Skyway, Paradise, Ca 95969

DATE SIGNED(Do not type)

10-9-12

*California Department of General  
Services Use Only***STATE OF CALIFORNIA**

AGENCY NAME

California Department of Forestry and Fire Protection

BY (Authorized Signature)

DATE SIGNED(Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Clare Frank, Assistant Deputy Director, Cooperative Fire Protection, Training &amp; Safety

ADDRESS P.O. Box 944246, Sacramento, CA 94244-2460

**EXHIBIT A**  
**COOPERATIVE FIRE PROGRAMS**  
**FIRE PROTECTION REIMBURSEMENT AGREEMENT**

The project representatives during the term of this agreement will be:

CAL FIRE Unit Chief:	Butte Unit	Local Agency:	Town of Paradise
Name:	George W. Morris Jr.	Name:	Chuck Rough
Phone:	530-538-7111	Phone:	530-872-6987
Fax:	530-538-7401	Fax:	530-877-5059

All required correspondence shall be sent through U.S. Postal Service by certified mail and directed to:

CAL FIRE Unit Chief:	George W. Morris Jr.	Local Agency:	Town of Paradise
Section/Unit:	Support Services	Section/Unit:	Town Manager
Attention:	Lisa Koehler	Attention:	Chuck Rough
Address:	176 Nelson Avenue, Oroville, CA 95965	Address:	5555 Skyway, Paradise, Ca 95969
Phone:	530-538-7111	Phone:	530-872-6987
Fax:	530-538-7401	Fax:	530-877-5059

Send an additional copy of all correspondence to:

**CAL FIRE**  
**Cooperative Fire Services**  
**P.O. Box 944246**  
**Sacramento, CA 94244-2460**

**AUTHORIZATION**

As used herein, Director shall mean Director of CAL FIRE. This agreement, its terms and conditions are authorized under the Public Resources Code Sections 4141, 4142, 4143 and 4144, as applicable.

## **EXHIBIT A**

### **SCOPE OF WORK**

Under Public Resources Code Section 4114 and other provisions of law, STATE maintains fire prevention and fire suppression forces including the necessary equipment, personnel, and facilities required to prevent and extinguish forest fires.

The purpose of this agreement is to provide mutually advantageous fire and emergency services through an effective consolidated organization, wherein the STATE is primarily financially responsible for protecting natural resources from vegetation fires and the LOCAL AGENCY is primarily financially responsible for protecting life and property from fires and other emergencies. The LOCAL AGENCY shall have sole authority to establish the fire protection organization and structure needed to meet the determined level of service. This level of service may be based on the LOCAL AGENCY governing board's established fiscal parameters and assessment of risks and hazards. LOCAL AGENCY personnel providing services under this agreement may include any one or a combination of the following: regular employees, persons temporarily employed and commonly known as volunteers, paid-call firefighters, or others temporarily employed to perform any emergency work or emergency service including, but not limited to fire prevention, fire suppression and emergency medical response.

To comply with the STATE's mandate for full cost recovery of goods and services provided for others, the LOCAL AGENCY shall be responsible for all STATE costs, both direct and indirect, required to execute the terms of this agreement. These costs shall include, but not be limited to: required training and associated post coverage, employee uniform and Personal Protective Equipment (PPE) costs.

#### **1. FIRE PROTECTION SERVICES TO BE PROVIDED BY THE STATE**

STATE provides a modern, full service fire protection and emergency incident management agency that provides comprehensive fire protection and other emergency incident response. STATE designs regional fire protection solutions for urban and rural communities by efficiently utilizing all emergency protection resources. Regional solutions provide the most effective method of protecting the citizens of California at local, county and state levels.

Fire protection services to be provided by STATE under this agreement shall include the following: (check boxes below that apply)

☒ 1) Emergency fire protection, emergency response and basic life support: services include commercial, residential, and wildland fire protection, prevention and investigation; hazardous materials incident response; emergency vehicle extrication; hazardous conditions response (flooding, downed power lines, earthquake, terrorist incident, etc.); Emergency Medical Technician (EMT) level emergency medical and rescue response; public service assistance. Also included are management support services that include fire department administration, training and safety, personnel, finance and logistical support.

☐ 2) Advanced Life Support Services: paramedic level emergency medical response providing early advanced airway management, intravenous drug therapy, and life support system stabilization until patients are transported to the nearest emergency care facility.

☒ 3) Dispatch Services: provide fire department 9-1-1 emergency dispatch by CAL FIRE Fire/Emergency Command Center (ECC). CAL FIRE will be responsible for fire/emergency dispatching emergency resource units covered under this agreement. The CAL FIRE ECC is staffed with a Battalion Chief, three or more Fire Captains and Communications Operators to

provide 24/7 year-round coverage. There is always an officer of Captain rank or higher to serve as the shift supervisor and command officer. CAL FIRE uses an integrated Computer Aided Dispatch (CAD) system using the latest technology, to direct the closest available resources to all emergency incidents.

☐ 4) Fire Code Inspection, Prevention and Enforcement Services: CAL FIRE has staff Fire Inspectors serving under the direction of the LOCAL AGENCY Fire Marshal to provide services to the area covered by this agreement. Fire Code Enforcement will normally be available five days per week, with emergency or scheduled enforcement inspections available seven days per week. Fire Prevention and Investigation services will be provided by CAL FIRE Prevention Officers trained in arson, commercial, and wildland fire investigation. Officers are available by appointment for site visits and consultations. Officers are trained at CAL FIRE's Peace Officer Standard Training (POST) certified law enforcement training academy and they cooperate effectively with all local, state and federal law enforcement agencies.

☐ 5) Land Use/ Pre-Fire Planning Services – CAL FIRE staff will provide community land use planning, administration of Pre-Fire project work, including community outreach, development of community education programs, project quality control, maintenance of project records and submittal of progress reports, completion of required environmental documentation, acquisition of required permits and completion of other associated administrative duties.

☐ 6) Disaster planning services (listed in Exhibit E, Description of Other Services, attached hereto and made a part of this agreement)

☒ 7) Specific service descriptions and staffing coverage, by station (listed in Exhibit E, Description of Other Services, attached hereto and made a part of this agreement)

☒ 8) Extended Fire Protection Service Availability (Amador)

## **2. ADMINISTRATION**

Under the requirements of California Public Resources Code Section 4114 and other provisions of law, STATE maintains fire prevention and firefighting services as outlined in Exhibit D, Schedule B of this agreement.

- A. Director shall select and employ a Region Chief who shall, under the direction of the Director/Chief Deputy Director, manage all aspects of fire prevention and fire protection services and forestry-related programs.
- B. Director will select and employ a State Forest Officer referred to as Unit Chief who shall, under the supervision and direction of Director or a lawful representative, have charge of the organization described in Exhibit D, Schedules A, B and C included hereto and made a part of this agreement.
- C. LOCAL AGENCY may appoint, with the concurrence of the Region Chief, which concurrence shall not be unreasonably withheld, the Unit Chief as the LOCAL AGENCY Fire Chief pursuant to applicable statutory authority.
- D. The Unit Chief may dispatch personnel and equipment listed in Exhibit D, Schedules A, B and C from the assigned station or location under guidelines established by LOCAL AGENCY and approved by STATE. Personnel and/or equipment listed in Exhibit D, Schedule B may be dispatched at the sole discretion of STATE.
- E. The Unit Chief shall exercise professional judgment consistent with STATE policy and his or her employment by STATE in authorizing or making any assignments to emergencies and other responses, including assignments made in response to requests for mutual aid.



- F. Except as may be otherwise provided for in this agreement, STATE shall not incur any obligation on the part of LOCAL AGENCY to pay for any labor, materials, supplies or services beyond the total set forth in the respective Exhibit D, Schedules A and C, as to the services to be rendered pursuant to each Schedule.
- G. Nothing herein shall alter or amend or be construed to alter or amend any Collective Bargaining Agreement or Memorandum of Understanding between the State of California and its employees under the State Employer-Employee Relations Act.

### **3. SUPPRESSION COST RECOVERY**

As provided in Health and Safety Code (H&SC) Section 13009, STATE may bring an action for collection of suppression costs of any fire caused by negligence, violation of law, or failure to correct noticed fire safety violations. When using LOCAL AGENCY equipment and personnel under the terms of this agreement, STATE may, at the request of LOCAL AGENCY, bring such an action for collection of costs incurred by LOCAL AGENCY. In such a case LOCAL AGENCY appoints and designates STATE as its agent in said collection proceedings. In the event of recovery, STATE shall deduct fees and litigation costs in a proportional percentage amount based on verifiable and justifiable suppression costs for the fire at issue. These recovery costs are for services provided which are beyond the scope of those covered by the local government administrative fee.

In all such instances, STATE shall give timely notice of the possible application of H&SC Section 13009 to the representative designated by LOCAL AGENCY.

### **4. MUTUAL AID**

When rendering mutual aid or assistance as authorized in H&SC Sections 13050 and 13054, STATE may, at the request of LOCAL AGENCY, demand payment of charges and seek reimbursement of LOCAL AGENCY costs for personnel, equipment and operating expenses as funded herein, under authority given by H&SC Sections 13051 and 13054. STATE, in seeking said reimbursement pursuant to such request of LOCAL AGENCY, shall represent LOCAL AGENCY by following the procedures set forth in H&SC Section 13052. Any recovery of LOCAL AGENCY costs, less expenses, shall be paid or credited to LOCAL AGENCY, as directed by LOCAL AGENCY.

In all such instances, STATE shall give timely notice of the possible application of H&SC Sections 13051 and 13054 to the officer designated by LOCAL AGENCY.

### **5. PROPERTY PURCHASE AND ACCOUNTING**

LOCAL AGENCY shall be responsible for all costs associated with property required by personnel to carry out this agreement. Employee uniform costs will be assessed to the LOCAL AGENCY through the agreement billing process. Personal Protective Equipment (PPE) costs shall be the responsibility of the LOCAL AGENCY. By mutual agreement, PPE meeting the minimum specifications established by the STATE may be purchased directly by the LOCAL AGENCY. Alternately, the STATE will supply all PPE and the LOCAL AGENCY will be billed for costs incurred.

All property provided by LOCAL AGENCY and by STATE for the purpose of providing fire protection services shall be marked and accounted for by the Unit Chief in such a manner as to conform to the regulations, if any, established by the parties for the segregation, care, and use of the respective properties.

**EXHIBIT B**  
**BUDGET DETAIL AND PAYMENT PROVISIONS**

**1. PAYMENT FOR SERVICES**

- A. LOCAL AGENCY shall pay STATE actual cost for fire protection services pursuant to this agreement an amount not to exceed that set forth in Exhibit D, Schedule A for each fiscal year. STATE shall prepare an Exhibit D, Schedule A each year, which shall be the basis for payment for the entire fiscal year for which services are provided.
- B. Any other funds designated by LOCAL AGENCY to be expended under the supervision of or for use by a Unit Chief for fire protection services shall be set forth in Exhibit D, Schedule C. This clause shall not limit the right of LOCAL AGENCY to make additional expenditures, whether under Exhibit D, Schedule C or otherwise.
- C. STATE shall invoice LOCAL AGENCY for the cost of fire protection services on a quarterly basis as follows:
  - 1) For actual services rendered by STATE during the period of July 1 through September 30, by an invoice filed with LOCAL AGENCY on or after December 10.
  - 2) For actual services rendered by STATE during the period October 1 through December 31, by an invoice filed with LOCAL AGENCY on or after December 31.
  - 3) For actual services rendered by STATE during the period January 1 through March 31, by an invoice filed with LOCAL AGENCY on or after March 31.
  - 4) For the estimated cost of services during the period April 1 through June 30, by an invoice filed in advance with LOCAL AGENCY on or after March 1.
  - 5) A final statement shall be filed with LOCAL AGENCY by October 1 following the close of the fiscal year, reconciling the payments made by LOCAL AGENCY with the cost of the actual services rendered by STATE and including any other costs as provided herein, giving credit for all payments made by LOCAL AGENCY and claiming the balance due to STATE, if any, or refunding to LOCAL AGENCY the amount of any overpayment.
  - 6) All payments by LOCAL AGENCY shall be made within thirty (30) days of receipt of invoice from STATE, or within thirty (30) days after the filing dates specified above, whichever is later.
  - 7) The STATE reserves the right to adjust the frequency of billing and payment to a monthly cycle with a thirty (30) day written notice to the LOCAL AGENCY when:
    - a. The Director predicts a cash flow shortage, or
    - b. When determined by the Region Chief, after consulting with the Unit Chief and the LOCAL AGENCY Contract Administrator, that the LOCAL AGENCY may not have the financial ability to support the contract at the contract level.
- D. Invoices shall include actual or estimated costs as provided herein of salaries and employee benefits for those personnel employed, charges for operating expenses and equipment and the administrative charge in accordance with Exhibit D, Schedule A. When "contractual rates" are indicated, the rate shall be based on an average salary

plus all benefits. "Contractual rates" means an all-inclusive rate established in Exhibit D, Schedule A for total costs to STATE, per specified position, for 24-hour fire protection services during the period covered.

- E. STATE shall credit the LOCAL AGENCY, or cover behind at no cost, for the costs of Non-Post (e.g. Fire Marshal, Training Officer, etc.) positions and equipment assigned to STATE responsibility fires or other STATE funded emergency incidents. The STATE shall notify the LOCAL AGENCY when this occurs.

## **2. COST OF OPERATING AND MAINTAINING EQUIPMENT AND PROPERTY**

The cost of maintaining, operating, and replacing any and all property and equipment, real or personal, furnished by the parties hereto for fire protection purposes, shall be borne by the party owning or furnishing such property or equipment unless otherwise provided for herein or by separate written agreement.

## **3. BUDGET CONTINGENCY CLAUSE**

- A. If the LOCAL AGENCY's governing authority does not appropriate sufficient funds for the current year or any subsequent years covered under this Agreement, which results in an inability to pay the STATE for the services specified in this Agreement, the LOCAL AGENCY shall promptly notify the STATE and this Agreement will terminate pursuant to the notice periods required herein.
- B. If funding for any fiscal year is reduced or deleted by the LOCAL AGENCY for purposes of this program, the LOCAL AGENCY shall promptly notify the STATE, and the STATE shall have the option to either cancel this Agreement with no liability occurring to the STATE, or offer an agreement amendment to LOCAL AGENCY to reflect the reduced amount, pursuant to the notice terms herein
- C. If the STATE Budget Act does not appropriate sufficient funds to provide the services for the current year or any subsequent years covered under this Agreement, which results in an inability to provide the services specified in this Agreement to the LOCAL AGENCY, the STATE shall promptly notify the LOCAL AGENCY, and this Agreement will terminate pursuant to the notice periods required herein.
- D. If funding for any fiscal year is reduced or deleted by the STATE Budget Act for purposes of this program, the STATE shall promptly notify the LOCAL AGENCY, and the LOCAL AGENCY shall have the option to either cancel this Agreement with no liability occurring to the LOCAL AGENCY, or offer an agreement amendment to LOCAL AGENCY to reflect the reduced services, pursuant to the notice terms herein.
- E. Notwithstanding the foregoing provisions in paragraphs A and B above, the LOCAL AGENCY shall remain responsible for payment for all services actually rendered by the STATE under this Agreement regardless of LOCAL AGENCY funding being reduced, deleted or not otherwise appropriated for this program. The LOCAL AGENCY shall promptly notify the STATE in writing of any budgetary changes that would impact this Agreement.
- F. LOCAL AGENCY and STATE agree that this Budget Contingency Clause shall not relieve or excuse either party from its obligation(s) to provide timely notice as may be required elsewhere in this Agreement.



**EXHIBIT C**  
**GENERAL TERMS AND CONDITIONS**

1. **APPROVAL:** This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. STATE will not commence performance until such approval has been obtained.
2. **AMENDMENT:** This agreement may be amended by mutual consent of LOCAL AGENCY and STATE. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.

If during the term of this agreement LOCAL AGENCY shall desire a reduction in STATE civil service employees assigned to the organization provided for in Exhibit D, Schedule A, LOCAL AGENCY shall provide 120 days written notice of the requested reduction. Notification shall include the following: (1) The total amount of reduction; (2) The firm effective date of the reduction; and (3) The number of employees, by classification, affected by a reduction. If such notice is not provided, LOCAL AGENCY shall reimburse STATE for relocation costs incurred by STATE as a result of the reduction. Personnel reductions resulting solely from an increase in STATE employee salaries or STATE expenses occurring after signing this agreement and set forth in Exhibit D, Schedule A to this agreement shall not be subject to relocation expense reimbursement by LOCAL AGENCY.

If during the term of this agreement costs to LOCAL AGENCY set forth in any Exhibit D, Schedule A to this agreement increase and LOCAL AGENCY, in its sole discretion, determines it cannot meet such increase without reducing services provided by STATE, LOCAL AGENCY shall within thirty (30) days of receipt of such Schedule notify STATE and designate which adjustments shall be made to bring costs to the necessary level. If such designation is not received by STATE within the period specified, STATE shall reduce services in its sole discretion to permit continued operation within available funds.

3. **ASSIGNMENT:** This Agreement is not assignable by the LOCAL AGENCY either in whole or in part, without the consent of the STATE in the form of a formal written amendment.
4. **EXTENSION OF AGREEMENT:**

A. One year prior to the date of expiration of this agreement, LOCAL AGENCY shall give STATE written notice of whether LOCAL AGENCY intends to extend or enter into a new agreement with STATE for fire protection services and, if so, whether LOCAL AGENCY intends to change the level of fire protection services from that provided by this agreement. If this agreement is executed with less than one year remaining on the term of the agreement, LOCAL AGENCY shall provide this written notice at the time it signs the agreement and the one year notice requirement shall not apply.

- B. If LOCAL AGENCY fails to provide the notice, as defined above in (A), STATE shall have the option to extend this agreement for a period of up to one year from the original termination date and to continue providing services at the same or reduced level as STATE determines would be appropriate during the extended period of this agreement. Six months prior to the date of expiration of this agreement, or any extension hereof, STATE shall give written notice to LOCAL AGENCY of any extension of this agreement and any change in the level of fire protection services STATE will provide during the extended period of this agreement. Services provided and obligations incurred by STATE during an extended period shall be accepted by LOCAL AGENCY as services and obligations under the terms of this agreement.

- C. The cost of services provided by STATE during the extended period shall be based upon the amounts that would have been charged LOCAL AGENCY during the fiscal year in which the extended period falls had the agreement been extended pursuant hereto. Payment by LOCAL AGENCY for services rendered by STATE during the extended period shall be as provided in Exhibit B, Section 1, B of this agreement.
5. **AUDIT:** STATE, including the Department of General Services and the Bureau of State Audits, and LOCAL AGENCY agree that their designated representative shall have the right to review and to copy any records and supporting documentation of the other party hereto, pertaining to the performance of this agreement. STATE and LOCAL AGENCY agree to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated, and to allow the auditor(s) of the other party access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. STATE and LOCAL AGENCY agree to a similar right to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
6. **INDEMNIFICATION:** Each party, to the extent permitted by law, agrees to indemnify, defend and save harmless the other party, its officers, agents and employees from (1) any and all claims for economic losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers and any other person, firm, or corporation furnishing or supplying work services, materials or supplies to that party and (2) from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by that party, in the performance of any activities of that party under this agreement, except where such injury or damage arose from the sole negligence or willful misconduct attributable to the other party or from acts not within the scope of duties to be performed pursuant to this agreement; and (3) each party shall be responsible for any and all claims that may arise from the behavior and/or performance of its respective employees during and in the course of their employment to this cooperative agreement.
7. **DISPUTES:** LOCAL AGENCY shall select and appoint a "Contract Administrator" who shall, under the supervision and direction of LOCAL AGENCY, be available for contract resolution or policy intervention with the STATE's Region Chief when, upon determination by the designated STATE representative, the Unit Chief acting as LOCAL AGENCY's Fire Chief under this agreement faces a situation in which a decision to serve the interest of LOCAL AGENCY has the potential to conflict with STATE interest or policy. Any dispute concerning a question of fact arising under the terms of this agreement which is not disposed of within a reasonable period of time by the LOCAL AGENCY and STATE employees normally responsible for the administration of this agreement shall be brought to the attention of the Chief Executive Officer (or designated representative) of each organization for joint resolution. For purposes of this provision, a "reasonable period of time" shall be ten (10) calendar days or less. STATE and LOCAL AGENCY agree to continue with the responsibilities under this Agreement during any dispute.
8. **TERMINATION FOR CAUSE/CANCELLATION:**
- A. If LOCAL AGENCY fails to remit payments in accordance with any part of this agreement, STATE may terminate this agreement and all related services upon 60 days written notice to LOCAL AGENCY. Termination of this agreement does not relieve LOCAL AGENCY from providing STATE full compensation in accordance with terms of this agreement for services actually rendered by STATE pursuant to this agreement.

B. This agreement may be cancelled at the option of either STATE or LOCAL AGENCY at any time during its term, with or without cause, on giving one year's written notice to the other party. Either LOCAL AGENCY or STATE electing to cancel this agreement shall give one year's written notice to the other party prior to cancellation.

9. **INDEPENDENT CONTRACTOR**: Unless otherwise provided in this agreement LOCAL AGENCY and the agents and employees of LOCAL AGENCY, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the STATE.

10. **NON-DISCRIMINATION CLAUSE**: During the performance of this agreement, LOCAL AGENCY shall be an equal opportunity employer and shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS) mental disability, medical condition (e.g.cancer), age (over 40), marital status, denial of family care leave, veteran status, sexual orientation, and sexual identity. LOCAL AGENCY shall insure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. LOCAL AGENCY shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12990 (a-f) et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by reference and made a part hereof as if set forth in full. LOCAL AGENCY shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.

In addition, LOCAL AGENCY acknowledges that it has obligations relating to ethics, Equal Employment Opportunity (EEO), the Fire Fighter's Bill of Rights Act (FFBOR), and the Peace Officer's Bill of Rights Act (POBOR). LOCAL AGENCY shall ensure that its employees comply with all the legal obligations relating to these areas. LOCAL AGENCY shall ensure that its employees are provided appropriate training.

11. **TIMELINESS**: Time is of the essence in the performance of this agreement.

12. **COMPENSATION**: The consideration to be paid STATE, as provided herein, shall be in compensation for all of STATE's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

13. **GOVERNING LAW**: This agreement is governed by and shall be interpreted in accordance with the laws of the State of California.

14. **CHILD SUPPORT COMPLIANCE ACT**: "For any Agreement in excess of \$100,000, the LOCAL AGENCY acknowledges in accordance with Public Contract Code 7110, that:

A. The LOCAL AGENCY recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and

B. The LOCAL AGENCY, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department."

15. **UNENFORCEABLE PROVISION:** In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

16. **COMPLIANCE WITH THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

The STATE and LOCAL AGENCY have a responsibility to comply with the provisions of the 1996 Federal Health Insurance Portability and Accountability Act (HIPAA) and the 2001 State Health Insurance Portability and Accountability Implementation Act. HIPAA provisions become applicable once the association and relationships of the health care providers are determined by the LOCAL AGENCY. It is the LOCAL AGENCY'S responsibility to determine their status as a "covered entity" and the relationships of personnel as "health care providers", "health care clearinghouse", "hybrid entities", business associates", or "trading partners". STATE personnel assigned to fill the LOCAL AGENCY'S positions within this Agreement, and their supervisors, may fall under the requirements of HIPAA based on the LOCAL AGENCY'S status. It is the LOCAL AGENCY'S responsibility to identify, notify, train, and provide all necessary policy and procedures to the STATE personnel that fall under HIPAA requirements so that they can comply with the required security and privacy standards of the act.

17. **LIABILITY INSURANCE**

The STATE and LOCAL AGENCY shall each provide proof of insurance in a form acceptable to the other party at no cost one to the other, to cover all services provided and use of local government facilities covered by this agreement. If LOCAL AGENCY is insured and/or self-insured in whole or in part for any losses, LOCAL AGENCY shall provide a completed Certification of Self Insurance (Exhibit D, Schedule E) or certificate of insurance, executed by a duly authorized officer of LOCAL AGENCY. Upon request of LOCAL AGENCY the STATE shall provide a letter from DGS, Office Risk and Insurance Management executed by a duly authorized officer of STATE. If commercially insured in whole or in part, a certificate of such coverage executed by the insurer or its authorized representative shall be provided.

Said commercial insurance or self-insurance coverage of the LOCAL AGENCY shall include the following:

- A. Fire protection and emergency services - Any commercial insurance shall provide at least general liability for \$5,000,000 combined single limit per occurrence.
- B. Dispatch services – Any commercial insurance shall provide at least general liability for \$1,000,000 combined single limit per occurrence.
- C. The CAL FIRE, State of California, its officers, agents, employees, and servants are included as additional insured's for purposes of this contract.
- D. The STATE shall receive thirty (30) days prior written notice of any cancellation or change to the policy at the addresses listed on page 2 of this agreement.

18. **WORKERS COMPENSATION:** (only applies where local government employees/volunteers are supervised by CAL FIRE, as listed in Exhibit D Schedule C. STATE contract employees' workers compensation is included as part of the contract personnel benefit rate).

- A. Workers' Compensation and related benefits for those persons, whose use or employment is contemplated herein, shall be provided in the manner prescribed by California Labor Codes, State Interagency Agreements and other related laws, rules, insurance policies, collective bargaining agreements, and memorandums of understanding.



- B. The STATE Unit Chief administering the organization provided for in this agreement shall not use, dispatch or direct any non STATE employees, on any work which is deemed to be the responsibility of LOCAL AGENCY, unless and until LOCAL AGENCY provides for Workers' Compensation benefits at no cost to STATE. In the event STATE is held liable, in whole or in part, for the payment of any Worker's Compensation claim or award arising from the injury or death of any such worker, LOCAL AGENCY agrees to compensate STATE for the full amount of such liability.
- C. The STATE /LOCAL AGENCY shall receive proof of Worker's Compensation coverage and shall be notified of any cancellation and change of coverage at the addresses listed in Section 1.
19. **CONFLICT OF INTEREST:** LOCAL AGENCY needs to be aware of the following provisions regarding current or former state employees. If LOCAL AGENCY has any questions on the status of any person rendering services or involved with the Agreement, the STATE must be contacted immediately for clarification.

Current State Employees (Public Contract Code §10410):

- 1) No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
- 2) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Public Contract Code §10411):

- 1) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.
- 2) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If LOCAL AGENCY violates any provisions of above paragraphs, such action by LOCAL AGENCY shall render this Agreement void. (Public Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Public Contract Code §10430 (e))

20. **LABOR CODE/WORKERS' COMPENSATION:** LOCAL AGENCY needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and LOCAL AGENCY affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)
21. **AMERICANS WITH DISABILITIES ACT:** LOCAL AGENCY assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the

basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

22. **LOCAL AGENCY NAME CHANGE**: An amendment is required to change the LOCAL AGENCY'S name as listed on this Agreement. Upon receipt of legal documentation of the name change the STATE will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.
23. **RESOLUTION**: A county, city, district, or other local public body must provide the STATE with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.
24. **AIR OR WATER POLLUTION VIOLATION**: Under the State laws, the LOCAL AGENCY shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.
25. **ENTIRE AGREEMENT**: This agreement contains the whole agreement between the Parties. It cancels and supersedes any previous agreement for the same or similar services.

**EXHIBIT D**  
**ADDITIONAL PROVISIONS**

**EXCISE TAX:** State of California is exempt from federal excise taxes, and no payment will be made for any taxes levied on employees' wages. STATE will pay any applicable State of California or local sales or use taxes on the services rendered or equipment or parts supplied pursuant to this agreement. The STATE may pay any applicable sales and use tax imposed by another state.

**Schedules**

The following Schedules are included as part of this agreement (check boxes if they apply):

- ☒ **A. Fiscal Display, PRC 4142 AND/OR PRC 4144** - STATE provided LOCAL AGENCY funded fire protection services. STATE-owned vehicles shall be operated and maintained in accordance with policies of STATE at rates listed in Exhibit D, Schedule A.
- ☒ **B. STATE Funded Resource** - A listing of personnel, crews and major facilities of the STATE overlapping or adjacent to the local agency area that may form a reciprocal part of this agreement.
- ☒ **C. LOCAL AGENCY Provided Local Funded Resources** - A listing of services, personnel, equipment and expenses, which are paid directly by the local agency, but which are under the supervision of the Unit Chief.
- ☐ **D. LOCAL AGENCY Owned STATE Maintained Vehicles** - Vehicle information pertaining to maintenance responsibilities and procedures for local agency-owned vehicles that may be a part of the agreement.

LOCAL AGENCY-owned firefighting vehicles shall meet and be maintained to meet minimum safety standards set forth in Title 49, Code of Federal Regulations; and Titles 8 and 13, California Code of Regulations.

LOCAL AGENCY-owned vehicles that are furnished to the STATE shall be maintained and operated in accordance to LOCAL AGENCY policies. In the event LOCAL AGENCY does not have such policies, LOCAL AGENCY-owned vehicles shall be maintained and operated in accordance with STATE policies. The cost of said vehicle maintenance and operation shall be at actual cost or at rates listed in Exhibit D, Schedule D.

Exhibit D, Schedule D is incorporated into this section if LOCAL AGENCY-owned vehicles listed in Exhibit D, Schedule D are to be operated, maintained, and repaired by STATE.

LOCAL AGENCY assumes full responsibility for all liabilities associated therewith in accordance with California Vehicle Code Sections 17000, 17001 et seq. STATE employees operating LOCAL AGENCY-owned vehicles shall be deemed employees of LOCAL AGENCY, as defined in Vehicle Code Section 17000. Except where LOCAL AGENCY would have no duty to indemnify STATE under Exhibit C, Section 6 for all LOCAL AGENCY-owned vehicles operated or used by employees of STATE under this agreement.

LOCAL AGENCY employees who are under the supervision of the Unit Chief and operating STATE-owned motor vehicles, as a part of the duties and in connection

with fire protection and other emergency services, shall be deemed employees of STATE, as defined in Vehicle Code Section 17000 for acts or omissions in the use of such vehicles. Except where STATE would have no duty to indemnify LOCAL AGENCY under Exhibit C, Section 6.

- E. Certification of Insurance** - Provider Insurance Certification and/or proof of self-insurance.



THIS IS SCHEDULE A -4142 OF THE COOPERATIVE AGREEMENT, DATED NOVEMBER 1, 2012 BETWEEN THE STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION AND THE TOWN OF PARADISE, A LOCAL AGENCY.

**PERSONAL SERVICES**

No.	Class.	Period	Mos.	Rate	Total Salary	Benefits	Total
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**Salaries**

Station 1	2 Captain	7/1-6/30	16	\$4,609	\$73,744	\$46,304	\$120,048
	2 Engineer	7/1-6/30	16	\$4,003	\$64,048	\$40,216	\$104,264
	2 FFII	7/1-6/30	16	\$3,509	\$56,144	\$35,253	\$91,397
Station 2	2 Captain	7/1-6/30	16	\$4,609	\$73,744	\$46,304	\$120,048
	2 Engineer	7/1-6/30	16	\$4,003	\$64,048	\$40,216	\$104,264
	2 FFII	7/1-6/30	16	\$3,509	\$56,144	\$35,253	\$91,397
Station 35	Captain	7/1-6/30		\$4,609	\$0	\$0	\$0
	Engineer	7/1-6/30		\$4,003	\$0	\$0	\$0
	1 FFI	11/5/1930	0	\$3,061	\$0	\$0	\$0
Relief	1 Captain	7/1-6/30	8	\$4,609	\$36,872	\$23,152	\$60,024
	2 Engineer	7/1-6/30	16	\$4,003	\$64,048	\$40,216	\$104,264
	0 FFII	7/1-6/30	0	\$3,509	\$0	\$0	\$0
Command	1 Division Ct	7/1-6/30	0	\$11,194	\$0	\$0	\$0
	1 Battalion C	7/1-6/30	8	\$5,869	\$46,952	\$29,481	\$76,433
Dispatch	1 Comm Ops	7/1-6/30	8	\$4,562	\$36,496	\$18,825	\$55,321

**Overtime and Supplemental Pay**

FLSA	5 Captain	40	\$2,550	\$102,000	\$29,447	\$131,447
	6 Engineer	48	\$2,220	\$106,560	\$30,764	\$137,324
	4 FFII	32	\$1,950	\$62,400	\$18,015	\$80,415
	1 Batt. Chief	8	\$2,518	\$20,144	\$5,816	\$25,960
	1 FFI	0	\$0	\$0	\$0	\$0
Extended I	1 Divison Chief	0	\$0	\$0	\$0	\$0
Unplanned 1 1/2 Time						
	Safety			\$206,000	\$2,987	\$208,987
	Miscellaneous - HEM			\$3,333		\$3,333

Contract: Town of Paradise

Contract: 2CA01941

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Supplemental Pay

Education

16 Employees	128	\$75	\$9,600	\$139	\$9,739
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Haz Mat

4 Employee	32	\$150	\$4,800	\$70	\$4,870
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Totals			\$1,087,077	\$442,456	\$1,529,533
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<b>Subtotal Personal Service</b>	<b>\$1,529,533</b>
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**OPERATING EXPENSE**

No.	Type	Mos.	Rate		Total
Travel in state					
	Supplies				
	Training				\$28,000
	Schedule D Maint.				

<b>Subtotal travel in state</b>	<b>\$28,000</b>
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Personal care

Uniform allowance

16 Full Time Wearers (Unit 8)	\$830	\$13,280	\$4,102	\$17,382
1 Comm. Op.	0	\$450	\$450	\$139
0 Full Time Wearers (Unit 8)	\$70	\$0	\$0	\$0

<b>Subtotal Uniforms</b>	<b>\$17,971</b>
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<b>Total Operating Costs</b>	<b><u>\$45,971</u></b>
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<b>Total personal service and Operating Expense</b>	<b>\$1,575,504</b>
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Administrative charge	11.51%	\$181,341
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<b>TOTAL SCHEDULE A</b>	<b><u>\$1,756,845</u></b> <b>=====</b>
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EXHIBIT D, SCHEDULE B  
STATE FUNDED RESOURCES

COMMAND/ADMINISTRATION

1 Unit Chief  
1 Assistant Chief North Operations  
1 Assistant Chief South Operations  
1 Assistant Chief, Administration  
1 Assistant Chief, Resource Management  
1 Forestry Equipment Manager  
8 Battalion Chiefs (5 Field, CAAB, ECC, Training, VMP)  
1 Forester I, Magalia Area  
3 Fire Captains, ECC  
1 Communications Operator  
1 Forestry Logistics Officer I

FIRE PREVENTION

1 Battalion Chief  
1 Fire Prevention Captain  
1 Fire Prevention Specialist II

FIRE CONTROL

Fire Stations (10)

Oroville (2) Engines	Feather Falls (1) Engine	Butte Meadows (1) Engine
Cohasset (1) Engine	Robinson Mills (2) Engines	Stirling City (1) Engine
Paradise (2) Engines	Forest Ranch (2) Engines	Harts Mill (2) Engines
Jarbo Gap (2) Engines		

**Paradise Fire Department****Equipment Descriptions and Numbering**

<b><u>Radio ID</u></b>	<b><u>Year</u></b>	<b><u>Make</u></b>	<b><u>Model/Type</u></b>
E-1	2008	Sutphen	Monarch Rescue Pumper/1500 GPM
E-2	1994	HME	3D/Pumper/1500 GPM
E-3	1989	Pierce	Dash/pumper/1500 GPM
E-7	2000	International	4800/4x4/pumper/Type 3/1000 GPM
E-2R	2002	Pierce	Saber/pumper/1500 GPM
E-1R	1989	Pierce	Dash/pumper/1500 GPM
T-1	1981	Van Pelt	55' Quint/1000 GPM
RS-7	2007	Ford	F-550/ Rosenbauer/Type 3 Rescue
Battalion	2007	Ford	Expedition/4x4
U-1	1997	Ford	Club Wagon/10 pass. Van
U-2	2003	Ford	Expedition/4x4
U-3	2008	Ford	Expedition/4x4
P-1	2006	Ford	Escape/4x4
P-2	2000	Ford	Expedition/4x4
Air Utility	1992	Texas Bragg Enterprises	Utility Trailer/4 axle

E-Engine

T-Truck

RS-Rescue

C-Chief

U-Utility

P-Prevention

Contractor Name: Town of Paradise

Contract No.: 2CA01941

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**EXHIBIT D, SCHEDULE E**

This is Schedule E of Cooperative Agreement originally dated November 1, 2012, by and between the CAL FIRE of the State of California and LOCAL AGENCY

NAME OF LOCAL AGENCY: Town of Paradise

The CAL FIRE, State of California and its officers, agents, employees, and servants are included as additional insured for the purposes of this contract. The State shall receive thirty (30) days prior written notice of any cancellation or change to the policy at the addresses listed in LG1, Page 2.

FISCAL YEAR: 2012/13 to 2012/13

**SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY FOR  
TORT LIABILITY**

This is to certify that LOCAL AGENCY has elected to be self-insured under the self-insurance provision provided in Exhibit C, Section 17.

By

[Redacted Signature]

Signature

Steve "Woody" Culleton

Printed Name

Mayor

Title

Date

10-9-12

**SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY  
FOR  
WORKER'S COMPENSATION BENEFITS**

This is to certify that LOCAL AGENCY has elected to be self-insured for Workers' Compensation benefits which comply with Labor Code Section 3700 as provided in Exhibit C, Section 18.

By

[Redacted Signature]

Signature

Steve "Woody" Culleton

Printed Name

Mayor

Title

Date

10-9-12

**SELF-INSURANCE CERTIFICATION BY LOCAL AGENCY  
FOR  
LOCAL AGENCY-OWNED VEHICLES**

This is to certify that LOCAL AGENCY has elected to be self-insured for local agency-owned vehicles under the self-insurance provision provided in Exhibit D, Schedule D.

By

[Redacted Signature]

Signature

Steve "Woody" Culleton

Printed Name

Mayor

Title

Date

10-9-12

**EXHIBIT E**  
**DESCRIPTION OF OTHER SERVICES**

For Town of Paradise fire vehicles enroute to state incidents, training or other state required meetings, CAL FIRE will supply Voyager gas cards.

This agreement reflects Alternative 3 of the cooperative agreement proposal.

Alternative 3 provides for:

- One Battalion Chief funded by Town. (72 hour, three day coverage) Remaining battalion chief coverage is provided by CAL FIRE funded BC's. (24/7 Operations Coverage shared across jurisdictional boundaries) BC emergency response goal to Town incidents is 20 to 30 minutes assuming no other activity. The Town will maintain an office at Fire Station 1 as needed for the covering BC.
- Two staffed Paradise stations, one engine each
- Three person staffing on each engine (FC, FAE, FFII) plus relief positions
- Full integration of CAL FIRE Station 35 in response plan including Town participation in "Amador" program
  - o 7 months (late Fall - late Spring)
  - o Town provides fire engine during Amador period
  - o Town provides fire station during Amador period

Additional operational considerations are as follows:

Executive leadership related to the cooperative agreement is provided by the CAL FIRE Butte Unit Chief, with day to day leadership by the North Division Chief. Duty chief coverage is provided by an assigned division chief on a rotating basis. Duty chief coverage is made known to all department personnel each day.

Fire dispatching is provided by the CAL FIRE/Butte County Fire Department Emergency Command Center. The Town will fund one dispatcher (Communications Operator) in the first year of the agreement and a second dispatcher starting in the second year of the agreement.

CAL FIRE will support the Town's current volunteer firefighter program including assisting with recruiting, training and dispatching volunteer firefighters consistent with the standard response plan for the Town and applicable codes and statutes. If desired CAL FIRE will work to merge the Town's volunteer program with that of the Butte County Fire Department.

CAL FIRE will provide, on an emergency basis, assistance troubleshooting and if possible repairing Town fire engines. Actual costs for this service will be billed in an amount not to exceed \$5000 in any full year of this agreement.

CAL FIRE will assist the Town with fire prevention and investigation services including public education, information, life safety inspections and preliminary fire investigation. The services are provided by engine companies as required. Fire personnel will support fire hazard reduction efforts of the town including emergency response planning, Paradise Fire Safe Council assistance and special event fire safety planning. CAL FIRE will provide arson investigation and law enforcement assistance on an as-needed basis and as assistance to the Town of Paradise Police Department. The Town of Paradise will continue to support fire department personnel assigned to the Butte County Fire Investigation Team.

Fire marshal duties are assigned within the Town of Paradise Development Services Department. Plan review, life safety, fire code and development issues that involve the fire department will be carefully coordinated between the fire department and the fire marshal.

The Town of Paradise retains ownership of Town-owned fire station facilities, fire equipment, and fire apparatus.

All current Town of Paradise Fire Department employees will transition to Cal Fire employment per State law and Cal Fire policy.

Chapter 2.24 POLICE DEPARTMENT

**Chapter 2.24 POLICE DEPARTMENT**

*Sections:*

[2.24.010 Established.](#)

[2.24.020 Functions.](#)

[2.24.030 Chief.](#)

**2.24.010 Established.**

There is established the police department of the town. (Ord. 27 §1, 1980)

**2.24.020 Functions.**

The functions of the police department shall include:

- A. To prevent crime and maintain law and order in the town by enforcing the laws of the United States, the state and town, except when the enforcement is vested by law in another office or officer;
- B. To maintain in efficient operable condition those crime prevention and law enforcement systems and facilities assigned to the police department;
- C. Subject to the prior approval of the town manager, to recruit and train such reserve police officers or such other volunteer police personnel as may reasonably be required to augment the regular police department manpower;
- D. To serve subpoenas duly and properly issued in the name of the town and attested by the town clerk compelling attendance of witnesses before the council or any commission, board or officer of the town; and
- E. To perform such other duties as the town manager may direct. (Ord. 27 §2, 1980)

**2.24.030 Chief.**

The police department shall be headed by a police chief who shall be responsible for the direction and control of all functions assigned to that department. The police department shall be organized, maintained and operated by the police chief under the general administrative direction and subject to the approval of the town manager. (Ord. 27 §3, 1980)



## **PERSONNEL INDEX**

1. PMC – Personnel System
2. PMC – Public Employees Retirement System
3. Resolution No. 83-19 – Personnel System Rules
4. Resolution No. 83-48 – Compensation, Benefits and Working Conditions of Res. No. 83-19 (Modified Section)
5. Resolution No. 87-38 – Amending Res. No. 83-19, Personnel System Rules
6. Resolution No. 98-35 – Amending Res. No. 83-19 & 86-43, Personnel System Rules Relating to Part-Time Employee Benefits
7. Resolution No. 00-44 – Amending Res. No. 83-19, Personnel System Rules relating to Applications Applicants and Examinations
8. Resolution No. 02-60 – Amending Res. No. 83-19 & 86-43, Personnel System Rules relating to Nepotism
9. Resolution No. 04-14 – Amending Res. No. 83-19, 86-43 and 98-35, Personnel System Rules relating to Layoff Procedures
10. Resolution No. 07-07 – Amending Res No. 83-19 & 86-43, Personnel System Rules relating to Military Leave Benefits

RESOLUTION NO. 83-19  
PERSONNEL SYSTEM RULES  
TOWN OF PARADISE

WHEREAS, the Town Council is authorized and directed under the provisions of Ordinance No. 13 to adopt rules for the administration of the personnel system created in said ordinance; and

WHEREAS, the objectives of these rules are to facilitate efficient and economical services to the public and to provide for an equitable system of personnel management in the municipal government; and

WHEREAS, these rules set forth in detail those procedures which insure similar treatment for those who compete for original employment and promotion, and define many of the obligations, rights, privileges and prohibitions which are placed upon all employees in the competitive service of the Town; and

WHEREAS, at the same time, within the limits of administrative feasibility, considerable latitude shall be given the Town Manager and the Personnel Director in the interpretation of these Rules;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Paradise does hereby adopt the following rules:

RULE I. DEFINITION OF TERMS

The terms used in these Rules shall have the meanings as defined below:

1. Advancement: A salary increase within the limits of a pay range established for a class.
2. Allocation: The assignment of a single position to its proper class in accordance with the duties performed, and the authority and responsibilities exercised.
3. Appointing Authority: A person or group having lawful authority to appoint or remove persons from positions in the Town service.
4. Career Service: Any person regularly employed full or part-time by the Town in a permanent position. Does not include persons elected by popular vote and management employees.

5. Class: A position or group of positions having duties and responsibilities sufficiently similar that (i) the same title may be used, (ii) the same qualifications may be required, and, (iii) the same schedule of compensation may be made to apply with equity.
6. Competitive Service: All positions of employment in the service of the Town except those excluded by the personnel ordinance.
7. Compensation: Salary and other direct pay plus all employee benefits.
8. Contract Employee: An employee who is exempt from the career service and all other provisions of this resolution except as otherwise specified by individual agreement approved by the Town Council.
9. Day: A period of time between any midnight and the midnight following:
10. Demotion: The movement of an employee from one class to another class having a lower maximum base rate of pay.
11. Department Head: Any appointed person who has direct supervision and responsibility for personnel, records, funds, maintenance, and service to be performed by a Town department.
12. Disciplinary Action: For punitive reasons only, the imposition of one of the following measures: reprimand, discharge, demotion, reduction in pay, or suspension of an employee.
13. Eligible: A person whose name is on a Town of Paradise employment list.
14. Employee: A person legally employed by the Town.
15. Employment List:
  - (a) Open Employment List: A list of names of persons who have taken an open-competitive examination for a class in the competitive service and have qualified.
  - (b) Promotional Employment List: A list of names of persons who have taken a promotional examination for a class in the competitive service and have qualified.

16. Examination:

- (a) Open-competitive Examination: An examination for a particular class which is open to all persons meeting the qualifications for the class.
- (b) Promotional Examination: An examination for a particular class which is open only to employees meeting the qualifications for the class.
- (c) Continuous Examination: An open competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than one year.

- 17. Extra-Help Employees: Any employee who is employed for a period of short duration, not to exceed ninety (90) working days, (i) for work of a part-time, or emergency nature, or (ii) to fill a short-term vacancy in a regularly authorized position.
- 18. Furlough: A temporary layoff for a specified time period of sixty (60) working days or less.
- 19. Hourly Rate: This is equal to the monthly salary times twelve (12) months divided by the average annual work hours.
- 20. Immediate Family: A person related by blood, marriage or adoption who is a spouse, son, daughter, sister, sister-in-law, brother, brother-in-law, mother, father, grandfather or grandmother of either husband or wife, or other relative residing in the employee's immediate household.
- 21. Lay-Off: Indefinite termination of service without fault on the part of the employee because of lack of work, lack of funds, or other causes unrelated to the employee's job performance.
- 22. Leave of Absence: Authorization to be absent from duty.
- 23. Limited Term Employee: Any employee who is employed to perform a specific mission in a given period of time pursuant to a special program adopted by the Town Council.
- 24. Management Employee: Any employee having significant responsibilities for formulating and/or administering Town policies and programs, including but not limited to the Town Manager and Department Heads (as designated by the Town Manager).

25. Month: A calendar month.
26. Monthly Salary: The amount of individual cash compensation for a full month of service in a range and step established in accordance with the provisions of the rules.
27. Part-Time Appointment Employees: Appointments requiring less than full-time on either a daily, weekly, or monthly basis (Part-time appointments exceeding full half-time [over 1,040 hours annually] shall be considered in the career service). Positions of half-time (1,040 hours annually) or less shall be considered exempt from these rules unless specified otherwise.
28. Personnel Ordinance: Ordinance No. 13 which creates a personnel system for the Town.
29. Position: A group of current duties and responsibilities assigned or delegated by competent authority and requiring the permanent full or part-time services of an employee.
30. Probationary Period: A period to be considered an integral part of the examination, recruiting, testing and selection process during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position.
31. Promotion: The movement of an employee from one class to another class having a higher maximum base rate of pay.
32. Provisional Appointment: An appointment of a person who possesses the minimum qualifications established for a particular class and who has been appointed to a position in that class in the absence of available eligibles. In no instance shall a provisional appointment exceed six (6) months.
33. Regular Employee: An employee who occupies a permanent position, whether part-time (where normal hours exceed half-time), or full-time, in a class which is intended for permanent, career, or management-type employment.
34. Reinstatement: The restoration without examination of a former regular employee or probationary employee to a classification in which the employee formerly served as a regular non-probationary employee.
35. Relief of Duty: The temporary assignment of an employee to a status of leave with pay.
36. Separation: Any termination of employment. Termination may include death, discharge, lay-off, resignation, retirement, or work completion.

37. Step: One of the salary rates identified in the Salary Schedule which is a specific compensation rate of an employee within the established salary range for his or her class.
38. Suspension. The temporary separation from service of an employee without pay for disciplinary purposes.
39. Temporary Appointment Employees: (Limited to six (6) full calendar months in one calendar year). Appointments required when a short-term seasonal increase in workload requires additional employees. Employees are exempt from these rules unless specified otherwise.
40. Transfer: Either (i) the movement of an employee from one position to another within the same class, but to another department, or (ii) the change of an employee from one position to a position in another class with the same pay range and with the same minimum qualifications.
41. Week: A period of seven consecutive days.

## RULE II. GENERAL PROVISIONS

1. Fair Employment Practices: Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job related qualifications of applicants. No recruitment or selection technique shall be used which is in violation of current applicable law, or in the opinion of the Personnel Director, is not justifiably linked to successful job performance.
2. Nepotism Prohibited: An appointing authority shall not employ or recommend for employment any relative who is a wife, husband, father, mother, brother, sister, son or daughter. However, this section shall not apply to family members employed by the Town at the adoption of these Rules, but it shall apply to persons hired after that date. In addition, Volunteer Firemen and Reserve Police Officers are exempt from this provision.
3. Prohibition of Employment of Members of the Same Family in the Same Department or Office: From and after the date of the adoption of these rules, there shall not be employed within any department or office any person who is the wife, husband, mother, father, brother, sister, son or daughter of another employee of such department or office.

When employees of the same department marry, the Town where reasonably possible shall work to transfer one employee or reassign duties to avoid the conflict. However, if it is not reasonably possible to transfer or reassign said duties the employees in question will be allowed to decide who will resign. If no decision is made, the employee with the least seniority shall be terminated from Town service.

4. Incompatible Outside Employment: No officer or employee of the Town shall engage in any employment, activity, or enterprise for compensation of any kind or character which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as an officer or employee of the Town or the duties, functions or responsibilities of his or her appointing power or the Town itself.

For the purpose of this section, an employment activity or enterprise is inconsistent, incompatible, in conflict with, or inimical to those various duties, functions or responsibilities set forth above if it:

- (a) Involves the use for private gain or advantage of the Town's time, facilities, equipment, or supplies; or the badge, uniform, prestige or influence of the Town; or
- (b) Involves receipt or acceptance by an officer or employee of the Town of any money or other consideration from anyone other than the Town for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her duties as Town officer or employee; or
- (c) Involves the performance of an act in other than his or her capacity as an officer or employee of the Town which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer, employee or elected official of the Town; or
- (d) Involves such time demands as would render performance of duties as a Town officer or employee less efficient.

The Town Council, by resolution, may define those occupations, activities or enterprises for which such outside employment approval shall not be given. In defining those occupations, activities or enterprises which shall be so prohibited, the Council shall consider, whether the occupation, activity or enterprise is inconsistent, incompatible, in conflict with, or inimical to the duties, functions or responsibilities of Town employment.

All provisions of this section shall apply to any outside employment held by an employee or officer on the effective date of this section, as well as any outside employment sought after such effective date. Provided, however, that as to any outside employment held on the effective date of this section which is not approved, the Town Manager shall allow a reasonable period, not to exceed one year, for disassociation with such outside employment. In the event the employee refuses to comply, disciplinary action may be taken.

### RULE III. CLASSIFICATION

1. Preparation of Plan: The Personnel Director, or a person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and shall recommend a classification plan for such positions. The classification plan shall consist of classes of positions in the competitive service defined by class specifications, including the title. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority, and character of work are included within the same class, and that the same schedules of compensation may be made to apply with equity under similar working conditions to all positions in the same class.
2. Adoption, Amendment and Revision of Plan: The classification plan shall be adopted by the Town Manager and may be amended



from time to time. During the process of consideration, any recognized employee organization affected shall be advised. Amendments and revisions of the plan may be suggested by any interested party, including any recognized employee organization, and shall be submitted to the Town Manager.

3. Allocation of Positions: Following the adoption of the classification plan and consultation with any recognized employee organization affected, the Personnel Director shall allocate every position in the competitive service to one of the classes established by the plan.
4. New Positions: A new position shall not be permanently filled until the classification plan has been amended to provide therefor and an appropriate employment list established for such position.
5. Reclassification: Positions, the assigned duties of which have been materially changed by the Town so as to necessitate reclassification, whether new or already created, shall be allocated by the Personnel Director to a more appropriate class. Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a prior significant change in assigned duties and responsibilities.

When a position is reallocated or reclassified by the Personnel Director to a different class, the status of the employee in such position shall be changed in accordance with the reallocation or reclassification as follows:

- (a) An employee, who occupies a position which is re-allocated or reclassified by the Personnel Director from one class to another class having a higher salary than the class to which the position was previously allocated shall have status in the class to which reallocated or reclassified as determined in accordance with these regulations.
- (b) An employee, who occupies a position which is re-allocated by the Personnel Director from one class to another class having a salary within five percent (5%) of the former class, shall have status in the class to which the position has been reallocated providing the employee meets minimum qualifications.

- (c) An employee, who occupies a position which is reclassified by the Personnel Director from one class to another class having a lower salary, shall have status in the class to which the position has been reclassified, and the employee's name shall be placed on a layoff list for the class from which reclassified.

6. Interpretation of Class Specifications: The following principles shall be applied in interpreting specifications for the various classes of positions:

- (a) The specifications are descriptive only and are not restrictive. They are intended to indicate the kinds of positions that should be allocated to the respective classes as determined by their duties, responsibilities and qualification requirements. Use of a particular expression or illustration shall not be held to exclude others not mentioned, if such others are similar in kind or quality.
- (b) In determining the class to which any position should be allocated, the specification for each class shall be considered as a whole. Consideration is to be given to the general duties, the specific tasks, the responsibilities, the minimum qualifications and the relationships to other classes as affording together a picture of the kinds of positions that the class is intended to include.
- (c) The duties statement shall be construed as a general description of a kind of work usually performed by the incumbent of a position that is properly allocated to the class, and not as prescribing what the duties of any position shall be, nor as limiting the expressed or implied power of the authority now or hereafter vested with the right to prescribe or alter the duties of any position.
- (d) The typical tasks shall be construed as examples only, illustrative of the duties as outlined by the general statement. These examples are not intended to be complete or exclusive and the fact that the actual task performed by the incumbent of a position does not appear therein shall not be taken to mean that the position is necessarily excluded from the class, provided that the tasks constituting the main work or employment are duly covered by the general statement of duties. On the other hand, any one example of a typical task without relation to the general statement of duties and all other parts of the specifications shall not be construed

as determining whether a position should be allocated to the class.

- (e) The statement of minimum qualifications constitutes a part of the description of the kind of employment included within the class, and expresses the minimum and any additional desirable qualifications expected of an appointee.

#### RULE IV. APPLICATIONS AND APPLICANTS

1. Announcement: All examinations for classes in the competitive service shall be publicized by such methods as the Town Manager or the Personnel Director deem appropriate. The announcements shall specify the title and pay of the class for which the examination is announced; the nature of the work to be performed; the manner of making application; and other pertinent information.
2. Application Forms: Applications shall be made as prescribed on the examination announcement. Application forms shall require information covering training, experience, and other pertinent information. All applications must be signed by the person applying.
3. Disqualification: The Personnel Director may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the person:
  - (a) Is lacking the requirements established for the class;
  - (b) Is mentally, physically or personally unfit to perform the duties and responsibilities of the class or position;
  - (c) Habitually uses intoxicating liquors or controlled substances;
  - (d) Has been convicted of any felony or any crimes involving moral turpitude; or has been convicted of offenses which indicate unfitness for performing the duties and responsibilities of the class or position;
  - (e) Has made a false statement of material fact(s) in the application;

- (f) Has been discharged from any employment for reasons which indicate unfitness for performing the duties and responsibilities of the class or position;
  - (g) Has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment;
  - (h) Has directly or indirectly obtained information regarding examinations to which the applicant was not entitled, or has otherwise defrauded the examination process;
  - (i) Failed to submit an application correctly or within the prescribed time limits;
  - (j) Has taken part in the compilation, administration or correction of the examination;
  - (k) Has taken a test which is being held on a continuous basis within thirty (30) days immediately prior to the giving of the test for which applied or has taken the particular form of the test within the six months immediately preceding the giving of the test for which applied;
  - (l) Has permanent status in the class for which making application to be examined;
  - (m) Has otherwise violated provisions of these rules.
4. Criminal Conduct - Ineligibility for Employment: Conviction, including pleas of guilty and nolo contendere, of a felony shall be prima facie disqualification of an applicant for employment; provided, however, that the appointing authority may disregard such conviction if it is found and determined by such appointing authority that mitigating circumstances exist. In making such determination, the appointing authority shall consider the following factors:
- (a) The classification, including sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction;
  - (b) The nature and seriousness of the offense;
  - (c) The circumstances surrounding the conviction;

- (d) The length of time elapsed since the conviction;
- (e) The age of the person at the time of the conviction;
- (f) The presence or absence of rehabilitation or efforts at rehabilitation;
- (g) Contributing social or environmental conditions.

An applicant who is disqualified for employment under this section may appeal the determination of disqualification. Such appeal shall be in writing and filed with the Town Manager within ten (10) days of the date of the notice of disqualification. The Town Manager shall hear and determine the appeal within ninety (90) days after it is filed. The determination of the Town Manager on the appeal is final.

Notwithstanding the foregoing, an applicant for a peace officer position shall be disqualified, without right of appeal, from employment if the applicant shall have been convicted of a felony.

- 5. Background Investigation: The Personnel Director may conduct such investigation of the applicant's training and experience and mental, physical and personal fitness as may be necessary to verify and clarify statements contained in the application.
- 6. Notification of Disqualified Applicant: Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the Personnel Director. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications is not expired.

#### RULE V. EXAMINATIONS

- 1. Examination Process: The selection techniques used in the examination process shall be impartial and relate to those subjects which, in the opinion of the Personnel Director, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the class to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily

limited to, achievement and aptitude tests, other written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, psychological tests, successful completion of prescribed training, or any combination of these or other tests. The probationary period shall be considered as a portion of the examination process. Examinations shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements of the class, covering only factors related to such requirements.

2. Promotional Examinations: Promotional examinations may be conducted whenever, in the opinion of the Personnel Director, the needs of the service require. Promotional examinations may include any of the selection techniques mentioned in Section 1 of this Rule, or any combination of them. Only regular employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations. Promotional examinations shall be held as soon as feasible.
3. Continuous Examination: Open-competitive examinations may be administered periodically for a single class as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in Rule VI.
4. Conduct of Examination: The Town Council may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Personnel Director shall see that such duties are performed. The Personnel Director shall arrange for the use of public buildings and equipment for the conduct of examinations.
5. Notification of Examination Results and Review of Papers:

Each candidate in an examination shall be given notice of the results thereof, and if successful, of the final earned score and/or rank on the employment list.

All candidates shall have the right to inspect their own test answer sheet within five (5) working days after the notification of examination results. However, the rating given by each oral board member shall not be disclosed. Any error in computation, if called to the attention of the Personnel Director within this period, shall be corrected. Such corrections shall not, however, require invalidation of appointments previously made.

6. Physical Requirements: The Town may require that all applicants and employees be in such physical or mental condition to perform the duties of their jobs and may require periodic medical or psychological evaluation. No employee shall hold any position in a classification in which he cannot physically or mentally perform all the duties of the job adequately or without hazard to himself or others. Within the limitations indicated, the Town's policy shall be to make such efforts as are consistent with the provisions of these Rules to place physically disabled employees in such positions as are available in the Town service where their disabilities will not affect their performance of duties. The employee's length of service, nature of past performance and the availability of openings may be considered in placing disabled employees.

#### RULE VI. EMPLOYMENT LISTS

1. Employment Lists: As soon as possible after the completion of an examination, the Personnel Director shall prepare and maintain an employment list consisting of the names of candidates who qualified in the examination.
2. Duration of Lists: Employment lists other than those resulting from a continuous examination shall remain in effect until exhausted or abolished by the Personnel Director.

Open-competitive lists created as a result of continuous examinations shall remain in effect for not more than one year after the last administration of the examination, unless sooner exhausted or abolished. Names placed on such lists may be merged with any others already on the list.

3. Removal of Names from List: The name of any person appearing on an employment, re-employment or promotional list shall be removed by the Personnel Director if the eligible requests in writing that the name be removed or if the eligible fails to respond to a notice of certification mailed to the last designated address. The person affected shall be notified of the removal of the name by a notice mailed to the last known address. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

## RULE VII. METHOD OF FILLING VACANCIES

1. Types of Appointment: All vacancies in the competitive service shall be filled by transfer, demotion, re-employment, reinstatement, or from eligibles certified by the Personnel Director from an appropriate employment list, if available. In the absence of persons eligible for appointment in these ways, provisional appointments may be made in accordance with these personnel rules.
2. Notice to Personnel Director: If a vacancy in the competitive service is to be filled, the appointing power shall notify the Personnel Director in the manner prescribed. If there is no re-employment list available for the class, the appointing power shall have the right to decide whether to fill the vacancy by reinstatement, transfer, demotion, appointment from a promotional employment list, or appointment from an open employment list.
3. Certification of Eligibles: If the appointing power does not consider it in the Town's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by re-employment, certification shall be made from an appropriate employment list, provided eligibles are available.

When the appointing power requests a vacancy be filled by appointment from a promotional employment list or from an open employment list, the Personnel Director should certify from the specified list the names of all individuals willing to accept appointment. Whenever there are fewer than five names of individuals willing to accept appointment on a promotional appointment list or on an open employment list, the appointing power may make an appointment from among such eligibles or may request the Personnel Director to establish a new list. When so requested, the Personnel Director shall hold a new examination and establish a new employment list.

4. Appointment: After interview and investigation, the appointing power shall make appointments from among the top five certified, and shall immediately notify the Personnel Director of the persons appointed. The person accepting appointment shall report to the Personnel Director, or the Personnel Director's designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and reports for duty within such period of time as the appointing authority shall prescribe, the applicant shall be deemed to be appointed; otherwise, the applicant shall be deemed to have declined the appointment.



5. Provisional Appointment: In the absence of there being names of individuals willing to accept appointment from appropriate employment lists, a provisional appointment may be made by the appointing authority of a person meeting the minimum training and experience qualifications for the position. Such an appointment may be made during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion or discharge of an employee, and such vacancy may be filled by the appointing authority subject to the provisions of these Rules. A provisional employee may be removed at any time without the right of appeal or hearing. No provisional appointment shall exceed six (6) months. Police officer vacancies shall not be filled by provisional appointments.

A provisional appointee shall accrue the same benefits as probationary employees. If a provisional appointee is selected for a full-time position with the Town, the time served as a provisional appointee shall be counted as time toward the fulfillment of the required probationary period.

No special credit shall be allowed in meeting any qualifications or in the giving of any test or the establishment of any open-competitive promotional lists, for service rendered under a provisional appointment.

#### RULE VIII. PROBATIONARY PERIOD

1. Regular Appointment Following Probationary Period: All original and promotional appointments shall be tentative and subject to a probationary period of not less than one year actual service to be determined for each class by the Personnel Director. The appointing authority may extend such probationary period up to six additional months. The Personnel Director shall notify the appointing authority and the probationer concerned two weeks prior to the termination of any probationary period. If the service of the probationary employee has been satisfactory to the appointing authority, then the appointing authority shall file with the Personnel Director a statement in writing to such effect and stating that the retention of such employee in the service is desired. If such a statement is not filed, the employee will be deemed to be unsatisfactory and his employment terminated at the expiration of the probationary period. Where a statement of satisfactory service has not been filed, notice of the termination shall be served on the terminated employee by the Personnel Director before the expiration of the selection period. However, to do so, will not result in the reinstatement of the employee.

2. Objective of Probationary Period: The probationary period shall be regarded as a part of the selection process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to his position.
3. Rejection of Probationer: During the probationary period, an employee may be rejected at any time by the appointing power without cause and without the right of appeal. Notification of rejection by the appointing authority shall be served on the probationer.
4. Rejection Following Promotion: Any employee rejected during the probationary period following a promotional appointment or at the conclusion of the probationary period by reason of failure of the appointing power to file a statement that the employee's services have been satisfactory shall be reinstated to the position from which the employee was promoted unless charges are filed and the employee is discharged in the manner provided in the Personnel Ordinance and these Rules for positions in the competitive service. If there is no vacancy in such position, the employee may request to be placed on a re-employment list.

#### RULE IX. EMPLOYEE PERFORMANCE EVALUATIONS

1. Policy: It is the policy of the Town that regular reports be made as to the efficiency, competency, conduct and merit of its employees. To this end, it is declared to be the responsibility of the Town Manager, the department heads and their subordinate supervisors that these ratings be made. It is also declared that it is the responsibility of the Personnel Director to provide and prescribe the forms and procedures to be used in such reports of performance and to assist in the training of supervisory personnel of the Town so that the program of performance reporting will be carried on in a sound and effective manner.
2. Schedule: Reports shall normally be prepared and a copy submitted to the Personnel Director on the second, sixth and tenth months for probationary employees. A report for regular employees shall be prepared within thirty (30) days prior to the salary anniversary date each year and a copy shall be submitted to the Personnel Director.

In addition, a report may be prepared at any time by request of the employee or at the discretion of the employee's supervisor.

3. Authority to Make Reports: The appointing authority shall have the authority to make reports of performance, however, he/she may delegate such authority to subordinate supervisors who are most familiar with the work of the employee to be evaluated. The appointing authority shall review and approve all performance evaluations of personnel under his/her jurisdiction.
4. Review with Employee: It is acknowledged that one of the prime benefits of a sound performance rating system is that it can bring together the employee and his/her supervisor in a constructive discussion of the employee's work performance and issues related to work performance. Therefore, each performance evaluation shall be thoroughly discussed with the employee to point out areas of successful performance and areas that need improvement. The employee shall also be encouraged to comment regarding his/her work performance, either in a written statement attached to the report or orally. The employee shall sign the performance report to acknowledge that he/she is aware of its contents and has discussed the report with the evaluator. The employee's signature does not necessarily mean that he/she fully agrees with the contents of the report.
5. Distribution of Reports: Reports shall be prepared with copies to the employee and the Personnel Director for retention in the employee's employment history file.
6. Effects of Improvement Needed or Unsatisfactory Ratings: In order to be eligible to participate in any promotional examination an employee must receive an overall satisfactory rating on the performance evaluation.

When an employee receives an overall "below average" rating, he/she shall be re-evaluated within six (6) months to document performance. If the employee's performance has improved to such an extent that the appointing authority believes it is justified, the improvement shall be indicated on the report and he/she may specifically recommend the granting of any merit increase which had been withheld, effective the first day of the pay period following the date of the report. The employee will then have a new salary anniversary date.

#### RULE X. TRANSFER, PROMOTION, DEMOTION, SUSPENSION AND REINSTATEMENT

1. Transfer: No person shall be transferred to a position for which that person does not possess the minimum qualifications.

Upon notice to the Personnel Director, an employee may be transferred by the appointing power or designee at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications.

If the transfer involves a change from one department to another, the gaining department head must consent thereto unless the Town Manager orders the transfer. Transfer shall not be used to effectuate a promotion, demotion, advancement or reduction, each of which may be accomplished only as provided in the Personnel Ordinance or these Rules.

2. Promotion: Insofar as consistent with the best interests of the service all vacancies in the competitive service shall be filled by promotion from within the competitive service, after a promotional examination has been given and a promotional list established.

If, in the opinion of the Personnel Director, it is in the best interests of the municipal service, a vacancy in the position may be filled by an open-competitive examination instead of promotional examination, in which case the Personnel Director shall arrange for an open-competitive examination and for the preparation and certification of an open-competitive employment list.

3. Demotion: The appointing authority may demote an employee whose ability to perform the required duties falls below standard, or for disciplinary purposes. Upon request of the employee, and with the consent of the appointing authority, demotion may be made to a vacant position. No employee shall be demoted to a position who does not possess the minimum qualifications. Disciplinary demotion action shall be in accordance with Rule XI hereof.
4. Suspension: The appointing power may suspend an employee from a position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty (30) calendar days, nor shall any employee be penalized by suspension for more than thirty (30) calendar days in any fiscal year. Department heads may suspend a subordinate employee for not more than five (5) working days (Two (2) shifts for 56-hour employees) at any one time. Intended suspension action shall be reported immediately to the Personnel Director, and shall be taken in accordance with Rule XI hereof.

5. Reinstatement: With the approval of the appointing power, a regular employee or probationary employee who has completed at least six (6) months of probationary service and who has resigned with a good record may be reinstated within two (2) years of the effective date of resignation, to a vacant position in the same or comparable class. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave, or other benefits except on the specific recommendation of the appointing authority at time of reinstatement.

#### RULE XI. DISCIPLINARY ACTION

1. Policy: Prior to the suspension for punitive reasons (for over five (5) days, two (2) shifts for 56-hour employees), demotion, reduction in pay, or discharge of a regular employee, the procedure set forth in this Rule shall be followed. However, disciplinary suspension of five (5) working days (two (2) shifts for 56-hour employees) or less may be imposed immediately and the steps provided below subsequently followed.
2. Written Notice: Written notice of the proposed disciplinary action shall be given to the employee. Such notice shall include a statement of the reason(s) for the proposed action and the charge(s) being considered.
3. Employee Review: The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based, and, if practicable, the employee shall be supplied with a copy of the documents.
4. Employee Response: Within five (5) working days after the employee has had the review opportunity provided above, the employee shall have the right to respond orally or in writing, at the employee's option, to the appointing authority concerning the proposed action.
5. Relief of Duty: Notwithstanding the provisions of this Rule, upon the recommendation of the Personnel Director, the Town Manager may approve the temporary assignment of an employee to a status of leave with pay pending conduct or completion of such investigations or opportunity to respond as may be required to determine if disciplinary action is to be taken.
6. Appeal: Regular employees may appeal disciplinary actions to an administrative hearing before the Town Manager by filing a written request with the Town Manager within five (5) days of the imposition of the action.

7. Cause: The appointing authority may dismiss, suspend or demote any employee for cause. The following are sufficient causes for such action; the list is indicative rather than inclusive and causes for dismissal, suspension or demotion may be based on reasons other than those specifically mentioned:
- (a) Absence without leave.
  - (b) Conviction of any criminal act involving moral turpitude.
  - (c) Conduct tending to bring Town employment into disrepute.
  - (d) Disorderly or immoral conduct.
  - (e) Incompetent, inept, substandard or untimely performance of assigned work.
  - (f) Insubordination.
  - (g) Being at work under the influence of liquor or drugs, carrying onto the premises liquor or drugs or consuming or using liquor or drugs during work hours and/or on Town premises. An employee shall not be subject to discipline for taking medication as prescribed by his/her physician.
  - (h) Neglect of duty.
  - (i) Negligent or willful damage to public property or waste of public supplies or equipment.
  - (j) Violation of any lawful and reasonable regulation or order given by a supervisor or department head.
  - (k) Willful violation of any of the provisions of the Town's Personnel Ordinance, Regulations, Council Policies or Administrative Policies.
  - (l) Material and intentional misrepresentation or concealment of any fact in connection with obtaining employment.
  - (m) Misappropriation of Town funds, property or otherwise taking equipment for personal use.

- (n) Unreasonable failure or refusal to undergo any physical, medical and/or psychiatric exam and/or treatment authorized by these regulations related to employee's continued ability to perform his or her job.
- (o) Dishonesty or theft.
- (p) Misuse of sick leave.
- (q) Excessive or unexcused absenteeism and/or tardiness.
- (r) Willful violation of safety rules.
- (s) Offensive treatment of the public or fellow employee.
- (t) Falsification of Town records.
- (u) Unauthorized sleeping on the job.

#### RULE XII. LAYOFF POLICY AND PROCEDURE

1. Statement of Intent: Whenever, in the judgment of the Town Council, it becomes necessary to abolish any position of employment, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal.
2. Notification: Employees to be laid off shall be given, whenever possible, at least thirty (30) calendar days prior notice.
3. Vacancy and Demotion: Except as otherwise provided, whenever there is a reduction in the work force, the appointing authority shall first demote to a vacancy, if any, in a lower class for which the employee who is the latest to be laid off in accordance with Section 6 is qualified. All persons so demoted shall have their names placed on the reemployment list.
4. Employee Rights: An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in a lower class in the same class series or in a lower classification in which the affected employee once had permanent status. For the purpose of this section and Section 5, seniority includes all periods of full-time service at or above the classification level where layoff is to occur.

5. Seniority: Providing merit and ability are equal and in order to retreat to a former or lower class, an employee must have more seniority than at least one of the incumbents in the retreat class and request displacement action in writing to the Personnel Director within five (5) working days of receipt of notice of layoff.

Employees retreating to a lower or similar class shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the class from which the employee was laid off.

Employees retreating to a lower or similar class shall serve a probationary period in the new class unless they have previously successfully completed a probationary period in the class or a class in the class series.

6. Employment Status: In each class of position, employees shall be laid off according to employment status in the following order: temporary, provisional, probationary and regular.

Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the appointing authority.

In cases where there are two or more permanent employees in the class from which the layoff is to be made, such employees shall be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least thirty (30) days and no more than twelve (12) months prior to layoff as follows:

"First, all employees having ratings of 'improvement needed;' Second, all employees having ratings of 'competent;' Third, all employees having ratings of 'outstanding.'"

Employees within each category shall be laid off in inverse order of seniority in Town service.

7. Reemployment List: The names of persons laid off or demoted in accordance with these Rules shall be entered upon a re-employment list. Separate reemployment lists shall be maintained for each department and used by that department when a vacancy arises in the same or lower class of position before certification is made from an eligible list.
8. Duration of Reemployment List: Names of persons laid off shall be carried on a reemployment list for twelve (12) months, except that persons appointed to permanent positions of the same level as that which laid off, shall, upon such appointment,



be dropped from the list. Persons who refuse reemployment shall be dropped from the list. Persons reemployed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for the one year.

#### RULE XIII. SEPARATION FROM THE SERVICE

1. Discharge: An employee in the competitive service may be discharged at any time by the appointing power. Whenever it is the intention of the appointing power to discharge an employee in the competitive service, the Personnel Director shall be notified. Disciplinary discharge action shall be taken in accordance with Rule XI.
2. Resignation: An employee wishing to leave the competitive service in good standing shall file with the appointing authority a written resignation stating the effective date and reasons for leaving at least two weeks before leaving the service, unless such time limit is waived by the appointing authority. A statement as to the resigned employee's service performance and other pertinent information shall be forwarded to the Personnel Director. Failure to give notice as required by this rule shall be cause for denying future employment by the Town.
3. Attendance: Failure on the part of an employee, absent without leave, to return to duty within twenty-four (24) hours after notice to return shall be cause for immediate discharge. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of address, shall be reasonable notice.

#### RULE XIV. REPORTS AND RECORDS

1. Attendance: Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays and leaves. All departments shall keep daily attendance records of employees which shall be reported to the Personnel Director in the form and on the dates specified.
2. Personnel Records: The Personnel Director shall maintain a service or personnel record for each employee in the service of the Town showing the name, title of position

held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent by the Personnel Director.

Employee personnel records shall be confidential and accessible only to the Personnel Director, Town Manager, Department Heads and the employee. No person shall have access to any such record without first securing approval from the Personnel Director.

3. Change-of-Status Report: Every appointment, transfer, promotion, demotion, change of salary rate, or any other temporary or permanent change in status of employees shall be reported to the Personnel Director in such manner as may be prescribed.

#### RULE XV. GRIEVANCE PROCEDURE

1. Definitions:

- (a) Grievance: A grievance is a claimed violation, misapplication, or misinterpretation of a specific provision of these Rules which adversely affects the grievant and which is not appealable through other provisions herein.
- (b) Grievant: A grievant is an employee who is filing a grievance as defined above. Alleged violations, misapplications or misinterpretations which affect more than one employee in a substantially similar manner may be consolidated at the discretion of management as a group grievance and thereafter represented by a single grievant.
- (c) Day: Day shall mean a day in which the Town's main administrative office is open for business.

2. Process:

- (a) Informal Level: Within five (5) days from the event giving rise to a grievance or from the date the employee could reasonably have been expected to have had knowledge of such event, the grievant shall orally discuss his/her grievance with his/her immediate supervisor. A supervisor shall have five (5) days to give an answer to the employee.

(b) Formal Levels:

- (1) Level 1: If a grievant is not satisfied with the resolution proposed at the informal level, he/she may within ten (10) days of the receipt of such answer file a formal written grievance with his/her supervisor on a form containing a statement describing the grievance, the section of these Rules allegedly violated, and the remedy requested. The Supervisor (or designee) shall, within five (5) days thereafter give a written answer to the grievant on the form provided.
- (2) Level 2: If the grievant is not satisfied with the written answer from the supervisor, the grievant may, within five (5) days from the receipt of such answer, file a written appeal to the Department Head. Within ten (10) days of receipt of the written appeal, the Department Head or his/her designee, shall investigate the grievance which may include a meeting with the concerned parties and, give a written answer to the grievant.
- (3) Level 3: If the grievant is not satisfied with the written answer from the Department Head, the grievant may, within five (5) days from the receipt of such answer, file a written appeal to the Town Manager. Within ten (10) days of receipt of the written appeal, the Town Manager or his/her designee, shall investigate the grievance which may include a meeting with the concerned parties and give written answer to the grievant.
- (4) Level 4: If the grievant is not satisfied with the written answer from the Town Manager, the grievant may, within five (5) days from the receipt of such answer, file a written appeal to the Town Council. Within ten (10) days of receipt of the written appeal, the Town Manager or his/her designee, shall schedule a closed personnel session with the concerned parties and the Town Council. The Town Council will conduct the hearing and render a decision which shall be final and binding on both parties.

3. General Provisions:

- (a) If a grievant fails to carry his/her grievance forward

to the next level within the prescribed time period, the grievance shall be considered settled based upon the decision rendered at the most recent step utilized.

- (b) If a supervisor or manager fails to respond with an answer within the given time period, the grievant may appeal his/her grievance to the next higher level.
- (c) The grievant may be represented by a person of his/her choice at any formal level of this procedure.
- (d) Time limits and formal levels may be waived by mutual written consent of the parties.
- (e) Proof of service shall be accomplished by certified mail or personal delivery.

RULE XVI. COMPENSATION, BENEFITS AND WORKING CONDITIONS

1. Hours of Work: Department Heads shall establish a schedule of regular work and office hours for their departments subject to the approval of the Town Manager. The schedule shall normally provide for a work week of forty (40) hours (8:00 a.m. - 5:00 p.m.) for all employees except for those employees assigned to shift work. The schedule for shift work employees shall be established to accomplish maximum coverage of a twenty-four (24) hour day without violating applicable local, state or federal labor laws. In addition, department heads and other management employees shall work such hours as may be required to perform the duties of their respective offices or departments.
  - (a) Rest Periods: Subject to the discretion and control of the Department Heads, all employees may be allowed rest periods not to exceed fifteen (15) minutes during each three (3) consecutive hours of work, but the total number of rest periods in any one working day shall not exceed two (2). Rest periods shall be scheduled in accordance with the requirements of the department and shall be taken at such location as designated by the Department Head.
  - (b) Lunch Period: All Town employees normally shall be allowed a lunch period of one hour which shall be scheduled generally in the middle of the work shift. The exact time and duration of such lunch period shall be within the discretion of the Department Head. Lunch

period shall not be counted as a part of the total hours worked, except for those employees for whom lunch periods included the actual performance of assigned duties.

2. Payment of Salary:

- (a) Compensation Plan: The compensation of all officers and employees of the Town are fixed and determined pursuant to the provisions of the Town's Personnel Rules, the Salary Resolution and Memorandum of Understandings as from time to time amended. The compensation shall represent full salary compensation for the services of them by virtue of their respective employment.
- (b) Extra Help/Temporary/Part-Time Employee Compensation: Except as otherwise provided in these Rules, all extra help, temporary and part-time employees shall not be paid for holidays not worked, nor any other type of leave with pay, nor shall they be entitled to group life insurance, or any other fringe benefits accorded regular employees. The hourly rates of pay for such employees constitutes complete compensation for services rendered.
- (c) Limited Term Employee Compensation: Salaries for limited term employees shall be at the hourly rate established for such limited term employees at the time of employment, provided that a regular employee temporarily transferred or assigned to limited term employment shall receive not less than the compensation which he would have received had the temporary transfer or assignment not been made, including any merit increases to which he would otherwise have been entitled. If such regular employee is temporarily appointed to a position in a class having a higher salary range, such employee's salary shall be computed in accordance with applicable regulations. Limited term employees shall be paid in proportion to their normal hours of work compared to regular full or part-time employees consistent with the date of employment and length of service.
- (d) Separation Pay: When an employee separates from the Town service in the middle of a payroll period, said employee shall receive his final check at the next regularly scheduled pay day for that period. Notice of such separation shall be filed immediately with the Personnel Director. However, when an employee is discharged, he/she shall be paid on the date of discharge.

- (e) Official Payroll Records: The Personnel Office maintains the official Town payroll records. The Department Head is responsible for insuring the accuracy, according to the Personnel Rules of departmental input to said records.
- (f) Advancement Through the Pay Plan: New employees shall be appointed at the first step of the salary range to which their class is assigned except as follows:

When it appears that the education and previous training or experience of a proposed employee are substantially superior to those required of the class and justify a beginning salary in excess of such minimum compensation, upon recommendation of the Department Head, the Town Manager may authorize an appointment to a position at any higher step. Such Department Head shall submit his/her recommendation to the Town Manager, together with such information as the Town Manager may require.

Upon recommendation of the Department Head, initial employment at a salary step other than entry level may be authorized by the Town Manager when a particularly difficult recruiting problem for a class is found to exist.

- (g) Merit Salary Increases: Merit salary increases are not automatic. They are based on performance as judged by the Department Head and Town Manager. Department Heads may recommend increases only for those employees who have demonstrated above average work performance. Merit increases may be recommended to the next highest step in the salary range for the classification. The Town Manager must approve all merit increases. When a merit increase is not granted, there is no right of appeal and the appointing authority's decision is considered final.
- (h) Eligibility for Merit Salary Increases: A new employee appointed at the first step of a classification having merit steps shall be eligible for a merit increase on the first day of the pay period following satisfactory completion of one year of service, and shall be eligible for an additional salary increase upon the first day of the pay period following satisfactory completion of one year of service following any in range salary adjustment.

Performance ratings shall guide supervisors and Department Heads in determining whether advancement has been earned. If an employee's probationary period is extended, he/she will not be eligible for a merit increase until he/she satisfactorily completes his/her probationary period.

3. Overtime, Callback and Standby Time:

(a) Definitions:

- (1) Overtime: Is authorized time actually worked in excess of the established number of full-time hours per week as provided in the Personnel Rules.
- (2) For purposes of computing overtime, the regular work week for miscellaneous employees shall be a seven (7) day cycle as established by the Administrative Services Director.
- (3) All overtime entitlements shall be computed to the nearest quarter of an hour.

(b) Overtime Policy: It is the policy of the Town of Paradise that overtime work is to be kept to a minimum, consistent with the protection of lives and property of its citizens and the efficient operation of activities of the Town and shall be authorized by the Town Manager or Department Heads.

(c) Compensation for Overtime:

- (1) Overtime Rate: Except as otherwise provided in this section, a career service employee who works authorized overtime shall be paid for such overtime at a rate equal to one and one-half (1-1/2) times the employee's regularly hourly rate.
- (2) Overtime Pay: All overtime shall be paid on the payday relating to the pay period that the overtime is worked unless the employee requests that the overtime be credited as compensatory time.
- (3) Comp Time In Lieu: Comp time in lieu of overtime payment shall accrue at the rate of one and one-half (1-1/2) hours for each hour worked.

(d) Compensatory Time: Compensatory time may be accumulated to a maximum of twenty-four (24) hours. Employees may use compensatory time only upon the approval of their Department Head (or designee). In no event may an employee be allowed to accrue compensatory time above the maximum provided in this section. Comp time will be accrued at time and one-half.

- (1) Career service employees required to work shifts shall not be eligible to accumulate compensatory time unless the compensatory time is approved by their Department Heads (or designees) prior to the time that the overtime is worked.
- (2) Upon termination from Town service, all eligible compensatory time shall be paid to the employee.
- (3) Compensatory time may only be used for sick leave with the approval of the appropriate Department Head.

(e) Classifications Not Eligible for Overtime:

- (1) Management employees are not eligible for overtime or comp time compensation. Any overtime worked shall be considered part of the duties and responsibilities of the classification and persons working overtime shall not be eligible for overtime pay.
- (2) Any career service employee who, in addition to their regular position, works as a Police Reserve or Call Fireman will not be eligible for overtime for those hours worked while in a Reserve or Call-Fireman status. The hourly rate of those positions shall be considered full compensation for the services rendered.

(f) Compensation for Holiday Work:

- (1) Eligible Employees: Except as otherwise provided in this section, only those career service employees who are: (i) working a 40-hour week and (ii) designated as eligible in the Salary Resolution or Memorandum of Understanding are eligible for Holiday Pay under this subsection.



- (2) Eligible non-safety career service employees required to work on paid holidays shall be compensated at time and one-half for any work during the holiday.
- (3) If a holiday falls on a Sunday, and Monday is designated by the Town as the Town holiday, compensation for holiday work shall be allowed for work performed on only Monday. If a holiday falls on a Saturday, and Friday is designated by the Town as the Town holiday, compensation for holiday work shall be allowed for work performed on only Friday.
- (4) Employees assigned to a non-standard work week shall observe the sixth and seventh day as Saturday and Sunday for compensatory purposes.
- (g) Emergency Callback Pay: Except as otherwise provided in this section, an employee who is called back to work after leaving his or her place of employment following the completion of the employee's work shift, shall be credited with compensation at a rate of time and one-half pay for the time worked. Such overtime shall be computed for work performed from the time of reporting at the place of work to the time of completion of the work at such place.

4. Benefit Program:

- (a) Benefit Program Coverage: Except as otherwise provided herein, coverage under benefit programs for respective categories of employment shall be interpreted and applied as follows:
  - (1) Full-Time Regular Employees: This category of employment is entitled to full benefit coverage provided by Town employment except as herein provided.
  - (2) Part-Time Regular Employees: This category of regular employment is entitled to coverage under the benefit program if (i) they occupy a permanent position in the Town's work force and (ii) the employee works more than 1,040 hours in a twelve-month period. The accrual rate of benefits will be prorated based on the number of hours

actually worked, except life and health plan coverage which is prorated to the scheduled hours worked. No benefit plan coverages are available for half-time and less than half-time employment.

(3) Temporary, Seasonal or Extra-Help Employees: Persons employed in this category are not covered under the benefit programs unless specifically included or covered by applicable laws or regulations.

(4) Limited Term Employees: Persons in this category of employment may be covered under one or all of the benefit programs at the discretion of the Town Council.

5. Vacation Leave:

(a) Eligibility: All regular employees who are eligible for benefit coverage under Section 4, Subsection (a), are eligible to accrue vacation leave.

(b) Rate of Accrual: Except as otherwise provided in this Section, eligible employees who are in a paid status for 80 hours per pay period shall earn vacation leave with pay at the following rate:

<u>YEARS OF SERVICE</u>	<u>VACATION ACCRUED ANNUALLY</u>
1 - 4	10 days
5 - 9	15 days
10 - 20	20 days

Eligible employees who are not in a paid status for a full 80 hours during a pay period will be credited with the appropriate prorated accrual based on the above hourly rates and actual hours in a paid status.

(c) See the appropriate Memorandum of Understanding for rate of accrual for various employee units.

(d) Vacation Accrual During Probation: New permanent employees during the first thirteen (13) pay periods of their probation period, shall accrue vacation, but shall not take vacation until after the thirteenth (13th) pay period.

- (e) Use of Vacation: The time at which an employee may use their accrued vacation leave and the amount to be taken at any one time shall be determined by the Department Head with particular attention to the needs of the Town, but also, as far as possible, considering the wishes of the employee. Employees shall not work for any other department of the Town during vacation leave.
- (f) Maximum Accumulation: As of December 31 of each year an employee may carry over unused vacation leave to an equivalent to twice the employee's annual vacation rate, except that not more than twenty-two (22) days of vacation may be accumulated at any time.

Unused vacation accrued beyond these amounts shall be lost. However, vacation accrued in excess of twice annual prior to the adoption of these Rules will be allowed to remain with the employee for three (3) years before being lost.

- (g) Terminal Vacation Pay: Employees who are separated from the Town shall be entitled to a lump sum payment for vacation leave accumulated as of the last day worked. In case of death, compensation for accrued vacation leave shall be paid in the same manner that salary due to the decedent is paid.
- (h) Transfer of Vacation Leave: When an employee is transferred to, or appointed to, another department his/her vacation credit shall be assumed by the new department.

6. Sick Leave With Pay:

- (a) General Policy: Sick leave with pay shall be earned by regular full-time, regular part-time and those authorized limited term employees and may be used as herein provided.
- (b) Definition: Sick leave means the necessary absence from duty of an employee because of:
  - (1) The employee's illness or injury.
  - (2) The employee's exposure to contagious disease.
  - (3) The employee's dental, eye, and other physical or medical examination or treatment by a licensed practitioner.

- (4) Illness or disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, or recovery from any of the foregoing.
- (5) For the death or serious illness of a person in the employee's "immediate family" (See Definition Section, Rule I), each such absence shall not exceed three (3) days. The length of such absence shall be approved by the appropriate Department Head. The absence may be extended beyond three (3) days with the approval of the Town Manager. The absence may be charged, upon the request of the employee, to annual vacation leave with pay to the extent such annual vacation leave with pay has been accumulated by said employee.
- (c) Substantiating Sick Leave: Department Heads shall approve sick leave for the purposes mentioned in the above section. However, if in the opinion of the Department Head, there is a need for substantiating evidence or an investigation in regard to appropriate use of sick leave, he/she may require the employee to submit substantiating evidence including, but not limited to, a physician's certificate. The Personnel Director or Town Manager may also require a substantiation of illness.
- (d) Transfer of Sick Leave: When a regular employee is transferred to, or appointed to, another Town department, sick leave credit shall be assumed by the new department.
- (e) Rate of Accrual: Paid sick leave shall accrue as follows:
  - (1) Eight (8) hours per month for full-time employees.
  - (2) A regular part-time employee shall accrue sick leave with pay in proportion that his/her hours of service bear to full-time service.
  - (3) No sick leave credit shall be earned when an employee is on leave without pay.
  - (4) Unused sick leave may be accumulated without limit. However, employees will not be paid for unused sick leave.

(f) Exclusions: No employee shall be entitled to sick leave while absent from duty on account of any of the following causes:

(1) Sickness or injury resulting from outside employment (as evidenced by a contract or payroll documents or as adjudicated by the Worker's Compensation Appeals Board.

(2) Injury purposely self-inflicted but not as a result of any job-related condition.

(g) Absence Paid by Worker's Compensation Insurance:

Employees involved in seasonal, temporary or part-time employment as defined in these Rules who suffer a work-incurred injury shall be eligible for Worker's Compensation but no other remuneration from the Town during the period of disability. Regular employees and Management shall receive the difference between the Worker's Compensation for the lost time and the employee's sick leave accrued with assurance of no loss of salary as long as a sick leave balance is available (except as provided by the State Labor Code and appropriate MOUs). Employees must send payments received from Worker's Compensation to the Town to avoid double payments as long as regular salary is received from the Town.

(h) Records: Sick leave shall be certified by the Department Head to the Personnel Director on payroll forms provided by the Personnel Office. The Personnel Director shall maintain complete and accurate sick leave records for all employees.

(i) Loss of Sick Leave: Any employee whose continuity of employment is broken for any reason shall lose his/her entitlement to any sick leave which has been accrued. However, when an employee is reemployed whose break in service resulted from lay-off, leave of absence or military leave, such employee shall be credited with any sick leave which had accumulated prior to such break in service which had not been used or compensated for.

7. Holidays:

(a) Coverage: Except as otherwise provided in this section, all regular and probationary employees of the Town shall be entitled to holidays with pay.

(b) Holidays: Except as otherwise provided in this section the following shall be considered holidays for employees in the Town service:

- (1) January 1 - New Year's Day.
- (2) Third Monday in February - Washington's Birthday.
- (3) Fourth Monday in May - Memorial Day.
- (4) July 4 - Independence Day.
- (5) First Monday in September - Labor Day.
- (6) September 9 - Admissions Day.
- (7) November 11 - Veterans Day.
- (8) Thanksgiving Day.
- (9) Friday following Thanksgiving.
- (10) December 25 - Christmas Day.
- (11) Floating Holiday - To be taken at employee's discretion with Department approval.

(c) Miscellaneous Provisions:

- (1) Whenever a holiday falls on Sunday, the following Monday shall be observed as a holiday, and whenever a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.
- (2) Compensation for holiday work (See Rule XVI).
- (3) An eligible employee shall be entitled to a holiday with pay only if (i) the employee would have been regularly scheduled to work and (ii) such employee is in a paid status on the date immediately preceding or succeeding the holiday.

8. Leave of Absence Without Pay:

- (a) Departmental Leave: The Town Manager may authorize a departmental leave without pay for a regular employee for a period of time not to exceed thirty (30) calendar days. An employee shall be authorized a departmental leave only after all accumulated vacation

leave and compensatory time off has been utilized by such employee. If such a departmental leave is requested because of illness or injury of an employee, such employee shall also utilize all accrued sick leave before taking such leave of absence, unless waived by the Town Manager. Any request for leave that exceeds thirty (30) calendar days shall be referred to subsection (b) below.

- (b) Official Leave: An official leave of absence may be authorized for any regular employee for a period of time not to exceed one (1) year. An official leave of absence may be authorized only after all accumulated vacation leave and compensatory time off have been utilized by such employee. If such official leave of absence is requested because of illness or injury of an employee, such employee shall also utilize all accrued sick leave before taking such leave of absence.
- (1) A request for an official leave of absence shall be made upon forms prescribed by the Personnel Director and shall state specifically the reasons for the request, the date when it is desired to begin the leave of absence, and the probable date of return. The request shall normally be initiated by the employee, but may be initiated by Department Heads. The Department Head shall indicate on the request form his recommendation as to whether the request should be granted, modified, or denied, and shall promptly transmit the request to the Personnel Director.
- The Personnel Director shall indicate his/her approval or disapproval of the request and forward the form to the Town Manager for final review. The Town Manager shall recommend approval or disapproval to the Town Council who shall make the final determination.
- (2) The Personnel Director shall be promptly notified by the Department Head of the return of an employee from an official leave of absence.
- (3) When a regular position is vacant due to an official leave of absence, the position may be filled for the length of that leave, and any extension thereof. Any person not a permanent employee filling such position shall be an extra help or limited term employee.

- (4) Any employee who is granted a leave of absence without pay under this section shall not accrue any annual vacation or sick leave benefits during the period of such leave, but shall be entitled to maintain any hospitalization or life insurance program in effect; provided, that, the cost of all such insurance shall be borne solely by the employee. In addition, during the period of such leave, the employee will not be credited with time in step for the purposes of a merit step increase.
- (5) If said employee wants to return to work prior to the scheduled end of their leave, the employee must request approval from their Department Head at least five (5) days prior to the date of returning to work. The Department Head may request substantiating evidence (i.e. medical examination, doctor's written release, etc.). If the Department Head does not grant the request the employee may appeal the decision to the Town Manager.
- (6) An official leave may be granted for the following reasons:
  - (i) Illness or non-job-related disability including pregnancy, beyond or in lieu of that covered by sick leave.
  - (ii) Education or training which will benefit the Town.
  - (iii) Other personal reasons, provided the needs of the department are considered.

9. Leave for Witness Duty:

- (a) General Policy: Each regular employee shall be allowed leave with pay in any case where such employee is required by law to appear as a witness in any judicial or administrative proceeding connected with or arising out of the performance of such employee's official duties as a Town employee; provided, however, that payment shall be made for such leave only upon remittance to the Town of all witness fees (excluding transportation/reimbursement) to which the employee is entitled by law.



10. Leave for Jury Duty:

- (a) Time Off: Each regular employee shall be allowed such time off with pay as is required in connection with jury duty; provided, however, that payment shall be made for such time off only upon remittance of full jury fees (except transportation reimbursement), or upon submittal of acceptable evidence that jury fees are waived.
- (1) An employee shall notify his Department Head immediately upon receiving notice of jury duty.
- (2) An employee who uses vacation leave or compensatory time off while on jury duty shall not be required to remit or waive jury fees in order to receive his/her regular salary.

11. Military Leave:

(a) Temporary Military Leave:

- (1) Any employee who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Reserve shall be entitled to a temporary military leave of absence while engaged in military duty ordered for purposes of active military training, encampment, naval cruises or special exercises providing that the period of ordered duty does not exceed one hundred eighty (180) days.
- (2) He/she shall have an absolute right to be restored to his/her former position upon the termination of the temporary military duty (180) days. If no position exists he/she shall have the same rights and privileges that he/she would have had if he/she occupied the position when it ceased to exist, and had not taken a temporary leave of absence.
- (3) An employee who has been in the service of the Town for a period of not less than one (1) year immediately prior to the temporary military leave of absence, shall continue to accumulate vacation and sick leave while on the temporary absence and shall receive step credit for merit increase purposes.

- (b) Compensation - Temporary Military Leave: Any employee who is on temporary military leave of absence and who

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has been in the service of the Town for a period of not less than one year immediately prior to the leave shall be entitled to receive his/her regular salary, less military pay for the first thirty (30) calendar days of absence. Pay for such purposes shall not exceed thirty (30) days in any one fiscal year.

(c) Military Leave Other Than Temporary: Any current employee who has been in the service of the Town for one (1) year and receives orders or enlists into active military duty shall be entitled to receive his/her regular salary, less military salary, for the first thirty (30) calendar days of ordered military duty.

(d) Military Duty During State of Extreme Emergency: Any employee who is a member of the National Guard shall be entitled to absent himself/herself from his/her duties, without regard to the length of his/her service, while engaged in the performance of ordered military or naval duty, provided such duty is performed during such time as the Governor issued a proclamation of a state of extreme emergency. During such absence, he/she shall receive his/her regular salary, less military salary, not to exceed thirty (30) calendar days, and continue to accumulate the same amount of vacation and sick leave that he/she would have if he/she had not been absent. Such absence shall not prejudice his/her re-employment to the position held prior to the leave of absence.

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REPEALED  
BY RES 8348

## 12. Worker's Compensation Insurance:

(a) General Policy: Any employee who is injured in the performance of assigned duties shall receive such medical examination, medical care, compensation and other benefits as are awarded under the Worker's Compensation laws of the State of California.

(b) Report of Injury: It shall be the responsibility of an employee to report any job injury on the date of its occurrence; failure to do so may be cause for disciplinary action.

(c) Medical Examination: An employee who has suffered possible injury in the performance of assigned duties shall immediately undergo such medical examination as the Department Head/Personnel Director, Town Manager deems necessary. He/she shall not be considered absent from duty during the time required for such examination,

has been in the service of the Town for a period of not less than one year immediately prior to the leave shall be entitled to receive his/her regular salary for the first thirty (30) calendar days of absence. Pay for such purposes shall not exceed thirty (30) days in any one fiscal year.

- (c) Military Leave Other Than Temporary: Any current employee who has been in the service of the Town for one (1) year and receives orders or enlists into active military duty shall be entitled to receive his/her regular salary, less military salary, for the first thirty (30) calendar days of ordered military duty.
- (d) Military Duty During State of Extreme Emergency: Any employee who is a member of the National Guard shall be entitled to absent himself/herself from his/her duties, without regard to the length of his/her service, while engaged in the performance of ordered military or naval duty, provided such duty is performed during such time as the Governor issued a proclamation of a state of extreme emergency. During such absence, he/she shall receive his/her regular salary, not to exceed thirty (30) calendar days, and continue to accumulate the same amount of vacation and sick leave that he/she would have if he/she had not been absent. Such absence shall not prejudice his/her reemployment to the position held prior to the leave of absence.

12. Worker's Compensation Insurance:

- (a) General Policy: Any employee who is injured in the performance of assigned duties shall receive such medical examination, medical care, compensation and other benefits as are awarded under the Worker's Compensation laws of the State of California.
- (b) Report of Injury: It shall be the responsibility of an employee to report any job injury on the date of its occurrence; failure to do so may be cause for disciplinary action.
- (c) Medical Examination: An employee who has suffered possible injury in the performance of assigned duties shall immediately undergo such medical examination as the Department Head/Personnel Director, Town Manager deems necessary. He/she shall not be considered absent from duty during the time required for such examination.

and shall not be charged with sick leave during such time.

- (d) Notification by Department: If an employee is injured on the job the Department Head shall notify the Administrative Services Director and shall promptly provide such forms and other information which may be requested by the Personnel Director. Thereafter, the Department Head shall provide such other services as may be requested by the Personnel Director in connection with said injury.

3. Miscellaneous Provisions:

- (a) Absence Without Leave: No employee may be absent from duty without permission of his immediate supervisor. An employee absent for three (3) consecutive or accumulative days without authorization, except for an unavoidable situation as determined by the Town Manager, shall be considered terminated from his/her position.

- (b) Health Insurance Coverage:

- (1) Eligibility: All regular employees, members of the Town Council and Town Attorney are eligible to enroll in the Town's health insurance program.
  - (2) Coverage During Leave of Absence: All regular employees on leave of absence with pay will have their health insurance premium paid in accordance with this section. A regular employee on leave of absence without pay may continue their coverage on the Town's health plan under the following conditions:
    - (i) If the employee returns prior to the end of the month in which the leave started, there will be no charge for the continuance of the Town's health plan premium.
    - (ii) If the leave extends past the end of the month in which the employee leaves, the employee will be charged the insurance premiums, based on an appropriate daily rate until he/she returns to work.
    - (iii) If the employee decided not to pay, the employee shall be terminated from coverage (effective the first of the month) for the

duration of the leave of absence. The employee shall be notified that coverage shall not be reinstated until the first of the month following his/her return to duty, unless the employee returns on the first day of the month, at which time the insurance will be started immediately.

- (c) Furloughs: Employees in departments may be furloughed with no bumping rights for up to sixty (60) work days. This can be authorized only by the Town Manager when there is a lack of work, a lack of funds, to avoid a financial emergency or temporary physical limitations in the Town's facilities. This is not punitive, but is done only for the reasons previously specified.
- (d) Uniform Allowance: Uniform allowances will be granted in accordance with the appropriate Memorandums of Understanding.

14. Physical Examination Program:

- (a) Initial Physical Examination: All applicants for employment in the career, executive and exempt services are subject to a medical examination before appointment. All temporary employees are subject to a medical examination on initial hiring and every two (2) years thereafter if they are rehired on a regular basis. Failure of an applicant to achieve the minimum standard will disqualify his/her and the name will be removed from the list of eligibles.
- (b) Other Physical Examinations: All Town employees may be required to take and pass a physical examination whenever, in the judgment of the appointing authority, the best interests of the Town require such an examination to determine whether the employee is physically able to satisfactorily perform all job-related duties.

15. Construction:

- (a) Nothing in these Rules shall be construed to deny any person or employee the rights granted by Federal and State laws and Town Ordinance provisions.
- (b) The provisions of these Rules are not intended to conflict with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500 et seq., as amended).

16. Severability: If any provisions of these Rules or the application of such provisions to any person or circumstance, shall be held invalid, the remainder of these Rules or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.
17. Repeal of Conflicting Resolutions: All Resolutions and parts of Resolutions in conflict herewith are hereby repealed.

PASSED AND ADOPTED by the Town Council, Town of Paradise,  
this 19th day of April, 1983, by the following votes:

AYES: IVAN C. AMY, RICHARD L. CRABTREE, JOHN J. WILLIAMS,  
WALTER M. WINN AND ROBERT D. JEFFORDS, JR., MAYOR

NOES: NONE

ABSENT: NONE

NOT VOTING: NONE

  
\_\_\_\_\_  
ROBERT D. JEFFORDS, JR., MAYOR

ATTEST:

  
\_\_\_\_\_  
DONNA M. MATTEIS, TOWN CLERK

TOWN OF PARADISE

RESOLUTION NO. 83-48

RESOLUTION REPEALING SECTION 11, RULE XVI. COMPENSATION,  
BENEFITS AND WORKING CONDITIONS OF RESOLUTION  
83-19 AND ADOPTING A MODIFIED SECTION

WHEREAS, the Paradise Town Council adopted Resolution 83-19 establishing the Personnel Rules and Regulations of the Town of Paradise; and,

WHEREAS, the Town Attorney has determined that Section 11b, Rule XVI. Compensation, Benefits and Working Conditions concerning compensation for a temporary military leave conflicts with Section 395.01 of the Military and Veterans Code.

NOW, THEREFORE, BE IT RESOLVED by the Paradise Town Council that Section 11b, Rule XVI. Compensation, Benefits and Working Conditions of Resolution 83-19 is repealed and the attached revision is hereby adopted.

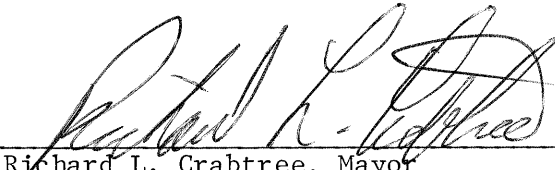
PASSED AND ADOPTED by the Paradise Town Council, this 4th day of October, 1983, by the following vote:

AYES: Robert D. Jeffords, Jr., John J. Williams, Walter M. Winn, and  
Richard L. Crabtree, Mayor.

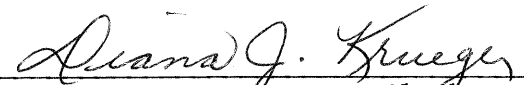
NOES: None.

ABSENT: Ivan C. Amy

NOT VOTING: None.

  
Richard L. Crabtree, Mayor

ATTEST:

By:   
Diana J. Krueger, Town Clerk

has been in the service of the Town for a period of not less than one year immediately prior to the leave shall be entitled to receive his/her regular salary for the first thirty (30) calendar days of absence. Pay for such purposes shall not exceed thirty (30) days in any one fiscal year.

- (c) Military Leave Other Than Temporary: Any current employee who has been in the service of the Town for one (1) year and receives orders or enlists into active military duty shall be entitled to receive his/her regular salary, less military salary, for the first thirty (30) calendar days of ordered military duty.
- (d) Military Duty During State of Extreme Emergency: Any employee who is a member of the National Guard shall be entitled to absent himself/herself from his/her duties, without regard to the length of his/her service, while engaged in the performance of ordered military or naval duty, provided such duty is performed during such time as the Governor issued a proclamation of a state of extreme emergency. During such absence, he/she shall receive his/her regular salary, not to exceed thirty (30) calendar days, and continue to accumulate the same amount of vacation and sick leave that he/she would have if he/she had not been absent. Such absence shall not prejudice his/her reemployment to the position held prior to the leave of absence.

12. Worker's Compensation Insurance:

- (a) General Policy: Any employee who is injured in the performance of assigned duties shall receive such medical examination, medical care, compensation and other benefits as are awarded under the Worker's Compensation laws of the State of California.
- (b) Report of Injury: It shall be the responsibility of an employee to report any job injury on the date of its occurrence; failure to do so may be cause for disciplinary action.
- (c) Medical Examination: An employee who has suffered possible injury in the performance of assigned duties shall immediately undergo such medical examination as the Department Head/Personnel Director, Town Manager deems necessary. He/she shall not be considered absent from duty during the time required for such examination.



TOWN OF PARADISE

Resolution No. 87 - 38

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE  
AMENDING RESOLUTION NO. 83-19, PERSONNEL SYSTEM RULES,  
RULE XVI, SECTION 8, SUBSECTION (b)(4)

WHEREAS, Resolution No. 83-19, establishing Personnel System Rules in the Town of Paradise was adopted on April 19, 1983; and

WHEREAS, this Council now wishes to amend said Resolution No. 83-19, in order to clarify Rule XVI COMPENSATION, BENEFITS AND WORKING CONDITIONS, to wit, Leave of Absence Without Pay, Section 8, Subsection (b)(4);

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise, that RULE XVI COMPENSATION, BENEFITS AND WORKING CONDITIONS, to wit, Leave of Absence Without Pay, Section 8, Subsection (b) (4) is hereby revoked and the following is substituted in its place:

(4) Any employee who is granted a leave of absence without pay under this section shall not accrue any annual vacation or sick leave benefits during the period of such leave, but shall be entitled to maintain any hospitalization or life insurance program in effect; provided that, the cost of all such insurance shall be borne solely by the employee, except those employees on medical disability, who will receive a maximum of six (6) months insurance premiums paid by the Town during time of such disability leave. In addition, during the period of such leave, the employee will not be credited with time in step for the purposes of a merit step increase.

TOWN OF PARADISE  
RESOLUTION NO. 87- 38

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE  
AMENDING RESOLUTION NO. 83-19, PERSONNEL SYSTEM RULES,  
RULE XVI COMPENSATION, BENEFITS AND WORKING CONDITIONS  
SECTION 8, SUBSECTION (b)(4)

PASSED AND ADOPTED by the Town Council of the Town of  
Paradise, California, at a regular meeting thereof duly held  
this 3rd day of November, 1987, by the following  
vote:

AYES: William L. Allen, Robert D. Jeffords, Jr., Shane  
L. Shane, W. M. Winn and Bernice Staveley, Mayor

NOES: None


ABSENT: None

NOT VOTING: None

  
BERNICE STAVELEY,  
Mayor

ATTEST:

APPROVED AS TO FORM:

BY:   
FRANKIE RUTLEDGE,  
Town Clerk

BY:   
DONALD F. STANTON,  
Town Attorney

RESOLUTION NO. 98- 35

**A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION  
NOS. 83-19 AND 86-43  
CONCERNING THE PERSONNEL SYSTEM RULES  
AS THEY RELATE TO PART-TIME EMPLOYEE BENEFITS**

**WHEREAS**, the Town wishes to clarify applicable benefits for part-time employees; and

**WHEREAS**, it is necessary to amend the Personnel System Rules to clarify the applicable benefits for part-time employee.

**NOW, THEREFORE** the Town Council of the Town of Paradise, does resolve, determine and order that Resolution No. 83-19 is hereby amended as follows:

**SECTION 1.** Rule I, paragraph 4 is hereby amended to read as follows:

4. **Career Service**: Any person regularly employed full or part time by the Town in a regularly authorized position. Career service does not include contract employees, part-time employees (less than twenty hours per week, less than 1040 hours per year), persons elected by popular vote and management employees.

**SECTION 2.** Rule I, paragraph 27 is hereby amended to read as follows:

27. **Part-Time Appointment Employees**: Appointments requiring less than full time on either a daily, weekly, monthly or yearly basis. Part-time positions shall be categorized as less than twenty-hour (1039 hours or less per year) employees, or twenty-hour or more (1040 hours or more per year) employees. Part-time positions shall be considered exempt from these rules unless specified otherwise.

**SECTION 3.** Rule XVI, paragraph 2 (b) is hereby amended to read as follows:

- (b) **Extra Help/Temporary/Part-Time Employee Compensation**: Except as otherwise provided in these Rules, all extra help, temporary and part-time employees [less than twenty hours per week (less than 1040 hours per year)] shall not be paid for holidays not worked, nor any other type of leave with pay, nor shall they be entitled to health insurance or group life insurance, or any other fringe benefits accorded regular employees. The hourly rates of pay for such employees constitutes complete compensation for services rendered.

**SECTION 4.** Rule XVI, paragraph 4 (a) (2) is hereby amended to read as follows:

- (2) **Part-Time Employees**: This category of part-time employment is entitled to coverage under the benefit program as follows:

**RESOLUTION NO. 98-35**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION NOS. 83-19 AND 86-43 CONCERNING THE PERSONNEL SYSTEM RULES AS THEY RELATE TO PART-TIME EMPLOYEE BENEFITS**

- i. Less than twenty-hour employee: This category of part-time employment is not entitled to coverage under the benefit program with the exception of those benefits required by state or federal law or PERS (working 1000 hours or more per year), i.e. FICA, worker's compensation, etc.
- ii. Twenty-hour or more employee: This category of part-time employment is entitled to coverage under the benefit program on a prorata basis. The accrued rate of benefits will be prorated based on the number of hours actually worked, except life insurance and health plan coverage which is prorated to the scheduled hours of work.

**SECTION 5.** Rule XVI, paragraph 4 (b) is hereby added to read as follows:

- (b) Deferred compensation: Deferred compensation may be provided to part-time employees for only one of the following:
  - i. Twenty-hour or more part-time employees who elect not to participate in the Town health plan, and upon submission of proof of spousal health plan coverage, may elect to participate in a deferred compensation program. This benefit shall not exceed the amount of the health plan premium that the Town would pay for the employee.
  - ii. Less than twenty-hour employees (who are eligible for PERS benefits with the Town of Paradise) who are classified as PERS retired annuitants who will not receive the PERS payable benefits through employment with the Town may elect to have the PERS seven (7%) percent contribution placed into a deferred compensation program.

**SECTION 6. 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.

RESOLUTION NO. 98-35

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE,  
CALIFORNIA, AMENDING RESOLUTION NOS. 83-19 AND 86-43 CONCERNING  
THE PERSONNEL SYSTEM RULES AS THEY RELATE TO PART-TIME EMPLOYEE  
BENEFITS**

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise this 17th day of  
November, 1998, by the following vote:

**AYES:** Deborah R. Presson, Alice R. Smith, Daniel Wentland, Alan  
White and C.L. "Lew" Hubb, Mayor

**NOES:** None

**ABSENT:** None

**NOT VOTING:** None

C. L. "Lew" Hubb  
C. L. "Lew" Hubb, Mayor

**ATTEST:**

By: Frankie Rutledge  
Frankie Rutledge, Town Clerk

**APPROVED AS TO FORM:**

Dwight L. Moore  
Dwight L. Moore, Town Attorney

## **RESOLUTION NO. 00-44**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION NO. 83-19 CONCERNING THE PERSONNEL SYSTEM RULES AS THEY RELATE TO APPLICATIONS, APPLICANTS AND EXAMINATIONS**

**WHEREAS**, the Town wishes to modify the procedure for distributing and accepting applications for employment, and to add provisions to the examination process; and

**WHEREAS**, the Town wishes to modify the procedure for distributing and accepting applications for employment, and to add provisions to the examination process; and

**WHEREAS**, it is necessary to amend the Personnel System Rules to clarify the desired modification of the procedures for distributing and accepting applications for employment and the clarify the desired additional provisions to the examination process.

**NOW, THEREFORE** the Town Council of the Town of Paradise, does resolve, determine and order that Resolution No. 83-19 is hereby amended as follows:

**SECTION 1.** Rule IV, paragraph 3, subsection (n) is hereby added to read as follows:

- (n) Has practiced or attempted fraud to submit an application;

**SECTION 2.** Rule IV, paragraph 7 is hereby added to read as follows:

7. **Limited Applications Received:** When, in the judgment of the Personnel Director, a large number of applications will be received for a particular position and the Town wishes to limit the number of applicants tested solely for reasons of economy and efficiency, the following procedure may be used.

- (a) Prior to the beginning of the initial recruitment, the Personnel Director shall determine the maximum size of the applicant pool and will include such information on the employment opportunity announcement for the position. In no case will the size of the application pool be set at less than one hundred fifty (150).

- (b) A limited number of applications as set forth in paragraph (a) above will be accepted for the recruitment.

- (c) Any applicant who is determined by the Personnel Director to have acted to obtain unfair advantage for themselves, or to limit the opportunity of other candidates to obtain one of the limited number of applications issued, shall be considered to have attempted to practice fraud on his or her application, and that applicant's application will be rejected pursuant to applicable provisions of the Town's Personnel System Rules. Notice of this provision will be provided as part of the notice of the schedule and method by which candidates may obtain an application.

**RESOLUTION NO. 00-44**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION NO. 83-19 CONCERNING THE PERSONNEL SYSTEM RULES AS THEY RELATE TO APPLICATIONS, APPLICANTS AND EXAMINATIONS**

(d) Notwithstanding the procedure set forth within this section, when a method of limited issuance of applications is used to reduce the number of qualified applicants to be examined, the following individuals who submit applications during the recruitment period and who meet the qualifications for the position shall be entitled to be included in the applicant pool and subsequent examination process:

- (1) Permanent Town employees
- (2) Volunteer firefighters who are currently working and have performed their duties satisfactorily as such for a period of at least twelve (12) months immediately prior to the closing date of such position.
- (3) Reserve police officers who are currently working and have performed their duties satisfactorily as such for a period of at least twelve (12) months immediately prior to the closing date of such position.

SECTION 3. Rule V, paragraph 7 is hereby added to read as follows:

7. Accretion for Town Employees: Notwithstanding any other procedure contained within the Personnel System Rules, designed to provide equal opportunity to all candidates, the Town reserves the right to recognize and reward the demonstrated commitment and service of current Town employees during the examination process for any open, entry-level employment opportunity. A current Town employee in good standing with a satisfactory performance evaluation, may be credited with an additional score that will be applied to the final, overall scoring process above the minimum passing score, in an amount not to exceed five (5%) percent. If a Town employee fails to achieve a passing score, the five (5%) percent score shall not apply.

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**RESOLUTION NO. 00-44**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE,  
CALIFORNIA, AMENDING RESOLUTION NO. 83-19 CONCERNING THE PERSONNEL  
SYSTEM RULES AS THEY RELATE TO APPLICATIONS, APPLICANTS AND  
EXAMINATIONS**


PASSED AND ADOPTED by the Town Council of the Town of Paradise this 12<sup>th</sup> day of December,  
2000, by the following vote:

AYES: C. L. "Lew" Hubb, Daniel Wentland, Alan White, and Steve Lambert, Mayor

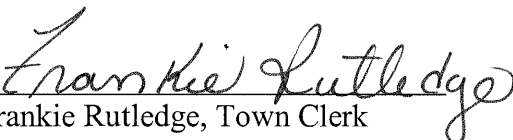
NOES: None

ABSENT: None

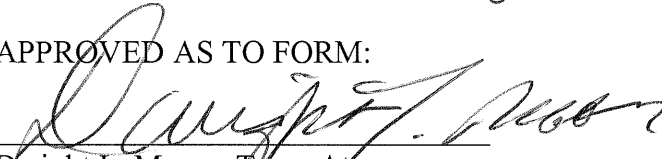
NOT VOTING: Ray Dalton

  
Steve Lambert, Mayor

ATTEST:

By:   
Frankie Rutledge, Town Clerk

APPROVED AS TO FORM:

  
Dwight L. Moore, Town Attorney



**RESOLUTION NO. 02-60**

**A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION  
NOS. 83-19 AND 86-43  
CONCERNING THE PERSONNEL SYSTEM RULES  
AS THEY RELATE TO NEPOTISM**

**WHEREAS**, the Town wishes to modify the nepotism policy for employees; and

**WHEREAS**, it is necessary to amend the Personnel System Rules to modify the applicable nepotism policy for employees.

**NOW, THEREFORE** the Town Council of the Town of Paradise, does resolve, determine and order that Resolution No. 83-19 is hereby amended as follows:

**SECTION 1.** Rule II, General Provisions is hereby amended to read as follows:

**RULE II. GENERAL PROVISIONS**

1. Fair Employment Practices: Any technique or procedure used in recruitment and selection of employees shall be designed to measure only the job related qualifications of applicants. No recruitment or selection technique shall be used which is in violation of current applicable law, or in the opinion of the Personnel Director, is not justifiably linked to successful job performance.
2. Nepotism Policy: No employee or applicant shall be denied employment or benefits of employment on the basis of marital status or relationship to another employee, except as provided in California Government Code Section 12940.
  - (a) Duties of the Appointing Authority:
    - (1) The Appointing Authority shall not appoint or assign any applicant or employee to a position in which an immediate family member who directly or indirectly supervise the applicant or employee. In addition, no immediate family member of an existing employee shall conduct or be involved in matters relating to his or her performance evaluation, discipline, suspension, promotion, termination, or any other activities related to employment with the Town.
    - (2) The Appointing Authority shall not appoint a member of a Council member's immediate family to any position within the Town of Paradise.
    - (3) The Appointing Authority shall not appoint a member of the Town Manager's immediate family to any position within the Town of Paradise.

## RESOLUTION NO. 02-60

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION NOS. 83-19 AND 86-43 CONCERNING THE PERSONNEL SYSTEM RULES AS THEY RELATE TO NEPOTISM

- (4) The Appointing Authority shall not appoint a member of a department head's immediate family to the department head's department.
- (b) Definitions:
  - (1) For the purpose of this policy, "direct supervision" shall mean any situation in which the employee would be in a position to affect the terms and conditions of another's employment, including, but not limited to, making decisions on work assignments, compensation, grievances, promotions, or performance evaluations.
  - (2) For the purpose of this policy, "indirect supervision" shall mean: Indirect supervision is characterized by some form of regular authority over the work of an employee not under direct supervision.
  - (3) For the purpose of this policy, "immediate family member" shall mean: spouse, son, daughter, father, mother, brother, sister, grandparent or grandchild.
  - (4) For the purpose of this policy, "marital status" will be defined as an individual's state of marriage, non-marriage, dissolution, separation, annulment, or other marital state.
- (c) Employees are responsible for notifying their immediate supervisor if they are related or become related to another Town employee as described in the definitions of "immediate family member" or "marital status." Failure of an employee to disclose a relative status may be grounds for disciplinary action, up to and including termination of employment.
- (d) Anyone employed as a full-time or part-time Town of Paradise employee prior to the effective date of this policy may continue in his or her position if his or her department head, in consultation with the Town Manager, has determined that continued employment would not create a conflict of interest or have a potentially adverse impact on supervision, safety, security, morale, or productivity. However, under no circumstances will an employee directly or indirectly supervise or be supervised by an immediate family member. Any future promotion or appointment within the Town of Paradise will be subject to this policy.

## RESOLUTION NO. 02-60

### A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION NOS. 83-19 AND 86-43 CONCERNING THE PERSONNEL SYSTEM RULES AS THEY RELATE TO NEPOTISM

3. Incompatible Outside Employment: No officer or employee of the Town shall engage in any employment, activity, or enterprise for compensation of any kind or character which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as an officer or employee of the Town or the duties, functions or responsibilities of his or her appointing power or the Town itself.

For the purpose of this section, an employment activity or enterprise is inconsistent, incompatible, in conflict with, or inimical to those various duties, functions or responsibilities set forth above if it:

- (a) Involves the use of private gain or advantage of the Town's time, facilities, equipment, or supplies; or the badge, uniform, prestige or influence of the Town; or
- (b) Involves receipt or acceptance by an officer or employee of the Town of any money or other consideration from anyone other than the Town for the performance of an act which the officer or employee, if not performing such act, would be required or expected to render in the regular course or hours of his or her duties as Town officer or employee; or
- (c) Involves the performance of an act in other than his or her capacity as an officer or employee of the Town which act may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other officer, employee or elected official of the town; or
- (d) Involves such time demands as would render performance of duties as a Town officer or employee less efficient.

The Town Council, by resolution, may define those occupations, activities or enterprises for which such outside employment approval shall not be given. In defining those occupations, activities or enterprises which shall be so prohibited, the Council shall consider, whether the occupation, activity or enterprise is inconsistent, incompatible, in conflict with, or inimical to the duties, functions or responsibilities of Town employment.

All provisions of this section shall apply to any outside employment held by an employee or officer on the effective date of this section, as well as any outside employment sought after such effective date. Provided, however, that as to any outside employment held on the effective date of this section which is not approved, the Town Manager shall allow a reasonable period, not to exceed one year, for disassociation with such outside employment. In the event the employee refuses to comply, disciplinary action may be taken.

**RESOLUTION NO. 02-60**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE,  
CALIFORNIA, AMENDING RESOLUTION NOS. 83-19 AND 86-43 CONCERNING THE  
PERSONNEL SYSTEM RULES AS THEY RELATE TO NEPOTISM**

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise this 22<sup>nd</sup> day of October,  
2002, by the following vote:

**AYES:** Ray Dalton, Scott Lotter, Alan White and Daniel Wentland, Vice Mayor

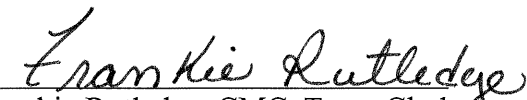
**NOES:** None

**ABSENT:** None

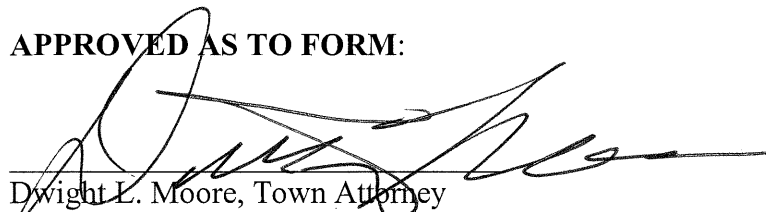
**NOT VOTING:** None

  
\_\_\_\_\_  
DANIEL WENTLAND, Vice Mayor

**ATTEST:**

By:   
\_\_\_\_\_  
Frankie Rutledge, CMC, Town Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Dwight L. Moore, Town Attorney

**RESOLUTION NO. 04-14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION  
NOS. 83-19, 86-43, AND 98-35  
CONCERNING THE PERSONNEL SYSTEM RULES  
AS THEY RELATE TO LAYOFF PROCEDURES**

**WHEREAS**, the Town wishes to modify the layoff procedures and policy for employees; and

**WHEREAS**, it is necessary to amend the Personnel System Rules to modify the applicable layoff procedures for employees.

**NOW, THEREFORE** the Town Council of the Town of Paradise, does resolve, determine and order that Resolution Nos. 83-19, 86-43 and 98-35 are hereby amended as follows:

**SECTION 1.** Rule XII, Layoff Policy and Procedure is hereby amended to read as follows:

**RULE XII. LAYOFF POLICY AND PROCEDURE**

1. Statement of Intent: Whenever, in the judgment of the Town Council, it becomes necessary to abolish any position of employment, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal.
2. Notification: Employees to be laid off shall be given, whenever possible, at least sixty (60) calendar days prior notice.
3. Vacancy and Demotion: Except as otherwise provided, whenever there is a reduction in the work force, the appointing authority shall first demote to a vacancy, if any, in a lower class for which the employee who is the latest to be laid off in accordance with Section 6 is qualified. All persons so demoted shall have their names placed on the reemployment list.
4. Employee Rights: An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in a lower class in the same class series or in a lower classification in which the affected employee once had permanent status. For the purpose of this section and Section 5, seniority includes all periods of full-time service at or above the classification level where layoff is to occur.
5. Seniority: Providing merit and ability are equal and in order to retreat to a former or lower class, an employee must have more seniority than at least one of the incumbents in the retreat class and request displacement action in writing to the Personnel Director within five (5) working days of receipt of notice of layoff.
6. Employment Status: In each class of position, employees shall be laid off according to

**RESOLUTION NO. 04-14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION NOS. 83-19, 86-43 AND 98-35 CONCERNING THE PERSONNEL SYSTEM RULES AS THEY RELATE TO LAYOFF PROCEDURES**

employment status in the following order: temporary, provisional, probationary and regular.

Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the appointing authority.

Employees within each category shall be laid off in inverse order of seniority in Town service.

7. Re-employment List: The names of persons laid off or demoted in accordance with these Rules shall be entered upon a re-employment list. Separate re-employment lists shall be maintained for each department and used by that department when a vacancy arises in the same or lower class of position before certification is made from an eligible list.
8. Duration of Re-employment List: Names of persons laid off shall be carried on a re-employment list for three (3) years, except that persons appointed to permanent positions of the same level as that which laid off, shall upon such appointment, be dropped from the list. Persons who refuse reemployment shall be dropped from the list. Persons re-employed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for the three (3) years.

Effective April 27, 2004 and continuing until July 1, 2005, any employee who accepts employment elsewhere (upon written notification by employee and verification that the position was actually slated for layoff) shall be placed on the re-employment list, the same as if the employee had waited until they received the formal layoff notification.

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**RESOLUTION NO. 04-14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION NOS. 83-19, 86-43 AND 98-35 CONCERNING THE PERSONNEL SYSTEM RULES AS THEY RELATE TO LAYOFF PROCEDURES**

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise this 27<sup>th</sup> day of April, 2004, by the following vote:

**AYES:** Melvin "Sam" Dresser, Scott Lotter, Dan Wentland, Alan White and Ray Dalton, Mayor


**NOES:** None

**ABSENT:** None

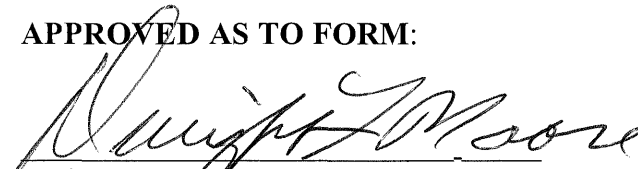
**NOT VOTING:** None

  
RAY DALTON, Mayor

**ATTEST:**

By:   
Joanna Gutierrez, CMC, Assistant Town Clerk

**APPROVED AS TO FORM:**

  
Dwight L. Moore, Town Attorney

**RESOLUTION NO. 07-07**

**A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION  
NOS. 83-19 AND 86-43  
CONCERNING THE PERSONNEL SYSTEM RULES  
AS THEY RELATE TO MILITARY LEAVE BENEFITS**

**WHEREAS**, the Town wishes to modify the applicable military leave benefits for employees; and

**WHEREAS**, it is necessary to amend the Personnel System Rules to modify the applicable military leave benefits for employee.

**NOW, THEREFORE** the Town Council of the Town of Paradise, does resolve, determine and order that Resolution No. 83-19 is hereby amended as follows:

**SECTION 1.** Rule XVI, paragraph 11 is hereby amended to read as follows:

11. Military Leave:

- A. **DEFINITION** – For purposes of the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (38 USC §§ 4301-4333), the “uniformed services” include the Army, Navy, Marines, Air Force, Coast Guard (and any related Reserves), Air or Army National Guards, commissioned corps of the Public Health Service, or any other category designated by the President of the United States in time of war or national emergency. 38 USC 4303(13); 20 CFR 1002.5(o). Any employee shall be entitled to a military leave of absence while engaged in military duty ordered for purposes of active military duty as part of uniformed service and active as well as inactive training, full-time National Guard duty, absence for a military fitness examination, funeral honors performed by National Guard or Reserve members, encampment, naval cruises or special exercises.
- B. **REEMPLOYMENT RIGHTS** – Permanent full-time and part-time employees shall have an absolute right to be restored to his/her former position upon termination of the military duty. If no position exists he/she shall have the same rights and privileges that he/she would have had if he/she occupied the position when it ceased to exist, and had not taken the leave of absence. Pursuant to USERRA (38 USC §§4312(d) Temporary and Seasonal employee's do not have reemployment rights and benefits, when there is no reasonable expectation that the employment position will continue indefinitely or for a significant period.
- C. **WAGES** – Permanent full-time and part-time employees of the Town, shall be paid for the difference between their pay and military pay, provided their gross military pay is lower than their current gross Town wages at the time of departure, not to exceed 15 months. This differential shall include any step increases and/or cost of living increases that occur while employee is serving in the military. Temporary and



**RESOLUTION NO. 07-07**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION NOS. 83-19 AND 86-43 CONCERNING THE PERSONNEL SYSTEM RULES AS THEY RELATE TO MILITARY LEAVE BENEFITS**

Seasonal employees shall receive 30 days of their Town wages less their Military pay for any assignment that is 30 days or more.

- D. **BENEFITS** – An employee shall continue, along with their dependents to be covered for Medical, Dental, Vision, Life Insurance and Disability. Any pre-tax premiums shall be collected upon the employee's reinstatement. The Town will work with the employee on a payment plan schedule.
- E. **RETIREMENT BENEFITS** – Pursuant to the USERRA (38 USC §§ 4301-4333) an employee under this chapter shall be treated as not having incurred a break in service with their employer while in the uniform services. As Military Leave is considered a leave, CalPERS retirement plan does not allow contributions while an employee is out on Military Leave. However, upon employee's reinstatement to his/her position, the Town will fund a Military Leave buy-back for the employee, that is initiated by that employee with CalPERS.
- F. **ACCRUALS** - Pursuant to the USERRA (38 USC §§4301-4333) an employee shall continue to accumulate vacation and sick leave while on the temporary absence and shall receive step credit for merit increase purposes.
- G. **Military Duty During State of Extreme Emergency** - Any employee who is a member of the National Guard shall be entitled to absent himself/herself from his/her duties, without regard to the length of his/her service, while engaged in the performance of ordered military or naval duty, provided such duty is performed during such time as the Governor issued a proclamation of a state of extreme emergency. During such absence, the Town will honor the above benefits applicable during a Temporary and Other than Temporary Military Leave. If a draft occurs, the Town exercises the right to make wages whole only up to 2% of the entire Town budget in the event of a large scale emergency, if many employees are called to duty.

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**RESOLUTION NO. 07-07**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE, CALIFORNIA, AMENDING RESOLUTION NOS. 83-19 AND 86-43 CONCERNING THE PERSONNEL SYSTEM RULES AS THEY RELATE TO MILITARY LEAVE BENEFITS**

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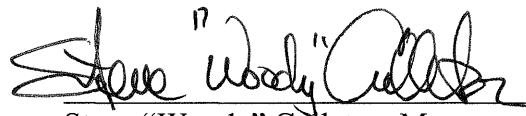
**PASSED AND ADOPTED** by the Town Council of the Town of Paradise this 13<sup>th</sup> day of March, 2007, by the following vote:

**AYES:** Robin Huffman, Frankie Rutledge, and Steve "Woody" Culleton, Mayor.

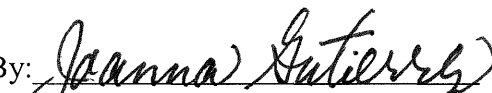
**NOES:** Alan White.

**ABSENT:** Scott Lotter.

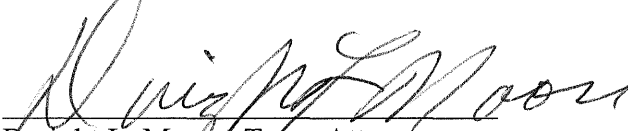
**NOT VOTING:** None.

  
Steve "Woody" Culleton, Mayor

**ATTEST:**

By:   
Joanna Gutierrez, CMC, Town Clerk

**APPROVED AS TO FORM:**

  
Dwight L. Moore, Town Attorney

## Chapter 2.32 PERSONNEL SYSTEM

### *Sections:*

[2.32.010 Established—Purpose.](#)

[2.32.020 Personnel policy declared.](#)

[2.32.030 Personnel officer.](#)

[2.32.040 Division into exempt and classified services.](#)

[2.32.050 Exempt service composition.](#)

[2.32.060 Classified service composition.](#)

[2.32.070 Personnel rules.](#)

[2.32.080 Appointments.](#)

[2.32.090 Reduction in force.](#)

[2.32.100 Discrimination prohibited.](#)

[2.32.110 Absence for compensable injury or disease.](#)

### **2.32.010 Established—Purpose.**

A personnel system for the town is established in order to provide for an equitable and uniform procedure for dealing with personnel matters and to place town employment on a merit basis so that the best qualified persons available shall be brought into the service of the town. (Ord. 13 §1, 1980)

### **2.32.020 Personnel policy declared.**

The personnel policy of the town is declared to be as follows:

- A. Employment in the town government shall be based on merit and fitness.
- B. Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the town government.
- C. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.
- D. Appointments, promotions and other actions requiring the application of the merit principle should be based on systematic tests or other appropriate evaluations.
- E. High morale shall be maintained by fair administration of this chapter and by every consideration of the rights and interests of employees consistent with the best interests of the public and the town.
- F. Employment shall be subject to the good behavior and satisfactory performance of work by the employee, and to the necessity for the performance of work and the availability of funds by the town. (Ord. 13 §2, 1980)

Chapter 2.32 PERSONNEL SYSTEM

**2.32.030 Personnel officer.**

The town manager shall be the personnel officer. He may delegate certain responsibilities of the personnel director to a designated assistant. The personnel director shall administer all provisions of this chapter and of the rules pertaining to town employment not specifically reserved to the council. (Ord. 13 §3, 1980)

**2.32.040 Division into exempt and classified services.**

The officers and employees of the town, as well as others rendering services thereto, are divided into either the exempt service or the classified service. (Ord. 13 §4, 1980)

**2.32.050 Exempt service composition.**

The exempt service shall include the following:

- A. Management employees:
  - 1. Officers of the town, the town manager and his immediate staff,
  - 2. Each department head,
  - 3. Such assistants to department heads as the town manager may designate;
- B. Volunteers and persons appointed to serve without pay;
- C. Consultants, counsel rendering professional services and independent contractors;
- D. Any position which is not specifically included within the classification plan and pay plan for the classified service as adopted from time to time by council resolution. (Ord. 13 §5, 1980)

**2.32.060 Classified service composition.**

The classified service shall include all positions of the town as are specifically set forth in the classification plan established by the town manager and in the pay plan adopted by council resolution. (Ord. 13 §6, 1980)

**2.32.070 Personnel rules.**

Personnel rules, as well as any revision or amendment thereof, shall be adopted by council resolution, covering but not necessarily limited to, the following subjects:

- A. Preparation, installation, maintenance, amendment and revision of a classification plan covering all positions in the classified service, including job descriptions, minimum standards and qualifications;
- B. Preparation, installation, maintenance, amendment and revision of a pay plan directly correlated with the classification plan;
- C. Manner of giving notice of all job openings and acceptance of applications therefor;
- D. Employment procedures and employment lists resulting therefrom;

## Title 2 - ADMINISTRATION AND PERSONNEL

### Chapter 2.32 PERSONNEL SYSTEM

- E. Certification and appointment of persons from employment lists and the making of temporary and emergency appointments;
- F. Evaluation of employees during the probationary period;
- G. Transfer, promotion, demotion and reinstatement of employees in the classified service;
- H. Separation of employees from the classified service through layoff, suspension or dismissal;
- I. Determination of hour of work, overtime, sick leave, vacation, holidays, leave of absence, training and other working conditions;
- J. Provision for orderly and equitable presentation by an employee to his appointing authority relating to grievances;
- K. Procedures governing employer-employee relations;
- L. Procedures regarding affirmative action; and
- M. Establishment, maintenance and use of a personnel records system. (Ord. 13 §7, 1980)

#### **2.32.080 Appointments.**

Appointments to vacant positions shall be made in accordance with Chapter 2.04, describing the powers and duties of the town manager, this chapter and the personnel rules. (Ord. 13 §8, 1980)

#### **2.32.090 Reduction in force.**

Whenever in the judgment of the council it becomes necessary for reasons of economy or because the need for a position no longer exists, the town manager may lay off, demote or transfer an employee holding such position or employment without the right of appeal. (Ord. 13 §9, 1980)

#### **2.32.100 Discrimination prohibited.**

- A. Except as otherwise provided by the general laws of the state, no person shall be employed, promoted, demoted or discharged, or in any way favored or discriminated against because of political or religious affiliation, race, sex, age or ethnic derivation.
- B. No rule shall be adopted prohibiting the employment of any person otherwise qualified, solely because of age, excepting only the employment of policemen or firemen. (Ord. 13 §10, 1980)

#### **2.32.110 Absence for compensable injury or disease.**

Any period of time during which an employee is required to be absent from his position by reason of an injury or disease for which he is entitled to receive worker's compensation benefits shall not be deemed to be a break in his continuous service for the purpose of his right to any salary adjustments, sick leave, vacation or seniority rights which might otherwise apply. (Ord. 13 §11, 1980)

## **Chapter 2.34 PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

*Sections:*

[2.34.010 Contract authorized.](#)

[2.34.020 Execution of contract.](#)

### **2.34.010 Contract authorized.**

A contract between the town council and the Board of Administration, California Public Employees' Retirement System is authorized, a copy of the proposed contract being attached to Ordinance 136, marked "Exhibit A," and is incorporated and is made a part of this section as if set forth in full, said contract having been modified by Ordinance 175 which is incorporated and made a part of this section as if set forth in full. (Ord. 191 §1, 1989: Ord. 187 §1, 1989: Ord. 175 §1, 1988: Ord. 136 §1, 1985)

### **2.34.020 Execution of contract.**

The mayor of the town council is authorized, empowered and directed to execute the contract for and on behalf of the agency. (Ord. 191 §2, 1989: Ord. 187 §2, 1989: Ord. 175 §2, 1988: Ord. 136 §1, 1985)

Title 2 - ADMINISTRATION AND PERSONNEL  
Chapter 2.12 - COMMUNITY DEVELOPMENT DEPARTMENT

Article III PLANNING COMMISSION

**Article III PLANNING COMMISSION**

[2.12.030 Established—Composition—Terms.](#)

[2.12.031 Functions.](#)

[2.12.033 Officers—Meetings—Rules.](#)

[2.12.035 Removal.](#)

[2.12.037 Vacancies.](#)

[2.12.039 Expenses.](#)

**2.12.030 Established—Composition—Terms.**

A planning commission is created for the town. The planning commission shall consist of five members who reside within the boundaries of the town. They shall be appointed by the town council for a term of four years with staggered dates of expiration of terms. (Ord. 342 §1, 2000: Ord. 218 §3 (part), 1992)

**2.12.031 Functions.**

The functions of the planning commission include:

- A. To prepare and recommend for adoption by the town council a comprehensive long-term general plan for the physical development of the town and of any land outside its boundaries which in the planning commission's judgment bears relation to its planning;
- B. To prepare specific plans based on the general plan and drafts of such regulations, programs and legislation as may in its judgment be required for the systematic implementation of the general plan, and to recommend such plans and measures to the council for adoption;
- C. To act as the advisory agency for the town in connection with the administration of the State Subdivision Map Act and the town's Subdivision Ordinance regulations;
- D. To perform the duties of a planning commission as prescribed by law, including those duties prescribed by Articles 7, 8, 9 and 10 of Chapter 3, Title 7 and Article 3, Chapter 4, Title 7 of the California Government Code existing as of the adoption of the ordinance codified in this chapter or thereafter amended;
- E. To prepare and recommend for adoption by the town council a Zoning Ordinance and to perform such other duties in reference to planning and zoning and land use matters as may be required by the town council. (Ord. 218 §3 (part), 1992)

**2.12.033 Officers—Meetings—Rules.**

- A. The planning commission shall elect a chairman and vice-chairman from its membership annually. In the absence or disability of either the chairman or vice-chairman, the planning commission may designate a temporary chairman.

Title 2 - ADMINISTRATION AND PERSONNEL  
Chapter 2.12 - COMMUNITY DEVELOPMENT DEPARTMENT

Article III PLANNING COMMISSION

- B. The planning commission shall hold at least one regular meeting each month and such other meetings as may be necessary. The planning commission shall adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and determinations. (Ord. 218 §3 (part), 1992)

**2.12.035 Removal.**

A member of the planning commission may be removed by a majority vote of all the members of the town council. A member who fails, without permission, to attend three successive meetings of the planning commission is subject to removal. (Ord. 218 §3 (part), 1992)

**2.12.037 Vacancies.**

A vacancy on the planning commission occurring by death, resignation, removal or any other cause before the expiration of the term of the member shall be filled by appointment for the unexpired term by the town council. (Ord. 218 §3 (part), 1992)

**2.12.039 Expenses.**

Planning commission members shall be entitled to reimbursement for such expenses as the town council may approve. (Ord. 218 §3 (part), 1992)



**TOWN OF PARADISE**

**RESOLUTION NO. 96-001**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE TOWN OF PARADISE  
RESCINDING RESOLUTION NO. 90-2 AND ADOPTING UPDATED AND  
AMENDED PROCEDURAL RULES FOR THE CONDUCT OF  
PLANNING COMMISSION MEETINGS**

**WHEREAS**, the Paradise Planning Commission of the Town of Paradise adopted Resolution 90-2 on March 12, 1990, and with its adoption thereby prescribed and established procedural rules for the conduct of Planning Commission meetings; and

**WHEREAS**, the Planning Commission of the Town of Paradise has determined that the public interest is best served if the established procedural rules of conduct of Planning Commission meetings are occasionally reviewed and updated by formal amendment in order to aptly serve the current needs of the Paradise community.

**NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:**

**SECTION 1.** Planning Commission Resolution No. 90-2 is hereby rescinded.

**SECTION 2.** The Planning Commission of the Town of Paradise hereby adopts the following procedural rules for the conduct of its meetings:

**A. QUORUM.** Three (3) members of the Planning Commission shall constitute a quorum for the transaction of business. Motions may be passed by a majority of members present and voting. When no quorum exists, any member of the Planning Commission may adjourn the meeting to the next regularly scheduled meeting or to a date specified by the majority of those present. The Secretary of the Planning Commission may adjourn as specified above if no Commissioner is present.

**B. PUBLIC MEETINGS.** All meetings shall be held in full compliance with the provision of state law, applicable provisions of the Paradise Municipal Code, and these procedural rules. All regular and special meetings as well as study sessions of the Commission shall be open to the public. Whenever a regular scheduled Commission meeting falls on a public holiday honored by the Town of Paradise, no regular meeting shall be held on that day. Such regular meetings may be rescheduled to another business day or canceled by motion adopted by the Planning Commission or administratively by the Planning Director.

RESOLUTION NO. 96-001

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARADISE  
RESCINDING RESOLUTION NO. 90-2 AND ADOPTING UPDATED AND AMENDED  
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**C. AGENDA.** All reports, proposed ordinances, resolutions, or other matters to be submitted to the Planning Commission by town staff shall be made available for review by the Commission and the public not later than during the fifth calendar day preceding the next regular scheduled Commission meeting. The Secretary of the Planning Commission shall have prepared an agenda of all such matters according to the order of business and provide a copy to each Planning Commissioner and make it available to the public at the cost of reproduction.

**D. ORDER OF BUSINESS.** All regular meetings of the Commission shall consider and dispose of matters in substantially the following order, except as otherwise may be ordered by the Chair of the Commission or majority of the Commission:

- |                         |                              |
|-------------------------|------------------------------|
| 1. Call to Order        | 7. Continued Public Hearings |
| 2. Pledge of Allegiance | 8. Public Hearings           |
| 3. Roll Call            | 9. Other Business            |
| 4. Approval of Minutes  | 10. Committee Activities     |
| 5. Communication        | 11. Commission Members       |
| 6. Citizen Forum        | 12. Adjournment              |

~~The provisions of this section shall be directory and not mandatory.~~

**E. OFFICERS**

1. Selection
  - a. A Chair and Vice-Chair shall be elected annually from among the Commission's membership at the first meeting in July to serve at the pleasure of the Commission.
  - b. The Vice-Chair shall succeed the Chair if he/she vacates the office before the term is completed, the Vice-Chair to serve the unexpired term of the vacated office. A new Vice-Chair shall be elected at the next regular meeting.

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- c. In the absence of the Chair and Vice-Chair, any other member shall call the Commission to order, whereupon a chair shall be elected from the members present to preside.

2. Responsibilities

The responsibilities and powers of the officers of the Planning Commission shall be as follows:

a. Chair

- (1) Preside at all meetings of the Commission.
- (2) Call special meetings of the Commission in accordance with legal requirements and the Rules of Procedure.
- (3) Sign documents of the Commission.
- (4) See that all actions of the Commission are properly taken.
- (5) Assist staff in determining agenda items.

b. Vice-Chair

During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

F. ADJOURNED/SPECIAL MEETINGS. In the event it is the wish of the Planning Commission to adjourn its meeting to a certain hour on another day, a specific date, time and place must be set by the Commission prior to the regular motion to adjourn. Special meetings of the Planning Commission may be held at any time upon the call of the Chair or by a majority of the voting members of the Commission or upon request of the Town Council following at least twenty-four (24) hours notice to each Commission member and to the press. The time and place of the

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RESCINDING RESOLUTION NO. 90-2 AND ADOPTING UPDATED AND AMENDED  
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special meeting shall be determined by the convening authority. The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session provided that no official action may be taken and no quorum shall be required. Such meetings shall be open to the public.

G. ROLL CALL. Before proceeding with the business of the Commission, the Commission Secretary shall call the roll of the members and the names of those present shall be entered into the minutes. The time of arrival of a Commission member who was absent at roll call shall be entered into the minutes.

H. GAINING THE FLOOR. Every Commission member desiring to speak shall first address and gain recognition by the Chair. Such member shall confine his/her remarks to the question under consideration. After gaining recognition, a member may ask questions of staff who may answer or may defer to another member of staff or other person.

Members of the town staff, after recognition from the Chair, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Chair.

A Commission member, once recognized, shall not be interrupted while speaking, unless called to order by the Chair, or unless a point of order or personal privilege is raised by another Commission member, or unless the speaker chooses to yield to a question by another Commissioner. If a Commissioner is called to order, he/she shall cease speaking until the question of order is determined, and if determined to be in order, he/she may proceed.

I. PROPRIETY OF CONDUCT. Members of the Commission and the public must observe order and shall not by conversation or in any way make or disturb any other member of the Commission, or refuse to obey the orders of the Commission or the Chair, except as this resolution may provide.

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J. PUBLIC COMMUNICATION. No person shall be entitled to speak to the Commission at a public meeting who has not been recognized by the Chair. Unless allowed by the Chair, no person shall speak for more than five (5) minutes on one item of business.

The purpose of public communication is to provide information to the Commission which it may not have. The right to speak before the Commission shall be limited to the public communication portion of public hearings and to any time the Chair will allow such communication.

The Chair may bar from further speaking at that meeting anyone who:

1. Makes any personal, impertinent, or defamatory remarks;
2. Becomes boisterous or disruptive;
3. Speaks without being recognized by the Chair;
4. Violates any rules of order established by this resolution or by the Commission.

The ruling of the Chair to bar any member of the public from speaking further at that meeting shall be final and conclusive, subject only to the right of appeal by any Commissioner to the entire Commission.

Any person who engages in disorderly conduct, such as hand clapping, stamping of feet, whistling, using profane language, yelling, or similar demonstration which disturbs the peace and good order of the meeting, shall, at the request of the Chair, or a majority of the Commission, be removed from the Commission Chambers.

K. ADDRESSING THE COMMISSION. Interested parties or their representatives may write to the Planning Commission regarding any matter that is under the jurisdiction of the Commission.

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In order to expedite public hearings, whenever a group wishes to address the Commission on the same issue, the Chair may ask the group to have one spokesperson speak. Other members of the group may speak if facts or comment were not presented by the spokesperson.

No person shall address the Commission unless first recognized by the Chair. Each person desiring to address the Commission shall approach the podium, state his/her name and address for the record, state the subject which he/she wishes to discuss, and state whom he/she is representing if other than himself/herself.

Comments from the floor shall be limited to five (5) minutes unless more time is granted by the Chair. Comments shall be limited to the subject matter before the Commission.

Should the issue discussed from the floor require more than five minutes, the Chair, or a majority of the Commission may place the issue on a future Commission agenda.

All comments from the floor shall be addressed to the Commission as a whole and not to any member only. No questions shall be asked of any Commission member or member of the town staff without first obtaining permission from the Chair. Anyone violating this section shall be called to order by the Chair.

**L. ENFORCEMENT OF ORDER/POINTS OF ORDER.** Any Commissioner may move to require the Chair to enforce the procedural rules and an affirmative vote of the Commission majority shall require the Chair to do so. The Chair shall determine all points of order subject to the right of any Commission member who requests full Commission ruling on the question; and the question shall be: "Shall the decision of the Chair be sustained?" The majority vote shall conclusively determine such questions of order.

**M. POINTS OF COMMISSION PRIVILEGE.** The right of a Commission member to address the Commission on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are questioned, or when the welfare of the Commission is concerned. A Commission member raising the point of

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RESCINDING RESOLUTION NO. 90-2 AND ADOPTING UPDATED AND AMENDED  
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personal privilege may interrupt another Commission member who has the floor only if the Chair allows such interruption.

A Commission member moving the adoption of a resolution or motion shall have the privilege of closing debate, subject to a majority of the Commission voting that the debate should be continued. If a matter contains two or more propositions, any Commission member may ask to address and rule on the propositions separately. A majority vote of the Commission is necessary to so separate propositions.

N. VOTING. The passage of every motion shall be by voice vote or roll call vote and entered in the record. Any member of the Commission may demand a roll call vote on any matter before the Commission prior to a vote on the motion. Any Commission member may explain his/her vote during a roll call vote.

Commissioners shall vote in the affirmative by saying "aye" or "yes," and in the negative by saying "nay" or "no." Commission members shall state their vote when asked by the Chair or by the Commission Secretary during roll call vote. All votes of the Commission shall be recorded in the minutes of the meeting in which the voting took place.

Every member shall vote on the question before the Commission, unless he/she abstains for cause. An abstention vote shall be considered "not a vote."

1. Change of Vote. After voting is completed, but before the result of the vote is announced, any member of the Commission may change his/her vote. No Commission member may change his/her vote after the vote has been announced by the Chair unless a majority of the Commission grants consent.

2. Tie Vote. A tie vote shall be considered as defeating the motion.

3. Failure of an Item to Pass. A majority vote of the Commission against a motion or tie vote shall defeat the motion

RESOLUTION NO. 96-001

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARADISE  
RESCINDING RESOLUTION NO. 90-2 AND ADOPTING UPDATED AND AMENDED  
PROCEDURAL RULES FOR THE CONDUCT OF PLANNING COMMISSION MEETINGS

4. Abstention/Disqualification.

- a. Any Commission member may abstain himself/herself from voting for any stated or unstated reason..
- b. Any Commission member which is directly affected financially or personally by a decision of the Planning Commission should abstain from voting on the motion, but may participate as a Commission member in the discussion of the matter.
- c. When a Commissioner disqualifies himself/herself from voting, the Commissioner shall state prior to the consideration of such matter by the Commission that the disqualification is due to a possible conflict of interest and the Commissioner shall leave the dais or voting area.

5. Abstract of Commissioner's Remarks. A Commission member may request the Chair to place an abstract of his/her comments on any subject under consideration by the Commission entered into the minutes. The Chair must grant his/her consent in order for the abstract to be placed in the minutes.

6. Right to Record Reasons for Dissent. Any Commissioner shall have the right to enter into the minutes his/her reasons for dissent or protest of an action taken by the Commission.

7. Reconsideration. A Commission member who voted in the majority on a motion may, at the same meeting the motion was passed, move to reconsider the action taken, unless a procedural step was violated, in which case, the Planning staff shall return the matter to the Commission at the next available meeting.

O. PROCEDURAL RULES - VIOLATION OR MODIFICATION SHALL NOT INVALIDATE. Insofar as is practicable, the business of the Commission shall be conducted substantially in the order and manner provided in this resolution; provided, however, that the failure of the Commission to observe or enforce procedural rules shall in no manner effect the validity or legality of any action or proceeding taken by the Commission. The Commission, in its discretion, reserves the right to govern its own proceedings.



RESOLUTION NO. 96-001

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARADISE  
RESCINDING RESOLUTION NO. 90-2 AND ADOPTING UPDATED AND AMENDED  
PROCEDURAL RULES FOR THE CONDUCT OF PLANNING COMMISSION MEETINGS

P. RULES OF DEBATE.

1. All Commission members may debate, state motions, second motions, and vote.
2. Except as provided within this resolution, or provided by law, Robert's Rules of Order, Newly Revised, shall govern the conduct of regular meetings of the Commission and all special meetings unless otherwise announced at the beginning of the special meeting.
3. Procedures at a regular or special meeting may vary from Robert's Rules of Order unless a Commission member objects during the time the matter is before the Commission.
4. The Chair may allow by a majority consent of the Commission, a member of the Commission to introduce a resolution, motion, or other matter which is not in the regular agenda order. Any Commission member may introduce a matter which is in the regular agenda order.

Q. PUBLIC HEARING - OPENING. The Chair or his/her designee shall announce the beginning of a public hearing and shall request from staff any information pertinent to the public hearing. After any presentation by staff and any questioning by the Commission of staff, the Chair shall open the public hearing. If the hearing is opened to the public, any person may speak before the Commission regarding the matter under consideration for a maximum of five minutes unless granted additional time by the Chair.

R. PUBLIC HEARING - EVIDENCE RECEIVED. During the public hearing, the Commission shall receive all oral and written evidence relative to the matter being considered. Written evidence presented shall become the property of the Town of Paradise for one year after the public hearing, at which time it shall be disposed of or retained at the discretion of the Planning Director.

RESOLUTION NO. 96-001

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARADISE  
RESCINDING RESOLUTION NO. 90-2 AND ADOPTING UPDATED AND AMENDED  
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S. PUBLIC HEARING - CONTINUANCE. The Commission may continue to a date certain any public hearing unless a state law or regulation requires immediate review of the project and the town and the applicant cannot agree to a specified date for the continuance. No further advertisement of a hearing continued to a date certain shall be required.

If circumstances require that a hearing be continued to a date uncertain, the public notice requirements of the original hearing shall be required for the new hearing when the matter is rescheduled.

T. PUBLIC HEARING - CLOSING. When the Chair determines that sufficient evidence has been presented, then no further testimony shall be presented. Should the Chair, or a majority of the Commission desire further testimony, they may request it at any time prior to the decisive vote on the project or agenda item.

U. TESTIMONY UNDER OATH. The Chair, or a majority of the Commission, may require anyone presenting testimony before the Commission to be sworn as a witness and testify under oath.

V. INVESTIGATIONS AND HEARINGS. The Commission shall have the discretionary right to make investigations and conduct hearings with respect to all matters within its powers and to all matters pertaining to the administration thereof.

W. ADJOURNMENT. The Commission shall adjourn each regularly scheduled meeting by a voice vote of the majority of those present and voting. Adjournment will be to the next scheduled Commission meeting unless another date has been selected by majority vote of those present and voting. The Commission may continue a meeting to a date certain by majority vote of those present and voting.

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RESOLUTION NO. 96-001

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARADISE  
RESCINDING RESOLUTION NO. 90-2 AND ADOPTING UPDATED AND AMENDED  
PROCEDURAL RULES FOR THE CONDUCT OF PLANNING COMMISSION MEETINGS

**PASSED AND ADOPTED** by the Planning Commission of the Town of Paradise this  
12th day of February, 1996, by the following vote:

**AYES:** Commissioners Hall, Higginbotham, Shane, Titus and  
Chairman Duncan


**NOES:** None.

**ABSENT:** None.

**NOT VOTING:** None.

  
\_\_\_\_\_  
Larry R. Duncan, Chairman

**ATTEST:**

  
\_\_\_\_\_  
Suzanne Whalen, Secretary

## **Chapter 2.45 PURCHASING SYSTEM**

*Sections:*

[2.45.010 Purpose and policy.](#)

[2.45.020 Definitions.](#)

[2.45.030 Purchasing officer—Designated.](#)

[2.45.040 Purchasing officer—Powers and duties.](#)

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[2.45.060 Requisition, bid, and alternative purchasing forms.](#)

[2.45.070 Bidding—Generally.](#)

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[2.45.120 Award to other than lowest responsible and responsive bidder.](#)

[2.45.130 Disposition of surplus supplies and equipment.](#)

[2.45.140 Operational authority of purchasing officer.](#)

[2.45.150 Conflicts.](#)

[2.45.160 Penalty for violation.](#)

### **2.45.010 Purpose and policy.**

- A. The town council declares that it shall be the public policy of the town to make all purchases of supplies and services in a manner that is fair, efficient, and economical. The town purchasing system is intended to:
1. Provide for public confidence;
  2. Guarantee fair and equitable treatment for all involved;
  3. Employ effective broad based free and open competition;
  4. Guarantee maximum value for town expenditures;
  5. Be performed in a thoroughly professional manner, with honesty and integrity, and in compliance with applicable laws and regulations;
  6. Provide safeguards for maintaining a quality procurement system.
- B. This chapter shall apply to contracts for the procurement of town supplies and services. It shall apply to every expenditure of public funds irrespective of the source of funds. When the procurement involves the expenditure of federal funds, the procurement shall be conducted in accordance with all applicable federal laws and regulations and with the terms/conditions of any grant, gift or bequest consistent with law. (Ord. 341 § 1 (part), 2000)

## Title 2 - ADMINISTRATION AND PERSONNEL

### Chapter 2.45 PURCHASING SYSTEM

#### **2.45.020 Definitions.**

A. The following definitions shall apply to this chapter:

"Activity or using agency" means any department, agency or other unit of town government which derives its support wholly or in part from the town.

"Brand name or equal specification" means a specification limited to one or more items by manufacturers' names or catalog numbers to describe the standard of quality, performance, and other salient characteristics needed to meet town requirements, and which provides for the submission of equivalent products.

"Brand name specification" means a specification limited to one or more items by manufacturers' names or catalog numbers.

"Business" means any corporation, partnership, sole proprietorship, joint stock company, joint venture, limited liability company or partnership, or any other private legal entity.

"Change order" means a written order signed and issued by the purchasing officer or his/her designee, directing the contractor to make changes to the contract.

"Contract modification" means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

"Confidential information" means any information which is available to an employee because of the employee's status as an employee of the town and is not a matter of public knowledge or available to the public on request under the California Public Records Act.

"Contract" means a written agreement for the procurement of supplies or services.

"Contractor" means any person having a contract with the town or a using agency thereof.

"Cost analysis" means the evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed. A cost analysis or a price analysis, as appropriate, shall be conducted prior to award of formal bids not awarded under competitive sealed bidding.

"Cost data" means factual information concerning the cost of labor, material, overhead and other cost components which are expected to be incurred or which have been incurred by the contractor in performing the contract.

"Cost-reimbursement contract" means a contract under which a contractor is reimbursed for costs which are allowed and allocable in accordance with the contract terms and the provisions of this chapter, and a set fee or profit, if any.

"Department director" means the positions of community development director, public works director/town engineer, chief of police, chief of fire department, town clerk and others so designated by the town council.

"Direct or indirect participation" means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

"Emergency" means any event or combination of circumstances resulting in operational stoppage or causing potentially significant delays in town services, including, but not limited to, natural or man made disasters.

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### Chapter 2.45 PURCHASING SYSTEM

"Gratuity" means a payment, loan, subscription, advance, deposit of money, service, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

"Immediate family" means a spouse, children, parents, brothers and sisters.

"Invitation for bids" means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

"Person" means any individual, corporation, partnership, limited liability company or partnership, union, committee, club, other organization, or group of individuals.

"Price analysis" means the evaluation of price data, without analysis of the separate cost components and profit as in cost analysis, which may assist in arriving at prices to be paid and costs to be reimbursed.

"Pricing data" means factual information concerning prices of items substantially similar to those being procured. Prices in this definition refer to offered or proposed selling prices, historical selling prices and current selling prices. The definition refers to data relevant to both prime and subcontract prices.

"Procurement" means the buying, purchasing, renting, leasing, or otherwise acquiring of any supplies or services. It also includes all functions that pertain to obtaining any supply, service, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

"Purchasing limits" means those amounts established by the town council, for specific contracts.

"Public agency" means a public entity subject to, or created by the town.

"Request for proposals" means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

"Responsible bidder or offer" means a person who has the capability, in all respects, to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which assure good faith performance.

"Responsive bidder" means a person who has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.

"Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific and tangible product other than reports or studies.

"Specification" means any description of the physical or functional characteristics or of the nature of a supply, service, or construction item drafted so as to promote overall economy and to encourage maximum practical competition. It may include a description of any requirement for inspecting, testing, or preparing a supply or service.

"Supplies" means all property, including, but not limited to, equipment, materials, printing, insurance, and leases of real property, excluding land or permanent interest in land.

"Using agency" means any town department, commission, board, or public agency requiring supplies or services pursuant to this chapter. (Ord. 341 § 1 (part), 2000)

#### **2.45.030 Purchasing officer—Designated.**

The town manager, or his or her designee, shall be the purchasing officer. The purchasing officer shall direct and supervise the town purchasing program. The purchasing officer shall endeavor to obtain as full and open a competition as possible on all purchases of services and supplies. The

Chapter 2.45 PURCHASING SYSTEM

purchasing officer shall establish reasonable methods and procedures for the efficient and economical functioning of the purchasing program. (Ord. 341 § 1 (part), 2000)

**2.45.040 Purchasing officer—Powers and duties.**

A. The purchasing officer shall have the authority to:

1. Purchase supplies, materials, equipment and services required by any using agency in accordance with the purchasing procedures prescribed by this chapter.
2. Enter into any contract permitted by law, including, but not limited to, equipment service contracts, lease-purchase agreements and rental agreements, subject to town council authorization, any restrictions set forth in this chapter or specifically provided by law;
3. Maintain, when feasible, full and open competition among bidders on all purchases;
4. Prepare, recommend and implement rules governing the purchase of supplies, equipment and services for the town and recommend revisions and amendments where applicable;
5. Prescribe and maintain such forms as are reasonably necessary to the operation of this chapter and other rules and regulations;
6. Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any department or which become unsuitable for town use;
7. Delegate purchasing authority to department directors in conformity with Section 2.45.050 and general conformity with this chapter. (Ord. 341 § 1 (part), 2000)

**2.45.050 Decentralized purchasing procedures.**

With town council approval, the town manager may authorize any department director to independently purchase or contract for supplies, equipment, or services. All such purchases shall be made in conformity with the procedures established by this chapter. Such authorization to purchase independently may be rescinded at any time. Ultimate authority and responsibility for compliance with this chapter shall rest with the purchasing officer. (Ord. 341 § 1 (part), 2000)

**2.45.060 Requisition, bid, and alternative purchasing forms.**

All town departments shall submit requests to the purchasing officer by standard requisition, bid forms or by other alternative means as may be established by purchasing officer for acquiring supplies, materials, equipment and services as required for their operations and purposes within the limits of funds appropriated therefor. The purchasing officer, after reviewing a request may require the department to justify the quality requisitioned. (Ord. 341 § 1 (part), 2000)

**2.45.070 Bidding—Generally.**

Purchases of supplies and equipment shall be by bid process pursuant to Sections 2.45.080 and 2.45.090 of this chapter except when one of the following conditions applies:

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- A. When an emergency requires that a purchase order be placed immediately with the nearest available source of supply;
- B. When the commodity can be obtained from only one vendor. A commodity shall be considered obtainable only from one vendor when only one vendor offers it for sale, lease or rental, or when only one vendor is able to do so within the time frame and/or under the terms and conditions which reasonably meet the needs of the town, or when there is a sole distributor or manufacturer of a product or service such that there is no acceptable substitute within a specific geographical area;
- C. When the professional services are unique and not appropriate for competitive bidding;
- D. When, through cooperative purchasing with the state, the county, and other public agencies, the advantages of large-scale buying may be obtained;
- E. When purchasing from or selling to another governmental agency is beneficial to the interests of the town;
- F. When there is a breakdown in essential machinery, essential services, or when unforeseen circumstances arise, including delays by contractors, delays in transportation, and unanticipated volume of work, which require the immediate attention of a professional or immediate service/repair in order to protect public health, safety and welfare;
- G. When computer software is required for a specific town service or activity and its selection is evaluated and determined by the purchasing officer based on the software being the most effective solution for the service or activity. (Ord. 341 § 1 (part), 2000)

(Ord. No. 499, § 1, 5-11-2010)

#### **2.45.080 Formal contract procedures.**

Except as otherwise provided in this chapter, purchases of supplies, equipment or services with a total projected value of five thousand dollars or more (including tax, shipping, etc.) shall be by formal written bid for a lowest responsible bidder pursuant to the following procedure:

- A. Notices inviting bids shall include a general description of the goods or services to be purchased or sold, shall state where bid packets and specifications may be obtained, and the time and place for opening bids.
- B. Notices inviting bids shall be published at least ten days before the date of the opening of the bids. Notices shall be published at least once in a newspaper of general circulation in the town, or if there is none, shall be posted in public places in the town.
- C. The purchasing officer, or his or her designee, shall also solicit bids from responsible prospective suppliers whose names are on a bidders' list or who have made a written request that their names be added to the bidders' list.
- D. When deemed necessary by the purchasing officer, or his or her designee, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to have the bid security returned provided, however, a successful bidder shall forfeit his, her or its bid security upon refusal or failure to execute an awarded contract within ten days after the notice of award of the contract has been mailed by the town. The town council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. In such event, if the town council awards the contract to the next lowest bidder, the amount of the lower bidder's security shall be applied by the town to the contract price differential between the lowest bid and the second lowest bidder. If the town council rejects the remaining bid presented and re-advertises, the amount of the lowest bidder's security may be used to offset the cost of receiving new bids and the surplus, if any, shall be returned to the lowest bidder. If the town council rejects the remaining bids presented and



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re-advertises, the amount of the lowest bidder's security may be used to offset the cost of receiving new bids and the surplus, if any, shall be returned to the lowest bidder.

- E. Sealed bids shall be submitted to the purchasing officer, or his or her designee, and shall be identified as "bid" for the specific supplies or services on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty calendar days after the bid opening. The purchasing officer, or designee, requesting bids shall maintain all formal bid records for a period of three years after the completion of the purchase. These records, while so kept, shall be open to public inspection.
- F. The town council shall have the right to waive any non-material irregularities or informalities in the bidding or in the procedures as set forth in this chapter.
- G. In its discretion, the town council may reject any and all bids presented, re-advertise for bids or authorize the purchasing officer to award a contract after negotiating for the most reasonable cost under existing conditions. The right to reject any or all bids is expressly reserved to the town. The decision of the town council shall be final.
- H. Except as otherwise provided in this chapter, contracts shall be awarded to the lowest responsible and responsive bidder. Contracts, which exceed the budgeted amount, or which are not budgeted, shall be awarded only by the town council. The town manager shall be authorized to enter into a written agreement after the town council awards the contract.
- I. If two or more bids received are for the same total amount or unit price, quality and service being equal, the town council may, in its discretion, accept the one it chooses or accept the lowest bid made by negotiation with the tied bidders.
- J. Performance Bonds. The town council shall have the authority to require a low bidder to provide a performance bond before entering into a contract in such amount as it shall find reasonably necessary to protect the best interest of the town.
- K. Cost or Pricing Data. The low bidder shall submit cost or pricing data when the contract is expected to exceed one hundred thousand dollars. The submission of cost or pricing data relating to the award of a contract is not required when:
  - 1. The contract price is based on adequate price competition;
  - 2. The contract price is based on established catalog prices or market prices;
  - 3. The contract price is set by law or regulation; or
  - 4. It is determined in writing by the purchasing officer that the requirements above may be waived. Such determination shall include the reasons for such waiver.

After award of a contract, contractor shall submit cost or pricing data prior to the pricing of any change order or contract modification, including adjustments to contracts awarded by competitive sealed bidding, if the initial pricing of the contract required it, and the change order or modification involves aggregate increases or aggregate decreases in total costs expected to exceed five thousand dollars. The submission of cost or pricing data relating to the pricing of a change order or contract modification shall not be required when:

- 1. Unrelated and separately priced adjustments for which cost or pricing data would not be required are consolidated for administrative convenience; or
- 2. It is determined in writing by the purchasing officer that the requirements above may be waived. Such determination shall include the reasons for such waiver.

A contractor, actual or prospective, required to submit cost or pricing data in accordance with this section, shall certify that, to the best of his, her or its knowledge and belief, the cost or pricing data

## Title 2 - ADMINISTRATION AND PERSONNEL

### Chapter 2.45 PURCHASING SYSTEM

submitted was accurate, complete, and current as of a mutually specified date prior to the award of the contract or the pricing of the change order or contract modification.

Any contract award, change order, or contract modification, under which the submission and certification of cost or pricing data are required, shall contain a provision stating that the price to the town, including profit or fee, shall be adjusted to exclude any significant sums by which the town finds that such price was increased because the contractor-furnished costs or pricing data were inaccurate, incomplete, or not current. (Ord. 341 § 1 (part), 2000)

#### **2.45.090 Informal bidding procedures.**

Purchases of supplies, equipment, and services with total projected values less than five thousand dollars may be made by the purchasing officer, or his or her designee, by the informal bid process pursuant to the procedure prescribed in this section and without observing the procedure described in Section 2.45.080 of this chapter.

- A. Informal bid purchases shall, whenever possible, be based on at least three bids. Upon examination of all bids, a contract shall be awarded to the low bidder.
- B. The purchasing officer, or designee, may solicit informal bids by written requests to prospective vendors, via fax machine, by telephone, computer or by any other means deemed effective.
- C. The purchasing officer, or designee, shall maintain all informal bid orders and bids for a period of three years after the completion of the purchase. These records, while so kept, shall be open to public inspection.
- D. The purchasing officer, or designee, shall have the right to waive any nonmaterial irregularity or informality in such bids.
- E. At the discretion of the purchasing officer, any/all purchases may be required to follow formal contract procedures of Section 2.45.080. (Ord. 341 § 1 (part), 2000)

#### **2.45.100 Bidding for public works projects.**

Public works projects as defined by the California Public Contract Code shall be bid, advertised and awarded in accordance with applicable sections of the California Public Works Contract Code. (Ord. 341 § 1 (part), 2000)

#### **2.45.110 Inspection and testing.**

The purchasing officer or designee may cause an inspection of the supplies and equipment delivered to determine their conformance with the specifications set forth in the order. The purchasing officer, or designee, shall have the authority to require chemical or physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. (Ord. 341 § 1 (part), 2000)

Chapter 2.45 PURCHASING SYSTEM

**2.45.120 Award to other than lowest responsible and responsive bidder.**

Notwithstanding any provision of this chapter to the contrary, supplies, equipment and/or services may be purchased from other than the lowest responsible and responsive bidder in any case in which the town council shall find that, in light of all circumstances applicable to the particular purchase, including, but not limited to, location of the vendor and the amount of staff time required for the administration of the contract and/or cost/impact of changing vendors, the town will acquire the supplies, equipment or service at lower net cost by effecting its purchase from a party other than the lowest responsible bidder. (Ord. 341 § 1 (part), 2000)

**2.45.130 Disposition of surplus supplies and equipment.**

All town departments shall submit to the purchasing officer, at such times and in such forms as the purchasing officer shall prescribe, reports showing all supplies and equipment which are not longer used or which have become obsolete or worn out. The purchasing officer shall have the authority to exchange for or trade in on new supplies and equipment all supplies and equipment which have become unsuitable for town use.

- A. Such items declared to be surplus shall be offered for sale on a competitive bid basis. Bids may be solicited by written request, telephone, fax machine, computer, by public auction, by use of an auction service, by advertisement in any newspaper or magazine or by a combination of such methods.
- B. When, after a reasonable effort has been made to obtain competitive bids, no offers are received or any item or town-owned personal property declared to be surplus, the purchasing officer is authorized to dispose of such item for the highest scrap value that can be obtained therefor and if a reasonable effort to do so produces no opportunity to sell the same for scrap, the purchasing officer may cause its destruction or any other disposition thereof.
- C. The Town may sell obsolete or surplus property to any other tax-supported governmental agency at an established "fair market value" without other bids.
- D. The Town may provide surplus equipment to a governmental agency as permitted by law.
- E. With the approval of the town council, the town may donate surplus personal property to any non-profit agency or entity which is exempt from federal income tax. (Ord. 341, § 1 (part), 2000)

**2.45.140 Operational authority of purchasing officer.**

- A. The purchasing officer shall have the power to settle any protest regarding the solicitation or award of a Town contract, or any claim arising out of the performance of a Town contract, prior to an appeal to the town council or the commencement of an action in a court of competent jurisdiction; provided, however, the settlement of claim shall not exceed five thousand dollars.
- B. If, prior to the bid opening or the closing date for receipt of proposals, the purchasing officer, after consultation with the town attorney, determines that a solicitation is in violation of federal, state, or this Code, the solicitation shall be canceled or revised to comply with applicable law.
- C. If, after bid opening or the closing date for receipt of proposals, the purchasing officer, after consultation with the town attorney, determines that solicitation or a proposed award of a contract is in violation of federal, state, or this Code, the solicitation or proposed award shall be canceled. (Ord. 341, § 1 (part), 2000)

## Title 2 - ADMINISTRATION AND PERSONNEL

### Chapter 2.45 PURCHASING SYSTEM

#### 2.45.150 Conflicts.

- A. All conflict of interest laws of the State of California shall apply to purchases pursuant to this chapter, including, but not limited to the following:
- i) Purchases made under the State of California HOME Program subject to HOME Final Rule 24 CFR 92.356—Conflict of interest.
    - (1) Applicability. In the procurement of property and services, the conflict of interest provisions in 24 CFR 85.36; 24 CFR 84.42; and 24 CFR 92.356 apply.
    - (2) Conflicts Prohibited. No persons described in paragraph (3) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds and/or other federal or state funds regulated by the Code of Federal Regulations sections cited above, or who are in a position to participate in a decision making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME-assisted or other state and/or federal program, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
    - (3) Persons Covered. The conflict of interest provisions of paragraph (2) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the Town of Paradise.
  - ii) In accordance with 24 CFR 85.36 persons covered by paragraph i) (3) are subject to the following standards of conduct:
    - (1) An official or employee of the Town shall not engage in conduct that would tend to discredit or dishonor their position with the Town of Paradise. Such appointed officials and employees must avoid conflicts of private interests with public duties and responsibilities and shall not do indirectly what may not be done directly.
    - (2) Disciplinary action generally does not follow an occasional error in judgment which occurs in good faith and is unintentional. However, misconduct, dishonesty, and fraud shall be the basis for severe disciplinary action, including removal for cause.
    - (3) Officials and employees occupying designated positions are required to file an annual statement of economic interests with the Town Clerk, as prescribed by state regulation and Town of Paradise Resolution No. 91-15.
    - (4) Each new employee must be informed of the obligation to submit a statement of economic interest if they fall within the listed designated position categories.
    - (5) Any employee whose job performance is adversely affected by the taking of alcohol, non-prescription drugs, or other substances shall be subject to disciplinary action, in accordance with the Paradise Municipal Code or the Memorandum of Understanding that covers the employee.
    - (6) Each employee is required to be familiar with the Town's standards and statutory provisions relating to ethical behavior and other standards of conduct. Each employee is expected to secure the advice of their supervisor or the Personnel Officer or other appropriate official when in doubt about the meaning or application of any conduct requirement applying to their particular situation.
    - (7) The political activities of Town employees shall conform to pertinent provisions of state and federal laws. Appointed officials and employees must avoid and refrain from any political involvement and/or partisan political activities which could impede, impair, or jeopardize the impartial discharge of their duties.

## Title 2 - ADMINISTRATION AND PERSONNEL

### Chapter 2.45 PURCHASING SYSTEM

- (8) Handle all matters of personnel based on merit and objectivity so that fairness and impartiality govern all personnel decisions thereby avoiding any form of discrimination or preferential treatment.

(Ord. No. 398, § 1, 2003)

#### **2.45.160 Penalty for violation.**

Any person who violates this chapter shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment for not more than six months in the county jail, or both. (Ord. 341, § 1 (part), 2000)

**TOWN OF PARADISE  
RESOLUTION NO. 12-08**

**A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF PARADISE ELECTING TO BE THE SUCCESSOR AGENCY OF THE  
PARADISE REDEVELOPMENT AGENCY PURUANT TO ASSEMBLY BILL 1X 26**

**WHEREAS**, on December 29, 2011, the California Supreme Court ruled in *California Redevelopment Association v. Matosantos* that Assembly Bill 1X 26 was not unconstitutional. As a result, the Paradise Redevelopment Agency, and all other California Redevelopment Agencies, will be dissolved on February 1, 2012; and

**WHEREAS**, the Supreme Court also held that Assembly Bill 1X 27 was unconstitutional, which would have permitted redevelopment agencies to elect to continue existing by providing certain payments to the State of California; and

**WHEREAS**, based on Health and Safety Code subsection 34171(j) and section 34173 of Assembly Bill 1X 26, the Town of Paradise will be the Successor Agency of the Paradise Redevelopment Agency.

**WHEREAS**, in addition, the Town Council needs to determine whether the Town of Paradise will be the Successor Housing Agency of the Paradise Redevelopment Agency.

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

**Section 1.** Pursuant to the provisions of Assembly Bill 1X 26, the Town Council hereby elects and confirms that the Town of Paradise shall be the Successor Agency of the Paradise Redevelopment Agency.

**Section 2.** In addition, the Town Council hereby elects to be the Successor Housing Agency of the Paradise Redevelopment Agency in accordance with the provisions of Assembly Bill 1X 26.

**Section 3.** This resolution shall take effect immediately.

**Section 4.** The Town Clerk is directed to forward a certified copy of this resolution to the Butte County Auditor-Controller no later than January 13, 2012.

**TOWN OF PARADISE  
RESOLUTION NO. 12-08**

**PASSED AND ADOPTED** by the Paradise Town Council of the Town of Paradise, County of Butte, State of California, on this 10th day of January 2012, by the following vote:

AYES: Joe DiDuca, Scott Lotter, Tim Titus, Alan White and  
Steve "Woody" Culleton, Mayor

NOES: None

ABSENT: None

NOT VOTING: None

  
Steve "Woody" Culleton, Mayor

ATTEST: 1-12-2012

  
JOANNA GUTIÉRREZ, Town Clerk

APPROVED AS TO FORM:

  
DWIGHT L. MOORE, Town Attorney

# A Public Official's Conflict Of Interest Checklist

## KEY CONCEPTS

- ✓ A public agency's decision should be based solely on what best serves the public's interests.
- ✓ The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.
- ✓ Having a conflict of interest does not imply that you have done anything wrong; it just means you have financial or other disqualifying interests.
- ✓ Violating the conflict of interest laws could lead to monetary fines and criminal penalties for public officials. Don't take that risk.

## BASIC RULE

A public official may not participate in a decision – including trying to influence a decision – if the official has financial or, in some cases, other strong personal interests in that decision. When an official has an interest in a contract, the official's agency may be prevented from even making the contract.

## WHEN TO SEEK ADVICE FROM AGENCY COUNSEL

The rules are very complex. Talk with your agency counsel 1) early and often 2) when an action by your public agency 3) may affect (positively or negatively) 4) any of the following:

- ✓ **Income.** Any source of income of \$500 or more (including promised income) during the prior 12 months for you or your spouse/domestic partner.
- ✓ **Business Management or Employment.** An entity for which you serve as a director, officer, partner, trustee, employee, or manager.
- ✓ **Real Property.** A direct or indirect interest in real property of \$2000 or more that you or your immediate family (spouse/domestic partner and dependent children) have, including such interests as ownership, leaseholds (but not month-to-month tenancies), and options to purchase. Be especially alert when any of these are located within 500 feet of the subject of your decision.
- ✓ **Personal Finances.** Your or your immediate family's (spouse/domestic partner and dependent children) personal expenses, income, assets, or liabilities.

- ✓ **Gift Giver.** A giver of a gift of \$360 or more to you in the prior 12 months to you, including promised gifts.
- ✓ **Lender/Guarantor.** A source of a loan (including a loan guarantor) to you.
- ✓ **Contract.** You or a member of your family would have an interest (direct or indirect) in a contract with the agency.
- ✓ **Business Investment.** An interest in a business that you or your immediate family (spouse/domestic partner and dependent children) have a direct or indirect investment worth \$2000 or more.
- ✓ **Related Business Entity.** An interest in a business that is the parent, subsidiary or is otherwise related to a business where you:
  - Have a direct or indirect investment worth \$2000 or more; or
  - Are a director, officer, partner, trustee, employee, or manager.
- ✓ **Business Entity Owning Property.** A direct or indirect ownership interest in a business entity or trust of yours that owns real property.
- ✓ **Campaign Contributor.** A campaign contributor of yours (applies to appointed decision-making bodies only).
- ✓ **Other Personal Interests and Biases.** You have important, but non-financial, personal interests or biases (positive or negative) about the facts or the parties that could cast doubt on your ability to make a fair decision.

## WHAT WILL HAPPEN NEXT?

Agency counsel will advise you whether 1) you can participate in the decision and, 2) if a contract is involved, whether the agency can enter into the contract at all. Counsel may suggest asking either the Fair Political Practices Commission or the State Attorney General to weigh in.

## EVEN IF IT'S LEGAL, IS IT ETHICAL?

The law sets only minimum standards. Ask yourself whether members of the public whose opinion you value will question whether you can act solely in the public's interest. If they might, consider excusing yourself voluntarily from that particular decision-making process.



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**TOWN OF PARADISE  
RESOLUTION NO. 13-14**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE AMENDING AND RE-ADOPTING CONFLICT OF INTEREST CODE FOR THE AGENCIES AND DEPARTMENTS OF THE TOWN OF PARADISE WHICH INCORPORATE BY REFERENCE THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST**

**WHEREAS**, the Political Reform Act, Government Code Section 87300, et seq., requires every local government agency to adopt and promulgate a Conflict of Interest Code; and

**WHEREAS**, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Reg., Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act; and

**WHEREAS**, this Council has determined that the attached Appendices A, B and C accurately set forth those positions which should be designated and the categories of financial interests which should be made reportable;

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

1. The provisions of Title 2 of the California Code of Regulations Section 18730 and any amendment to it duly adopted by the Fair Political Practices Commission along with the attached Appendices in which officials and employees are designated and disclosure categories are set forth, are hereby amended and re-adopted and incorporated by reference and constitute the Conflict of Interest Codes of the Town of Paradise.

2. Persons holding designated positions shall file statements of economic interest pursuant to Section 18730. All designated employees shall file their statement with the Paradise Town Clerk to whom the Town Council hereby delegates the authority to carry out the duties of filing officer.

3. Statements of economic interest for members of the Town Council, Town Manager, Town Attorney, Director of Finance/Town Treasurer shall be filed with the Town Clerk who shall make and retain a copy and forward the original of these statements to the Fair Political Practices Commission.

"AMENDS RESOLUTION 11-37"

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

**AYES:** Greg Bolin, Steve "Woody" Culleton, John J. Rawlings and Scott Lotter, Vice Mayor


**NOES:** None

**ABSENT:** Timothy Titus, Mayor


**NOT VOTING:** None

  
Timothy Titus, Mayor  
By: Scott Lotter, Vice Mayor

**ATTEST:** *April 10, 2013*

  
Joanna Gutierrez, CMC, Town Clerk

**APPROVED AS TO FORM:**

  
Dwight L. Moore, Town Attorney

"AMENDS RESOLUTION 11-37"

## APPENDIX A RESOLUTION NO. 13-14

### **GENERAL PROVISIONS**

When a designated employee is required to disclose investments and sources of incomes, he/she need only disclose investments in business entities and sources of income which do business in the Town of Paradise, plan to do business in the Town of Paradise or have done business in the Town of Paradise within the past two years. In addition to other activities, a business entity is doing business within the Town of Paradise if it owns real property within the Town limits. When a designated employee is required to disclose interests in real property, he need only disclose real property which is located in whole or in part within, or no more than two miles outside, the boundaries of the Town of Paradise or within two miles of any land owned or used by the Town of Paradise.

Designated employees shall disclose their financial interest pursuant to the appropriate disclosure category as indicated in Appendix B.

### **DISCLOSURE CATEGORIES**

#### Category 1: Designated Employees Whose Duties are Broad and Indefinable

All sources of income, interests in real property, and investments and business positions in business entities.

#### Category 2: Designated Employees Whose Duties Involve Contracting or Purchasing

Contracts or makes purchases for entire agency: Investments and business positions in business entities and sources of income which provide services, supplies, materials, machinery or equipment of the type utilized by the agency.

Contracts or makes purchases for specific department within the agency: Investments and business positions in business entities and sources of income which provide services, supplies, materials, machinery or equipment of the type utilized by the designated employee's department or division.

#### Category 3: Designated Employees Whose Duties Involve Regulatory, Permit, or Licensing Powers

All investments and business positions in business entities and sources of income which are subject to the regulatory permit or licensing authority of the Town.

#### Category 4: Designated Employees Whose Decisions May Affect Real Property Interests

Investments and business positions in business entities and sources of income which engage in land development, construction or the acquisition or sale of real property, and all interests in real property.

"AMENDS RESOLUTION 11-37"

## APPENDIX B RESOLUTION 13-14

Town Council	1
Successor Agency to Paradise Redevelopment Agency Director	1
Planning Commissioners	1
Oversight Board to the Successor Agency to the Paradise Redevelopment Agency	1
Town Manager/Successor Agency Manager	1
Assistant Town Manager/Assistant Successor Agency Manager	1
Town Attorney/Successor Agency Counsel	1
Finance Director/Successor Agency Finance Director	1
Town Clerk/Successor Agency/Oversight Board Clerk	1
Assistant Town Clerk/Assistant Successor Agency/Oversight Board Clerk	3
Housing Coordinator	3
Information Technology (IT) Manager	3
Fleet Manager	2
Chief of Police	1
Police Lieutenant	2
Fire Chief	1
Fire Marshall/Building Official	3
Fire Battalion Chief	2
Community Development Department (CDD) Director	1
Senior Planner	2
Assistant Planner	2
Code Enforcement Officer	3
Public Works Director/Town Engineer	1
Assistant Public Works Director	2
Associate Engineer	3
Construction Inspector	3
Building Inspector	3
Onsite Sanitary Official	1
Assistant Onsite Sanitary Official	1
Environmental Health Technician	1
Senior Accountant	3
Finance Supervisor	3

"AMENDS RESOLUTION 11-37"

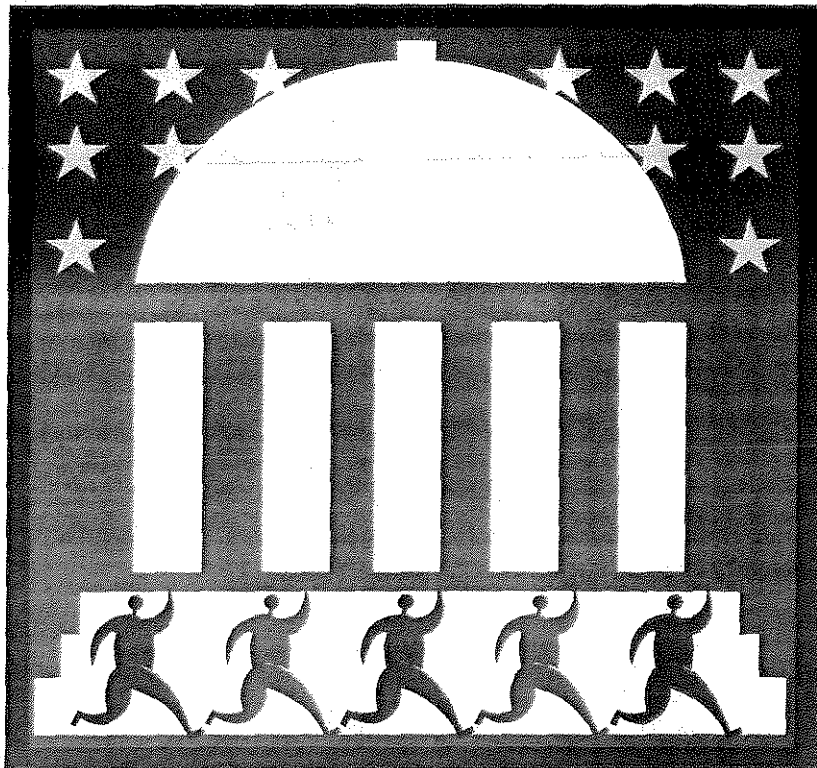
**APPENDIX C  
RESOLUTION NO. 13-14**

**Consultant/Contract Employee Disclosure Category**

Consultants/contract employees shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Town Attorney may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's/contractor's duties and, based upon that description, a statement of the extent of disclosure requirements. The Town Attorney's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

"AMENDS RESOLUTION 11-37"



# Elected Officials Guide To Emergency Management



# **ELECTED OFFICIALS GUIDE** **TO EMERGENCY MANAGEMENT BASICS**



## **INTRODUCTION**

For elected and appointed officials, protecting the public during crisis situations is among their most important tasks; if it wasn't a priority before, in the wake of devastating events such as Sept. 11 and Hurricane Katrina, it is now.

The arrival of a disaster situation should ignite leadership to set in motion – through an understood chain of command – the actions necessary to ensure the safety and well-being of the area's residents. (*Government Technology's Emergency Management, "Where Leadership Begins," Spring, 2006*).

The Little Hoover Commission Report on Emergency Preparedness released April 27, 2006 states, "The public and emergency managers must have confidence that elected leaders understand their roles and responsibilities during emergency events." Experts testifying before that Commission stated, "...senior government leaders must be highly visible, speak with a single voice, demonstrate control, knowledge and confidence to maintain public trust and cooperation."

Also in April, 2006, the Center for Collaborative Policy, which is affiliated with California State University, Sacramento, convened a select panel of experts to discuss the strengths and weaknesses of emergency management in California. One of the key findings of this Focus Group was the need for more training of elected officials; the focus was on the importance of those officials being fully engaged in preparing for emergencies, understanding their roles and responsibilities, and having the right information and decision tools to understand the implication of their decisions.

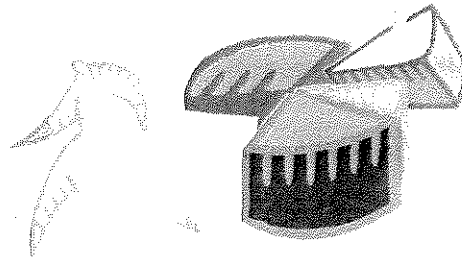
This course is designed to assist you, as an elected official, with the basic information you need in order to make sound decisions in disaster situations.



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## THE FOUR PHASES OF EMERGENCY MANAGEMENT



All processes in a success disaster preparedness program focus on the 4 phases of emergency management – ***mitigation, preparation, response and recovery.***

The ***mitigation*** phase focuses on steps that can be taken to lessen the severity of potential disasters. Most jurisdictions have developed FEMA required "Local Hazard Mitigation Plans" which identify the area's most likely hazards and the actions that will reduce the damage from such events. Some specific mitigation activities can include: strengthening building codes; relocating homes from flood prone areas; identifying grant dollars to support facilities, training and needed equipment.

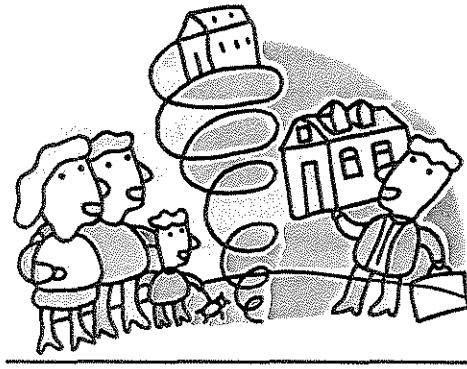
The ***preparation*** phase of emergency management includes ensuring that your jurisdiction's disaster ordinance and Emergency Operations Plans (EOP) are complete and current. The ordinance is vital in that it outlines who is in charge, the order of succession, the process for declaring a Local Emergency and other key information. The EOP details how your jurisdiction will conduct emergency operations and defines areas of responsibility. Other preparation activities include providing training for all your jurisdiction's department responders on ICS, SEMS and NIMS and their specific role in emergency situations and conducting exercises and drills that range from "table top" to "full scale" events.

Another ***preparation*** must is ensuring that redundant emergency communications systems are in place so that your jurisdiction can communicate with local, State and federal agencies during times of disaster.

In the ***response*** phase, the most critical factor for your jurisdiction is ensuring that your Emergency Operations Center (EOC) is equipped for immediate activation. As mentioned in the COG section, the EOC provides the location for key decision makers to convene, get real-time factual information, and provide the coordination and support that the situation requires.

During the ***recovery*** phase of an emergency, your first goal should be to get your residents and communities back on their feet as quickly as possible. It is also vital that all your jurisdiction's departments document their costs from the beginning to the end of each incident so that we will meet eligibility requirements for reimbursement from both the State and federal governments.

## EMERGENCY MANAGEMENT BASICS



### **INTRODUCTION TO ICS, SEMS, AND NIMS**

The key element to an effective emergency response is the structure and system used to organize the response. In the State of California there are three specific systems that we, by law, must adhere to. The good news is that each of these systems are built on the same basic structure and the history of each of them, the **Incident Command System (ICS)**, the **Standardized Emergency Management System (SEMS)**, and the **National Incident Management Systems (NIMS)** are all very similar. Each one was developed out of the need for a better way to manage major events or disasters with the challenge being to develop a system that would allow various agencies to work together in the most efficient and effective manner.

The principles of all three were to enable emergency response agencies to utilize common terminology, span of control, organizational flexibility, personnel accountability, comprehensive resource management, unified command and incident action plans.

Incident Command System (ICS): In the early 1970s, emergency managers and field responders faced a number of major issues in dealing with wildfire and other disastrous events. Some of these problems were:

1. Too many people reporting to one supervisor.
2. Different emergency response organizational structures.
3. A lack of reliable incident information.
4. Inadequate and incompatible communications.
5. A lack of a structure for coordinated planning between agencies.
6. Unclear lines of authority.
7. Terminology differences between agencies.
8. Unclear or unspecified incident objectives.

Designing a uniform emergency management system to remedy the problems listed above took several years. The result was the creation of the Incident Command System or ICS as it is commonly called. ICS was developed by an interagency task force working in a cooperative local, state, and federal interagency effort. Early in the development process, four essential requirements became clear:

1. The system must be organizationally flexible to meet the needs of incidents of any kind and size.
2. Agencies must be able to use the system on a day-to-day basis for routine situations as well as for major emergencies.
3. The system must be sufficiently standard to allow personnel from a variety of agencies and diverse geographic locations to rapidly meld into a common management structure.
4. The system must be cost effective.

ICS was adopted by many fire agencies in California and throughout the United States for use in establishing a command structure in the field, but the use of ICS was not mandatory and was not used by many agencies other than fire departments.

*For more detailed information on the ICS, we suggest you take the IS100 course, available on line training at [www.fema.gov](http://www.fema.gov).*

Standardized Emergency Management System (SEMS): In 1991, the same issues that were identified in the 1970s were again identified as issues after the Oakland - East Bay Hills Fire. As a result, a bill was introduced by Senator Petris from the Oakland area, and Government Code Section 8607 became law. The intent of this law was to improve the coordination of state and local agencies during a disaster or emergency response in California by making many of the same precepts of ICS applicable at ALL levels of emergency management, from the field all the way to the State. The statute directed the Governor's Office of Emergency Services (OES), in coordination with other state agencies and local agencies, to establish the Standardized Emergency Management System (SEMS).

With the creation of SEMS also came the requirement that in California, all state, county, city, and special district agencies use SEMS during an emergency or disaster and that all state, county, city, and special district agency employees take a basic course in SEMS.

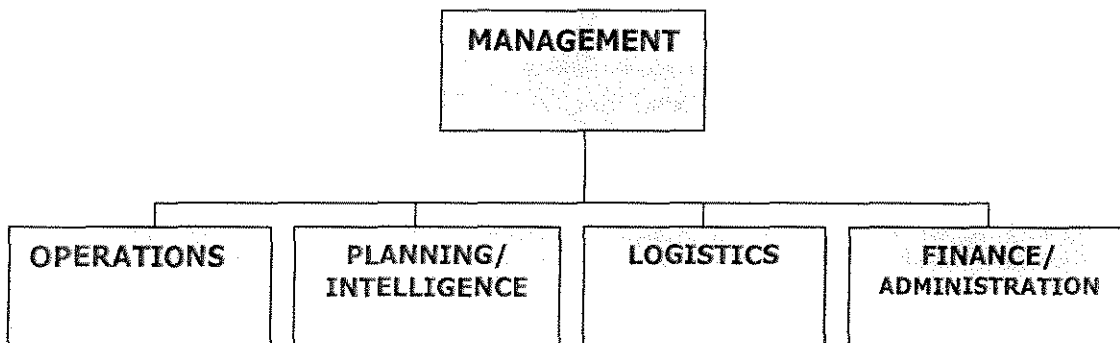
*For more detailed information on SEMS, we suggest you take the Introduction to the Standardized Emergency Management System, available online at [www.oes.ca.gov](http://www.oes.ca.gov).*

National Incident Management System (NIMS): After the terrorist attacks of September 11, 2001 many of the same issues that were identified in the 1970s were again identified as issues on a broader scale. As a result, the need for a national emergency management and response plan was identified. On February 28, 2003, President Bush issued Homeland Security Presidential Directive-5 (HSPD-5). In HSPD-5, President Bush called on the Secretary of Homeland Security to develop and administer a National Incident Management System to provide a consistent nationwide approach for federal, state, tribal and local governments to work together to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size or complexity. Similar to the SEMS regulation for California, HSPD-5 requires Federal, State and local organizations adopt NIMS and provide training to all employees. As an additional requirement of the

law, agencies must adopt NIMS in order to be eligible for certain Federal preparedness assistance grants, contracts, and other activities.

*For more detailed information on NIMS, we suggest you take the Introduction to NIMS (IS700) and the Overview of the National Response Plan (IS800) available on line at [www.fema.gov](http://www.fema.gov).*

The key organizational structure of all three systems is organized by the following five functions: management, operations, planning/intelligence, logistics, and finance/administration.



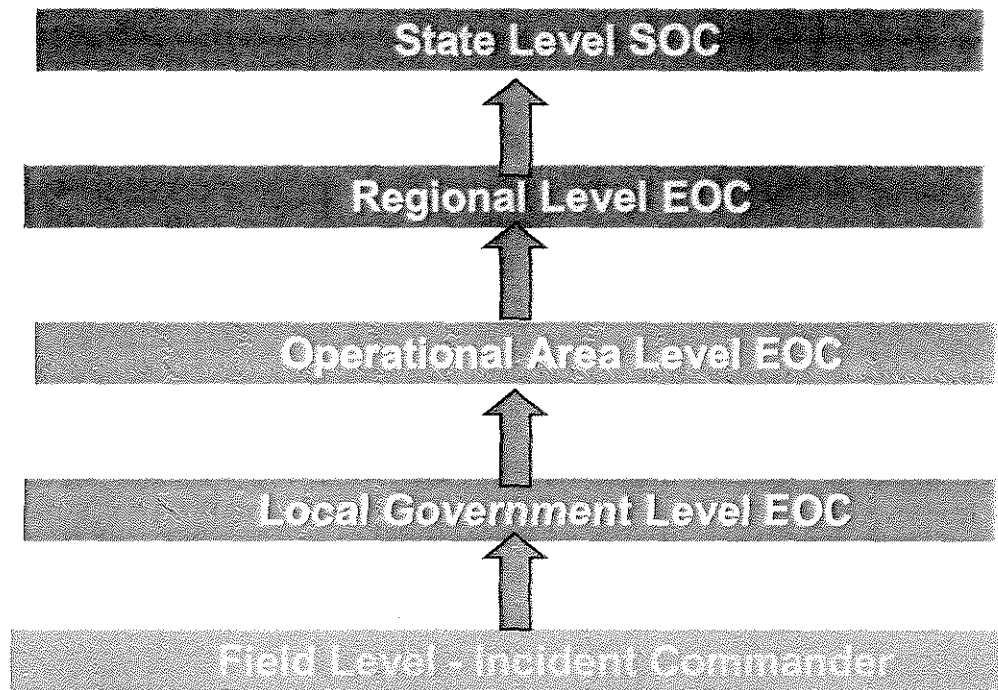
**Management Section** -- Responsible for overall emergency management policy and coordination through the joint efforts of governmental agencies and private organizations. The EOC Director will either activate appropriate sections or perform their functions as needed.

**Operations Section** -- Responsible for coordinating all jurisdictional operations in support of the emergency response through implementation of the county's EOC Action Plan.

**Planning/Intelligence Section** -- Responsible for collecting, evaluating and disseminating information; developing the county's EOC Action Plan in coordination with other sections; initiating and preparing the county's After-Action Report and maintaining documentation.

**Logistics Section** -- Responsible for coordinating and providing equipment, supplies and materials, communications, facilities, services, and personnel.

**Finance/Administration Section** -- Responsible for financial activities -- such as personnel and equipment cost accounting and documentation -- and other administrative aspects.



### ***Field Response Level***

The field response level is where emergency response personnel and resources, under the command of an appropriate authority, carry out tactical decisions and activities in direct response to an incident or threat.

### ***Local Government Level***

Local governments include cities, counties, and special districts. Local governments manage and coordinate the overall emergency response and recovery activities within their jurisdiction.

### ***Operational Area Level***

The operational area is defined as a county and all political subdivisions within the county area.

As an operational area, the county is responsible for:

- Coordinating information, resources and priorities among local governments within the operational area;
- Coordinating information, resources and priorities between the regional and local government level; and
- Establishing a Unified Command group in a multi-discipline, multi-agency response. Comprised of representatives from the lead agencies having jurisdictional responsibility in the response, this group facilitates decisions for operational area level response activities

### ***Regional Level***

Because of its size, the state has been divided into six mutual aid regions. The purpose of a mutual aid region is to provide more effective application and coordination of mutual aid and other emergency related activities.

State OES has also established three Administrative Regions (Coastal, Inland, and Southern). These Administrative Regions are the means by which State OES maintains day-to-day contact with emergency services organizations at local, county and private sector organizations.

The regional level manages and coordinates information and resources among operational areas within the mutual aid region and also between the operational areas and the state level. The regional level also coordinates overall state agency support for emergency response activities within the region.

### ***State Level***

The state level manages state resources in response to the emergency needs of the other levels and coordinates mutual aid among the mutual aid regions and between the regional level and state level. The state level also serves as the coordination and communication link between the state and the federal disaster response system.

## CONTINUITY OF GOVERNMENT (COG)



The preservation, maintenance and reconstruction of government's ability to carry out critical processes and protect life and property of their citizens during and after emergency situations is a constitutional responsibility for local, state and federal elected officials. The California Government Code and the Constitution of the State of California provide authority for the continuity and preservation of State and local government. **(Federal citation is Executive Order 12656 of November 18, 1988; State citation is Government Code, Article 15: Preservation of Local Government; each county/city also have ordinances that identify these responsibilities.)**

COG is important because it preserves lawful leadership, prevents unlawful assumption of authority, preserves vital government documents, assures necessary systems are in place prior to crisis situations, and ensures that services can be delivered.

COG is comprised of seven actions:

1. Succession: The process that is established to list the order of those entitled to succeed one another under emergency situations. Each jurisdiction should have laws or ordinances that identify and designate the chain of successors (first, second and third alternate) to ensure continuous authority and leadership.
2. Pre-delegation of emergency authority: The process established to allow specific emergency-related authorities to be carried out by appointed leadership or their successors. The jurisdiction's plan should specify the authority of the emergency services agency chiefs. The laws or ordinances should specify the extent of authority and cover the following: declaring a local emergency; proclaiming and enforcing curfews; making use of public and private property; and issuing emergency orders that have the force of law.
3. Emergency Action Steps: Those actions that facilitate the ability of government to respond quickly and efficiently to emergency situations. This means in addition to the jurisdiction's emergency plan, SOPs should be developed that would include: emergency notification/alerting lists for all key personnel; annual briefings of key personnel on duties, locations, procedures (new personnel should be briefed within 60 days of hire); emergency actions checklists should be developed that detail duties.



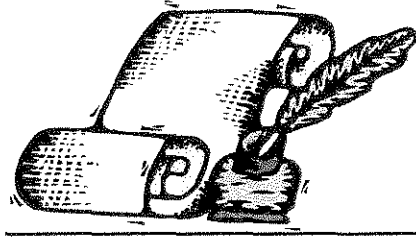
4. Emergency Operations Center (EOC): The central point from which all government emergency efforts can be coordinated. This should be a location outside known hazard areas, which is secure, structurally sound, have adequate communications, power, supplies and room for all staffing needs.

5. Alternate EOC: A facility that can be used to coordinate emergency response if the primary EOC is not available during an emergency. This facility should meet as many of the criteria of the primary EOC as possible, a relocation plan should be developed, and the location of the alternate should be identified in the jurisdiction's laws or ordinance.

6. Safeguarding of essential records: The measures taken by government to protect vital records needed in the aftermath of an emergency. Records should be protected through duplication, off-site storage, and secure storage facilities. Records that should be protected include vital statistics, papers of incorporation, charters/ordinances, other legal and financial records, and any records required by fire, law and public works.

7. Protection of resources, facilities and personnel: The measures taken to disperse resources, facilities and personnel during emergency conditions by identifying who and what needs to be dispersed; pre-designation of "staging areas;" ensuring that family members are protected; and by making provisions for use of private sector resources.

## DECLARING A LOCAL EMERGENCY



It is important for all elected officials to understand exactly what is involved with declaring a Local Emergency, what it does for your jurisdiction, and what it doesn't do.

Definition of Local Emergency: "The duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake... or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat..." **Section 8558(c), Chapter 7 of Division 1 of Title 2 of the Government Code**

A Local Emergency can be issued by the governing body of city, county, or city and county, or an official designated by an adopted local ordinance (e.g., police/fire chief, director of emergency services). It is vital that you find out who in your jurisdiction is authorized by ordinance to proclaim a Local Emergency.

The purpose of a Local Emergency is to:

- authorize the undertaking of extraordinary police powers;
- provide limited immunity for emergency actions of public employees and governing bodies;
- authorize the issuance of orders and regulations to protect life and property (e.g., curfews);
- activate pre-established local emergency provisions such as special purchasing and contracting; and
- VERY IMPORTANT...it is the prerequisite for requesting a Governor's Proclamation of a State of Emergency and/or a Presidential Declaration of an Emergency or Major Disaster.

There are some deadlines to remember when declaring a Local Emergency. First, it must be issued **within 10 days** of the occurrence of a disaster if assistance will be requested through the California Disaster Assistance Act (CDAA). Second, it must be ratified by governing body **within 7 days** if it was issued by an official designated by ordinance.

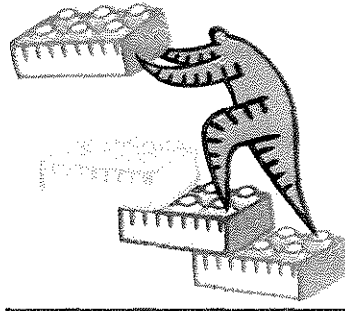
Also, a Local Emergency must be renewed at regularly scheduled board/council meetings until it is terminated. It should be **reviewed/renewed every 14 days** for governing bodies that meet weekly, and no review should exceed 21 days from the last review. The Local Emergency should be terminated when conditions warranting the proclamation have ended.

There is a specific notification process when a Local Emergency has been proclaimed. Local governments should notify the County / Operational Area (OA) and provide a copy of the Local Emergency proclamation as soon as possible. The OA then notifies the State OES Region and provides them a copy of the proclamation as soon as possible. OES Region will notify the OES Director and Deputy Directors; and they become the primary contact between the OES Director, OA and the local jurisdiction for updates on any requests for assistance.

The OES Director will respond in writing to the local government concerning the status of any requests for assistance included within the local proclamation or accompanying letter.

*Please Note: \*A local emergency proclamation and/or Governor's Proclamation is not a prerequisite for mutual aid assistance, Red Cross assistance, the federal Fire Management Assistance Grant Program, disaster loan programs designated by the Small Business Administration, or the U.S. Department of Agriculture.*

## LEVELS OF DISASTER ASSISTANCE

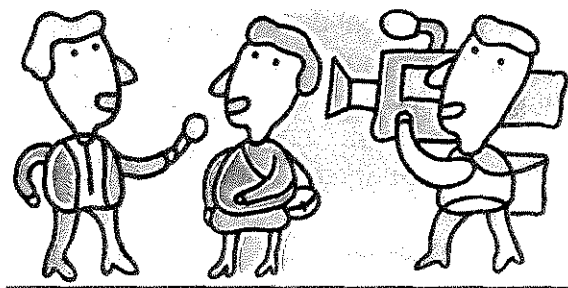


There are specific levels of assistance that are available with various levels of proclamations or declarations of emergencies or disasters.

1. Director's Concurrence: This level's purpose is defined in the California Disaster Assistance Act (CDAA) which authorizes the OES Director, at his discretion, to provide financial assistance to repair damaged public facilities and infrastructure. The State OES must receive a request from local government within 10 days of incident. The requirements are a Local Emergency Proclamation, an Initial Damage Estimate (IDE) prepared in the Response Information Management System (RIMS), and a request from the City Mayor or Administrative Officer, or County Board of Supervisors.
2. Governor's Proclamation: This level provides the Governor with powers authorized by the Emergency Services Act; it authorizes the OES Director to provide financial relief for emergency actions and restoration of public facilities and infrastructure; and it is a prerequisite when requesting federal declaration of a major disaster or emergency. State OES must receive request from local government within 10 days of incident; the requirements are a Local Emergency Proclamation, an IDE prepared in RIMS, and a request from the City Mayor or Administrative Officer, or County Board of Supervisors.
3. Presidential Declaration of an Emergency: This level supports response activities of the federal, state and local government. It authorizes federal agencies to provide "essential" assistance including debris removal, temporary housing and the distribution of medicine, food, and other consumable supplies. The Governor must request on behalf of local government within 5 days after the incident, and the need for federal emergency assistance must be apparent. All of the supporting information required above is required and also a Governor's Proclamation, certification by the Governor that the effective response is beyond the capability of the state, confirmation that the Governor has executed the state's emergency plan, information describing the state and local efforts, and identification of the specific type and extent of federal emergency assistance needed.

4. Presidential Declaration of a Major Disaster: This level supports response and recovery activities of the federal, state, and local government and disaster relief organizations. It authorizes implementation of some or all federal recovery programs including public assistance, individual assistance and hazard mitigation. The Governor must request federal declaration of a major disaster within 30 days of incident. All of the supporting information listed above is required along with a Governor's Proclamation, certification by the Governor that the effective response is beyond the capability of the state, confirmation that the Governor has executed the state's emergency plan, and identification of the specific type and extent of federal aid required.

## DEALING WITH THE MEDIA IN DISASTER SITUATIONS



Most jurisdictions have a public information officer (PIO) who is the point person to deal with the media on a day-to-day basis. However, in disaster situations, the media is going to want to interview and have quotes from the elected officials. Knowing how to deal with these situations is a critical for those in leadership positions, and is a vital component during a disaster to reassure your area's residents.

In the State of California, the media is guaranteed a statutory right of access to emergency and disaster scenes under Penal Code § 409.5(d). This statute covers most incidents from which the general public is excluded, but does not include crime scenes.

The first amendment of the United States Constitution and Article 1, § 2 of the California Constitution guarantees the freedom of the press. The media has no constitutional right of access to places or events from which law enforcement lawfully excludes the general public.

**However, as stated, Penal Code § 409.5(d) gives media the statutory right of access to disaster scenes within the state of California. "(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section."**

In the *Leiserson v. City of San Diego 1986 case*, it was found that "media members shall have reasonable access to the emergency, crime scene or disaster location at an accommodating distance." What is an accommodating distance? This is a process which has yet to be defined by either statute or case law. But it is generally considered, to be a distance which will place the media in an area bordering the immediate crime scene and give them a line-of-sight view of the incident. This position will be close enough to allow journalists to photograph the incident as events unfold while giving them a route of access so they may move freely to and from the area. The "accommodating distance" should be at a position which is nearer to the scene than the general public is to be allowed and the general public should be restricted from entering the area reserved for journalists

In the event of a significant incident, you should be contacted and briefed by an appropriate agency official. In addition:

- Media conferences should be scheduled for you to attend.
- Public Information Officers should confer with you or your staff and brief you on the situation and what is being done.
- You should also be faxed or e-mailed copies of all news releases and information.

### **When You Are Alerted to an Incident**

When you receive a call from a high-ranking official alerting you to a situation, there are several questions you should ask:

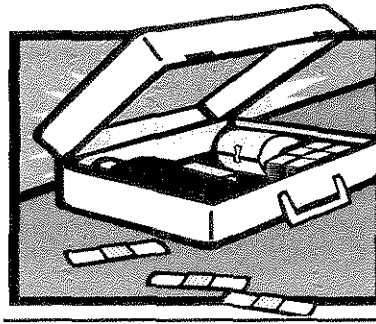
- 1) Ask the official for an appropriate comment for you to make to the public, and what information is releasable.
- 2) Ask how the incident is affecting your area of responsibility. With this information you can make a brief comment to the media based on what is "releasable."
- 3) Be sure to obtain a number that you can call to get information. Make it clear that you want to be updated regularly, or when new information is available.

### **When the News Media Calls First**

If you have *NOT* yet been notified about an incident and you receive calls from the news media or your constituents, here is a suggested response:

*"I'm currently not aware of that incident. However, if you give me your name and contact number I will be happy to call you back, or have one of our Public Information Officers call you back, with some information."*

## IMPORTANCE OF PERSONAL PREPAREDNESS – LEADING BY EXAMPLE



### Step 1 – Develop and practice a Family Disaster Plan

Get together and develop a plan that covers all potential problems. Assign specific responsibilities to each person based on their probable locations since it may be difficult to travel as a result of the disaster or emergency.



#### A. In your home:

- ◆ Identify hazards in and around your home – reduce or eliminate their danger
- ◆ Identify safe spots and danger spots
- ◆ Identify evacuation routes
- ◆ Identify family responsibilities
- ◆ Identify utility shut-off's and make everyone knows how to shut them off
- ◆ Identify meeting places
- ◆ Establish an out-of-area contact for everyone to call



#### B. At your work place

- ◆ Identify hazards in and around your office or work place – reduce or eliminate their danger
- ◆ Identify safe spots and danger spots
- ◆ Identify evacuation routes
- ◆ Identify meeting places
- ◆ Establish an out-of-area contact for everyone to call



### C. In your car



- ◆ Carry extra clothing such as comfortable shoes, pants, etc.
- ◆ Carry a jacket and a blanket
- ◆ Carry a flashlight
- ◆ Carry water
- ◆ Keep your gas tank half full at all times

### Step 2 – Store Drinking Water:



- ◆ Store water for at least 3-5 days figuring 1 gallon per day per person
- ◆ Consider additional water needs for pets, dishwashing, laundry, waste disposal, etc.
- ◆ Consider additional water sources such as pools, water heaters, etc.
- ◆ Store bottled drinking water out of direct sunlight, away from chemicals which might permeate the container and in an area not likely to freeze.
- ◆ If bottling tap water, buy empty jugs or use well-washed plastic soda bottles (no empty bleach, detergent or milk jugs!). Every six months, empty tap water from containers, wash containers and refill.
- ◆ Pouring water back and forth between two containers will add oxygen and make the water taste better.

### Step 3 – Food and Household Goods



- ◆ Store one week minimum non-perishable foods for every person
- ◆ Keep in a dry, cool spot – a dark area if possible
- ◆ Inspect all food for signs of spoilage before use
- ◆ Don't forget: pet foods, baby formula, plate, utensils, hand held can opener and medicines

### Step 4 – Protection of Family Assets



- ◆ Maintain hard copies of vital records, (i.e. birth certificates, driver's license, bank statements, credit card statements, etc.)
- ◆ Have cash available - primarily small bills and coins
- ◆ Have copies of prescriptions, etc. on hand
- ◆ Keep in a waterproof - fire resistant box
- ◆ Medical records
- ◆ Pictures of family and assets



### Step 5 – Clothing for Protection

Don't donate it - keep for emergencies in a backpack or other bag that is easily to carry.

- ◆ Heavy gloves and boots (light search and rescue activities)
- ◆ Seasonal Clothing
- ◆ Don't forget the children with special needs
- ◆ Comfortable clothing



### Step 6 – First Aid Supplies

- ◆ Learn beginning first aid and CPR
- ◆ Build first aid kits for home, car, school and work
- ◆ Extra prescriptions (preferably a 30 day supply)



### Step 7 – Alternative Heating and Lighting Sources

- ◆ Heating –wood burning stoves & other fuel burning heaters used in well ventilated areas
- ◆ Extra blankets, sleeping bags, etc.
- ◆ Barbecues and camping stoves never used inside or on balconies
- ◆ Lighting – Flashlights with extra batteries, lanterns, generators
- ◆ LAST RESORT – Candles – (never leave candles on over night while sleeping or around children)



### Step 8 – Compile Emergency Preparedness Library

- ◆ Earthquake, flooding, fire safety pamphlets
- ◆ First Aid and healthcare books
- ◆ Basic home repair manuals
- ◆ Camping Guides

### Step 9 – Alternative Communications

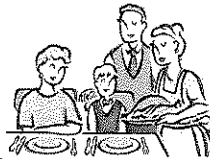


- ◆ Battery operated AM/FM radio
- ◆ Know local radio stations
- ◆ Listen for EAS messages
- ◆ Amateur Radio
- ◆ RACES
- ◆ Pay phones - 2nd behind 9-1-1 to be reactivated



### Step 10 – Waste Disposal

- ◆ System Disruption – water, sewer, and waste disposal soon become health hazards
  - Waste pick-up delays
  - What to do with human waste and pet waste
- ◆ Trash disposal
- ◆ Hazardous materials



### Step 11 – Protecting Your Family and Property

- ◆ Get to know your neighbors
- ◆ Organize your neighborhood through groups such as "neighborhood watch", "CERT", etc.
- ◆ Learn to defend yourself in a manner which is congruent with your personal values



### Step 12 – Care for Pets

- ◆ Water and food bowls
- ◆ Leashes and/or collars
- ◆ Medical records and pictures
- ◆ Special medications or foods
- ◆ Learn pet first aid
- ◆ Know which shelters allow for animals

## **ACRONYM GUIDE**

The following are some acronyms used in the field of emergency management that may be of assistance to you.

ACS	Auxiliary Communication System
CCP	Casualty Collection Points
CDAAC	California Disaster Assistance Act
CDC	Centers for Disease Control
CERT	Community Emergency Response Team
CLETS	California Law Enforcement Telecommunications System
DART	Disaster Assistance Response Team
DOC	Department Operations Center
DSR	Damage Survey Report
EAS	Emergency Alert System
EDIS	Emergency Digital Information System
EMAC	Emergency Mutual Aid Compact
EMMA	Emergency Managers Mutual Aid
EOC	Emergency Operations Center
EOP	Emergency Operating Procedures or Plan
FEMA	Federal Emergency Management Agency
GC	Government Code
HAZMAT	Hazardous Materials
HSAS	Homeland Security Advisory Code
HSC	Health and Safety Code
IC	Incident Commander
ICP	Incident Command Post
ICS	Incident Command System
IDE	Initial Damage Assessment
JFO	Joint Field Office
JIC	Joint Information Center
JOC	Joint Operations Center
LAC	Local Assistance Center
MACS	Multi-Agency Coordination System
MARAC	Mutual Aid Regional Advisory Committee
NICC	National Inter Agency Coordinating Center
NIMS	National Incident Management System
NRCC	National Response Coordinating Center
NRP	National Response Plan
NWS	National Weather Service
OA	Operational Area
OASIS	Operational Area Satellite Information System
OES	Office of Emergency Services
OHS	Office of Homeland Security
PDA	Preliminary Damage Assessment
PIO	Public Information Officer
PW	Project Worksheet
RACES	Radio Amateur Civil Emergency Services
REOC	Regional Emergency Operations Center
RIMS	Response Information Management System
SAR	Search and Rescue
SOC	State Operations Center
SEMS	Standardized Emergency Management System
USAR	Urban Search and Rescue