



Town of Paradise Town Council Meeting Agenda 6:00 PM – October 08, 2019

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

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

Town Manager, Lauren Gill
Town Attorney, Dwight L. Moore
Town Clerk, Dina Volenski
Acting Community Development Director, Susan Hartman
Finance Director/Town Treasurer, Gina Will
Public Works Director/Town Engineer, VACANT
Division Chief, CAL FIRE/Paradise Fire, John Messina
Chief of Police, Eric Reinbold
Disaster Recovery Manager, Laura Page

- I. The Mayor is the Presiding Chair and is responsible for maintaining an orderly meeting. The Mayor calls the meeting to order and introduces each item on the agenda.
- II. The Town staff then provides a report to Council and answers questions from the Council.
- III. Citizens are encouraged to participate in the meeting process and are provided several opportunities to address Council. Any speaker addressing the Council is limited to three minutes per speaker - fifteen minutes per agenda item
 - A. If you wish to address the Council regarding a specific agenda item, please complete a "Request to Address Council" card and give it to the Town Clerk prior to the beginning of the meeting. This process is voluntary and allows for citizens to be called to the speaker podium in alphabetical order. Comments and questions from the public must be directed to the Presiding Chair and Town Council Members (please do not address staff.) Town staff is available to address citizen concerns Monday through Thursday at Town Hall between the hours of 8am and 5pm.
 - B. If you wish to address Council regarding an item not on the agenda, you may do so under Item 4, "Public Communication." Again, please fill out a card and give it to the Town Clerk before the meeting. State Law prohibits Council action on items not listed on a public agenda.

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

1. OPENING

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

1e. Presentation - Funding Sources to Remove Standing Burnt Trees

2. CONSENT CALENDAR

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

- 2a. p6 Approve minutes from the August 13, 2019 Regular Town Council meeting.
- 2b. p13 Approve September 2019 cash disbursements in the amount of \$1,488,562.66
- 2c. p21 1. Approve sole source procurement of information technology services in light of the special qualifications and knowledge of Stratti; and, 2. Authorize the Town Manager to enter into a one-year maintenance agreement with Stratti for information technology services.
- 2d. p45 1. Waive second reading of the entire Town Ordinance No. 579 and approve reading by title only; and, 2. Adopt Town Ordinance No. 579, "An Ordinance Amending Sections 17.04.500 and Adding Sections 17.06.960, 17.06.970 and 17.36.100 to the Paradise Municipal Code Relating to Accessory Building; Primary Dwelling, Railroad Tie Material in Site Structures and Mobile Home Provisions".
- 2e. p49 1. Waive second reading of the entire Town Ordinance No. 580 and approve reading by title only; and 2. Adopt Town of Paradise Ordinance No. 580 " An Ordinance Amending Text Regulations within Paradise Municipal Code Section 17.39.300 Relative to the Reconstruction of Nonconforming Uses".
- 2f. p52 Approve award of SAFER grant and approve resulting budget adjustment. (The SAFER Grant program provides funding directly to fire departments to assist in increasing the number of firefighters to help communities meet industry minimum standards to provide adequate protection from fire and fire-related hazards)
- 2g. p70 Adopt Resolution No. 19-__, A Resolution of the Town Council of the Town of Paradise, California, declaring approximately 2,102 empty safety deposit boxes from the donated Bank of America building as surplus property and authorizing disposal thereof by the Town Manager.
- 2h. p72 Waive second reading of entire Town Ordinance No. 582 and approve reading by title only and 2. Adopt Town of Paradise Ordinance No. 582, "An Ordinance Amending and Adding Text Regulations within Paradise Municipal Code Title 15 (Buildings and Construction) Relating to Accessory Structures and Wildland Urban Interface Requirements; and Non-Combustible Roof Gutters".

- 2i. p75 Waive the second reading of Town Ordinance No. 583 and approve reading by title only, and; 2. Adopt Town of Paradise Ordinance No. 583 relating to the Town's Purchasing Ordinance for goods and services.

3. ITEMS REMOVED FROM CONSENT CALENDAR

4. PUBLIC COMMUNICATION

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

5. PUBLIC HEARINGS

For items that require a published legal notice and/or a mailed notice.

Public Hearing Procedure:

- A. Staff Report
- B. Mayor opens the hearing for public comment in the following order:
 - i. Project proponents (in favor of proposal)
 - ii. Project opponents (against proposal)
 - iii. Rebuttals – if requested
- C. Mayor closes the hearing
- D. Council discussion and vote

- 5a. p80 1. Conduct the second public hearing to solicit comments and/or suggestions regarding the 2019-2020 Annual Plan; and, 2. Direct staff to submit the 2019-2020 Annual Action Plan to Housing and Urban Development (HUD). (HUD awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.)

- 5b. p112 1. Conduct the duly noticed and scheduled public hearing concerning temporary commercial buildings. Upon conclusion of the public hearing adopt the recommended action or an alternative action: 2. Concurring with the project “CEQA determination” finding presented and considered by the Planning Commission on September 17, 2019, and embodied within Planning Commission Resolution No. 19-05; and 3. Waive the first reading of Town Ordinance No. ____ and read by title only (roll call vote); and, 4. Introduce Town Ordinance No. ____, “An Ordinance Amending Text Regulations within Paradise Municipal Code Title 17 [Zoning] Relating to Temporary Commercial Buildings”;

6. COUNCIL CONSIDERATION

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

- 6a. p124 Upon conclusion of public discussion of this agenda item adopt either the recommended action or an alternative action; and, 1. Consider waiving the first reading of Town Ordinance No. _____ and read by title only; and, 2. Introduce Town Ordinance No. _____, " An Ordinance Of The Town Of Paradise Repealing Paradise Municipal Code Chapters 15.01, 15.02, 15.03, 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, 15.11, 15.12, 15.13 And Adopting New Paradise Municipal Code Chapters 15.01, 15.02, 15.03, 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.09, 15.10, 15.11, 15.12 And 15.13 And Making Findings Of Facts Relating To Local Climatic, Geological, And Topographic Conditions, All Relating To The Amendments And Adoption Of The 2019 California Building Standards Code. (ROLL CALL VOTE)
- 6b. p180 Consider a public discussion Introducing an Ordinance Adding Chapter 8.58 to the Paradise Municipal Code Relating to Defensible Space and Hazardous Fuel Management: Upon conclusion of the public discussion; 1. Consider waiving the first reading of Town Ordinance No. 581 and read by title only; and, 2. Re-introduce Town Ordinance No. 581. "An Ordinance Adding Chapter 8.58 to the Paradise Municipal Code Relating to Defensible Space and Hazardous Fuel Management". (ROLL CALL VOTE)
- 6c. p190 Consider authorizing submission of seven subapplications for CalOES and directing Gina Will, Finance Director, to sign commitment letters for the Non Federal Cost Share requirements for the seven subapplications funded through the Hazard Mitigation Grant Program. (ROLL CALL VOTE)
- 6d. p194 1. After discussion, consider waiving the first reading of Town Ordinance No. _____, and read by title only; and, 2. Introducing Town Ordinance No._____, " An Ordinance of the Town Council of the Town of Paradise, California, establishing an Ordinance adding Chapter 12.26 to the Paradise Municipal Code Relating to Telecommunications Infrastructure Improvements. (ROLL CALL VOTE).

7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items

7a1. P204 Provide direction to the Town's voting delegate regarding the League of California Cities proposed Resolution(s) for the 2019 Annual Conference to be held October 16-18 in Long Beach, CA.

7a2. Discuss items of importance for Council Member Zuccolillo's trip to Washington D.C. with Rebuild Paradise/Rebuild NorthBay (ZUCCOLILLO)

7b. Council reports on committee representation

7c. Future Agenda Items

8. STAFF COMMUNICATION

8a. Town Manager Report

9. CLOSED SESSION - None

10. ADJOURNMENT

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

MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – August 13, 2019

1. OPENING

The Regular meeting of the Paradise Town Council was called to order by Mayor Jones at 6:02 p.m. in the Town Council Chamber located at 5555 Skyway, Paradise, California who led the Pledge of Allegiance to the Flag of the United States of America. An invocation was offered by Vice Mayor Bolin.

COUNCIL MEMBER PRESENT: Greg Bolin, Scott Lotter, Melissa Schuster, Mike Zuccolillo and Jody Jones, Mayor.

COUNCIL MEMBER ABSENT: None

STAFF PRESENT: Town Manager Lauren Gill, Town Attorney Dwight Moore, Town Clerk Dina Volenski, Administrative Services Director Gina Will, Administrative Analyst Colette Curtis, Police Chief Eric Reinbold, Lieutenant Anthony Borgman, Acting Community Development Director Susan Hartman, Division Fire Chief John Messina, Senior Accountant Sandy Miller.

- 1a. A presentation was given by Alex Maranghides from the National Institute of Standards and Technology.
- 1b. A presentation on Blue Flamingos current projects was given by Valerie Reddeman and Lindsay Stienberg. (510-20-234)
- 1c. Greg Eaton gave a brief presentation on the status of the Town's Hazard Mitigation Program, including information on an upcoming program to remove standing burnt trees.
- 1d. A presentation was given by Greg Melton (Greg Melton Associates) and Dana Gajda (Paradise Rotary Club) regarding the proposed Hope Plaza.

2. CONSENT CALENDAR

MOTION by Bolin, seconded by Schuster, approved consent calendar items 2a- 2h roll call vote was unanimous.

- 2a. Approved minutes from the May 22, 2019 and June 11, 2019 special and regular Town Council meeting, with suggested changes from Teresa McDonald.
- 2b. Approved July 2019 cash disbursements in the amount of \$2,648,619.40. (310-10-33)
- 2c. Accepted the donation of a 2006 Charmac Yukon BP 3-Horse Utility Trailer from the North Valley Animal Disaster Group (NVADG) of Chico, CA, valued at \$10,000 by NVADG. (395-50-024, 410-10-008)

- 2d. Declared described vehicle equipment and office items as surplus property; and, Adopted Resolution No. 19-15, A Resolution of the Town Council of the Town of Paradise declaring certain Town equipment to be surplus and obsolete and authorizing disposal through sale or donation by the Town Manager or her designee. (480-35-002, 380-10-004)
- 2e. Accepted the various private citizen and business donations offered to the Town of Paradise during the month of August 2019 in the amount of \$845.25. (395-40-005)
- 2f. 1. Approved the Program Supplement Agreement No. F019 to Administering Agency-State Agreement for Federal-aid Projects No. 03-5425F15 to assure receipt of \$247,500 in state funds for the Intersection Safety Improvement Project; and 2. Adopted Resolution No.19-15 authorizing the Town Manager, or her designee, to sign the Program Supplement Agreement No. F019 to Administering Agency-State Agreement for Federal-Aid Projects No. 03-5425F15; and, 3. Amended the 2019/20 Capital Improvement Plan to include the Intersection Safety Improvement Project. (950-40-048)
- 2g. 1. Adopted Resolution No. 19-17, A Resolution of the Town Council of the Town of Paradise certifying to the County of Butte the validity of the legal process used to place direct charges (special assessments) on the secured tax roll; and, 2. Authorized the Town Manager and Administrative Services Director to approve direct charge (special assessment) changes; and, 3. Authorized the Town Manager and Administrative Services Director to execute the governing authority certification related to the direct assessments on the property tax roll. (510-20-107, 39570-13, 540-10-020, 550-40-51)
- 2h. Following the Town Council's review of the Fiscal year 2017/18 financial statement audit report, the Council received and filed the Report, as submitted. (385-10-038)

3. ITEMS REMOVED FROM CONSENT CALENDAR

4. PUBLIC COMMUNICATION

1. Mike Roddy asked the public to note the July issue of Atlantic Magazine, in which they predict a 500% increase in wild fires in the west; stated that he specializes in steel houses and assumed he would get better insurance for such a home but state statistics have not caught up to steel structures. Mr. Roddy expressed disappointment of how the Town is rebuilding with wood instead of using steel studs and used various cities across the world as an example of how to adapt from wood structures to steel.

2. Ward Habriel, Love Paradise Love For Schools cleaned up sidewalks and roadways for school children and has heard conflicting statements on potential tree removal programs. Mr. Habriel also stated that CAL OES has received around 2,000 complaints regarding cleanup and has heard that they are not addressing the complaints.

3. John Miller George Jr. stated the Council needs to do more to rebuild the Town; is disappointed with the Town not accepting his help and advice and estimated it would take the Town decades to rebuild.

4. Alfred Sickle stated that the Veterans of America passed a resolution to try to get the Town of Paradise to waive building fees for Veterans and asked the Town to adopt the resolution.

5. Theresa McDonald thought the language on one of the proposed ordinances needed to be looked at, specifically in regards to ancillary buildings; and, urged the Town Council to consider how much it will cost property owners for the proposed changes.

Mayor Jones called for a five min break at 7:37 p.m.

The meeting was reconvened at 7:45 p.m.

5. PUBLIC HEARINGS - None

6. COUNCIL CONSIDERATION

- 6a. Mayor Jones stated that during the previous Council Meeting Administrative Service Director Will gave an in depth presentation on the proposed budget which is available to view online. The Town Council did not pass the budget at the July 23, 2019 Special Meeting so that the public would have time to review the proposed Budget.

MOTION by Schuster, seconded by Bolin, adopted the following resolutions, roll call vote was unanimous:

1. Resolution No. 19-18 A Resolution of the Town Council of the Town of Paradise Adopting the Final Budget for The Town of Paradise Including all Attachments, Appendices and other related Documents for the 2019-2020 Fiscal Year ending June 30, 2020. (340-90-015)

2. Resolution No. 19-19, A Resolution of the Town Council of the Town of Paradise Approving and Adopting the Annual Appropriation Limit (Exhibit A) for Fiscal Year 2019-2020. (340-40-015)

3. Resolution No. 19-20 A Resolution of the Town Council of the Town of Paradise Amending the General Fund Reserves for Fiscal Year 2019-2020. (340-40-015)

4. Resolution No. 19-21, A Resolution of the Town Council of the Town of Paradise approving and Adopting the Town of Paradise Capital Improvement Plan (CIP) for the 2019-2020 Fiscal Year. (340-40-015)

5. Resolution No. 19-22, A Resolution of the Town Council of the Town of Paradise Adopting the Amended Salary Pay Plan for Town of Paradise Employees for the Fiscal Year 2019-2020. (340-40-015 & 610-10-18)

- 6b. Town Manager Lauren Gill gave an overview on why the Town will require undergrounding of utilities. PG&E stated they will begin undergrounding but AT&T and Comcast still need to agree.

Council Member Schuster commented that before the fire this issue was being discussed; it was suggested that a conduit be placed for future hook-up and asked if PG&E had given the town anything formally in writing.

Attorney Dwight Moore clarified this is only a resolution of intent, not an ordinance, which is a law.

Gill stated the Town is looking into grants to fund the conduits.

1. Ward Habriel suggested making the pipes bigger for the future potential tech upgrades or multiple services.

MOTION by Crowder, seconded by Zuccolillo, adopted Resolution No. 19-23, A Resolution of the Town Council of the Town of Paradise, California, Declaring its intent to require all Utilities in the Town of Paradise to be Placed Underground and to Establish a "Dig Once" Policy for the Protection of Town Infrastructure. Roll call vote was unanimous. (950-90-004)

- 6c. This Item was removed from the agenda.

- 6d. Acting Community Development Director Susan Hartman gave a presentation on potential changes to the zoning ordinance in regards to Temporary Commercial Trailer use. Currently, the Town only permits permanent construction. Temporary use permits are available on construction sites and seasonal uses. Ms. Hartman asked Council specifically about Temporary use offices and whether they should be included in temporary use permits. The pros and cons, minimum requirements, types of businesses to consider and the path to permitting were presented.

Council Member Schuster asked how the current temporary business were able to be in town.

Ms. Hartman stated that if a standing structure needed work done, under the current temporary building ordinance, a use permit could be issued.

Council Member Zuccolillo asked if ADA requirements included buildings not open to the public.

Council Member Crowder asked what Shasta County and Santa Rosa did concerning this issue.

Hartman stated they did not need to address this issue.

1. Marc Thorp, on behalf of the Paradise Chamber of Commerce, wants the public to see the commercial trailers to promote growth within the town and requested the process be expedited.

2. John Allen, representing APM Homes, asked Council to continue the forward progress with the rebuild effort.

Council Member Zuccolillo asked for the item to be brought back and asked when it could go in effect.

Council Member Shuster also wants to expedite the process.

Mayor Jones does not agree, stated there is a lot of commercial space that is empty and available. Also, it has the potential to distract PID from clearing other lots when they have to provide potable water for temporary structures.

Council Member Crowder agrees with Mayor Jones, but knows there is also a lot of commercial buildings that are not accepting tenants because they are collecting insurance money. Wants to see a time limit on the proposed ordinance.

Vice Mayor Bolin suggested that businesses with temporary building permits need to also apply for permanent building permits.

Council Member Zuccolillo gave an example of a lumber yard that would need to rent land and have temporary commercial trailer, thus available office space would not be applicable. Stated as a real estate agent he has heard from many people that they cannot locate office space.

The Town Council gave direction to staff to prepare changes to the Municipal Code concerning temporary use regulations, specified that a time frame is needed, specified that temporary buildings would not include recreational vehicles and asked verbiage to be tailored to different scenarios. (750-10-006)

- 6e. Police Chief Reinbold gave an overview on how the Police Department found itself with inadequate dispatcher staffing. Chief Reinbold explained that pre-fire there was 1 dispatch supervisor and 8 dispatchers. Currently there is 1 dispatch supervisor, 2 dispatchers and 1 trainee and that with current staffing, 24 hour dispatch services are not possible through the Town. Currently, Butte County has been filling in for the time the department is not able to staff. Chief Reinbold asked the Town Council to approve an Memorandum of Understanding (MOU) to contract dispatch services through Butte County for a period of four (4) years.

MOTION by Bolin, seconded by Schuster, approved the proposed Memorandum of Understanding between the County of Butte, the Butte County Sheriff's Office, the Town of Paradise and the Paradise Police Department, for assistance with PSAP Services. Authorize the Town Manager and Police Chief to execute the MOU and provide payment for the services as described therein. Roll call vote was unanimous. (510-20-240).

7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items

7a1. Council Member Zuccolillo asked Council to support designating November 8th as Camp Fire Memorial Day, lowering the American Flag to half-staff and at 8:00 a.m., observe an 85 second moment of silence recognizing when the fire entered the Town limits. Council directed staff to prepare a Resolution and/or a Proclamation for the September 10th Town Council meeting to acknowledge November 8th of every year as Camp Fire Memorial Day, lowering the American Flag to half-staff and at 8:00 a.m. observing 85 seconds of silence.

7a2. Council Member Bolin asked for staff to revisit the sign ordinance for temporary signs until businesses are able to make new ones. Current ordinances allows temporary signs for 60 days. Council gave direction to staff to revise the ordinance.

7a3. Council Member Bolin stated he is seeing a lot of fences go up that are out of compliance and suggested that either the ordinance needs to be enforced or the ordinance needs to be changed.

Council asked staff to revisit the Town of Paradise fence ordinance.

7a4. Council Member Zuccolillo stated he thinks it is necessary to provide a green waste yard to aid citizens in weed abatement cleanup.

Manager Gill stated that staff is working on the Green Waste issue, it would cost the Town \$40,000 a month to run the yard if it was opened, currently staff is looking into insurance to provide funding for the yard. The Town might possibly use the green waste yard for a staging ground for Town tree removal. Council discussed this issue and directed staff to keep Council updated on this issue.

7a5. This Item was removed from the agenda.

7b. Council reports on committee representation

Council Member Schuster stated she has been working with the Chamber of Commerce to plan potential events for November 8, 2019: attended Sacramento Valley District meeting and toured gas safety facility.

7c. Future Agenda Items - None

8. STAFF COMMUNICATION

8a. Town Manager Report – None

9. CLOSED SESSION

At 8:59 Mayor Jones announced that the Town Council would adjourn to closed session for the following item:

- 9a. Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Lauren Gill, Gina Will and Crystal Peters, its designated representatives, regarding labor relations between the Town of Paradise and the Paradise Police Officers Association, Confidential Mid-Management Association, General Employees Unit, Police Mid-Management Unit and the Management Group.

At 9:30 p.m. Mayor Jones reconvened the Town Council meeting and announced that Town Council discussed labor relations and gave direction to staff.

10. ADJOURNMENT

Date Approved:

By: _____
Jody Jones, Mayor

Attest:

Dina Volenski, CMC, Town Clerk

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

**FOR THE PERIOD OF
SEPTEMBER 1, 2019 - SEPTEMBER 30, 2019**

September 1, 2019 - September 30, 2019

Check Date	Pay Period End	DESCRIPTION	AMOUNT
09/06/19	09/01/19	Net Payroll - Direct Deposits & Checks	\$113,859.76
09/20/19	09/15/19	Net Payroll - Direct Deposits & Checks	\$292,523.42
TOTAL NET WAGES PAYROLL			\$406,383.18

Accounts Payable

PAYROLL VENDORS: TAXES, PERS, DUES, INSURANCE, ETC.			\$348,078.21
OPERATIONS VENDORS: SUPPLIES, CONTRACTS, UTILITIES, ETC.			\$734,101.27
TOTAL CASH DISBURSEMENTS - ACCOUNTS PAYABLE			<u>\$1,082,179.48</u>
(Detail attached)			
GRAND TOTAL CASH DISBURSEMENTS			<u><u>\$1,488,562.66</u></u>

APPROVED BY: _____
LAUREN GILL, TOWN MANAGER

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

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 9/1/2019 - To Payment Date: 9/30/2019

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>									
74662	09/03/2019	Open			Accounts Payable	ENTERPRISE FM TRUST	\$1,073.32		
74663	09/03/2019	Open			Accounts Payable	MOORE, DWIGHT, L.	\$15,483.00		
74664	09/03/2019	Open			Accounts Payable	Santander Leasing LLC	\$7,926.51		
74665	09/03/2019	Open			Accounts Payable	SBA Monarch Towers III LLC	\$142.32		
74666	09/03/2019	Open			Accounts Payable	TIAA COMMERCIAL FINANCE, INC	\$906.47		
74667	09/03/2019	Open			Accounts Payable	WESTAMERICA BANK	\$3,084.03		
74668	09/06/2019	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$194.76		
74669	09/09/2019	Open			Accounts Payable	Aflac	\$146.92		
74670	09/09/2019	Open			Accounts Payable	Met Life	\$6,437.54		
74671	09/09/2019	Open			Accounts Payable	OPERATING ENGINEERS	\$850.00		
74672	09/09/2019	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$1,920.37		
74673	09/09/2019	Open			Accounts Payable	SUN LIFE INSURANCE	\$3,880.18		
74674	09/09/2019	Open			Accounts Payable	SUPERIOR VISION SVC NGLIC	\$531.45		
74675	09/09/2019	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$90.00		
74676	09/12/2019	Open			Accounts Payable	4LEAF, Inc	\$152,137.63		
74677	09/12/2019	Open			Accounts Payable	AIRGAS SAFETY, INC.	\$809.02		
74678	09/12/2019	Open			Accounts Payable	American River Benefit Administrators	\$16.80		
74679	09/12/2019	Open			Accounts Payable	Asbury Environmental Services	\$65.00		
74680	09/12/2019	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$108.98		
74681	09/12/2019	Open			Accounts Payable	AT&T MOBILITY	\$48.47		
74682	09/12/2019	Open			Accounts Payable	AT&T/CALNET3 - REPEATER LINES	\$296.45		
74683	09/12/2019	Open			Accounts Payable	AT&T/CALNET3 - COMMUNITY PARK	\$21.30		
74684	09/12/2019	Open			Accounts Payable	AT&T/CALNET3 - Summary	\$3,817.10		
74685	09/12/2019	Open			Accounts Payable	AT&T/CALNET3 - TH/FDPD FIBER LINES	\$1,113.66		
74686	09/12/2019	Open			Accounts Payable	AWARDS COMPANY	\$29.49		
74687	09/12/2019	Open			Accounts Payable	Big O Tires	\$190.00		
74688	09/12/2019	Open			Accounts Payable	Biometrics4ALL, Inc	\$8.25		
74689	09/12/2019	Open			Accounts Payable	BUTTE CO AIR QUALITY MANAGEMENT	\$170.65		
74690	09/12/2019	Open			Accounts Payable	BUTTE CO RECORDER	\$39.00		
74691	09/12/2019	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$313.00		
74692	09/12/2019	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$324.00		
74693	09/12/2019	Open			Accounts Payable	CALIFORNIA SURVEYING & DRAFTING	\$85.92		
74694	09/12/2019	Open			Accounts Payable	COMCAST CABLE	\$243.16		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 9/1/2019 - To Payment Date: 9/30/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
74695	09/12/2019	Open			Accounts Payable	COMCAST CABLE	\$120.16		
74696	09/12/2019	Open			Accounts Payable	Davey Resource Group, Inc	\$92,620.00		
74697	09/12/2019	Open			Accounts Payable	ENTENMANN-ROVIN COMPANY	\$123.93		
74698	09/12/2019	Open			Accounts Payable	Entersect	\$109.95		
74699	09/12/2019	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$492.22		
74700	09/12/2019	Open			Accounts Payable	GREEN RIDGE LANDSCAPING	\$6,694.22		
74701	09/12/2019	Open			Accounts Payable	Hansen, Anton & Winifred	\$2,255.34		
74702	09/12/2019	Open			Accounts Payable	Herc Rentals Inc.	\$4,675.41		
74703	09/12/2019	Open			Accounts Payable	HireRight, Inc.	\$8.13		
74704	09/12/2019	Open			Accounts Payable	HUDSON'S APPLIANCE CENTER	\$1,162.73		
74705	09/12/2019	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US	\$3,951.36		
74706	09/12/2019	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$976.38		
74707	09/12/2019	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$1,090.34		
74708	09/12/2019	Open			Accounts Payable	INTERSTATE SALES	\$2,537.51		
74709	09/12/2019	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$875.00		
74710	09/12/2019	Open			Accounts Payable	JOHNNY ON THE SPOT PORTABLES	\$1,025.15		
74711	09/12/2019	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$524.59		
74712	09/12/2019	Open			Accounts Payable	KOEFRAN INDUSTRIES	\$500.00		
74713	09/12/2019	Open			Accounts Payable	LOCATE PLUS CORPORATION	\$126.63		
74714	09/12/2019	Open			Accounts Payable	MANN, URRUTIA, NELSON, CAS & ASSOC, LLP	\$700.00		
74715	09/12/2019	Open			Accounts Payable	Mark Thomas & Company Inc	\$2,746.36		
74716	09/12/2019	Open			Accounts Payable	Mark Thomas & Company Inc	\$4,691.77		
74717	09/12/2019	Open			Accounts Payable	Meyers Police K-9 Training, LLC	\$600.00		
74718	09/12/2019	Open			Accounts Payable	MORGAN TREE SERVICE	\$950.00		
74719	09/12/2019	Open			Accounts Payable	Mt Shasta Spring Water Co., Inc	\$135.38		
74720	09/12/2019	Open			Accounts Payable	MUNICIPAL CODE CORP	\$899.00		
74721	09/12/2019	Open			Accounts Payable	NATIONAL PUBLIC SAFETY INFORMATION	\$159.80		
74722	09/12/2019	Open			Accounts Payable	NORMAC INC	\$150.30		
74723	09/12/2019	Open			Accounts Payable	North State Tire Co. Inc.	\$519.89		
74724	09/12/2019	Open			Accounts Payable	NORTH VALLEY BARRICADE, INC.	\$228.97		
74725	09/12/2019	Open			Accounts Payable	NORTHSTATE AGGREGATE, INC.	\$1,715.78		
74726	09/12/2019	Open			Accounts Payable	Nutrien	\$990.72		
74727	09/12/2019	Open			Accounts Payable	O'REILLY AUTO PARTS	\$403.67		
74728	09/12/2019	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$396.37		
74729	09/12/2019	Open			Accounts Payable	OROVILLE FORD	\$379.31		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 9/1/2019 - To Payment Date: 9/30/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
74730	09/12/2019	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$386.99		
74731	09/12/2019	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY	\$134.06		
74732	09/12/2019	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$1,955.00		
74733	09/12/2019	Open			Accounts Payable	Powell Roofing Co	\$950.00		
74734	09/12/2019	Open			Accounts Payable	Riebes Auto Parts-Motorpool	\$95.07		
74735	09/12/2019	Open			Accounts Payable	RUNKLE, DOUG	\$70.62		
74736	09/12/2019	Open			Accounts Payable	Seipert, Darcy	\$2,856.00		
74737	09/12/2019	Open			Accounts Payable	Spherion Staffing	\$4,268.42		
74738	09/12/2019	Open			Accounts Payable	Steiger, Ed	\$68.53		
74739	09/12/2019	Open			Accounts Payable	Stratti	\$2,462.50		
74740	09/12/2019	Open			Accounts Payable	Tahoe Pure Water Co.	\$52.50		
74741	09/12/2019	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$421.51		
74742	09/12/2019	Open			Accounts Payable	TYLER TECHNOLOGIES, INC.	\$47,042.89		
74743	09/12/2019	Open			Accounts Payable	UNIFORMS TUXEDOS & MORE	\$96.47		
74744	09/20/2019	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$194.76		
74745	09/26/2019	Open			Accounts Payable	4LEAF, Inc	\$147,145.75		
74746	09/26/2019	Open			Accounts Payable	ACCESS INFORMATION PROTECTED	\$108.73		
74747	09/26/2019	Open			Accounts Payable	All Seasons Heating & Air Conditioning	\$44.00		
74748	09/26/2019	Open			Accounts Payable	ANIMAL HOSPITAL/VETMOBILE	\$167.60		
74749	09/26/2019	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$1,625.34		
74750	09/26/2019	Open			Accounts Payable	AT&T MOBILITY	\$49.19		
74751	09/26/2019	Open			Accounts Payable	AT&T MOBILITY	\$171.98		
74752	09/26/2019	Open			Accounts Payable	Azco Supply Inc	\$177.79		
74753	09/26/2019	Open			Accounts Payable	Bear Electric Solutions	\$1,425.00		
74754	09/26/2019	Open			Accounts Payable	Big O Tires	\$209.95		
74755	09/26/2019	Open			Accounts Payable	Bug Smart	\$83.00		
74756	09/26/2019	Open			Accounts Payable	CHICO IMMEDIATE CARE	\$589.00		
74757	09/26/2019	Open			Accounts Payable	COMCAST CABLE	\$258.16		
74758	09/26/2019	Open			Accounts Payable	CRAIG DREBERTS AUTOMOTIVE	\$2,162.11		
74759	09/26/2019	Open			Accounts Payable	ENLOE MEDICAL CENTER, INC.	\$546.00		
74760	09/26/2019	Open			Accounts Payable	EXPRESS LUBE & OIL, ,	\$54.00		
74761	09/26/2019	Open			Accounts Payable	BHS - Balance of Insurance Proceeds	\$104,075.00		
74762	09/26/2019	Open			Accounts Payable	Haling and Associates	\$2,815.00		
74763	09/26/2019	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US	\$1,790.47		
74764	09/26/2019	Open			Accounts Payable	INDUSTRIAL EQUIPMENT	\$1,393.17		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 9/1/2019 - To Payment Date: 9/30/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
74765	09/26/2019	Open			Accounts Payable	INDUSTRIAL POWER PRODUCTS	\$610.30		
74766	09/26/2019	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$41.65		
74767	09/26/2019	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$200.98		
74768	09/26/2019	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$1,225.00		
74769	09/26/2019	Open			Accounts Payable	JC NELSON SUPPLY COMPANY	\$227.85		
74770	09/26/2019	Open			Accounts Payable	KEN'S HITCH & WELDING	\$33.09		
74771	09/26/2019	Open			Accounts Payable	Koff & Associates	\$4,020.00		
74772	09/26/2019	Open			Accounts Payable	LEHR AUTO ELECTRIC STOMMEL, INC.	\$162.27		
74773	09/26/2019	Open			Accounts Payable	LEVOC	\$120.00		
74774	09/26/2019	Open			Accounts Payable	LIEBERT CASSIDY WHITMORE	\$2,836.50		
74775	09/26/2019	Open			Accounts Payable	LIFE ASSIST INC	\$343.26		
74776	09/26/2019	Open			Accounts Payable	LRT GRAPHICS	\$2,150.50		
74777	09/26/2019	Open			Accounts Payable	Mt Shasta Spring Water Co., Inc	\$38.59		
74778	09/26/2019	Open			Accounts Payable	NEW PIG CORPORATION	\$378.33		
74779	09/26/2019	Open			Accounts Payable	North State Tire Co. Inc.	\$602.81		
74780	09/26/2019	Open			Accounts Payable	NORTHERN RECYCLING & WASTE SERVICES,	\$245.92		
74781	09/26/2019	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$11,033.03		
74782	09/26/2019	Open			Accounts Payable	O'REILLY AUTO PARTS	\$613.62		
74783	09/26/2019	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$817.12		
74784	09/26/2019	Open			Accounts Payable	OROVILLE FORD	\$849.55		
74785	09/26/2019	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$10,308.18		
74786	09/26/2019	Open			Accounts Payable	Page, Laura	\$95.04		
74787	09/26/2019	Open			Accounts Payable	PARADISE ALLIANCE CHURCH	\$95.00		
74788	09/26/2019	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY	\$215.57		
74789	09/26/2019	Open			Accounts Payable	Precision Wireless Service	\$2,582.75		
74790	09/26/2019	Open			Accounts Payable	RENTAL GUYS - CHICO	\$529.20		
74791	09/26/2019	Open			Accounts Payable	Riebes Auto Parts-Motorpool	\$688.87		
74792	09/26/2019	Open			Accounts Payable	Riebes Auto Parts-Public Works	\$37.58		
74793	09/26/2019	Open			Accounts Payable	Spherion Staffing	\$2,716.95		
74794	09/26/2019	Open			Accounts Payable	Stratti	\$34,115.53		
74795	09/26/2019	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$1,083.52		
74796	09/26/2019	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$30.15		
74797	09/26/2019	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$0.26		
74798	09/26/2019	Open			Accounts Payable	THRIFTY ROOTER	\$150.00		
74799	09/26/2019	Open			Accounts Payable	TUCKER PEST CONTROL INC	\$86.00		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 9/1/2019 - To Payment Date: 9/30/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
74800	09/26/2019	Open			Accounts Payable	UNITED RENTALS, INC.	\$2,049.73		
74801	09/26/2019	Open			Accounts Payable	VALLEY TOXICOLOGY SERVICE	\$92.00		
74802	09/26/2019	Open			Accounts Payable	VERIZON WIRELESS	\$2,015.39		
74803	09/30/2019	Open			Accounts Payable	BHS - Balance of Insurance Proceeds	\$917.48		
Type Check Totals:					142 Transactions		\$748,347.25		
<u>EFT</u>									
907	09/06/2019	Open			Accounts Payable	CALPERS - RETIREMENT	\$25,182.44		
908	09/06/2019	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$5,412.93		
909	09/06/2019	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$6,274.85		
910	09/06/2019	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$18,996.72		
911	09/09/2019	Open			Accounts Payable	CALPERS	\$101,662.87		
912	09/20/2019	Open			Accounts Payable	CALPERS - RETIREMENT	\$47,549.81		
913	09/20/2019	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$30,810.53		
914	09/20/2019	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$10,750.84		
915	09/20/2019	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$87,191.24		
Type EFT Totals:					9 Transactions		\$333,832.23		
AP - US Bank TOP AP Checking Totals									

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	142	\$748,347.25	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	142	\$748,347.25	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	9	\$333,832.23	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	9	\$333,832.23	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	151	\$1,082,179.48	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0		\$0.00

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 9/1/2019 - To Payment Date: 9/30/2019

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					Total	151	\$1,082,179.48	\$0.00	

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	142	\$748,347.25	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	142	\$748,347.25	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	9	\$333,832.23	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	9	\$333,832.23	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	151	\$1,082,179.48	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	151	\$1,082,179.48	\$0.00



**Town of Paradise
Council Agenda Summary
Date: October 8, 2019**

Agenda Item:2(c)

Originated by: Gina S. Will, Administrative Services Director
Approved by: Lauren Gill, Town Manager
Subject: Information Technology Maintenance Agreement with Stratti

Council Action Requested:

1. Approve sole source procurement of information technology services in light of the special qualifications and knowledge of Stratti; and
2. Authorize the Town Manager to enter into a one-year maintenance agreement with Stratti for information technology services; or

Alternatives:

Deny the recommendation and request that staff complete a formal request for qualification for information technology support which may delay recovery projects.

Background:

Shortly after the Camp Fire of November 2018, the Town lost its IT Manager to a neighboring jurisdiction. Stratti was the Town's contracted back up support for that position, so they seamlessly stepped in during a critical time to restore and maintain the Town's information technology infrastructure.

Discussion:

Stratti has been providing service under an emergency support agreement until the Town had time to evaluate whether to hire an employee for the function or to contract out the support. Given the dynamic nature of the Town's recovery efforts and the continuous needs for information technology support, it became clear that currently, the work had expanded beyond the ability of individual employee. The Town will continue to evaluate at least annually how this function is best supported.

Stratti is uniquely qualified to maintain the systems and computers integral to the efficient offerings of services, since they've helped install and repair those systems. Further, working on police department equipment requires special clearances from the Department of Justice which Stratti has already obtained. Hiring another company to provide this support would require considerable time, efforts and funding to properly educate them on the Town's systems.

Stratti has provided a thorough and reasonable proposal for the regular maintenance of the Town's information technology functions which includes telephones and computer support for Town Hall and the Police Department. Special recovery projects will be billed under separate agreements. Also, billings may vary as the number of computers and telephones supported change.

Fiscal Impact:

Stratti proposes \$4,284.00 per month for 24/7 information technology support for the police department. Stratti proposes \$3,379.50 per month for Town Hall maintenance. These numbers are in line with current budget estimates, so no budget adjustment is currently recommended.



Maintenance Agreement for Paradise Police Department

Platinum - Strategic Partner

Effective Date: August 1st, 2019

Platinum – Strategic Partner Services

The management of information services is a complex endeavor requiring the integration of an IT strategy with the overall business objectives of the organization. Far too often, IT budget spending fails to deliver the return on investment promised. Whether you're managing IT for cost reduction or competitive advantage, a defined strategy for IT is paramount in delivering value to the organization. A Stratti engagement for your organization is a custom experience tailored to the needs of your executives and organizational goals. Your dedicated Stratti Strategic Partner will work with you to customize an engagement within your budget that measurably improves your organization's operations. Stratti offers a portfolio of services to supplement a strategic engagement ensuring recommendations are implemented effectively.

Strategic Planning & Technology Roadmap Design – We bring expertise, through leadership and planning to align your organization's goals and IT strategy. Tools such as technology roadmaps and strategic plans show measureable metrics such as a reduction in IT spending or creating competitive advantages.

Business Continuity Planning – The Business Continuity Planning component identifies an organization's exposure to internal and external threats and synthesizes hard and soft assets to provide effective prevention and recovery for the organization, while maintaining competitive advantage and value system integrity.

IT Budget Development and Management – Stratti will develop and manage a budget that respects the current needs of the organization while balancing spending on future improvements.

Vendor Sourcing and Management – Stratti incorporates a holistic approach to vendor sourcing, selection, and management to optimize productivity and financial value from third party relationships.

Contract Negotiations and Management – Stratti utilizes our experience in software and hardware contract negotiations to ensure maximum value from your technology vendors and partners.

IT Department Service Level Agreement (SLA) Development and Management – Service-level agreements using standards from the Information Technology Information Library (ITIL) guide are implemented to clarify responsibilities and manage expectations and performance.

IT Department Staff Performance Management and Skill Development – Stratti provides IT department management for oversight of existing IT staff, optimizing resources, and providing accountability.

Internal and External Organization Stakeholder Engagement – Stratti acts as focal point for managing relationships from the IT organization to senior-level management plus public engagement, if required.

IT Policy Development & Review – A governance mechanism, to ensure department and program goals are met, developed, and maintained. Common uses include security practices and procedures, third party compliance review.

Name and Address of Client:
Paradise Police Department
5595 Black Olive Drive
Paradise, CA 95969.

Stratti and the Customer agree that the following terms and conditions will apply to any Customer order accepted by Stratti to provide maintenance service for Computer Equipment and/or Machine(s) as used herein refers to machines and/or their features, model conversions, and machine elements.

1. Terms of Agreement:

This Agreement is effective from the date on which it is accepted by the Customer and shall remain in force for a term of two (2) years and is the Customer's responsibility to review monthly billing to address any necessary adjustments or modifications, or until terminated by the Customer or Stratti. Should adjustments or modifications be required that affect the monthly Server or Workstation fees, these will be submitted in writing to Stratti and will take effect on the next billing cycle. The Agreement automatically renews each subsequent year beginning on the day immediately following the end of the Initial term. After two (2) years, either party may give a thirty (30) days prior notice of its intent not to renew this Agreement.

2. Maintenance Service:

Maintenance consists of software, hardware, information, and network services (the "Service") provided by Stratti, ("Stratti"). The Customer agrees to provide a suitable environment for the Machines as specified by Stratti and to provide full, free, and safe access to the Machines to provide maintenance service. The Customer is responsible to implement appropriate safeguards for Customer's data.

3. Minimum Standards Required for Service:

In order for the Clients existing environment to qualify for Stratti's Managed Services, the following requirements must be met:

- 3.1** All **Microsoft** servers with Microsoft Windows Operating Systems must be currently supported by Microsoft and not on Microsoft support "End of Life" or "End of Support" listings. They must also have all of the latest Microsoft Service Packs and Critical Updates installed.
 - 3.2** All Desktop PCs and Notebooks/Laptops with Microsoft Windows Operating Systems must be supported by Microsoft and not on Microsoft support "End of Life" or "End of Support" listings. They must also have all of the latest Microsoft Service Packs and Critical Updates installed.
 - 3.3** All Server and Desktop Software must be Genuine, Licensed, and Vendor-supported.
 - 3.4** The environment must have a currently licensed, up-to-date, and Vendor-Supported Server-based Anti-Virus Solution protecting all Servers, Desktops, Notebooks/Laptops, and Email.
- **NOTE: Unless systems are covered under contract prior to infection, Stratti does not provide virus clean up as part of its covered services, in the event of an infection.**
- 3.5** The environment must have a currently licensed, Vendor-Supported Server-based Backup Solution.
 - 3.6** The environment must have currently licensed, Vendor-Supported Hardware Firewall between the Internal Network and the Internet.
 - 3.7** Any wireless data traffic in the environment must be secured with a minimum of 128-bit data encryption.

****Any costs required to bring the Clients environment up to Minimum Standards are NOT included as part of the Agreement.**

4. Periods of Maintenance Service:

The Standard Period of Maintenance Service is from 7:00 a.m. to 5:00 p.m. PST, Monday through Friday, unless otherwise designated by Stratti in the Rate Schedule. Additional off-hour requested maintenance and support is considered Overtime and billed accordingly.

5. Billing and Payment:

- a) Billing - Customer may elect one of the following billing options when beginning contractual Services.
 - 1) Monthly Dynamic. Customer will pay for the Services on a monthly basis. Stratti will bill the Customer: (i) Fees based upon monitored Customer's Servers and workstations during the preceding month; and (ii) monthly contract base and other services in arrears for its use of the Services. Stratti will provide the Customer with the monthly rate for the Services when the Customer orders the Services and will use this rate to calculate the Fees for that month. Customer may pay for the Services using the payment options listed below.
 - 2) Annual Plan. If the Customer selects this option, the Customer will be committed to purchasing the Services from Stratti for the full annual term and in exchange will receive a discount on the Services which will be reflected in the Customer's monthly payment. Stratti will still bill the Customer monthly in arrears for its use of the Services when the Customer has an annual commitment for the Services with Stratti. Customer may pay for the Services using the payment options listed below.
- b) Payment - All payments due are in U.S. dollars unless otherwise indicated on the Order Page or invoice.
 - 1) Credit Card or Debit Card. Fees for orders where the Customer is paying with a credit card, debit card, or other non-invoice form of payment, are due at the end of the month during which Customer received the Services. For credit cards or debit cards, as applicable: (i) Stratti will charge Customer for all applicable Fees when due; and (ii) these Fees are considered delinquent thirty (30) days after the end of the month during which the Customer received the Services.
 - 2) Invoices. Payments for invoices are due fifteen (15) days after the invoice date, unless otherwise specified on the Order Page, and are considered delinquent after such date.

6. Delinquent Payments:

Delinquent payments may bear interest at the rate of one-and-one-half percent per month (or the highest rate permitted by law, if less) from the payment due date until paid in full. Customer will be responsible for all reasonable expenses (including attorneys' fees) incurred by Stratti in collecting such delinquent amounts, except where such delinquent amounts are due to Stratti's billing inaccuracies

7. Liability:

In no event shall Stratti be liable for special or consequential damages, either in contract or tort, whether or not the possibility of such damages has been disclosed to Stratti in advance or could have been reasonably foreseen by Stratti. The parties agree that all liability to the Customer shall be limited to an amount equal to payments made to Stratti during the period under dispute as liquidated damages and Stratti shall be relieved of further liability under this agreement.

8. Changes:

Stratti billing will reflect the Customer equipment added to or removed from the service offering and include appropriate change fees as attached in Fees Exhibit. All revisions will be authorized by the Customer and revised billing will begin in the month following changes. This Agreement can only be modified by persons authorized to sign agreements on behalf of the Customer and Stratti.

9. **Arbitration of Disputes:**

- a) Any controversy between the parties involving the construction, application, or performance of any of the terms, provisions, or conditions of this agreement shall, on the written request of either party served on the other, be submitted to binding arbitration, with the following exceptions:
 - 1) If the matter is justiciable in small claims court, then the dispute shall be resolved through that court without referral to arbitration.
- b) Arbitration shall comply with and be governed by provisions of the California Arbitration Act, Section 1280 et.seq. of the California Code of Civil Procedure.
- c) Upon receipt of a notice of intent to arbitrate, the parties shall mutually agree on an arbitrator. If they are unable to agree on a single arbitrator, each party shall appoint an arbitrator and the arbitrators shall select a third impartial arbitrator. The appointment of all arbitrators should be completed within ten (10) days of receipt of notice and the matter set for hearing within twenty (20) days thereafter. The decision of a majority of the arbitrators after close of the hearing, shall be final and conclusive upon the parties.
- d) The parties agree to attempt to expedite the arbitration proceedings such that the matter can be arbitrated within thirty (30) days of service of notice of intent to arbitrate.
- e) The cost of arbitration, including the parties' attorney's fees, shall be borne in such proportions as the arbitrator decides is just and reasonable.

10. **No Hire Clause:**

Buyer and Seller agree that during the period that this agreement is in force, including extensions or modifications thereto, and for an additional twelve (12) months following this period, neither Buyer nor the Seller will actively recruit or solicit permanent employees of either company; who are on active payroll status and are currently participating in this Program, without the prior written approval of the party whose employee is being considered for employment. This does not prohibit any employee from responding to or pursuing employment opportunities through normal media channels, i.e. newspapers, professional journals, etc. so long as it is not an attempt to avoid the intent of the above restriction.

11. **Severability:**

If one or more paragraphs in this agreement is found to be unenforceable or invalid, the Customer and Stratti's agreement on all other paragraphs shall remain valid.

12. **Assignment:**

This Agreement is not assignable without the prior written consent of Stratti. Any attempt to assign any of the rights, duties, or obligations of this Agreement without such consent is void.

THE CUSTOMER ACKNOWLEDGES THAT THE CUSTOMER HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS. FURTHER, THE CUSTOMER AGREES THAT THIS AGREEMENT, AND SUPPLEMENTS REFERENCING THIS AGREEMENT, WILL BE THE COMPLETE AND EXCLUSIVE STATEMENT OF THE AGREEMENT BETWEEN THE PARTIES, SUPERSEDING ALL PROPOSALS OR PRIOR AGREEMENTS, ORAL OR WRITTEN, AND ALL OTHER COMMUNICATIONS BETWEEN THE PARTIES RELATING TO THE SUBJECT MATTER OF THIS AGREEMENT.

Initial: _____

PLATINUM Service Agreement Levels of Support to include the following:

Systems Support:

- Monitor with Email Notifications
- Microsoft Patch Management
- Security Updates
- 24/7 Server Support
- 24/7 Workstation Support
- Third Party Patch Management
- Patching Health Reports (performed monthly)
- Network Router Support
- Switch/Network Support
- Wireless Infrastructure Support
- Mobile Device Support*

Strategic Meetings and Reports:

- Annual Network Assessment Report (performed semi-annually)
- System Health Reports (performed monthly)
- System and Network Strategic Meetings (performed semi-annually)
- Upgrade Recommendations (performed semi-annually)
- Equipment Life Cycle Planning (performed semi-annually)

Project Support:

- Project Install Priority
- Project Portal Access

Additional Support Items:

- Security Assessment (performed semi-annually)
- Server Hardware Cleaning (performed annually)
- Workstations Hardware Cleaning (performed annually)
- Warranty Expiration Monitoring
- Support Portal Access
- User Accounts and Group Management
- Network Device Monitoring
- Anti-Virus Application Management
- UPS System Maintenance
- Adware/Spyware Support
- Virus Infection Removal
- Web Filtering Feature* Management
- Remote Technical Support
- Onsite Technical Support
- Dedicated Support Team

Notes:

- Stratti will respond to service calls within one (1) hour of request during regular business hours.
- Access to Stratti's technical staff will be available 24 hours per day for emergency support.
- Contract is to remain in force for a period of two (2) years.
- All systems must have current antivirus software installed.
- Environment must have a currently licensed, Vendor-Supported Server-based Backup Solution.

Initial: _____

Rate Schedule: Additional Platinum Services

Platinum Services Description	
24 hr, 7 day Server and Workstation Monitor and Support	Included
Mobile Device Support	Included
User login creation with Group Policy configuration	Included
Monthly System Health Reports	Included
Dedicated Support Team	Included
3rd Party software patch management	Included
Project Install Priority	Included
Project Portal Access	Included
Semi-Annual Assessment Reports	Included
Technology White Papers and Client Alerts	Included
Strategic Partner Services	
Strategic Planning and Technology Roadmap Design	Included
Business Continuity Planning	Included
IT budget Development and Management	Included
Vendor Sourcing and Management	Not Included
Contract Negotiations and Management	Included
IT Department SLA Development and Management	Included
IT Department Staff Performance Management and Skill Development	Not Included
Organizational Stakeholder Engagement	Included
Security Compliance (PCI HIPAA)	Included
Web Content Filtering	Included
Employee Training (Security, Network Best Practices)	Included

Initial: _____

Rate Schedule: System and Network Maintenance

Maintenance Description	Qty	Cost	Monthly
Server(s) - PHYSICAL	2	\$180	\$360
Servers(s) - VIRTUAL	13	\$88	\$1,144
Workstation(s) -	36	\$55	\$1,980
Core Networking (Switches, Routers, Access Points)	2	\$60	\$120
Phone Extension Support	45	\$5	\$225
Additional Platinum Services	1	\$85	\$85
Computer and network maintenance and support 24hr 7day			
Daily Duties:			
Support Users troubleshooting software and hardware failures			
Local Workstation hardware repair and replacement of faulty component			
System and Network diagnostics and repair			
Telephone Technical Support			
Remote network administration			
Router Configurations and Updates			
Switch/Router Support (LAN/WAN)			
Maintain user accounts, profiles, security groups			
Monitor error reports, logs and backup programs on monitored servers			
Weekly Duties:			
Verify Virus Scan Status & Update Antivirus Software Signature files			
Install software patches and updates as required			
Check router logs, and access logs for security and performance issues			
Clean Adware/Spyware/popups from maintained systems			
Perform scheduled maintenance updates on maintained systems			
Check status of Disk Drives and defragment if necessary			
Semi-Annual/Annual Duties			
Preventative Maintenance - Clean internals of systems & Test (Local Only)			
Check Power Supplies Fans & CPU fans, etc. (Local Only)			
UPS Battery Backup Testing (Local Only)			
System and Network Strategic meeting			
Managed Service Software - Continuous server and network monitoring	Included		
Non Maintenance Service Overtime	\$160/hr		
Additional off hour non-maintenance services before 7:00AM(PST), or after 5:00PM(PST) Monday through Friday, and all times during Saturday & Sunday.			
Total Monthly Charges			\$3,914

Initial: _____

Rate Schedule: Email Filtering – Stratti Total Control

Filter Protection Description	Qty	Cost	Monthly
Hosted Email Security Spam Filtering	0	\$2	\$0
Multi-Layered Defense-in-Depth Geographic and language-based filtering			
Address-on-the-Fly™			
Identified address sharing			
In-Message Control Panel			
Outbound Email Auditing			
Outbound anti-virus scanning			
Open relay and zombie prevention			
Avoids IP address blacklisting			
Automatic Email Spooling			
Automatic spooling of all incoming email for three days, in the event of local power or email server outage			
Optional email archiving, discovery and recovery (see RADAR)			
Email Encryption	0	\$8	\$0
Policy-Based Encryption Service			
Centralized, policy-based email encryption for regulatory compliance			
Automatic retrieval and distribution of public encryption keys through ZixDirectory, enabling transparent email encryption between all ZixCorp customers			
Automated content scanning of messages and attachments, providing transparent encryption for your company's email senders			
Ability to encrypt, reroute or block emails based on your company's policy			
"Push" recipient delivery method - sending an encrypted email directly to a recipient's inbox and enabling secure read, reply and forward capability			
Total Monthly Charges			\$0

Initial: _____

Rate Schedule: Vipre for Business Cloud Security Protection

Vipre for Business Cloud Antivirus Security Protection Description	Qty	Cost	Monthly
Hosted Antivirus & Anti-spyware (Dynamic billing)	0	\$2.50	\$0.00
Low CPU and memory usage			
Central management			
On-access file scanning			
In-browser threat scanning			
Removable device scanning			
Total Monthly Charges			\$0.00

Rate Schedule: Backup-EZ BRD Option

Backup-EZ Server Protection Description	Qty	Cost	Monthly
Backup-EZ Cloud Backup	1	\$ 70.00	\$ 70.00
BEZ-Cloud Extended Additoinal storage per GB over 200GB	1200	\$ 0.25	\$ 300.00
Protection Includes			
Server License			
Local Storage Unlimited Local Backup Storage			
Cloud Storage 0-200GB Cloud Storage (Compressed)			
System State Backup			
File and Permissions Backup			
Unlimited Retention			
Fully Monitored			
In-File Delta Backup			
Database backup (SQL, Lotus, Oracle)			
All Data Secured with 256 bit Encryption			
			\$ 370.00

Initial: _____

Maintenance Schedule:

Maintenance times are necessary windows for both support work and rebooting computers. It is our intention to use these times, when possible, to minimize user disruptions. If additional times during business hours are needed, we will contact you first and coordinate the outage to minimize user impact:

Workstations:	Days:	_____	Hours:	___ p.m. to ___ a.m.
Servers:	Days:	_____	Hours:	___ p.m. to ___ a.m.
Virtual Servers:	Days:	_____	Hours:	___ p.m. to ___ a.m.

Patching Schedule:

As part of ensuring your systems remain reliable and protected, patching is required. Stratti will limit patching to off hours as they often require system reboots. Below outlines our default patching windows. To maximize patching reliability, workstations are done every day and Servers and Virtual Servers are done on specific but separate days:

Workstations:	Days:	_____	Hours:	___ p.m. to ___ a.m.
Servers:	Days:	_____	Hours:	___ p.m. to ___ a.m.
Virtual Servers:	Days:	_____	Hours:	___ p.m. to ___ a.m.

*****Workstations that miss this window and remain unpatched after two (2) weeks will be patched the next business day during business hours.**

Additional Hardware Labor Covered:

- Routers
- Switches
- Battery Backups
- Server Backup Drives

Software Labor Covered:

- All standard supported business applications, including: MS Office Software, Adobe Acrobat, etc.
- Windows Server Software
- Exchange Software (Office365)
- Windows 7/8/10 software
- Printer Drivers

Labor Not Covered:

- Custom Database and Line of Business (LoB) software
- Installation of **new** software
- Software Upgrades (**new** versions)
- Installation of **new** printers and hardware
- Transfer of data from existing systems to **new** systems

Initial: _____

Service Description	
Platinum System and Network Maintenance	\$3,914.00
Email Filtering – Stratti Total Control	\$0.00
Vipre Cloud Antivirus	\$0.00
Backup-EZ Monitored Local and Cloud backup	\$370.00
Total Monthly Charges	\$4,284.00

Accepted By:

Stratti

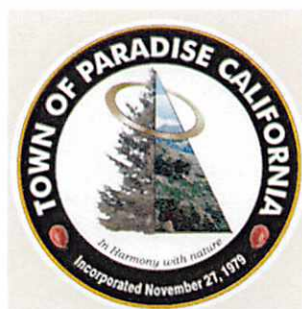
Customer

By _____
Authorized Signature

By _____
Authorized Signature

Brent Largent ____ President ____
Name and Title (Type or Print) Date

Name and Title (Type or Print) Date





Maintenance Agreement for Town of Paradise

Gold - Elite Protection

Effective Date: August 1st, 2019

Gold – Elite Protection Services

The management of information services is a complex endeavor requiring the integration of an IT strategy with the overall business objectives of the organization. Far too often, IT budget spending fails to deliver the return on investment promised. Whether you're managing IT for cost reduction or competitive advantage, a defined strategy for IT is paramount in delivering value to the organization. A Stratti engagement for your organization is a custom experience tailored to the needs of your executives and organizational goals. Your dedicated Stratti Strategic Partner will work with you to customize an engagement within your budget that measurably improves your organization's operations. Stratti offers a portfolio of services to supplement a strategic engagement ensuring recommendations are implemented effectively.

Strategic Planning & Technology Roadmap Design – We bring expertise, through leadership and planning to align your organization's goals and IT strategy. Tools such as technology roadmaps and strategic plans show measureable metrics such as a reduction in IT spending or creating competitive advantages.

Business Continuity Planning – The Business Continuity Planning component identifies an organization's exposure to internal and external threats and synthesizes hard and soft assets to provide effective prevention and recovery for the organization, while maintaining competitive advantage and value system integrity.

IT Budget Development and Management – Stratti will develop and manage a budget that respects the current needs of the organization while balancing spending on future improvements.

Vendor Sourcing and Management – Stratti incorporates a holistic approach to vendor sourcing, selection, and management to optimize productivity and financial value from third party relationships.

Contract Negotiations and Management – Stratti utilizes our experience in software and hardware contract negotiations to ensure maximum value from your technology vendors and partners.

IT Department Service Level Agreement (SLA) Development and Management – Service-level agreements using standards from the Information Technology Information Library (ITIL) guide are implemented to clarify responsibilities and manage expectations and performance.

IT Department Staff Performance Management and Skill Development – Stratti provides IT department management for oversight of existing IT staff, optimizing resources, and providing accountability.

Internal and External Organization Stakeholder Engagement – Stratti acts as focal point for managing relationships from the IT organization to senior-level management plus public engagement, if required.

IT Policy Development & Review – A governance mechanism, to ensure department and program goals are met, developed, and maintained. Common uses include security practices and procedures, third party compliance review.

Name and Address of Customer:

Town of Paradise
5555 Skyway
Paradise, CA 95969

Stratti and the Customer agree that the following terms and conditions will apply to any Customer order accepted by Stratti to provide maintenance service for Computer Equipment and/or Machine(s) as used herein refers to machines and/or their features, model conversions, and machine elements.

1. Terms of Agreement:

This Agreement is effective from the date on which it is accepted by the Customer and shall remain in force for a term of two (2) years and is the Customer's responsibility to review monthly billing to address any necessary adjustments or modifications, or until terminated by the Customer or Stratti. Should adjustments or modifications be required that affect the monthly Server or Workstation fees, these will be submitted in writing to Stratti and will take effect on the next billing cycle. The Agreement automatically renews each subsequent year beginning on the day immediately following the end of the Initial term. After two (2) years, either party may give a thirty (30) days prior notice of its intent not to renew this Agreement.

2. Maintenance Service:

Maintenance consists of software, hardware, information, and network services (the "Service") provided by Stratti, ("Stratti"). The Customer agrees to provide a suitable environment for the Machines as specified by Stratti and to provide full, free, and safe access to the Machines to provide maintenance service. The Customer is responsible to implement appropriate safeguards for Customer's data.

3. Minimum Standards Required for Service:

In order for the Customers existing environment to qualify for Stratti's Managed Services, the following requirements must be met:

- 3.1 All **Microsoft** servers with Microsoft Windows Operating Systems must be currently supported by Microsoft and not on Microsoft support "End of Life" or "End of Support" listings. They must also have all of the latest Microsoft Service Packs and Critical Updates installed.
 - 3.2 All Desktop PCs and Notebooks/Laptops with Microsoft Windows Operating Systems must be supported by Microsoft and not on Microsoft support "End of Life" or "End of Support" listings. They must also have all of the latest Microsoft Service Packs and Critical Updates installed.
 - 3.3 All Server and Desktop Software must be Genuine, Licensed, and Vendor-supported.
 - 3.4 The environment must have a currently licensed, up-to-date, and Vendor-Supported Server-based Anti-Virus Solution protecting all Servers, Desktops, Notebooks/Laptops, and Email.
- **NOTE: Unless systems are covered under contract prior to infection, Stratti does not provide virus clean up as part of its covered services, in the event of an infection.**
- 3.5 The environment must have a currently licensed, Vendor-Supported Server-based Backup Solution.
 - 3.6 The environment must have currently licensed, Vendor-Supported Hardware Firewall between the Internal Network and the Internet.
 - 3.7 Any wireless data traffic in the environment must be secured with a minimum of 128-bit data encryption.

****Any costs required to bring the Customers environment up to Minimum Standards are NOT included as part of the Agreement.**

4. Periods of Maintenance Service:

The Standard Period of Maintenance Service is from 5:00 a.m. to 5:00 p.m. PST, Monday through Friday, unless otherwise designated by Stratti in the Rate Schedule. Additional off-hour requested maintenance and support is considered Overtime and billed accordingly.

5. Billing and Payment:

- a) Billing - Customer may elect one of the following billing options when beginning contractual Services.
 - 1) Monthly Dynamic. Customer will pay for the Services on a monthly basis. Stratti will bill the Customer: (i) Fees based upon monitored Customer's Servers and workstations during the preceding month; and (ii) monthly contract base and other services in arrears for its use of the Services. Stratti will provide the Customer with the monthly rate for the Services when the Customer orders the Services and will use this rate to calculate the Fees for that month. Customer may pay for the Services using the payment options listed below.
 - 2) Annual Plan. If the Customer selects this option, the Customer will be committed to purchasing the Services from Stratti for the full annual term and in exchange will receive a discount on the Services which will be reflected in the Customer's monthly payment. Stratti will still bill the Customer monthly in arrears for its use of the Services when the Customer has an annual commitment for the Services with Stratti. Customer may pay for the Services using the payment options listed below.
- b) Payment - All payments due are in U.S. dollars unless otherwise indicated on the Order Page or invoice.
 - 1) Credit Card or Debit Card. Fees for orders where the Customer is paying with a credit card, debit card, or other non-invoice form of payment, are due at the end of the month during which Customer received the Services. For credit cards or debit cards, as applicable: (i) Stratti will charge Customer for all applicable Fees when due; and (ii) these Fees are considered delinquent thirty (30) days after the end of the month during which the Customer received the Services.
 - 2) Invoices. Payments for invoices are due fifteen (15) days after the invoice date, unless otherwise specified on the Order Page, and are considered delinquent after such date.

6. Delinquent Payments:

Delinquent payments may bear interest at the rate of one-and-one-half percent per month (or the highest rate permitted by law, if less) from the payment due date until paid in full. Customer will be responsible for all reasonable expenses (including attorneys' fees) incurred by Stratti in collecting such delinquent amounts, except where such delinquent amounts are due to Stratti's billing inaccuracies

7. Liability:

In no event shall Stratti be liable for special or consequential damages, either in contract or tort, whether or not the possibility of such damages has been disclosed to Stratti in advance or could have been reasonably foreseen by Stratti. The parties agree that all liability to the Customer shall be limited to an amount equal to payments made to Stratti during the period under dispute as liquidated damages and Stratti shall be relieved of further liability under this agreement.

8. Changes:

Stratti billing will reflect the Customer equipment added to or removed from the service offering and include appropriate change fees as attached in Fees Exhibit. All revisions will be authorized by the Customer and revised billing will begin in the month following changes. This Agreement can only be modified by persons authorized to sign agreements on behalf of the Customer and Stratti.

9. Arbitration of Disputes:

- a) Any controversy between the parties involving the construction, application, or performance of any of the terms, provisions, or conditions of this agreement shall, on the written request of either party served on the other, be submitted to binding arbitration, with the following exceptions:
 - 1) If the matter is justiciable in small claims court, then the dispute shall be resolved through that court without referral to arbitration.
- b) Arbitration shall comply with and be governed by provisions of the California Arbitration Act, Section 1280 et seq. of the California Code of Civil Procedure.
- c) Upon receipt of a notice of intent to arbitrate, the parties shall mutually agree on an arbitrator. If they are unable to agree on a single arbitrator, each party shall appoint an arbitrator and the arbitrators shall select a third impartial arbitrator. The appointment of all arbitrators should be completed within ten (10) days of receipt of notice and the matter set for hearing within twenty (20) days thereafter. The decision of a majority of the arbitrators after close of the hearing, shall be final and conclusive upon the parties.
- d) The parties agree to attempt to expedite the arbitration proceedings such that the matter can be arbitrated within thirty (30) days of service of notice of intent to arbitrate.
- e) The cost of arbitration, including the parties' attorney's fees, shall be borne in such proportions as the arbitrator decides is just and reasonable.

10. No Hire Clause:

Buyer and Seller agree that during the period that this agreement is in force, including extensions or modifications thereto, and for an additional twelve (12) months following this period, neither Buyer nor the Seller will actively recruit or solicit permanent employees of either company; who are on active payroll status and are currently participating in this Program, without the prior written approval of the party whose employee is being considered for employment. This does not prohibit any employee from responding to or pursuing employment opportunities through normal media channels, i.e. newspapers, professional journals, etc. so long as it is not an attempt to avoid the intent of the above restriction.

11. Severability:

If one or more paragraphs in this agreement is found to be unenforceable or invalid, the Customer and Stratti's agreement on all other paragraphs shall remain valid.

12. Assignment:

This Agreement is not assignable without the prior written consent of Stratti. Any attempt to assign any of the rights, duties, or obligations of this Agreement without such consent is void.

THE CUSTOMER ACKNOWLEDGES THAT THE CUSTOMER HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS. FURTHER, THE CUSTOMER AGREES THAT THIS AGREEMENT, AND SUPPLEMENTS REFERENCING THIS AGREEMENT, WILL BE THE COMPLETE AND EXCLUSIVE STATEMENT OF THE AGREEMENT BETWEEN THE PARTIES, SUPERSEDING ALL PROPOSALS OR PRIOR AGREEMENTS, ORAL OR WRITTEN, AND ALL OTHER COMMUNICATIONS BETWEEN THE PARTIES RELATING TO THE SUBJECT MATTER OF THIS AGREEMENT.

Initial: _____

Gold Service Agreement Levels of Support to include the following:

Systems Support:

- Monitor with Email Notifications
- Proactive Microsoft Patch Management
- Security Updates
- 24/7 Server Monitoring Support
- 12/5 Workstation Support
- Third Party Patch Management
- Patching Health Reports (performed monthly)
- Network Router Support
- Switch/Network Support
- Wireless Infrastructure Support
- Mobile Device Support*

Strategic Meetings and Reports:

- Annual Network Assessment Report (performed semi-annually)
- System Health Reports (performed monthly)
- System and Network Strategic Meetings (performed semi-annually)
- Upgrade Recommendations (performed semi-annually)
- Equipment Life Cycle Planning (performed semi-annually)

Project Support:

- Project Install Priority
- Project Portal Access

Additional Support Items:

- Security Assessment (performed semi-annually)
- Server Hardware Cleaning (performed annually)
- Workstations Hardware Cleaning (performed annually)
- Warranty Expiration Monitoring
- Support Portal Access
- User Accounts and Group Management
- Network Device Monitoring
- Anti-Virus Application Management
- UPS System Maintenance
- Adware/Spyware Support
- Virus Infection Removal
- Web Filtering Feature* Management
- Remote Technical Support
- Onsite Technical Support

Notes:

- Stratti will respond to service calls within one (1) hour of request during regular business hours.
- Access to Stratti's technical staff will be available 24 hours per day for emergency support.
- Contract is to remain in force for a period of two (2) years.
- All systems must have current antivirus software installed.
- Environment must have a currently licensed, Vendor-Supported Server-based Backup Solution.

Initial: _____

Rate Schedule: Additional Gold Services

Gold Services Description	
24 hr, 7 day Server and Workstation Monitor and Support	Not Included
Mobile Device Support	Not Included
User login creation with Group Policy configuration	Included
Monthly System Health Reports	Included
Dedicated Support Team	Not Included
3rd Party software patch management	Included
Project Install Priority	Not Included
Project Portal Access	Not Included
Semi-Annual Assessment Reports	Included
Technology White Papers and Client Alerts	Included
Strategic Partner Services	
Strategic Planning and Technology Roadmap Design	Included
Business Continuity Planning	Included
IT budget Development and Management	Included
Vendor Sourcing and Management	Not Included
Contract Negotiations and Management	Not Included
IT Department SLA Development and Management	Included
IT Department Staff Performance Management and Skill Development	Not Included
Organizational Stakeholder Engagement	Not Included
Security Compliance (PCI HIPAA)	Not Included
Web Content Filtering	Included
Employee Training (Security, Network Best Practices)	Not Included

Initial: _____

Rate Schedule: System and Network Maintenance

Maintenance Description	Qty	Cost	Monthly
Server(s) - PHYSICAL	1	\$150	\$150
Servers(s) - VIRTUAL	11	\$80	\$880
Workstation(s) -	39	\$50	\$1,950
Core Networking (Switches, Routers, Access Points)	1	\$50	\$50
Phone Extension support	29	\$5	\$145
Additional Gold Services	1	\$27	\$27
Computer and network maintenance and support 8hr 5day			
Daily Duties:			
Support Users troubleshooting software and hardware failures			
Local Workstation hardware repair and replacement of faulty component			
System and Network diagnostics and repair			
Telephone Technical Support			
Remote network administration			
Router Configurations and Updates			
Switch/Router Support (LAN/WAN)			
Maintain user accounts, profiles, security groups			
Monitor error reports, logs and backup programs on monitored servers			
Weekly Duties:			
Verify Virus Scan Status & Update Antivirus Software Signature files			
Install software patches and updates as required			
Check router logs, and access logs for security and performance issues			
Clean Adware/Spyware/popups from maintained systems			
Perform scheduled maintenance updates on maintained systems			
Check status of Disk Drives and defragment if necessary			
Semi-Annual/Annual Duties			
Preventative Maintenance - Clean internals of systems & Test (Local Only)			
Check Power Supplies Fans & CPU fans, etc. (Local Only)			
UPS Battery Backup Testing (Local Only)			
System and Network Strategic meeting			
Managed Service Software - Continuous server and network monitoring		Included	
Non Maintenance Service Overtime		\$160/hr	
Additional off hour non-maintenance services before 5:00AM(PST), or after 5:00PM(PST) Monday through Friday, and all times during Saturday & Sunday.			
Total Monthly Charges			\$3,202

Initial: _____

Rate Schedule: Email Filtering – Stratti Total Control

Filter Protection Description	Qty	Cost	Monthly
Hosted Email Security Spam Filtering	0	\$2	\$0
Multi-Layered Defense-in-Depth Geographic and language-based filtering			
Address-on-the-Fly™			
Identified address sharing			
In-Message Control Panel			
Outbound Email Auditing			
Outbound anti-virus scanning			
Open relay and zombie prevention			
Avoids IP address blacklisting			
Automatic Email Spooling			
Automatic spooling of all incoming email for three days, in the event of local power or email server outage			
Optional email archiving, discovery and recovery (see RADAR)			
Email Encryption	0	\$8	\$0
Policy-Based Encryption Service			
Centralized, policy-based email encryption for regulatory compliance			
Automatic retrieval and distribution of public encryption keys through ZixDirectory, enabling transparent email encryption between all ZixCorp customers			
Automated content scanning of messages and attachments, providing transparent encryption for your company's email senders			
Ability to encrypt, reroute or block emails based on your company's policy			
"Push" recipient delivery method - sending an encrypted email directly to a recipient's inbox and enabling secure read, reply and forward capability			
Total Monthly Charges			\$0

Initial: _____

Rate Schedule: Vipre for Business Cloud Security Protection

Vipre for Business Cloud Antivirus Security Protection Description	Qty	Cost	Monthly
Hosted Antivirus & Anti-spyware (Dynamic billing)	0	\$2.50	\$0.00
Low CPU and memory usage			
Central management			
On-access file scanning			
In-browser threat scanning			
Removable device scanning			
Total Monthly Charges			\$0.00

Rate Schedule: Backup-EZ BRD Option

Backup-EZ Server Protection Description	Qty	Cost	Monthly
Backup-EZ Cloud Backup	1	\$ 70.00	\$ 70.00
BEZ-Cloud Extended Additoinal storage per GB over 200GB	430	\$ 0.25	\$ 107.50
Protection Includes			
Server License			
Local Storage	Unlimited Local Backup Storage		
Cloud Storage	0-200GB Cloud Storage (Compressed)		
	System State Backup		
	File and Permissions Backup		
	Unlimited Retention		
	Fully Monitored		
	In-File Delta Backup		
	Database backup (SQL, Lotus, Oracle)		
	All Data Secured with 256 bit Encryption		
			\$ 177.50

Initial: _____

Maintenance Schedule:

Maintenance times are necessary windows for both support work and rebooting computers. It is our intention to use these times, when possible, to minimize user disruptions. If additional times during business hours are needed, we will contact you first and coordinate the outage to minimize user impact:

Workstations:	Days: _____	Hours: _____ p.m. to _____ a.m.
Servers:	Days: _____	Hours: _____ p.m. to _____ a.m.
Virtual Servers:	Days: _____	Hours: _____ p.m. to _____ a.m.

Patching Schedule:

As part of ensuring your systems remain reliable and protected, patching is required. Stratti will limit patching to off hours as they often require system reboots. Below outlines our default patching windows. To maximize patching reliability, workstations are done every day and Servers and Virtual Servers are done on specific but separate days:

Workstations:	Days: _____	Hours: _____ p.m. to _____ a.m.
Servers:	Days: _____	Hours: _____ p.m. to _____ a.m.
Virtual Servers:	Days: _____	Hours: _____ p.m. to _____ a.m.

*****Workstations that miss this window and remain unpatched after two (2) weeks will be patched the next business day during business hours.**

Additional Hardware Labor Covered:

- Routers
- Switches
- Battery Backups
- Server Backup Drives

Software Labor Covered:

- All standard supported business applications, including: MS Office Software, Adobe Acrobat, etc.
- Windows Server Software
- Exchange Software (Office365)
- Windows 7/8/10 software
- Printer Drivers

Labor Not Covered:

- Custom Database and Line of Business (LoB) software
- Installation of **new** software
- Software Upgrades (**new** versions)
- Installation of **new** printers and hardware
- Transfer of data from existing systems to **new** systems

Initial: _____

Service Description	
Platinum System and Network Maintenance	\$3,202.00
Email Filtering – Stratti Total Control	\$0.00
Vipre Cloud Antivirus	\$0.00
Backup-EZ Monitored Local and Cloud backup	\$177.50
Total Monthly Charges	\$3,379.50

Accepted By:

Stratti

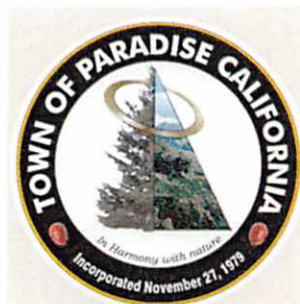
Customer

By _____
Authorized Signature

By _____
Authorized Signature

Brent Largent _____ President _____
Name and Title (Type or Print) Date

Name and Title (Type or Print) Date





TOWN OF PARADISE
Council Agenda Summary
Date: October 8, 2019

Agenda Item: 2(d)

ORIGINATED BY: Susan Hartman, Acting Community Development Director

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Adoption of Town Ordinance No. 579

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

1. Waive second reading of the entire Town Ordinance No. 579 and approve reading by title only (roll call vote); **AND**
2. Adopt Town Ordinance No. 579, "An Ordinance Amending Sections 17.04.500 and Adding Sections 17.06.960, 17.06.970 and 17.36.100 to the Paradise Municipal Code Relating to Accessory Building; Primary Dwelling, Railroad Tie Material in Site Structures and Mobile Home Provisions".

BACKGROUND: On September 10, 2019, the Town Council introduced the above-noted Town ordinance for purposes of eventual adoption. The intent of the proposed ordinance is to: a) become consistent with and further implement the Paradise General Plan, particularly its Safety Element and b) if adopted, further assist in the Camp Fire recovery/rebuild efforts by helping to alleviate or mitigate future wildfire hazard. If adopted, the proposed ordinance would define an accessory building, set the minimum square footage of a primary dwelling at 750 square feet, prohibit the use of railroad tie material, and set a 10-year age limit for manufactured homes.

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. 579 [copy attached]. Once adopted, the provisions of this ordinance will be effective thirty days thereafter.

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. 579**

**AN ORDINANCE AMENDING SECTIONS 17.04.500 AND ADDING SECTIONS 17.06.960,
17.06.970 AND 17.36.100 TO THE PARADISE MUNICIPAL CODE
RELATING TO ACCESSORY BUILDING; PRIMARY DWELLING, RAILROAD TIE MATERIAL IN SITE
STRUCTURES AND MOBILE HOME PROVISIONS**

SECTION 1. The definitions of the terms “Mobile home” and “Single-family residential” in Paradise Municipal Code Section 17.04.500 shall be amended to read as follows:

“Mobile/manufactured home” means a transportable factory-built housing unit designed and equipped for use as a DWELLING UNIT with or without a permanent foundation. A mobile/manufactured home may include two (2) or more sections separately transported and joined together as one integral unit. A mobile/manufactured home shall not include a RECREATIONAL VEHICLE.

“Single-family residential” means USE of a SITE for only one PRIMARY DWELLING and its allowed ACCESSORY USES, or for one PRIMARY DWELLING and one SECONDARY DWELLING and allowed ACCESSORY USES.

SECTION 2. The definitions of the terms “Accessory building” and “Primary Dwelling” shall be added to Section 17.04.500 of the Paradise Municipal Code to read as follows:

“Accessory building” means any structure having a permanent foundation and a roof supported by columns or walls designed, intended and/or used for shelter, support or enclosure of property associated with a permitted or conditionally permitted PRINCIPAL USE on the same site.

“Primary Dwelling” means a DWELLING UNIT containing seven hundred fifty (750) or larger square feet and which is located on a site as a permitted PRINCIPAL USE.

SECTION 3. Section 17.06.960 shall be added to the Paradise Municipal code to read as follows:

17.06.960 Railroad Tie Material in Site Structures.

- A. Purpose. The regulation of this section is intended to alleviate or mitigate a potential wildfire safety hazard to persons or property.
- B. Applicability. The use of any site structure composed of railroad tie material (or similar material treated with creosote and/or flammable fluid/liquid) shall be unlawful and prohibited.

SECTION 4. Section 17.06.970 shall be added to the Paradise Municipal Code to read as follows:

17.06.970 Post Camp Fire Rebuild: Primary Dwelling Containing Less than 750 Square Feet.

- A. Purpose. This section shall provide an interim time period during which affected property owner(s) may elect to rebuild a primary dwelling existing on November 8, 2018 consisting of less than seven hundred fifty (750) square feet.
- B. Development Standard. The following standard shall apply to property owner(s) who elect to rebuild a primary dwelling existing on November 8, 2018 consisting of less than 750 square feet:
 - 1. The rebuild dwelling design and resultant construction shall not be less than the prior existing primary dwelling floor area as depicted within the affected property Butte County Assessor record(s).
- C. Interim time period. The provisions and regulations of this Section 17.06.970 shall expire and be in no legal effect effective December 31, 2022.

SECTION 5. A new subsection 5 shall be added to Section 17.36.100 of the Paradise Municipal Code to read as follows:

5. The Town shall prohibit the installation of a mobile/manufactured home older than ten (10) years of age. The age measurement period shall be from the year of manufacture of the mobile/manufactured home to the year of the permit application.

SECTION 6. CEQA COMPLIANCE. The Town Council finds and determines that the enactment of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines sections 15302 (Reconstruction) and 15061(b)(3) (General Rule Exemption).

SECTION 7. 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 October, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jody Jones, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney



TOWN OF PARADISE
Council Agenda Summary
Date: October 8, 2019

Agenda Item: 2(e)

ORIGINATED BY: Susan Hartman, Acting Community Development Director

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Adoption of Town Ordinance No. 580

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

1. Waive second reading of the entire Town Ordinance No. 580 and approve reading by title only (roll call vote); **AND**
2. Adopt Town Ordinance No. 580, "An Ordinance Amending Text Regulations within Paradise Municipal Code Section 17.39.300 Relative to the Reconstruction of Nonconforming Uses".

BACKGROUND: On September 10, 2019, the Town Council introduced the above-noted Town ordinance for purposes of eventual adoption. The intent of the proposed ordinance is to remove or alleviate regulatory obstacles to the rebuilding and recovery of our community following a natural disaster rising to the level of a declared state of emergency such as the Camp Fire. Town Council adoption of amendments to the nonconforming use ordinance which would allow, under certain circumstances, nonconforming uses to be rebuilt within a prescribed timeframe without requiring a public hearing and conditional use permit issued by the Planning Commission.

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. 580 [copy attached]. Once adopted, the provisions of this ordinance will be effective thirty days thereafter.

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. 580**

**AN ORDINANCE AMENDING PARADISE MUNICIPAL CODE
SECTION 17.39.300 RELATIVE TO THE RECONSTRUCTION OF NONCONFORMING USES**

SECTION 1. Section 17.39.300 of the Paradise Municipal Code shall be amended to read as follows:

17.39.300 - Restoration of damaged nonconforming use.

Any lawful nonconforming building or structure destroyed by any means to the extent of more than fifty (50) percent of its assessed value as shown on the latest equalized county assessment roll preceding its destruction may be restored as follows:

- A. Restored and used only in compliance with the regulations specified by this title for the zoning district wherein the building or structure is located; or
- B. Restored and used again as a lawful nonconforming use subject to town approval and issuance of a conditional use permit.
- C. Notwithstanding subsection B, those properties, excepting those located within the Central Business zoning district, destroyed by a natural disaster in a declared state of emergency may be reconstructed as a lawful nonconforming use subject to the following:
 - 1. Reconstruction shall begin within two (2) year after the affected property being cleared of disaster debris and shall be completed within four (4) years.
 - 2. The reconstructed structure shall not exceed the nonconformity of the original structure in terms of setbacks, floor area, height, and any other property characteristics as determined by the Planning Director.
 - 3. If reconstruction is not started within two (2) year after the property being cleared of disaster debris, the property shall be subject to the use permit requirements of subsection B or may become subject to abandonment under section 17.39.200.

SECTION 2. CEQA COMPLIANCE. The Town Council finds and determines that the enactment of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines sections 15302 (Reconstruction) and 15061(b)(3) (General Rule Exemption).

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

**TOWN OF PARADISE
ORDINANCE NO. 580**

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 8th day of October 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jody Jones, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: October 8, 2019**

Agenda Item:2(f)

Originated by: John Messina, Fire Chief
Approved by: Lauren Gill, Town Manager
Subject: SAFER Grant

Council Action Requested:

Approve award of SAFER Grant and approve resulting budget adjustment; or

Alternatives:

Deny SAFER Grant award.

Background:

When the destructive Camp Fire of November 2018 swept through the Town of Paradise destroying most homes and businesses, it also destroyed critical funding sources for maintaining fire protective services. For a short time, after the fire, staffing was reduced, but full staffing was re-implemented with the start of the new fire season.

As the Town moves further into recovery, it is important to maintain full staffing for fire protection and medical aid services, but also for fire safety education and fire prevention. The timing of the receipt of the PG&E settlement, makes it difficult for the Town to fund full staffing. The Fire Department on behalf of the Town, applied for the SAFER grant in order to maintain staffing.

Discussion:

The FEMA SAFER Grant program provides funding directly to fire departments to assist in increasing the number of firefighters to help communities meet industry minimum standards to provide adequate protection from fire and fire-related hazards.

In recognition of the hardships created by the Camp Fire, the Town has also been approved for the following economic hardship waivers:

1. Cost share waiver – FEMA has waived the cost share requirement for this grant award. The Town is not required to contribute non-Federal funds for this grant award.

2. Non-supplanting waiver – FEMA has waived the non-supplanting requirement for this award. SAFER grant funds may be used to replace funds that would be available from State or local sources.

The award letter and summary award memo is attached for Town Council's review. The award must be accepted by October 18, 2019.

Fiscal Impact:

The Fire Department has been awarded funding for four firefighters for three years, or \$793,988 each year for three years for a total of \$2,381,964. If accepted, the grant will run from 03/11/20 to 03/10/23.

If approved, funding of \$241,459 will be received during the 2019/20 fiscal year and is the recommended budget adjustment.

Award Letter

U.S. Department of Homeland Security
Washington, D.C. 20472

Spencer Mallinger
Paradise, Town Of
5555 SKYWAY
PARADISE, CA 95969



FEMA

EMW-2018-FH-00431

Dear Spencer Mallinger,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year (FY) 2018 Staffing for Adequate Fire and Emergency Response (SAFER) Grant funding opportunity has been approved in the amount of \$2,381,964.00 in Federal funding.

FEMA has waived, in part or in full, one or more requirements for this grant award. See the Summary Award Memo for additional information about Economic Hardship Waivers.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- 2018 SAFER Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridget Bean".

Bridget Bean
Acting Assistant Administrator
Grant Programs Directorate

Summary Award Memo

Program: Fiscal Year 2018 Staffing for Adequate Fire and Emergency Response

Recipient: Paradise, Town Of

DUNS number: 362314890

Award number: EMW-2018-FH-00431

Summary description of award

The purpose of the SAFER Grant Program is to provide funding directly to fire departments and volunteer firefighter interest organizations to assist in increasing the number of firefighters to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire-related hazards, and to fulfill traditional missions of fire departments. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application — including budget information — was consistent with the SAFER Grant Program's purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY2018 Staffing for Adequate Fire and Emergency Response (SAFER) funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

Approved Economic Hardship Waivers

Position cost limit waiver

FEMA has waived the position cost limit requirement for this grant award. Costs are limited to the approved budget per position.

Cost share waiver

FEMA has waived the cost share requirement for this grant award. You are not required to contribute non-Federal funds for this grant award. The recipient is responsible for any costs that exceed the Federal funding provided for this grant award.

Minimum budget waiver

FEMA has waived the minimum budget requirement for this award.

Non-supplanting waiver

FEMA has waived the non-supplanting requirement for this award. SAFER grant funds may be used to replace funds that would be available from State or local sources or from the Bureau of Indian Affairs.

Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award.

The following is the approved budget for this award (including Federal share plus your cost share, if applicable) and summarizes the financial aspects of the grant:

Object Class	First Year	Second Year	Third Year	Total
Personnel	\$402,720.00	\$402,720.00	\$402,720.00	\$1,208,160.00
Fringe benefits	\$391,268.00	\$391,268.00	\$391,268.00	\$1,173,804.00
Travel	\$0.00	\$0.00	\$0.00	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00
Supplies	\$0.00	\$0.00	\$0.00	\$0.00
Contractual	\$0.00	\$0.00	\$0.00	\$0.00
Construction	\$0.00	\$0.00	\$0.00	\$0.00
Other	\$0.00	\$0.00	\$0.00	\$0.00
Indirect charges	\$0.00	\$0.00	\$0.00	\$0.00
Federal	\$793,988.00	\$793,988.00	\$793,988.00	\$2,381,964.00
Non-federal	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$793,988.00	\$793,988.00	\$793,988.00	\$2,381,964.00

2 C.F.R. § 200.308 identifies the limits to the changes that can be made and when prior approval is required from FEMA, but this provision does not apply to the breakdown by year. If you have questions about which changes require FEMA's prior approval, please contact your Grants Management Specialist.

Approved scope of work

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the FY2018 SAFER NOFO.

Approved request details:

Hiring of Firefighters

Firefighter Position

BENEFITS FUNDED

Firefighter The standard benefit package includes the following: Salary: \$4596.00 Planned Overtime: \$2544.00 19 hours per week per bargaining unit contract (19 hours per week = 72 hours scheduled - 53 hours straight time) Educational Incentive: \$75.00 per bargaining unit contract Uniform Allowance: \$179.00 per bargaining unit contract Total Benefits: \$5657.49 Retirement: \$3404.76 Employee Leave Buyout: \$130.59 Health/Dental/Vision: \$1289.18 Medicare: \$104.62 Survivors Benefits: \$5.52 Prefunding of Post Employment Benefits: \$317.45 Workers Compensation: \$405.37 Administrative Costs: \$1643.18 Total Per Month: \$14,694.67 Total Annual: \$176,336.04 Firefigher Paramedic The standard benefit package includes the following: Salary: \$4915.00 Planned Overtime: \$2721.00 19 hours per week per bargaining unit contract (19 hours per week = 72 hours scheduled - 53 hours straight time) Paramedic Incentive: \$500.00 Educational Incentive: \$75.00 per bargaining unit contract Uniform Allowance: \$179.00 per bargaining unit contract Total Benefits: \$6290.75 Retirement: \$3874.78 Employee Leave Buyout: \$139.57 Health/Dental/Vision: \$1378.66 Medicare: \$119.06 Survivors Benefits: \$5.90 Prefunding of Post Employment Benefits: \$339.28 Workers Compensation: \$433.50 Administrative Costs: \$1860.67 Total Per Month: \$16,541.42 Total Annual: \$198,497.04

NUMBER OF FIREFIGHTERS	ANNUAL SALARY PRICE	ANNUAL BENEFITS	TOTAL PER FIREFIGHTER
4	\$100,680.00	\$97,817.00	\$198,497.00
3 YEAR TOTAL			
	\$2,381,964.00		

Agreement Articles

Program: Fiscal Year 2018 Staffing for Adequate Fire and Emergency Response

Recipient: Paradise, Town Of

DUNS number: 362314890

Award number: EMW-2018-FH-00431

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- Article 1 Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**
DHS financial assistance recipients must complete either the Office of Management and Budget(OMB) Standard Form 424B Assurances - Non-Construction Programs, or OMB Standard Form 424D Assurances -Construction Programs as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations(C.F.R) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.
- Article 2 DHS Specific Acknowledgements and Assurances**
All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. 1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS. 2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance. 3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. 4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. 5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials to CivilRightsEvaluation@hq.dhs.gov. This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. .
- Article 3 Acknowledgement of Federal Funding from DHS**
Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
- Article 4 Activities Conducted Abroad**
Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

- Article 5 Age Discrimination Act of 1975**
Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
- Article 6 Americans with Disabilities Act of 1990**
Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101-12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
- Article 7 Best Practices for Collection and Use of Personally Identifiable Information (PII)**
Recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template as useful resources respectively.
- Article 8 Civil Rights Act of 1964 – Title VI**
Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.
- Article 9 Civil Rights Act of 1968**
Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (See 42 U.S.C. § 3601 et seq.), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D)
- Article 10 Copyright**
Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

- Article 11 Debarment and Suspension**
Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, and 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.
- Article 12 Drug-Free Workplace Regulations**
Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. 8101).
- Article 13 Duplication of Benefits**
Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.
- Article 14 Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX**
Recipients must comply with the requirements of Title IX of the Education Amendments of 1972 Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
- Article 15 Energy Policy and Conservation Act**
Recipients must comply with the requirements of The Energy Policy and Conservation Act Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
- Article 16 False Claims Act and Program Fraud Civil Remedies**
Recipients must comply with the requirements of The False Claims Act, 31 U.S.C. § 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.
- Article 17 Federal Debt Status**
All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
- Article 18 Federal Leadership on Reducing Text Messaging while Driving**
Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.

Article 19 Fly America Act of 1974

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

Article 20 Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, codified as amended at 15 U.S.C. § 2225.

Article 21 Limited English Proficiency (Civil Rights Act of 1964, Title VI)

Recipients must comply with the Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidancepublished-help-department-supported-organizations-provide-meaningfulaccess-people-limited> and additional resources on <http://www.lep.gov>.

Article 22 Lobbying Prohibitions

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

Article 23 National Environmental Policy Act

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) (NEPA) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which requires recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

Article 24 Nondiscrimination in Matters Pertaining to Faith-Based Organizations

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

Article 25 Non-supplanting Requirement

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

Article 26 Notice of Funding Opportunity Requirements

All of the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated hereby reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

Article 27 Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

Article 28 Procurement of Recovered Materials

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965) (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

Article 29 Rehabilitation Act of 1973

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973) (codified as amended at 29 U.S.C. § 794), which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Article 30 Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, the recipient must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

Article 31 Reporting Subawards and Executive Compensation

Recipients are required to comply with the requirements set forth in the government-wide Award Term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

Article 32 SAFECOM

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

Article 33 Terrorist Financing

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

Article 34 Trafficking Victims Protection Act of 2000

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000, (TVPA) codified as amended by 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

Article 35 Universal Identifier and System of Award Management (SAM)

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

Article 36 USA Patriot Act of 2001

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.

Article 37 Use of DHS Seal, Logo and Flags

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

Article 38 Whistleblower Protection Act

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

Article 39 Acceptance of Post Award Changes

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov if you have any questions.

Article 40 Prior Approval for Modification of Approved Budget

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

Article 41 Disposition of Equipment Acquired Under the Federal Award

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

Article 42 Environmental Planning and Historic Preservation

DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all Federal, state, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize Federal funding. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

Obligating document

1. Agreement No. EMW-2018-FH-00431	2. Amendment No. N/A	3. Recipient No. 94-2621899	4. Type of Action AWARD	5. Control No. WX02684N2019T		
6. Recipient Name and Address Paradise, Town Of 5555 SKYWAY PARADISE, CA 95969		7. Issuing FEMA Office and Address Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		8. Payment Office and Address FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
9. Name of Recipient Project Officer John Messina		9a. Phone No. 530-329-9891	10. Name of FEMA Project Coordinator Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program			
			10a. Phone No. 1-866-274-0960			
11. Effective Date of This Action 09/13/2019	12. Method of Payment OTHER - FEMA GO	13. Assistance Arrangement COST SHARING		14. Performance Period 03/11/2020 to 03/10/2023 Budget Period 03/11/2020 to 03/10/2023		
15. Description of Action a. (Indicate funding data for awards or financial changes)						
Program Name Abbreviation	Assistance Listings No.	Accounting Data(ACCS Code)	Prior Total Award	Amount Awarded This Action + or (-)	Current Total Award	Cumulative Non-Federal Commitment
SAFER	97.083	2019-F8-GF01 - P431-xxxx-4101-D	\$0.00	\$2,381,964.00	\$2,381,964.00	\$0.00
Totals			\$0.00	\$2,381,964.00	\$2,381,964.00	\$0.00
b. To describe changes other than funding data or financial changes, attach schedule and check here: N/A						
16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address) This field is not applicable for digitally signed grant agreements						

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)	DATE
18. FEMA SIGNATORY OFFICIAL (Name and Title)	DATE
Bridget Bean, Acting Assistant Administrator Grant Programs Directorate	09/13/2019



TOWN OF PARADISE
Council Agenda Summary
October 8, 2019

AGENDA NO. 2(g)

ORIGINATED BY: Mike Houdek, Public Works Manager

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Surplus Town Equipment

COUNCIL ACTION REQUESTED: Adopt a resolution declaring approximately 2102 empty safety deposit boxes from the donated Bank of America building as surplus property and authorizing disposal thereof by the Town Manager.

BACKGROUND: After the 2018 Camp Fire, the Town of Paradise requested the Bank of America building be donated to the Town of Paradise to use as a Building Resiliency Center (BRC). The BRC will allow all the rebuilding efforts to be consolidated into one building and also allow other agencies to occupy space to make it a “One Stop Shop”. Since a majority of staff from Town Hall will be moving into the BRC, it is necessary to create as much usable space as possible and removing the safety deposit boxes will provide part of that space.

DISCUSSION: There are approximately 2,102 safety deposit boxes in the Bank of America building that were included when the Town of Paradise took over ownership. The Town will be using the area in the safe for property files and will not have any need for safe deposit boxes. As such, staff is requesting that the safe deposit boxes be declared as surplus to allow for more usable space in the building.

FISCAL IMPACT: There is no fiscal impact in declaring the safe deposit boxes as surplus since they were part of the donated building.

**TOWN OF PARADISE
RESOLUTION NO. 19-__**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE,
CALIFORNIA, DECLARING APPROXIMATELY 2,102 SAFETY DEPOSIT
BOXES FROM THE DONATED BANK OF AMERICA BUILDING AS SURPLUS
PROPERTY AND AUTHORIZING DISPOSAL THEREOF
BY THE TOWN MANAGER.**

WHEREAS, the Town of Paradise wishes to dispose of approximately 2,102 empty safe deposit boxes that are still in the Bank of America building that was donated to the Town of Paradise, and;

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

Section 1. The Town hereby declares approximately 2,102 safe deposit boxes as surplus to be disposed of and/or destroyed as appropriate in accordance with the Paradise Municipal Code.

Section 2. The Town Manager is authorized to dispose of the surplus safe deposit boxes in accordance with Paradise Municipal Code Section 2.45.130.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 8th day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Jody Jones, Mayor

ATTEST:

By: _____
Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

By: _____
Dwight L. Moore, Town Attorney



TOWN OF PARADISE
Council Agenda Summary
Date: October 8, 2019

Agenda Item: 2 (h)

ORIGINATED BY: Susan Hartman, Acting Planning Director

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Adoption of Town Ordinance No. 582

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

1. Waive second reading of the entire Town Ordinance No. 582 and approve reading by title only (roll call vote); **AND**
2. Adopt Town Ordinance No. 582, "An Ordinance Amending and Adding Text Regulations within Paradise Municipal Code Title 15 [Buildings and Construction] Relating to Accessory Structures and Wildland Urban Interface Requirements; and Non-Combustible Roof Gutters".

BACKGROUND: On September 10, 2019, the Town Council introduced the above-noted Town ordinance for purposes of eventual adoption. The intent of the proposed ordinance is to: a) if adopted, further assist in the Camp Fire recovery/rebuild efforts by helping to alleviate or mitigate future wildfire hazard. Town Council adoption of the proposed ordinance amending the Town's building and construction code regulations would address wildland urban interface requirements for accessory structures as well as non-combustible roof gutters.

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. 582 [copy attached]. Once adopted, the provisions of this ordinance will be effective thirty days thereafter.

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. 582**

**AN ORDINANCE AMENDING AND ADDING REGULATIONS WITHIN PARADISE MUNICIPAL CODE
TITLE 15 [BUILDINGS AND CONSTRUCTION] RELATING TO ACCESSORY STRUCTURES AND
WILDLAND URBAN INTERFACE REQUIREMENTS; AND NON-COMBUSTIBLE ROOF GUTTERS**

SECTION 1. Exhibit “A” [Facts & Finding Correlation] of Chapter 15.01 [Facts and Findings] of the Paradise Municipal Code shall be amended to add the chronological listing of the following code sections:

PARADISE MUNICIPAL CODE SECTION	CALIFORNIA CODE	CODE SECTION AMENDED	SHORT TITLE	REFERENCED FACT/FINDING (Page 3-5)
15.03.095 (Add)	CRC	R337.1.3, Exceptions (1) & (2) and R337.5.4	Wildland Urban Interface & Non- combustible gutters	Health & Safety Code 17958.5

SECTION 2. Section 15.03.095 shall be added to Chapter 15.03 [2016 California Residential Code (Title 24, Part 2.5) Based Upon the 2015 International Residential Code (ICC)] of the Paradise Municipal Code to read as follows:

15.03.095 - Chapter 3, Section R337.1.3, Exceptions 1 & 2: Accessory Structures and Section R337.5.4 Roof Gutters, amended:

R337.1.3, Exception 1: Buildings of an accessory character classified as Group U occupancy and not exceeding 120 square feet in floor area, when located at least 30 feet from an applicable building (as written in current code).

R337.1.3, Exception 2: Buildings of an accessory character classified as Group U occupancy exceeding 120 square feet in size, based on the exterior measurements of the structure, shall comply with Section R337 and Wildland Urban Interface requirements.

R337.5.4: Roof gutters of a non-combustible material shall be provided with means of preventing accumulation of leaves and debris in the gutter.

**TOWN OF PARADISE
ORDINANCE NO. 582**

SECTION 3. CEQA COMPLIANCE. The Town Council finds and determines that the enactment of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061(b)(3) (General Rule Exemption).

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 October, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jody Jones, Mayor

ATTEST:

Dina Volenski, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: October 8, 2019**

Agenda Item: 2(i)

Originated by: Gina S. Will, Administrative Services Director/Town Treasurer

Approved by: Lauren Gill, Town Manager

Subject: Approve changes to the Town's Purchasing Ordinance for goods and services

Council Action Requested:

1. Waive the second reading of Town Ordinance No. 583 and approve reading by title only and; 2. Adopt Town of Paradise Ordinance No. 583 relating to the Town Purchasing Ordinance for goods and services.

Background:

On September 24, 2019 the Town Council introduced the above noted Town ordinance for purposes of eventual adoption. The intent of the proposed ordinance is to increase the Town's procurement limits for goods and services to match the current limits of federal and state agencies. If adopted the policy will not interfere with the Town's ability to maintain appropriate financial controls and budgets. It will provide the Town's professional staff the ability to offer services and programs in the most cost effective and efficient manner possible.

Discussion:

Staff recommends that the Town Council waive the second reading of the entire ordinance; read it by title only; and formally adopt Town of Paradise Ordinance No. 583 increasing the Town's procurement limits to match the current limits of federal and state agencies.

Fiscal Impact:

If approved, the policy will go into effect November 7, 2019. It will result in some advertising fee savings as fewer bid notices will require publication, and staff time savings from fewer formal bid package processing. A nominal cost for publication of the ordinance within the local newspaper and for codification will be borne by the Town of Paradise.

**TOWN OF PARADISE
ORDINANCE NO. 583**

**AN ORDINANCE OF THE TOWN OF PARADISE
AMENDING SECTIONS 2.45.080 AND 2.45.090 RELATING TO
THE TOWN PURCHASING SYSTEM**

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

SECTION 1. Paradise Municipal Code section 2.45.080 is hereby amended to read as follows:

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 \$250,000 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 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 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.

SECTION 2. Paradise Municipal Code section 2.45.090 is hereby amended to read as follows:

2.45.090 - Informal bidding procedures.

Purchases of supplies, equipment, and services with total projected values more than \$10,000 but less than \$250,000 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 contact procedures of Section 2.45.080.

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

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 8th day of October, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jody Jones, Mayor

ATTEST:

APPROVED AS TO FORM:

Dina Volenski, CMC, Town Clerk

Dwight L. Moore, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: October 8, 2019**

Agenda Item: 5(a)

Originated by: Colette Curtis, Senior Management Analyst

Reviewed by: Lauren Gill, Town Manager

Subject: **Public Hearing for the Community Development Block Grant Program (CDBG) 2019-2020 Action Plan**

Council Action Requested:

1. Conduct the second public hearing to solicit comments and/or suggestions regarding the 2019-2020 Annual Plan.
2. Direct staff to submit the 2019-2020 Annual Action Plan to HUD.

Background:

The Town of Paradise has been a U.S. Department of Housing and Development (HUD) entitlement city since 1994. HUD awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services.

Entitlement communities develop their own programs and funding priorities. However, grantees must give maximum feasible priority to activities which benefit low and moderate income persons. A grantee may also carry out activities which aid in the prevention or elimination of slums or blight. Additionally, grantees may fund activities when the grantee certifies that the activities meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs. CDBG funds may not be used for activities which do not meet these broad national objectives.

HUD determines the amount of each entitlement grant by a statutory dual formula which uses several objective measures of community needs, including the extent of poverty, population, housing overcrowding, age of housing and population growth lag in relationship to other metropolitan areas.

Annual Plan Overview:

The Town has received word that HUD will allocate \$164,394 to the Town of Paradise for programs and projects that directly benefit the town's low and moderate-income residents. Funding priorities for this program year include:

- Assistance to residents rebuilding their homes
- Grants and loans to residents and businesses to rebuild

- Mortgage subsidies for first time homebuyers
- Residential housing rehabilitation

Discussion:

Although the Town has some discretion on how the funds are used, there are many restrictions, conditions, and objectives that must be met. Community Development Block Grant funds can be used for activities that further community and economic development; provide improved community facilities and services; and provide affordable housing opportunities to low and disadvantaged residents. Each activity except planning and administrative activities, must meet one of the CDBG program's three broad National Objectives:

1. Benefit low and moderate income persons,
2. Aid in the prevention or elimination of slums or blight, or
3. Meet community development needs having a particular urgency.

The types of activities that meet the national objective will encompass the following basic qualifiers:

Area benefit activities: An activity can be area-wide meaning that the benefits are available to all the residents of a particular area where at least 51 percent of the residents are low and moderate income persons. The service area must be primarily residential, and the activity must meet the identified needs of low-and-moderate income persons.

Limited clientele activities: An activity can be "limited clientele," which means that the activity benefits a certain, limited clientele that is at least 51 percent low income. An example of this would be our housing programs. We have to document and verify income to ensure that each client is eligible.

Housing activities: An activity carried out for the purpose of providing or improving permanent residential structures, which upon completion, will be principally occupied by low and moderate income households.

Job creation or retention activities: An activity designed to create or retain permanent jobs where at least 51% of that, computed on a full-time equivalent (FTE) basis, involves the employment of low and moderate income persons. Potentially eligible activities include: construction of a business incubator designed to offer space and assistance to new firms to help them become viable small businesses; loans to pay for expansion.

Slum Blight Removal. Activities under this category must meet ALL of the following criteria: (1) The area delineated by the grantee must meet a definition of a slum, blighted, deteriorated or deteriorating area under state or local law; (2) there must be a substantial number of deteriorated buildings through the area; and (3) the activity must address one or more conditions that contributed to the deterioration of the area. Boundaries, designations, inspections and detailed rehabilitation records must be kept.

In addition to the above qualifiers, there is a list of basic eligible activities and ineligible activities that can be carried out using CDBG funds. (Government Code Section 570.201.)

Basic Eligible Activities include: Acquisition/disposition of real property; public facilities acquisition, construction and rehabilitation; public services funding; payment of costs in support of activities eligible for funding under the HOME program; housing assistance for low/mod income families; and micro-enterprise assistance.

After the Camp Fire, the Town of Paradise intends to utilize this funding to assist residents in rebuilding their homes through the housing activity.

Fiscal Impact Analysis:

The impact of this agenda item and subsequent actions related to the CDBG Program is positive. It will result in the award of \$164,394.

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The Town of Paradise, through its Community Development Block Grant (CDBG) program, has historically developed a strategy that focuses on cultivating Paradise as a viable community by providing decent housing, a suitable living environment, and by expanding economic opportunities, principally for low and moderate income persons.

On November 8, 2018 the Camp Fire ignited near the Town of Paradise. Due to high winds the fire spread at a rate of eighty football fields a minute and ultimately destroyed the Town of Paradise within hours. Over 26,000 residents of the Town were displaced, 90% of structures in Paradise - more than 11,000 homes and 1,000 businesses were burned to the ground, and most tragically, 85 people lost their lives.

This year, in the aftermath of the devastating Camp Fire, the Town's priorities are focused on helping our residents return home, rebuild and improve our Town's infrastructure, and support our business community as they reopen.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The objectives for the 2019-2020 program year are as follows:

1. Housing Assistance - The Town will continue our First Time Home Buyer and Owner Occupied Rehabilitation loan programs. In addition we will look for additional opportunities to support our residents as they rebuild and return to Paradise. As identified in our Long Term Recovery Plan, we will ensure a housing market study is performed and work to support residents with programs to help with the cost of rebuilding.

2. Sewer - As outlined in the Long Term Recovery Plan, a sewer for the commercial and densely populated areas of Paradise is crucial to our ability to rebuild. The Town will utilize every resource available to move forward on the next steps for a sewer: Environmental Review, Design and Engineering, Right of Way Acquisition, and district formation.

3. Long Term Recovery Goals - The projects identified in the Long Term Recovery Plan will be goals and objectives for the Town in the coming year and the years to come as we move through the recovery process.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The Town's past experience with CDBG funds has shown a great need in our community for affordable housing and services for low income residents. As a result, the Town continues to provide low income first time home buyers with assistance. The Town also continues to provide help to low income homeowners who need assistance with repairs and code corrections. Our past experience with subrecipients has also shown that there is a great need in our community for services for battered women, children, the elderly and low income families. The funding we grant to subrecipients is focused on providing for these needs.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The citizen participation for this year occurred differently than in prior years. Our citizen participation was an integral part of drafting our Long Term Recovery Plan. Starting in February 2018, the public was invited to attend 6 meetings held over the next three months to give share their ideas and give input on rebuilding our community. These meetings were noticed publicly through press releases, TV interviews, online and through social media, an online survey and through direct mailers to every address in Paradise (forwarded). Attendance at these meetings far surpassed anything we have ever experienced prior to the fire, with thousands of residents participating.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

Public comments were numerous, please see the attached Long Term Recovery Plan document for the comments in response to each public meeting, the online survey, and on each of the recovery projects.

6. Summary of comments or views not accepted and the reasons for not accepting them

No comments were rejected.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator		Town of Paradise

Table 1 – Responsible Agencies

Narrative (optional)

Consolidated Plan Public Contact Information

Public Contact Information:

Colette Curtis

Senior Management Analyst

(530) 872-6291 ext 112

ccurtis@townofparadise.com

5555 Skyway

Paradise, CA 95969

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

In a normal program year, the Town of Paradise coordinates with the Butte County Continuum of Care, Chico Housing Improvement Program (CHIP), and Butte County Housing Authority regarding affordable housing, mental health and other services. This year, in the aftermath of the Camp Fire, the Town has continued close coordination with these entities as well as others such as Cal OES, FEMA, the City of Chico, The City of Oroville, Butte County and others as we move through recovery and rebuilding Paradise.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

In a normal program year, the Town of Paradise coordinates with the Butte County Continuum of Care, Chico Housing Improvement Program (CHIP), and Butte County Housing Authority regarding affordable housing, mental health and other services. This year, in the aftermath of the Camp Fire, the Town has continued close coordination with these entities as well as others such as Cal OES, FEMA, the City of Chico, The City of Oroville, Butte County and others as we move through recovery and rebuilding Paradise.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

In a normal program year, the Town of Paradise coordinates with the Butte County Continuum of Care, Chico Housing Improvement Program (CHIP), and Butte County Housing Authority regarding affordable housing, mental health and other services. This year, in the aftermath of the Camp Fire, the Town has continued close coordination with these entities as well as others such as Cal OES, FEMA, the City of Chico, The City of Oroville, Butte County and others as we move through recovery and rebuilding Paradise.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

NA

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities.

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Chico Housing Improvement Program
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Market Analysis
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Town of Paradise coordinated with CHIP regarding rebuilding Paradise Community Village, a 36 unit low income housing project that was destroyed in the fire. We also discussed future affordable housing project opportunities as the Town rebuilds and a sewer is constructed.

2	Agency/Group/Organization	BUTTE COUNTY
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Services-Health Services-Education Services-Employment Service-Fair Housing Services - Victims Health Agency Child Welfare Agency Other government - County Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Market Analysis Economic Development

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Town coordinated with Butte County after the Camp Fire to meet immediate, short, medium and long term housing, mental health, basic services, and other needs of our community.
3	Agency/Group/Organization	City of Chico Public Works
	Agency/Group/Organization Type	Housing Services - Housing Services-homeless Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Town coordinated with the City of Chico after the Camp Fire to meet immediate, short, medium and long term housing, mental health, basic services, and other needs of our community.
4	Agency/Group/Organization	Butte County Continuum of Care
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Town coordinated with the Butte County Continuum of Care after the Camp Fire regarding homeless needs and issued immediately after the fire, and on a longer term basis.

5	Agency/Group/Organization	Adventist Health Feather River
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Health Care Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Town coordinated with Adventist Health Feather River after the Camp Fire to discuss the evolving health care needs of the community.

Identify any Agency Types not consulted and provide rationale for not consulting

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Butte County Continuum of Care	Our goal of creating and supporting affordable housing and reducing homelessness are supported.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

The Town of Paradise has not consulted with any agency on lead based paint. 90% of homes in the Town of Paradise burned down, and as a result will be rebuilt with non-lead based paint to today's standards. Priorities for the plan were gathered at public meetings, which were held at times and locations known to be easily accessible to all residents, especially low income residents.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The citizen participation for this year occurred differently than in prior years. Our citizen participation was an integral part of drafting our Long Term Recovery Plan. Starting in February 2018, the public was invited to attend 6 meetings held over the next three months to give share their ideas and give input on rebuilding our community. These meetings were noticed publicly through press releases, TV interviews, online and through social media, an online survey and through direct mailers to every address in Paradise (forwarded). Attendance at these meetings far surpassed anything we have ever experienced prior to the fire, with thousands of residents participating.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Camp Fire Survivors	Thousands	See attached Long Term Recovery Plan	NA	https://makeitparadise.org/road-to-recovery
2	Newspaper Ad	Residents of Paradise/Camp Fire Survivors	Thousands	See attached Long Term Recovery Plan	NA	
3	Internet Outreach	Paradise Residents/Camp Fire Survivors	Thousands	See Long Term Recovery Plan	NA	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	164,394	306,572	115,337	586,303	0	
Other	public - federal	Housing	0	0	0	0	0	

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The Town of Paradise will utilize any and all funds available to leverage CDBG funds to make them go as far as possible. The Town has applied for a CalHOME grant to assist our residents rebuild their homes after the Camp Fire. CDBG funds will be used to support this effort.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Housing Assistance	2015	2020	Affordable Housing	Paradise	Affordable Housing Homelessness	CDBG: \$131,515	Homeowner Housing Rehabilitated: 100 Household Housing Unit

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Housing Assistance
	Goal Description	

Projects

AP-35 Projects – 91.220(d)

Introduction

This year, the Town of Paradise will focus on the projects included in the Long Term Recovery Plan, including housing assistance and sewer. Housing assistance will include continuing our First Time Homebuyer program and Owenr Occupied Rehabilitation program, which will now focus on rebuilding and repairing homes after the Camp Fire.

Projects

#	Project Name
1	Program Administration
2	Housing Assistance

Table 7 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The number one priority after the Camp Fire is to help our residents come home. That means helping them rebuild in a way that is affordable and sustainable. In order to do that, we need to have the staff to provide the services needed to support rebuilding. As a result, Housing Assistance and Program Administration are the priorities we will allocate funding to.

1	Project Name	<i>Program Administration</i>
	Target Area	Paradise
	Goals Supported	Housing Assistance
	Needs Addressed	Affordable Housing Homelessness
	Funding	CDBG: \$32,878
	Description	Program Administration
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	100
	Location Description	All activities will be performed in the Town of Paradise.
	Planned Activities	Planned activities include hiring a staff person to coordinate the Building Resiliency Center which will shepherd residents through the rebuilding process and provide housing and financial counseling.
2	Project Name	Housing Assistance
	Target Area	Paradise
	Goals Supported	Housing Assistance
	Needs Addressed	Affordable Housing Homelessness
	Funding	CDBG: \$131,515
	Description	Housing Assistance
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	100
	Location Description	All activities will take place in the Town of Paradise.

	Planned Activities	Planned activities include assisting with grants to rebuild homes destroyed by the Camp Fire (Owner Occupied Rehab program) and helping first time homeowners buy properties that survived the fire (First Time Homebuyer Program). We will also open a Building resiliency Center to shepherd residents through the rebuilding process and provide housing and financial counseling.
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AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Geographic Distribution

Target Area	Percentage of Funds
Paradise	100

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

All funding will be directed within the Town limits of Paradise. Since 95% of the Town burned down, the funding will be utilized in all areas of Paradise where it is needed.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

This year the Town of Paradise plans to assist with affordable housing by providing two housing programs: First Time Home Buyer Assistance and Owner Occupied Rehabilitation. These programs have been offered for many years and have been highly successful. In the aftermath of the Camp Fire, these programs are even more important as we help our residents rebuild. We also intend to hire a staff member to coordinate the Building Resiliency Center, a one stop shop for residents rebuilding, who can help shepherd residents through the process of rebuilding and going over eligibility for our housing programs.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	100
Special-Needs	0
Total	100

Table 9 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	100
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	100

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

AP-60 Public Housing – 91.220(h)

Introduction

Prior to the fire, the Town did not have any public housing within Town limits. One of the reasons for this was the lack of a sewer system. Installing a sewer system is part of our Long Term Recovery Plan, and with a sewer the Town will look at the options for public housing.

Actions planned during the next year to address the needs to public housing

Prior to the fire, the Town did not have any public housing within Town limits. One of the reasons for this was the lack of a sewer system. Installing a sewer system is part of our Long Term Recovery Plan, and with a sewer the Town will look at the options for public housing.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

NA

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

NA

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Prior to the fire, the Town worked with the Housing Authority and Continuum of Care to administer the point in time survey. The last meaningful count was done in January 2017. A survey was conducted after the fire, however the variables due to the fire made a true count very difficult. Homelessness, and the prevention of homelessness continues to be a priority for the Town of Paradise.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The 2017 Continuum of Care Point in Time Survey data was compiled, and the following information, provides us with an overview of homelessness in Paradise prior to the fire. Out of 1,983 individuals or 1,583 households identified as homeless in Butte County, 120 individuals or 79 households were identified as homeless in Paradise. this represents an increase of 145% over the 2015 survey. It is unlikely that this increase is due to more homeless people in Paradise, rather it is more likely due to better outreach and communication resulting in better reporting. Of the households identified, 57 consisted of single adults while 16 represented adults with children and 6 were children without adults.

The point in time survey conducted in 2019 did collect information in Paradise Town limits, as well as information regarding homeless in other jurisdictions who reported they were from Paradise. Due to the Camp Fire, the survey was conducted in late March and the final report has not yet been made public, although an executive summary was released in June. The overall number of homeless counted in Butte County increased by 16% from the 2017 PIT survey.

Addressing the emergency shelter and transitional housing needs of homeless persons

At this point in recovery, the Town of Paradise relies on our neighboring communities for shelters such as the Torres Shelter in Chico for homeless individuals from Paradise.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to

permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The Town of Paradise is working with our neighboring jurisdictions and Butte County to find a solution for homelessness after the Camp Fire.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The Town of Paradise is working with our neighboring jurisdictions and Butte County to find a solution for homelessness after the Camp Fire.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

After the Camp Fire, homelessness is a very complicated issue. The point in time survey conducted in 2017 identified 120 individuals as homeless in Paradise. With few services remaining in Paradise, it is unlikely that many of those individuals have returned and likely have moved on to other jurisdictions. There are of course those who have become homeless as a result of the Camp Fire, however it is unknown how many of those individuals have returned to Paradise and how many have remained in the communities to which they evacuated.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The Town intends to support our residents who are rebuilding housing as soon as possible, and with the construction of the sewer, construct multi-family and affordable housing as well.

AP-85 Other Actions – 91.220(k)

Introduction:

Actions planned to address obstacles to meeting underserved needs

There are many needs for residents of the Town of Paradise after the Camp Fire, and many barriers to meeting those needs. The Town is working tirelessly to assist our residents as they rebuild. One of the actions we have taken to address obstacles to rebuilding is creating a permit fee reduction program with private grant funds to help residents with the cost of permits. We also plan to open a building resiliency center to directly assist residents with rebuilding and with resources for housing and grant programs.

Actions planned to foster and maintain affordable housing

The Town will continue our First Time Home Buyer and Owner Occupied Rehabilitation programs to help homeowners rebuild after the Camp Fire. We also will work with CHIP to rebuild Paradise Community Village, which was a 36 unit affordable housing project that was lost in the fire. We will work with them on additional affordable housing opportunities in Paradise once a sewer is constructed.

Actions planned to reduce lead-based paint hazards

Since the Camp Fire burned 95% of the Town of Paradise, most homes with lead based paint have been destroyed. As new homes are built, they will not have lead based paint. Any home that survived that takes part in our Owner Occupied Rehabilitation Program would be required to undergo lead based paint testing.

Actions planned to reduce the number of poverty-level families

As part of the Long Term Recovery Plan, the Town will support efforts to do a market and employment study to rebuild Paradise in a way that allows opportunities for businesses, jobs, and economic recovery.

Actions planned to develop institutional structure

The Town of Paradise has an established institutional structure that has worked well for the past 24 years. Luckily that survived the fire, and will continue to be used into the future.

Actions planned to enhance coordination between public and private housing and social service agencies

The Town will continue to work with CHIP and other private housing and service agencies on affordable

housing like Paradise Community Village. Once the sewer is constructed, the Town expects more opportunities for private/public partnership for affordable housing.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	0.00%



Town of Paradise
Council Agenda Summary
Date: October 8, 2019

Agenda Item: 5 (b)

ORIGINATED BY: Susan Hartman, Acting Community Development Director
REVIEWED BY: Lauren M. Gill, Town Manager
SUBJECT: Public Hearing: Consider Introducing an Ordinance Amending Paradise Municipal Code Title 17 [Zoning] Relating to Temporary Commercial Buildings

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 presented and considered by the Planning Commission on September 17, 2019, and embodied within Planning Commission Resolution No. 19-05; **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 Amending and Adding Text Regulations within Paradise Municipal Code Title 17 [Zoning] Relating to Temporary Commercial Buildings"; **OR**
4. Direct an alternative directive to town staff.

BACKGROUND:

During its meeting on August 13, 2019 the Town Council conducted a public discussion concerning desired changes to the Paradise Municipal Code (PMC) related to the prospect of establishing certain temporary business land use activities within "temporary commercial buildings and/or structures" as part of the Camp Fire recovery/rebuild efforts. The Town Council supported most of the points presented during its public discussion. They subsequently authorized staff and the Planning Commission to address potential changes to the PMC, particularly Title 17 [Zoning] relative to the subject of temporary commercial buildings.

Per direction received from the Town Council, planning staff further researched the subject matter and identified that certain text regulations within PMC Chapters 17.06 [General Site Development Regulations] and 17.32 [Temporary Use Regulations] warrant amendment and/or

addition in order to: 1) become internally consistent with all other PMC statutes; 2) sustain consistency with the Paradise General Plan; and if adopted, would further assist in the Camp Fire recovery/rebuild effort.

Staff designed and presented a resolution document intended to accomplish the objectives alluded to in the preceding discussion to the Planning Commission during its September 17, 2019 meeting and public hearing.

Upon conclusion of its public hearing on the matter, the Planning Commission attempted to adopt the resolution as presented. However, the resultant vote on its motion was split [2 ayes and 2 noes with one member absent] and thereby creating a Planning Commission inaction on the matter.

Despite the inaction and pursuant to the provisions of California Government Code Section 65857 this matter can still be acted upon by the Town Council. [Note: Failure of the planning commission to report within 40 days after the referral of an ordinance to the legislative body shall be deemed to be approval of the proposed modification(s). -Government Code Section 65857].

PROPOSED CODE AMENDMENT:

If adopted, the proposed and recommended PMC text amendments would establish regulations intended to provide an alternative process and “interim time period” during which affected property owner(s) may opt to establish certain types of temporary land use business activities within temporary buildings and/or structures.

DISCUSSION:

Minimizing obstacles to re-establish certain types of temporary commercial land use business activities within temporary buildings and/or structures for a defined interim time period following a natural disaster will help to expedite the recovery efforts and aid in the return of residents and businesses to Paradise.

Attached with this council agenda summary for your consideration and recommended adoption is an ordinance document prepared by staff that reflects the contents of the recommended PMC text amendments contained within Planning Commission No. 19-05 (amended and added text in the attached “Exhibit A” is shown as shaded).

Town staff has determined, and the Town Attorney has concurred that, the nature of the proposed text amendments is sufficiently minor and the possibility of adoption and implementation of the amendments would not result in a direct and 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(b)(3) (General Rule Exemption).

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 October 8, 2019 before the Paradise Town Council published in the Paradise Post.
2. Planning Commission Resolution No. 19-05, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 17 of the Paradise Municipal Code Relative to Temporary Commercial Buildings".
3. Ordinance No._____, "An Ordinance Amending Text Regulations within Paradise Municipal Code Title 17 [Zoning] Relative to Temporary Commercial Buildings".

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

NOTICE IS HEREBY GIVEN by the Paradise Town Council that a public hearing will be held on **Tuesday, October 8, 2019** at 6:00 p.m. in the Town Hall Council Chambers, 5555 Skyway, Paradise, California, regarding the following matters:

a. Item determined to be exempt from environmental review under CEQA Guidelines section 15061(b)(3) (General rule exemption)

PARADISE MUNICIPAL CODE Town Council consideration of a Planning Commission Resolution recommending Town Council approval of 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 amendment would add an additional circumstance under which temporary commercial building(s) land uses could be established.

The project file is available for public inspection at the Town 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 Town Development Services Department (planning division), Town Hall, 5555 Skyway, Paradise, CA (530) 872-6291, extension 114.

Dina Volenski
Town Clerk

**TOWN OF PARADISE PLANNING COMMISSION
RESOLUTION 19-05**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING TOWN COUNCIL
ADOPTION OF TEXT AMENDMENTS TO TITLE 17 OF THE PARADISE MUNICIPAL CODE RELATIVE
TO TEMPORARY COMMERCIAL BUILDINGS**

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 assist in the Camp Fire recovery efforts, and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on September 17, 2019 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 that the proposed PMC text amendment is an activity that is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (general rule exemption) because there is no possibility that the amendment would result in a significantly adverse effect upon the environment; 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 amendment to PMC Chapters 17.06 and 17.32 is warranted at this time in order to aid in the timely rebuild efforts following the Camp Fire.

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 amendment is 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. 19-05**

PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 17th day of September, 2019 by the Following Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Shannon Costa, Chair

ATTEST:

Dina Volenski, Town Clerk

EXHIBIT "A"

SECTION 1: Section 17.06.980 shall be added to Paradise Municipal Code Chapter 17.06 [General Site Development Regulations] to read as follows:

17.06.980 Post Camp Fire: Temporary Commercial Buildings

- A. Purpose. The regulations of this section are intended to provide an alternative process and interim time period during which affected property owner(s) may opt to establish a temporary commercial land use building and/or structure.
- B. Applicability. The establishment of a temporary commercial land use building and/or structure may be authorized subject to: 1) the specific land use regulations within each zone; 2) shall be limited to those commercial land uses which have low wastewater demands and low average occupancies and only in conjunction with the following business land use activities:
1. Administrative Services (federal, county, town and special district offices);
 2. Business/Professional Office (architect, engineer, insurance, law, real estate, etc.);
 3. Construction Sales and Service (sale of building materials and building contracting services);
 4. Financial Services (banks, credit and lending services, savings and loan);
 5. Guidance Services, Limited (counseling for 6 or fewer individuals);
 6. Personal Improvement Services (art/hobby/music instruction, photography studio, etc.);
 7. Safety Services (ambulance services, fire, police);
 8. Any other temporary commercial land use determined by the planning director to be similar to the prior listed business land use activities.
- C. Development Requirements/Standards. Temporary commercial land use business activities that have secured land use authorization shall comply with the following requirements and standards prior to establishment of the temporary commercial building and/or structure:
1. Applicant shall apply for and secure town approval and issuance of a temporary use permit pursuant to the provisions of Paradise Municipal Code Chapter 17.32 [Temporary Use Regulations].
 2. Applicant shall complete all the applicable temporary use permit "conditions of approval" prior to temporary commercial building and/or structure occupancy.
 3. Applicant shall apply for and secure town registration of a business license for subject temporary commercial business land use activity pursuant to the provisions of Paradise Municipal Code Chapter 5.22 [Business License].

D. Interim Time Period. The provisions and regulations of this Section 17.980 shall expire and be in no legal effect effective December 31, 2022.

SECTION 2: A new item "O." shall be added to Paradise Municipal Code Section 17.32.100 [Temporary Use Regulations] to read as follows:

O. The use of a temporary commercial land use building and/or structure for occupancy by those business land use activities sanctioned pursuant to the provisions of Paradise Municipal Code Section 17.06.980 [Post Camp Fire: Temporary Commercial Building].

SECTION 3: Subsection "B." of Paradise Municipal Code section 17.32.400 [determinations] shall be amended to read as follows:

B. The planning director and/or planning commission may establish such additional conditions as necessary to ensure land use compatibility and to minimize potential impacts, including, but not limited to: time and frequency of operation, temporary arrangements for parking and circulation, ADA access, requirements for screening or enclosure, and financial guarantees for removal, site restoration and cleanup following the temporary use.

**TOWN OF PARADISE
ORDINANCE NO. ____**

**AN ORDINANCE AMENDING AND ADDING TEXT REGULATIONS WITHIN
PARADISE MUNICIPAL CODE TITLE 17 [ZONING] RELATING TO
TEMPORARY COMMERCIAL BUILDINGS**

SECTION 1. Section 17.06.980 shall be added to Paradise Municipal Code Chapter 17.06 [General Site Development Regulations] to read as follows:

17.06.980 Post Camp Fire: Temporary Commercial Buildings.

- A. Purpose. The regulations of this section are intended to provide an alternative process and interim time period during which affected property owner(s) may opt to establish a temporary commercial land use building and/or structure.
- B. Applicability. The establishment of a temporary commercial land use building and/or structure may be authorized subject to: 1) the specific land use regulations within each zone; 2) shall be limited to those commercial land uses which have low wastewater demands and low average occupancies and only in conjunction with the following business land use activities:
 - 1. Administrative Services (federal, county, town and special district offices);
 - 2. Business/Professional Office (architect, engineer, insurance, law, real estate, etc.);
 - 3. Construction Sales & Service (sale of building materials and building contracting services);
 - 4. Financial Services (banks, credit & lending services, savings & loan);
 - 5. Guidance Services, Limited (counseling for 6 or fewer individuals);
 - 6. Personal Improvement Services (art/hobby/music instruction, photography studio, etc.);
 - 7. Safety Services (ambulance services, fire, police);
 - 8. Any other temporary commercial land use determined by the planning director as similar to the prior listed business land use activities.
- C. Development Requirements/Standards. Temporary commercial land use business activities that have secured land use authorization shall comply with the following requirements and standards prior to establishment of the temporary commercial building and/or structure:
 - 1. Applicant shall apply for and secure town approval and issuance of a temporary use permit pursuant to the provisions of Paradise Municipal Code Chapter 17.32 [Temporary Use Regulations].

2. Applicant shall complete all the applicable temporary use permit “conditions of approval” prior to temporary commercial building and/or structure occupancy.
3. Applicant shall apply for and secure town registration of a business license for subject temporary commercial business land use activity pursuant to the provisions of Paradise Municipal Code Chapter 5.22 [Business License].

D. Interim time Period. The provisions and regulations of this Section 17.980 shall expire and be in no legal effect effective December 31, 2022.

SECTION 2. A new item “O” shall be added to Paradise Municipal Code Section 17.32.100 [Temporary Use Regulations] to read as follows:

O. The use of a temporary commercial land use building and/or structure for occupancy by those business land use activities sanctioned pursuant to the provisions of Paradise Municipal code Section 17.06.980 [Post Camp Fire: Temporary Commercial Buildings].

SECTION 3. Subsection “B” of Paradise Municipal code Section 17.32.400 [determinations] shall be amended to read as follows:

B. The planning director and/or planning commission may establish such additional conditions as necessary to ensure land use compatibility and to minimize potential impacts, including, but not limited to: time and frequency of operation, temporary arrangements for parking and circulation, ADA access, requirements for screening or enclosure, and financial guarantees for removal, site restoration and cleanup following the temporary use.

SECTION 4. CEQA COMPLIANCE. The Town Council finds and determines that the enactment of this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061(b)(3) (General Rule Exemption).

SECTION 5. 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 _____, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jody Jones, Mayor

ATTEST:

Dina Volenski, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: October 8, 2019**

Agenda Item: 6(a)

ORIGINATED BY: Greg Adams, Building Official
Susan Hartman, Acting Community Development Director

REVIEWED BY: Lauren M. Gill, Town Manager

SUBJECT: Consideration of an Ordinance adopting 2019 California Building Code Standards Title 24, Parts 1-6 and 8-12 with Town of Paradise Amendments

COUNCIL ACTION REQUESTED: Upon conclusion of public discussion of this agenda item adopt either the recommended action or an alternative action.

RECOMMENDATION: Adopt a **MOTION TO:**

1. Waive the first reading of Town Ordinance No. _____ and read by title only (roll call vote);
AND
2. Introduce Town Ordinance No. _____, " An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 15.01-13 Relating to Buildings and Construction"; **OR**
3. Adopt an alternative directive to Town staff. (Note: A decision not to adopt the 2019 California Building Standards Code [as amended] and the attached Ordinance will result in the California Building Standards Codes being imposed, as written with no local amendments, as of January 1, 2020).

BACKGROUND:

The California Building Standards Code (CBSC) is amended by the State every three years with the goal of increased public safety in the built environment. Experience has demonstrated that when the latest building codes are adopted, and properly enforced, losses from catastrophic fire or other natural disasters are dramatically reduced. This increased margin of safety is reflected in local insurance rates by the Insurance Service Organization (ISO), which gives enhanced ratings to jurisdictions that adopt the most up-to-date construction codes, among other criteria.

Enforcement of the CBSC by local jurisdictions is mandated by the California Health and Safety Code. This year, the California Building Standards Commission adopted the 2018 International Building Code; the 2018 International Residential Code; the 2018 Uniform Plumbing Code; the 2018 Uniform Mechanical Code; the 2018 International Fire Code; and the 2017 National Electrical Code. Together, these codes constitute the 2019 CBSC.

Because local climatic, geologic, and topographic factors can vary greatly and do directly affect building safety, local amendments to the California Building Standards Code are permitted in accordance with Health and Safety Code Sections 13869.7 and 18941.5 (b), when justified by findings of fact based upon local climatic, geologic, or topographical conditions. The Town may not be less restrictive than the State adopted standards but may be more restrictive in the scope of their findings for the health, safety and welfare of its residents.

DISCUSSION:

Staff recommends that the Town Council adopt the 2019 California Building Standards Code and the attached Ordinance, which includes Findings of Fact and repeals Paradise Municipal Code Chapters 15.01-13 ADOPTING NEW CHAPTERS 15.01-13 which incorporates the Town of Paradise amendments, and offer the Ordinance for first reading by title only.

Assembly Bill 178, approved by the Governor on September 6, 2019, furthered to amend the 2019 CBSC as it relates to disaster areas such as Paradise. If a property meets one of four qualifying conditions, the requirements to install a photovoltaic (solar) system would be waived. AB 178 would be in effect for the duration of the 2019 California Building Code cycle, ending December 31, 2022.

Recent local amendments to the building regulations regarding Wildland Urban Interface requirements for accessory buildings and non-combustible gutters and gutter guards have been incorporated into the proposed ordinance.

It is staff's intent to provide training and literature by the end of the year in coordination with other governmental entities within the region and the Valley Contractors Exchange as we begin to learn more about all the new codes and standards.

Lastly, staff is cognizant of the impact the new codes may have on our current processes and systems, as well as overall development in our community during this time of recovery. The rebuild submittal checklists will be amended to align with the newly adopted codes to further assist the public through the permitting process. With each code cycle, we take the opportunity to review and improve our systems, operations and processes with improved customer service as the goal.

FINANCIAL IMPACT:

There is no General Fund impact with the introduction of the Ordinance amendments; however, indirect impacts will include the costs of training and enforcement of the new State codes with staff.

Attachment

LIST OF ATTACHMENTS

1. Ordinance No. _____ “An ordinance of the Town of Paradise Repealing Paradise Municipal Code Chapters 15.01, 15.02, 15.03, 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, 15.11, 15.12, 15.13 and Adopting New Chapters 15.01, 15.02, 15.03, 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.09, 15.10, 15.11, 15.12 AND 15.13 and Making Findings of Facts Relating to Local Climatic, Geological, and Topographic Conditions, All Relating to the Adoption of the California Code of Regulations, TITLE 24, PART 2 VOLUME 1 & 2, PART 2.5, PART 3, PART 4, PART 5, PART 6, PART 8, PART 9, PART 10, PART 11, AND PART 12”.

Town of Paradise

Ordinance No. _____

AN ORDINANCE OF THE TOWN OF PARADISE REPEALING PARADISE MUNICIPAL CODE CHAPTERS 15.01, 15.02, 15.03, 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, 15.11, 15.12, 15.13 AND ADOPTING NEW CHAPTERS 15.01, 15.02, 15.03, 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, 15.11, 15.12 AND 15.13 AND MAKING FINDINGS OF FACTS RELATING TO LOCAL CLIMATIC, GEOLOGICAL, AND TOPOGRAPHIC CONDITIONS, ALL RELATING TO THE AMENDMENTS AND ADOPTION OF THE ~~2016~~ 2019 CALIFORNIA BUILDING STANDARDS CODE

WHEREAS, the Town Council of the Town of Paradise hereby finds that the public health, safety and welfare will be best protected and served by the adoption of the ~~2016~~ 2019 California Building Standards Code as established and maintained by the State Building Standards Commission with certain amendments; and

WHEREAS, the Town of Paradise finds that its jurisdiction has certain climatic, topographic and geologic considerations, as set forth and incorporated herein, that can have a deleterious effect on emergency services such as fire protection and emergency medical services and on structures and buildings ; and

WHEREAS, except for the amendments authorized by Health and Safety Code sections 17958.5, 17958.7 and 18941.5, the Town of Paradise adopts ordinances and regulations imposing the building regulations contained in the regulations adopted by the State pursuant to the Health and Safety Code Section 17922; and

WHEREAS, sections 17958.5, 17958.7 and 18941.5 of the Health and Safety Code authorize the Town of Paradise to make changes or modifications to the California Building Standards Code as are reasonably necessary because of local climatic, topographic and geologic conditions; and

WHEREAS, the California Building Standards Code applies to all occupancies throughout the State; and

1 **WHEREAS, pursuant to Health and Safety Code section 17958.7** the Town of
2 Paradise has filed the amendments, additions, or deletions expressly marked and
3 identified as to the applicable findings with the California Building Standards
4 Commission at 2525 Natomas Park Drive, Sacramento, Suite 130, Sacramento,
5 California 95833-2936.

6 **NOW, THEREFORE,** The Town Council of the Town of Paradise does hereby ordain
7 as follows:

8 **SECTION 1.** Chapters **15.01, 15.02, 15.03, 15.04, 15.05, 15.06, 15.07, 15.08, 15.09,**
9 **15.10, 15.11, 15.12 and 15.13** of the Paradise Municipal Code are repealed.

10
11 **SECTION 2.** Chapters **15.01, 15.02, 15.03, 15.04, 15.05, 15.06, 15.07, 15.08, 15.09,**
12 **15.10, 15.11, 15.12 and 15.13** are hereby added to the Paradise Municipal Code to
13 read as follows:

14
15 **CHAPTER 15.01 FACTS AND FINDINGS**

16 **A. Changes or Modifications.** Pursuant to Section 17958.5, 17958.7 and 18941.5
17 of the State of California Health and Safety Code, the Town of Paradise adopts and
18 amends the ~~2016~~ 2019 California Building Standards Code (Title 24, Part 2) based on
19 the ~~2015~~ 2018 International Building Code (ICC); the ~~2016~~ 2019 California
20 Residential Code (Title 24, Part 2.5) based on the ~~2015~~ 2018 International
21 Residential Code (ICC); the ~~2016~~ 2019 California Electrical Code (Title 24, Part
22 3) based on the ~~2014~~ 2017 National Electrical Code (NFPA); the ~~2016~~ 2019 California
23 Mechanical Code (Title 24, Part 4) based on the ~~2015~~ 2018 Uniform Mechanical Code
24 (IAPMO); the ~~2016~~ 2019 California Plumbing Code (Title 24, Part 5) based on the
25 ~~2015~~ 2018 Uniform Plumbing Code (IAPMO); the ~~2016~~ 2019 California Fire Code (Title
26 24, Part 9) based on the ~~2015~~ 2018 International Fire Code (IFC); the ~~2016~~ 2019
27 California Administrative Code (Title 24, Part 1); the ~~2016~~ 2019 California Energy
28 Code (Title 24, Part 6); the ~~2016~~ 2019 California Historical Building Code (Title

24, Part 8); the ~~2016~~ 2019 California Existing Building Code (Chapter 10; Title 24, Part 10); the ~~2016~~ 2019 California Green Building Standards Code (Cal Green, Title 24, Part 11) and the ~~2016~~ 2019 California Referenced Standards Code (Title 24, Part 12).

NOTE: The State of California officially adopted the ~~2016~~ 2019 California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical, Fire, Existing Building, Green Building Standards, and Referenced Standards Codes in July of this year, and they become mandatory at the local level effective January 1, ~~2017~~ 2020.

B. **Findings:** Pursuant to Sections 17958.5, 17958.7 and 18941.5 of the State of California Health and Safety Code, the Town of Paradise has determined and finds the attached amendments, additions and/or modifications are needed and are reasonably necessary because of its local climatic, geologic and topographical conditions.

C. **Local Conditions:** Local conditions have an adverse effect on the potential for life and property loss, making necessary changes and modifications to the ~~2016~~ 2019 California Building Standards Code in order to establish and maintain an environment which will provide the community a desirable level of protection.

1. Climatic Conditions:

1A. On average the Town of Paradise has an annual rainfall of fifty-two to fifty-four inches of rain. However, in the summer months there is little, if any measurable precipitation. Winter months can be characterized by heavy rains and periodic heavy snow falls with accumulations above the 1,800 foot level. During the year the temperatures range from the mid 20's to low 100's degrees in the

1 summer months with light to gusty westerly winds. These drying winds mixed with
2 the density of vegetation, which is dominant throughout the Town, creates a
3 hazardous fuel condition that can have severe consequences.

4
5 2. Geographical and Topographical Conditions:

6 2A. The Town of Paradise is located within Butte County in Northern California.
7 It is approximately 100 miles north of Sacramento and within 15 miles east from the
8 urban community of Chico. The Town of Paradise population is approximately 26,000+
9 and is the second largest community in Butte County. The Town encompasses 18.6
10 square miles and was incorporated in 1979. Prior to incorporation the Town was a
11 County mountain community with older construction of light commercial and
12 industrial with a predominant residential character.

13 2B. The Town of Paradise is located one thousand four hundred (1,400) to two
14 thousand two hundred feet (2,200) above sea level and is bordered by rugged
15 canyons, creating somewhat of a triangular shaped area in which the Town is
16 situated.

17 2C. This environment has natural vegetative growth that is dense, both in the
18 canyon areas and throughout the Town, which presents a challenge and difficulty in
19 fighting and controlling the spread of wildfires. The Town of Paradise has been
20 identified as a very high fire hazard severity zone pursuant to Government Code
21 Section 51178.5 and 51179 which is based upon the climatic, topographic and
22 geologic conditions combined with the dense vegetation throughout the Town.

23 2D. The topography of the Town presents problems in delivery of emergency
24 services, including fire protection. Hilly terrain with narrow, winding roads with
25 little circulation, limited escape routes, and limited ingress and egress to access
26 the Town prevents rapid access and orderly evacuations. There are many miles of
27 both public streets and private roads many of which were built years ago and many
28

of the private roads are substandard in design and access capability due to topography.

2E. Combined with these features all weather surfaces based upon the soil and topographic conditions may not be able to support the imposed loads of fire apparatus and reduced accessibility to emergency response personnel. These conditions increase the likelihood of difficulty with approach angles, steep slopes and grades and the ability for emergency response personnel to be effective.

D. **Conclusion:** Local climatic, geologic, and topographic conditions impact the built environment and necessitate amendments to the California Building Standards Code. Therefore, it is found to be reasonably necessary that the State Building Standards Codes be changed or modified to mitigate the effects of the above conditions by the adoption of this ordinance. Furthermore, California Health and Safety Code Section 17958.7 requires that the modifications or change be expressly marked and identified as to each finding to which it refers. Therefore, the Town of Paradise finds that Exhibit "A" attached hereto provides the code sections that have been modified pursuant to the ordinance that are building standards as defined in the Health and Safety Code Section 18909 and the associated referenced conditions or modifications are due to local climatic, geologic and topographical considerations.

Chapter 15.02

2016 2019 California Building Standards Code (Title 24, Part 2) Based upon the International Building Code (ICC)

Sections:

15.02.010 Adoption

~~**15.02.020 Chapter 1, Division II, Section 101.4 Referenced Codes, Amended**~~

~~15.02.030 Chapter 1, Division II, Section 101.4.1, Gas, Amended~~
~~15.02.040 Chapter 1, Division II, Section 101.4.2, Mechanical, Amended~~
~~15.02.050 Chapter 1, Division II, Section 101.4.3, Plumbing, Amended~~
~~15.02.055 Chapter 1, Division II, Section 101.4.4, Property maintenance, Deleted~~
~~15.02.060 Chapter 1, Division II, Section 101.4.5, Fire Prevention, Amended~~
~~15.02.070 Chapter 1, Division II, Section 103, Dept. of Building & Safety,~~
~~Deleted~~
15.02.0820 Chapter 1, Division II, Section 105.2 Work Exempt from Permits, Added
~~15.02.090 Chapter 1, Division II, Section 105.3.2 Time Limitation of Application,~~
~~Amended~~
~~15.02.100 Chapter 1, Division II, Section 105.5 Expiration, Amended~~
~~15.02.110 Chapter 1, Division II, Section 105.8, Transferability, Added~~
~~15.02.120 Chapter 1, Division II, Section 107.5 Retention of Construction~~
~~Documents, Amended~~
~~15.02.130 Chapter 1, Division II, Section 107.6 Expiration of Plan Review, Added~~
~~15.02.140 Chapter 1, Division II, Section 109.2 Schedule of Permit Fees, Amended~~
15.02.15040 Chapter 1, Division II, Section 109.4 Work Commencing Before Permit
Issuance, Amended
~~15.02.16050 Chapter 1, Division II, Section 109.6 Refunds, Amended~~
~~15.02.170 Chapter 1, Division II, Section 110.3.9.1 Special Inspectors, Added~~
~~15.02.180 Chapter 1, Division II, Section 110.4 Inspection Agencies, Amended~~
~~15.02.190 Chapter 1, Division II, Section 111.1 Use and Occupancy, Amended~~
~~15.02.200 Chapter 1, Division II, Section 112.3 Authority to Disconnect Service~~
~~Utilities, Amended~~
~~15.02.21060 Chapter 1, Division II, Section 114.4 Violation Penalties, Amended~~
15.02.22070 Chapter 2, Section 202, Definitions, Added
~~15.02.23080 Chapter 15, Section 1505.1.3 Roof Coverings, Amended~~
15.02.24090 Chapter 16, Section 1603.1.3 Roof Snow Loads, Amended

1 15.02.25100 Appendix "J", Section J101.1, Scope, Amended
2 15.02.26110 Appendix "J", Section J101.3 Purpose, Added
3 15.02.27120 Appendix "J", Section J101.4 Hazards Added
4 15.02.28130 Appendix "J", Section J102 Definitions, Amended
5 15.02.29140 Appendix "J", Section J103 Permits required, Amended
6 15.02.30150 Appendix "J", Section J104.2 Site Plan Requirements, Amended
7 15.02.3160 Appendix "J", Section J104.5 Bonds, Added
8 15.02.32170 Appendix "J", Section J105.3 Inspections, Added
9 15.02.33180 Appendix "J", Section J106.2 Rounding of cut slopes, Added
10 15.02.34190 Appendix "J", Section J106.3 Private road construction, Added
11 15.02.35200 Appendix "J", Section J106.3.1 Private road construction. Requirements,
12 Added
13 15.02.36210 Appendix "J", Section J107.7 Rounding of fill slopes, Added
14 15.02.37220 Appendix "J", Section J109.5 Overflow protection, Added
15 15.02.38230 Appendix "J", Section J110.3 Disturbed surfaces, Added
16 15.02.39240 Appendix "J", Section J110.4 Storm damage precautions, Added
17
18

18 Section 15.02.010 Adoption

19 The 2016 2019 California Building Standards Code, Part 2, Volumes 1 and 2,
20 including Appendices "B", "F", "G", "H", "I", "J", known as the California Building
21 Code, as published and adopted by the California Building Standards Commission,
22 including the Town's amendments, deletions and additions set forth in this Chapter,
23 is hereby adopted by reference and incorporated herein.

24 ~~Section 15.02.020 Chapter 1, Division II, Section 101.4, Referenced Codes, is~~
25 ~~amended to read as follows:~~

26 ~~The other codes listed in Sections 101.4.1 through 101.4.5 and referenced elsewhere~~
27 ~~in this code shall be considered part of the requirements of this code to the~~
28 ~~prescribed extent of each such reference unless otherwise amended herein.~~

~~Section 15.02.030 Chapter 1, Division II, Section 101.4.1, Gas, is amended to read as follows:~~

~~The provisions of the California Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.~~

~~Section 15.02.040 Chapter 1, Division II, Section 101.4.2, Mechanical, is amended to read as follows:~~

~~The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilation, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.~~

~~Section 15.02.050 Chapter 1, Division II, Section 101.4.3, Plumbing, is amended to read as follows:~~

~~The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, medical gas systems, fittings and appurtenances and, where connected to a water or sewage system.~~

~~Section 15.02.055 Chapter 1, Division II, Section 101.4.4, Property maintenance is hereby deleted in its entirety.~~

~~Section 15.02.060 Chapter 1, Division II, Section 101.4.5, Fire Prevention, is amended to read as follows:~~

~~The provisions of the California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling and use of structures, materials and~~

1 ~~devices; from conditions hazardous to life, property and or public welfare in the~~
2 ~~occupancy of structures or premises; and from the construction, extension, repair,~~
3 ~~alteration or removal of fire suppression and alarm systems or fire hazards in the~~
4 ~~structure or on the premises from occupancy or operation.~~

5 ~~**Section 15.02.070 Chapter 1, Division II, Section 103, Department of Building and**~~
6 ~~**Safety is hereby deleted in its entirety.**~~

7 ~~The Department of Building and Safety identifying the creation of an enforcement~~
8 ~~agency, appointments and Deputies is hereby deleted in its entirety.~~

9 ~~**Section 15.02.0820, Chapter 1, Division II, Section 105.2, Work Exempt from**~~
10 ~~**Permits, is added to read as follows,**~~

11 ~~14. Approved prefabricated carports which are entirely open on two or more sides,~~
12 ~~do not exceed 480 square feet in footprint, are installed in accordance with the~~
13 ~~manufacturer's instructions, and are located in compliance with applicable building~~
14 ~~or structure setbacks but not upon property located within the Town adopted~~
15 ~~Paradise Redevelopment Project area or a Paradise General Plan Scenic Highway~~
16 ~~Corridor.~~

17 ~~154. Floor sheathing, decking and exterior siding repair - limited to 100 square~~
18 ~~feet of floor sheathing or siding and less than 100 linear board feet of decking.~~

19 ~~165. Replacement, repair or overlay of less than 10% not to exceed 100 square feet~~
20 ~~of an existing roof within any 12-month period, all repairs shall be Class A only.~~

21 ~~**Section 15.02.090 Chapter 1, Division II, Section 105.3.2, Time Limitation of**~~
22 ~~**Application, is amended to read as follows:**~~

23 ~~An application for a permit for any proposed work shall expire one (1) year after~~
24 ~~the date of filing, unless the permit has been issued.~~

25 ~~**Section 15.02.100 Chapter 1, Division II, Section 105.5, Expiration, is amended to**~~
26 ~~**read as follows:**~~

27 ~~Every permit issued by the Building Official under the provisions of this code~~
28 ~~shall expire by limitation and become null and void after one (1) year from the~~

1 ~~date of issuance of such permit. Provided, however, that if the building or work~~
2 ~~authorized by such permit was commenced prior to such expiration and no changes~~
3 ~~have been made or will be made in the original plans and specifications for such~~
4 ~~building or work, a renewal permit shall be applied for at least thirty (30) days~~
5 ~~prior to the original permit expiration date for projects for which a plans~~
6 ~~examination was required. If application for a renewal permit has not been made~~
7 ~~prior to the thirty (30) days, or if work was not commenced pursuant to the~~
8 ~~original permit, a new permit application and fees shall be required. A renewed~~
9 ~~permit shall expire and becomes null and void one (1) year beyond the expiration~~
10 ~~date of the original or previously renewed permit.~~

11 **~~Section 15.02.110 Chapter 1, Division II, Section 105.8, Transferability, is added~~**
12 **~~to read as follows:~~**

13 ~~A permit may be transferred from the original permittee to another person due to a~~
14 ~~change of ownership, contractor, or death as long as there is no change in the~~
15 ~~original plans or specifications, authorization of the design professional, and a~~
16 ~~written notice is provided for and approved by the Town of Paradise Building~~
17 ~~Official.~~

18 **~~Section 15.02.120 Chapter 1, Division II, Section 107.5, Retention of Construction~~**
19 **~~Documents, is amended to read as follows:~~**

20 ~~One set of approved plans, specifications and computations shall be retained by the~~
21 ~~Building Official until completion of the work covered therein and then per the~~
22 ~~records retention requirements adopted by the Town; and one set of approved plans,~~
23 ~~specifications and computations shall be returned to the applicant and shall be~~
24 ~~kept on the site of the building or work at all times during which the work~~
25 ~~authorized thereby is in progress.~~

26 **~~Section 15.02.1030 Chapter 1, Division II, Section 107.6, Expiration of Plan~~**
27 **~~Review, is added to read as follows:~~**
28

Applications for which no permit has been issued shall expire one-year following the date of application, or on the effective date of a new Town adopted edition of any part of the California Building Standards Code, whichever comes later. Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Exception: Such applications shall not expire under the following circumstances:

1. If the Building Official determines the new code changes are minor, additional reviews of the plans to determine compliance with the new codes may be done in lieu of expiration. The normal hourly rate as determined by the Master Fee Schedule adopted by the Town of Paradise Town Council shall apply to any additional review.

2. Applications for which plans have been submitted as a result of a compliance investigation shall expire 180 days following the date of application. No extensions will be granted except in emergency situations approved prior to the expiration by the Building Official.

~~Section 15.02.140 Chapter 1, Division II, Section 109.2, Schedule of Permit Fees, is amended to read as follows:~~

~~On buildings, structures, electrical, gas, mechanical, fire protection systems, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the Master Fee Schedule as adopted by the Town of Paradise Town Council.~~

Section 15.02.15040 Chapter 1, Division II, Section 109.4, Work Commencing Before Permit Issuance, is amended to read as follows:

Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing system before first obtaining the necessary permits shall be subject to an investigation fee equal to the permit fee to be paid in addition

1 to the permit fee when obtaining the building permit. All fees must be paid prior
2 to release of the permit.

3 **Section 15.02.16050 Chapter 1, Division II, Section 109.6 Refunds, is amended to**
4 **read as follows:**

5 The Building Official may authorize refunding of a fee paid hereunder which was
6 erroneously paid or collected. The Building Official may authorize refunding of
7 not more than 80 percent of the permit or plan review fee paid when no work or plan
8 examination has been done under an application or permit issued in accordance with
9 this code, provided a written refund application is filed by the original permittee
10 prior to the expiration of the permit.

11 ~~Section 15.02.170 Chapter 1, Division II, Section 110.3.9.1 Special Inspectors, is~~
12 ~~added to read as follows:~~

13 ~~The Special Inspector shall be a qualified person approved by the Building Official~~
14 ~~after all certifications have been supplied, reviewed and approved by the Building~~
15 ~~Official regarding their qualifications. The Special Inspector shall furnish~~
16 ~~continuous inspection reports on the construction and work requiring his/her~~
17 ~~employment as prescribed in the applicable codes. The Special Inspector shall~~
18 ~~report to the Building Official in writing, noticing all code violations and other~~
19 ~~information as required on forms, prescribed and/or approved by the Building~~
20 ~~Official.~~

21 ~~Section 15.02.180 Chapter 1, Division II, Section 110.4 Inspection Agencies, is~~
22 ~~amended to read as follows:~~

23 ~~The Building Official is authorized to accept reports of approved inspection~~
24 ~~agencies, provided such agencies satisfy the requirements as to qualifications and~~
25 ~~reliability. The inspection agencies shall have written approval from the Building~~
26 ~~Official prior to any inspections. If written approval is not obtained prior to~~
27 ~~actual inspections, the Building Official may reject all inspections reports and~~
28 ~~the applicant shall cause to have all work re-inspected by an approved inspector.~~

~~Section 15.02.190 Chapter 1, Division II, Section 111.1 Use and Occupancy, is amended to read as follows:~~

~~A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval to violate any provisions of this code or other ordinance.~~

~~Section 15.02.200 Chapter 1, Division II, Section 112.3 Authority to Disconnect Service Utilities, is amended to read as follows:~~

~~The Building Official and/or the Fire Chief shall have the authority to authorize disconnection of utility services to buildings, structures or systems regulated by this code and the codes referenced in case of an emergency, where necessary to eliminate an immediate hazard to life, property or an immediate public health risk. The Building Official shall have the authority to authorize disconnection of utility service to buildings, structures or systems regulated by this code and the codes referenced when any building service equipment is maintained in violation of Section 101.4 of Chapter I, Division II, of the 2016 California Building Code, or of the codes adopted herein, or in violation of a notice issued pursuant to the provisions of Section 114 of Chapter I, Division II, of the 2016 California Building Code. The Building Official and/or Fire Chief shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.~~

~~Section 15.02.21060 Chapter 1, Division II, Section 114.4 Violation Penalties, is amended to read as follows:~~

~~(a) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equipment use.~~

1 occupy or maintain any real property, building, structure, or building service
2 equipment or cause or permit the same to be done in violation of Title 15 of the
3 Paradise Municipal Code (PMC), this code or the technical codes as amended and
4 adopted by the town. Any person who violates any of the provisions of Title 15 of
5 the PMC, this code or the technical codes adopted by this jurisdiction or fails to
6 comply with any order made there under, or who builds in violation of any detailed
7 statement of specifications or plans submitted or approved there under, or any
8 certificate or permit issued there under, and from which no appeal has been taken,
9 or who fails to comply with such an order as affirmed or modified by the Board of
10 Appeals or by a court of competent jurisdiction within the time fixed herein, is
11 severally for each violation or noncompliance respectively guilty of an infraction
12 punishable by a fine not to exceed one thousand dollars (\$1,000.00). Each separate
13 day or any portion thereof during which any violation occurs or continues is a
14 separate offense, and upon conviction thereof shall be punishable as provided in
15 this section. Any person, firm or corporation found guilty of any such violation
16 shall be fully responsible for all of the town's costs relating to the enforcement,
17 investigation and prosecution of the offender.

18 The imposition of a penalty for any violation or noncompliance shall not
19 excuse the violation of noncompliance or permit it to continue; and all such
20 persons shall be required to correct or remedy such violations or defects within a
21 reasonable time; and when not otherwise specified, each day that prohibited
22 conditions are maintained shall constitute a separate offense.

23 (b) The application of the above penalty shall not be held to prevent the enforced
24 removal of the prohibited conditions,

25 (c) The issuance or granting of a permit or approval of plans and specifications
26 shall not be deemed or construed to be a permit for, or an approval of, any
27 violation of any of the provisions of these codes and shall not prevent the
28 administrative authority from thereafter requiring the correction of errors in said

1 plans or specifications or from preventing construction operations being carried on
2 there under when in violation of these codes or any other ordinance or from
3 revoking any certificate of occupancy or approval when issued in error. No permit
4 presuming to give authority to violate or cancel the provisions of this chapter
5 shall be valid, except insofar as the work or use which it authorized is lawful.

6 (d) Any violation of the provisions of Title 15 or of the technical codes as
7 adopted by the town shall be and is hereby declared to be unlawful and a public
8 nuisance and may be abated in the manner provided by law.

9 (e) The Town Attorney shall, upon the order of the Town Manager or his/her
10 designee, immediately commence action or proceedings for the abatement and removal
11 and enjoinder of any violation of Title 15 or of any technical codes as adopted by
12 the town as provided by law, and shall take such action and shall apply to such
13 courts of competent jurisdiction to grant such relief as will abate and remove such
14 building or structure or use, and restrain and enjoin any person from setting up,
15 building, maintaining, or using such real property, building, structure, use or
16 occupancy contrary to this code or the technical codes.

17 **Section 15.02.22070 Chapter 2, Section 202, Definitions, the following have been**
18 **added:**

19 ~~Administrative Authority: Shall be the Building Official or his/her designee.~~

20 ~~Chief of the Bureau of Fire Prevention: Shall be the Fire Chief for the Town of~~
21 ~~Paradise.~~

22 ~~City: Shall be the Town of Paradise.~~

23 ~~Fire Code: Shall be the 2016 California Fire Code as adopted by the Town of~~
24 ~~Paradise.~~

25 New Construction: For the purposes of enforcing the provisions of the California
26 Fire Code, California Building Code, and the California Residential Building Code,
27 any work, addition to, remodel, repair, renovation, or alteration of any
28

1 building(s) or structure(s) shall be considered "New Construction" when 50 percent
2 or more of the exterior weight bearing walls are removed or demolished.

3 **Section 15.02.23080 Chapter 15, Section 1505.1.3, Roof Coverings, is amended to**
4 **read as follows:**

5 All roofing materials shall be installed in accordance with the manufacturer's
6 installation instructions. The entire roof covering of every new structure shall
7 be a minimum Class "A" roof covering. Any roof covering material applied in the
8 alteration, repair or replacement of the roof of the existing structure shall be a
9 minimum of a Class "A" roof covering. The entire roof covering of every existing
10 structure where more than 50 percent of the total roof area is replaced within a
11 one year period shall be a minimum of a Class "A" roof covering. The owner of any
12 structure regulated by this code shall comply with the provisions of this section
13 relating to roofing materials.

14 **Section 15.02.24090 Chapter 16, Section 1603.1.3 Roof Snow Loads, is amended to**
15 **read as follows:**

16 Snow loads full or unbalanced shall be considered in place of loads set forth in
17 Table No. 1607.1, where such loading will result in larger members and connections.
18 The minimum design snow load and roof live load for the Town of Paradise shall be
19 twenty (20) pounds per square foot below elevation 1,800 feet and thirty (30)
20 pounds per square foot at 1,800 feet and elevations above.

21 Potential accumulations of snow at roof valleys, parapets, roof structures and
22 offsets in roofs of uneven configuration shall be considered. Where snow loads
23 occur, the snow loads shall be determined by the Building Official.

24 **15.02.25100 Section J101.1 is amended to read as follows:**

25 Section J101.1. This chapter sets forth rules and regulations to control
26 excavation, grading and earthwork construction, including fills and embankments,
27 and erosion and sediment control; establishes the administrative procedure for
28

1 issuance of permits; and provides for approval of plans and inspection of grading,
2 erosion and sediment control operations.

3 **15.02.26110 Section J101.3 is amended to read as follows:**

4 Section J101.3. The purpose of this chapter is to safeguard life, limb, property
5 and the public welfare, and to preserve and enhance the natural environment by
6 preventing and eliminating conditions of accelerated erosion and by regulating
7 grading on private and public property in the incorporated areas of the Town of
8 Paradise.

9 **15.02.27120 Section J101.4 is added to read as follows:**

10 (a) Hazardous Conditions. Whenever the Building Official ~~and~~/or the Town Engineer
11 determines that any existing excavation, embankment or fill has become a hazard to
12 life and limb, or endangers structures, or adversely affects the safety, use, or
13 stability of a public way or drainage channel, the owner of the property upon which
14 the excavation, embankment, or fill is located, or other person or agent in control
15 of said property, upon receipt of notice in writing from the Building Official or
16 Town Engineer shall within the period specified therein repair, reconstruct or
17 remove such excavation, embankment, or fill so as to eliminate the hazard.

18 (b) Maintenance of Protective Devices and Rodent Control. The owner of any
19 property on which grading has been performed and a permit issued under the
20 provisions of this code, or any other person or agent in control of such property,
21 shall maintain in good condition and repair all drainage structures and other
22 protective devices and burrowing rodent control when shown on the grading plans
23 filed with the application for grading permit and approved as a condition precedent
24 to the issuance of such permit.

25 **15.02.28130 Section J102 Definitions.** The following definitions are amended or
26 added to Section J102 with all other definitions in the section remaining
27 unchanged:

Certifications Shall mean the specific inspections or tests required by the Building Official or Town Engineer have been performed and that the results of such tests are satisfactory and that all work complies with the conditions of the permits and the requirements of this Chapter.

Design Engineer Shall be the Civil Engineer responsible for the preparation of the plans for the grading work.

Drainage Course Shall be a well defined natural or man-made channel which conveys storm runoff either year round or intermittently.

Hazardous Condition Shall be any natural ground, natural slope, excavation, fill, drainage device or erosion control device on public or private property is a menace to life and limb, or a danger to public safety, or endangers or adversely affects the safety, usability or stability of adjacent property, structures, or public or private facilities.

Hill Area Shall be any part of the Town with street grades of ten percent (10%) or greater.

Landscape Architect Shall be a person who holds a certificate to practice landscape architecture in the State of California.

Natural Grade Shall be the vertical location of the ground surface prior to excavation or fill.

Soil Testing Agency Shall be an agency regularly engaged in the testing of soils under the direction of a Civil Engineer experienced in soil mechanics.

Surface Drainage Shall be water flows over the ground surface

15.02.29140 Section J103 Permits required, is amended to read as follows:

Section J103. No person shall do any grading, clearing or grubbing without first having obtained a grading permit from the Town Engineer except for the following:

1. An excavation which does not exceed two feet in vertical depth at its deepest point measured from the original ground surface and which does not create a

1 cut slope greater than four feet in height and steeper than one and one-half horizontal
2 to one vertical and does not exceed fifty cubic yards of material.

3 2. A fill that does not exceed one foot in vertical depth and is placed on
4 natural terrain with a slope flatter than five horizontal to one vertical at its
5 deepest point measured from the natural ground surface, or less than three feet in
6 depth, not intended to support structures, which do not exceed fifty cubic yards on
7 any one lot and does not change the existing drainage pattern.

8 3. Temporary excavations in a public street or right-of-way for which a
9 permit has been issued by the Department of Public Works.

10 4. An excavation below finish grade for a basement, footing, retaining wall,
11 swimming pool, or other structure authorized by a valid permit, which excavation will
12 be completely occupied by and retained by the structure authorized by valid building
13 permit.

14 5. A fill above existing grade, which fill will be retained by the exterior
15 wall of a building, a retaining wall, swimming pool or other structure authorized by
16 a valid building permit.

17 6. Gardening and routine agricultural crop management practices.

18 7. Excavations for utilities installed pursuant to permits issued by the
19 Building Department and/or the Department of Public Works.

20 8. Refuse disposal sites controlled by other regulations.

21 9. Mining, quarrying, excavating, processing, stockpiling of rock, sand,
22 gravel, aggregate or clay where established and provided for by law, provided such
23 operations do not affect the lateral support or increase the stresses in or pressure
24 upon any adjacent or contiguous buildings or property.

25 10. Exploratory excavations under the direction of soils engineers or
26 engineering geologist.

27 11. Routine maintenance of private roads.
28

1 12. Clearing of vegetation for fire protection purposes within one hundred (100)
2 feet of a dwelling unit. Any additional clearing for fire prevention, control or
3 suppression purposes is exempt when authorized or required in writing by a fire
4 prevention or suppression agency.

5 In addition, all excavations or fills that disturb one (1) acre or greater must
6 comply with the State Construction Stormwater Permit and supply a copy of the required
7 Storm Water Pollution Prevention Plan (SWPPP) to the Town Engineer.

8 **~~15.02.30~~150 Section J104.2 is amended to read as follows:**

9 Section J104.2 Information on Plans and in Specifications. Plans shall be drawn to
10 scale upon substantial paper and shall be of sufficient clarity to indicate the nature
11 and extent of work proposed and shown in detail that they will conform to provisions
12 of ordinances, rules and regulations. The first sheet shall give the location of the
13 work and the name and address of the owner and the person by whom they were prepared.

14 The plans shall include the following information:

15 1. Vicinity Map showing the project site in relationship to surrounding areas,
16 water courses, water bodies and other significant geographic features, roads and
17 structures.

18 2. Site Map and Grading plan showing: topographic and boundary survey with
19 existing and proposed contours, with enough off-site contours included to show how
20 surface water will flow onto and off the site; proposed limits of cuts and fills and
21 other earthwork; proposed retaining structures; existing off-site structures within
22 fifteen (15) feet of the site boundary and other off-site improvements, including but
23 not limited to underground utilities, septic systems, water wells and french drains
24 which may be affected by the grading work; public and private easements of record;
25 typical sections of areas to be graded and profiles of all proposed traveled ways for
26 vehicles and pedestrians; all proposed uses for the site; all proposed divisions;
27 rock disposal areas, buttress fills or other specials features.

1 3. Drainage plan showing: all drainage devices, walls, cribbing or other
2 protective devices and estimated runoff; building site including elevations of floors
3 with respect to finish site grade and locations of proposed stoops, slabs and fences
4 that may affect drainage.

5 4. A statement of the quantities of material to be excavated and/or filled
6 and the amount of such material to be imported to or exported from the site.

7 5. A statement of the estimated starting and completion dates for work
8 covered by the permit.

9 6. Erosion and Sediment control plans when required by the Town Engineer
10 shall be prepared by a Registered Civil Engineer or Certified Engineering Geologist
11 and shall include all the following:

12 (a) Interim measures designed to prevent excessive storm runoff of water
13 or solid materials onto adjacent property, streets or watercourses including, but not
14 limited to short term erosion control planting, waterproof slope covering, check dams,
15 interceptor ditches, benches, storm drains, dissipation structures, diversion dikes,
16 retarding berms and barriers, devices to trap, store and filter out sediment and storm
17 water retention basins.

18 (b) A narrative description of measure to be taken, planting materials
19 and specifications, maintenance provisions and fertilizers. A statement: the plans
20 are subject to change as conditions change.

21 (c) Calculations of anticipated storm water run off and sediment volumes
22 shall be included, if required by the Building Official or the Town Engineer.

23 (d) The name, address and contact telephone number of the person
24 responsible for emergency call out in the event of apparent danger to life or property
25 as determined by the Town Engineer or Building Official.

26 **15.02.31160 Section J104.5 is added to read as follows:**

27 Section J104.5 Bonds.

1 (a) Bond Requirements. Whenever an application for grading permit is filed for
2 the excavation or fill and the nature of the work is such that if left incomplete it
3 will create a hazard to human life or endanger adjoining property, or property at a
4 higher or lower level, or to any street or street improvement or any other public
5 property, the Town Engineer shall, before issuing the grading permit, require the
6 applicant to guarantee faithful performance and payment of labor and material in an
7 amount determined by the Town Engineer, which shall be not less than one hundred
8 percent (100%) of the total estimated cost of the work, including corrective work
9 necessary to remove or eliminate geological hazards. An additional cash deposit may
10 be required by the Town Engineer in the form of a cash bond sufficient to cover the
11 cost of site cleanup and debris removal. Where grading is required on property
12 adjacent to the grading site to complete a project satisfactorily, the owner of the
13 adjacent property need not provide additional security if the original guarantee is
14 of sufficient amount to include such additional grading. Each bond and agreement
15 shall remain in effect until the work authorized by the grading permit is completed
16 and approved by the Town Engineer.

17 (b) Type of Bond. A guarantee of faithful performance and payment of
18 labor and material, when required under the provisions of this section, shall be
19 provided by one of the following methods:

20 1. Bonds executed by the applicant, as principal, and a corporate surety
21 authorized to do business in the state, as surety, and in a form furnished by the
22 Town Engineer and approved by the Town Attorney.

23 2. A cash deposit with the Town.

24 3. An instrument or instruments of credit from one or more financial
25 institutions subject to regulation by the state or federal government pledging that
26 the funds necessary to meet the performance are on deposit and guaranteed for payment,
27 and an agreement that the funds designated by the instrument shall become trust funds
28

1 for the purpose of securing faithful performance and payment of labor and material.
2 The instrument of credit and agreement shall first be approved by the Town Attorney.

3 (c) Procedure on Default.

4 1. Whenever the Town Engineer finds that a default has occurred in the
5 performance of any term or condition of any grading permit, written notice of the
6 fact of default shall be given to the principal and to the corporate surety, financial
7 institution or the depositor, stating the work to be done and the period of time
8 deemed by the Town Engineer to be reasonably necessary for the completion of such
9 work. Thirty days after the receipt of such notice the principal or the surety shall
10 perform or cause the required work to be performed by commencing and diligently
11 prosecuting the work to its completion. If either or both of them fail to commence
12 such work within thirty (30) days, or having so commenced the work, fail, neglect or
13 refuse to proceed diligently to complete the same within the time so specified in the
14 notice, then the Town may enter the premises and do the work, and the cost and expense
15 of doing the work so specified shall be the obligation of the principal and the
16 surety, and shall be a part of the terms of the performance bond in consideration of
17 the issuance of the grading permit.

18 2. If a cash bond has been posted, notice of default as provided by
19 subdivision 1 of this subsection is given to the depositor, and if the depositor fails
20 to cause the required work to be resumed as set forth in the notice within thirty
21 (30) days after receipt thereof, the Town Engineer shall proceed without delay and
22 without further notice or proceedings whatsoever to use the cash deposited, or any
23 portion thereof, and cause the required work to be completed by such mode as he deems
24 convenient. The balance of such cash deposit, if any, shall, upon the completion of
25 the work, be returned to the depositor or his successor or assigns after deducting
26 ten percent (10%) thereof.

27 3. If an instrument of credit is used to guarantee performance, notice of
28 default shall be given, as provided in subdivision 1 of this subsection to the

principal and to the financial institution issuing the instrument of credit, and if the principal fails to cause the required work to be resumed as set forth in the notice within thirty (30) days after receipt thereof, the Town Engineer shall make a demand upon the financial institution for the payment of the estimated costs from the trust fund held by the financial institution pursuant to the agreement. Upon receipt of said sum, the Town Engineer shall proceed without delay and without further notice or proceedings whatsoever to use the sum, or any portion thereof, and cause the required work to be completed by such mode as he deems convenient. The balance of such sum, if any, shall, upon the completion of the work, be returned to the financial institution, its successors or assigns, after deducting ten percent (10%) thereof; but if the financial institution fails or refuses to pay over said sum, then the Town Engineer shall proceed as in subdivision 1 of this subsection and shall look to said institution for the costs and expenses of the work, and the contractual liability of such institution therefore shall be a term or condition of its agreement.

15.02.32170 Section J105.3 is added to read as follows:

Section J105.3 Inspections. The owner or his agent shall notify the Town Engineer twenty-four (24) hours in advance of the time when the grading operation is ready for each of the following inspections:

1. Initial inspection. When the permittee is ready to begin work, but before any grading or brushing is started;
2. Toe Inspection. After the natural ground is exposed and prepared to receive fill, but prior to the placement of any fill;
3. Excavation Inspection. After the excavation is started, but before the vertical depth of the excavation exceeds ten (10) feet;
4. Fill Inspection. After the fill emplacement is started, but before the vertical height of the lifts exceeds ten (10) feet;
5. Drainage Device Inspection. After forms, pipe and wire mesh are in place, but before any concrete is placed;

6. Final Inspection. When all work, including installation of all drainage structures, other protective devices, irrigation systems, planting and slope stabilization has been completed as per the approved grading plan and required reports have been submitted;

7. Other Inspection. In addition to the called inspections above, the Town Engineer may make periodic inspections of the grading operations to ascertain compliance with the provisions of this chapter.

15.02.33180 Section J106.2 is added to read as follows:

Section J106.2 Rounding of cut slopes. All cut slopes shall be rounded into the existing terrain to produce a contoured transition from cut face to natural ground where conditions permit.

15.02.34190 Section J106.3 is added to read as follows:

Section J106.3 Private Road Construction. All private road construction shall conform to the requirements of Section J106.4.1.

15.02.35200 Section J106.3.1 is added to read as follows:

Section J106.3.1 Private Road Construction. (1) All private road construction involving grading shall be done under permit pursuant to the provisions of this section and shall be subject to the requirements stated in the Town of Paradise Resolution titled, "Public and Private Road Standards of the Town of Paradise."

15.02.36210 Section J107.7 is added to read as follows:

Section J107.7 Rounding of Fill Slopes. All fill slopes shall be rounded into the existing terrain to produce a contoured transition from fill face to natural ground where conditions permit.

15.02.37220 Section J109.5 is added to read as follows:

Section J109.5 Overflow Protection. Berms, swales or other devices shall be provided at the top of cut or fill slopes to prevent surface waters from overflowing onto and damaging the face of the slope. Gutters or other special drainage controls shall be

provided where the proximity of runoff from buildings or other structures is such as to pose a potential hazard to slope integrity.

15.02.38230 Section J110.3 is added to read as follows:

Section J110.3 Disturbed Surfaces. All disturbed surfaces resulting from grading operations shall be prepared and maintained to control erosion. This control may consist of effective planting such as rye grass, barley or some other fast germinating seed. The Town Engineer may require watering of planted areas to assure growth. Dust from grading operations must be controlled. The owner or contractor may be required to keep adequate equipment on the grading site to prevent dust problems.

15.02.39240 Section J110.4 is added to read as follows:

Section J110.4 Storm Damage Precautions.

1. The period between the first day of October and the following fifteenth day of April is found and determined to be the period in which heavy rainfall normally occurs in the Town. During this period, no grading work in excess of two hundred fifty (250) cubic yards may be commenced on any single grading site if the Town Engineer determines by inspection that such work will endanger the public health or safety.

2. If grading operations are to be conducted during such period, plans for erosion control devices shall be submitted to the Town Engineer and design approval obtained prior to starting work.

3. All persons performing any grading operations during such period shall put into effect all safety precautions which are necessary to protect public and private property and access ways. All loose dirt shall be removed from the grading site and adequate anti-erosion or drainage devices, debris basins, or other safety devices shall be installed to protect persons and property from damage of any kind. All temporary erosion control devices, including desilting basins, shall be installed and be operative no later than the first day of November of each year.

Chapter 15.03

~~2016~~ 2019 California Residential Code (Title 24, Part 2.5) Based upon the ~~2015~~ 2018

International Residential Code (ICC)

Sections

15.03.010 Adoption

~~15.03.020 Chapter 1, Division II, Section R101.2, Scope, Amended~~

~~15.03.030 Chapter 1, Division II, Section R102.1, General, Amended~~

15.02.03520 Chapter 1, Division II, Section R105.2 Work Exempt from Permits, Added

~~15.03.040 Chapter 1, Division II, Section R105.3.2, Time Limitation of~~

~~Application, Amended~~

15.03.0530 Chapter 1, Division II, Section R108.5, Refunds, Amended

15.03.0640 Chapter 1, Division II, Section R108.6, Work Commencing before Issuance
of Permit, Amended

15.03.0750 Chapter 2, Section 202, Definitions, Added

15.03.0860 Chapter 3, Section R313.2, One and Two Family Dwellings Automatic Fire
Sprinkler Systems, Amended

15.03.0970 Chapter 3, Section R313.2.2 Alarms, Added

15.03.09580 - Chapter 3, Section R337.1.3, Exceptions 1 & 2: Accessory Structures
and Section R337.5.4 Roof Gutters, amended

~~15.03.1090~~ Chapter 9, Section R902.1, Roof Covering Material, Amended

Section 15.03.010 ~~2016~~ 2019 California Residential Code Title 24, Part 2.5, is
adopted as follows:

The ~~2016~~ 2019 California Residential Code, Title 24, Part 2.5 including Appendices
"H", "J", "K", "Q", and "V" known as the California Residential Code, as published
and adopted by the California Building Standards Commission, including the Town's

amendments and additions, is hereby adopted by reference and incorporated herein as if fully set forth.

~~Section 15.03.020, Chapter 1, Division II, Section R101.2, Scope, is amended to read as follows:~~

~~The provisions of the California Residential Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one and two family dwellings and town houses not more than three stories above grade plane in height with a separate means of egress and their accessory structures.~~

~~Section 15.03.030, Chapter 1, Division II, Section R102.1, General, is amended to read as follows:~~

~~Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where in any specific case, different sections of the code specify different materials, methods of construction or other requirements the most restrictive shall govern. Where in any specific case, the California Residential Code does not have a provision that is included in the California Residential Code that would be applicable due to the type or method of construction the California Building Code provisions will apply.~~

Section 15.02.03520, Chapter 1, Division II, Section R105.2, Work Exempt from Permits, is added to read as follows:

~~14. Approved prefabricated carports which are entirely open on two or more sides, do not exceed 480 square feet in footprint, are installed in accordance with the manufacturer's instructions, and are located in compliance with applicable building or structure setbacks but not upon property located within the Town adopted Paradise Redevelopment Project area or a Paradise General Plan Scenic Highway Corridor.~~

154. Floor sheathing, decking and exterior siding repair - limited to 100 square feet of floor sheathing or siding and less than 100 linear board feet of decking.

1 165. Replacement, repair or overlay of less than 10% not to exceed 100 square feet
2 of an existing roof within any 12-month period, all repairs shall be Class A only.

3 ~~Section 15.03.040, Chapter 1, Division II, Section R105.3.2, Time Limitation of~~
4 ~~Application, is amended to read as follows:~~

5 ~~An application for a permit for any proposed work shall expire one (1) year after~~
6 ~~the date of filing, unless the permit has been issued.~~

7 **Section 15.03.0530 Chapter 1, Division II, Section R108.5, Refunds, is amended to**
8 **read as follows:**

9 The Building Official may authorize refunding of a fee paid hereunder which was
10 erroneously paid or collected. The Building Official may authorize refunding of
11 not more than 80 percent of the permit or plan review fee paid when no work or plan
12 examination has been done under an application or permit issued in accordance with
13 this code, provided a written refund application is filed by the original permittee
14 prior to the expiration of the permit.

15 **Section 15.03.0640 Chapter 1, Division II, Section R108.6, Work Commencing Before**
16 **Permit Issuance, is amended to read as follows:**

17 Any person who commences any work on a building, structure, electrical, gas,
18 mechanical, or plumbing system before first obtaining the necessary permits shall
19 be subject to a penalty equal to the permit fee to be paid in addition to the
20 permit fee when obtaining the building. All fees must be paid prior to release of
21 the permit.

22 **Section 15.03.0750 Chapter 2, Section 202, Definitions, added:**

23 New Construction: For the purposes of enforcing the provisions of the California
24 Fire Code, California Building Code, and the California Residential Building Code,
25 any work, addition to, remodel, repair, renovation, or alteration of any
26 building(s) or structure(s) shall be considered "New Construction" when 50 percent
27 or more of the exterior weight bearing walls are removed or demolished.

Section 15.03.0860 Chapter 3, Section R313.2, One and Two Family Dwellings

Automatic Fire Sprinkler Systems, is amended to read as follows:

An automatic residential fire sprinkler system meeting the requirements of NFPA 13D or 13R and Title 24, Part Two, California Building Code, Chapter 9 shall be installed in all new Residential occupancies.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing building that are not already equipped with an automatic residential fire sprinkler system. Any detached ~~Residential occupancy building accessory to a single or two family building intended for intermittent use~~ "guest house" as defined in Title 17 of the Paradise Municipal Code and less than 640 square feet will not require a residential fire sprinkler system.

Section 15.03.0970 Chapter 3, Section R313.2.2 Alarms, added:

One exterior approved audible sprinkler water flow alarm device shall be connected to every automatic fire sprinkler system in an approved location. Such device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system.

Multipurpose Piping Sprinkler System: In this system, the piping is intended to serve both domestic needs and the fire protection needs from one common piping system throughout the dwelling unit. A passive purge system is a multipurpose type, where a single toilet (or multiple toilets) is supplied in addition to the fire sprinklers. A single check valve is required in this type of system. Water flow device shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Water flow device may have an alarm delay of no more than 90 seconds.

15.03.09580 - Chapter 3, Section R337.1.3, Exceptions 1 & 2: Accessory Structures and Section R337.5.4 Roof Gutters, amended:

R337.1.3, Exception 1: Buildings of an accessory character classified as Group U occupancy and not exceeding 120 square feet in floor area, when located at least 30 feet from an applicable building (as written in current code).

R337.1.3, Exception 2: Buildings of an accessory character classified as Group U occupancy exceeding 120 square feet in size, based on the exterior measurements of the structure, shall comply with Section R337 and Wildland Urban Interface requirements.

R337.5.4: Roof gutters of a non-combustible material shall be provided with means of preventing accumulation of leaves and debris in the gutter.

Section 15.03.1090 Chapter 9, Section 902.1, Roofing Covering Material, is amended to read as follows:

All roofing materials shall be installed in accordance with the manufacturer's installation instructions. The entire roof covering of every new structure shall be a minimum Class "A" roof covering. Any roof covering material applied in the alteration, repair or replacement of the roof of the existing structure shall be a minimum of a Class "A" roof covering. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within a one year period shall be a minimum of a Class "A" roof covering. The owner of any structure regulated by this code shall comply with the provisions of this section relating to roofing materials

Chapter 15.04

~~2016~~ 2019 California Electrical Code (Title 24, Part 3) Based upon the ~~2014~~ 2017

National Electrical Code (NFPA)

Sections

15.04.010 Adoption

Section 15.04.010 ~~2016~~ 2019 California Electrical Code, Title 24, Part 3, is adopted as follows:

The ~~2016~~ 2019 California Building Standards Code, Title 24, Part 3, California Electrical Code, including the informative Appendices A, B, C, D, F, G, as published and adopted by the California Building Standards Commission, is adopted by reference and incorporated herein as if fully set forth in this chapter.

Chapter 15.05

~~2016~~ 2019 California Mechanical Code (Title 24, Part 4) Based on the ~~2015~~ 2018
Uniform Mechanical Code (IAPMO)

Sections

15.05.010 Adoption

Section 15.05.010 ~~2016~~ 2019 California Mechanical Code (Title 24, Part 4), is adopted as follows:

The ~~2016~~ 2019 California Building Standards Code, Title 24, Part 4, California Mechanical Code including Appendices B,C, and D as published and adopted by the California Building Standards Commission is adopted by reference and incorporated herein as if fully set forth in this chapter.

Chapter 15.06

~~2016~~ 2019 California Plumbing Code (Title 24, Part 5) Based upon the ~~2015~~ 2018
Uniform Plumbing Code (IAPMO)

Sections

15.06.010 Adoption

Section 15.06.010 ~~2016~~ 2019 California Plumbing Code (Title 24, Part 5), is adopted as follows:

1 The ~~2016~~ 2019 California Building Standards Code, Title 24, Part 5, California
2 Plumbing Code, including Appendices A, B, G, I, and J as published and adopted by
3 the California Building Standards Commission is adopted by reference and
4 incorporated herein as if fully set forth in this chapter.

6 Chapter 15.07

7 ~~2016~~ 2019 California Energy Code (Title 24, Part 6)

9 Sections

10 15.07.010 Adoption

11 Section 15.07.010 ~~2016~~ 2019 California Energy Code (Title 24, Part 6), is adopted
12 as follows:

13 The ~~2016~~ 2019 California Building Standards Code, Title 24, Part 6, California
14 Energy Code, including Appendices 1-A and 1-B as published and adopted by the
15 California Building Standards Commission is adopted by reference and incorporated
16 herein as if fully set forth in this chapter.

18 Chapter 15.08

19 ~~2016~~ 2019 California Historical Building Code (Title 24, Part 8)

21 Sections

22 15.08.010 Adoption

23 Section 15.08.010 ~~2016~~ 2019 California Historical Building Code (Title 24, Part 8),
24 is adopted as follows:

25 The ~~2016~~ 2019 California Building Standards Code, Title 24, Part 8, California
26 Historical Building Code, including Appendix A as published and adopted by the
27 California Building Standards Commission is adopted by reference and incorporated
28 herein as if fully set forth in this chapter.

Chapter 15.09

~~2016~~ 2019 California Fire Code (Title 24, Part 9)

Sections

- 15.09.010 Adoption
- 15.09.020 Chapter 1, Division II, Section 103, Dept. of Fire Prevention, Amended
- 15.09.030 Chapter 1, Division II, Section 105.2.3, Time Limitation of Application, Amended
- 15.09.040 Chapter 1, Division II, Section 105.6.29 Miscellaneous Combustible Storage, Amended
- 15.09.050 Chapter 1, Division II, Section 109.4 Violation Penalties, Amended
- 15.09.060 Chapter 1, Division II, Section 111.4 Failure to Comply, Amended
- 15.09.070 Chapter 1, Division II, Section 113.3 Work commencing before permit issuance.
- 15.09.080 Chapter 1, Division II, Section 113.5 Refunds, Amended
- 15.09.090 Chapter 2, Definitions, Added
- 15.09.100 Chapter 3, Section 307.1, General Open Burning, Added
- 15.09.110 Chapter 3, Section 308.6.3 Sky Lantern or similar devices, Added
- 15.09.120 Chapter 5, Section 503.2.1 Dimensions, Amended
- 15.09.130 Chapter 5, Section 503.2.3, Surface, Amended
- 15.09.140 Chapter 5, Section 503.4.1 Roadway Design Features, Added
- 15.09.150 Chapter 5, Section 503.6 Gates, Amended
- 15.09.160 Chapter 5, Section 505.3, Map/Directory, Added
- 15.09.170 Chapter 5, Section 507.1.2, Required Water Supply, Added
- 15.09.180 Chapter 5, Section 510.6.1 Testing and proof of compliance, Amended
- 15.09.190 Chapter 9, Section 901.4.2, Non-required Fire Protection Systems, Amended

1 15.09.200 Chapter 23, Section 2306.2.3, Aboveground Storage Tanks, Amended
2 15.09.210 Chapter 56, Fireworks, Deleted and Referred
3 15.09.220 Appendix B, Section B105.2 Exception 1.Reduced Fire Flow, Amended
4 15.09.230 Appendix C, Table C105.1, Distribution of Fire Hydrants, Amended
5 15.09.240 Appendix D, Table D103.4, Dead End Access, Amended
6

7 **Section 15.09.010 ~~2016~~ 2019 California Fire Code (Title 24, Part 9), is adopted as**
8 **follows:**

9 The ~~2016~~ 2019 California Building Standards Code, Title 24, Part 9, including
10 Appendix Chapters 4, "B", "BB", "C", "CC", "D", "E", "F", "G", "H", "I", "K" and
11 "N" known as the California Fire Code, as published and adopted by the California
12 Building Standards Commission, including the Town's amendments and additions, is
13 hereby adopted by reference and incorporated herein as if fully set forth.

14 **Section 15.09.020 Chapter 1, Division II, Section 103, Dept. of Fire Prevention, is**
15 **amended to read as follows:**

16 The California Fire Code shall be enforced by the Fire Prevention Bureau within the
17 Town of Paradise which is hereby established and which shall be operated under the
18 direction of the Fire Chief of the Fire Department. The Fire Chief of the Fire
19 Department may detail to the fire prevention bureau such members of the Fire
20 Department as may from time to time be necessary. The Fire Chief of the Fire
21 Department shall review, authorize, or require technical experts as may be
22 necessary in order to ensure that life and property protection requirements have
23 met the requirements of this and all other Title 24 codes and standards.

24 Sections 103.1; 103.2; and 103.3 are hereby deleted in their entirety.

25 **Section 15.09.030 Chapter 1, Division II, Section 105.2.3, Time Limitation of**
26 **Application, is amended to read as follows:**

27 An application for a permit for any proposed work shall expire one (1) year after
28 the date of filing, unless the permit has been issued.

1 **Section 15.09.040 Chapter 1, Division II, Section 106.6.29, Miscellaneous**

2 **Combustible Storage, is amended to read as follows:**

3 An operational permit is required to store in any building or upon any premises in
4 excess of 2,500 cubic feet gross volume of combustible empty packing cases, boxes,
5 barrels or similar containers, rubber tires, rubber, cork, firewood (retail or
6 storage) or similar combustible material.

7 **Section 15.09.050 Chapter 1, Division II, Section 109.3, Violation Penalties, is**
8 **amended to read as follows:**

9 Persons who shall violate a provision of this code or shall fail to comply with any
10 of the requirements thereof or shall erect, install, alter, repair or do work in
11 violation of the approved construction documents or directive of the fire code
12 official, or of a permit or certificate issued under the provisions of this code,
13 shall be subject to penalties as set forth in section 15.02.210. Each day that a
14 violation continues after due notice has been served shall be deemed a separate
15 offense.

16 **Section 15.09.060 Chapter 1, Division II, Section 111.4, Failure to Comply, is**
17 **amended to read as follows:**

18 Any person who shall continue any work after having been served with a stop work
19 order, except such work as that person is directed to perform to remove a violation
20 or unsafe condition, shall be liable to a fine of not less than \$100 or more than
21 \$500.

22 **Section 15.09.070 Chapter 1, Division II, Section 113.3, Work commencing before**
23 **permit issuance, is amended to read as follows:**

24 Any person who commences any work, activity or operation regulated by this code
25 before obtaining the necessary permits shall be subject to an investigation fee
26 that is equal to 50% of the original permit fee, which shall be in addition to the
27 required permit fees.

1 **Section 15.09.080 Chapter 1, Division II, Section 113.5, Refunds, is amended to**
2 **read as follows:**

3 The Fire Marshal may authorize refunding of a fee paid hereunder which was
4 erroneously paid or collected. The Fire Marshal may authorize refunding of not
5 more than 80 percent of the permit or plan review fee paid when no work or plan
6 examination has been done under an application or permit issued in accordance with
7 this code, provided a written refund application is filed by the original permittee
8 prior to the expiration of the permit.

9 **Section 15.09.090 Chapter 2, Section 202, Definitions, Sky Lantern, is added as**
10 **follows:**

11 SKY LANTERN: An unmanned device with a fuel source that incorporates an open flame
12 in order to make the device airborne.

13 New Construction: For the purposes of enforcing the provisions of the California
14 Fire Code, California Building Code, and the California Residential Building Code,
15 any work, addition to, remodel, repair, renovation, or alteration of any
16 building(s) or structure(s) shall be considered "New Construction" when 50 percent
17 or more of the exterior weight bearing walls are removed or demolished.

18 **Section 15.09.100 Chapter 3, Section 307.1, General Open Burning, is amended to**
19 **read as follows:**

20 Burn permits are required for all outdoor burning within the Town of Paradise
21 limits with the exception of barbeque equipment used for the preparation of food
22 and outdoor fireplaces or warming devices used in accordance with the manufacturers
23 specifications, approved screening not to exceed 3/8 inch opening and in a safe
24 manner.

25 Residential Burn Permits: Permits shall be issued annually, March 1st through May
26 31, and for one month in the fall and or as determined by the Fire Chief and a fee
27 in accordance with the Master Fee schedule of the Town of Paradise shall be
28 charged. Permits shall only be valid for the address, and name of the individual

1 cited on the permit. Permits shall not be transferable to other addresses or
2 individuals. Permits may be issued to persons to perform maintenance on
3 residential property, providing the owner of the residential property has given
4 their written consent and that is produced and verified as to the owner of record.
5 The owner shall be responsible for the cost of a Fire Department response caused by
6 the maintenance person as a result of an escape burn in violation of the rules of
7 the burn permit on behalf of the maintenance person. Residential burn permits
8 shall be issued for parcels containing one and two family residence, for which an
9 address has been issued by the Town of Paradise, and only for the purpose of
10 maintenance of vegetation growth on the parcel. Garbage, rubbish, demolition,
11 construction debris, lumber, painted or treated lumber, plywood, particle board,
12 petroleum waste, tires, plastics, cloth or other similar smoke producing materials
13 are strictly prohibited from being burned. All requirements provided for on the
14 burn permit must be followed at all times. Residents shall burn only on those days
15 specified in the permit for either the East or West Side of the Town. Burn bans
16 shall be strictly adhered to. Failure to follow the burn ban restrictions may
17 result in the requirements of Section 109.3 as amended to apply and any emergency
18 response cost recovery.

19 Land Clearing Permits: Land clearing permits are issued on an annual basis to
20 coincide with the time when open, outdoor burning is permitted, March 1st through
21 May 31, and for one month in the fall and or as determined by the Fire Chief. Land
22 clearing permits expire when seasonal burn bans go into effect in the late spring
23 of each year and shall be null and void. Persons burning on the property for which
24 a permit is issued shall be responsible for following all of the requirements of
25 that permit until the permit has expired or is revoked. The Fire Department may
26 revoke the permit at any time due to unsafe conditions, practices, or violations of
27 the permit. Burning of wood waste from trees, vines, or bushes on property being
28 developed for commercial or residential purposes, may be disposed of by open

1 outdoor fires on the property where it was grown, pursuant to the provisions of
2 section 41802-41805 of the California Health and Safety Code and in compliance with
3 the conditions of Butte County Air Quality Management District Rule 300, and
4 authorized by the Town of Paradise Fire Department. Permits are required by both
5 agencies prior to burning. All burning times must be strictly adhered to otherwise
6 it may require another method of disposal. The land clearing burn site must be
7 determined and inspected prior to releasing the permit by the Paradise Fire
8 Department. This site must be the only site authorized to burn once the permit is
9 issued. Any changes in site location will require additional inspections and fees.
10 The owner shall be responsible for the cost of a Fire Department response caused by
11 the maintenance person as a result of an escape burn in violation of the rules of
12 the burn permit on behalf of the maintenance person. Garbage, rubbish, demolition,
13 construction debris, lumber, painted or treated lumber, plywood, particle board,
14 petroleum waste, tires, plastics, cloth or other similar smoke producing materials
15 are strictly prohibited from being burned.

16 Fuel Reduction Permits: Fuel reduction permits are issued for parcels 2/3 acre or
17 larger on an annual basis to coincide with the non-fire season when open, outdoor
18 burning is permitted, March 1st through May 31, and for one month in the fall and or
19 as determined by the Fire Chief. Fuel reduction permits expire when the seasonal
20 burn ban goes into effect in the late spring of each year. Persons burning on the
21 property for which the permit is issued shall be responsible for following all of
22 the requirements of that permit as indicated until the permit expires or is
23 revoked. The Fire Department may revoke the permit at any time due to unsafe
24 burning conditions, practices, or violations of the permit. Burning of wood waste
25 from trees, vines, or bushes on existing improved property, may be disposed of by
26 open outdoor fires on the property where it was grown, pursuant to the provisions
27 of section 41802-41805 of the California Health and Safety Code and in compliance
28 with the conditions of Butte County Air Quality Management District Rule 300, and

1 authorized by the Town of Paradise Fire Department. All burning times must be
2 strictly adhered to otherwise it may require another method of disposal. The fuel
3 reduction burn site must be determined and inspected prior to releasing the permit
4 by the Paradise Fire Department. This site must be the only site authorized to
5 burn once the permit is issued. Any changes in site location will require
6 additional inspections and fees. The owner shall be responsible for the cost of a
7 Fire Department response caused by the maintenance person as a result of an escape
8 burn in violation of the rules of the burn permit on behalf of the maintenance
9 person. Garbage, rubbish, demolition, construction debris, lumber, painted or
10 treated lumber, plywood, particle board, petroleum waste, tires, plastics, cloth or
11 other similar smoke producing materials are strictly prohibited from being burned.
12

13 Campfires/Bon Fires/Recreational Fires and Special Event Fires: Permits are
14 required for these activities and a permit fee will be charged in accordance with
15 the Master Fee schedule adopted by the Town Council. A minimum of 48 hours notice
16 is required for the inspection. Such activities shall be in strict conformance
17 with the requirements provided for on the permit and the requirements within
18 Section 307 of the California Fire Code. Permits are only issued March 1st through
19 May 31st of each year. Permits will not be issued after May 31st, unless they are
20 approved by the Fire Chief.

21 **Section 15.09.110 Chapter 3, Section 308.6.3, is added to read as follows:** Sky
22 Lanterns or similar devices. The ignition and/or launching of a Sky Lantern or
23 similar device is prohibited. **Exceptions:** Upon approval of the fire code official,
24 sky lanterns may be used as necessary for religious or cultural ceremonies
25 providing that adequate safeguards have been taken as approved by the fire code
26 official. Sky Lanterns must be tethered in a safe manner to prevent them from
27 leaving the area and must be constantly attended until extinguished.
28

1 **Section 15.09.120 Chapter 5, Section 503.2.1 Dimensions,** is amended to read as
2 follows: Fire apparatus access roads shall have an unobstructed width of not less
3 than 20 feet, exclusive of shoulders, except for approved security gates in
4 accordance with Section 503.6, and an unobstructed vertical clearance of not less
5 than 13 feet 6 inches. Exception: Residential driveways shall comply with Town of
6 Paradise Road Standards.

7 **Section 15.09.130 Chapter 5, Section 503.2.3, Surface,** is amended to read as
8 follows:

9 Fire apparatus access roads shall be designed and maintained to support the imposed
10 load of fire apparatus at 75,000 pounds and shall be surfaced so as to provide all-
11 weather driving capabilities.

12 **Section 15.09.140 Chapter 5, Section 503.4.1, Roadway Design Features,** is added to
13 read as follows:

14 Roadway design features (speed bumps, speed humps, speed control dips, etc.) which
15 may interfere with emergency apparatus responses shall not be installed on fire
16 apparatus access roadways.

17 **Section 15.09.150 Chapter 5, Section 503.6, Gates,** is amended to read as follows:

18 The installation of security gates across a fire apparatus access road shall be
19 approved by the Fire Marshal. Where security gates are installed, they shall have
20 an approved means of emergency operation. The emergency gates and emergency
21 operation shall be maintained operational at all times. Electric gate operators
22 are required when serving five or more residential lots, Assembly occupancies,
23 Hazardous occupancies, Institutional occupancies, and Storage occupancies and shall
24 be listed in accordance with UL 325. Gates intended for automatic operation shall
25 be designed, constructed and installed to comply with the requirements of ASTM F-
26 2200. Access keypads shall be provided that are coded with the fire department
27 emergency access code as specified. Plans and specifications shall be submitted
28 for review and approval by the Fire Prevention Bureau prior to installation.

Section 15.09.160 Chapter 5, Section 505.3, Map/Directory, is added to read as follows:

A lighted directory map, meeting current Fire Department standards, shall be installed at each driveway entrance to a multiple unit residential project and mobile home parks, where the number of units in such projects exceeds 15.

Section 15.09.170 Chapter 5, Section 507.1.2, Required Water Supply, is added to read as follows:

Group R Division 3 Occupancies (Residential one and two family dwellings, mobile homes, manufactured housing, or modular home) shall comply with the fire flow requirements of Appendix "B". Fire Flow may be reduced to 750 GPM at 20 PSI for two hours when the unit is fully protected in accordance with NFPA 13D and there are no exposures of other buildings within twenty (20) feet of each other; otherwise the minimum required water supply capability will be in accordance with Appendix "B". In no case shall the water supply capability be less than 1000 GPM at 20 PSI for two hours within the requirements found in Appendix "B".

The required water supply for a detached "U" occupancy accessory to a Residential one and two family dwelling is not required to meet the water supply requirements of Appendix "B" if the "U" occupancy is less than 1500 square feet and separated from the dwelling unit by a minimum of 20 feet. If both requirements cannot be met then the requirements of Appendix "B" will apply.

Section 15.09.180 Chapter 5, Section 510.6.1 Testing and proof of compliance, is added to read as follows:

5. At the conclusion of the testing, a report, which shall verify compliance with Section 510.5.4, shall be submitted to the fire code official. In addition, one complete copy of the report shall be posted in the building, on the wall immediately adjacent to the Fire Alarm Control Panel.

Section 15.09.190 Chapter 9, Section 901.4.2, Non-required Fire Protection Systems, is amended to read as follows:

Any fire protection system not required by this code or the California Building Code shall be allowed to be furnished for complete protection only provided such installed system meets the requirements of this code and the California Building Code.

Section 15.09.200 Chapter 22, Section 2306.2.3, Aboveground Storage Tanks, is amended to read as follows:

The storage of class I, II, and III liquids in aboveground tanks outside of buildings is prohibited in all areas of the Town except in areas zoned as Industrial Services (I.S.).

Exception: The installation of approved listed above ground storage tanks shall be allowed in areas zoned for commercial purposes. Such tanks shall meet with State and County Environmental codes, and the California Fire and Building Code requirements. Aggregate quantities and type(s) of liquid(s) to be stored shall not exceed 2,000 gallons. Tanks shall be located outside of buildings and in accordance with the requirements of the California Fire and Building Codes. On those rare occasions when there may be need for additional tank capacity beyond the 2,000 gallons, the applicant can submit a written request to the Fire Marshal. The Fire Marshal, after evaluating the circumstances, shall have the authority to modify the conditions to the installation of such tanks. Above ground storage tanks used only for heating fuels to heating appliances in areas zoned residential shall meet the requirements of the California Fire Code and the Town of Paradise Administrative policy but in no case shall tanks exceed 250 gallons.

Section 15.09.210 Chapter 56, Fireworks, is deleted, is amended and referred as follows:

Refer to Paradise Municipal Code Title 8 Chapter 8.44 for prohibition on fireworks. The storage of explosives and blasting agents is prohibited within the limits of the Town of Paradise, except for temporary storage between the hours of 6:00 a.m. and 6:00 p.m. for use in connection with blasting operations approved by the Fire

1 Marshal. This prohibition shall not apply to stock of small arms ammunition and
2 supplies for retail or approved manufacturing facilities as outlined under the
3 California Fire Code.

4 **Section 15.09.220 Appendix B, Section B105.2 Exception 1, Reduced Fire Flow, is**
5 **amended to read as follows:**

6 A reduction in required fire flow of 50 percent is allowed when the building is
7 provided with an approved automatic sprinkler system installed in accordance with
8 section 903.1.1 or 903.3.1.2. The resulting fire flow shall not be less than 1,500
9 GPM at 20 PSI for prescribed hours provided for in Table B105.1.

10 **Section 15.09.230 Appendix C, Table C105.1 Footnote "f", Distribution of Fire**
11 **Hydrants, is added to read as follows:**

12 Buildings or structures fully protected by an automatic fire sprinkler system and
13 classified as a single-two-family dwelling or a "U" occupancy in accordance with
14 the California Building Code shall provide a fire hydrant within 750 feet of the
15 building or structure by an approved path of travel. All other occupancies must
16 meet the requirements provided for in this table.

17 **Section 15.09.240 Appendix D, Table D103.4, Requirements for Dead-End Access, is**
18 **amended to read as follows:**

19 Table D103.4, Requirements for Dead End Access and Turn Around requirements shall
20 be used as a guide only. The Town of Paradise Fire Department Administrative
21 Policy for turn-around requirements shall be complied with as though set forth in
22 this amendment.

23
24
25
26 **Chapter 15.10**

27 **~~2016~~ 2019 California Existing Building Code (Title 24, Part 10)**

Sections

15.10.010 Adoption

Section 15.10.010 ~~2016~~ 2019 California Existing Building Code (Title 24, Part 10), is adopted as follows:

The ~~2016~~ 2019 California Building Standards Code, Title 24, Part 10, California Existing Building Code, as published and adopted by the California Building Standards Commission is adopted by reference and incorporated herein as if fully set forth in this chapter.

Chapter 15.11

~~2016~~ 2019 California Green Building Standards Code (Title 24, Part 11)

Sections

15.11.010 Adoption

Section 15.11.010 ~~2016~~ 2019 California Green Building Standards Code (Title 24, Part 11), is adopted as follows:

The ~~2016~~ 2019 California Building Standards Code, Title 24, Part 11, California Green Building Standards Code, including Appendices A4 and A5 as published and adopted by the California Building Standards Commission is adopted by reference and incorporated herein as if fully set forth in this chapter.

Chapter 15.12

~~2016~~ 2019 California Administrative Code (Title 24, Part 1)

Sections

15.12.010 Adoption

1 **Section 15.12.010 ~~2016~~ 2019 California Administrative Code (Title 24, Part 1), is**
2 **adopted as follows:**

3 The ~~2016~~ 2019 California Building Standards Code, Title 24, Part 1, California
4 Administrative Code, as published and adopted by the California Building Standards
5 Commission is adopted by reference and incorporated herein as if fully set forth in
6 this chapter.

8 **Chapter 15.13**

9 **~~2016~~ 2019 California Referenced Standards Code (Title 24, Part 12)**

11 **Sections**

12 **15.13.010 Adoption**

13 **Section 15.13.010 ~~2016~~ 2019 California Referenced Standards Code (Title 24, Part**
14 **12), is adopted as follows:**

15 The ~~2016~~ 2019 California Building Standards Code, Title 24, Part 12, California
16 Referenced Standards Code, as published and adopted by the California Building
17 Standards Commission is adopted by reference and incorporated herein as if fully
18 set forth in this chapter.

21 **SECTION 3.** This Ordinance shall take effect on January 1, ~~2017~~ 2020. Before the
22 expiration of fifteen (15) days after its passage, this Ordinance or a summary of
23 it shall be published in a newspaper of general circulation within the Town of
24 Paradise along with the names of the members of the Town Council of Paradise voting
25 for and against the same.

1 **Passed and adopted** by the Town Council of the Town of Paradise, County of Butte,
2 State of California, on this ____ Day of _____ 2019 by the following
3 vote:

4 AYES:

6 NOES:

7 ABSENT:

8 NOT VOTING:

9
10 _____
Jody Jones, MAYOR

11 ATTEST:

12
13 DATE: _____

14 _____
Dina Volenski, CMC, TOWN CLERK

15 APPROVED AS TO FORM:

16
17 _____
DWIGHT L. MOORE, TOWN ATTORNEY

EXHIBIT "A" FACTS & FINDING CORRELATION

PARADISE MUNICIPAL CODE SECTION	CALIFORNIA CODE	CODE SECTION AMENDED	SHORT TITLE	REFERENCED FACT/FINDING (Page 3-5)
15.02.010	CBC		Adoption	Health & Safety Code 17958.5
15.02.020	CBC	101.4	Referenced Codes	Health & Safety Code 17958.5
15.02.030	CBC	101.4.1	Gas — Plumbing Code	Administrative
15.02.040	CBC	101.4.2	Mechanical Code Reference to California	Administrative
15.02.050	CBC	101.4.3	Plumbing Code Reference to California	Administrative
15.02.055	CBC	101.4.4	Property Maintenance	Deleted
15.02.060	CBC	101.4.5	Fire Prevention	Administrative
15.02.070	CBC	103	Department of Building & Safety	Deleted
15.02.0820	CBC	105.2	Work Exempt from Permits	Administrative
15.02.090	CBC	105.3.2	Time Limitation of Application	Administrative
15.02.100	CBC	105.5	Expiration	Administrative
15.02.110	CBC	105.8	Transferability	Administrative
15.02.120	CBC	107.5	Retention of Construction Documents	Administrative

1	15.02.1030	CBC	107.6	Expiration of Plan	Administrative
2				Review	
3	15.02.140	CBC	109.2	Schedule of Permit Fees	Administrative
4	15.02.15040	CBC	109.4	Commencing Work/Permit	Administrative
5	15.02.16050	CBC	109.6	Refunds	Administrative
6	15.02.170	CBC	110.3.9.1	Special Inspectors	Administrative
7	15.02.180	CBC	110.4	Inspection Agencies	Administrative
8	15.02.190	CBC	111.1	Use and Occupancy	Administrative
9	15.02.200	CBC	112.3	Disconnect Service	Administrative
10				Utilities	
11	15.02.21060	CBC	114.4	Violation Penalties	Administrative
12	15.02.22070	CBC	202	Definitions	Administrative
13	15.02.23080	CBC	1505.1.3	Roof Coverings	1A, 2A, 2B, 2C
14	15.02.24090	CBC	1603.1.3	Roof Snow Loads	1A, 2A
15	15.02.25100	CBC	J101.1	Scope	Administrative
16	15.02.26110	CBC	J101.3	Purpose	Administrative
17	15.02.27120	CBC	J101.4	Hazards	Administrative
18	15.02.28130	CBC	J102	Definitions	Administrative
19	15.02.29140	CBC	J103	Permits Required	Administrative
20	15.02.30150	CBC	J104.2	Site Plan Requirements	Administrative
21	15.02.3160	CBC	J104.5	Bonds	Administrative
22	15.02.32170	CBC	J105.3	Inspections	Administrative
23	15.02.33180	CBC	J106.2	Rounding of cut slopes	1A, 2A, 2B, 2D,
24					2E
25	15.02.34190	CBC	J106.3	Private road	1A, 2A, 2B, 2D,
26				construction	2E

1	15.02.35200	CBC	J106.3.1	Private road construction	1A, 2A, 2B, 2D, 2E
2					
3	15.02.36210	CBC	J107.7	Rounding of fill slopes	1A, 2A, 2B, 2D,
4	15.02.37220	CBC	J109.5	Overflow protection	1A, 2A, 2B, 2D,
5					2E
6	15.02.38230	CBC	J110.3	Disturbed surfaces	1A, 2A, 2B, 2D,
7					2E
8	15.02.39240	CBC	J110.4	Storm damage precautions	1A, 2A, 2B, 2D,
9					2E
10					
11	15.03.010	CRC		Adoption	Health & Safety Code 17958.5
12					
13	15.03.020	CRC	R101.2	Scope	Administrative
14	15.03.030	CRC	R102.1	General	Administrative
15	15.02.03520	CBC	R105.2	Work Exempt from Permits	Administrative
16					
17	15.03.040	CRC	R105.3.2	Time Limitation for Application	Administrative
18					
19	15.03.0530	CRC	R108.5	Refunds	Administrative
20	15.03.0640	CRC	R108.6	Commencing Work Before Permit	Administrative
21					
22	15.03.0750	CRC	R202	Definitions	Administrative
23	15.03.0860	CRC	R313.2	Automatic Fire Sprinklers	1A, 2A, 2B, 2D
24					
25	15.03.0970	CRC	R313.2.2	Alarms	1A, 2C, 2D
26	15.03.09580	CRC	R337.1.3, Exceptions (1) & (2) and R337.5.4	Wildland Urban Interface &	Health & Safety Code 17958.5
27					
28					

			Non-combustible gutters	
15.03.1090	CRC	R902.1	Roof Coverings	1A, 2A, 2B, 2C
15.04.010	CEC		Adoption	Health & Safety Code 17958.5
15.05.010	CMC		Adoption	Health & Safety Code 17958.5
15.06.010	CPC		Adoption	Health & Safety Code 17958.5
15.07.010	Ca. Energy Code		Adoption	Health & Safety Code 17958.5
15.08.010	Ca. Historical Code		Adoption	Health & Safety Code 17958.5
15.09.010	CFC		Adoption	Health & Safety Code 17958.5
15.09.020	CFC	103	Dept. of Fire Prevention	Administrative
15.09.030	CFC	105.2.3	Time Limitation of Application	Administrative
15.09.040	CFC	105.6.29	Miscellaneous Combustibles	2A, 2B, 2D,

1	15.09.050	CFC	109.3	Violation Penalties	Administrative
2	15.09.060	CFC	111.4	Failure to Comply	Administrative
3	15.09.070	CFC	113.3	Work Commencing	Administrative
4	15.09.080	CFC	113.5	Refunds	Administrative
5	15.09.090	CFC	202	Sky Lantern	Administrative
6	15.09.100	CFC	307.1	General Open Burning	1A, 2A, 2B, 2C, 2D
8	15.09.110	CFC	308.6.3	Sky Lantern	1A, 2A, 2B, 2C, 2D
10	15.09.120	CFC	503.2.1	Dimensions	1A, 2A, 2B, 2C, 2D, 2E
12	15.09.130	CFC	503.2.3	Surface-Access Roadways	1A, 2A, 2B, 2D, 2E
14	15.09.140	CFC	503.4.1	Roadway Design Features	1A, 2A, 2B, 2D, 2E
16	15.09.150	CFC	503.6	Gates	2D, 2E
17	15.09.160	CFC	505.3	Map/Directory	2D
18	15.09.170	CFC	507.1.2	Required Water Supply	1A, 2A, 2B, 2D
19	15.09.180	CFC	510.6.1	Testing and Proof	Administrative
20	15.09.190	CFC	901.4.2	Non-Required Fire Prot. System	2D
22	15.09.200	CFC	2206.2.3	Aboveground Storage Tanks	1A, 2A, 2B
24	15.09.210	CFC	Chapter 33	Fireworks	1A, 2A, 2B, 2C, 2D

15.09.220	CFC	B105.2 Exception 1	Reduced Fire Flow	1A, 2A, 2B, 2D
15.09.230	CFC	C105.1	Distribution of Fire Hydrants	1A, 2A, 2B, 2D
15.09.240	CFC	D103.4	Dead End Access	1A, 2A, 2B, 2D, 2E
15.10.010	Ca. Existing Building Code		Adoption	Health & Safety Code 17958.5
15.11.010	Ca. Green Building Standards Code		Adoption	Health & Safety Code 17958.5
15.12.010	Ca. Administrati ve Code		Adoption	Health & Safety Code 17958.5
15.13.010	Ca. Ref. Stds.		Adoption	Health & Safety Code 17958.5



**Town of Paradise
Council Agenda Summary
Date: October 08, 2019**

Agenda Item: 6(b)****

ORIGINATED BY: John Messina, Fire Chief
REVIEWED BY: Lauren M. Gill, Town Manager
Dwight L. Moore, Town Attorney
SUBJECT: Consider re-introducing an Ordinance Adding Chapter 8.58 to the Paradise Municipal Code Relating to Defensible Space and Hazardous Fuel Management

COUNCIL ACTION REQUESTED: Upon conclusion of public discussion of this agenda item adopt either the recommended action or an alternative action.

RECOMMENDATION: Adopt a **MOTION TO:**

1. Waive the first reading of Town Ordinance No. _____ and read by title only (roll call vote);
AND
2. Introduce Town Ordinance No. _____. "An Ordinance Adding Chapter 8.58 to the Paradise Municipal Code Relating to Defensible Space and Hazardous Fuel Management"; **OR**
3. Adopt an alternative directive to Town staff.

BACKGROUND: Attached with this council agenda summary for your consideration and recommended adoption for introduction purposes is a copy of an ordinance document recently prepared by town staff and reviewed by the Town Manager and Town Attorney.

On June 11, 2019, Town Council reviewed and approved directives to pursue the possible adoption of 9 of 20 "Post Camp Fire Paradise Visioning Process" action options that were facilitated by Urban Design Associates (UDA). In accordance with and among the Town Council adopted directives staff was authorized to proceed with creating an ordinance amending the Paradise Municipal Code to include a chapter of "defensible space and hazardous fuel management" regulations for consideration and possible adoption by the Town Council. At the September 10, 2019 Town Council meeting, the Town Council approved the Ordinance, but upon review, the Town Attorney made corrections to the Ordinance requiring that it be brought back to Council for re-consideration.

ANALYSIS: The attached ordinance document proposes a new Chapter of regulations to be added to the Paradise Municipal Code [PMC] relating to the subject of defensible space and

hazardous fuel management to enhance the health and safety of the Town's "Post Camp Fire" community.

The proposed ordinance has been designed to reflect the "defensible space and hazardous fuel management" regulations of the California Public Resources Code and in a format that compliments the regulations of Title 8 [Health and Safety] of the Paradise Municipal Code.

The ordinance would provide, among other things, as follows:

- That real property be maintained by prohibiting combustible material storage under decks
- Prohibit combustible materials such as firewood, lumber or rubbish immediately adjacent to any building or structure.
- Allow only low-growing vegetation with high moisture content within 5 feet of any structure or building
- Maintain a 100 foot fire break
- Establish an abatement procedure.

Lastly, the Acting Town Planning Director has determined that this proposed ordinance action is a class of project that has been determined not to have a significant effect on the environment. Therefore, the proposed ordinance action is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15308 (Actions by Regulatory Agencies for Protection of the Environment). **NOTE:** This subject CEQA determination finding is embodied within the attached proposed ordinance document.

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

Attachment

LIST OF ATTACHMENTS

1. Ordinance No. _____” An Ordinance Adding Chapter 8.58 to the Paradise Municipal Code Relating to Defensible Space and Hazardous Fuel Management”.

**TOWN OF PARADISE
ORDINANCE NO. 581**

**AN ORDINANCE ADDING CHAPTER 8.58 TO THE PARADISE MUNICIPAL CODE
RELATING TO DEFENSIBLE SPACE AND HAZARDOUS FUEL MANAGEMENT**

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

SECTION 1. Chapter 8.58 is hereby added to the Paradise Municipal Code to read as follows:

CHAPTER 8.58

DEFENSIBLE SPACE AND HAZARDOUS FUEL MANAGEMENT

- Section 8.58.010 Title**
- Section 8.58.020 Purpose and Intent**
- Section 8.58.030 Definitions**
- Section 8.58.040 Applicability**
- Section 8.58.050 Responsibility for Administration**
- Section 8.58.060 Defensible Space/Hazardous Fuel Management Requirements**
- Section 8.58.070 Authority to Inspect**
- Section 8.58.080 Authority to Inspect Property and Request Records**
- Section 8.58.090 Enforcement and Administration**
- Section 8.58.100 Primary Authority**
- Section 8.58.110 Public Nuisance Abatement**
- Section 8.58.120 Civil Actions**
- Section 8.58.130 Criminal Action**
- Section 8.58.140 Non-Exclusive Remedies**

8.58.010 Title

This chapter shall be known as the “Defensible Space and Hazardous Fuel Management Ordinance” of the Town of Paradise.

8.58.020 Purpose and Intent

A. The Town Council of the Town of Paradise finds and declares that the uncontrolled growth and accumulation of weeds, grasses, hazardous vegetation and combustible materials or obstructions on sidewalks, streets, and on lands or lots within the Town are dangerous or injurious to neighboring property and the health, safety and welfare of the citizens, residents and visitors of the Town of Paradise community. Such growth and accumulation constitute a public nuisance in that they create fire hazard, reduce the value of private property, and create a hazard to the health, safety and general welfare of the public.

B. The Town is located within a designated Very High Fire Hazard Severity Zones [VHFHSZ] in which the vegetation is highly flammable during dry periods and has contributed to significant wildfires resulting in catastrophic fire losses to life, property and the environment.

C. This chapter is intended and shall apply to the abatement of the growth and/or accumulation of weeds, grasses, shrubs, brush, slash, tree limbs, hazardous vegetation and combustible materials on all improved parcels and designated unimproved parcels within the Town and the maintenance of those parcels to prevent hazardous vegetation from growing back.

D. The purpose of this chapter is to establish defensible space requirements and wildfire mitigation measures that both supplement and supersede Government Code Section 51182 and Public Resource Code section 4291 in order to protect the lives and property of the citizens, residents and visitors of the Town of Paradise.

8.58.030 Definitions

The terms used in this chapter shall have the following meanings:

“Combustible material” means seasonal and recurrent weeds, stubble, brush, dry leaves, mulch, wood, tumbleweeds, rubbish, recyclable material, litter or flammable materials of any kind.

“Defensible Space” means an area either natural or man-made, where material capable of allowing a fire to spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

“Fire Hazard Severity Zones (FHSZ)” means geographical areas designated pursuant to California Public Resources Code Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas (SRA) or as Local Responsibility Agency Very High Fire Hazard Severity Zones (LRA VHFHSZ) designated pursuant to California Government Code Sections 51175 through 51189.

“Fuel Modification” means a method of modifying fuel load by reducing the amount of flammable vegetation or altering the type of vegetation to reduce the fuel load.

“Hazardous Vegetation” means vegetation that is flammable and endangers the public safety by creating a fire hazard, including but not limited to seasonal and recurrent weeds, stubble, brush, dry leaves, etc.

“Improved Parcel(s)” means a portion of land of any size, the area of which is determined by the assessor’s maps and records and may be identified by an assessor’s parcel number upon which a structure is located.

“Ornamental Landscape” means all grasses, plants, trees and other vegetation installed by a property owner, property tenant, etc. It is usually for aesthetic purposes or privacy screening.

“Person” means a person, partnership, limited partnership, corporation, limited liability company or association.

“Property owner” means the holder of the fee simple title of the property.

“Structure” means any dwelling, house, garage or building.

“Unimproved Parcel(s)” means a portion of land of any size, the area of which is determined by the assessor’s maps and records and may be identified by an assessor’s parcel number upon which no structure is located.

“Wildland-Urban Interface (WUI) Area” means that geographical area where structures and other human development meet or intermingle with wildland or vegetative fuels.

8.58.040 Applicability

This chapter, including any amendments or revisions thereto, shall apply to all improved and unimproved parcel(s) located within the Town.

8.58.050 Responsibility for Administration

The Fire Chief, or his or her designee, shall administer, implement, and enforce the provisions of this chapter.

8.58.060 Defensible Space/Hazardous Fuel Management Requirements

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

1. Maintain immediately around and adjacent to any building or structure free of combustible materials. Combustible materials shall not be stored under decks and the area under decks shall be maintained free of vegetative material. Fencing material constructed of combustible material shall not be within five (5) feet from any structure. Only low-growing vegetation with high-moisture content, such as flowers and ground covers and green lawns, free of dead vegetative debris, shall be allowed within five (5) feet of any structure.
2. Remove or prune flammable plants and shrubs near windows and under eave vents (a recommended no-planting zone).

3. Clean roofs and gutters of dead leaves, debris and pine needles. In addition to the management of combustible material around a structure, the following shall be required: 1) Replace or repair any loose or missing shingles or roof tiles to prevent ember penetration. 2) Provide and maintain a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings that are not more than 1/2 inch.
 4. Maintain an area adjacent to any structure with a one-hundred (100)-foot fire break made by removing and clearing away all flammable vegetation or other combustible growth from the structure on each side thereof or to the property line, whichever is closer. Within the one hundred (100)-foot fire break: 1) weeds and dry grass shall be required to be mowed to a height of four (4) inches; 2) ladder fuels (vegetation, brush and small trees under mature trees) shall be removed; 3) trees shall be pruned up to six (6) feet from the ground. For shorter height trees, pruning shall not exceed 1/3 of the overall tree height. Tree placement shall be planned to ensure the mature canopy is no closer than ten (10) feet to the edge of the structure. Trees and shrubs shall be limited to small clusters of a few each to break up the continuity of the vegetation across the landscape. This subsection does not apply to single tree specimens, ornamental shrubbery, or similar plants which are used as ground cover and provided they do not form a means of rapidly transmitting fire from the native growth to any building or structure.
 5. Remove the portion of any tree which extends within ten (10) feet of the outlet of any chimney or stovepipe. Maintain any tree adjacent to or overhanging any structure free of dead and dying wood.
 6. Clear flammable vegetation on each side of a street or driveway for a horizontal distance of ten (10) feet and a vertical height of fourteen (14) feet. Cut vegetation within ten (10) feet of a street or driveway on the property to four (4) inches above ground. The Fire Chief, or his or her designee, may require a distance greater than ten (10) feet. This applies to public and private driveway(s) and any public or private streets that border or bisect property.
- B. No property owner shall permit on improved or unimproved parcel any accumulation of combustible materials, dead, dying or diseased trees, or green waste within thirty (30) feet of the property line when such accumulation endangers or encroaches on the required Defensible Space for structures or buildings on an adjacent property. The Fire Chief, or his or her designee, may require a distance greater than thirty (30) feet but not to exceed one hundred (100) feet, when it is determined that the greater distance is necessary to provide Defensible Space for structures or building on an adjacent property.
- C. The Fire Chief, or his or her designee, may require fuels modification on the entire parcel(s) of vacant land that pose a threat to additional parcels in order to reduce the fire hazard to a building, structural improvement, crop or other property.

- D. In the event the Fire Chief, or his or her designee, finds that additional fuel management is necessary to significantly reduce the risk of transmission of flame or heat to adjacent properties and means of egress and ingress, the Fire Chief, or his or her designee, may mandate fuel modification of an area more or less than the preceding widths or heights of this section.

8.58.070 Authority to Inspect

Whenever the Fire Chief, or his or her designee, has cause to believe that there exists, or potentially exists, in or upon any premises any condition that constitutes a violation of this chapter, the Fire Chief, or his or her designee, may enter such premises at all reasonable times to inspect the premises related to defensible space/hazardous fuel management compliance. In the event the property owner or occupant refuses to allow entry of the Fire Chief, or his or her designee, after a request has been made, the Town is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry pursuant to California Code of Civil Procedure section 1822.50-1822.60.

8.58.080 Authority to Inspect Property and Request Records

Whenever the Fire Chief, or his or her designee, has reasonable cause to believe that there exists on any premises any condition which constitutes a violation of this chapter, the Fire Chief, or his or her designee, is empowered to request owner or occupant provide records, such as but not limited to, site plans, connection agreements, operations and maintenance records, documentation of waste disposal, etc., as necessary to determine defensible space/hazardous fuel management compliance.

8.58.090 Enforcement and Administration

Any person violating a provision of this chapter shall be subject to administrative, civil, or criminal liability as provided in this chapter and in Chapter 1.09 of this Code. When relying on Chapter 1.09 of this Code, the Town shall adhere to all procedures set forth therein, including, but not limited to the procedures for notice, service requirements, hearings, appeals, and issuance of citations and fines.

8.58.100 Primary Authority

The Fire Chief, or his or her designee, is empowered to use any of the provisions of this chapter to correct violations of this chapter

8.58.110 Public Nuisance Abatement

Violation of any provision of this chapter is declared to be a public nuisance. The Town may, in addition to other authorized procedures set forth in this chapter, take action to abate such public nuisance in accordance with the following procedures when any person violates this chapter:

- A. The Fire Chief, or his or her designee, shall notify, in writing, the property owner of the public nuisance on his or her property.
- B. The notice shall be effective if it is posted at the property and mailed by certified or registered mail to the owner of record of the property on the last published assessment tax roll of the Butte County Assessor's office. The notice shall specify what constitutes the public nuisance together with an order to abate the public nuisance within a specific time period, advise the property owner of the right

to an appeal hearing where the property owner may present evidence in defense, and advise the property owner that the Town may assess the property for the cost of abatement.

C. The hearing shall be requested in writing by the property owner to the Town Clerk within ten (10) calendar days after the date on which the notice is mailed. If the property owner fails to request an appeal hearing within such ten (10) calendar days, the abatement notice shall be final.

D. After receiving a timely appeal, the Town shall set a noticed hearing on the appeal by an impartial hearing officer. The decision of the hearing officer shall be made in writing within fourteen (14) calendar days after the hearing. The decision of the hearing officer shall be final. If the public nuisance is determined to exist, the hearing officer shall specify in his or her decision the time period to abate the public nuisance.

E. In any event, if the public nuisance is not abated within the time specified in either the initial notice and order or the hearing officer's decision, the Town may abate the public nuisance and charge the cost of the abatement, including administrative costs thereof and reasonable interest therefor, from the date of the abatement to the property owner.

F. If the cost of abatement is not reimbursed to the Town by the property owner within thirty (30) calendar days after the property owner has received notice of the costs, the Town may record a lien on the property owned by the person subject to the abatement. All laws applicable to the levy, collection and enforcement of public nuisance abatement liens shall be applicable to such special assessment.

8.58.120 Civil Actions

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the Town. In any such action, the Town may seek, as appropriate and allowed by law, one or more of the following remedies:

- A. A temporary restraining order, preliminary and permanent injunction;
- B. Reimbursement of costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing action under this section;
- C. Costs incurred in removing, correcting, or terminating the adverse effect(s) resulting from the violation;
- D. Compensatory damages for loss or destruction of public property. Costs and damages under this subsection shall be paid to the Town and shall be used exclusively for costs associated with monitoring and establishing defensible space/hazardous fuel management or enforcing the provisions of this chapter.

8.58.130 Criminal Actions

Any person violating any of the provisions of this chapter shall be guilty of an infraction with fines pursuant to Government Code section 36900. Each day such violation is committed or permitted to continue constitutes a separate offense and is punishable as such.

8.58.140 Non-Exclusive Remedies

Each and every remedy available for the enforcement of this chapter shall be non-exclusive, and it shall be within the discretion of the Town to seek cumulative remedies. Moreover, the remedies available to the Town pursuant to this chapter shall not limit the right of the Town to seek any other remedy that may be available at law or in equity.

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

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

PASSED AND ADOPTED BY THE Town Council of the Town of Paradise, County of Butte, State of California, on this ___ day of November 2019, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Jody Jones, Mayor

ATTEST:

DINA VOLENSKI, Town Clerk

APPROVED AS TO FORM:

DWIGHT L. MOORE, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: October 8, 2019**

Agenda Item: 6(c)

Originated by: Greg Eaton, Recovery Advisor

Reviewed by: Lauren Gill, Town Manager

Subject: Hazard mitigation Grant Program - Non-Federal Cost Share

Council Action Requested:

Consider authorizing submission of seven subapplications for CalOES and directing Gina Will, Finance Director, to sign commitment letters for the Non Federal Cost Share requirements for the seven subapplications funded through the Hazard Mitigation Grant Program.

Alternatives:

Do not permit the Finance Director to sign the commitment letters and withdraw these Hazard Mitigation Grant Program subapplications.

Background:

The Hazard Mitigation Grant Program can greatly assist the Town's recovery through funding several specific projects. These would include reducing the risk of standing burnt trees, reduction of hazardous fuels, building back stronger and more resilient homes through ignition resistant construction programs, funding for increased capacity for building permitting and building inspections, updating the Town's Storm Drain Master Study, installing an Early Warning System, and tree reseeded programs. All projects are in line with the Town's Recovery Plan.

Discussion:

As detailed in the Town's Recovery Plan, there are several projects that the primary funding source is through the Hazard Mitigation Grant Program. The Town has prepared seven subapplications to be submitted to Cal OES. These submissions are due to CalOES on Friday, October 11. The program requires a 25% Non Federal Match, which the Town must commit to the cost share by formal letter in order to submit these projects to CalOES. The 75% Federal / 25% Non Federal is required by Section 404 of the Stafford Act, which authorizes the disaster assistance grant program.

As alternate programs become available, such as the Community Development Block Grant – Disaster Recovery (CDBG-DR), we will work with the appropriate agencies in pursuing funds for the Non Federal Cost Share. However, there is no guarantee that the CDBG-DR funds will be approved for the Non Federal Match for these projects.

The seven projects are list below:

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- Category 4 Tree Removal – Removal of Category 4 standing burnt trees. This project could potentially remove standing burnt trees from private property. This program will start where the Public Assistance stops. (i.e. trees that threaten living areas, trees on the “back forty”)
- Residential Ignition Resistant Improvement Program – Program to assist homeowners in exceeding codes and standards in ignition resistant construction. This program could provide funding for roofs that exceed the WUI standard, vent/eaves, windows, or siding. This is a phased project and phase I will be determining the details of each component. The overall household limit is potentially \$40,000.
- Early Warning System – An Early Warning System for the Town. This is a phased project where phase I will define the system that will provide the early warning (i.e. sirens or other technology)
- Hazardous Fuel Reduction Program – Reducing hazardous fuel in public rights of way.
- Building Code Inspectors – Assist the Town in increasing capacity of the permitting capabilities. (i.e. 4Leaf)
- Storm Drain Master Plan – Conduct a study of the storm drainage system across the Town.
- Reseeding Program – Explore options in replanting trees in the Town.

This grant program is competitive, so the approval of these projects is subject to CalOES/FEMA approval.

Fiscal Analysis:

The following details the cost share requirements for each project. For the Category 4 Tree Removal Project and the Residential Ignition Resistant Improvement Program some of the cost share will be passed through to the resident, who is receiving benefit from these two projects. This is while we pursue other funding such as CDBG-DR or another funding source. In the meantime, we recommend the program administration cost share requirements be covered by the Town and the actual Tree Removal Costs or Ignition Resistant Construction costs be covered by the resident. The details of the projects, activity types, costs, and cost share requirements are included at an attachment to this staff report.

The \$15,103,220 in Non Federal Share will be budgeted if all the projects are approved by FEMA.

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Town of Paradise										
Camp Fire - DR-4407-CA - Hazard Mitigation Grant Program										
Ref.	Description	Project Number	Priority	Activity Type	Total Cost (\$)	Cost Share (\$)		Cost Share Funding Source (\$)		
						Federal	Non-Federal	Town Share (\$)	CDBG-DR Share (\$)	Resident Share (\$)
P-01	Category 4 Tree Removal (1)	305	High 1	Wildfire Mitigation	\$237,696,735	\$178,272,551	\$59,424,184	\$3,544,309	\$0	\$55,879,875
P-02	Residential Ignition Resistant Improvement Program (1)	189	High 2	Wildfire Mitigation	\$91,639,772	\$68,729,829	\$22,909,943	\$2,909,943	\$0	\$20,000,000
P-08	Early Warning System	175	High 3	Misc/Other	\$377,997	\$283,498	\$94,499	\$94,499	\$0	\$0
P-07	Hazardous Fuel Reduction Program	255	High 4	Wildfire Mitigation	\$2,312,766	\$1,734,575	\$578,192	\$578,192	\$0	\$0
P-04	Building Code Inspectors (2) (4)	279	High 5	Post Disaster Code Enforcement	\$25,030,488	\$18,772,866	\$6,257,622	\$6,257,622	\$0	\$0
P-05	Storm Drain Master Plan (4)	176	High 6	Localized Flood Risk Reduction	\$5,998,545	\$4,498,909	\$1,499,636	\$1,499,636	\$0	\$0
P-11	Reseeding Program	261	Low 7	Wildfire Mitigation	\$876,075	\$657,056	\$219,019	\$219,019	\$0	\$0
Subtotal - All HMGP Projects					\$363,932,378	\$272,949,284	\$90,983,095	\$15,103,220	\$0	\$75,879,875
Management Costs - All HMGP Projects (3)					\$18,196,619					
Total					\$382,128,997					
Notes:										
(1) Cost Share potentially CDBG-DR, Town General Fund, or Resident										
(2) Cost Share through permitting costs										
(3) Management Costs are 5% of the Total Project Cost and 100% Federal Share										
(4) 5% Project										



**Town of Paradise
Council Agenda Summary
October 8, 2019**

Agenda Item: 6(d)

Originated by: Colette Curtis, Senior Management Analyst

Reviewed By: Lauren Gill, Town Manager

Subject: Consider adopting a "Dig Once" Policy in the Town of Paradise.

Council Action Requested:

1. After discussion, consider waiving the first reading of Town Ordinance No. ____, and read by title only; and, introducing Town Ordinance No. ____, " An Ordinance of the Town Council of the Town of Paradise, California, establishing an Ordinance adding Chapter 12.26 to the Paradise Municipal Code Relating to Telecommunications Infrastructure Improvements. (ROLL CALL VOTE)

Background:

As the Town of Paradise recovers from the Camp fire, rebuilding and hardening our Town's infrastructure is of vital importance. Our experience during the fire, of utility poles catching fire, falling, starting more fires and blocking evacuation routes has shown that having utilities underground is a step towards safety that is needed for our community. PG&E has already announced their intention to put all their utility lines underground in the Town of Paradise, a process which they estimate will take 5 years to complete. Work has already begun on the undergrounding project in Town.

During the recovery period, the Town expects many agencies and companies needing to access the public right of way to construct and maintain their infrastructure. It is important that these efforts are done in coordination with each other and the Town to lessen the impacts to our roadways and our residents. Other cities manage this coordination by enacting a "Dig Once" ordinance.

Discussion:

As proposed, the Dig Once Ordinance would implement an open trench approach that requires coordination between the Town, public utilities and telecommunication companies to cost-efficiently (incremental costs) install conduit for telecommunications services and/or any other utility. The object of this ordinance is to support an open and transparent process for notifying telecom companies and combined coordination between public works, public utilities that are planning to trench within the Town right-of-way, and telecom companies for the installation of conduit. The Town of Paradise

would be the facilitator in this process by requiring the utilities to obtain a permit prior to excavating within a Town right-of-way.

The expected result is that telecom companies will join PG&E to install conduit along its infrastructure undergrounding projects. The proposed ordinance codifying this policy establishes a 5-year moratorium on re-opening pavements that were just constructed, reconstructed, or repaved. This will provide an incentive and sense of urgency for telecom companies to join PG&E in its coming projects.

Fiscal Impact Analysis:

There is no financial impact to the general fund for this item, as it sets a policy for public and private utility companies. Some staff time will be involved in the coordination of the utilities for open trench periods.

**TOWN OF PARADISE
ORDINANCE NO. ____**

**ORDINANCE ADDING CHAPTER 12.26 TO THE PARADISE MUNICIPAL CODE
RELATING TO TELECOMMUNICATIONS INFRASTRUCTURE IMPROVEMENTS**

The Town Council of the Town of Paradise does **ORDAIN AS FOLLOWS:**

Section 1. Chapter 12.26 is hereby added to the Paradise Municipal Code to read as follows:

CHAPTER 12.26

TELECOMMUNICATIONS INFRASTRUCTURE IMPROVEMENTS

Section 12.26.010	Purpose and Findings
Section 12.26.015	Definitions
Section 12.26.020	Telecommunications Infrastructure Improvement
Section 12.26.025	Implementation
Section 12.26.030	Exemptions
Section 12.26.035	Enforcement
Section 12.26.040	Public Nuisance
Section 12.26.045	Severability

12.26.010 Purpose and Findings.

A. It is the intent of the Town of Paradise, in enacting Chapter 12.26 to streamline and simplify the process of installing and upgrading telecommunications equipment throughout the town, and to encourage deployment, improvement and modernization of telecommunications infrastructure; especially in the town's rebuild efforts after the Camp Fire in 2018.

B. The objectives of Chapter 12.26 are the following:

- a. Minimize disruption of the town's public infrastructure, such as paved roads and sidewalks.
- b. Ensuring efficient, non-duplicative placement of infrastructure in the town's right of way.
- c. Reducing infrastructure deployment barriers by reducing costs of all underground work in the town's right of way for electric or gas utility, telephone or telecommunications companies and internet service providers.
- C. Access to modern telecommunications infrastructure is vital for communication, emergency and disaster response, economic development, education, healthcare, among other uses.
- D. It is the desire of the town to foster a fair and level playing field for all market competitors that does not disadvantage or advantage one service provider or technology over another.
- E. The town seeks to promote widespread access to the most technologically advanced telecommunications services for all town residents and businesses in a nondiscriminatory manner regardless of socioeconomic status; and seeking these services will work as an incentive for residents and businesses to establish in the Town of Paradise.
- F. It is the responsibility of the town to protect and control access to public rights-of-way, and ensuring that use of public rights-of-way align with the vision for a resilient and modern Town of Paradise.
- G. The town has a duty to ensure that all service providers utilizing town property, facilities or rights-of- way comply with all applicable state and local health, safety and other laws.
- H. It is consistent with the town's goals and values to encourage investment in telecommunications infrastructure to ensure access to ubiquitous high-speed internet services to residents, businesses, community anchor institutions, and community organizations, in order to help close the digital divide.
- I. It is necessary to update town policies and practices to recognize the authority of the California Public Utilities Commission (CPUC) as established in state and federal statutes.
- J. It is the desire of the town to assess fees sufficient to recover the actual costs of providing services but not to discourage improvement of necessary infrastructure.

12.26.015 Definitions.

A. For the purpose of this chapter, the following definitions apply:

1. "Company" refers to any electric or gas utility or telephone or telecommunications company, or broadband service provider that is authorized by any government entity or law to provide services or operate in the Town of Paradise.
2. "Conduit" refers to a tube, duct or other device or structure designed for enclosing telecommunication wires or cables.
3. "Excavation" refers to any process which removes material from the ground through digging, drilling, boring or other activity for the purpose of installing utilities, infrastructure or other structures or equipment.
4. "Facilities" and "infrastructure" refers to wires, cables, conduit, switches, transmission equipment or other equipment for use in transmitting or processing telecommunications services or for providing support or connection to such equipment.
5. "Feasible" refers to capable of being accomplished in a successful manner within a reasonable period of time, taking into account appropriate environmental, physical, legal, economic and technological factors.
6. "Incremental cost" refers to the cost associated with adding telecommunications cable, conduit and other related equipment to an excavation project, including the cost of the materials needed and any additional labor cost.
7. "Reconstruction" refers to any project which repairs or replaces fifty percent or more of an existing road, highway or rail line.
8. "Rights-of-way" ("ROW") refers to the area upon or adjacent to any town-owned road, highway or rail line or along or across any of the waters or lands owned or controlled by the town.
9. "ROW permit" refers to a permit issued pursuant to this chapter.
10. "Telecommunications" refer to data, voice, video or other information provided by copper wire, coaxial cable, fiber optic cable or other technology.
11. "Telecommunications service providers" refers to any person, company, corporation or other entity providing data, voice, cable, video or other information services by wire, fiber optic cable or other technology.
12. "Town Manager" refers to the town manager of the Town of Paradise or his or her designee.

12.26.020 Telecommunications Infrastructure Improvement.

In recognition of the need to provide local residents and businesses within the community with the infrastructure required to meet their telecommunications needs, this chapter requires the following:

- A. No company may undertake any construction, reconstruction, or repaving project involving excavation of the town ROW without first obtaining a ROW permit pursuant to this chapter.
- B. No fewer than 30 days prior to a company's intended construction, reconstruction or repaving start date, a written application for a town public ROW permit, along with payment of any fees or deposit required by the town, shall be filed with the town manager or his or her designee, in the form and manner required by the town manager or his or her designee.
- C. The ROW application shall contain, at a minimum, all of the following information:
 - a. General information regarding any infrastructure and/or equipment that the company plans to apply for permits to install within the ROW in the next six (6) months, regardless of whether a permit is currently sought for the infrastructure and/or equipment.
 - b. Site plan of the infrastructure and/or equipment proposed to be located within the ROW, including a map in digital and/or other form required by the town, including digital geographical information system (GIS) formats.
 - c. Estimated project start and completion dates.
 - d. A traffic control plan, if required, that complies with guidelines established by the town manager or his or her designee.
- D. Companies leading construction, reconstruction or repaving projects involving excavation of town rights-of-way shall notify, advise and coordinate with other companies (i.e., telephone or telecommunications companies or broadband service providers) regarding construction work to install telecommunications infrastructure in the right of way, to the extent reasonably practical and feasible. This coordination shall be conducted through town or company sponsored coordination meetings. The frequency of the meetings shall be determined in coordination between the town manager or his or her designee and project leading company. As a result of the coordination, installation of or upgrades to telecommunications facilities or infrastructure will be included as needed. In new developments, a company shall contact the developer to determine whether any surplus conduit is available in the areas that the company plans to install

facilities or infrastructure, and whether any joint trenching or boring projects are feasible.

E. The town manager or his or her designee shall maintain a list of companies (i.e., telephone and telecommunications companies and broadband service providers) and shall send notifications to these companies regarding construction, reconstruction and repaving projects and coordination to install telecommunications infrastructure in the right of way, to the extent reasonably practical and feasible.

F. The town may also determine whether to participate in the installation of telecommunication infrastructure in the construction, reconstruction or repaving projects.

G. When companies or the town participate or join in a construction, reconstruction or repaving project, which involves excavation in the town ROW, by installing telecommunications facilities or infrastructure in such projects, these companies shall be responsible for the ROW permit applicant's incremental costs for installing these facilities and infrastructure.

H. The town manager or his or her designee will work with companies and contractors to identify cost-effective approaches consistent with town requirements.

I. All installations shall be approved by the town manager or his or her designee. Technical specifications for installing telecommunications infrastructure shall be discussed among companies participating in the project and technical specifications may also be developed associated to this chapter.

J. In order to verify that a company has carried out the construction, reconstruction or repaving project in the town ROW pursuant to this chapter, the town reserves the right to inspect the project, as well as to inspect all necessary documents related to said project.

K. There shall be a five-year moratorium on excavating in the town ROW that has been constructed, reconstructed, or repaved in the preceding five years to protect the public infrastructure and maintain the integrity of the pavement and ROW. However, waivers to the moratorium may be granted by the town manager or his or her designee for "good cause," such as:

- a. to repair leaks
- b. to respond to emergencies
- c. to provide services to buildings where no other reasonable means of providing service exists

d. other situations deemed by the town manager or his or her designee to be in the best interest of the general public

12.26.025 Implementation.

No less than 15 days before this chapter takes effect, the Town of Paradise shall e-mail, fax, mail or deliver a copy of it to all telecommunications service providers and other affected entities doing business within the Town of Paradise.

12.26.030 Exemptions.

A. The town manager or his or her designee, may exempt construction, reconstruction or repaving projects from the requirements of this chapter where compliance is found to be not practical or feasible. Requests for an exemption shall be in writing, and the town manager or his or her designee's decision shall be final.

B. An exemption application shall include all information necessary for the town manager or his or her designee to make a decision, including but not limited to documentation showing factual support for the requested exemption.

C. The town manager or his or her designee may approve the exemption application in whole or in part, with or without conditions.

12.26.035 Enforcement of this Chapter.

Enforcement of this chapter shall be as follows:

A. The town manager or his or her designee, shall have primary responsibility for enforcement of this chapter and shall have authority to issue citations for violation of this chapter. The town manager, or his or her designee, is authorized to establish regulations or administrative procedures to ensure compliance with this chapter.

B. A person or entity violating or failing to comply with any of the provisions of this chapter shall be guilty of an infraction.

C. The town manager or his or her designee may seek legal, injunctive, or any other relief to enforce the provisions of this chapter and any regulation or administrative procedure authorized by it.

D. The remedies and penalties provided in this chapter are cumulative and not exclusive of one another.

E. The town manager or his or her designee may inspect the premises of any construction, reconstruction, repaving or excavation project to verify compliance with this chapter.

12.26.040 Public Nuisance.

Violation of this chapter is hereby declared to be a public nuisance. Any violation of this chapter shall be subject to abatement pursuant to chapter 8.04 of the Paradise Municipal Code.

12.26.045 Severability.

If any word, phrase, sentence, part, section, subsection, or other portion of this chapter, or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The Town of Paradise hereby declares that it would have passed this title, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional.

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 October 2019, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Jody Jones, Mayor

ATTEST:

DINA VOLENSKI, Town Clerk

APPROVED AS TO FORM:

DWIGHT L. MOORE, Town Attorney



Annual Conference Resolutions Packet

2019 Annual Conference Resolutions



*Long Beach, California
October 16 – 18, 2019*

INFORMATION AND PROCEDURES

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

This year, two resolutions have been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet at the Annual Conference to consider and take action on the resolutions referred to them. The committees are: Environmental Quality and Transportation, Communication & Public Works. The committees will meet from 9:00 – 11:00 a.m. on Wednesday, October 16, at the Hyatt Regency Long Beach. The sponsors of the resolutions have been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 17, at the Hyatt Regency Long Beach, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:30 p.m. on Friday, October 18, at the Long Beach Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 17. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Carly Shelby cshelby@cacities.org 916-658-8279 or Nick Romo nromo@cacities.org 916-658-8232 at the League office.

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

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

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

Guidelines for Annual Conference Resolutions

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

LOCATION OF MEETINGS

Policy Committee Meetings

Wednesday, October 16, 9:00 – 11:00 a.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

The following committees will be meeting:

1. Environmental Quality 10:00 - 11:00 a.m.
2. Transportation, Communication & Public Works 9:00 - 10:00 a.m.

General Resolutions Committee

Thursday, October 17, 1:00 p.m.

Hyatt Regency Long Beach

200 South Pine Avenue, Long Beach

Annual Business Meeting and General Assembly Luncheon

Friday, October 18, 12:30 p.m.

Long Beach Convention Center

300 East Ocean Boulevard, Long Beach

KEY TO ACTIONS TAKEN ON RESOLUTIONS

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

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee		
		2 – General Resolutions Committee		
		3 - General Assembly		

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			
2	International Transboundary Pollution Flows			

TRANSPORTATION, COMMUNICATION & PUBLIC WORKS POLICY COMMITTEE

		1	2	3
1	Amendment to Rule 20A			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet is posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS (*Continued*)

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

KEY TO REVIEWING BODIES

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

KEY TO ACTIONS TAKEN

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

ACTION FOOTNOTES

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

Procedural Note:

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

League of California Cities Resolution Process

REGULAR RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Approve	Approve	Consent Calendar ¹
Approve	Disapprove or Refer	Regular Calendar ²
Disapprove or Refer	Approve	Regular Calendar
Disapprove or Refer	Disapprove or Refer	Does not proceed to General Assembly

PETITION RESOLUTIONS

Policy Committee Action	General Resolutions Committee Action	Calendar
Not Heard in Policy Committee	Approve	Consent Calendar
Not Heard in Policy Committee	Disapprove or Refer	Regular Calendar
Not Heard in Policy Committee	Disqualified per Bylaws Art. VI	Does not proceed to General Assembly

Resolutions

- Submitted 60 days prior to conference *Bylaws Article VI, Sec. 4(a)*
- Signatures of at least 5 supporting cities or city officials submitted with the proposed resolution *Bylaws Article VI, Sec. 2*
- Assigned to policy committee(s) by League president *Bylaws Article VI, Sec. 4(b)(i)*
- Heard in policy committee(s) and report recommendation, if any, to GRC *Bylaws Article VI, Sec. 4(b)(ii)*
- Heard in GRC
 - Approved by policy committee(s) and GRC, goes on to General Assembly on consent calendar *2006 General Assembly Resolution Sec. 2(C)*
 - If amended/approved by all policy committee(s) to which it has been referred and disapproved by GRC, then goes on to General Assembly on the regular calendar. If not all policy committees to which it has been referred recommend amendment or approval, and the GRC disapproves or refers the resolution, the resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(A),(C); 1998 General Assembly Resolution, 1st Resolved Clause*
 - If disapproved by all policy committees to which it has been referred and disapproved by the GRC, resolution does not move to the General Assembly *2006 General Assembly Resolution Sec. 2(C)*
- Heard in General Assembly

¹ The consent calendar should only be used for resolutions where there is unanimity between the policy committees and the GRC that a resolution should be approved by the General Assembly, and therefore, it can be concluded that there will be less desire to debate the resolution on the floor.

² The regular calendar is for resolutions for which there is a difference in recommendations between the policy committees and the GRC.

Petitioned Resolutions

- Submitted by voting delegate *Bylaws Article VI, Sec. 5 (a)*
- Must be signed by voting delegates representing 10% of the member cities *Bylaws Article VI, Sec. 5 (c)*
- Signatures confirmed by League staff
- Submitted to the League president for confirmation 24 hours before the beginning of the General Assembly. *Bylaws Article VI, Sec. 5 (d)*
- Petition to be reviewed by Parliamentarian for required signatures of voting delegates and for form and substance *Bylaws Article VI, Sec. 5(e)*
- Parliamentarian's report is presented to chair of GRC
- Will be heard at GRC for action (GRC cannot amend but may recommend by a majority vote to the GA technical or clarifying amendments) *2006 General Assembly Resolution sec. 6(A), (B)*
- GRC may disqualify if:
 - Non-germane to city issues
 - Identical or substantially similar in substance to a resolution already under consideration *Bylaws Article VI, Sec. 5(e), (f)*
- Heard in General Assembly
 - General Assembly will consider the resolution following the other resolutions³ *Bylaws Article VI, Sec. 5(g)*
 - Substantive amendments that change the intent of the petitioned resolution may only be adopted by the GA *2006 General Assembly Resolution sec. 6(C)*

Voting Procedure in the General Assembly

Consent Calendar: Resolution approved by Policy Committee(s) and GRC. Petitioned resolution approved by GRC)

- GRC Chair will be asked to give the report from the GRC and will ask for adoption of the GRC's recommendations
- Ask delegates if there is a desire to call out a resolution for discussion
- A voting delegate may make a motion to remove a resolution from the consent calendar for discussion
- If a motion is made to pull a resolution, the General Assembly votes on whether to pull the resolution from the consent calendar.
- If a majority of the General Assembly votes to pull the resolution, set "called out" reso(s) aside. If the motion fails, the resolution remains on the consent calendar.
- If reso(s) not called out, or after 'called out' reso is set aside, then ask for vote on remaining resos left on consent
- Move on to debate on reso(s) called out
- After debate, a vote is taken
- Voting delegates vote on resolutions by raising their voting cards.⁴

³ Petitioned Resolutions on the Consent Calendar will be placed after all General Resolutions on the Consent Calendar. Petitioned Resolutions on the Regular Calendar will be placed after all General Resolutions on the Regular Calendar.

⁴ Amendments to League bylaws require 2/3 vote

Regular Calendar: Regular resolutions approved by Policy Committee(s)⁵, and GRC recommends disapproval or referral; Regular resolutions disapproved or referred by Policy Committee(s)⁶ and GRC approves; Petitioned resolutions disapproved or referred by the GRC.

- Open the floor to determine if a voting delegate wishes to debate a resolution on the regular calendar.
- If no voting delegate requests a debate on the resolution, a vote to ratify the recommendation of the GRC on the resolution is taken.
- Upon a motion by a voting delegate to debate a resolution, a debate shall be held if approved by a majority vote of the General Assembly. If a majority of the General Assembly to debate the resolution is not achieved, then a vote shall be taken on whether to ratify the GRC's recommendation. If a majority of the General Assembly approves of the motion to debate the resolution, debate will occur. After debate on the resolution, a vote is taken based upon the substitute motion that was made, if any, or on the question of ratifying the GRC's recommendation.
- Voting delegates vote by raising their voting cards.

⁵ Applies in the instance where the GRC recommendation of disapproval or refer is counter to the recommendations of the policy committees.

⁶ Applies in the instance where the GRC recommendation to approve is counter to the recommendations of the policy committees.

1. RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING ON THE CALIFORNIA PUBLIC UTILITIES COMMISSION TO AMEND RULE 20A TO ADD PROJECTS IN VERY HIGH FIRE HAZARD SEVERITY ZONES TO THE LIST OF ELIGIBILITY CRITERIA AND TO INCREASE FUNDING ALLOCATIONS FOR RULE 20A PROJECTS

Source: City of Rancho Palos Verdes

Concurrence of five or more cities/city officials

Cities: City of Hidden Hills, City of La Cañada Flintridge, City of Laguna Beach, City of Lakeport, City of Malibu, City of Moorpark, City of Nevada City, City of Palos Verdes Estates, City of Rolling Hills Estates, City of Rolling Hills, City of Ventura

Referred to: Environmental Quality Policy Committee; Transportation, Communications, and Public Works Policy Committee

WHEREAS, the California Public Utilities Commission regulates the undergrounding conversion of overhead utilities under Electric Tariff Rule 20 and;

WHEREAS, conversion projects deemed to have a public benefit are eligible to be funded by ratepayers under Rule 20A; and

WHEREAS, the criteria under Rule 20A largely restricts eligible projects to those along streets with high volumes of public traffic; and

WHEREAS, the cost of undergrounding projects that do not meet Rule 20A criteria is left mostly or entirely to property owners under other parts of Rule 20; and

WHEREAS, California is experiencing fire seasons of worsening severity; and

WHEREAS, undergrounding overhead utilities that can spark brush fires is an important tool in preventing them and offers a public benefit; and

WHEREAS, brush fires are not restricted to starting near streets with high volumes of public traffic; and

WHEREAS, expanding Rule 20A criteria to include Very High Fire Hazard Severity Zones would facilitate undergrounding projects that would help prevent fires; and

WHEREAS, expanding Rule 20A criteria as described above and increasing funding allocations for Rule 20A projects would lead to more undergrounding in Very High Fire Hazard Severity Zones; and now therefore let it be,

RESOLVED that the League of California Cities calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility and to increase funding allocations for Rule 20A projects.

Background Information on Resolution No. 1

Source: City of Rancho Palos Verdes

Background:

Rancho Palos Verdes is the most populated California city to have 90 percent or more of residents living in a Cal Fire-designated Very High Fire Hazard Severity Zone. Over the years, the Palos Verdes Peninsula has seen numerous brush fires that were determined to be caused by electrical utility equipment.

Across the state, some of the most destructive and deadly wildfires were sparked by power equipment. But when it comes to undergrounding overhead utilities, fire safety is not taken into account when considering using ratepayer funds to pay for these projects under California's Electric Tariff Rule 20 program. The program was largely intended to address visual blight when it was implemented in 1967. Under Rule 20A, utilities must allocate ratepayer funds to undergrounding conversion projects chosen by local governments that have a public benefit and meet one or more of the following criteria:

- Eliminate an unusually heavy concentration of overhead lines;
- Involve a street or road with a high volume of public traffic;
- Benefit a civic or public recreation area or area of unusual scenic interest; and,
- Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines.

As we know, brush fires are not restricted to erupting in these limited areas. California's fire season has worsened in severity in recent years, claiming dozens of lives and destroying tens of thousands of structures in 2018 alone.

Excluding fire safety from Rule 20A eligibility criteria puts the task of undergrounding power lines in Very High Fire Hazard Severity Zones squarely on property owners who are proactive, willing and able to foot the bill.

The proposed resolution calls on the California Public Utilities Commission to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the proposed resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

If adopted, utilities will be incentivized to prioritize undergrounding projects that could potentially save millions of dollars and many lives.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Rony Berdugo, Legislative Representative, Derek Dolfie, Legislative Representative, Caroline Cirrincione, Legislative Policy Analyst
Committees: Environmental Quality; Transportation, Communications, and Public Works

Summary:

This Resolution, in response to intensifying fire seasons and hazards associated with exposed energized utility lines, proposes that the League of California Cities (League) call upon the California Public Utilities Commission (CPUC) to amend the Rule 20A program by expanding the criteria for undergrounding overhead utilities to include projects in Very High Fire Hazard Severity Zones (VHFHSZ). This Resolution also proposes that the League call upon the CPUC to increase utilities' funding allocations for Rule 20A projects.

Background

California Wildfires and Utilities

Over the last several years, the increasing severity and frequency of California's wildfires have prompted state and local governments to seek urgent prevention and mitigation actions. Record breaking wildfires in Northern and Southern California in both 2017 and 2018 have caused destruction and loss of life. This severe fire trend has local officials seeking solutions to combat what is now a year-round fire season exacerbated by years of drought, intense weather patterns, untamed vegetation and global warming.

These conditions create a dangerous catalyst for wildfires caused by utilities as extreme wind and weather events make downed power lines more of a risk. In response to recent catastrophic wildfires, Governor Newsom established a Strike Force tasked with developing a "comprehensive roadmap" to address issues related to wildfires, climate change, and utilities. [The Strike Force report](#) acknowledges that measures to harden the electrical grid are critical to wildfire risk management. A key utility hardening strategy: undergrounding lines in extreme high-fire areas.

Governor Newsom's Wildfire Strike Force program report concludes, "It's not a question of "if" wildfire will strike, but "when."

Very High Fire Hazard Severity Zones

This Resolution seeks to expand the undergrounding of overhead utility lines in VHFHSZ. California [Government Code Section 51178](#) requires the Director of the California Department of Forestry and Fire Protection (CalFIRE) to identify areas in the state as VHFHSZ based on the potential fire hazard in those areas. VHFHSZ are determined based on fuel loading, slope, fire weather, and other relevant factors. These zones are in both local responsibility areas and state responsibility areas. Maps of the statewide and county by county VHFHSZ can be found [here](#).¹

¹ <https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>

More than 25 million acres of California wildlands are classified under very high or extreme fire threat. Approximately 25 percent of the state's population, 11 million people, live in those high-risk areas. Additionally, over 350,000 Californians live in cities that are nearly encompassed within Cal Fire's maps of VHFHSZ. Similar to the proponents of this Resolution, City of Rancho Palos Verdes, over 75 communities have 90 percent or more of residents living in a VHFHSZ.

CPUC Rule 20 Program

The CPUC's Rule 20 program lays out the guidelines and procedures for converting overhead electric and telecommunication facilities to underground electric facilities. Rule 20 funding and criteria is provided at four levels. Levels A, B, and C, reflect progressively diminishing ratepayer funding for undergrounding projects. Recently added Rule 20D is a relatively new program that is specific to San Diego Gas and Electric (SDG&E), which was created in response to the destructive 2007 wildfires. Each of these levels will be discussed below:

Rule 20A

The first California overhead conversion program, Rule 20A, was created in 1967 under then Governor Ronald Reagan. The program was created to provide a consistent and structured means of undergrounding utility lines throughout the state with costs covered broadly by utility ratepayers.

Each year, Investor Owned Utilities (IOUs) propose their Rule 20A allocation amounts to the CPUC during annual general rate case proceedings. In this process, IOUs propose revised utility customer rates based on expected service costs, new energy procurement and projects for the following year, including Rule 20 allocations. The CPUC then reviews, amends, and approves IOU rates. Currently, the cumulative budgeted amount for Rule 20A for Pacific Gas and Electric (PG&E), Southern California Edison (SCE), and San Diego Gas and Electric (SDG&E) totals around \$95.7 million.

The funding set aside by IOUs for Rule 20A is allocated to local governments through a credit system, with each credit holding a value to be used solely for the costs of an undergrounding project. The credit system was created so that local governments and IOUs can complete undergrounding projects without municipal financing. Through Rule 20A, municipalities that have developed and received city council approval for an undergrounding plan receive annual credits from the IOU in their service area. At the last count by the CPUC, over 500 local governments (cities and counties) participate in the credit system.

While these credits have no inherent monetary value, they can be traded in or banked for the conversion of overhead lines. Municipalities can choose to accumulate their credits until their credit balance is sufficient to cover these conversion projects, or choose to borrow future undergrounding allocations for a period of up to five years. Once the cumulative balance of credits is sufficient to cover the cost of a conversion project, the municipality and the utility can move forward with the undergrounding. All of the planning, design, and construction is performed by the participating utility. Upon the completion of an undergrounding project, the utility is compensated through the local government's Rule 20A credits.

At the outset of the program, the amount of allocated credits were determined by a formula which factored in the number of utility meters within a municipality in comparison to the utilities' service territory. However, in recent years the formula has changed. Credit allocations for IOUs, except for PG&E, are now determined based on the allocation a city or county received in 1990 and is then adjusted for the following factors:

- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of overhead meters in any city or unincorporated area to the total system overhead meters; and
- 50% of the *change from the 1990* total budgeted amount is allocated for the ratio of the number of meters (which includes older homes that have overhead services, and newer homes with completely underground services) in any city or the unincorporated area to the total system meters.

As noted, PG&E has a different funding formula for their Rule 20A credit allocations as they are not tied to the 1990 base allocation. Prior to 2011, PG&E was allocating approximately five to six percent of its revenue to the Rule 20A program. The CPUC decided in 2011 that PG&E's Rule 20A allocations should be reduced by almost half in an effort to decrease the growing accumulation of credits amongst local governments. Since 2011, PG&E's annual allocations for Rule 20A have been around \$41.3 million annually, which is between two and three percent of their total revenue.

Criteria for Rule 20A Projects

For an undergrounding project to qualify for the Rule 20A program, there are several criteria that need to be met. The project must have a public benefit and:

1. Eliminate an unusually heavy concentration of overhead lines
2. Involve a street or road with a high volume of public traffic
3. Benefit a civic or public recreation area or area of unusual scenic interest,
4. Be listed as an arterial street or major collector as defined in the Governor's Office of Planning and Research (OPR) Guidelines

Notably, fire safety is excluded from the list of criteria that favors aesthetic and other public safety projects.

Rule 20A Credit System Imbalance Threatens Program Effectiveness

Allocations are made by utilities each year for Rule 20A credits. These current budget allocations total \$95.7 million a year. Currently, the cumulative balance of credits throughout the state totals over \$1 billion dollars. The Rule 20A cumulative balances aggregated by region can be found [here](#).²

² Program Review, California Overhead Conversion Program, Rule 20A for Years 2011-2015, "The Billion Dollar Risk," California Public Utilities Commission.
[https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_\(2014_forward\)\(1\)/PPD_Rule_20-A.pdf](https://www.cpuc.ca.gov/uploadedFiles/CPUC_Public_Website/Content/About_Us/Organization/Divisions/Policy_and_Planning/PPD_Work_Products_(2014_forward)(1)/PPD_Rule_20-A.pdf)

Note: The existing credit allocation formulas do not consider a municipality's need or plans for overhead conversion projects, resulting in large credit balances in some jurisdictions.

Cities and counties are, however, able to trade or sell unallocated Rule 20A credits if they will not be used to fund local undergrounding projects. There have been several cases where one agency has sold their unused credits, often for less than the full dollar value of the credits themselves to another agency.

Rule 20B

Rule 20B projects are those that do not fit the Rule 20A criteria, but do, however, involve both sides of the street for at least 600 feet. These projects are typically done in conjunction with larger developments and are mostly paid for by the developer or applicant. Additionally, the applicant is responsible for the installation.

Rule 20C

Rule 20C projects are usually small projects that involve property owners. The majority of the cost is usually borne by the applicants. Rule 20C applies when the project does not qualify for either Rule 20A or Rule 20B.

Rule 20D--Wildfire Mitigation Undergrounding Program

Rule 20D was approved by the CPUC in January of 2014 and only applies to SDG&E. The Rule 20D program was established largely in response to the destructive wildfires that occurred in San Diego in 2007 as a wildfire mitigation undergrounding program. According to SDG&E, the objective of the Rule 20D undergrounding is exclusively for fire hardening as opposed to aesthetics. The program is limited in scope and is restricted to communities in SDG&E's Fire Threat Zone (now referred to as the [High Fire Threat District or HFTD](#)). As of this time, the program has yet to yield any projects and no projects are currently planned.

For an undergrounding project to qualify for the Rule 20D program, a minimum of three of the following criteria must be met. The project must be near, within, or impactful to:

- Critical electric infrastructure
- Remaining useful life of electric infrastructure
- Exposure to vegetation or tree contact
- Density and proximity of fuel
- Critical surrounding non-electric assets (including structures and sensitive environmental areas)
- Service to public agencies
- Accessibility for firefighters

Similar to Rule 20A, SDG&E must allocate funding each year through their general rate case proceedings to Rule 20D to be approved by the CPUC. This funding is separate from the allocations SDG&E makes for Rule 20A. However, the process of distributing this funding to localities is different. The amount of funding allocated to each city and county for Rule 20D is based on the ratio of the number of miles of overhead lines in SDG&E Fire Threat Zones in a city or county to the total miles of SDG&E overhead lines in the entire SDG&E fire zone. The

Rule 20D program is administered by the utility consistent with the existing reporting, engineering, accounting, and management practices for Rule 20A.

The Committee may want to consider whether Rule 20D should instead be expanded, adapted, or further utilized to support funding for overhead conversions within VHFHSZ throughout the state.

Fiscal Impact:

The costs to the State associated with this Resolution will be related to the staff and programmatic costs to the CPUC to take the necessary measures to consider and adopt changes to Rule 20A to include projects in VHFHSZ to the list of criteria for eligibility.

This Resolution calls for an unspecified increase in funding for Rule 20A projects, inferring that portions of increased funds will go towards newly eligible high fire hazard zones. While the Resolution does not request a specific amount be allocated, it can be assumed that these increased costs will be supported by utility ratepayers. According to the CPUC, the annual allocations towards Rule 20A are \$95.7 million.

The CPUC currently reports a cumulative credit surplus valued at roughly \$1 billion that in various regions, given the approval of expanded eligibility called for by this Resolution, could be used to supplement and reduce the level of new dollars needed to make a significant impact in VHFHSZ. The CPUC follows that overhead conversion projects range from \$93,000 per mile for rural construction to \$5 million per mile for urban construction.

The Resolution states that “California is experiencing fire seasons of worsening severity” which is supported by not only the tremendous loss of property and life from recent wildfires, but also in the rising costs associated with clean up, recovery, and other economic losses with high estimates in the hundreds of billions of dollars.

The Committee may wish to consider the costs associated with undergrounding utility lines in relation to the costs associated with past wildfires and wildfires to come.

Comments:

CPUC Currently Exploring Revisions to Rule 20

In May 2017, the CPUC issued an Order Instituting Rulemaking to Consider Revisions to Electric Rule 20 and Related Matters. The CPUC will primarily focus on revisions to Rule 20A but may make conforming changes to other parts of Rule 20. The League is a party in these proceedings will provide comments.

Beyond Rule 20A: Additional Options for Funding Undergrounding Projects

There are various ways in which cities can generate funding for undergrounding projects that fall outside of the scope of Rule 20A. At the local level, cities can choose to forgo the Rule 20A process and opt to use their own General Fund money for undergrounding. Other options are also discussed below:

Rule 20D Expansion

The City of Berkeley in a 2018 study titled [“Conceptual Study for Undergrounding Utility Wires in Berkeley.”](#) found that the city could possibly qualify for Rule 20D funding if they actively pursued this opportunity in partnership with PG&E and the CPUC.

One of the study’s recommendations is to advocate for release of 20D funds (now earmarked exclusively for SDG&E) to be used for more aggressive fire hardening techniques for above-ground utility poles and equipment, for undergrounding power lines, and for more aggressive utility pole and vegetation management practices in the Very High Hazard Fire Zone within Berkeley’s city limits.

As an alternative to changing the criteria for Rule 20A, the Committee may wish to consider whether there is the opportunity to advocate for the expansion of Rule 20D funding more broadly, expanding its reach to all IOU territories.

Franchise Surcharge Fees

Aside from Rule 20 allocations, cities can generate funding for undergrounding through franchise fee surcharges. For example, SDG&E currently operates under a 50-year City franchise that was granted in 1970. Under the franchises approved by the San Diego City Council in December 1970, SDG&E agreed to pay a franchise fee to the City equivalent to 3% of its gross receipts from the sales of both natural gas and electricity for 30 years.

These fees were renegotiated in 2000 and in 2001 an agreement was between the City of San Diego, SDG&E, and the CPUC to extend the existing franchise fee to include revenues collected from surcharges. SDG&E requested an increase of 3.88% to its existing electric franchise fee surcharge. The bulk, 3.53% of this increase is to be used for underground conversion of overhead electric wires.

Based on SDG&E's revenue projections, the increase would result in an additional surcharge revenue amount of approximately \$36.5 million per year. SDG&E estimates that this would create a monthly increase of approximately \$3.00 to a typical residential customer's electric bill. These surcharge revenues would pay for additional undergrounding projects including those that do not meet the Rule 20A criteria. The City of Santa Barbara has also adopted a similar franchise surcharge fee.

Having this funding source allows the City of San Diego to underground significantly more miles of above ground utility lines than other municipalities. However, the surcharge is currently being challenged in court, as it is argued that the City had SDG&E impose a tax without a ballot measure.

Utility Bankruptcy and Undergrounding Funding

In considering this Resolution, it is important to understand that Rule 20A allocations have been more substantial in the past. As mentioned earlier, prior to 2011, PG&E was allocating approximately 5% to 6% of its revenue to the Rule 20A program. Therefore, it is not unreasonable to encourage an increase in Rule 20A allocations as history shows that utilities had the capacity to do so in the past.

However, in a time where IOUs such as PG&E are facing bankruptcy as the result of utility caused wildfires, there is the possibility that expanding rule 20A funding will generate more costs for the ratepayers.

Questions to Consider:

- 1) Is Rule 20A or Rule 20D the more appropriate program to advocate for such an expansion?
- 2) Are there any wildfire risks outside of VHFHSZ that could be mitigated by undergrounding projects?

Existing League Policy:

Public Safety:

The League supports additional funding for local agencies to recoup the costs associated with fire safety in the community and timely mutual aid reimbursement for disaster response services in other jurisdictions. (pg. 43)

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc., as well as cities' authority and discretion to provide all emergency services to their communities. (pg. 43)

Transportation, Communication, and Public Works:

Existing telecommunications providers and new entrants shall adhere to local city policies on public utility undergrounding. (pg. 54)

The League supports protecting the additional funding for local transportation and other critical unmet infrastructure needs. (pg. 51)

The League supports innovative strategies including public private partnerships at the state and local levels to enhance public works funding. (pg. 52)

Environmental Quality

The League opposes any legislation that interferes with local utility rate setting authority and opposes any legislation that restricts the ability of a city to transfer revenue from a utility (or other enterprise activity) to the city's general fund. (pg. 9)

Cities should continue to have the authority to issue franchises and any program should be at least revenue neutral relative to revenue currently received from franchises. (pg. 9)

The League is concerned about the impacts of escalating energy prices on low income residents and small businesses. The League supports energy pricing structures and other mechanisms to soften the impacts on this segment of our community. (pg. 10)

2019 Strategic Goals

Improve Disaster Preparedness, Recovery and Climate Resiliency.

- Provide resources to cities and expand partnerships to better prepare for and recover from wildfires, seismic events, erosion, mudslides and other disasters.
- Improve community preparedness and resiliency to respond to climate-related, natural and man-made disasters.

Support:

The following letters of concurrence were received:

The City of Hidden Hills

The City of La Cañada Flintridge

The City of Laguna Beach

The City of Lakeport

The City of Malibu

The City of Moorpark

The City of Nevada City

The City of Palos Verdes Estates

The City of Rolling Hills Estates

The City of Rolling Hills

The City of Ventura

LETTERS OF CONCURRENCE

Resolution No. 1

Amendment to Rule 20A



City of Hidden Hills

6165 Spring Valley Road * Hidden Hills, California 91302
(818) 888-9281 * Fax (818) 719-0083

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, California 95814

Dear President Arbuckle:

The City of Hidden Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Larry G. Weber
Mayor



City Council
Leonard Pieroni, Mayor
Gregory C. Brown, Mayor Pro Tem
Jonathan C. Curtis
Michael T. Davitt
Terry M. Walker

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of La Cañada Flintridge supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of La Cañada Flintridge is one of the few Southern California cities in which 100% of the community within a Very High Fire Hazard Severity Zone. The City, in 1987, committed 100% of its 20A allocation for forty-five years from this year for a major downtown undergrounding project. Therefore, the only way our City can directly benefit from this Resolution is if there is an additional annual increased allocation for this purpose. Due to the extreme threat the City experienced at the time of the Station Fire, the City is keenly aware of the damage a fire may potentially cause, whether from utility issues or from natural causes. The City strongly supports any effort, including this Resolution, to reduce fire danger for the City's residents.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly with the City of La Cañada Flintridge in support.

Sincerely,

Leonard Pieroni
Mayor



July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Laguna Beach supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. Ten to the Top 20 most destructive fires in California were caused by electrical sources. The California's Rule 20A program, which allows local governments to pay for undergrounding of utilities costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it. We also believe that this program should redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. The City of Laguna Beach recommends that the resolution also be amended to call on the CPUC to redirect unused Rule 20A allocations from cities who have no undergrounding projects planned to the cities in Very High Fire Hazard Severity zones.

Nearly 90% of the City of Laguna Beach land area is designated under State Law and local ordinance as Very High Fire Hazard Severity Zone. While the City has used Rule 20A and 20B funding in the past to underground more than half of its overhead utilities, sufficient funding is not available to underground the remaining parts of the City.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.



July 25, 2019
Page 2

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bob Whalen", with a stylized, flowing script.

Bob Whalen
Mayor

CITY OF LAKEPORT

*Over 125 years of community
pride, progress and service*



August 7, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Lakeport supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Tim Barnes
Mayor
City of Lakeport



City of Malibu

Jefferson Wagner, Mayor

23825 Stuart Ranch Road · Malibu, California · 90265-4861
Phone (310) 456-2489 · Fax (310) 456-3356 · www.malibucity.org

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: City of Rancho Palos Verdes Proposed Resolution to Amend California Public Utilities Commission Rule 20A – SUPPORT

Dear Ms. Arbuckle:

At its Regular meeting on August 12, 2019, the Malibu City Council unanimously voted to support the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state, but California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, as well as willing and able to foot the bill. The City of Malibu agrees with Rancho Palos Verdes that Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects. As a recent series of news stories on wildfire preparedness in California pointed out, there are more than 75 communities across the state with populations over 1,000, including Rancho Palos Verdes and Malibu, where at least 90 percent of residents live in a Cal Fire-designated Very High Fire Hazard Severity Zone.

It is well-known that electric utility equipment is a common fire source, and has sparked some of the most destructive blazes in our state's history. Moving power lines underground is, therefore, a critical tool in preventing them. Currently, Rule 20A primarily addresses visual blight, but with fire seasons worsening, it is key that fire safety also be considered when local governments pursue Rule 20A projects, and that annual funding allocations for the program be expanded.


It is worth noting that the State does have a program, Rule 20D, that factors in fire safety for funding undergrounding projects. However, this is limited to San Diego Gas & Electric Company projects in certain areas only. This needs to be expanded to include projects in all projects within designated Very High Fire Hazard Severity Zones.

Rancho PV League Resolution
Amend Rule 20A
August 15, 2019
Page 2 of 2

The proposed resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, the City of Malibu strongly concurs that the resolution should go before the General Assembly.

Sincerely,



Jefferson Wagner
Mayor

Cc: Honorable Members of the Malibu City Council
Reva Feldman, City Manager
Megan Barnes, City of Rancho Palos Verdes, mbarnes@rpvca.gov



CITY OF MOORPARK

799 Moorpark Avenue, Moorpark, California 93021
Main City Phone Number (805) 517-6200 | Fax (805) 532-2205 | moorpark@moorparkca.gov

July 24, 2019

SUBMITTED ELECTRONICALLY

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

RE: SUPPORT FOR RANCHO PALOS VERDES RESOLUTION RE: POWER LINE
UNDERGROUNDING

Dear President Arbuckle:

The City of Moorpark supports the City of Rancho Palos Verdes effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

All cities in Ventura County, including Moorpark, have wildfire prevention fresh in our memories following the highly destructive 2017-2018 Thomas Fire, which was caused by above-ground power lines. The 2018 Woolsey Fire similarly affected Ventura County, and lawsuits have been filed alleging it was also caused by above-ground power lines. Each of these fires caused billions of dollars in damages and highlight the importance of undergrounding power lines.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Janice Parvin
Mayor

cc: City Council
City Manager



Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Nevada City supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission (CPUC) should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The City of Nevada City would also like to add that the local agency be given the power to use private firms to do design, inspect and construct Rule 20A projects in local jurisdiction rather than be required to use the designated local utility. In addition, the City of Nevada City wants the CPUC to allow local jurisdictions to transfer excess funds between agencies to better serve projects in high fire hazard severity zones.

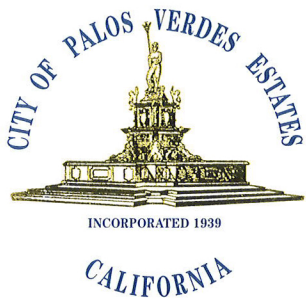
The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

A handwritten signature in black ink that reads "Reinette Senum". The signature is fluid and cursive, with a large initial 'R'.

Reinette Senum
Mayor
City of Nevada City



CITY OF
Palos Verdes Estates

July 25, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's current Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Mayor Kenneth J. Kao
City of Palos Verdes Estates

cc: PVE City Council
PVE Interim City Manager Petru
RPV City Manager Willmore



**City of
Rolling Hills Estates**

Judith Mitchell
Mayor

Velveth Schmitz
Mayor Pro Tem

Britt Huff
Council Member

Frank V. Zerunyan
Council Member

Steven Zuckerman
Council Member

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Rolling Hills Estates supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,


Judith Mitchell
Mayor



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

August 14, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear Board of Directors:

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

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The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,

Leah Mirsch
Mayor

July 29, 2019

Jan Arbuckle, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Arbuckle:

The City of Ventura supports the City of Rancho Palos Verdes' effort to bring a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

Undergrounding power lines is an important tool in preventing destructive wildfires that have devastated communities across our state. But California's Rule 20A program, which allows local governments to pay for these costly projects with ratepayer funds, does not factor in fire safety for eligibility. Unless projects meet the program's limited eligibility criteria, they are left to be funded by property owners who are proactive, willing and able to foot the bill. We believe Rule 20A offers an important opportunity for fire prevention and that the California Public Utilities Commission should expand this program so more communities can utilize it.

The resolution calls on the CPUC to amend Rule 20A to include projects in Very High Fire Hazard Severity Zones to the list of criteria for eligibility. To facilitate more undergrounding projects in these high-risk zones, the resolution also calls on the CPUC to increase funding allocations for Rule 20A projects.

The resolution is also in line with one of the League's 2019 Strategic Goals of improving disaster preparedness, recovery and climate resiliency.

For these reasons, we concur that the resolution should go before the General Assembly.

Sincerely,



Alex D. McIntyre
City Manager

2. A RESOLUTION CALLING UPON THE FEDERAL AND STATE GOVERNMENTS TO ADDRESS THE DEVASTATING IMPACTS OF INTERNATIONAL TRANSBOUNDARY POLLUTION FLOWS INTO THE SOUTHERNMOST REGIONS OF CALIFORNIA AND THE PACIFIC OCEAN

Source: San Diego County Division

Concurrence of five or more cities/city officials

Cities: Calexico; Coronado; Imperial Beach; San Diego

Individual City Officials: City of Brawley: Mayor Pro Tem Norma Kastner-Jauregui; Council Members Sam Couchman, Luke Hamby, and George Nava. City of Escondido: Deputy Mayor Consuelo Martinez. City of La Mesa: Council Member Bill Baber. City of Santee: Mayor John Minto, City of Vista: Mayor Judy Ritter and Council Member Amanda Young Rigby

Referred to: Environmental Quality Policy Committee

WHEREAS, international transboundary rivers that carry water across the border from Mexico into Southern California are a major source of sewage, trash, chemicals, heavy metals and toxins; and

WHEREAS, transboundary flows threaten the health of residents in the United States and Mexico, harm important estuarine land and water of international significance, force closure of beaches, damage farmland, adversely impact the South San Diego County and Imperial County economy; compromise border security, and directly affect U.S. military readiness; and

WHEREAS, a significant amount of untreated sewage, sediment, hazardous chemicals and trash have been entering southern California through both the Tijuana River Watershed (75 percent of which is within Mexico) and New River flowing into southern California's coastal waterways and residential and agricultural communities in Imperial County eventually draining into the Salton Sea since the 1930s; and

WHEREAS, in February 2017, an estimated 143 million gallons of raw sewage flowed into the Tijuana River and ran downstream into the Pacific Ocean and similar cross border flows have caused beach closures at Border Field State Park that include 211 days in 2015; 162 days in 2016; 168 days in 2017; 101 days in 2018; and 187 days to date for 2019 as well as closure of a number of other beaches along the Pacific coastline each of those years; and

WHEREAS, approximately 132 million gallons of raw sewage has discharged into the New River flowing into California through communities in Imperial County, with 122 million gallons of it discharged in a 6-day period in early 2017; and

WHEREAS, the presence of pollution on state and federal public lands is creating unsafe conditions for visitors; these lands are taxpayer supported and intended to be managed for recreation, resource conservation and the enjoyment by the public, and

WHEREAS, the current insufficient and degrading infrastructure in the border zone poses a significant risk to the public health and safety of residents and the environment on both

sides of the border, and places the economic stress on cities that are struggling to mitigate the negative impacts of pollution; and

WHEREAS, the 1944 treaty between the United States and Mexico regarding *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande* allocates flows on trans-border rivers between Mexico and the United States, and provides that the nations, through their respective sections of the International Boundary Water Commission shall give control of sanitation in cross border flows the highest priority; and

WHEREAS, in 1993, the United States and Mexico entered into the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Establishment of a North American Development Bank* which created the North American Development Bank (NADB) to certify and fund environmental infrastructure projects in border-area communities; and

WHEREAS, public concerns in response to widespread threats to public health and safety, damage to fish and wildlife resources and degradation to California's environment resulting from transboundary river flow pollution in the southernmost regions of the state requires urgent action by the Federal and State governments, and

WHEREAS, Congress authorized funding under the U.S. Environmental Protection Agency's (EPA) Safe Drinking Water Act and established the State and Tribal Assistance Grants (STAG) program for the U.S.-Mexico Border Water Infrastructure Program (BWIP) in 1996 to provide grants for high-priority water, wastewater, and storm-water infrastructure projects within 100 kilometers of the southern border; and

WHEREAS, the EPA administers the STAG and BWIP programs, and coordinates with the North American Development Bank (NADB) to allocate BWIP grant funds to projects in the border zone; and

WHEREAS, since its inception, the BWIP program has provided funding for projects in California, Arizona, New Mexico and Texas that would not have been constructed without the grant program; and

WHEREAS, the BWIP program was initially funded at \$100 million per year, but, over the last 20 years, has been continuously reduced to its current level of \$10 million; and

WHEREAS, in its FY 2020 Budget Request, the Administration proposed to eliminate the BWIP program; and

WHEREAS, officials from EPA Region 9, covering California, have identified a multitude of BWIP-eligible projects along the southern border totaling over \$300 million; and

WHEREAS, without federal partnership through the BWIP program and state support to address pollution, cities that are impacted by transboundary sewage and toxic waste flows are

left with limited resources to address a critical pollution and public health issue and limited legal remedies to address the problem; and

WHEREAS, the National Association of Counties, (NACo) at their Annual Conference on July 15, 2019 and the U.S. Conference of Mayors at their Annual Conference on in July 1, 2019 both enacted resolutions calling on the federal and state governments to work together to fund and address this environmental crisis; and

WHEREAS, local governments and the public support the State's primary objectives in complying with environmental laws including the Clean Water Act, Porter-Cologne Water Quality Control Act, and Endangered Species Act and are supported by substantial public investments at all levels of government to maintain a healthy and sustainable environment for future residents of California, and

WHEREAS, League of California Cities policy has long supported efforts to ensure water quality and oppose contamination of water resources; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding to the U.S- Mexico Border Water Infrastructure Program (BWIP) and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

Background Information on Resolution No. 2

Source: San Diego County Division

Background:

Along California's southern border with Mexico, the New River in Imperial County and the Tijuana River in San Diego County are a major sources of raw sewage, trash, chemicals, heavy metals, and toxins that pollute local communities. Sewage contaminated flows in the Tijuana River have resulted in significant impacts to beach recreation that includes the closure of Border Field State Beach for more than 800 days over the last 5-years. Similarly, contaminated flows in the New River presents comparable hazards, impacts farm land, and contributes to the ongoing crisis in the Salton Sea. These transboundary flows threaten the health of residents in California and Mexico, harms the ecosystem, force closures at beaches, damage farm land, makes people sick, and adversely affects the economy of border communities. The root cause of this cross border pollution is from insufficient or failing water and wastewater infrastructure in the border zone and inadequate federal action to address the problem through existing border programs.

The severity of cross border pollution has continued to increase, due in part to the rapid growth of urban centers since the passage of the North American Free Trade Agreement (NAFTA). While economic growth has contributed to greater employment, the environmental infrastructure of the region has not kept pace, which is why Congress authorized the Border Water Infrastructure Program (BWIP) in 1996. The U.S. Environmental Protection Agency (EPA) administers the BWIP and coordinates with the North American Development Bank (NADB) to provide financing and technical support for projects on both sides of the U.S./Mexico border. Unfortunately, the current BWIP funding at \$10 million per year is only a fraction of the initial program budget that shares funding with the entire 2,000 mile Mexican border with California, Arizona, New Mexico and Texas. EPA officials from Region 9 have identified an immediate need for BWIP projects totaling over \$300 million just for California. Without federal partnerships through the BWIP and state support to address cross border pollution, cities that are impacted by transboundary sewage and toxic waste flows are left with limited resources to address a critical pollution and public health issue.

The International Boundary and Water Commission (IBWC) is another important federal stakeholder that, under the Treaty of 1944 with Mexico, must address border sanitation problems. While IBWC currently captures and treats some of the pollution generated in Mexico, it also redirects cross border flows without treatment directly into California.

Improving environmental and public health conditions for communities along the border is essential for maintaining strong border economy with Mexico. The IBWC, EPA, and NADB are the important federal partners with existing bi-national programs that are able to immediately implement solutions on cross border pollution. California is in a unique position to take the lead and work with local and federal partners to implement real solutions that will addresses the long standing and escalating water quality crisis along the border.

For those reasons, the cities of Imperial Beach and Coronado requested the San Diego County Division to propose a resolution at the 2019 League Annual Conference calling upon the federal

and state governments to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California, San Diego and Imperial Counties and the Pacific Ocean.

On August 12, 2019 at the regularly scheduled meeting of the San Diego County Division, the membership unanimously endorsed submittal of the resolution, with close to 75% membership present and voting.

The Imperial County Division does not have a schedule meeting until after the deadline to submit proposed resolutions. However, the City of Calexico, which is most directly impacted by initial pollution flow of the New River from Mexicali, sent a letter in concurrence of this resolution as well as numerous city official from cities within Imperial County and the Imperial County Board of Supervisors. The League Imperial County Division will place a vote to support this resolution on the agenda of their September 26, 2019 meeting.

League of California Cities Staff Analysis on Resolution No. 2

Staff: Derek Dolfie, Legislative Representative
Carly Shelby, Legislative and Policy Development Assistant
Committees: Environmental Quality

Summary:

This Resolution states that the League of California Cities should call upon the State and Federal governments to restore and ensure proper funding for the U.S. – Mexico Border Water Infrastructure Program (BWIP) and work bi-nationally to address water quality issues resulting from transboundary flows from Mexico’s Tijuana River into the United States containing untreated sewage, polluted sediment, and trash.

Background:

The League of California Cities’ San Diego County Division is sponsoring this resolution to address their concerns over the contaminated flows from the Tijuana River into California that have resulted in the degradation of water quality and water recreational areas in Southern California.

The Tijuana River flows north through highly urbanized areas in Mexico before it enters the Tijuana River Estuary and eventually the Pacific Ocean via waterways in San Diego County in California. Urban growth in Tijuana has contributed to a rise in rates of upstream flows from water treatment facilities in Mexico. These treatment facilities have raised the amount of untreated sewage and waste in the Tijuana River due to faulty infrastructure and improper maintenance. The federal government refers to the river as an “impaired water body” because of the presence of pollutants in excess, which pose significant health risks to residents and visitors in communities on both sides of the border.

Federal Efforts to Address Pollution Crisis

To remedy the Tijuana River’s low water quality, the United States and Mexico entered into a Treaty in 1944 entitled: *Utilization of Waters of the Colorado River and Tijuana Rivers and of the Rio Grande – the International Boundary and Water Commission (IBWC)*. The IBWC was designed to consist of a United States section and a Mexico section. Both sections were tasked with negotiating and implementing resolutions to address water pollution in the area, which includes overseeing the development of water treatment and diversion infrastructure.

After the formation of the IBWC, the U.S. and Mexico entered into a treaty in 1993 entitled: *Agreement Concerning the Establishment of a Border Environment Cooperation Commission and a North American Development Bank*. This agreement established the North American Development Bank (NADB), which certifies and funds infrastructure projects located within 100 kilometers (62 miles) of the border line. The NADB supports federal programs like the Border Water Infrastructure Program (BWIP), which was initially funded at \$100 million, annually.

The degradation of existing water treatment infrastructure along the border coincides with the federal government’s defunding of the BWIP, which has steadily decreased from \$100 million in 1996 to \$10 million today. The Federal FY 2020 Budget proposes eliminating BWIP funding

altogether. EPA's regions 6 and 9 (includes U.S. states that border Mexico) have identified a number of eligible projects that address public health and environmental conditions along the border totaling \$340 million.

The NADB has funded the development of water infrastructure in both the U.S. and Mexico. Water diversion and treatment infrastructure along the U.S – Mexico border includes, but is not limited to, the following facilities:

- *The South Bay International Wastewater Treatment Plant (SBIWTP)*. This facility was constructed by the U.S. in 1990 and is located on the California side of the border and is operated under the jurisdiction of the IBWC. The SBIWTP serves as a diversion and treatment sewage plant to address the flow of untreated sewage from Mexico into the United States.
- *Pump Station CILA*. CILA was constructed by Mexico in 1991 and is located along the border in Mexico. This facility serves as the SBIWTP's Mexican counterpart.

Both the SBIWTP and CILA facilities have had a multitude of overflows containing untreated sewage and toxic waste that spills into the Tijuana River. The cause of overflows can be attributed to flows exceeding the maximum capacity that the infrastructure can accommodate (this is exacerbated during wet and rainy seasons) and failure to properly operate and maintain the facilities. Much of the existing infrastructure has not had updates or repairs for decades, causing overflows to become more frequent and severe. The most notable overflow occurred in February 2017, wherein 143 million gallons of polluting waste discharged into the Tijuana River; affecting the Tijuana Estuary, the Pacific Ocean, and Southern California's waterways.

State Actions

In response to the February 2017 overflow, the San Diego Water Board's Executive Officer sent a letter to the U.S. and Mexican IBWC Commissioners which included recommendations on how to improve existing infrastructure and communications methods between both nations.

In September of 2018, California Attorney General Xavier Becerra submitted a lawsuit against IBWC for Violating the Clean Water Act by allowing flows containing sewage and toxic waste to flow into California's waterways, posing a public health and ecological crisis. The cities of Imperial Beach, San Diego, Chula Vista, the Port of San Diego, and the San Diego Regional Water Quality Board have also filed suit against the IBWC. The suit is awaiting its first settlement conference on October 19, 2019. If parties are unable to reach a settlement, the case will go to trial.

Fiscal Impact:

California's economy is currently the sixth largest in the world, with tourism spending topping \$140.6 billion in 2018. In the past five years, San Diego's Border Field State Park has been closed for over 800 days because of pollution from the Tijuana River. A decline in the State's beach quality and reputation could carry macroeconomic effects that could ripple outside of the San Diego County region and affect coastal communities throughout California.

Existing League Policy

The League of California Cities has extensive language on water in its Summary of Existing Policy and Guiding Principles. Fundamentally, the League recognizes that beneficial water quality is essential to the health and welfare of California and all of its citizens. Additionally, the League advocates for local, state and federal governments to work cooperatively to ensure that water quality is maintained.

The following policy relates to the issue of water quality:

- Surface and groundwater should be protected from contamination.
- Requirements for wastewater discharge into surface water and groundwater to safeguard public health and protect beneficial uses should be supported.
- When addressing contamination in a water body, water boards should place priority emphasis on clean-up strategies targeting sources of pollution, rather than in stream or end-of-pipe treatment.
- Water development projects must be economically, environmentally and scientifically sound.
- The viability of rivers and streams for instream uses such as fishery habitat, recreation and aesthetics must be protected.
- Protection, maintenance, and restoration of fish and wildlife habitat and resources.

Click here to view the [Summary of Existing Policy and Guiding Principles 2018](#).

Comments:

1. Water quality issues are prevalent across California and have been a constant priority of the State's legislature and residents. In 2014, California's voters approved Proposition 1, which authorized \$7.5 billion in general obligation bonds to fund water quality improvement projects. In 2019, the Legislature reached an agreement to allocate \$130 million from the State's Greenhouse Gas Reduction Fund (GGRF) to address failing water infrastructure and bad water qualities for over one million of California's residents in rural communities. Water quality is not an issue unique to the County of San Diego and communities along the border.
2. Tijuana River cross-border pollution has caught national attention. Members of Congress have proposed recent funding solutions to address the pollution crisis, including:
 - In February of 2019, California Congressional Representatives Vargas, Peters, and Davis helped secure \$15 million for the EPA to use as part of its BWIP.
 - *H.R. 3895 (Vargas, Peters, 2019), The North American Development Bank Pollution Solution Act*. This bill seeks to support pollution mitigation efforts along the border by increasing the NADB's capital by \$1.5 billion.
 - *H.R. 4039 (Levin, 2019), The Border Water Infrastructure Improvement Act*. This bill proposes increasing funding to the BWIP from the existing \$10 million to \$150 million as a continuous appropriation until 2025.Additionally, the National Association of Counties (NACo) and the U.S. Conference of Mayors enacted resolutions in support of increased funding for U.S. – Mexico border water infrastructure to address the environmental crisis in 2019.

3. The border pollution problem has sparked action from local, state, and federal actors. Should this resolution be adopted, League membership should be aware that future action will be adapted by what is explicitly stated in the resolution's language. In current form, the resolution's resolve clause cites the BWIP as the only program that should receive reinstated and proper funding. League staff recommends the language be modified to state:

“NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 18, 2019 in Long Beach, that the League calls upon the Federal and State governments to restore and ensure proper funding for environmental infrastructure on the U.S. – Mexico Border, including to the U.S.–Mexico Border Water Infrastructure Program (BWIP), and recommit to working bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.”

Modifying the language would ensure enough flexibility for the League to support funding mechanisms outside of the prescribed federally-operated BWIP.

4. It remains unclear if there is an appetite in Washington to fund border-related infrastructure projects that address environmental quality. Given the high probability of another overflow containing waste and sewage from the existing infrastructure operated by the IBWC, League membership should consider the outcome if no resolution is reached to address the issue.

Support:

The following letters of concurrence were received:

Cities:

The City of Calexico

The City of Coronado

The City of Imperial Beach

The City of San Diego

In their individual capacity:

Amanda Young Rigby, City of Vista Council Member

Bill Baber, City of La Mesa Council Member

Consuelo Martinez, City of Escondido Deputy Mayor

George A. Nava, City of Brawley Council Member

John Minto, City of Santee Mayor

Judy Ritter, City of Vista Mayor

Luke Hamby, City of Brawley Council Member

Norma Kastner-Jauregui, City of Brawley Mayor Pro-Tempore

Sam Couchman, City of Brawley Council Member

LETTERS OF CONCURRENCE

Resolution No. 2

International Transboundary
Pollution Flows



CITY OF CALEXICO

608 Heber Ave.
Calexico, CA 92231-2840
Tel: 760.768.2110
Fax: 760.768.2103
www.calexico.ca.gov

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The city of Calexico strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Viva Calexico!

If you have any questions or require additional information, please do not hesitate to contact me at 760/768-2110.

Sincerely,

CITY OF CALEXICO

A handwritten signature in blue ink that reads "David Dale". The signature is written in a cursive, flowing style.

David Dale
City Manager

Cc: Honorable Mayor Bill Hodge



CITY OF CORONADO

1825 STRAND WAY
CORONADO, CA 92118

OFFICE OF THE CITY MANAGER
(619) 522-7335
FAX (619) 522-7846

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts of International Transboundary River Pollution Flows Resolution

This letter is written on behalf of and with the support of the Coronado City Council. The City of Coronado wholeheartedly supports the resolution adopted by the San Diego County and Imperial County Division of the California League of Cities.

The San Diego County Division's resolution calls upon the federal and state governments to restore and ensure proper funding of the U.S.-Mexico Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

The City has been working closely with the Environmental Protection Agency and other federal partners on the matter since early 2018. City leaders are committed to finding long-term, sustainable solutions to this problem. Through its advocacy and education efforts, the City of Coronado has raised national awareness of the problem among legislators, political appointees and career staff at federal agencies. These efforts have been successful. However, the City along with our coalition partners, look forward to more action to swiftly resolve this issue.

Local government and the public support the state's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, Coronado values the policy development process provided to the General Assembly. We appreciate your time on this issue. Please feel free to contact me if you have any questions.

Sincerely,



Blair King
Coronado City Manager

cc: Coronado Mayor and City Council
Bill Baber, President, San Diego County Division
c/o Catherine Hill, Regional Public Affairs Manager, San Diego County Division chill@cacities.org



City of Imperial Beach, California

OFFICE OF THE CITY MANAGER

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K St. Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River
Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach appreciates and supports the San Diego County Division's effort to submit a resolution for consideration by the full membership of the League of California Cities.

The Division's resolution calls on Federal and State government to address the impacts of transboundary pollution flows into the Southwestern regions of California. The pollution in these areas is an environmental disaster that threatens the health and general welfare of residents near the Mexican border in Imperial and San Diego Counties.

I encourage all voting delegates and elected officials in attendance at the 2019 Annual League of California Cities Conference in Long Beach to support this important resolution as it addresses the critical need for the federal and state government to recommit to work bi-nationally to address the serious contamination issues and to develop and implement long-term solutions.

I am available for any questions or additional information related to this letter of support.

Sincerely,

Andy Hall
City Manager

Cc: Honorable Mayor Serge Dedina
Honorable Mayor Pro Tem Robert Patton
Honorable Councilmember Paloma Aguirre
Honorable Councilmember Ed Spriggs
Honorable Councilmember Mark West



City of Imperial Beach, California

OFFICE OF THE MAYOR

825 Imperial Beach Blvd., Imperial Beach, CA 91932 Tel: (619) 423-8303 Fax: (619) 628-1395

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flow Resolution

President Arbuckle:

The city of Imperial Beach strongly supports the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

Local government and the public support the State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. This resolution addresses the critical need for the federal and state governments to recommit to work bi-nationally to develop and implement long-term solutions to address serious water quality and contamination issues, such as discharges of untreated sewage and polluted sediment and trash-laden transboundary flows originating from Mexico, that result in significant health, environmental and safety concerns in communities along California's southern border impacting the state.

As members of the League, our city values the policy development process provided to the General Assembly. We appreciate your time on this issue. If you have any questions or require additional information, please do not hesitate to contact me at 619-423-8303.

Sincerely,

Serge Dedina
Mayor



THE CITY OF SAN DIEGO

KEVIN L. FAULCONER

Mayor

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

**RE: Environmental and Water Quality Impacts of International Transboundary River
Pollution Flow Resolution**

President Arbuckle:

The City of San Diego supports the San Diego County Division in their effort to submit a resolution to the General Assembly at the League of California Cities' 2019 Annual Conference in Long Beach.

To suppress the flow of pollution between the Mexico and Southern California's water channels, the Division requests for the Federal and State governments to give proper funding to the Border Water Infrastructure Program (BWIP).

The City of San Diego and its citizens have expressed their concerns about untreated sewage, polluted sediment and trash flowing from Mexico, into California, causing health, environmental and safety concerns. The State's water and environmental quality objectives and League policy has long supported efforts to ensure water quality and oppose contamination of water resources. With the Division's resolution, the great need for federal and state governments to reconsider working together, will help in developing a long-term solution to address serious water quality and contamination issues.

As members of the League, our City values the policy development process provided to the General Assembly. We appreciate your time on this issue.

Please contact me at (619)453-9946 if you have any questions.

Sincerely,

Denice Garcia
Director of International Affairs

Cc: Honorable Mayor Kevin L. Faulconer





AMANDA YOUNG RIGBY

CITY COUNCILWOMAN

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Re: Border Sewage Issues

Dear President Arbuckle;

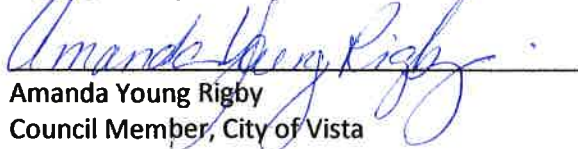
As a Council Member in the City of Vista, and solely in my individual capacity as such, I write in **support** of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the constant sewage pollution issues at the international border with Mexico.

This Resolution requests that the federal and state governments recognize the paramount importance of this issue and address the devastating impacts that this constant contamination has on the southernmost regions of California and the Pacific coastline by requesting the necessary funding to develop and implement effective and long term solutions to the raw sewage contamination coming into San Diego and Imperial Counties from Mexico.

Although I have lived in Vista for 27 years now, I grew up in Imperial Beach and know well the severe health and environmental impact that this situation has had on our border communities for the **decades**.

As a member of the League, I value the League's ability to effectively advocate on behalf of not only our cities but in effect, our citizens, and this is an important issue for our entire state. Should you have any questions or comments, please contact me at the number below. Thank you for your consideration.

Most Sincerely,


Amanda Young Rigby
Council Member, City of Vista

cc: Vista City Council
Vista City Manager
Vista City Attorney
City of Imperial Beach
City of Coronado
City of Calexico
City of San Diego



**CITY OF
LA MESA**
JEWEL of the HILLS

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Environmental and Water Quality Impacts Of International Transboundary River Pollution Flows Resolution

President Arbuckle:

As a Council Member for the City of La Mesa and in my individual capacity, not on behalf of the full La Mesa City Council as a body or the City, I am writing you in support of the San Diego County Division's effort to submit a resolution for consideration by the General Assembly at the League's 2019 Annual Conference in Long Beach.

The Division's resolution calls upon the Federal and State governments to restore and ensure proper funding of the Border Water Infrastructure Program (BWIP) to address the devastating impacts of international transboundary pollution flows into the waterways of the southernmost regions of California (San Diego and Imperial Counties) and the Pacific Ocean.

As San Diego County Division President and a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at 619-667-1106, should you have any questions.

Sincerely,

BILL BABER
COUNCIL MEMBER CITY OF LA MESA
PRESIDENT, LEAGUE SAN DIEGO COUNTY DIVISION

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the city of Escondido, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at cmartinez@escondido.org if you have any questions.

Sincerely,



Consuelo Martinez
Deputy Mayor

cc: Honorable Mayor and City Council Members
Jeffrey R. Epp, City Manager



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

George A. Nava
City Council Member
City of Brawley

MAYOR
John W. Minto



CITY OF SANTEE

CITY COUNCIL
Ronn Hall
Stephen Houlahan
Laura Koval
Rob McNelis

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Santee, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (JMinto@cityofsantee.ca.gov) if you have any questions.

Sincerely,

JOHN W. MINTO
Mayor
City of Santee



JUDY RITTER

MAYOR

August 16, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As Mayor of the city of Vista, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

The passage of the proposed resolution by the San Diego County Division would provide support for the restoration of much needed funding and development and implementation of long-term solutions to address serious water quality and contamination issues, such as discharge of untreated sewage and polluted sediment and trash-laden transboundary flows that result in significant health, environmental, and safety concerns in communities along California's southern border impacting the state.

As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at jritter@cityofvista.com if you have any questions.

Sincerely,

Judy Ritter
Mayor
City of Vista



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Luke Hamby
City Council Member
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Norma Kastner-Jauregui
Mayor Pro-Tempore
City of Brawley



CITY OF BRAWLEY

ADMINISTRATIVE OFFICES

383 Main Street
Brawley, CA 92227
Phone: (760) 351-3048
FAX: (760) 351-3088

August 15, 2019

Jan Arbuckle, President
League of California Cities
1400 K Street, 4th Floor
Sacramento, CA 95814

Dear President Arbuckle:

As one Council Member of the City of Brawley, and in my individual capacity and not on behalf of the Council as a body or the City, I write in support of the League of California Cities 2019 Annual Conference Resolution proposed by the San Diego County Division to address the transboundary river flow pollution impacting cities in San Diego and Imperial Counties.

This resolution calls upon the federal and state governments to address the devastating impacts of international transboundary pollution flows into the southernmost regions of California and the Pacific Ocean by requesting the necessary funding to develop solutions for pollution coming into San Diego County and Imperial County waterways through the Tijuana River and New River, respectively.

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As a member of the League, I value the policy development process provided to the General Assembly. I appreciate your time on this issue. Please feel free to contact me at (City email) if you have any questions.

Sincerely,

Sam Couchman
City Council Member
City of Brawley